



CANNON BEACH COMMUNITY DEVELOPMENT

163 E. GOWER ST.
PO Box 368
CANNON BEACH, OR 97110

Renee France
Radler, White, Parks & Alexander, LLP
111 SW Columbia St., Suite 700
Portland, OR 97201

RE: Haystack Views Follow-up

March 1, 2022

Renee France & Team:

This letter is to document the city's response to some of the questions that arose during our Zoom-call Wednesday, February 23, 2022.

The discussion over whether the city code language would consider abutment along a public street, to run along the rear-yards, as proposed by the applicant, rather than as 'frontage,' in keeping with the traditional interpretation where the twenty-five-foot requirement is generally taken to mean where a lot accesses the street. The specific reference to such access requirements can be found in Cannon Beach Municipal Code (CBMC) 17.90.020, where abutment and access are linked. My thought would be a variance request from lot and street standards of CBMC 16.04.280, 310 & 360, and the portions affected in CBMC 17.43.050(M)(2).

As I mentioned in our discussion, we have recently removed the Planned Development language from the CBMC, however, the Cluster Development language remains. From my understanding, the Cluster Development language hasn't been utilized in a subdivision yet in Cannon Beach, but it might be an alternative. The limitation appears to be in CBMC 17.43.050(M)(3), copied below, which states that all wetland and buffer areas must be held in common ownership in the open space tract.

You had also requested that we investigate whether there is precedent for a private drive parcel, which would presumably be owned and maintained by a Homeowners' Association. The only similar instance I was able to find in Cannon Beach records is the recent example of the Cannon Beach Preservation Planned Development Subdivision that required a Shared Access Maintenance Agreement (SAMA) providing access to four lots. That SAMA wasn't a parcel of its own but spread across the four lots of the subdivision. You should know, however, that the further development of this subdivision has been the subject of significant public attention and the removal of the planned development section of the code. It may not be a model to follow. In any event, a platted parcel rather than an access easement should be allowable under CBMC.

We hope this clarifies the points raised by the pre-application follow-up meeting. Please let us know if you have any further questions and we look forward to hearing from you with regards to next steps for the project.

Sincerely,

Jeffrey S. Adams, PhD

Referenced Criteria

17.90.020 Access requirement.

Every lot shall abut a street, other than an alley, for at least twenty-five feet. Lots which were created prior to adoption of the zoning ordinance which do not meet this provision may be accessed via an irrevocable recorded easement of a minimum of ten feet in width. (Ord. 87-14 § 1; Ord. 79-4 § 1 (4.030))

16.04.050 Definitions.

{...}

“Cluster housing” means a residential development which has the following characteristics:

1. House sites or structures which are grouped closer together than the standards of the zoning district;
2. The portion of the site not developed for housing is retained as a tract of open space which is precluded from fixture development; and
3. The total number of dwelling units provided does not exceed the site’s net acreage (gross site area minus the area of streets) divided by the minimum lot size of the zoning district.

16.04.400 Variance—Cluster development.

The planning commission may authorize a variance from these regulations in case of a plan for cluster development which, in the judgment of the planning commission, provides adequate public spaces and includes provisions for efficient circulation, light and air and other needs. In making its findings, as required in this chapter, the planning commission shall take into account the nature of the proposed use of land and the existing use of land in the vicinity, the number of persons to reside in the proposed subdivision and the probable effect of the proposed subdivision upon traffic conditions in the vicinity. No variance shall be granted unless the planning commission finds:

- A. The proposed project will constitute a desirable and stable community development and carry out the purposes of the comprehensive plan with regard to the preservation of natural features;
- B. The proposed project will be in harmony with adjacent areas. (Ord. 95-20 § 1)

17.60.010 Provisions established.

The following provisions have been established in regard to cluster development:

- A. In any zone, cluster development may be permitted to maintain open space, reduce street and utility construction and increase attractiveness of development.
- B. Cluster development is a development technique wherein structures or lots are grouped together around access courts or cul-de-sacs, or where sizes of lots surrounding structures are reduced while maintaining the density permitted by the comprehensive plan and this title.
- C. Clustering may be carried out in the context of a subdivision, major or minor partition, planned development, replatting of existing lots or other review by the planning commission.
- D. Single-family attached dwellings may be permitted by the planning commission so long as the overall density of the zone is not exceeded, and with consideration of design review board recommendations.
- E. The planning commission (which may use the advice of staff or the design review board) may permit reduction in lot size, setback or other standards so long as the density requirements of the zone are maintained. (Ord. 79-4 § 1 (4.190))

17.43.050 Standards.

M. Land Divisions. Subdivisions, replats, partitions, and property line adjustments in protected wetlands, wetland buffer areas, or a wetland lot-of-record are subject to the following standards:

{...}

3. In planned unit developments or cluster subdivisions, all protected wetland or wetland buffer areas must be in open space tracts held in common ownership.