

*Plus  
Second copy*

CANNON BEACH PLANNING COMMISSION

October 22, 1987

7:00 p.m.

AGENDA AND BRIEFING MEMORANDUM

(\*Times listed are estimates only)

7:00 pm

APPROVAL OF AGENDA

PUBLIC HEARINGS AND CORRESPONDING ACTION ITEMS

7:05 pm

Amendment to City's Comprehensive Plan and Zoning Map by changing the boundary of the Ecola Creek Estuary Zone. This change is based on recommendations of the Oregon Division of State Lands and the U.S. Army Corps of Engineers.

Consideration of Ecola Creek Estuary boundary change.

7:15 pm

Amendment to the Zoning Ordinance, Section 4.030, Access Requirement.

Consideration of Amendment to Zoning Ordinance, Section 4.030, Access Requirement.

7:25 pm

Review of McMahon Minor Partition Application

Consideration of McMahon Minor Partition Application

7:35 pm

OTHER ACTION ITEMS

Design Review Board Recommendations

-- DeLano/Criterion

-- Holland's Flowers

8:00 pm

OLD BUSINESS

Reynolds-Leppert - Update

Planning Commission Agenda  
October 22, 1987 (p. 2)

8:30 pm      NEW BUSINESS

Second Street Beach Access - DRB Recommendation for  
joint worksession with Planning Commission  
and group of interested property owners

Color of Newsracks - DRB preference

Possible joint DRB/PC worksession re: green v. hard landscaping

8:45 pm      APPROVAL OF MINUTES

Regular Meeting of September 24, 1987 (\*note: exhibits  
are not attached; available from PC secretary)

Special Meeting of September 29, 1987

8:50 pm      INFORMATION ONLY

Presentation by Max Justice, Building official, regarding  
definition of "sign area" (see attached)

Ongoing Planning Items

Tree Removal Reports (copies attached)

10/20/87 - Biggs - granted

9/25/87 - Marshall - granted

9/28/87 - Schmid - denied

Enforcement Actions

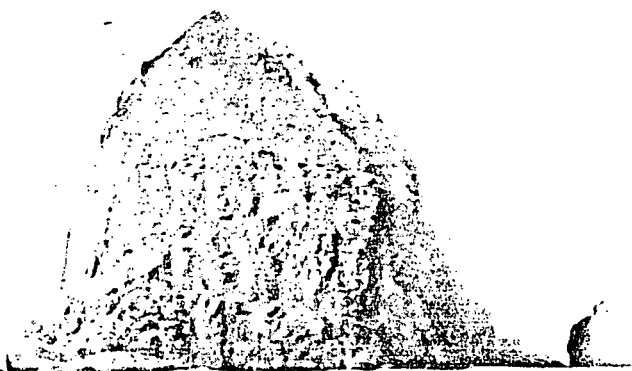
Notice re: change in November and December meeting dates  
(attached notice posted Oct. 15)

Ordinance 87-13 (attached for information only)

9:30 pm      GOOD OF THE ORDER

9:35 pm      ADJOURNMENT

# CITY OF CANNON BEACH



*"The Beach of a Thousand Wonders"*

P. O. BOX 368  
CANNON BEACH  
OREGON 97110

## NOTICE OF PUBLIC HEARING

The City of Cannon Beach Planning Commission will hold a public hearing on Thursday, October 22, 1987, at 7:00 p.m. in the City Hall Council Chambers, 163 E. Gower Street, Cannon Beach, Oregon, to consider an amendment to the City's Comprehensive Plan and Zoning Map by changing the boundary of the Ecola Creek Estuary Zone. This change is based on recommendations of the Oregon Division of State Lands and the U.S. Army Corps of Engineers.

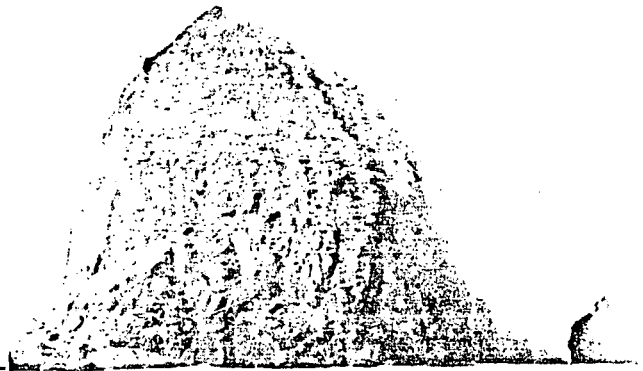
Additional information may be obtained from the Cannon Beach Planning Commission at the above address. All interested parties are invited to attend the hearing and express their opinions. Statements will be accepted in writing or orally at the hearing. The Planning Commission reserves the right to modify the proposal or to continue the hearing to another date and time. If the hearing is continued, no further notice will be provided.

*Rosalie Dimmick*

Rosalie Dimmick  
City Recorder

PUBLISH: October 9, 1987

# CITY OF CANNON BEACH



*"The Beach of a Thousand Wonders"*

P. O. BOX 368  
CANNON BEACH  
OREGON 97110

## NOTICE OF PUBLIC HEARING

The City of Cannon Beach Planning Commission will hold a public hearing on Thursday, October 22, 1987, at 7:00 p.m. in the City Hall Council Chambers, 163 E. Gower Street, Cannon Beach, Oregon, regarding an amendment to the Zoning Ordinance, Section 4.030, Access Requirement, as follows:

### Sec. 4.030. Access Requirement.

Every lot shall abut a street, other than an alley, for at least twenty-five (25) feet. Lots which were created prior to adoption of Ordinance No. 79-4A which do not meet this provision may be accessed via an irrevocable easement if it is determined by the Planning Commission that:

- a. Access to be provided is adequate to serve the types and amounts of traffic expected for the use;
- b. Access width is adequate for fire protection vehicles as determined by the District Fire Chief;
- c. No more than four residential units or lots, whichever is less, would be served by the easement;
- d. No commercial, industrial, or other high traffic generating uses would be served by the easement.

Property owners within 100 feet of the proposed easement will be notified and requested to comment on the proposal.

All interested parties are invited to attend the hearing and express their opinions. Statements will be accepted in writing, or orally at the hearing. The Planning Commission reserves the right to modify the proposal, or to continue the hearing to another date and time. IF the hearing is continued, no further public notice will be provided.

Rosalie Dimmick  
City Recorder

PUBLISH: October 9, 1987

October 19, 1987

STAFF REPORT

TO: Cannon Beach Planning Commission

FROM: Mike Morgan, City Planner

SUBJECT: McMahon Minor Partitioning

BACKGROUND.

The owner and purchaser of Tax Lot 4100, Map 30DD, proposes to divide a 2.26 acre parcel into four parcels; these are identified as parcels A, B, And C on the survey. Creation of 3 or fewer lots within a calendar year is considered a minor partition where there is a road access in existence. The property is located in an R-2 Zone. It is bounded on the West by Forest Lawn Road, and on the east by Hemlock Street. The remaining 1.75 acres of Tax Lot 4100 (the northern portion) would remain in the present ownership. The property is heavily forested and is relatively flat. There are no sensitive environments such as wetlands, dunes or steep slopes on the property. It is bounded by roads, sewer and water service.

CRITERIA - SUBDIVISION ORDINANCE.

1. The applicant has submitted the necessary information as required by the Subdivision Ordinance. The survey constitutes the tentative Plat.
2. The lots proposed meet the area and dimensional requirements of the Zoning Ordinance.
3. City utility capacity is adequate to accommodate development which is permitted on the lots.
4. The Subdivision Ordinance defines "Partition of Land" as the division of an area or tract of land into two or three parcels within a calendar year when such an area or tract exists as a unit or contiguous units of land under single ownership at the beginning of the year." The proposed partition would create four lots in this calendar year, which would be considered a subdivision under the City's Ordinance.

Staff Report  
October 19, 1987

In order to avoid the subdivision requirements, the applicant is requesting that the Planning Commission approve the partition of Lots A and B as a single parcel, Lot C as a separate parcel, and the remaining 1.75 acres to constitute the extent of the minor partition for this calendar year. At the beginning of the next calendar year, A and B would be partitioned.

The applicant requests that the Planning Commission approve this without need for additional review by the Commission as provided by Section 11(3) which states:

"(3). If the partitioning is in complete agreement with the development plan, the Planning Commission may determine that future partitioning within an area shown on the tentative sketch plan may occur without further approval of the Planning Commission. This decision shall be recorded on the sketch plan; one copy for Planning Commission files and two copies for the applicant.

CONCLUSION AND RECOMMENDATIONS.

It appears that the request meets the criteria and requirements of the Zoning and Subdivision Ordinances. Staff recommends approval of the partition with the additional partition being granted administratively in the next calendar year in order to separate lots A and B. Staff also recommends that any future road access to the lots be restricted to Forest Lawn Road only.

*\$35.00  
7<sup>th</sup> enclosed  
Jm*

P.O. Box 19313  
Portland, OR 97219-0313  
October 8, 1987

CTIC  
c/o The City of Cannon Beach  
P.O. Box 368  
163 E. Gower  
Cannon Beach, OR 97110

ATTN: Mike Morgan

Dear Mike,

Per our earlier conversations, this letter and enclosed maps will outline my proposed minor partition of property I am purchasing on Forest Lawn Road. Also as agreed, I am submitting this proposal for approval at the October 22, 1987 meeting of the Planning Commission.

The following points will describe the land being purchased, the proposed minor partitions of that land, and provide additional information required by city ordinance for such minor partitioning.

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1. Description of the Property to be Minor Partitioned

Please refer to the attached copy of assessor's map 10-08: Tax lot 4100 consists of 2.26 acres lying between S. Hemlock and Forest Lawn Road, and is owned by Eleanor Easley. The property to be partitioned is being purchased from Mrs. Easley by Janet McMahon. This parcel is marked with an "X", and represents the south 205.65 feet of tax lot 4100, fronting on Forest Lawn Road.

The minor partitioning of the parcel is further described on the attached copy of the surveyor's preliminary map:

**Partition A** - the northernmost parcel, consisting of 10,069 square feet, and fronting on Forest Lawn with 75.59 feet.

**Partition B** - the middle parcel, consisting of 5,717 square feet, with 50.20 feet on Forest Lawn.

**Partition C** - the southernmost parcel, consisting of 7,500 square feet, with 79.86 feet on Forest Lawn.

1. Description of the Property - continued

In addition to the above descriptions, the surveyor, Hanforth and Larson, is submitting under separate cover to the City of Cannon Beach the following two documents by Friday, October 9:

Legal description of the entire parcel being purchased, and of each minor partition within the parcel.

Official survey map.

2. Water, Sewer, and Road Access

Water - water to all proposed minor partitions is available from the City of Cannon Beach. The water main available on Forest Lawn is 4" in diameter. A water main is also available on the Hemlock Street side of the property; this main is 8" in diameter.

Sewer - Sewer hookup is also available from the City of Cannon Beach. The sewer drain is 8" in diameter.

NOTE: It shall be the responsibility of the land owner to provide water and sewer hookup from the main to the property.

Road - each proposed partition is accessible from either Forest Lawn Road or Hemlock Street.

3. Names and Addresses of land owners

As discussed on the phone, CTIC will provide the names and addresses of adjacent property owners for this proposal.

4. Authorization from Eleanor Easley

Under separate cover, before the meeting date of October 22, the City of Cannon Beach will receive a letter of authorization from Eleanor Easley, owner of tax lot 4100.

The authorization will grant permission to Janet L. McMahon to proceed on Mrs. Easley's behalf in the minor partitioning of the parcel she is selling to Janet McMahon.

5. Copies of Sketch Map

As discussed on the phone, CTIC prefers to make all necessary coallated copies of the material submitted for this proposed minor partitioning. Accordingly, only the original of this letter and single copy of sketch maps are enclosed.



October 8, 1987

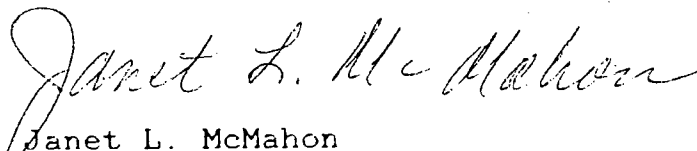
In summary, this request for approval of the minor partitioning of a single parcel of property meets all city and state ordinances required for such partitioning:

1. The proposed partitions will consist of "contiguous units of land under one ownership."
2. No more than 3 partitions are being requested.
3. The parcel being partitioned consists of less than 5 acres.
4. All proposed partitions exceed the city's minimum lot size of 50' x 100' and 5,000 square feet for the R2 zoning governing the property.
5. Water, sewer, and road access are already available to the proposed partitions.
6. No easements other than the existing streets of Hemlock and Forest Lawn exist, nor are any others being requested.
7. No variance to the city ordinance for minor land partitioning is being requested.
8. The above conditions having been met, an official survey has already been completed, providing exact dimensions, legal descriptions, and map.

In light of the 100% compliance to minor land partitioning ordinances, I am submitting this request for minor partitioning and respectfully request the Planning Commission to issue its approval at its regular meeting on October 22, 1987.

Thank you very much for your assistance.

Sincerely,



Janet L. McMahon  
(503) 246-5015

FOUND 1" IRON PIPE, TOP 0.5' BELOW SURFACE.  
ACCEPTED AS ORIGINAL MONUMENT AT STA  
6+15.15, MAP A-229  
(S 3796.35) 19 20  
(W 975.18) OF SEC. COR. 90 29

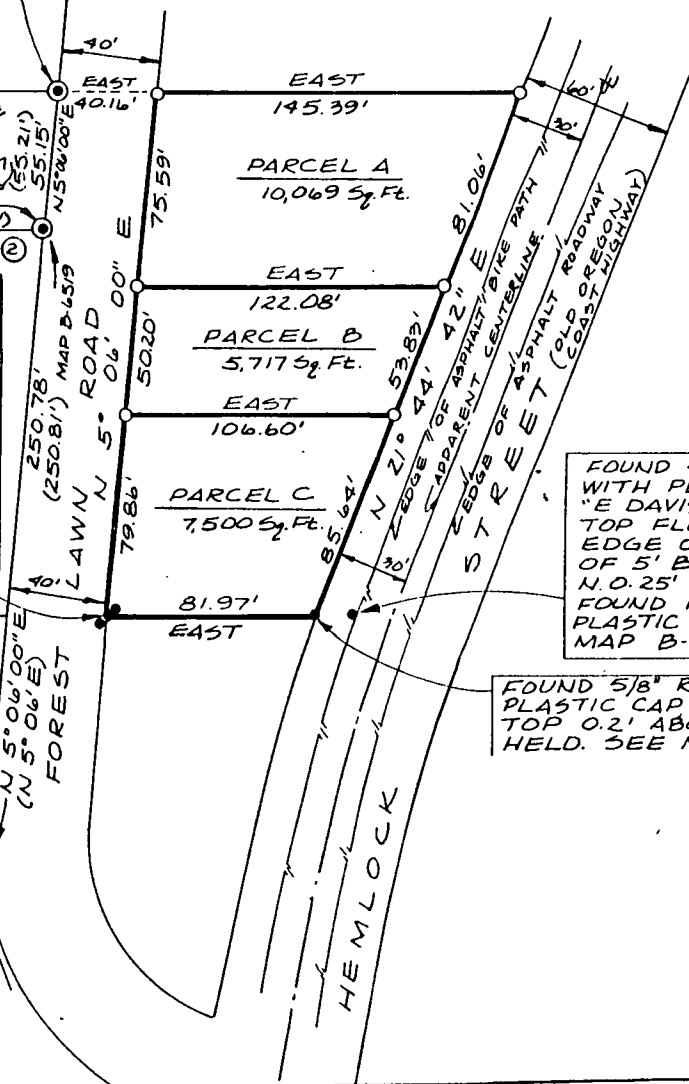
FOUND 1 1/4" IRON  
PIPE, TOP 0.7'  
BELOW SURFACE.  
ACCEPTED AS  
ORIGINAL  
MONUMENT AT  
STA. 6+70.36,  
MAP A-229.

FOUND 1" GALV.  
IRON PIPE, TOP  
0.2' ABOVE SURFACE.  
SEE MAP A-229

FOUND 5/8" REBAR  
W/ CAP "PLS 1205" TOP  
0.2' BELOW SURFACE.  
HELD. SEE MAP B-6519  
FOUND REBAR WITH  
CAP "E. DAVIS LS 1095".  
N 0.32' & E 0.17'. SEE  
MAP B-8209.  
ALSO FOUND 3/4"  
IRON PIPE,  
S 0.17' & W 0.19'

SEE MAP  
B-6519

FOUND 3/4" IRON  
PIPE WITH WOOD  
PLUG AND TACK  
ON TANG. EXTENSION  
2.01' WEST OF RD. R/W.



FOUND 5/8" REBAR  
WITH PLASTIC CAP,  
"E DAVIS LS 1095".  
TOP FLUSH IN WEST  
EDGE OF ASPHALT  
OF 5' BIKE PATH,  
N 0.25' & E 15.15' OF  
FOUND REBAR AND  
PLASTIC CAP. SEE  
MAP B-8209.

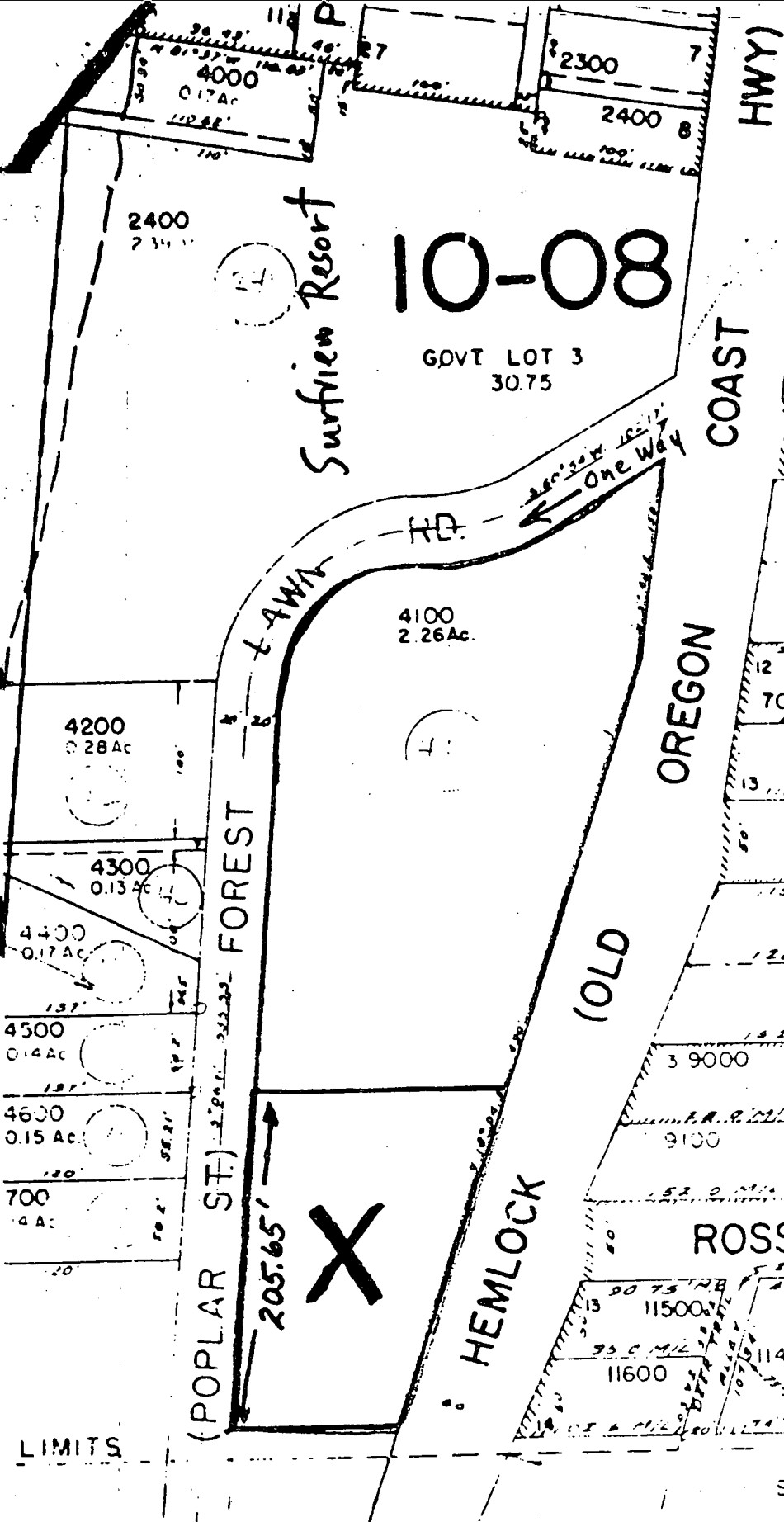
FOUND 5/8" REBAR WITH  
PLASTIC CAP "PLS 1205".  
TOP 0.2' ABOVE SURFACE.  
HELD. SEE MAP B-6519.

# PRELIMINARY

**SURVEY OF**  
**PROPOSED PARTITION**  
**FOR PAUL & JANET McMAHON**  
PARCELS LOCATED IN  
SE 1/4 SECTION 30, T.5N., R.10W., W.M.  
CLATSOP CO.

SURVEY BY:  
**HANDFORTH & LARSON, INC.**  
P. O. BOX 219  
MANZANITA, OR. 97130  
(503) 368-5394

DATE SEP. 30, 1987	JOB NO. 2400	EQUIPMENT TOPCON GTS-3 W/EDM TAPE	FIELD DNB/JPR	DRAWN LM/JJ	CHECKED DNB
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SUNSET

ELLIOTT

HILLS

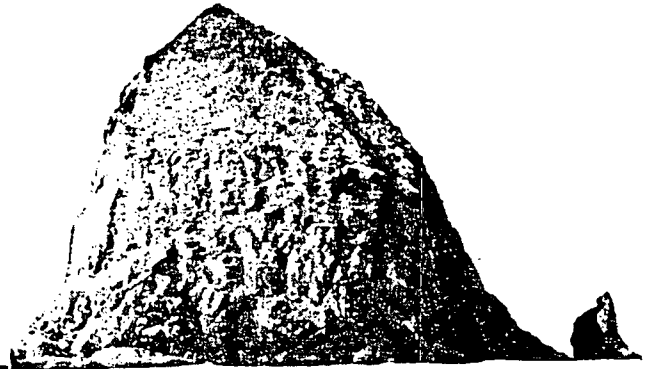
ROSS

See Map 5 10 5000

KEY TITLE COMPANY

THIS COPY OF ASSESSOR'S MAP IS PROVIDED SOLELY TO ASSIST IN LOCATING SUBJECT PROPERTY. NO LIABILITY IS ASSUMED BY KEY FOR DISCREPANCIES IN THIS MAP AS OUTLINED AND THE ACCOMPANYING LEGAL DESCRIPTION.

# CITY OF CANNON BEACH



*"The Beach of a Thousand Wonders"*

P. O. BOX 368  
CANNON BEACH  
OREGON 97110

## NOTICE OF MINOR PARTITION REVIEW

The City of Cannon Beach Planning Commission will review a minor partition application on Thursday, October 22, 1987, at 7:00 p.m. in the City Hall Council Chambers, 163 E. Gower Street, Cannon Beach, Oregon, upon application of the owner of tax lot 4100, fronting on Forest Lawn Road, City of Cannon Beach, Clatsop County, Oregon, for a minor partition.

Additional information may be obtained from the Cannon Beach Planning Commission at the above address. All interested parties are invited to attend the hearing and express their opinions. Statements will be accepted in writing or orally at the hearing. The Planning Commission reserves the right to modify the proposal or to continue the review to another date and time. If the hearing is continued, no further public notice will be provided.

Rosalie Dimmick  
City Recorder

PUBLISHED: October 12, 1987

SUMMARY OF DESIGN REVIEW BOARD RECOMMENDATIONS - OCTOBER 15, 1987 MEETING

1. DeLano/Criterion Building:

Building Design: Recommendation to approve.

Landscaping Design: Recommendation that Planning Commission make a decision regarding appropriateness of expansive roof over landscaping. DRB tabled until decision made by Planning Commission.

Recommendation to Planning Commission that landscaping plan be approved and that overhang over landscaping is appropriate.

Lighting Plan: Recommendation to approve.

2. Holland's Flowers: Recommendation to approve moving existing building to new site.

Recommendation to approve building in front as shown on plans.

3. Color of Newsracks: Consensus of group that preferable color is chinese red.

Second Street

4. Beach Access: Recommendation for joint worksession with Planning Commission.

Worksession on  
Landscaping

5. Requirements: Possible joint worksession with Planning Commission.

DESIGN REVIEW BOARD

October 15, 1987

4:00 - 6:30 p.m.

M I N U T E S

Present: Jim Hannen, June Kroft, Tevis Dooley, Jim Clark,  
John Dickson, Carolyn DeLano.

Staff: Mike Morgan, City Planner; Helen Crowley, Design  
Review Board Secretary, Max Justice, Building  
Official and Code Enforcement Officer

Others: Don Boehm, Builder; Beth Holland, Business Owner.

Jim Hannen called the Design Review Board meeting of October 15, 1987 to order at approximately 4:00 p.m.

Minutes: Jim Clark moved that the minutes of the September 17, 1987 meeting be approved; June Kroft seconded and the motion passed unanimously.

Discussion of Ordinance 87-13: Mike Morgan explained the City Council's action on Ordinance 87-13 regarding amendments to the Zoning Ordinance on building height and landscaping, noting that it sets a new building height limit of 24'/28', calls for a 3 foot landscaping border between sidewalks and buildings, and clarifies the percentage requirements of hard versus green space in landscaping. Action on proposed amendments regarding sidewalk width and second story setbacks have been postponed pending further study, and the Council took no action on newspaper racks on sidewalks. There was discussion regarding the enacted amendments and the fact that they would not apply to plans submitted to the DRB by October 9, 1987.

DeLano Commercial Building: Carolyn DeLano, DRB member, removed herself from deliberations on this building. Mike Morgan reviewed the staff report on the proposed DeLano/Criterion building. There followed discussion regarding the sign size requirements and the definition of a sign. Carolyn DeLano indicated that the round logo on the front of the building was not intended as a sign but a decorative piece of the building. Mike Morgan indicated that it must be interpreted as a sign, according to the definition in the zoning ordinance.

Morgan noted that he recommends that one foot be added to the sidewalk on Hemlock and that a retaining wall be constructed along the south property line in the rear. Jim Hannen asked how close to the west property line the retaining wall should be built, and Max Justice indicated that the toe of the hillside is approximately ten feet from the property line. Tevis Dooley noted that the building code requires 5 (five) feet between walls and adjacent property lines and in the DeLano plans some appear to be within 2-1/2 feet. Don Boehm, Carolyn DeLano's builder, indicated that Bud Miles, the Oregon

State Building Inspector, had indicated that the alley could be used as a property separation, just as a street is.

There was a question about how trash would be removed, and DeLano indicated that the trash cannister would have to be raised. Discussion returned to the retaining wall, and Don Boehm indicated that they would comply with appropriate regulations. DeLano indicated that the decking on the plan should actually be shown as landscaping.

Mike Morgan indicated that the issue of opening up the alley is a matter for Council consideration, and there was discussion regarding alley access. Don Boehm indicated that the alley is used by an adjacent property owner. Jim Hannen noted that Mr. Boehm had stated that whatever retaining wall is required will be complied with and that it is a Planning Commission matter in any event.

Building Design: Tevis Dooley commented that the building design is acceptable to him and Kroft and Clark agreed; Hannen expressed his opinion that it is tasteful and interesting. Dooley asked about the roof, and it was clarified that it would be metal with a baked enamel finish; Dooley and Clark indicated that is complementary to the look and shape of the building.

Hannen commented that the building incorporates living and business space and noted that is encouraged by the City's comprehensive plan; he noted that he liked the building design though he was concerned about the size of the face of the building and its proximity to the sidewalk, and asked if it could be moved back from the street. He noted that the building is 35 feet tall and 2-1/2 feet from the sidewalk. There was discussion regarding Steidel's building, adjacent to the proposed DeLano building, which is 27-1/2 feet tall and 20 feet off the street. Hannen noted that the proposed amendments to the Zoning Ordinance will influence what is done in the future and they should be considered in this case as they have in recent DRB applications.

Don Boehm explained that DeLano had complied with all appropriate, existing regulations. Jim Hannen indicated that the DRB deals with the aesthetic impact of what is built, in accordance with the regulations. Tevis Dooley said that Boehm's point was well taken, and it is a reasonable expectation to have existing regulations apply, although just because something is permitted doesn't assure approval by the DRB or the Planning Commission; there is no protection and one is always at risk. Dooley noted that the onus is on the applicant to provide information in the plans so that the Design Review Board and Planning Commission can properly consider and interpret them, and that the Design Review Board and Planning Commission can require further drawings, models, etc. before decisions are reached.

Jim Hannen indicated his concern about walking down the street and seeing only the side of the building; only when one comes to the building itself does the downtown area come into view. Boehm pointed out that the building is even with Steidel's porch posts; Clark said the combination of this building and Ecola Square across the street will define the south end of town. Clark said the hill behind the building mitigates the height of the building. Max Justice noted that there is probably an average 15 foot set back on the first floor of the building. Clark said height is not the issue, and pointed out that the northeast corner angled out orients toward Hemlock, which is good;

the open frame construction on the northeast corner is an architecturally effective device and keeps the scale of the building down; June Kroft commented that the north wall must be a firewall because it is so close to Stiedel's, and the 32" parapet was pointed out.

Tevis Dooley indicated that the design is acceptable to him; Jim Clark moved to approve the building design; June Kroft seconded; Clark, Kroft and Dooley voted aye; Mr. Hannen voted nay, and the motion passed. DeLano did not vote.

Landscape Design: Mike Morgan noted that there is an expansive roof overhang over approximately several hundred square feet and indicated that there should be a Planning Commission interpretation on whether this fits the landscaping requirements in the zoning ordinance. In response to a question, Don Boehm said that the eaves are approximately 14-16 feet above the plantings. There was discussion regarding how plantings will be affected by the overhang, and June Kroft noted that they will require more maintenance. DeLano indicated that Raintree Nursery had recommended what plants would grow best with such exposures; June Kroft indicated that the lace leaf maple could be a problem; Tevis Dooley said the Planning Commission may require a landscape architect, depending on the cost of the project.

Beth Holland was asked by Jim Hannen to look at the plans, and she indicated that the only problem she saw was having hebes and fescue in so little light. Holland noted that a sprinkling system would be cost effective and DeLano noted that there will be one. June Kroft and Beth Holland pointed out that most railroad ties are creosote treated and not only can kill soil but are a health hazard. Beth described the area 12 feet in back of the overhang, noting that the best plantings for the area are ferns.

It was noted that if the project is over \$250,000 total, a licensed landscape architect is needed. Morgan noted that the Planning Commission should interpret whether this amount of roof over the landscaping is allowable. Mike Morgan indicated that his personal interpretation is that it is not the intent of the ordinance to have so much roofing over the landscaped area.

There was a discussion among Board members of what alternatives exist regarding the landscape plan.

Tevis Dooley moved to table consideration of the landscape plan until the next meeting, at which time there will be a Planning Commission decision on the appropriateness of the expansive roof over the landscaping and a final landscaping plan could be received which reflects that decision. Jim Clark seconded the motion, all members voted aye and the motion passed. DeLano did not vote.

Jim Clark indicated his desire to recommend to the Planning Commission that they look at the landscaping plan as a tentative plan; Tevis Dooley noted that the Board could state its recommendation to the Planning Commission regarding the appropriateness of the roof over the landscaping. Jim Hannen noted that several things are needed, the first being a recommendation from the Planning Commission regarding the acceptability of having some of this landscaping covered. He stated his opinion that he did not object to it because it doesn't limit public approach or access and adequate care and selection have been taken in the landscape plan.



Tevis Dooley moved that such a recommendation to approve the landscaping plan with the overhang be sent to the Planning Commission; June Kroft seconded the motion and all members voted aye and the motion passed. DeLano did not vote.

Lighting Plan. Mike Morgan explained the position of the lights around the building. Carolyn DeLano noted that they were not on posts, but they are socket lights under the eaves. Tevis Dooley said that if his interpretation from the plans is correct, the plan, in his opinion, is acceptable, and assuming lights are in sockets would recommend approval. Boehm said that he recommended recessed lights.

Tevis Dooley moved acceptance of the lighting plan with lights positioned as shown using recessed, incandescent lights. Jim Clark seconded, all members voted aye and the motion passed. DeLano did not vote.

There was discussion regarding the need for a 7 foot sidewalk. Boehm indicated they would comply with 7 foot sidewalks. There was discussion regarding the material from which the sidewalk should be built, and it was noted that with this building and Ecola Square across the street pedestrian traffic will increase, there will be an impact on pedestrian safety, and therefore a crosswalk at 1st Street across Hemlock would be in order.

Don Boehm asked for clarification in regard to what could proceed on this project. Mike Morgan indicated that no construction can begin until the Planning Commission has approved the project. Boehm noted the need to get the building up to the height of the foundation so that utilities could be put in before bad weather begins. It was pointed out that the plans must also be approved by appropriate officials in Salem. It was agreed that grading can be done and underground utilities can go in, but no foundation should be poured until the Planning Commission has approved the project.

Jim Hannen noted that he would be willing to have a special meeting, after the Planning Commission acts on the landscape plan, rather than waiting until the next DRB meeting to reconsider the landscape plan. All other members agreed that they would be willing to have a special meeting for this purpose.

Holland's Flowers - Moving Building. Beth Holland made a presentation to the Board, indicating that she has applied to move the existing building from the El Mundo property to an area behind Pat's Coffee and Basket Shop; and that one small building would be moved from this site to the northwest side of the property. She explained the plan and noted that a building will be moved to the area in front and to the side of Pat's Coffee and Basket Shop to be used for cut flowers, and also noted that she wants something near Hemlock Street to indicate the shop is there.

Tevis Dooley asked about code requirements for property lines and Max Justice said that glass within 18 inches of grade requires a horizontal member no smaller than 1-1/2 inches over the glass. He indicated there is no problem with flood zoning. Tevis Dooley indicated that for a retail store the building code requirements says no openings are permitted within 5 feet of the property line; Justice noted that there are some restrictions and exceptions. There was discussion regarding the existing 1 hour fire wall with a parapet, and Tevis Dooley indicated that the front structure is probably exempt from regulations because it is so small. Max Justice indicated no more fire protection is required.

Building Design. June Kroft asked why there was an alternative for the front building placement and Beth Holland indicated she was unsure about how to place it, and also wanted to consider best placement of sliding glass doors. There was discussion about that and regarding the walkways on either side of Pat's Coffee and Basket Shop which lead to Holland's Flowers. Concern was expressed that if people didn't know about the walkways they might not know there was more to the shop, other than the front building. Jim Clark asked whether the rectangular greenhouse in the back area would be repaired, noting there's a lack of definition in that area, and also suggested a sign in the back area might be appropriate. He suggested that an arbor to tie the small building to the walkway might be appropriate.

Jim Clark moved to approve the proposal for moving the existing Holland's Flowers' building to the site behind Pat's Coffee and Basket Shop. June Kroft seconded the motion. There was discussion about actual placement and indicated that would depend on the building official's opinion. A vote was held on Mr. Clark's motion; all members voted aye and the motion passed.

Tevis Dooley moved to accept the building in front as shown on the plans; Carolyn DeLano seconded the motion, all members voted aye and the motion passed.

Color of Newsracks Mike Morgan gave a brief history of the issue, noting that newspaper representatives appearing at recent Planning Commission and City Council public hearings had indicated their willingness to work with the City regarding the color of newsracks. Jim Hannen recommended that they be made of wood with a logo showing which paper was for sale. Jim Clark said that available standardized racks could be investigated. John Dickson pointed out that the offer was to paint them. After discussion, the general consensus was that the preferable color for newsracks is chinese red.

Second Street Beach Access. Mike Morgan noted that proposals had been submitted by Rod Graham and John Onstott but that neither had seemed appropriate to the DRB or Planning Commission. Mike Morgan reviewed his memo to the DRB members suggesting what questions they should consider in this discussion. Tevis Dooley asked about the timing on getting recommendations to the Planning Commission, and about whether funding is available. Morgan said there is some commitment from the Council for money, and some see this as a major aspect of the downtown plan.

Morgan asked about a design competition. Tevis Dooley noted that competitions require very careful and explicit rules and programs, and explained that the American Institute of Architect's regulations require: a disinterested professional advisor; a promise that the winner will receive the contract or prize; an unbiased jury; and the advisor must be present when the jury deliberates.

He said that the opposite extreme to a design competition would be a request for proposals (RFP). It was noted that if AIA guidelines are not followed then AIA members could not enter a competition. Dooley noted for comparison's sake, that in researching the bandstand, Judy Osburn had found that Oberlin

College's competition to design a bandstand brought in entries from all over the world. A question was raised about whether this project would engender that kind of response. It was indicated that landscape architects, architects and laypersons might submit designs. Dooley noted that the City Council would have to abide by the decision of the jury. He noted that in terms of costs, there would be a \$10,000 design fee. Jurors would not necessarily have to be paid. Dooley suggested that a worksession with the Planning Commission might be appropriate to discuss this further - it was noted that there is also a group of affected property owners who should be included in such a worksession. Mike Morgan indicate he would raise the scheduling of such a joint worksession with the Planning Commission at its Oct. 22 meeting.

Discussion regarding worksession on landscaping requirements.

Jim Hannen noted that the Board had been wanting to have an initial worksession on its own, regarding hard surface and soft surface landscaping. Mike Morgan noted that such a worksession should be with the PC. Jim Hannen said it would be preferable to have an initial session with DRB members only. It was noted that if the DRB believes there is an error in the design criteria, they had a responsibility to express their opinion. Morgan indicated that with 75% of required green space, the problem of the proponents of a 50-50 mix might be solved. Morgan indicated he would raise the possibility of a joint work session with the Planning Commission.

It was noted that, as agreed during the previous meetings' discussion, the following people should also be included in such a worksession: Tom Ayres, Tom Bender, Larry Bondurant, Beth Holland.

Jim Clark suggested a requirement for a 3 dimensional model for plans over a certain cost - noting there is only so much one can tell from a 2 dimensional plan. There was discussion about the cost of such a model being approximately \$2500. June Kroft asked if a requirement for a 3 dimensional model would take an ordinance change and wondered about a rendering and model for projects over \$250,000.

The meeting was adjourned at approximately 6:30 p.m.

Helen Crowley

Plannning Commission Secretary

October 12, 1987

STAFF REPORT

To: Design Review Board, Planning Commission

From: Mike Morgan, Planner

Subject: DeLano (Commercial Building)

I. PROPOSAL

The construction of a 5,000+ square foot commercial building on a 5116 square foot lot on Hemlock Street directly west of the proposed Ecola Square and south of the Steidel Gallery.

II. STANDARDS

REQUIREMENTS

PROPOSAL

A. Limited Commercial C-1 Zone

1. Lot Size	None	5116 sq. ft.
2. Lot Width/Depth	None	50' wide; 108' deep
3. Yards	None	Landscaping on front and side
4. Building Height	28'/24'	35' (plans were submitted prior to deadline)
5. Signs	24 sq. ft.	49 sq. ft.
6. Parking	1½ spaces per 400 sq. ft.	approximately 15 spaces will be purchased
7. Loading	no loading zone required under 7000 ft.	no loading zone provided
8. Flood Zone	property is just outside the flood zone	

B. Landscaping Plan

1. Site Devoted to Landscaping	20% (1023 sq. ft.)	33% (1700 sq. ft.)
2. % devoted to plant materials	75% of 1023 sq. ft. (767 sq. ft.)	1178 sq. ft.
3. % devoted to walkways or hard surfaces	25% of 1023 sq. ft. (255 sq. ft.)	522 sq. ft.
4. Landscaping Materials		Size and spacing reuirements met

C. Lighting plan

No lights over 15' high; must bu subdued	10' incandescent lights on posts around building. must be low wattage
---	---

D. Grading and Drainage

All storm drains must  
be connected to city  
drains or street gutters

E. Other

Retaining wall needed  
on south property line

III. CONCLUSION

The plan appears to meet all design requirements. Staff recommends that the sidewalk on Hemlock be rebuilt to 7' minimum width, and that a retaining wall be constructed along the south property line in the rear.

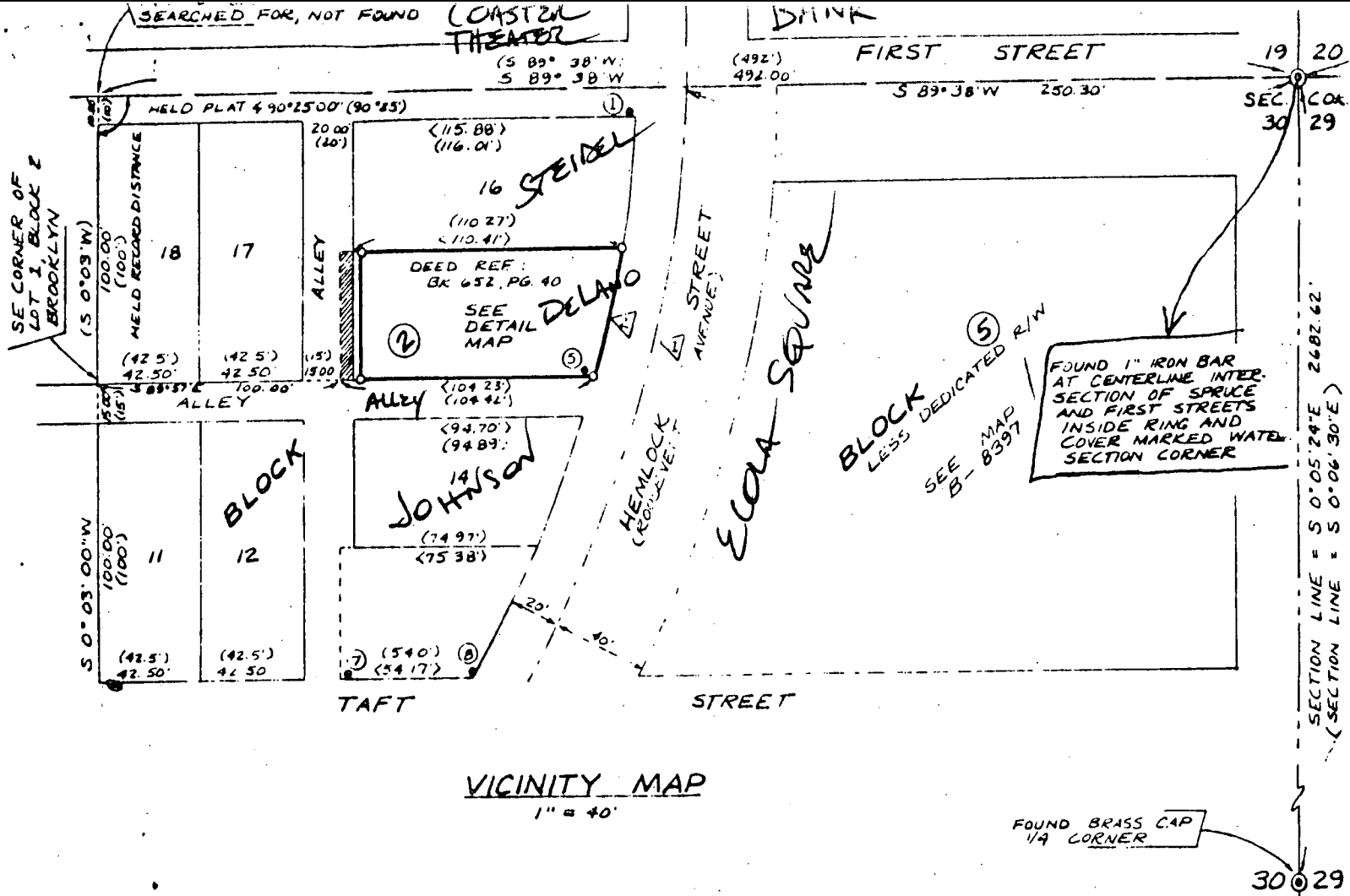
IV. DRB RECOMMENDATION

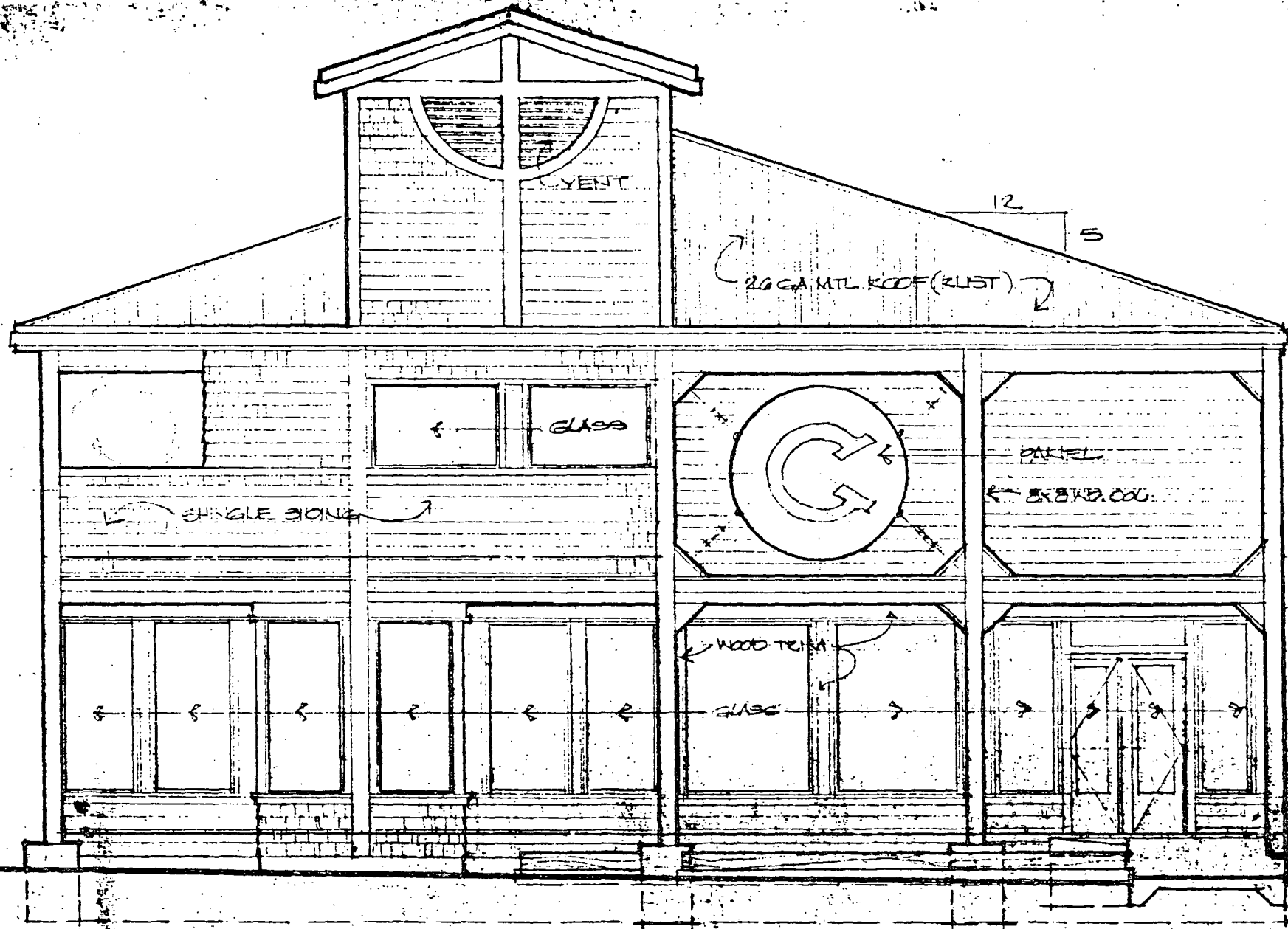
Buiding Design: Recommendation to approve.

Landscaping Design: Recommendation that Planning Commission make a decision regarding appropriateness of expansive roof over landscaping. DRB tabled until determination made by Planning Commission.

\*Recommendation to Planning Commission that landscaping plan be approved and that overhang over landscaping is appropriate.

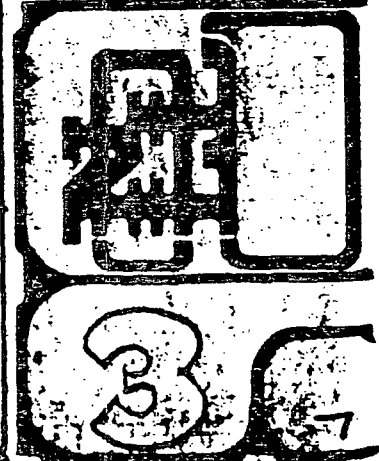
Lighting Plan: Recommendation to approve.



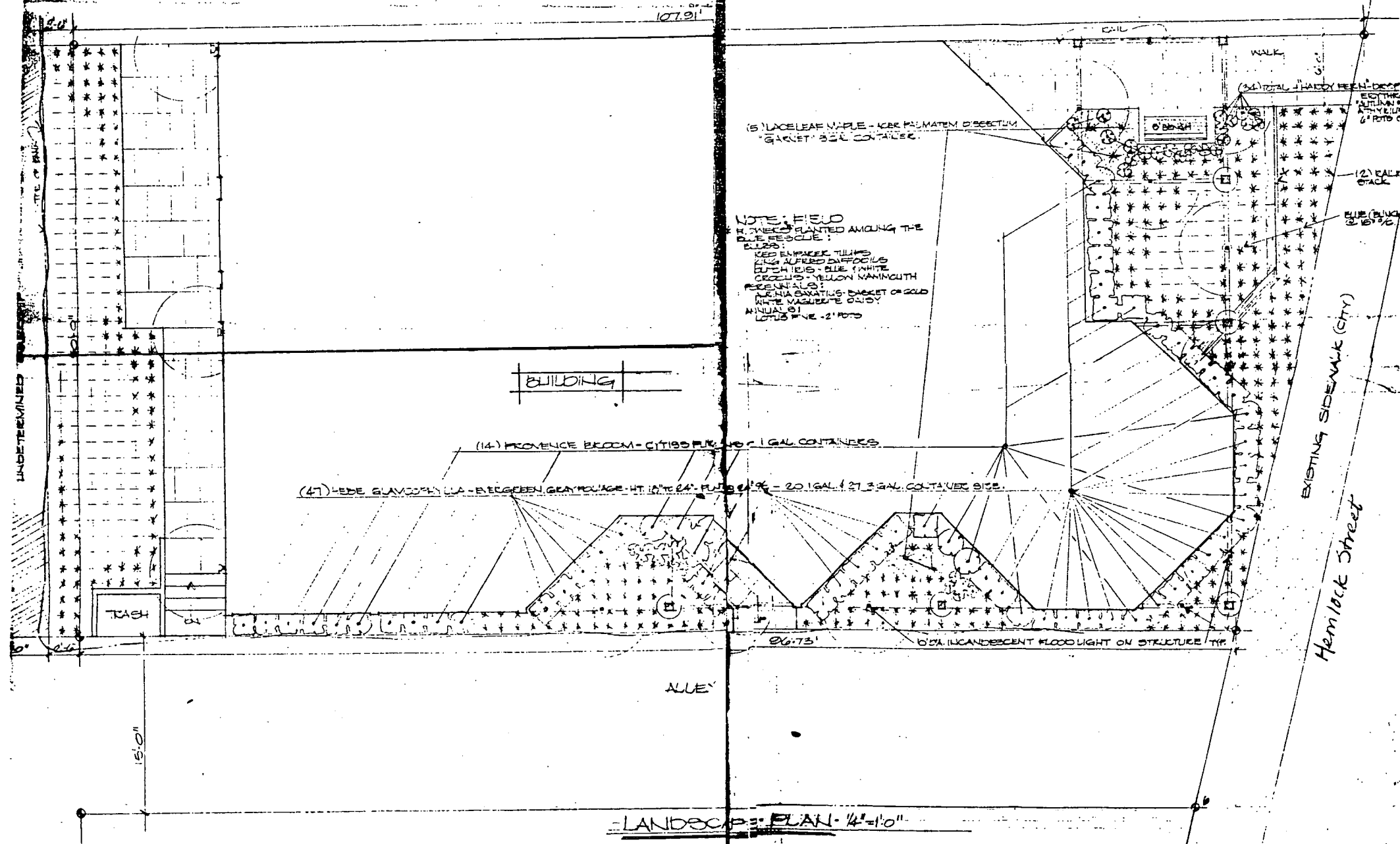


EAST ELEVATION - 1/4" = 1'-0"

DATE: DRAWN BY:



SITE CONTRACTIONS:  
 LOT AREA = 5,170 SQ. FEET  
 BUILDING AREA = 3,416 SQ. FEET - 66%  
 OPEN AREA = 1,754 SQ. FEET - 33%  
 WALK AREA = 522 SQ. FEET - 10% OF OPEN AREA





MAX. HT. 35'-0"  
AVE. HT. OF BUILDING = 27'-4"

10'-0"  
9'-0"  
11'-0"  
3'-6"

SUN

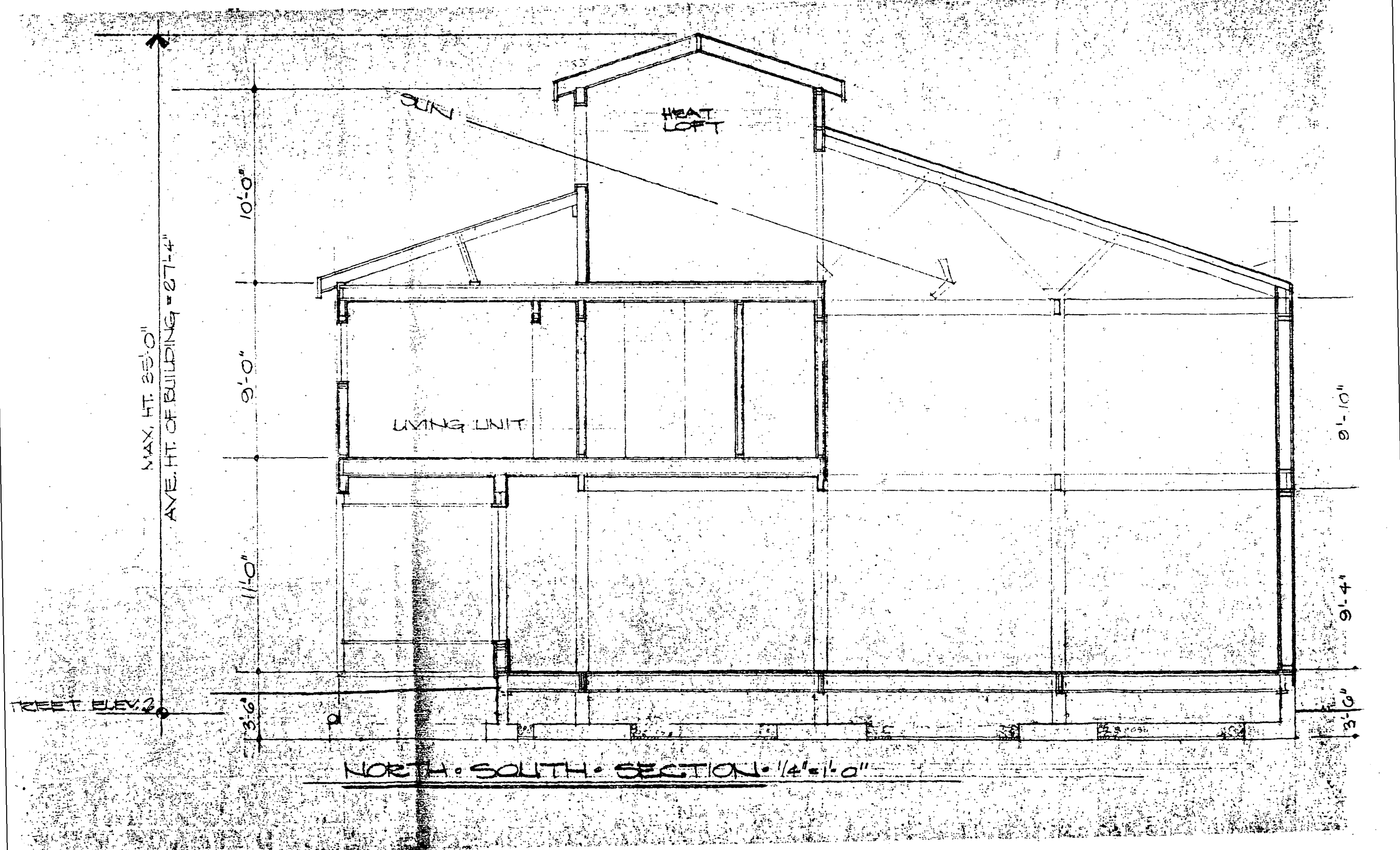
HEAT  
LOFT

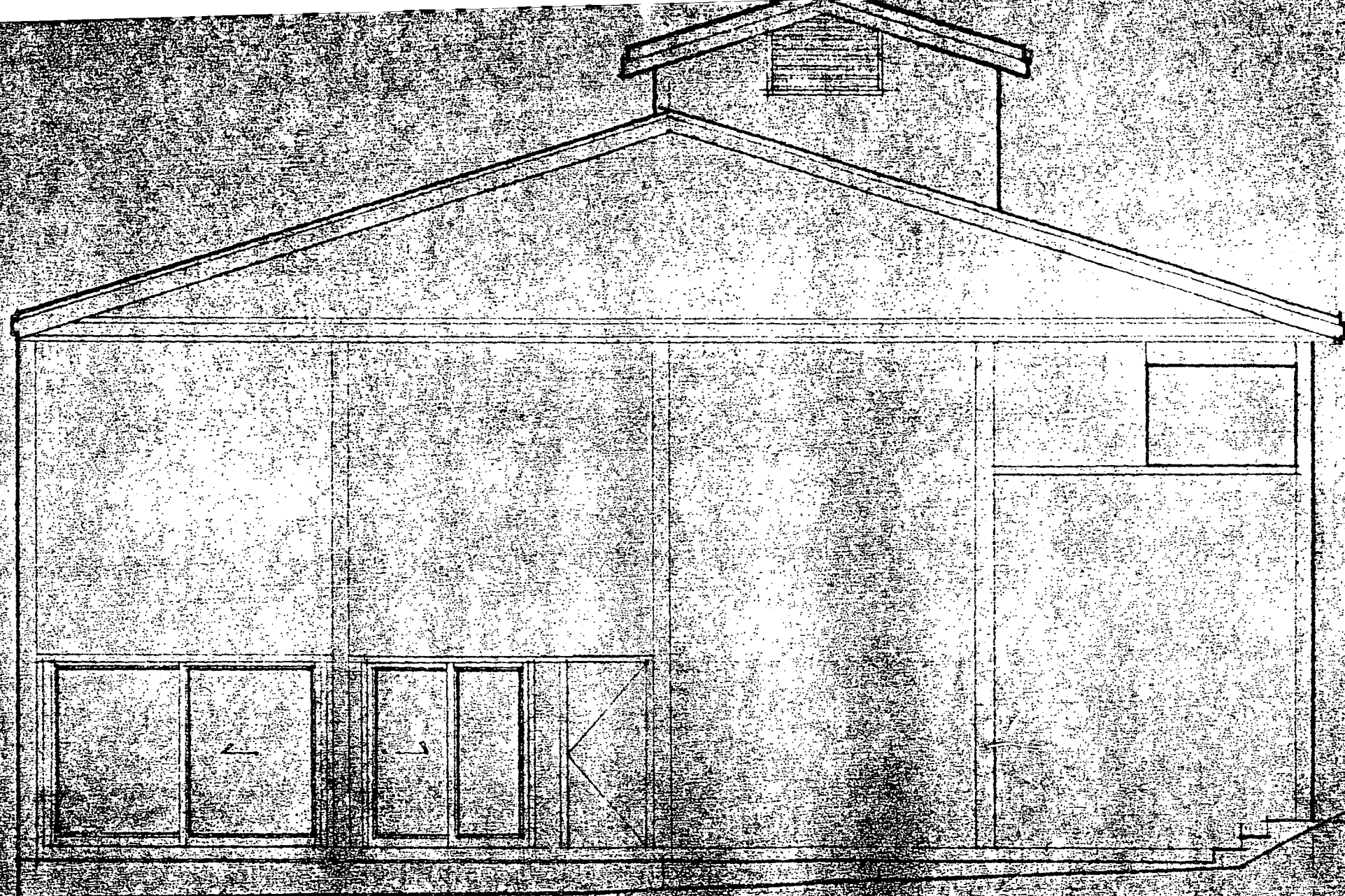
LIVING UNIT

9'-10"  
9'-4"  
3'-6"

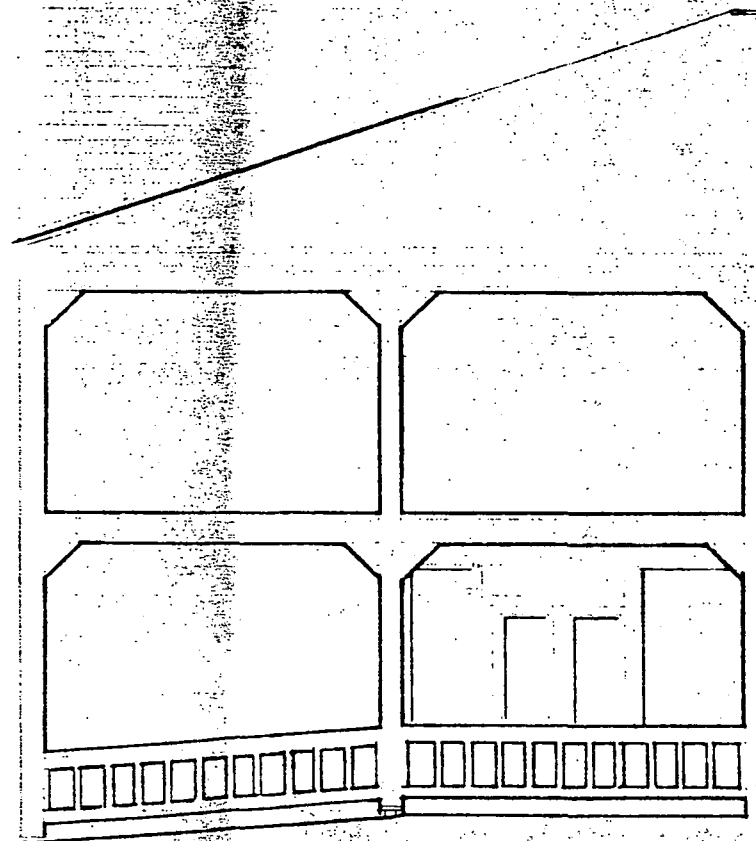
STREET ELEV. 2

NORTH-SOUTH SECTION - 1/4" = 1'-0"





WEST ELEVATION 10/21 = 120

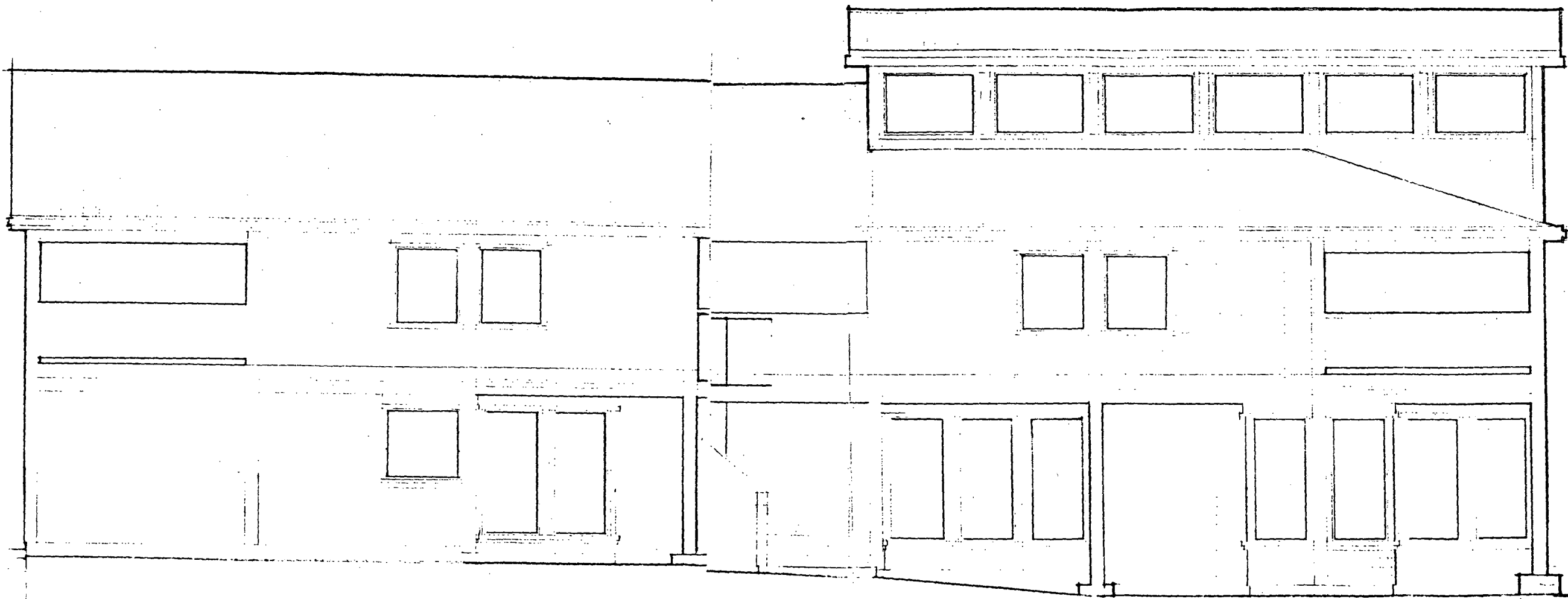


NORTH ELEVATION •  $\frac{1}{4}'' = 1'-0''$

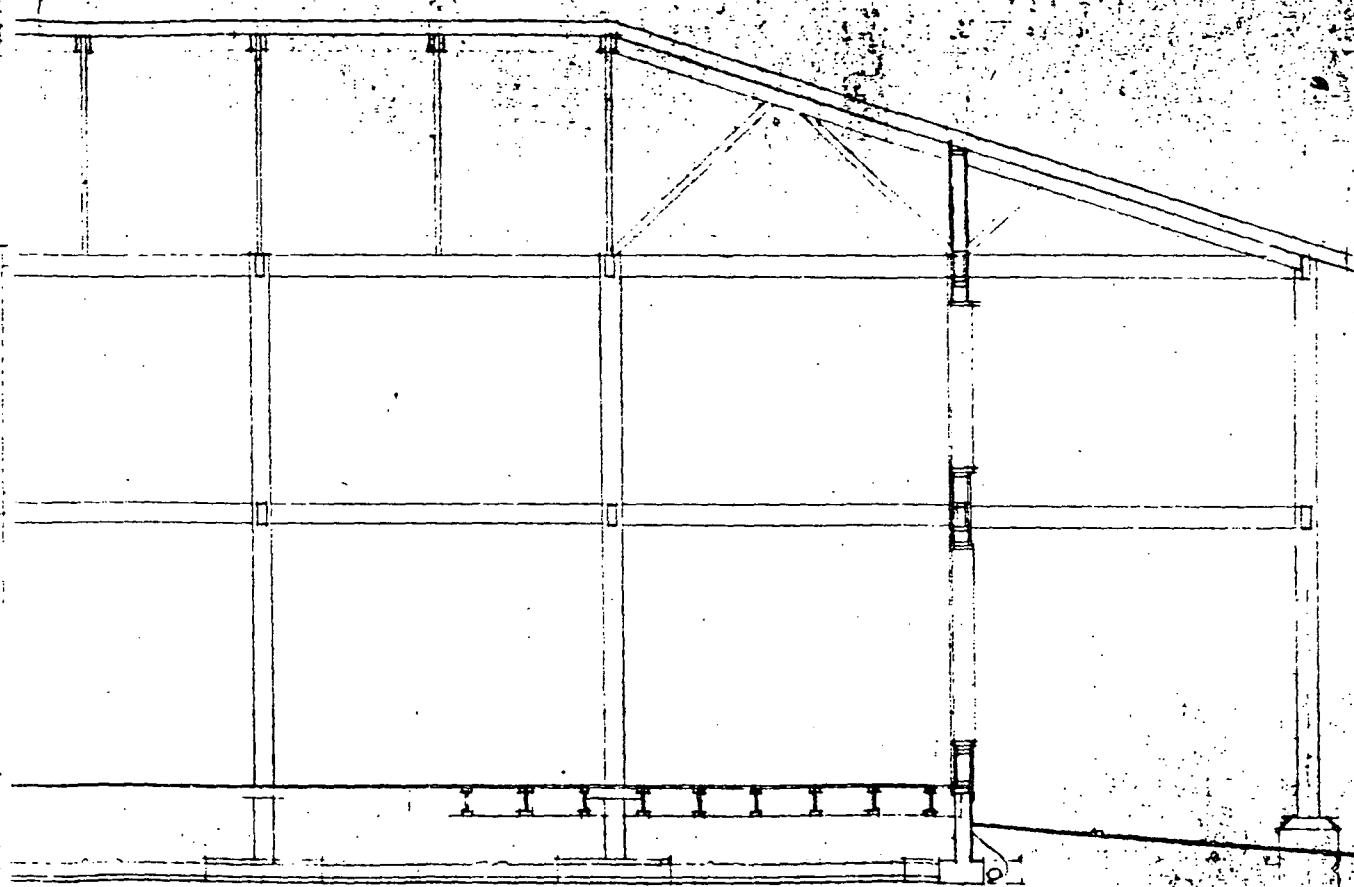
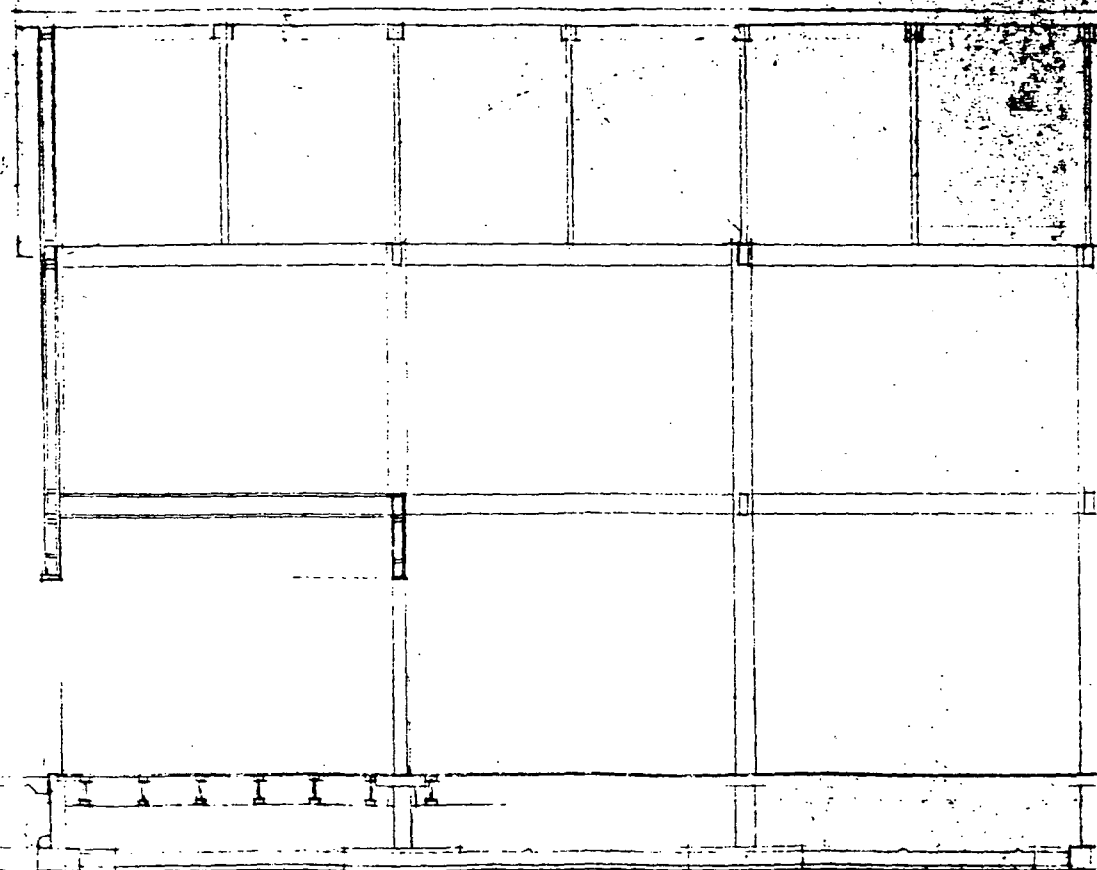
North Elevation Co

1 HR. FIRE WALL

South Elevation (p. 2)



SOUTH ELEVATION



East-West (P. 2)

EAST • WEST • SECTION • 1/4" = 1'-0"

October 13, 1987

STAFF REPORT

To: Planning Commission  
From: Max Justice, Building Official  
Re: Holland's Flowers - Flood Zone Overlay

This structure is exempt from flood overlay regulations as long as the building is in compliance with the following conditions:

1. Building must be anchored to a concrete "foundation" to prevent floating in case of flood.
2. No sheetrock or any other water soluble material within one foot of ground level.
3. No electrical or mechanical improvements will be allowed.

\* All conditions are in accord with FEMA Regs.



October 12, 1987

STAFF REPORT

To: Design Review Board, Planning Commission

From: Mike Morgan, Planner

Subject: Holland's Flowers Building

I. PROPOSAL

The moving of the existing Holland's Flowers building (360 sq. ft.) from the El Mundo (Vetter-Village Center) property to an area at 255 N. Hemlock Street, behind the Pat's Coffee and Basket Shop. One small building (77 sq. ft.) would be moved from this site to the northwest side of the property. The site has been used as a garden store for six years. The building to be moved from El Mundo was approved by the Design Review Board in 1981.

II. STANDARDS

REQUIREMENTS

PROPOSAL

A. Limited Commercial C-1 Zone

1. Lot Size	None	10,000 sq. ft.
2. Width and Depth	None	50' wide 200' feet deep including parking area)
3. Yards	None	25' front landscaped area
4. Building Height	28'/24'	10'
5. Signs	1 sq. ft. per frontage foot	12 sq. ft.
6. Parking	1½ spaces/400 sq. ft.	1000 sq. ft. of rental area=4 spaces; capacity of rear parking lot is 8 spaces
7. Loading	None required under 7000 feet	loading off of Spruce St.
8. Flood Zone	to be determined by the Building Official	

B. Landscaping

1. Site devoted to landscaping	20% (2000 sq. ft.)	met
2. Plant materials	1500 sq. ft.	met
3. Hard Surfaces	500 sq. ft.	met
4. Landscaping materials materials used	existing landscaping will be retained	

C. Lighting Plan

No lights over 15' feet high -  
must be subdued

no lighting  
proposed

D. Grading and drainage

all storm drainage  
must be connected to  
existing drainage  
system

III. CONCLUSION

The plan appears to meet all the requirements of the Zoning Ordinance.

IV. DRB RECOMMENDATION

Recommendation to approve moving existing building to new site.

Recommendation to approve building in front as shown on plans.



Holland's Flowers

← 50' →

Hemlock

Landscaped area

Landscaped area

Alternate position  
New structure  
to hold cut flowers  
+ plants  
Proposed  
building  
attached

Pats Basket & Coffee

34'

Round  
Green House

113 SQ FT

200  
SQ FT

Structure  
from El Mundo  
Lot  
Moved Here

360  
SQ FT

Fiber glass  
→ Plastic Roof

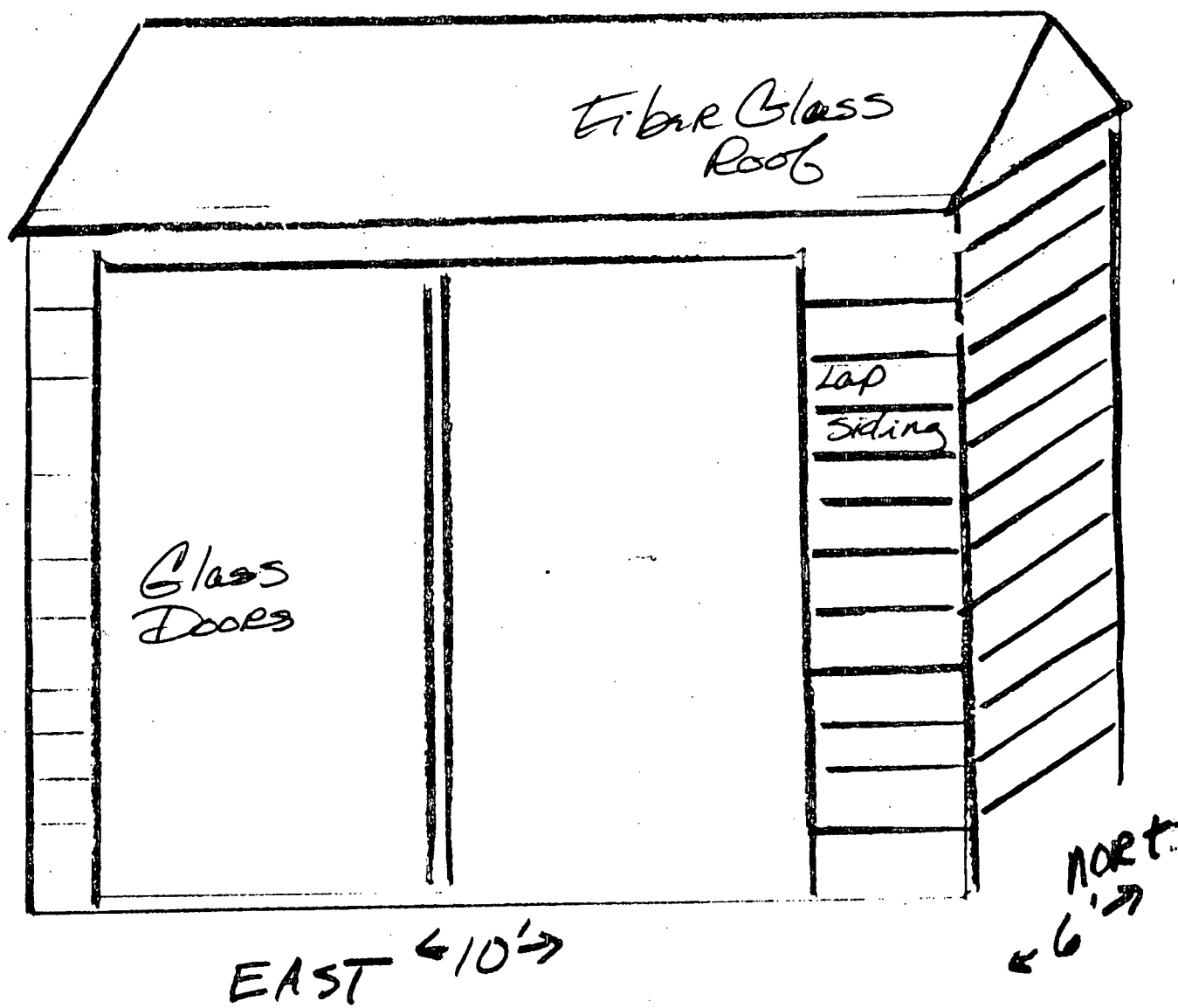
Greenhouse

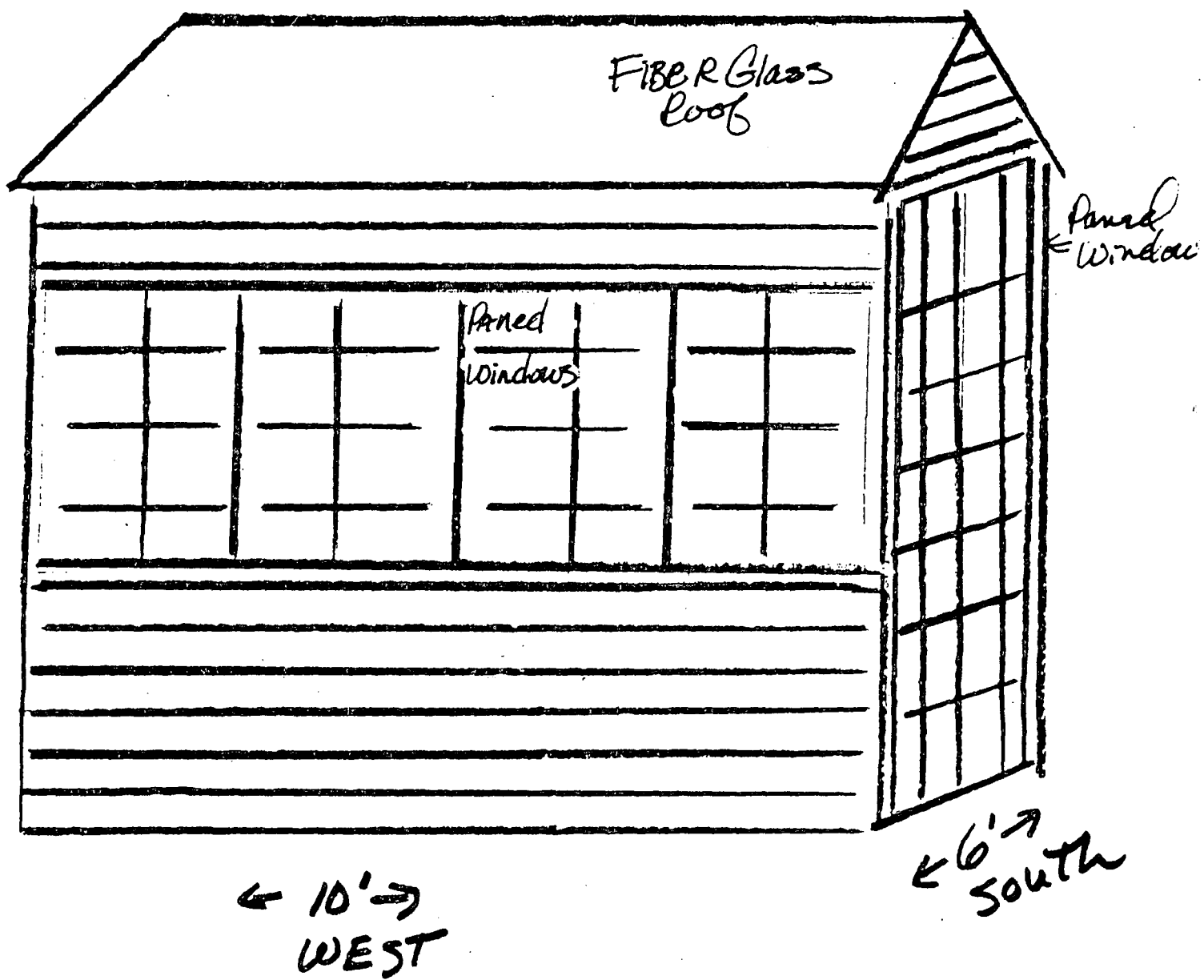
192  
SQ FT

Fiber glass  
→ Plastic Roof

fence

Barbed wire





CANNON BEACH PLANNING COMMISSION

Meeting of September 24, 1987

M I N U T E S

Present: Laurel Hood, John Fraser, John Dickson, John Alve,  
Alfred Aya, Pat Friedland.

Absent: George Vetter

Staff: Mike Morgan, City Planner; Max Justice, Building Official/  
Code Enforcement Officer; Helen Crowley, Planning Commission  
Secretary.

Laurel Hood opened the meeting at 7:00 p.m. on Thursday, September 24, 1987. Ms. Hood requested that the agenda be modified by considering the Reynolds-Leppert matter under Old Business prior to Design Review Board recommendations. Pat Friedland moved to approve the agenda as requested; Mr. Aya seconded and the motion passed unanimously.

PUBLIC HEARING: RUTLEDGE ENLARGEMENT OF NONCONFORMING STRUCTURE. President Hood asked if anyone objected to the jurisdiction of the Planning Commission, if any Commissioners had a conflict of interest, or if any Commissioners had had any ex parte contacts. Messrs. Dickson and Aya and Ms. Hood stated that they had visited the site.

Mr. Morgan presented the staff report regarding the applicants' proposal to expand their existing one-story house. Correspondence was read from Mr. William Skans, a property owner within 100 feet, indicating that he had no objection to the proposed expansion.

Ms. Hood opened the public hearing. Applicants Fred and Janet Rutledge were present and Mr. Rutledge commented that the staff report was concise and that there is no real alternative way to expand the kitchen and bedroom.

Ms. Hood asked if there were proponents or opponents who desired to speak. There were none. The public hearing was closed.

CONSIDERATION OF RUTLEDGE ENLARGEMENT OF NONCONFORMING STRUCTURE: Mr. Aya moved to grant the variance for enlargement of a nonconforming structure as recommended by staff and as set forth in the Findings of Fact. Ms. Friedland seconded the motion and it passed unanimously.

INTRODUCTION OF MAX JUSTICE, BUILDING OFFICIAL/CODE ENFORCEMENT OFFICER. Mike Morgan introduced Max Justice, who joined the City Staff on September 16, 1987.

PUBLIC HEARING: MASON "CLEAR VISION" VARIANCE. President Hood asked if anyone objected to the jurisdiction of the Planning Commission, if any Commissioners had a conflict of interest, or if any Commissioners had had any ex parte contacts. Mr. Aya removed himself from deliberations on the matter, since he is a property owner within 100 feet.

Mr. Morgan presented the staff report regarding the Mason's application for a variance to reconstruct a fence, part of which is in the clear vision area. Correspondence was read consisting of three letters from property owners within 100 feet, all objecting to the granting of a variance for a 6 foot fence (attached as Exhibits "A", "B", and "C").

Ms. Hood opened the public hearing. Applicants Diane and Mike Mason were present and Ms. Mason indicated that the clear vision requirement was not in effect twenty years ago when the fence was built, and that there are shrubs as high as the fence on the property. She stated that the fence starts 6 feet beyond the road. Mike Morgan clarified the meaning of "clear vision" in response to a question from Mr. Mason, noting that the "clear vision" area in this case is the 30 feet from the corner to the garage and from the corner due west to the section of the fence knocked down by the City.

Laurel Hood asked if there were other proponents who desired to testify. There were none. She asked for opponents who desired to testify.

Carol and Dave Hutchins, Cannon Beach. Carol Hutchins indicated that they have owned a house nearby for 23 years and had a good view; originally when the larger fence was built they went along with it and did not complain; but now 5 feet would block their view of the ocean; they have no objection to 4 feet.

Marilyn Walter, Cannon Beach. Ms. Walter stated that although she had no view of the ocean from her house at 131 Laurel, she would object to the variance for a 6 foot fence if she did have a view. She noted that Laurel is a pretty street and ability to see the ocean is very attractive. She stated her view that the Masons should adhere to the regulations.

Ms. Hood asked if any proponents wanted to rebut opponents.

Diane Mason stated that this is one of the few easements. There was a short discussion regarding setback requirements and definitions of special fence variances and variances to clear vision requirements. Mike Morgan explained the exact dimensions.

Carol Hutchins indicated that they have regarded the Masons as friends for many years and invited them to observe the ocean view that will be obstructed by a 6 foot fence.

Mike Mason explained that 1st street deadends at Laurel and goes between two homes, and is posted as no parking; there is a tree in the middle of the 1st street extension.

Peter Lindsey, Cannon Beach, stated that potentially he might build a fence for the Masons, and that another consideration is that a great deal of sand accretes in that area along the ocean front and houses there bear the brunt of west winds; a 6 foot fence would preclude some of the sand from getting into the Mason's property.

Ms. Hood closed the public hearing.

CONSIDERATION OF MASON "CLEAR VISION" VARIANCE. Mr. Alve asked Morgan how he came up with the 4½ foot recommendation in his staff report. Morgan indicated that he and Max Justice visited the site and looked out at the ocean from the Hutchins property and that since 4½ feet appeared to be the height of a gate they felt that 4½ feet would afford the Mason's some privacy and also assure that the Hutchins could retain their view of the ocean.

Diane Mason pointed out that the original fence was 6 feet but went down to 5 because of the sand. John Dickson said he appreciated Peter Lindsey's comments regarding sand and he is also sensitive to ocean views since he lives on the ocean front.

Mr. Alve made a motion to grant a fence height of 4½ feet in the clear vision area and 6 feet in the area to the west of the property, based on the staff report and the zoning ordinance which indicates that views should not be obstructed. Pat Friedland seconded the motion. There was discussion about exact dimensions of the clear vision area, and Alve asked that the motion be amended to reflect that the clear vision area is 30 feet and the 6 foot fence would be allowed in the 40 feet to the west of the property. A vote was held and the motion passed unanimously. (Mr. Aya did not vote, having earlier removed himself from deliberations.)

PUBLIC HEARING: MIKE'S BIKE SHOP OFF PREMISE SIGN. President Hood asked if anyone objected to the jurisdiction of the Planning Commission, if any Commissioners had a conflict of interest, or if any Commissioners had had an ex parte contacts. Ms. Friedland and Mr. Fraser removed themselves from deliberations, being property owners within 100 feet of where the sign is proposed to be placed.

Mike Morgan presented the staff report and indicated that the staff recommends approval for the off-premise sign. There was no correspondence.

Ms. Hood opened the public hearing. Michael Stanley, the applicant, made a presentation giving the history of the placement of his sign. He received permission in November to place the sign on the south side of the White Bird Building, but in January Bill and Sherry David acquired the Cookie Company property and constructed shops which obscured the view of the south side of the White Bird building. At that time he moved the sign to the north side of the building, and reduced his sign to the size required by a new ordinance.

Laurel Hood asked if any proponents or opponents desired to testify. There were none.

Laurel Hood asked if the current application had gone to the DRB, noting that one of the considerations for DRB is aesthetic appropriateness. Morgan replied that the DRB no longer reviews signs. Michael Stanley noted that the DRB passed judgment on the sign in November.

The public hearing was closed.

CONSIDERATION OF MIKE'S BIKE SHOP OFF PREMISE SIGN. Mr. Aya noted his concern about the multiplication of signs on Hemlock and about setting a bad precedent in granting this application; he mentioned that the appearance of the sign is attractive.

Laurel Hood mentioned that when the original request for an off premise sign was made there was an expressed need and the City accepted that; her concern is that the sign was moved without a request to the City.

Mike Stanley said that people unfamiliar with his shop don't know about it and he needed to move the sign to a visible place, to direct them to it.

Pat Friedland shared Mr. Aya's concern about setting a bad precedent.

Mr. Alve noted that the original intent of granting the permit was for it to be placed on Hemlock Street. Tom Ayres suggested from the audience that it might be appropriate to grant this with a review in 3 years.

John Dickson stated that Mike Stanley was a victim of circumstance and he has reduced the size of the sign in accordance with the new ordinance and he should be allowed to place it on the north wall of the White Bird building; he so moved and Mr. Alve seconded and the motion passed unanimously.

PUBLIC HEARING: PROPOSED MINIMUM SIDEWALK WIDTHS, MINIMUM SECOND STORY SETBACKS, LANDSCAPING AMENDMENTS, PROHIBITION OF VENDING MACHINES ON SIDEWALKS, ALL IN COMMERCIAL ZONES. Mike Morgan presented the staff report regarding these proposed legislative changes, and reviewed the document entitled "Proposed Zoning Ordinance Revisions (attached as Exhibit "D"). Regarding building height, he said there is no change from what the Planning Commission approved at its previous meeting; the minimum sidewalk width language was pieced together from work session discussions and he noted that such a minimum would be in effect in all C-1 zones, downtown, midtown and Tolovana Park. There was discussion about whether this would apply to all commercial zones. There followed discussion of sidewalks on private property being part of the open space requirement. In response to a question from Mr. Aya, Morgan said that the 3 year time period is standard for design review.

Laurel Hood suggested language on minimum sidewalk width to be amended to require minimum sidewalk width at 7 feet in downtown area and 6 feet in the other commercial areas (Exhibit "D"). Pat Friedland asked about the requirement for sidewalks when a building is remodeled, and Mike Morgan said a variance could be granted in special circumstances.

There was a discussion regarding setbacks and the 50 foot figure. Morgan explained the dimensions and circumstances when 50 feet back would be appropriate and explained the formula for determining an average setback.

There was discussion about whether a minimum is desired. Laurel Hood indicated that a minimum setback would restrict some architectural features.

Mike Morgan explained that the landscaping amendment is basically a housekeeping measure.

Regarding outdoor merchandising, Morgan explained that only the last sentence is new and that the proposal would not prevent machines from being outside of the required 7 feet sidewalk width.

Laurel Hood opened the public hearing.

Bea Alve, owner of property at 1355 and 1347 Hemlock and 115 Sunset, in Cannon beach, testified that in her view sidewalks should not be constructed on private property because it is against fundamental rights; she stated that she strongly beleives that sidewalks should not be on public property. She also commented that Sea Turn Realty owns lots directly east of the present Sea Turn building and they want to duplicate the building; the present 25 foot setback at Sea Turn is there even though there was no ordinance requiring it at the time the building was constructed. She also noted that to say 3 feet of landscaping is required between the sidewalk is unfair and doesn't allow for variety.

Tom Ayres, Neakahnie. Regarding sidewalks, Mr. Ayres noted that it is difficult to know how to measure since some areas are undeveloped; he felt that the 7 foot requirement should be required everywhere. Regarding setbacks, he stated that he did not recall a "minimum" discussion at the worksession at which he was present. He supports a 20 foot average and is opposed to a minimum. Regarding a landscaping border, Ayres said he did not recall discussion at the worksession but in any case the Planning Commission shouldn't dictate such a requirement. Three to 4 feet is not appropriate in front of display windows.

Art Alve, Cannon Beach, stated his opposition to minimum sidewalk width and his opposition to a property owner giving up land to accommodate revisions on the zoning ordinance. He objected to second story setback requirements in downtown Cannon Beach and noted that property owners have rights up and down including air space. He noted his deep concern regarding the constitutional aspect of newspaper vendor boxes - they have been part of the scene historically and are part of the system of the press.

Laurel Hood pointed out that revisions also have to do with parking and retaining sunlight in downtown.

Michael Corrie, Oregon Publishing Co., Portland, Oregon. Mr. Corrie suggested that the Planning Commission check with the City Attorney regarding the legality of prohibiting news stands on sidewalks saying that such a prohibition has been struck down as unconstitutional in many states. He also stated he would like to work with the city regarding color, placement, etc.

Mr. Aya raised his concern about blocking narrow passage on sidewalks being able to walk freely on sidewalks.

Doug Whittlesey, local representative for the Oregonian, spoke about the First Amendment right of freedom of the press to be in a public place. He noted he wanted to give his product a chance to sell and he had a public right to put it on the sidewalk.

Pat Friedland noted that news boxes are outside the bakery in Tolovana and not in the public right of way. Whittlesey restated his desire to work with the City.

Janet Rekate commended the Planning Commission on completing all of these proposals and noted it is a culmination of much work.



Laurel Hood commented that the landscaping border was proposed partly to avoid expansive sidewalks with buildings right next to them. Pat Friedland stressed that the feeling offered is important.

Tom Ayres stated that he is not opposed to landscaping in front of buildings; it is good but need not be required; and that a combination of average setbacks is fine but design shouldn't be restricted too much. Mrs. Alve seconded what Mr. Ayres had said.

Mike Morgan suggested that the Planning Commission might want to have a special meeting prior to the Council meeting on October 6 to discuss these proposals further. Mr. Aya noted that having sketches at that meeting would be helpful.

Laurel Hood closed the public hearing.

Mr. Fraser indicated that he agreed with Mike Morgan's idea because more time is needed for discussion. Laurel Hood noted that it would give the Commission more time to consider public testimony offered at the hearing.

Mr. Fraser moved that a special meeting be held on Tuesday, September 29, at 8:00 a.m. Mr. Alve seconded the motion and it passed unanimously. Morgan noted he would get a City Attorney opinion on the newspaper rack/vending machine issue.

REYNOLDS-LEPPERT. Mike Morgan read the letter from the City Attorney, setting forth opinion on the issue (attached as Exhibit "E"). Mr. Cummins, attorney for Leppert, made a presentation, noting that he represents Solberg and Leppert and Ed Reynolds is the conservator of the estate. The concern of the present owners is that they have determined that the existing dwelling must be moved; they want to build two dwellings, one on each lot; he indicated that a slope of 35% or greater requirement calls for case by case consideration. He feels it can be demonstrated that two dwellings can be constructed that will not aggravate the slope and that the slope can be stabilized.

Mr. Cummins stated his desire to demonstrate this and suggested three options: (1) interpret the Comprehensive Plan the way it is written, that 35% or greater slope requires consideration on a case by case basis. That would provide Leppert et al. with an opportunity to present the case to the Commission. (2) A more complicated method is a zone change. He noted it is anachronistic that the Comprehensive Plan allows for a case by case consideration on drastic slopes, but not on less drastic. (3) View the existing ordinance in the Comprehensive Plan as less than clear; allow interpretation to allow Leppert et al. to present a plan and propose a zoning change. He stated he is not sure that the Comprehensive Plan ordinance deals with the problem because it is overbroad. Initial representations from engineers and geologists are that these two lots can be made stable and construction is fine.

In response to a question from Mr. Alve, Mr. Cummins said he is familiar with Mr. Canessa's letter indicating that only one site is justified.

There was further discussion regarding various slope percentages, marine sediment areas; accessible wave cut action; new designing feats; different geologies along the Pacific coast.

Mr. Cummins then said that he is reluctant to criticize Bill Canessa's opinion because Canessa is not present, but that Canessa had used general rules

of statutory construction and hasn't looked at Constitutional questions. This is a Constitutional taking of property (value defined at \$80,000 - opinion of local realtor) and questioned whether the property is being taken for a rational reason. He said the ordinance dealing with slope when there are other problems, may not be the correct ordinance to go by. There are many factors in this consideration, he noted.

Cummins made a proposal that within two weeks he would present a memorandum to Bill Canessa regarding the constitutional questions presented by the ordinance; he suggested that the Planning Commission ask Mr. Canessa to consider these questions.

Mr. Alve indicated that he felt the proposal sounded reasonable. Ms. Hood indicated that the City staff should also begin collecting information.

#### DESIGN REVIEW BOARD

Sellin Commercial Building. Mike Morgan presented the staff report, noting that the building design, landscape plan and lighting plan were recommended for approval by the Design Review Board. All requirements of the zoning ordinance are met. Ken Eiler was present representing Mary Sellin. Laurel Hood asked about the north face of the building and Eiler said that nothing is being changed or moved or remodeled, and that the Design Review Board had asked for a redesign which he pointed out in the plans.

Mr. Aya moved to approve the building design per plans in the packet and the DRB recommendations; Mr. Dickson seconded the motion. Pat Friedland asked a question regarding parking spaces and Eiler said they would be paid for at the time the building permit is applied for. The motion passed unanimously with John Fraser abstaining.

John Dickson moved to approve the landscaping plan as presented at the DRB by Beth Holland; Mr. Aya seconded the motion and it passed unanimously with Mr. Fraser abstaining.

Pat Friedland moved to approve the lighting plan; Mr. Aya seconded. Ms. Hood asked about the placement of directional floodlights and Eiler pointed them out on the plans, also indicating that decorative porch lights would be used also. A vote was held and the motion passed unanimously with John Fraser abstaining.

After a short discussion regarding drainage, Mr. Aya moved to approve the drainage as stated in the staff report; Pat Friedland seconded the motion and it passed unanimously with John Fraser abstaining.

Village Center. Mike Morgan noted that the DRB recommended approval of the building design, lighting plan and landscaping plan, and with regard to landscaping approved both options for the courtyard. He noted that they meet all numerical requirements of the zoning ordinance. Morgan also indicated that both Sellin and the Village Center are in excess of the 20% landscaping requirement, but no in conflict with the present ordinance and in compliance with the proposed new ordinance regarding hard surfaces. Pat Friedland asked if this is really just a higher ratio of paving and Morgan replied in the affirmative.

There was some discussion regarding the DRB discussion regarding the apartments and the fact that if they are ever converted into shops a loading zone would be required. Tom Ayres, representing the applicant, indicated that it was the staff's interpretation that under 7,000 feet does not require a loading zone.

Ayres made a presentation on behalf of applicant George Vetter. He explained the placement of the apartments, and the posts and indicated that if necessary the posts could be moved back to allow for 7-foot sidewalks. He indicated that the pond is no longer an alternative for the courtyard. There was a discussion regarding storm drainage, and Ayres indicated he would work with the City regarding this matter. Laurel Hood asked if the parapets complied with the 28 foot building height and Ayres replied in the affirmative. There was some discussion regarding parapets and whether they were already included in the ordinance.

Mr. Aya moved to approve the building design as recommended by the DRB; Mr. Dickson seconded the motion which passed unanimously.

John Alve moved to approve the landscaping without the pond, and based on the DRB recommendations. Mr. Aya seconded the motion and it passed unanimously.

John Dickson moved to approve the lighting plan as recommended by the DRB; Mr. Aya seconded the motion and it passed unanimously.

There was some discussion about the method to be used for storm drainage and discussion of access to city storm drainages. Mr. Alve moved that the drainage be directed into city storm drainages by whatever means practical. Mr. Aya seconded the motion and it passed unanimously.

DILBECK/LUBTOSKY -- The Planning Commission was supplied with the revised plot plan and a survey, which they had requested at the last meeting. Pat Friedland commented that this was the information requested by the Commission and moved that the setback reduction be approved based on the verification in the survey and revised plot plan. John Dickson seconded the motion and it passed unanimously.

ACCESS TO LOTS -- Mike Morgan reviewed the background on this issue, indicating that the City Council had requested the Planning Commission to study whether any changes are desired in regard to access to some lots. He read the proposal from Phil Nelson, attorney (Attached as Exhibit F). There was discussion regarding language from the counties and cities on the issue, and a requirement of a minimum 25 foot access and access easements. Mr. Fraser stated that this is a complex issue on which there are many opinions. Mr. Alve suggested considering whether this would result in a higher density, and noted that, as Mr. Nelson stated in his letter, 91 such lots probably do exist in the City. Ms. Hood indicated that the property owners should be considered and the detrimental effect of subdividing lots was discussed.

Laurel Hood indicated that a worksession should be held and that the City Attorney should prepare alternative language from other communities. She said her personal feeling is not to change the variance requirement but to deal with this specific situation.

Phil Nelson gave the Commission a list of 97 landlocked lots in the Cannon Beach area (attached as Exhibit G).

Mr. Aya indicated that an ordinance should be drafted reflecting the City of Eugene's regulations regarding landlocked lots and irrevocable easements, for review during the worksession.

Laurel Hood indicated that if there is general agreement, the Planning Commission can consider the ordinance at the worksession and then schedule a hearing at the October 22 Planning Commission meeting.

Mr. Aya moved that the access to landlocked lots issue should be considered at the Planning Commission's special meeting on September 29, 1987 at 8:00 a.m. Pat Friedland seconded the motion and it passed unanimously.

MINUTES. Mr. Alve moved to approve the minutes of the regular Planning Commission meeting of August 27, 1987. Mr. Aya seconded and the motion passed unanimously. Pat Friedland moved to approve the minutes of the Planning Commission worksession of September 9, 1987; Mr. Aya seconded and the motion passed unanimously.

CHANGE IN PLANNING COMMISSION MEETING DATES IN NOVEMBER AND DECEMBER. It was agreed that since regular 4th Thursday meetings in November and December fall on holidays that the Planning Commission would meet on November 19 and December 17. It was noted that the Design Review meetings for those months would have to be rescheduled also. Information regarding this change will be posted.

INFORMATION ONLY.

(1) Second Street Beach Access Entrance. There was discussion regarding the design submitted by J. Onstott, included in the Commission's meeting packet. There was some discussion regarding the possibility of a design competition and it was agreed to request the Design Review Board to put together recommendations and a program with a list of criteria to be considered at the next Planning Commission meeting.

(2) Ongoing Planning Items. Mike Morgan raised the question of the economic element on which public hearings have been held and which is being sent to the Council for consideration. There was some discussion regarding this issue and landscaping of parking lots.

(3) Tree Removal Reports. There were no applications this month.

(4) Enforcement Actions. Max Justice reported that of approximately 47 letters on his desk when he began work on September 15, regarding sign violations, 25 have been resolved and he is working on the 22 left. He noted that in Tolovana the predominating view is that they want larger open/close signs. He said he had some ideas to present at the next meeting regarding sign sizes and definitions of signs. He noted that the tendency appeared to be to allow variances for signs. It was noted that the City Council had reversed the Planning Commission decisions on variances on several occasions.

ADJOURNMENT. Mr. Alve moved to adjourn the meeting at 10:10 p.m. Mr. Fraser seconded and the motion passed unanimously.

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Helen Crowley  
Planning Commission Secretary

CANNON BEACH PLANNING COMMISSION

SPECIAL MEETING

September 29, 1987

M I N U T E S

Present: Al Aya, Laurel Hood, John Fraser, John Alve, Pat Friedland,  
John Dickson.

Absent: George Vetter

Staff: Mike Morgan, City Planner.

There was general discussion of proposed ordinance 87-13, concerning building heights, sidewalk width, second story setbacks, required landscaping borders, landscaping requirements and restriction of newsracks and vending machines.

It was the consensus of the Commission to require 7 foot wide sidewalks in all commercial zones.

With regard to second story setbacks, it was agreed to delete the minimum 10 foot setback.

It was agreed to retain the language requiring the minimum 3 foot landscaping border.

There were no changes concerning the language proposed in Section 4.100(5)(a)(5) or Section 4.900 (outdoor merchandizing). Mike Morgan indicated that there would be additional information forthcoming from the City Attorney and the Bureau of Government Research.

Representatives from the Oregonian offered to paint the newsracks a uniform color the City might specify, such as tan or gray, as was done on the Portland Transit Mall. However, they objected to the restrictions on placement on the basis of previous court cases and violation of the first amendment of the U.S. Constitution.

The Commission decided to send the newsrack provision to the Council intact.

There was discussion concerning the access or easement provision with the Commission agreeing to the following language (see following page).

"Sec. 4.030. Access Requirement.

Every lot shall abut a street, other than an alley, for at least twenty-five (25) feet. Lots which were created prior to adoption of Ordinance No. 79-4A which do not meet this provision may be accessed via an irrevocable easement if it is determined by the Planning Commission that:

- a. Access to be provided is adequate to serve the types and amounts of traffic expected for the use;
- b. Access width is adequate for fire protection vehicles as determined by the District Fire Chief;
- c. No more than four residential units or lots, whichever is less, would be served by the easement;
- d. No commercial, industrial, or other high traffic generating uses would be served by the easement.

Property owners within 100 feet of the proposed easement will be notified as requested to comment on the proposal."

---

Mike Morgan, City Planner

FROM; Max Justice

BUILDING OFFICIAL

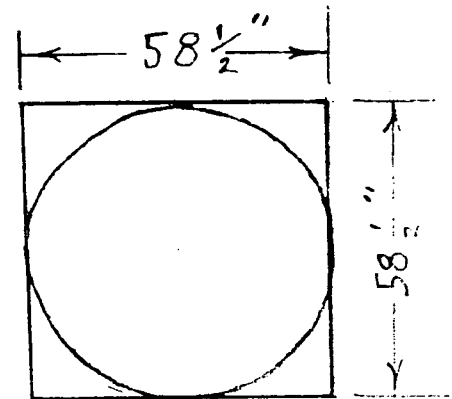
CONFUSION OVER "SIGN AREA"

EXISTING PROBLEM;

EXISTING MEASUREMENT SYSTEM DOES NOT ALLOW CREATIVITY WITHOUT  
LOSS OF SIGN AREA.

CURRENT MEASUREMENT SYSTEM; LENGTH (TIMES) WIDTH

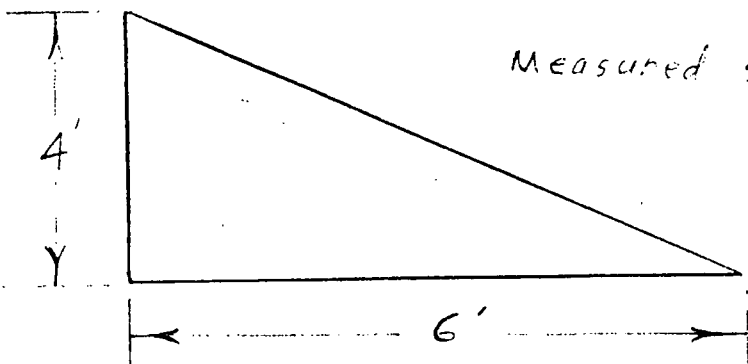
MEASURED SIGN AREA = 24 SQ. FT.



A CIRCULAR SIGN OF LEGAL SIZE WOULD HAVE AN AREA OF 18.6 SQ. FT.

THIS IS A LOSS OF 5 1/2 SQ. FT. OR 22% OF SIGN AREA.

TRIANGLE EXAMPLE;



*Measured sign area = 24 sq. ft.*

A SIGN OF THIS SHAPE WOULD SHOW A LOSS OF 12 SQ. FT. OR 50%.

POSSIBLE SOLUTIONS

(1) ATTACH TO EACH SIGN PERMIT APPLICATION A PAPER DEFINING,  
AND SHOWING BY EXAMPLE, HOW TO MEASURE SIGN AREA.

(2) REWRITE SIGN AREA DEFINITION TO ALLOW SIGNS OF DIFFERENT  
SHAPES TO BE CONSTRUCTED WITHOUT LOSS OF SIGN AREA.

(PERFORATIONS MUST BE TAKEN INTO ACCOUNT HERE)



# CITY OF CANNON BEACH

P. O. BOX 368  
CANNON BEACH  
OREGON 97110

## TREE REMOVAL

In accordance with Cannon Beach Zoning Ordinance No. 79-4A, Section 4.600, Tree Removal Protection, I have inspected property located at 131 Elliot Way, owned by Geri + Martha Biggs, and make the following written finding in relation to removal of certain trees herein specified:

The tree to be removed has dead crown limbs, is hanging over phone + TV cable lines, and some limbs are over the house.

This tree may be removed in accordance with Ordinance 79-4A, section 4.600, A, B.

(A); Necessity to remove tree(s) which pose a safety hazard.

(B); Necessity to Remove tree - weakened by age

The tree removal request is GRANTED ~~NOT GRANTED~~.

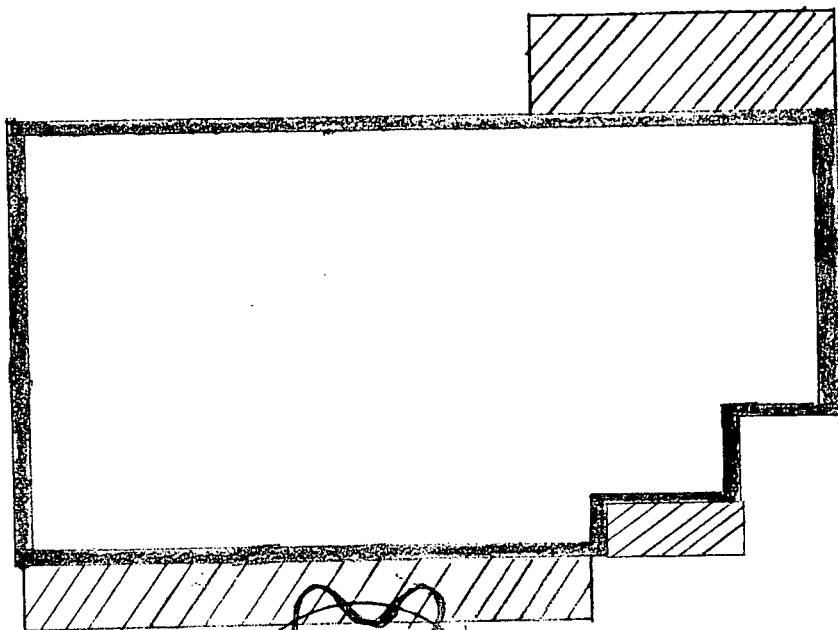
Date: 10/20/87

Signed: Wly J. Fire

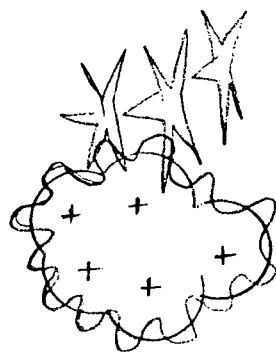
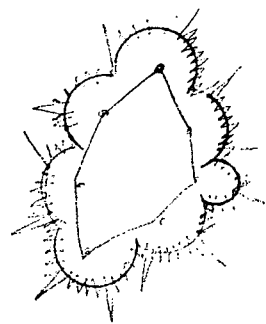
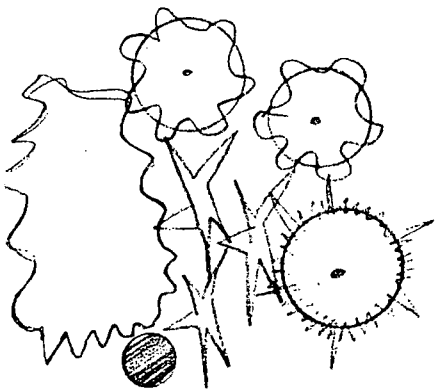
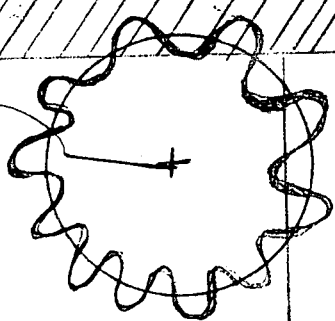




NO  
SCALE



Alder  
to be  
removed



Gene & Martha Biggs Residence  
131 Elliot Way  
Cannon Beach OR

10-87  
Rita  
Frailey

# CITY OF CANNON BEACH

P. O. BOX 368  
CANNON BEACH  
OREGON 97110

## TREE REMOVAL

In accordance with Cannon Beach Zoning Ordinance No. 79-4A, Section 4.600, Tree Removal Protection, I have inspected property located at 231 E. Winches, owned by Nancy Marshall and make the following written finding in relation to removal of certain trees herein specified:

The tree in question does  
appear to be damaged  
beyond repair. It will  
probably not live, and has  
become a safety hazard.

The tree removal request is GRANTED NOT GRANTED.

Date: 9/25/87

Signed: Max L. Justice

# CITY OF CANNON BEACH

P. O. BOX 368  
CANNON BEACH  
OREGON 97110

8-28-87

## TREE REMOVAL

In accordance with Cannon Beach Zoning Ordinance No. 79-4A, Section 4.600, Tree Removal Protection, I have inspected property located at 123 ARBOR LANE CANNON BEACH, owned by WILLIAM C. SCHMID, and make the following written finding in relation to removal of certain trees herein specified:

Nearly all the trees on the hillside shade the house.

The removal of the trees in question would not alleviate the problem. The trees further up the hill would still block the sun from the house.

Removal of enough trees on the hillside to allow solar access seems out of the question due to the unstable composition of the soil and the angle of the hillside.

The tree removal request is ~~XXXXXXXXXX~~ NOT GRANTED.

Date: 9/28/87

Signed: *W. C. Schmid*

XX

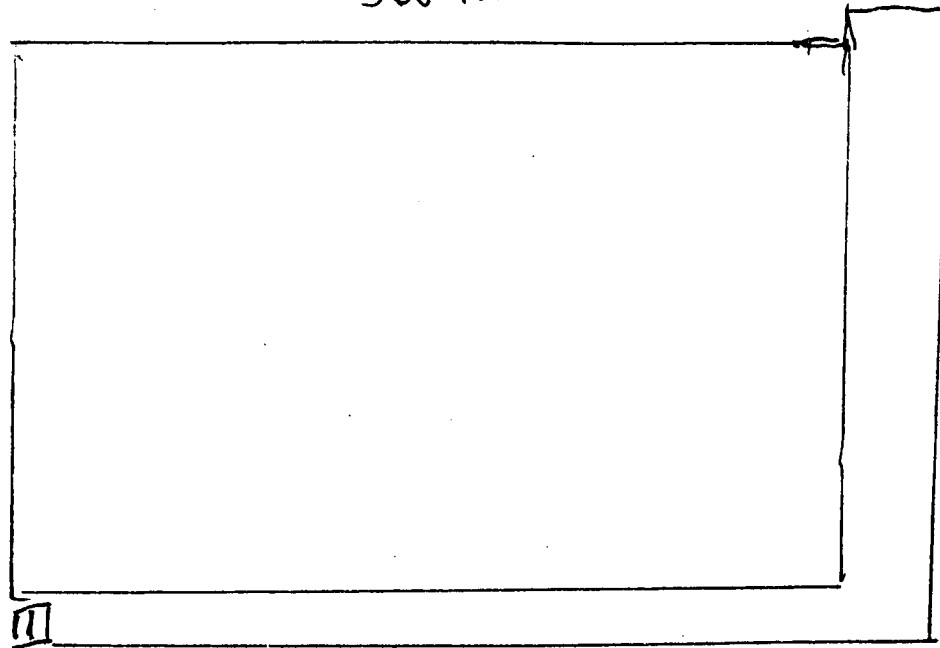
XX

trees to be cut down

XX  
XX

trees to be  
cut down

South



#123

Arbor Lane

North

Sept 23, 1987

Cannon Beach

City Hall

Planning Commission

Dear Sir:

Re my conversation with Mike Morgan I am submitting a sketch detailing the trees I wish to cut down to provide greater solar access. We are plagued with mold in the house as well as on the exterior.

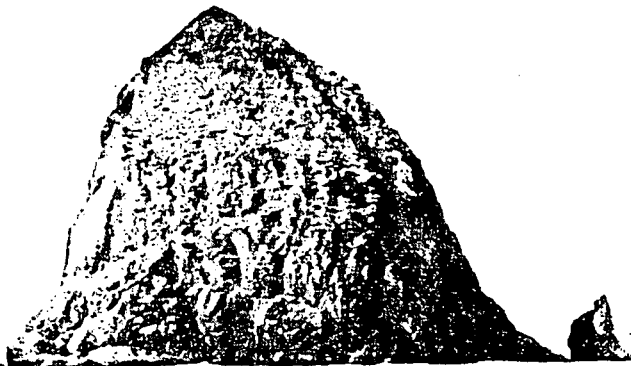
Thank you for your consideration in this regard.

William C. Schmid

13051 S.E. Salmon

Portland, 97233

# CITY OF CANNON BEACH



*"The Beach of a Thousand Wonders"*

P. O. BOX 368  
CANNON BEACH  
OREGON 97110

## N O T I C E

### CHANGE IN REGULAR MEETING TIMES FOR PLANNING COMMISSION FOR NOVEMBER AND DECEMBER MEETINGS

Notice is hereby given that the Planning Commission will meet on the following dates in November and December:

November 19

December 17

The change is necessitated by the fact that regular meetings (on the 4th Thursday of each month) fall on Thanksgiving and Christmas holidays in November and December.

Also note that because of these changes, the deadline for agenda items for November and December meetings are as follows:

<u>Meeting</u>	<u>Deadline for quasi-judicial agenda items (items such as variances, conditional uses or other matters requiring public notice)</u>	<u>Deadline for non-quasi judicial agenda items</u>
November 19	October 30	November 6
December 17	November 27	December 11

POSTED: October 15, 1987

ORDINANCE 87-13

AN ORDINANCE AMENDING THE CITY'S ZONING ORDINANCE, NUMBER 79-4A, BY REDUCING THE BUILDING HEIGHT, REQUIRING A MINIMUM LANDSCAPE BORDER ALONG THE SIDEWALK, REVISING THE LANDSCAPING REQUIREMENTS.

The City of Cannon Beach does ordain as follows:

Section 1.

X. Amend section 3.080(3)(c) as follows:

c. Building Height.

Maximum height of a structure shall be 24 feet, measured as the vertical distance from the average elevation of existing grade to the highest point of a roof surface of a flat roof, to the top of a mansard roof, or to the mean height level between the eaves and the ridge for a pitched roof. The ridge height of a pitched roof shall not exceed 28 feet. Pitched roofs shall be considered those with a 5-12 pitch or greater.

Section 2.

X. Amend Section 3.080(3), Limited Commercial Zone Standards, to add the following:

- k. A minimum landscaping border of 3 feet shall be provided between the sidewalk and the frontage of all buildings facing the street. The Planning Commission may grant exceptions to this standard for doors or entries to buildings or where a combination of seating and landscaping is provided. Such landscaping may be part of the required landscaping specified in Section 4.100(5)(a)(5).



Section 3.

8. Amend Article 4, Supplementary Regulations and Exceptions, as follows:

Section 4.100(5)(a)(5) - Landscaping is to include a combination of any of the following materials:

Brick, decorative rock or other decorative materials provided that materials other than plantings are not to exceed 25% of the required (total) area of landscaping. Plant materials shall constitute a minimum of 75% of the required area of landscaping.

Section 4.

This ordinance shall take effect 30 days after passage. Plans submitted to the City for design review approval by October 9, 1987 shall be governed by the zoning requirements in effect as of October 5, 1987.

PASSED by the Common Council of the City of Cannon Beach this \_\_\_\_\_ day of \_\_\_\_\_, 1987, by the following vote:

YEAS:

NAYS:

ABSENT:

SUBMITTED to the Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 1987,  
and APPROVED by the Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 1987.

\_\_\_\_\_  
EVERETT BROWNING, Mayor

Attest:

\_\_\_\_\_  
Rosalie Dimmick  
City Recorder/Treasurer