



6 July 2023

Cannon Beach City Council
PO Box 368 163 E Gower St
Cannon Beach, OR 97110
planning@ci.cannon-beach.or.us
barrett@ci.cannon-beach.or.us

Re: Surfrider Foundation comments on a development request in conjunction with a building permit (164-22-000006-DWL). ‘

Dear Cannon Beach City Council,

On behalf of Surfrider Foundation, and our entire Oregon Chapter network thank you for this opportunity to provide comments for the development in association building permit (164-22-000006-DWL). Specifically, our North Coast Chapter is extremely appreciative this application has been brought back before the public, having provided comments and concerns during previous iterations of the same project. As with previous proposals denied by the Planning Commission and City Council, Surfrider continues to find this project inconsistent with our policies to protect public beach resources and access. It is sited within an active hazard zone, destroys resilient habitat critical for adapting to climate change and is inconsistent with a number of the City codes, ocean shore setback and oceanfront management overlay zones. Surfrider Foundation requests that the City deny this permit application, deny the interest of converting a public resource to private development interests and uphold the City’s own code and the public trust of Oregon’s beaches.

Surfrider Foundation is a grassroots, non-profit environmental organization dedicated to the protection and enjoyment of our world’s ocean, waves and beaches. We operate through a powerful activist and chapter network in the state of Oregon with thousands of supporters engaged in our programs, outreach, and environmental stewardship. Oregon’s public beaches are a paramount public resource to our constituency of recreational users and as such Surfrider Foundation’s beach preservation and beach access policies are aimed at protecting beaches, and access, for the benefit for all people. Public lands west of Highway 101 are critical for recreational use, emergency access, and other public planning needs; thus, should never be vacated – defacto or otherwise – unless for the greater interest of the public. The proposal, which would convert the Nenana public right-of-way to a private use, conflicts with all these recreational, safety and planning interests, blocks public use and is noncompliant with multiple City codes.

We rely on our local Councilors and the City to vigorously protect and maintain every public point-of-access and public right-of-way in Cannon Beach. And this right-of-way is particularly poignant because of its location next to Inspiration Point, which was purchased in partnership between the City and community members.

Additionally, the City must deny these applications under CBMC 12.34.030, 17.42.060(A)(7), 17.62.030(C), 17.90.020, 17.92.010(C), and others based on the applicants’ failure to provide sufficient information. The driveway designs have not been provided and are an essential element in the approval of any project, moreover one abutting the ocean shore, across a public resource and in an active hazard zone.

Approval in the absence of such designs is a liable oversight the City must not ignore, especially given the nature of existing hazards and overlapping public resources. It's clear from geotechnical experts that the proposed project will increase the likelihood of a landslide at Hemlock St., surrounding homes and could even undermine existing stabilization efforts such as the city's own dewatering system.

Surfrider additionally finds the proposal inconsistent with Cannon Beach planning code in these areas:

- a. **CBMC 17.70.015** for proposing tree removal without a permit for the 15' and 24' spruce trees that are 4' and 4.5' north of the proposed 60" excavation for dwelling foundation. Planning Director Adams noted the construction would likely kill these trees. These tree trunks are partially on the neighboring property to the north, requiring neighbor consent under **CBMC 17.70.017**.
- b. **CBMC 17.90.020**, for the dwelling failing to have demonstrated access to a street.
- c. **CBMC 17.42.060(A)(9)**, for proposing an elevated dwelling foundation and driveway structure in the oceanfront setback when only limited decks and fences are allowed in the oceanfront setback.
- d. **CBMC 17.42.040(C)**, for removal of stabilizing vegetation in the oceanfront management overlay.
- e. **CBMC 17.78.010(E)**, for the dwelling failing to provide off-street parking accessible from a street.
- f. **CBMC 17.50.040(A)**, for failing to provide a Geologic Site Investigation Report for the elevated driveway structure on a mapped, active landslide.
- g. **CBMC 17.62.030-050**, for failing to provide grading, drainage, excavation, and elevation plans for grading within 100 feet of a mapped stream.
- h. **CBMC 12.34.050**, for failing to demonstrate compliance with AASHTO curve standards and the City's maximum slope standards.
- i. **CBMC 12.34.080**, for proposing a hammerhead turnaround without Planning Commission approval.
- j. **CBMC 12.36.020 and CBMC 12.36.030**, for proposing right-of-way improvements that do not abut the applicants' property.
- k. **CBMC 12.36.030(B)**, for failing to demonstrate that the proposal maintains public safety, adequate access for public use, and the general appearance of the area.

For the above reasons and for the benefit of all citizens of Cannon Beach, visitors and recreational users of the Oregon coast and our beloved beaches, we respectfully request that you deny this application.

Sincerely,



Charlie Plybon
Oregon Policy Manager
Surfrider Foundation