



CITY OF CANNON BEACH

BEFORE THE PLANNING COMMISSION OF THE CITY OF CANNON BEACH

IN THE MATTER OF A SETBACK REDUCTION
REQUEST AT 1980 S. HEMLOCK ST., TAXLOT
4302, MAP 51030DD.

FINDINGS OF FACT,
CONCLUSIONS, AND
ORDER NO. SR#24-01

IN ZONE: Residential Lower Density (RL)

Applicant: Brent Burton
P.O. Box 1938
North Plains, OR 97133

Brent Burton application for a Setback Reduction for the purpose of residential development at 1980 S. Hemlock St., Taxlot 51030DD04302. The request was reviewed under Cannon Beach Municipal Code Section 17.56, Setback Reduction.

The public hearing on the above-entitled matter was opened before the Planning Commission on 3/21/2024, the Planning Commission closed the public hearing at the 3/21/2024 meeting and a final decision was made at that meeting.

THE PLANNING COMMISSION ORDERS that the request for a Setback Reduction is DENIED and adopts the findings of fact, conclusions and conditions that accompany this document. The effective date of this ORDER is 14 days following the signing of this order, subject to the conditions contained in those findings.

This decision may be appealed to the City Council by an affected party by filing an appeal with the City Manager within 14 days of the date this order is signed.

CANNON BEACH PLANNING COMMISSION

DATED: 4/2/2024

DocuSigned by:

Clay Newton

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Chair Clay Newton



CANNON BEACH COMMUNITY DEVELOPMENT

163 E. GOWER ST.

PO Box 368

CANNON BEACH, OR 97110

Cannon Beach Planning Commission

Findings of Fact and Conclusions of Law

PUBLIC HEARING AND CONSIDERATION OF SR#24-01, BRENT BURTON APPLICATION REQUESTING A SETBACK REDUCTION TO REDUCE THE REQUIRED FRONT AND SIDE YARD SETBACKS IN ORDER TO CONSTRUCT A SINGLE-FAMILY DWELLING ON AN UNDEVELOPED LOT LOCATED NEAR THE INTERSECTION OF S. HEMLOCK AND CENTER STREETS. THE SUBJECT PROPERTY (TAX LOT# 04302, MAP 51030DD) IS LOCATED IN A RESIDENTIAL LOWER DENSITY ZONING DISTRICT. THE REQUEST WILL BE REVIEWED UNDER MUNICIPAL CODE SECTION 17.64.010, SETBACK REDUCTION, PROVISIONS ESTABLISHED.

Agenda Date: March 28, 2024

EXHIBITS

The following Exhibits are attached hereto as referenced. All application documents were received at the Cannon Beach Community Development office on February 15, 2024 unless otherwise noted.

“A” Exhibits – Application Materials

A-1 Setback Reduction Application SR#24-01;

A-2 Proposed setback reduction schematics;

“C” Exhibits – Cannon Beach Supplements

C-1 Completeness determination, dated March 1, 2024

C-2 Site photos, dated March 19, 2024

“D” Exhibits – Public Comment

D-1 J. Taylor comment, received March 27, 2024

SUMMARY & BACKGROUND

The applicant is requesting a setback reduction of the required front yard from 15 feet to 5 feet for the construction of a new single-family dwelling. The subject property has a parcel average slope in excess of 30 percent and the applicant’s intent is to construct the house on the portion of the lot with the least slope in order to minimize geotechnical impacts.

FINDINGS

The Planning Commission finds that the application does not meet the applicable criteria of the Municipal Code. The applicant’s proposed development does not include supporting information such as a preliminary geotechnical report identifying potential impacts that may result from significant amounts of excavation or grading. The portion of S. Hemlock St. the property abuts is a topographically constrained region of the city and the only road running north-south connecting the neighborhoods north of Haystack Rock to the Tolovana neighborhood. The Commission finds that potential impacts to the stability of the S. Hemlock St. right-of-way

have not been analyzed as part of this application. The application does not address potential impacts to trees along the eastern portion of the property or within the S. Hemlock St. right-of-way that may result from the setback reduction. The Commission finds that the application does not meet the criteria of CBMC 17.64.010(4).

The Commission also finds that a 6-inch diameter PVC water main runs north-to-south through the western portion of the S. Hemlock St. right-of-way. The Commission finds that the proposed setback reduction does not meet the criteria of CBMC 17.64.010(5) which states "Adjacent rights-of-way have sufficient width for utility placement or other public purposes." Placement of a residential structure within 5 feet of the eastern property line may not provide sufficient space for the Public Works Department to excavate in order to access utility infrastructure when necessary to do so.

The Commission also finds that although there are no identified impacts to views from surrounding homes that would result from the proposed setback reduction, there may be impacts to views of Haystack Rock from S. Hemlock St. The Commission finds that the application does not meet the criteria of CBMC 17.64.010(2) which states "Significant views of the ocean, mountains or similar features from nearby properties will not be obstructed any more than would occur if the proposed structure were located as required by the zoning district."

DECISION

Motion: Having considered the evidence in the record, based on a motion by Commissioner Bates seconded by Commissioner Moritz, the Cannon Beach Planning Commission unanimously moves to deny the Brent Burton application for a setback reduction, **SR# 24-01**, as discussed at this public hearing.



CITY OF CANNON BEACH

received
2-15-24

SR 24-01

SETBACK REDUCTION APPLICATION

Please fill out this form completely. Please type or print.

Applicant Name: Brent Burton
 Email Address: burtonb@msn.com
 Mailing Address: PO Box 1938 North Plains, OR 97133
 Telephone: 503.250.4393

Property-Owner Name: _____
 (if other than applicant)

Mailing Address: _____

Telephone: _____

Property Location: 1980 S Hemlock St Cannon Beach
 (street address)

Map No.: 51030DD Tax Lot No.: 4302

SETBACK REDUCTION REQUEST:

1. Description of the setback reduction that is being sought.

The request is for a 10'-0" setback reduction on the East of the lot. This would modify the setback from a required 15'-0" to 5'-0".

2. Description of the proposed building plans pertinent to the setback reduction request.

The proposed plans are for a new single family residence.

3. Justification of the setback reduction request. Explain how the request meets each of the following criteria for granting a setback reduction.

(a) Total building coverage shall not exceed forty percent;

The proposed buildings plans would not exceed 40%.

- (b) Significant views of the ocean, mountains or similar features from nearby properties will not be obstructed any more than would occur if the proposed structure were located as required by the zoning district;

By granting the setback reduction it would improve the surrounding buildings views of the ocean.

- (c) The proposed building location will not interfere with solar access of buildings on adjoining property;

Granting the setback reduction would not impact solar access to the adjoining properties.

- (d) The granting of the setback reduction requires that one or more of the following are achieved by the reduction in setback:

- Tree protection
- The protection of a neighboring property's views of the ocean, mountains or similar natural features,
- The maintenance of a stream corridor or avoidance of geologic hazards or other difficult topography,
- The provision of solar access,
- Permitting construction on a lot with unusual configuration,
- Rehabilitation of existing buildings where other reasonable alternatives do not exist,
- Protection of a wetland or wetland buffer area, or
- Permitting construction on an oceanfront lot where the effect of the application of the oceanfront setback requirement of Section 17.42.050(A)(6) reduces the depth of the lot located within the required setbacks to less than forty percent of the lot's depth. Under this standard, a reduction in the required setback shall be considered only in the setback opposite of the required oceanfront setback.

- e) Adjacent rights-of-way have sufficient width for utility placement or other public purposes;

There will be no impact to the utilities with the granting of the setback reduction.

- f) The reduction would not create traffic hazards; or impinge upon a public walkway or trail;

There is no traffic or other impacts by granting this reduction. Access to the proposed dwelling would improve by reducing the slope to the parking / garage area.

Exhibit A-1

- g) Any encroachment into the setback will not substantially reduce the amount of privacy which is or would be enjoyed by an abutting property; and

The approval of the setback reduction would not impact the privacy of the surrounding properties.

- h) The proposed building location will not interfere with the ability to provide fire protection to the building or adjacent buildings.

Granting the setback reduction will not impact fire access to the site or neighboring properties.

8. Attach a scale drawing showing the dimensions of the property, adjacent street(s), dimensions of existing structures, and dimensions of proposed development.

See attached.

Attach additional sheets as necessary.

Setback Application Fee: \$500.00

Applicant Signature:  Date: 15 Feb 2024

Property Owner Signature: _____ Date: _____

If the applicant is other than the owner, the owner hereby grants permission for the applicant to act on his/her behalf. Please attach the name, address, phone number, and signature of any additional property owners.

As Property Owner, my signature or an authorized applicant's signature, allows any duly authorized employee of the City to enter upon all properties affected by this permit for the purpose of follow-up inspection, observation, or measurement.

For Staff Use Only:

Received on: _____ By: _____

Fee Paid: _____ Receipt No.: _____

(Last revised March 2021)

Exhibit A-1



City of Cannon Beach
163 E Gower St | PO Box 368
Cannon Beach, OR 97110
(503) 436-1581
cityhall@ci.cannonbeach.or.us

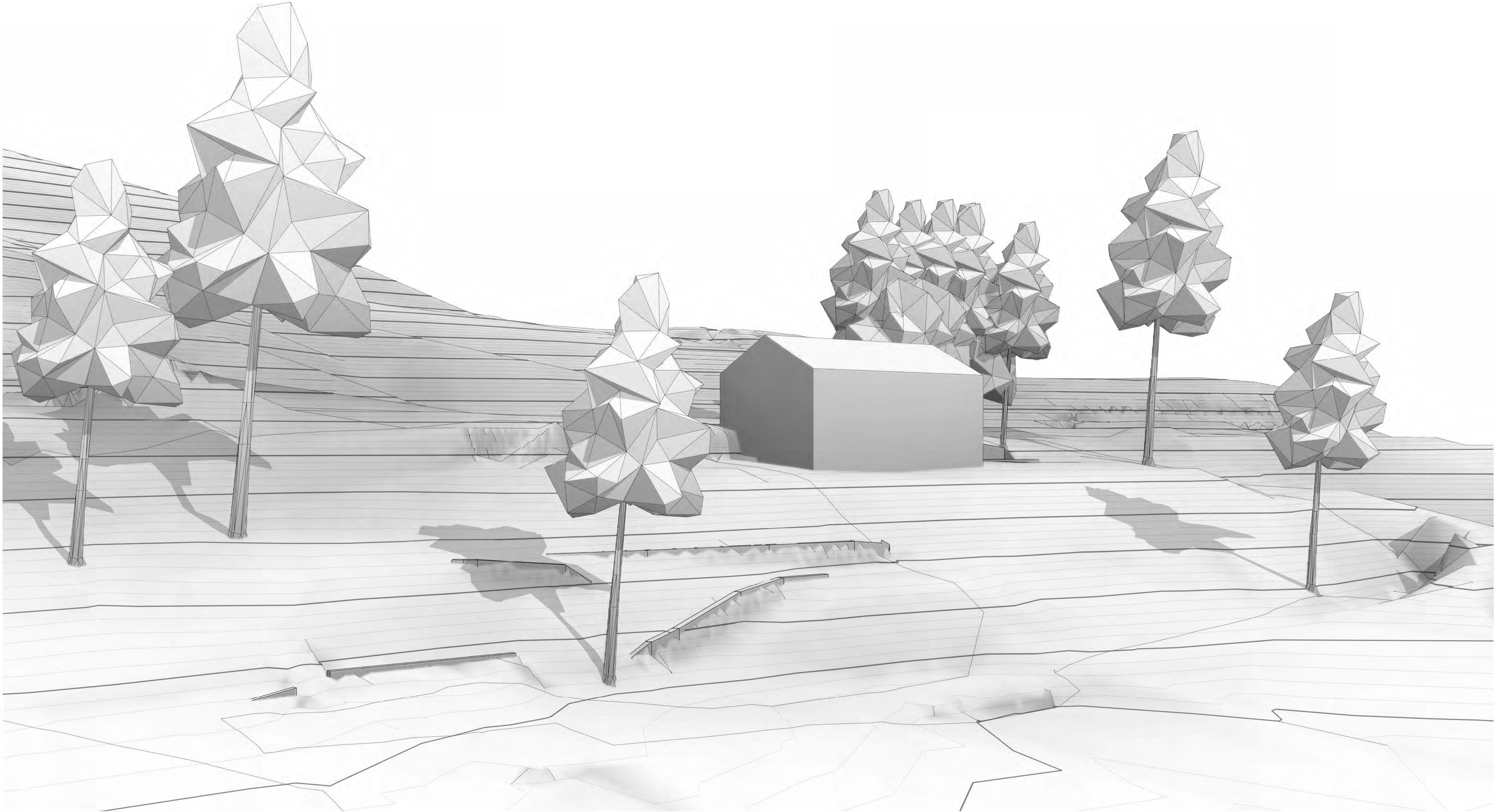
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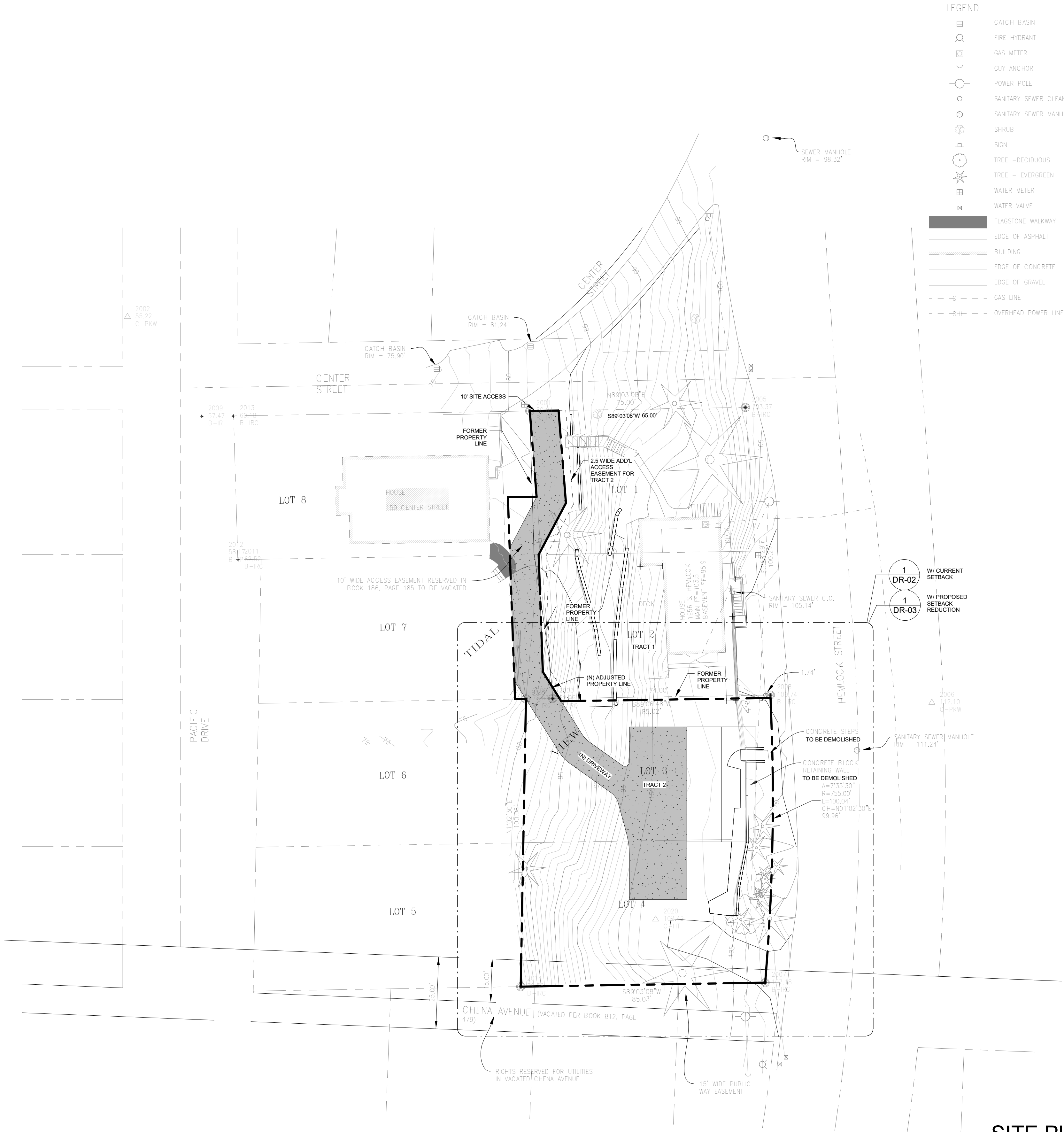
Transaction detail for payment to City of Cannon Beach.		Date: 02/16/2024 - 5:07:58 PM MT	
Transaction Number: 213350433 Visa — XXXX-XXXX-XXXX-1752 Status: Successful			
Account #	Item	Quantity	Item Amount
Setback Reduc. 1980	Planning Fees Setback Reduc. 1980	1	\$500.00

TOTAL: \$500.00

Billing Information
Brent Burton
97133

Transaction taken by: Admin tpfundCasalle pfund





SITE PLAN - EXISTING CONDITIONS 1 3/64" = 1'-0"

MAX BUILDING HEIGHT (< 5/12 PITCH) = 24'
MAX BUILDNG HEIGHT (> 5/12 PITCH) = 28'

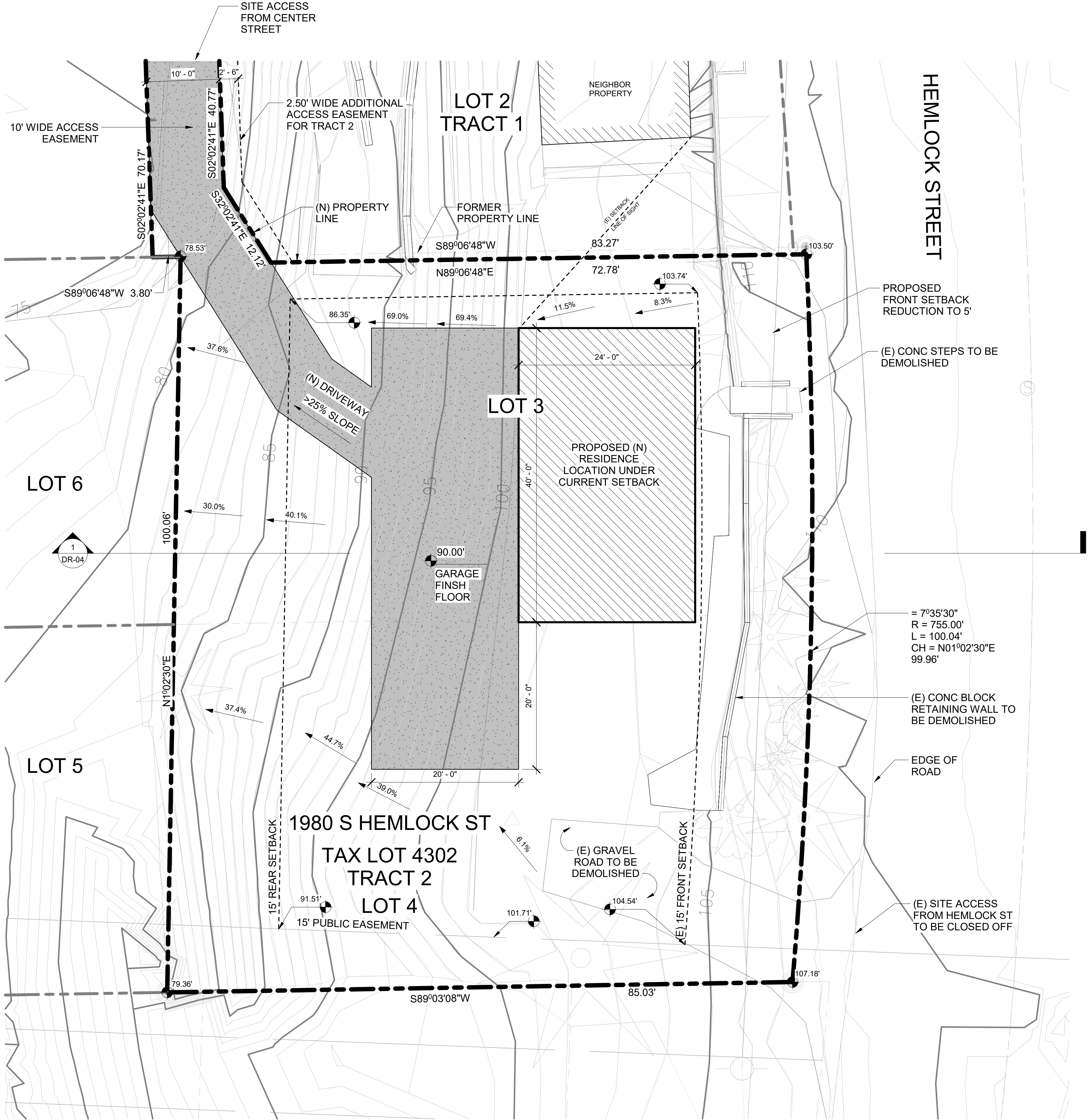
LOT SIZE = 8,609 SF PRIOR TO ADJUSTMENT
9,675 SF AS ADJUSTED

FLOOR AREA RATIO (F.A.R.) CALCULATION
FOR LOT IN ZONE RL
GREATER THAN 5,000 SF IS 0.50

MAX BUILDING SIZE (F.A.R.) CALCULATION
9,675 X 0.5 = 4,837 SF

ALLOWABLE LOT COVERAGE CALCULATION
= LOT SIZE X 0.50

MAX LOT COVERAGE = 9,675 X 0.50 = 4,837 SF



SITE PLAN - ENLARGED W/ EXISTING SETBACK 1 1/8" = 1'-0"

MAX BUILDING HEIGHT (< 5/12 PITCH) = 24'
MAX BUILDNG HEIGHT (> 5/12 PITCH) = 28'

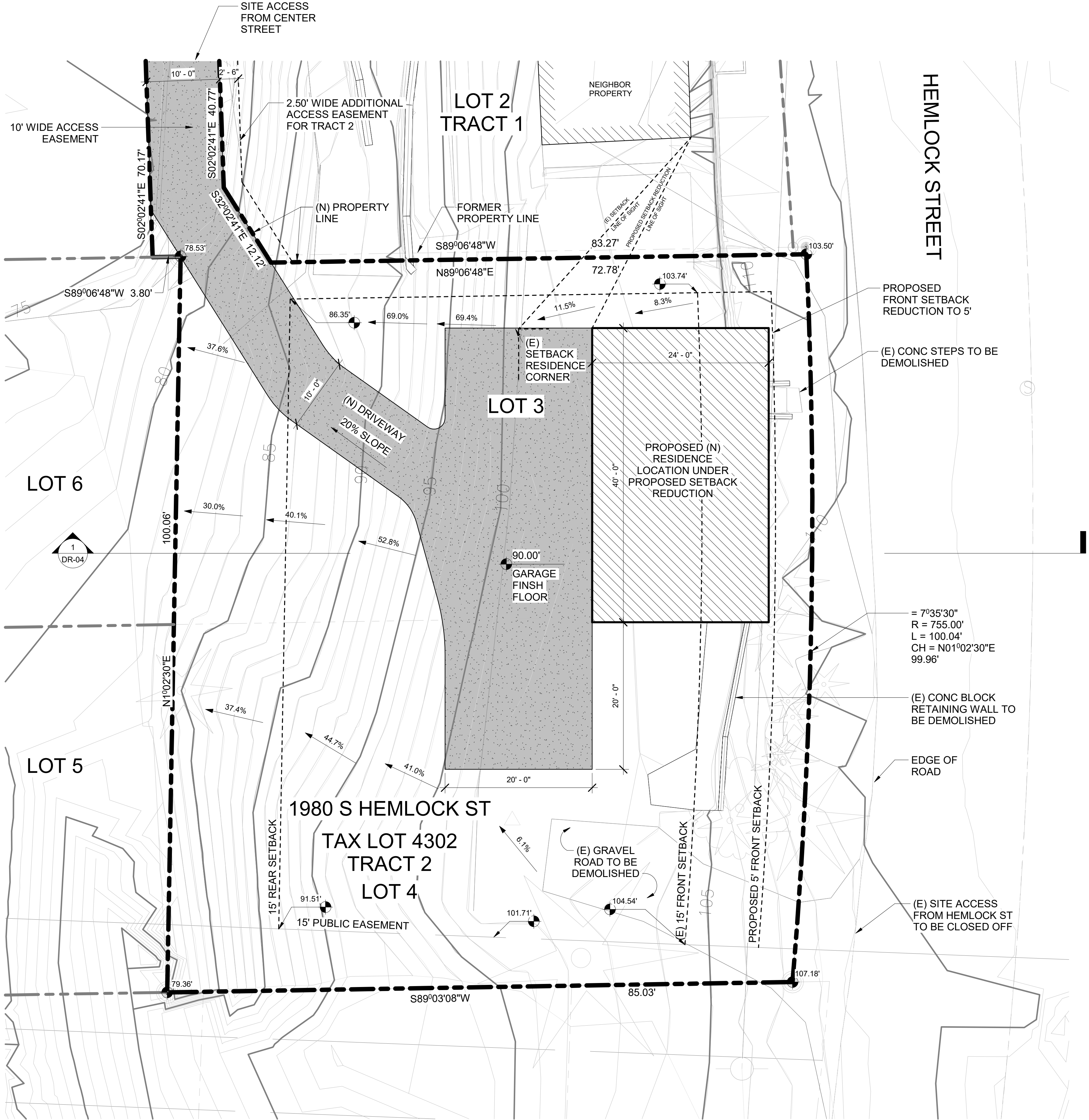
LOT SIZE = 8,609 SF PRIOR TO ADJUSTMENT
9,675 SF AS ADJUSTED

FLOOR AREA RATIO (F.A.R.) CALCULATION
FOR LOT IN ZONE RL
GREATER THAN 5,000 SF IS 0.50

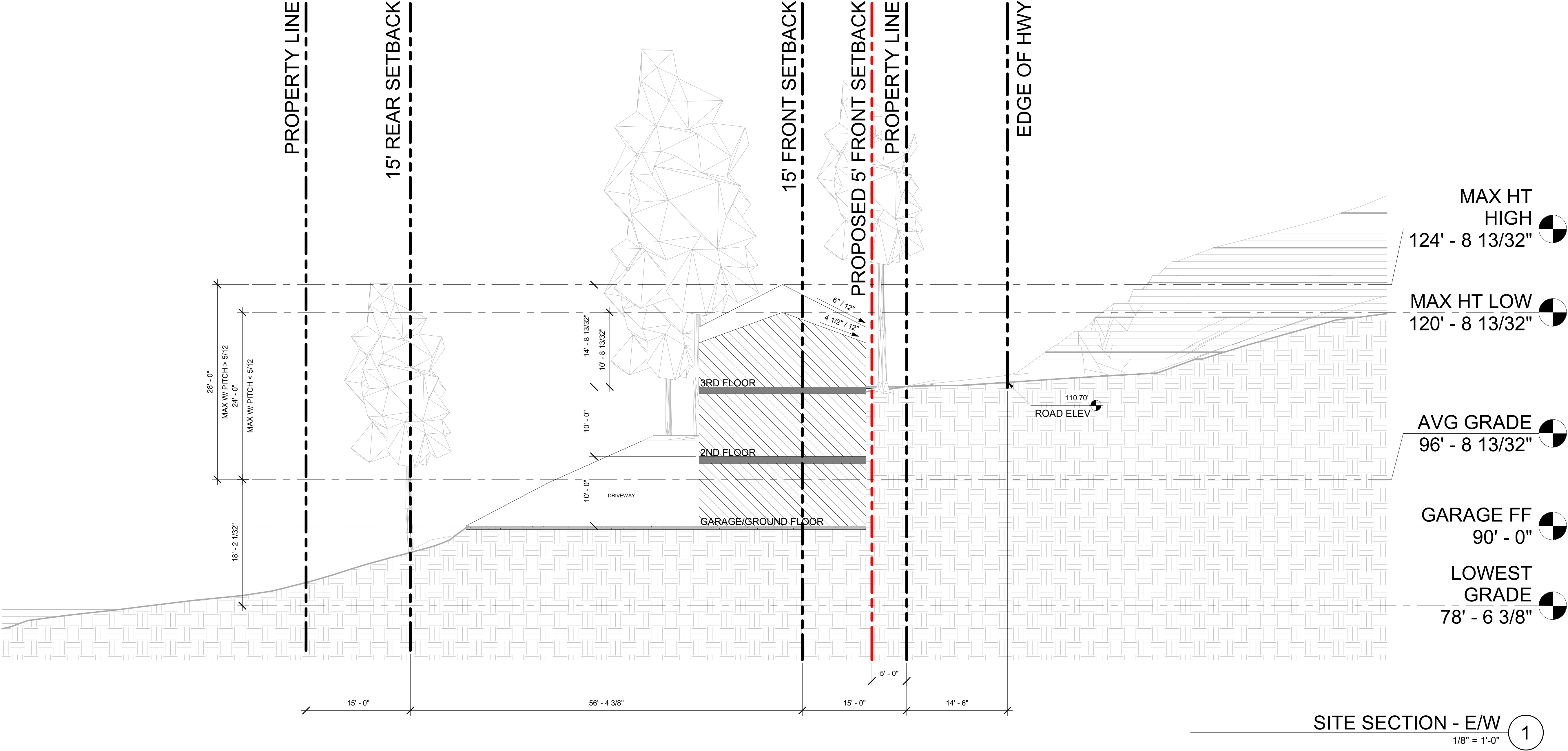
MAX BUILDING SIZE (F.A.R.) CALCULATION
9,675 X 0.5 = 4,837 SF

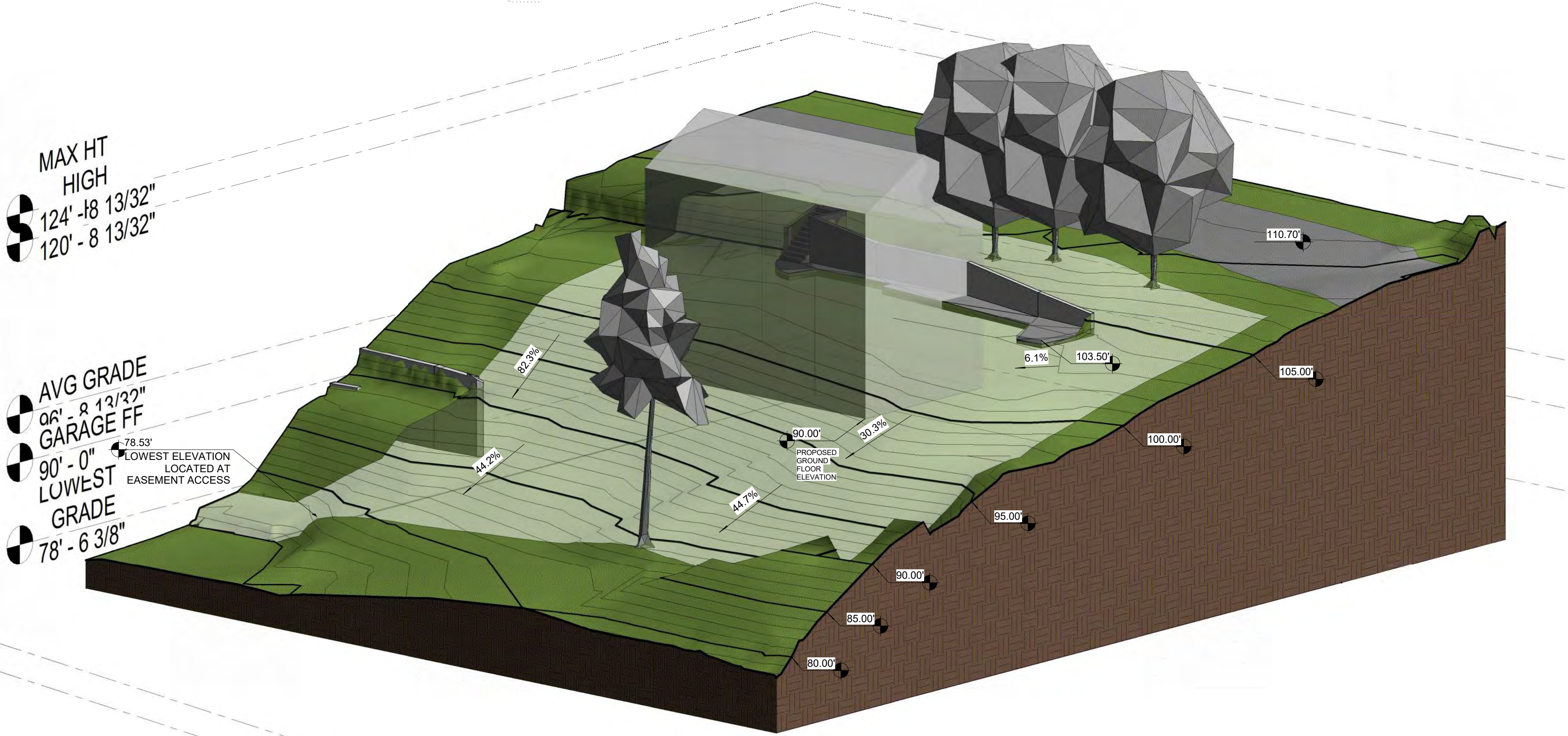
ALLOWABLE LOT COVERAGE CALCULATION
= LOT SIZE X 0.50

MAX LOT COVERAGE = 9,675 X 0.50 = 4,837 SF

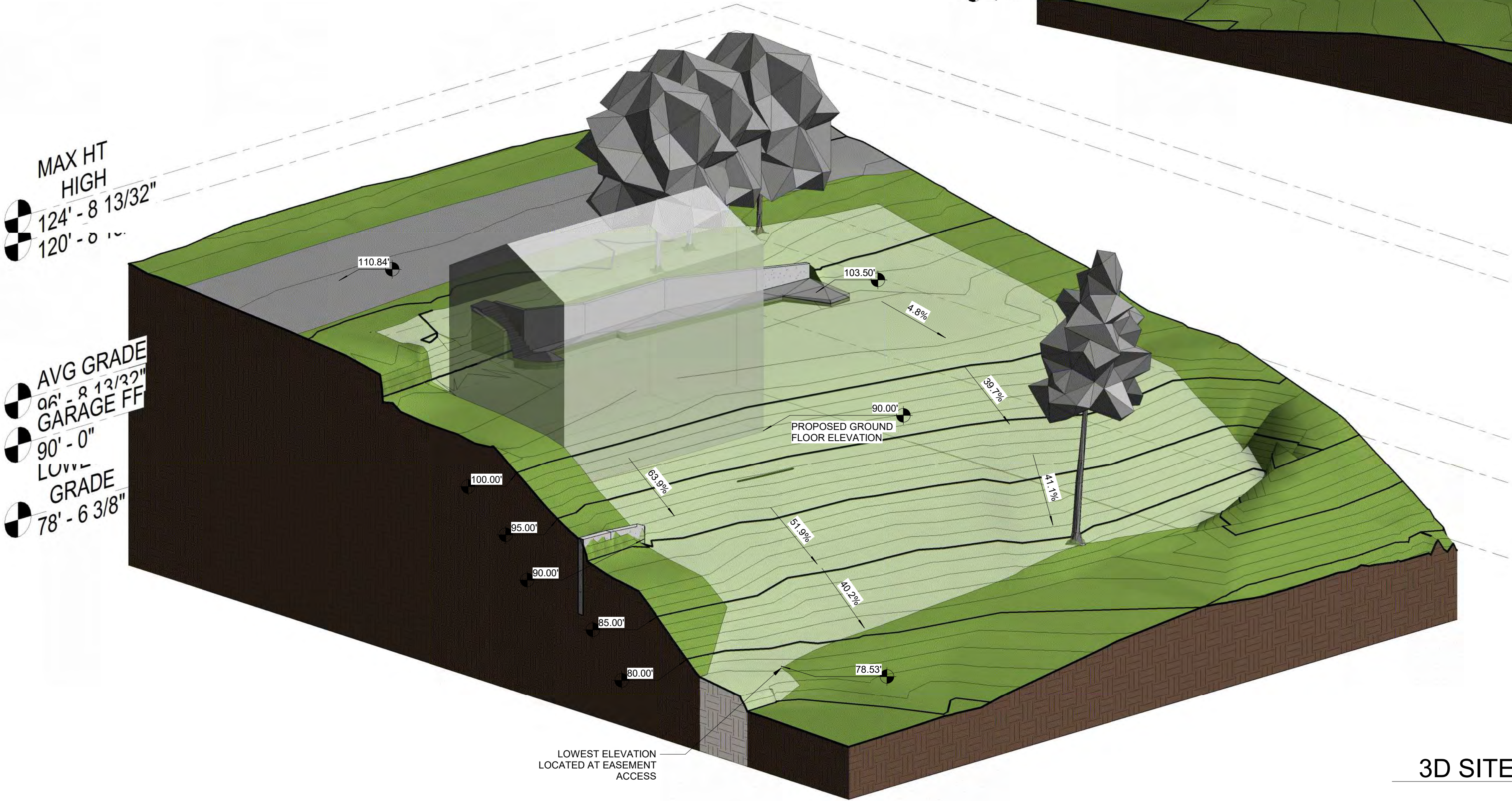


SITE PLAN - ENLARGED W/ SETBACK REDUCTION 1 1/8" = 1'-0"





3D SITE VIEW 1 1



3D SITE VIEW 2 2



CANNON BEACH COMMUNITY DEVELOPMENT

163 E. GOWER ST.

PO Box 368

CANNON BEACH, OR 97110

March 1, 2024

Brent Burton
P.O. Box 1938
North Plains, OR 97133

RE: Completeness Determination for Setback Reduction Application at 1980 S. Hemlock St., (File: SR 24-01)

Dear Mr. Burton:

Your application for a Setback Reduction for the purpose of residential development was received on February 15, 2024 and found to be complete on February 29, 2024. The City has 120 days from the date of determination to exhaust all local review, that period ends on Friday, June 28, 2024. The first evidentiary hearing for this application will be held on Thursday March 28, 2024 at 6:00pm, you may participate in person or by Zoom.

The materials received with this application include:

- Setback Reduction application
- Schematics showing the proposed setback, planned building area, and cross sections of the subject property.

Please be aware that the determination of a complete application is not a decision or a guarantee of outcome for the application.

Please feel free to contact my office at (503) 436-8053, or by email at stclair@ci.cannon-beach.or.us if you have questions regarding this information.

Sincerely,

Robert St. Clair
Planner



Site Photo: Looking northeast toward S. Hemlock St.



Site Photo: Looking northwest toward Center St.



Site Photo: Looking south from flagpole driveway

Robert St. Clair

From: Jeff Taylor <jeftayok@yahoo.com>
Sent: Wednesday, March 27, 2024 1:26 PM
To: Planning Group
Subject: SR 24-01, Brent Burton, Taylor 1956 S Hemlock.

Follow Up Flag: Follow up
Flag Status: Flagged

My name is Jeff Taylor, our property is North of and adjoins Brent Burton's property.
Our property address is
1956 S Hemlock St.

We do not have any objects to the setback reduction that Brent is requesting.

Thanks,
Jeff Taylor.
2005 W Huntsville, St.
Broken Arrow, OK 74011
918-261-9705