



CITY OF CANNON BEACH

AGENDA

Meeting: Planning Commission
Date: **Thursday, December 22, 2022**
Time: **6:00 p.m.**
Location: Council Chambers, City Hall

6:00 CALL TO ORDER

6:01 (1) **Approval of Agenda**

6:02 (2) **Consideration of the Minutes for the Planning Commission Meeting of November 22, 2022.**
If the Planning Commission wishes to approve the minutes, an appropriate motion is in order.

ACTION ITEMS

6:05 (3) **Continuation of SR 22-03, Beach Construction, on behalf of Eric & Rachel Purdy, application to allow a setback reduction to reduce the front yard setback side yard setback**

SR 22-03, Beach Construction, on behalf of Eric & Rachel Purdy, application to allow a setback reduction to reduce the front yard setback from the required 15'0" to 9'10" and the side yard setback from the required 15'0" for a corner lot to 11'0" in order to reduce the number of trees that would need to be removed in conjunction with the construction of a new single family dwelling. The property is located at the corner of Ross Ln. and Spruce St. (Tax Lot 10200, Map 51030DA), and in a Residential Medium Density (R2) Zone. The request will be reviewed against the Municipal Code, Section 17.645.010, Setback Reduction, Provisions Established.

WORK SESSION ITEMS

7:25 (4) **Track Two Zoning Ordinance Amendments: Public Benefits Developments**

INFORMATIONAL ITEMS

7:55 (5) **Tree Report**

(6) **Ongoing Planning Items:**
Drone Shoreline Protection Project
Community Development Annual Review

(7) **Good of the Order**

8:00 (8) **ADJOURNMENT**

Please note that agenda items may not be considered in the exact order listed, and all times shown are tentative and approximate. Documents for the record may be submitted prior to the meeting by email, fax, mail, or in person. For questions about the agenda, contact Administrative Assistant, Emily Bare at Bare@ci.cannon-beach.or.us or (503) 436-8054. The

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meeting is accessible to the disabled. If you need special accommodations to attend or participate in the meeting per the Americans with Disabilities Act (ADA), please contact the City Manager at (503) 436.8050. TTY (503) 436-8097. This information can be made in alternative format as needed for persons with disabilities.

Posted: December 15, 2022

Join Zoom Meeting:

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Password: 801463

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**Minutes of the
CANNON BEACH PLANNING COMMISSION**
Thursday, November 22, 2022

Present: Chair Clay Newton and Commissioners Barb Knop in person
Commissioners Mike Bates, Charles Bennett, Aaron Matusick, Les Sinclair and Anna Moritz
via Zoom

Excused:

Staff: Director of Community Development Jeff Adams, Land Use Attorney Bill Kabeiseman, City Planner Robert St. Clair, City Manager Bruce St. Dennis, Recorder Jennifer Barrett, and Community Development Administrative Assistant Emily Bare

CALL TO ORDER

Chair Newton called the meeting to order at 6:02 p.m.

ACTION ITEMS

(1) Approval of Agenda

Motion: Knop moved to approve the agenda as presented; Charles seconded the motion.

Vote: Sinclair, Matusick, Knop, Bates, Moritz, Bennett and Chair Newton voted AYE; the motion passed

(2) Consideration of the Minutes for the Planning Commission Meeting of October 27, 2022.

Motion: Charles moved to approve the minutes; Mickey seconded the motion.

Vote: Sinclair, Matusick, Knop, Bates, Moritz, Bennett and Chair Newton voted AYE; the motion passed

Public Comment:

Jan Siebert-Wahrmund PO Box 778, Cannon Beach

I offered last month to look into the bioswale possibility for Forest Lawn and possibly other situations. The North Coast Watershed Association Director Graham Klang visited site with me and the site on 7th and N Laurel, he thought there would be the possibility of bio swales at both places that could help the drainage situations in an environmental way if desired. I talked with Bruce St. Denis and he was going to hope to give an update as well.

(3) Continuation of ZO 22-01, Will Rasmussen, on behalf of Haystack Rock LLC, requesting a text amendment of the Cannon Beach Municipal Code regarding notice requirements for applications and decisions.

ZO 22-01, Will Rasmussen, on behalf of Haystack Rock LLC, requesting a text amendment of the Cannon Beach Municipal Code, Title 17 Zoning, regarding notice and procedural requirements for citizens to receive electronic notifications of application processed by the Community Development Department, administrative decisions, and expanded public notice for permits concerning hazard areas, environmentally sensitive lands, and new roads. The request will be reviewed against the criteria of Municipal Code, Section 17.86, Amendment Criteria.

Adams noted that staff per the Planning Commission's request to work with Rasmussen, I sent something two weeks ago farming the language from Marion, Scapose and Aurora that is in the document in your materials. I've discussed with Rasmussen. He has a couple new exhibits in there that reflect his response. Also talked on the phone and I issued a letter stating a courtesy notice that we will give notice of any decisions on that property, clarified in email today to get back on any notice he is requesting. There was no new additional correspond after the email sent this afternoon.

Will Rasmussen, the applicant, following the Planning Commission's suggestion to work on amicable language we got close to a resolution. As part of it Adams said we will give you notice on Roberts and abutting Nenana Way, and that's our primary motivation on this. In the record Adams gave a clear letter stating the city will provide that notice. As a result, my client doesn't want to waste more city time, energy and money on the code amendment and trusts the city will follow through. We are satisfied with how the city is proposing to move forward on this, and we can withdraw the application on the code change. The applicant withdraws the application. Newton said thank you, these comments will be great for the code audit, and I am glad you guys came up with a amicable solution and consider the application withdrawn.

Knop to clarify, you are not making any changes, Adams replied it's a perfect example of how we can make these types of changes with the code audit. Bates asked will that solution be available to any with a concern with something going on in the community? Adams replied everything but a type one development permit and what is in the language is available now. But because the way the alternative application got in the day before notice was required, that was the only reason he wasn't noticed. All but the development and possibly the right-of-way permit, everything else is pretty much noticed. If someone were to put in a request for that for one property, we would do that. We want to clarify that in the code audit and that's my main goal.

(4) Continuation of CD 22-01 & CU 22-03, David Vonada request, on behalf of Davidspruce LLC, for a seven-lot Conditional Use Permit Cluster Development Subdivision in the Wetland Overlay Zone.

CD 22-01 & CU 22-03, David Vonada, on behalf of David Pietka, request for a Conditional Use Permit to allow a cluster development subdivision consisting of a seven-lot subdivision containing four single-family dwellings and a six-plex apartment building, with common lots for parking and wetland areas. The property is located on the southwest corner of 1st and Spruce St. (Tax Lot 04402, Map 51030AA) in a Limited Commercial (C1) Zone. The request will be reviewed under Cannon Beach Municipal Code, Titles 16 Subdivisions and 17 Zoning, including Sections 16.04.130 Subdivision-Applicable Standards, 16.04.400

Variance-Cluster Development, 17.22.030 Conditional Uses Permitted, and 17.43.040-050 Conditional Uses and Activities Permitted in Wetland and Wetland Buffer Areas, Standards.

Adams noted at last meeting we discussed the HOA and bringing back language to discourage people from getting out of the affordable housing agreement. Pietka preferred to take to Council to talk about the agreement and restrictions. I would note from the staff perspective everywhere I worked it was happened at the Council level but does not preclude Planning Commission giving a recommendation. The case before you with affordable housing is not something we've had since I've been here. We had one with Mike Clark, and the applicant wants to move forward. Any restrictive language would go through Ashley. I recommend approval based on those conditions.

Newton asked what is the mechanism of this to go to Council, Adams replied the agreement. They will have to have an HOA with CCRs approved and a development agreement. Newton said so we are doing a conditional approval and punt it to Council, Adams replied yes. They can't do the project unless those are in place. Bennet I question the timing on the agreement, Adams replied that's another thing you can condition with how many years you recommend. Bennett said I still have concerns with not seeing some sort of agreement. Newton added I share that.

Bates said can we take on confidence that Bill Kabeiseman would say not to open the record. Newton said so no additional public comment.

Bennett said without seeing any version of an agreement, my assumption is the moment is becomes economically better to void the agreement, if they can, they will. Newton replied I share the concern but may be able to manage around it. Knop added I share the concern and would like it to be perpetuity. Mortiz added many jurisdictions ask for 60 years as standard. Knop replied 60 would be good. Bates said the limited commercial zone and approve a development for high density residential, but we don't know what we are getting in return, noting several code sections he is concerned about. What we are losing by giving here is losing the ability to control the lot sizes, influence dimensions, control lot coverage, and by not using residential zoning provisions is an agreement we will not like all that much. We could do better under R3. I appreciate the position city has taken. Our action would have the same impact if we denied. They could still appeal, but we should be able to tell Council why we don't like it. Mortiz added if you rezone residential then at that point you don't have any control and don't have to make it affordable housing. You just end up additional housing, a discussion ensued. Newton said I don't think we can go in and change the zoning on them with an application submitted. We can make it attractive to do affordable housing then offer something that helps something pay the bill. A discussion ensued regarding zoning and cluster developments. Matusick added we have been through this before and Kabeiseman weighed in on the last meeting. Bates said if I had my way, we'd do this under residential zone and cut the number of houses. We have little of what a tentative plan should contain. We have a promise that we will get them, but we do not have them. Newton said we can say no based on not having them or try to find a way to move this forward, such as conditioned on getting more information or presenting to Council. There are several pieces that are subject to Council before the pieces are final. Bates asked how is it memorialized, Adams replied through your findings. Bennett said we have two choices, approve with conditions suggested to Council, or deny with the reasons why. Newton added one other suggested subset which is cut the number of houses and add more units in place but will defer to Kabeiseman on it. Bennett said we can disapprove and say we don't want so many units. Mortiz replied I would want to be certain if we do an

approval we are clear that there are X amount of affordable housing put in place. I am concerned that there are not strong enough deed restrictions but at the end it doesn't even happen. Unless we are clear there is no guarantee there will any affordable housing in the project. Be clear. The only reason it's happening is for affordable housing. We should include no short-term rentals in case it can be rezoned in the future and its allowed. If there is an approval include something about needing to be sure there is enough strength to deed restriction, taxes waived or city funds used there will repayment, but doubled or tripled, something to make them not back out of, a discussion ensued. Newton suggested including these will never be condo-ized. Bates said the cluster development conditions; clusters are limited from short term rentals. Newton added minimum number of housings, minimum time for the affordable condition, no short-term rentals, no condo, making penalties strong enough. Adams added you can add within state statues. Sinclair added I agree with the conversation if we go with an approval, it needs to be specific on conditions. Not sure what the right time frame is, there has to be something in there with stiff penalties for breaking it. For changing proposal on table, I don't believe we have the ability to tell the applicant we'd rather see more apartment and no houses, that's ultimately a council decision when they make the final decision that they are satisfied. Bates said we have the ability to enforce density restrictions. Newton added if we are doing an approval I agree, but if a denial with reasons on why so cc can talk to council then that would be the mechanism for them to have the conversation. Matusick added I think that's the path we go, disapproval and why. Newton added it is important not to be just a density conversation. There is a good proposal in front of us tonight.

Kabeiseman said the city can't prohibit turning into condo, that's allowed by state law. Also, there is a provision that says the city may not condition application for housing on reduction in density if certain conditions are met. Be careful about conditioning things on density. Newton asked what about increasing density, Kabeiseman replied the difficulty is when you have an application for 4 and you condition to 6. What's that 6 going to look like, that's always problem with developing from the dais. Matusik said if we disapprove it's not an issue, Kabeiseman replied that is correct. Bates added we have the ability to enforce density requirements in the code, Kabeiseman replied that's a broad statement. We have clear and objective standards that talk about density we should be able to enforce those, a discussion ensued. Adams noted it's commercial, noted zoned residential so no density requirements in a commercial zone. Bates said there is on multifamily, Adams replied that is on a R3 zone, a discussion ensued. Newton added we have a code audit going on for a reason. Bates said when in the code when two provisions you go with the stricter one. Adams said there is also one that says Planning Commission gets to make that determination, a discussion ensued. Newton added the messiest thing I saw was a planned unit development, the cluster allows us to do what we are tonight, there are risks, but part of the question is do we want to do that with what we want to achieve. Bates added we can do the same thing by doing this under residential zoning area instead of commercial. Newton replied we have a developer willing to have a conversation about that to put there, if we box them in we will get pushback and not get what we want. Moritz added if we rezone, I don't know how we can make conditions for affordable housing. We can't force rezoning and make a condition of the rezone some use of that land. Kabeiseman added I have never seen a rezone where use is limited to one particular zone, could it be possible, maybe, but would get in a lot of trouble if we limit to affordable housing. Adams added you can't put conditions to make someone put entirely affordable housing, a discussion ensued. A discussion ensued regarding rezoning after an application has been submitted. Moritz noted what we lose is any ability to place conditions on the approval of the application and the Council loses that too if it is rezoned. If rezoned, he will only build homes for people with lots of money, there is no leverage if rezoned to R3, a discussion ensued.

Bates added my opinion is our best approach is to reject it. Newton replied I would need good reasons to reject it, a discussion ensued regarding options. Moritz noted potential reasons to reject, adding this is a lost opportunity over time. The city needs to make back more than what's been put in to start with. It doesn't hurt to say we are concerned that the applicant wasn't willing to discuss more details of this manner. Bennett added I would like to see fewer houses and more units in a new proposal. Moritz added do we want to put a minimum number for deed restrictions, Matusick replied 60 years should be the minimum. Newton added if we have a 60 year term, but someone comes in and says they only gave us a break on the water connection, do you use any reason to tie the time to benefit? Kabeiseman replied some of the time period for that type of restriction is tied to the amortization of the property. I can't think of reason you couldn't use a longer period. I not aware of a general prohibition, a discussion ensued.

Newton asked about having a DRB condition, Adams replied it will go through DRB. Newton added I drove through Spruce and Hemlock and only saw cedar siding or natural wood. What's popular now is hardy plank, but that doesn't fit the village character. Could the Planning Commission put a condition in? Kabeiseman replied typically if you have a condition you have to relate back to a criteria it relates to. Looking at the condition use criteria I don't see one where the Planning Commission gets to design characteristics. Bates noted there is one variance for proposed cluster to say be in harmony with area. Newton replied can we memorize what's already there? Adams replied for your comfort DRB just denied an application that it was not shingles in a downtown corridor and wanted a different siding, they are cognizant of that. Bennett asked if we deny with reasons why, is it possibility that City Council will say need to resubmit new application to us, Adams replied they can remand it back to us.

REVIEW AUDIO INSTEAD OF JUST TEXT

Motion: Bates moved to deny the application, both of them under, article 16 & 17 Cannon Beach Municipal Code including specific provisions Adams provided in the summary under the following reasons, not having an affordable housing agreement in place to review, not having detail of agreements, penalties, our preference to be more affordable housing units and less private dwellings, didn't have assurance that the proposed affordable housing would be built, not having assurances for proposed affordable housing agreement which should at the minimum be for 6 units at 60 years at 80% AMI with plat note no future partition subdivision or short term rental, and stricter damages such as X% of value of property as a deterrent for default

Mortiz noted if not explicit, these could become short term rentals. I am not sure if that's a legitimate concern or not. Kabeiseman replied the city can change short term rentals at any time so it is a legitimate concern. Moritz added I would like a commitment or deed restriction that there will never be STR, no future partition or subdivision.

Knop seconded the motion.

Vote: Bates, Bennett, Knop, Matusick, Moritz & Chair, Newton voted YEA; Sinclair voted Nay. The motion passed 6/1

Took break at 7:26 pm reconvened at 7:32 pm

(5) Public Hearing and Consideration of SR 22-03, Beach Construction, on behalf of Eric & Rachel Purdy, application to allow a setback reduction to reduce the front yard setback side yard setback

SR 22-03, Beach Construction, on behalf of Eric & Rachel Purdy, application to allow a setback reduction to reduce the front yard setback from the required 15'0" to 9'10" and the side yard setback from the required 15'0" for a corner lot to 11'0" in order to reduce the number of trees that would need to be removed in conjunction with the construction of a new single family dwelling. The property is located at the corner of Ross Ln. and Spruce St. (Tax Lot 10200, Map 51030DA), and in a Residential Medium Density (R2) Zone. The request will be reviewed against the Municipal Code, Section 17.645.010, Setback Reduction, Provisions Established.

No one objected to the jurisdiction of the Planning Commission to hear this matter at this time. Chair Newton asked if any Commissioner had any conflict of interest. There were none. Chair Newton asked if any Commissioner had personal bias to declare. There were none. Chair Newton asked if any commissioner had any ex parte contacts to declare. There were none. The commissioners declared their site visits.

St. Clair read his staff report.

Moritz asked did the arborist review the shifted plan and what was his response, St. Clair replied I do not know if he reviewed or not. My understanding is it was developed with original arborist who was working with the applicant and the city arborist.

Chair Newton asked if there was any additional correspondence. There was none.

Chair Newton called for public testimony.

Chair Newton stated that the pertinent criteria were listed in the staff report and criteria sheets next to the west door; testimony, arguments and evidence must be directed toward those criteria; failure to raise an issue accompanied by statements or evidence sufficient to afford the decision maker and the parties an opportunity to respond to the issue precludes appeal based on that issue; prior to the conclusion of the initial evidentiary hearing, any participant may request an opportunity to present additional testimony, arguments or evidence regarding the application. The Planning Commission shall grant such requests by continuing the public hearing or leaving the record open for additional written testimony, arguments or evidence; persons who testify shall first receive recognition from the Chair, state their full name and mailing address, and if appearing in a representative capacity, identify whom they represent.

Chair Newton asked if the applicant wished to make a presentation.

Eric Purdy

I worked with Adams to come up with options, he put a couple that may be approved based on challenges of the lot size. We elected this set back reduction to mitigate some of the development challenges. The site plan shows the difficulty we have on site. We worked with John from Coaster Construction who said it was difficult to build on the property without removing trees. We also worked with Joe Balden, working on tree protection program and what trees would be saved by setback. The large issues the city arborist brought up were trees on adjoining west property, one tree on property line and several on property abutting the

line, this setback reduction would help minimize any potential impact of roots by moving the structure further from those restructures to of the property to the west. In addition to this we're also looking to switch to a post and beam construction to help preserve the larger roots. While we find it might be difficult to preserve some of the trees on the lot because of the difficulties we are looking to mitigate any damage to the trees to the west, that's our goal.

Chair Newton called for proponents of the request. There were none.

Chair Newton called for opponents of the request.

Jan Siebert-Wahrmund and Wes Wahrmund PO Box 778, Canon Beach

Regarding tree removal permit request for removal of 11 trees from the Purdy property at corner of Spruce and Ross. We support the city arborist's denial. Ask you now as our City arborist recommend to the Purdy's to go back to the drawing board with an emphasis on tree preservation and root protection being followed where with setback reduction request. We think not. It does not go far enough. How many of the 11 trees would actually be saved by granting the setback request. Please deny the setback reduction Request.

Staff response:

St. Clair said staff does not make a recommendation as this application is in response to an administrative denial. St. Clair noted the representative with Beach Construction had to jump to another meeting, and I don't see Joe Balden online.

Chair Newton asked if the applicant wished to make additional statements.
There were none.

Chair Newton Closed the hearing and moved to discussion.

Bennett said unless it showed going from 11 trees to 7 trees, but if it goes from 11 to 10, I would vote against it. Knop added I would like response from City arborist before I consider the request. Moritz noted those are some beautiful trees. Adams asked would you like to continue to this, Newton replied we can do that. Bates added I agree we should continue. When we continue, I would like to know was the discussion with you to reduce damage to trees there, you discussed options. Adams replied what I do when they come in with a situation like this I give them their options, you can try for setback reduction, a hardship variance, I give the scenarios and options through the code. Adams added as St. Clair stated, our arborist also speaks with their arborist and they have discussion on techniques/saving foundation. With the setback reduction I can see where you'd want Jeff Gerhart to weigh in. Bates said I am also wondering if going to grant a variance if we chose would we want more to know more about tree mitigation they will undertake. Would it be unfair to ask that? Adams replied I don't ask for anything more than what is in the standard. They can ask for setback reduction using the criteria listed. Newton added it may be a good to have a conversation with the city arborist.

Motion: Knop moved to continue to the next meeting; Bates seconded the motion.

Vote: Sinclair, Matusick, Knop, Bates, Moritz, Bennett and Chair Newton voted AYE; the motion passed

Newton noted this item has been moved to December 22 for consideration with the arborist for discussion.

WORK SESSION ITEMS

(7) Zoning Considerations for Cannon Beach Elementary School Rejuvenation Project

Adams gave summarized the staff report. What we are asking for tonight is where this is going to go, is your idea of what that community facility, what parking spaces should be requested as off-street parking. The applicant will then come back before you in a future public hearing to ask for a variance from that number. We don't have a code for this type of use. The facility will not all be used as a meeting room as one time.

St. Denis gave an overview of the facility and parking concerns. This concept is an event center that has been envisioned for a long time but may not meet the code in terms of parking. When used as a school the parking requirements was met offsite. We will never hold an event using the entire gym and all four classrooms as one time. St. Denis noted the option for parking elsewhere and walking to the site. We hope to balance the inconvenience or ability to meet the parking requirements be offset by having that center which is a game changer for this town. There is no place for groups to meet and they can use this facility. We appreciate you looking at this. St. Denis introduced Dustin Johnson from CIDA.

Johnson summarized the memo from the packet. St. Denis noted the site plan in the packet gives an idea of how we are planning to use the spaces. Johnson gave an overview of the Red Plains aerials with the one-way traffic options. St. Denis gave an overview of the access to the site, adding Council will be discussing the reallocation of the 15-foot right-of-way.

Bates asked are you asking us to help you decide this variance, Adams replied the off street parking variance will come before you for your consideration. Tonight, we are asking for you guys to give a number of what you think these uses would require. The ordinance says evaluate on case by case based on standard, but we have limited uses provided. So, when they come back to you for the variance you will need to decide this at a future meeting. Discussed standards to use for the criteria and the potential number of spaces. Discussed onsite parking options.

Bates said the community development center one for development opportunity organizer/per employee. St. Denis noted 12 is the number we can provide. Moritz added am I understanding whatever number we give there will be a variance request, Adams replied yes very likely. Newton said we will get a request for a variance saying we can't provide the code required parking spaces, here's what we can provide. By figuring out how to classify we can give guidance to how many spaces will be needed. Adams added you are setting the parameters for what they will make their arguments, noting the options with education, community center space, that will set the number. Newton said classrooms, Adams added I suggested classrooms for current classroom space which is one per teacher, but we would say volunteer or employee, then the other utilized as community center/cultural center 1 to 400 which is our general one. Knop what if we called the person in classroom the presenter, Newton replied I like that. The Planning Commission reached a consensus.

(8) Wetlands in Cannon Beach

Adams presented a PowerPoint presentation; a copy is included in the record.

Bates said very impressive Adams, that's a good summary. Newton noted the potential options for wetland buffers, a discussion ensued. Bates noted possible actions to move forward. This will move forward as work session item. Bates added anyone interested should submit to Moritz or me. Knop reminded that this is not a task force. Sinclair added I was thinking a lot of stuff online, wanted to propose or mention some of the more robust policies I found actually have an element where you can rejuvenate or repair damaged wetlands in one area of city in return for being allowed to do something on a lot, would that be possible. Moritz replied I've seen that done a lot and it's usually a cheap trick, a discussion ensued. Newton added there is a house in my neighborhood who is now experiences flooding. My opinion is the footprint of that house is larger than the one it replaced. It would be good to discuss how they put a house on a lot with the foundation. Those wetlands rare not allowed to drain if you have a big slab of cement there. Adams said just let us know when you would like it on the agenda or if it's a standing work session item, just let us know. And if you needed data or maps, please let me know.

INFORMATIONAL ITEMS

- (6) Tree Report
Bates said great work again. A very encouraging month
- (7) Ongoing Planning Items

Adams reported the TSP has been approved. An Ordinance will go through next month. This will go to a work session in January with Council for a priority session for TSP/parking to get their thoughts on projects to move forward. The code audit is going. I asked them to draft language for contract to extend contract to do the changes. If you haven't signed up for December 6th for North Coast Housing Summit in Seaside. There is a coastal meeting from Columbia ,Tillamook and Clatsop elected officials to talk abut affordable and work force housing.

Newton noted next Thursday will be the review of findings. Adams said the notice will go out and will get out to you as soon as possible.

- (8) Good of the Order

Newton said we have Emily with us tonight and we are looking forward to working with you.

ADJOURNMENT

The meeting adjourned at 9:14 pm.

Recorder Jennifer Barrett



Cannon Beach Planning Commission

Staff Report Addendum, (December 15th, 12:00pm):

PUBLIC HEARING AND CONSIDERATION OF SR 22-03, BEACH CONSTRUCTION, APPLICANT, ON BEHALF OF ERIC & RACHEL PURDY, APPLICATION TO ALLOW A SETBACK REDUCTION TO REDUCE THE FRONT YARD SETBACK FROM THE REQUIRED 15'0" TO 9'10" AND THE SIDE YARD SETBACK FROM THE REQUIRED 15'0" FOR A CORNER LOT TO 11' IN ORDER TO REDUCE THE NUMBER OF TREES THAT WOULD NEED TO BE REMOVED IN CONJUNCTION WITH THE CONSTRUCTION OF A NEW SINGLE FAMILY DWELLING. THE PROPERTY IS LOCATED AT THE CORNER OF ROSS LN. AND SPRUCE ST. (TAXLOT 10200, MAP 51030DA), AND IN A RESIDENTIAL MEDIUM DENSITY (R2) ZONE. THE REQUEST WILL BE REVIEWED AGAINST THE MUNICIPAL CODE, SECTION 17.64, SETBACK REDUCTION, PROVISIONS ESTABLISHED.

Agenda Date: December 22, 2022

Prepared By: Robert St. Clair

GENERAL INFORMATION

NOTICE

Public notice for this November 22, 2022 Public Hearing is as follows:

- A. Notice was posted at area Post Offices on November 2, 2022;
- B. Notice was mailed on November 2, 2022 to surrounding landowners within 250' of the exterior boundaries of the property.

DISCLOSURES

Any disclosures (i.e. conflicts of interest, site visits or ex parte communications)?

EXHIBITS

The following Exhibits are attached hereto as referenced. All application documents were received at the Cannon Beach Community Development office on September 28, 2022 unless otherwise noted.

"A" Exhibits – Application Materials

- A-1 Setback reduction application, received October 25, 2022;
- A-2 Proposed plot plan, received October 25, 2022;
- A-3 Copy of original plot plan, received October 25, 2022;
- A-4 E-Mail with attached site plan and December 15th letter from Balden & Associates Arboriculture Services, received December 15, 2022;

“B” Exhibits – Agency Comments

None received as of this writing;

“C” Exhibits – Cannon Beach Supplements

C-1 Tree removal permit denial, dated October 7, 2022;

C-2 City Arborist’s report, dated October 5, 2022;

C-3 City Arborist’s letter, dated November 30, 2022;

“D” Exhibits – Public Comment

None received as of this writing;

SUMMARY & BACKGROUND

The applicant, Beach Construction, on behalf of property owners Erik & Rachel Purdy, requests a setback reduction on the east and south sides of Taxlot 51030DA10200 located at the corner of Ross Ln and Spruce St. The purpose of the setback reduction is to minimize the number of trees that would need to be removed in conjunction with the construction of a new single-family dwelling on the currently undeveloped lot. On October 7, 2022 the City of Cannon Beach denied a tree removal permit application on the recommendation of the City Arborist who suggested that the site plan be revised with an emphasis on tree preservation.

During the November 22, 2022 public hearing the Planning Commission requested additional information regarding the number of trees that may be preserved as a result of the proposed setback reduction as well as a professional assessment from the City Arborist. A letter prepared by the City Arborist, dated November 30th, has been added to the record as Exhibit C-3. The applicant submitted a site plan and tree preservation plan letter prepared by Joe Balden of Balden & Associates Arboriculture Services on December 15th that has been added to the record as Exhibit A-4.

Based on the information in Exhibit A-4 the following trees are identified for preservation:

- 16” Alder in the northeastern corner of the property;
- 50” Spruce immediately south of the driveway;
- 46” Spruce adjacent to the Spruce St. right-of-way;
- 12” Hemlock near the southeastern corner of the property;
- 36” Spruce near the mid-point of the western property line.

Applicable Criteria

The Cannon Beach Municipal Code Chapter 17.64.010 establishes the criteria which the Planning Commission shall use when evaluating a setback reduction application. These criteria are:

1. *Total building coverage shall not exceed forty percent;*

Staff Comment: The originally submitted plans conformed to lot coverage and floor area ratio requirements. The proposed reduction will not change the footprint of the dwelling.

2. *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;*

Staff Comment: There are no significant views of the ocean or mountains from the neighborhood immediately surrounding the subject property.

3. *The proposed building location will not interfere with solar access of buildings on adjoining property;*

Staff Comment: There would be no impacts to solar access on adjoining properties as a result of this proposal.

4. *It is the purpose of setbacks to provide for a reasonable amount of privacy, drainage, light, air, noise reduction and fire safety between adjacent structures. Setback reduction permits may be granted where the Planning Commission finds that the above purposes are maintained, and more or more of the following are achieved by the reduction in setbacks:*

- a. Tree protection,*
- b. The protection of a neighboring property's views of the ocean, mountains or similar natural features,*
- c. The maintenance of a stream corridor or avoidance of geologic hazards or other difficult topography,*
- d. The provision of solar access,*
- e. Permitting construction on a lot with unusual configuration,*
- f. Rehabilitation of existing buildings where other reasonable alternatives do not exist,*
- g. Protection of a wetland or wetland buffer area, or*
- h. Permitting construction on an oceanfront lot where the effect of the application of the oceanfront setback requirements 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;*

Staff Comment: There are no apparent significant impacts to privacy, drainage, light, air, or noise reduction as a result of this proposal. Any residential development permit application will be reviewed and approved by the Cannon Beach Rural Fire District in order to ensure fire safety, however it is noted that this proposal would not move the dwelling closer to adjacent structures. The primary objective of this application is to attempt to preserve existing mature trees on the western portion of the property which meets criterion 4a above.

5. *Adjacent rights-of-way have sufficient width for utility placement or other public purposes;*

Staff Comment: There would no impacts to the public rights-of-way on Ross Ln. or Spruce St. as a result of this proposal.

6. *The reduction would not create traffic hazards; or impinge upon a public walkway or trail;*

Staff Comment: Although the reduction would shift the house closer to the intersection, which is atypical for a corner lot, there is no apparent impact to the required clear vision area of the intersection of Ross Ln. and Spruce St. There are no public trails that would be impacted by this proposal.

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

Staff Comment: There would be no apparent significant impacts to the amount of privacy enjoyed by abutting properties as a result of this proposal.

8. *The proposed building location will not interfere with the ability to provide fire protection to the building or adjacent buildings.*

Staff Comment: Any residential development permit application will be reviewed and approved by the Cannon Beach Rural Fire District in order to ensure fire safety, however it is noted that this proposal would not move the dwelling closer to adjacent structures.

Staff Recommendation

Staff does not make a recommendation as this application is in response to an administrative denial.

Procedural Requirements

This application is subject to ORS 227.178, requiring the City to take final action within 120 days after the application is deemed complete. It was submitted October 25, 2022; and determined to be complete on October 26, 2022. Based on this, the City must make a final decision before February 23, 2023.

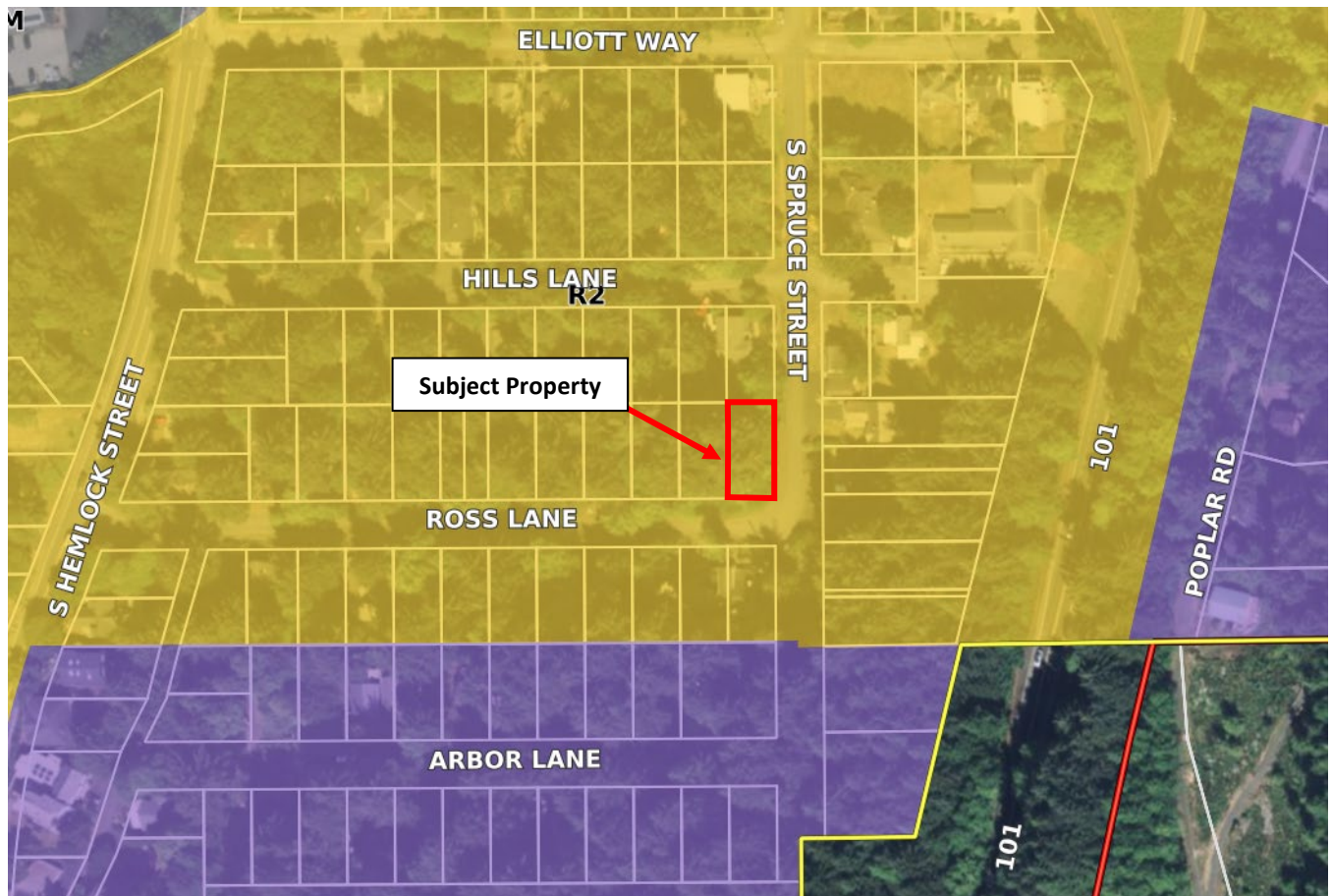
The Planning Commission's November 22nd meeting will be the first evidentiary hearing on this request. ORS 197.763(6) allows any party to request a continuance. If such a request is made, it should be granted. The Planning Commission's next regularly scheduled hearing date is Thursday, December 22, 2022.

DECISION, CONDITIONS AND FINDINGS

Motion: Having considered the evidence in the record, based on a motion from Commissioner NAME, seconded by Commissioner NAME, the Planning Commission moves to (approve/approve with conditions/or deny) the Beach Construction application, on behalf of Erik & Rachel Purdy, the setback reduction in conjunction with a single-family dwelling, application **SR# 22-03**, as discussed at this public meeting (subject to the following conditions):

1. The authorization of a setback reduction shall be void after one year unless a building permit has been issued.

Site Location Map



CITY OF CANNON BEACH SETBACK REDUCTION APPLICATION

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

Applicant Name: Beach Construction
 Mailing Address: 3535 HWY 101 N
Gresham, OR 97138
 Telephone: (503) 440-4561
 Property-Owner Name: Erik & Rachel Purdy
 (if other than applicant)
 Mailing Address: 14988 SW Lookout DR.
Tigard, OR 97224
 Telephone: (503) 764-8341
 Property Location: 196 ROSS LN
 (street address)
 Map No.: 51030DA Tax Lot No.: 10200

SETBACK REDUCTION REQUEST:

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

We would like to reduce the setbacks on the east and south side. South setback 9' and east setback 10'. This would have less impact on tree roots.

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

Site plans (original & amended) along with tree overlay and feedback from arborists on west property tree root systems.

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;

Reducing the setbacks is not changing the footprint of the home. Only moving the home away from trees on the lot to the west who's roots could be impacted by the homes original location in the original setbacks.

- (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;

NO Views will be impacted, there are no Views in this area.

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

home is on a corner lot, the shift of the home & construction will require removal of trees and could benefit solar

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

Tree protection - Root systems of trees on adjoining lot.

- 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;

Still 9' & 10' from property line. the lines on both sides are about 3' from road.

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

No sidewalks, or trails along property.

- 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

moving home further from abutting property.



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

moving home closer to street & further from adjacent homes

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

Attach additional sheets as necessary.

Setback Application Fee: \$400.00

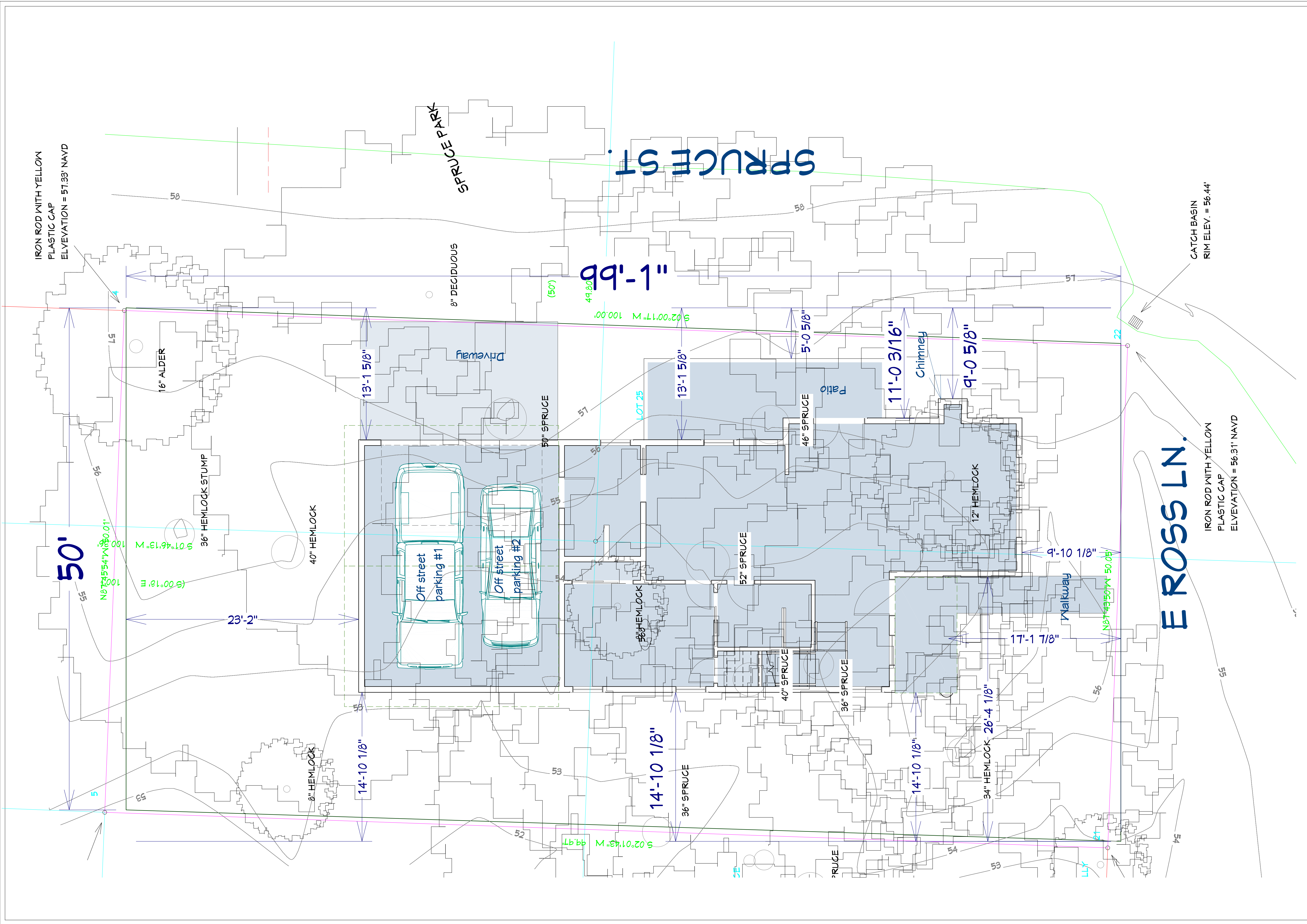
Applicant Signature:  Date: 10-24-22
Property Owner Signature:  Date: 10/24/22

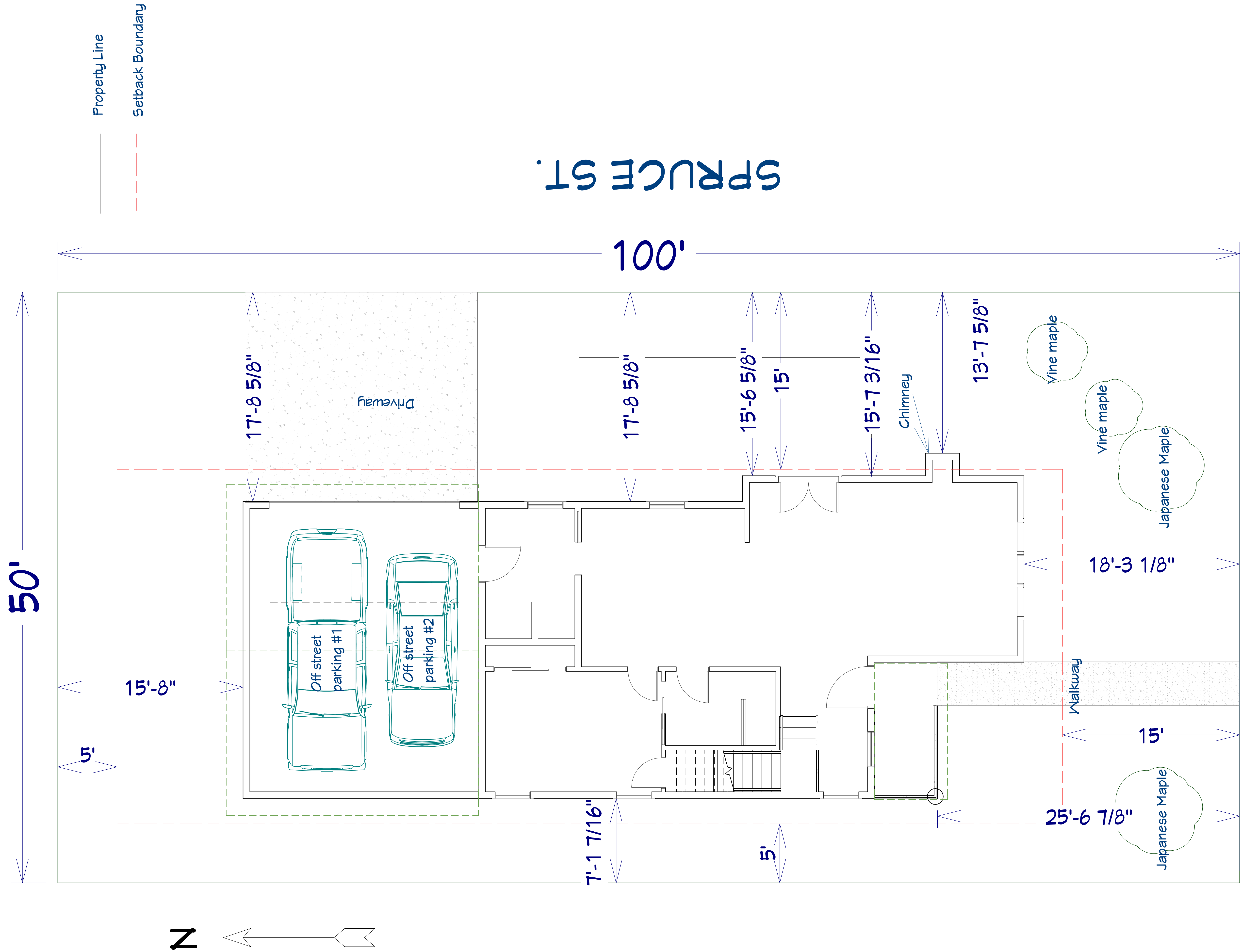
If the applicant is other than the owner, the owner hereby grants permission for the applicant to act on his/her behalf. Please attach the name, address, phone number, and signature of any additional property owners.

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.: _____





Keystone Design
P.O. Box 927
Long beach WA, 98631

Purdy
Tax lot:51030DA10200
Cannon Beach OR

Plot Plan

DRAWINGS PROVIDED BY:
Keystone Design

DATE:
10/24/22

SCALE:
1/4"

SHEET:
P-8

Robert St. Clair

From: Taylor Kemmer <taylor@beachconst.com>
Sent: Thursday, December 15, 2022 11:57 AM
To: Robert St. Clair; Jeffrey Adams
Cc: Tyler Weston; Erik Purdy; Joe Balden
Subject: Re: Setback Reduction at Ross & Spruce
Attachments: Purdy- house shift tree overlay update.pdf; Purdy trees 2 (1).docx

Hi Robert,

I have attached Joe's report. I have attached a new plot plan showing the trees and the house on the lot. The trees labeled in green we plan to save, trees in red we believe are a hazard (we can discuss this during the meeting) the trees labeled in black are just in the house's footprint. We would like to request the setbacks to the west and the north be reduced as this is where we have found the most viable option to save more trees. We also can do a post and pier foundation on the home for root preservation, we are holding off on getting new plans for the home drawn up with a post and pier foundation until after we receive approval for the tree removal and setback reduction so we do not have to keep going back to the engineer.

Thank you!

On Thu, Dec 15, 2022 at 11:56 AM Erik Purdy <epurdy99@gmail.com> wrote:

Hi Robert,

Adding Taylor onto the email chain who should send over our presentation material here in the next couple minutes.

On Wed, Dec 14, 2022 at 2:43 PM Robert St. Clair <stclair@ci.cannon-beach.or.us> wrote:

Good Afternoon,

I'm reaching out regarding the setback reduction application at Ross and Spruce in Cannon Beach. We're currently in the process of putting together information packets for next week's Planning Commission hearing, which will be distributed to Commission member's tomorrow afternoon, and want to reach out to see if there is any new information you would like to enter into the record.

The only new information that has been entered to date is the City Arborist's letter which is attached.

If there is any new info you wish to enter into the record please send it to me before noon tomorrow.

Regards,

Robert



Robert St. Clair

Planner

City of Cannon Beach

p: 503.436.8041 | tty: 503.436.8097 | f: 503.436.2050

a: 163 E. Gower St. | PO Box 368 | Cannon Beach, OR 97110

w: www.ci.cannon-beach.or.us | e: stclair@ci.cannon-beach.or.us

DISCLOSURE NOTICE: Messages to and from this email address may be subject to Oregon Public Records Law.

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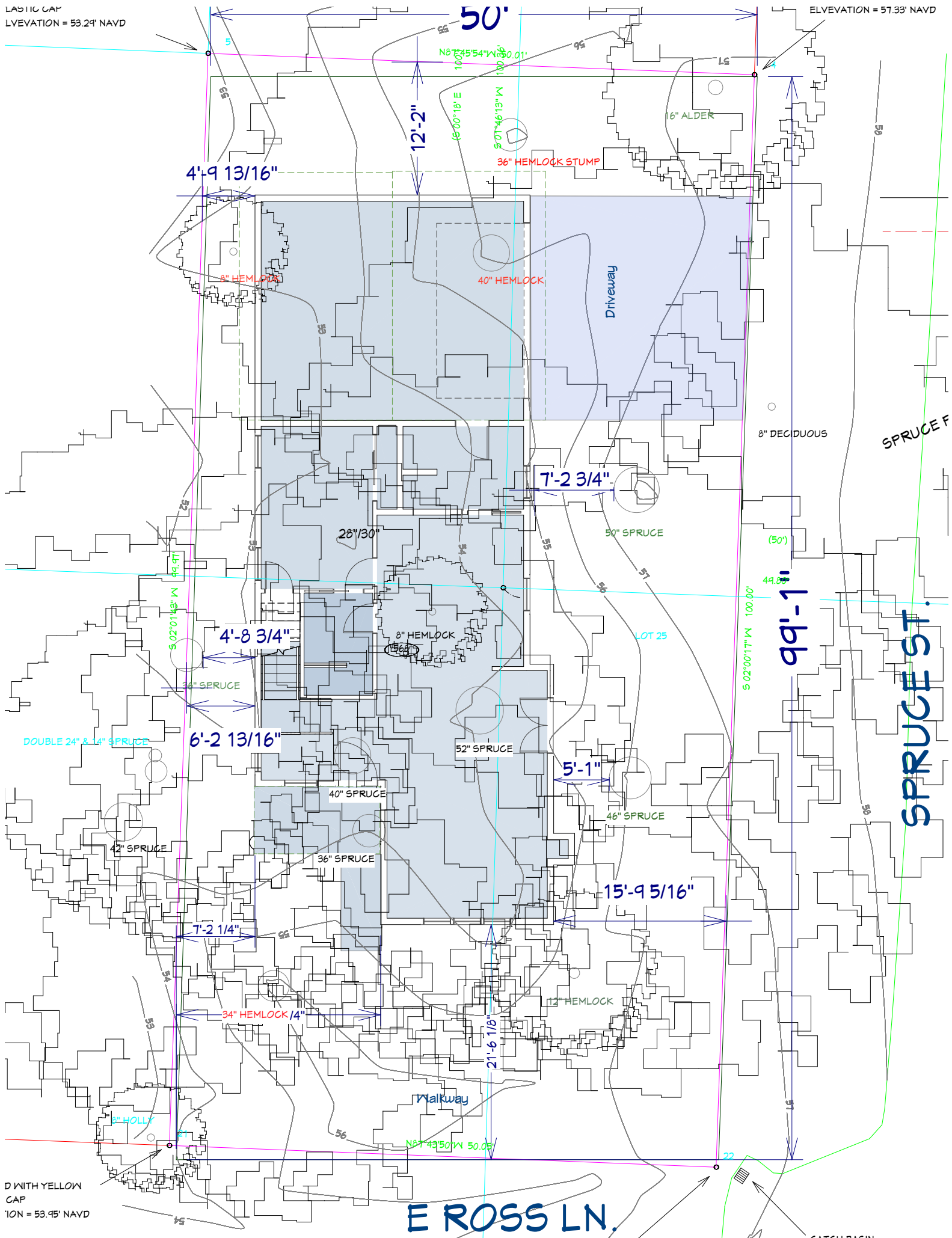
Beach Construction

Taylor Kemmer

Designer

3535 HWY 101 N | Gearhart, OR 97138

Office: 503.717.3456



Balden & Associates Arboriculture Services

Joe Balden
Consulting Arborist **PN0736**

41500 Anderson Road
Nehalem, OR 97131
503.368.7807 office
503.801.3762 cell
joebalden70@gmail.com

December 15, 2022

Erik Purdy
epurdy99@gmail.com
Taylor Kemmer
taylor@beachconstuct.com

Re: new construction
Ross Lane/Spruce St.
Cannon Beach, OR

Subject: Tree preservation plan.

Erik, Per discussions and emails between you and Taylor Kemmer, designer of the project, I believe you can preserve some of the trees originally slated for removal.

Proposal: move the structure further to the west to minimum setback. The purpose here is to provide more buttress root space on the east side of the lot, specifically for the two large (50" and 46") spruce. Trees on this side of the property and trees on the neighboring lot will need root zone protection. This will require post and beam construction in order to minimize damage to structural roots. My responsibility will be to direct excavation in this area. Hand digging to determine location of roots and determine with the building contractor best placement of post footings.

There are two significant Sitka spruce trees on the east side of the lot that will also require post/beam construction to minimize damage. Retention of these trees will reduce the potential wind load on trees located on the neighboring lot to the west. Wind load was a concern put forth by Jeff Gerhardt, City Arborist, in his initial findings that if all of the trees were removed on your lot then the potential for wind throw, due to tree removal, would potentially be high. Note that by retaining the large spruce on the east side of your property, the effective canopy distance would be less than 50'. Further, crown thinning the trees 20% will effectively reduce potential wind load by 40%.

Trees in the middle of the lot will obviously require removal to allow for construction. Normally the entire tree, roots included, would be removed. However, it is recommended to minimize damage to trees recommended for retention, that tree stumpage remain in place. Cut the tree stumpage close to ground level and leave in place.

All of these construction and tree retention techniques have been used multiple times with success.

**CANNON BEACH COMMUNITY DEVELOPMENT**

163 E. GOWER ST.

PO Box 368

CANNON BEACH, OR 97110

October 7, 2022

Erik & Rachel Purdy
14988 SW Lookout Dr.
Tigard, OR 97224

RE: Denial of Tree Removal Permit at 196 Ross Ln.

Dear Mr. & Mrs. Purdy:

The City has denied the application to remove multiple trees in conjunction with proposed residential development on your property at 196 Ross Ln., Taxlot 51030DA10200. This denial is based on the recommendation of the City Arborist who stated that the removal of all large diameter trees from the property would result in a major loss of tree canopy for the neighborhood and the compromising of root systems for trees on the property to the west which may generate hazardous conditions. A copy of the City Arborist's review is included with this letter.

Decisions on the issuance of a tree removal permit may be appealed to the Planning Commission as per Section 17.70.030(H) of the *Tree Removal and Protection* chapter of the Municipal Code. Appeals must be submitted to the City Manager within 14 days of the date the decision was issued.

Please feel free to contact me at (503) 436-8041, if you have any questions concerning this matter.

Regards,

Robert St. Clair

cc: Joe Balden, Balden & Associates Arboriculture Services
Taylor Kemmer, Beach Construction
File



Treescapen Northwest
Jeff Gerhardt, Consulting Arborist
ISA Certified Arborist #PN-5541A



City of Cannon Beach, Planning Department
Attn: Jeff Adams
adams@ci.cannon-beach.or.us
(503) 436-8054

October 5, 2022

Tree Removal Permit Application Review - 196 Ross Lane

Per your request, I reviewed the Tree Removal Permit Application submitted by Beach Construction. I visually inspected the site on October 3rd, and it is my recommendation, the removal request of 11 trees not be granted.

This property is entirely forested with mature Sitka spruce (*Picea sitchensis*) and western hemlock (*Tsuga heterophylla*) trees. The applicant has requested that all large diameter trees on the lot be removed to accommodate new construction. Doing so, would result in a major loss of tree canopy in the neighborhood. Additionally, large trees on the property to the west, will become root compromised and extremely hazardous. I recommend the applicant go back to the drawing board with an emphasis on tree preservation and root protection.

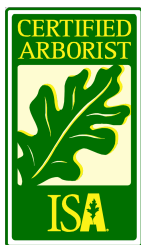
Best regards,

A handwritten signature in black ink, appearing to read "Jeff Gerhardt", is written over a light pink rectangular background.

Jeff Gerhardt

Treescapen Northwest
P.O. Box 52
Manzanita, OR 97130

CCB# 236534
Cell: 503-453-5571
www.treescapenorthwest.com



Treescaples Northwest
 Jeff Gerhardt, Consulting Arborist
 ISA Certified Arborist #PN-5541A



City of Cannon Beach, Planning Department

Attn: Jeff Adams

adams@ci.cannon-beach.or.us

(503) 436-8054

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Best regards,

Jeff Gerhardt

Treescaples Northwest

P.O. Box 52

Manzanita, OR 97130

CCB# 236534

Cell: 503-453-5571

www.treescaplesnorthwest.com

Planned construction will not only remove all large trees on the property, but will also create hazardous conditions on property to the west



* Yellow line is approximate western property line

Treescaples Northwest
P.O. Box 52
Manzanita, OR 97130

CCB# 236534
Cell: 503-453-5571
www.treescaplesnorthwest.com



Treescaping Northwest
 Jeff Gerhardt, Consulting Arborist
 ISA Certified Arborist #PN-5541A



City of Cannon Beach, Planning Department

Attn: Jeff Adams
 adams@ci.cannon-beach.or.us
 (503) 436-8054

November 30, 2022

Letter of Explanation - 196 Ross Lane

My original review of the tree removal application submitted by Beach Construction recommended it be denied. I do believe safe tree preservation and the construction of a new residence can be achieved on this property.

The applicant had requested that 11 large evergreen trees on the lot be removed, in essence, lot clearing. In my opinion, the removal of these trees, plus subsequent stump removal and foundation dig out, would create an immediate and extremely hazardous situation. Large trees to the west of the Purdy's lot would become severely root compromised and a danger to the neighborhood. No mention was made as to how this situation would be avoided or remedied.

Please consider the following:

- 1) Change the footprint and design of the structure to accommodate tree retention. Additionally, the City should allow the dwelling to encroach further south and east as a benefit of stewardship.
- 2) Change the foundation type to post and pier, or a hybrid design. Retain as many stumps as possible. Less excavation + more root anchorage = safer trees.
- 3) Wind thin the upper canopies of retained trees that are impacted by the project. Reduce the "sail" of compromised trees by approximately 25%. Pruning only, no topping.
- 4) Tree Protection Zone fencing needs be in place before site work begins, and remain in place until project completion.
- 5) Utilize input from a Certified Arborist from start to finish.

Sincerely,

Jeff Gerhardt, Cannon Beach City Arborist

Treescaping Northwest
 P.O. Box 52
 Manzanita, OR 97130

CCB# 236534
 Cell: 503-453-5571
 www.treescapingnorthwest.com



Track Two

Public Benefit Developments

Planning Commission December 2022 Work Session

1

Public Benefits Proposal

- › The Code Audit objectives:
 - › *Identify ways in which the comprehensive plan can better live up to its intent*
 - › *Dial in the development code to better implement the comprehensive plan goals ("Closing the Two Gaps")* *
- › One original motive for code audit: External **development pressures** and the **increasing average home size of homes** built since the 1990s beyond 2000 sf.
- › At the same time, the public identified priorities including **workforce housing, historic preservation, and environmental preservation including legacy trees**
- › These priorities have been identified by the community **for more than a decade**, but making progress on them has proved incredibly challenging
- › Example: **Workforce housing** – articles from **as far back as 2014** list workforce housing as an urgent community need.
- › Meanwhile, housing affordability is **a regional and national housing crisis**

City of Cannon Beach, Oregon | Community Development Code Review Audit | Joint Work Session | Wednesday 12 October 2022 | 10:00am and 6:30pm



2



Public Benefits Proposal

continued

- › There are steps that can be taken locally to come closer to community goals
- › Public Benefits Proposal moves beyond political gridlock to address tradeoffs
- › Addresses the preference among some property owners for larger homes while balancing this desire with public benefits
- › Small increases in home square footage will be offered in exchange for public benefits
- › Allows Cannon Beach to move forward on the stated priorities
- › The public benefits is proposed to be an accelerated fix which could be adopted sooner than the fixes which are the end result of the code rewrite

City of Cannon Beach, Oregon | Community Development Ordinance Audit | Joint News Session | Wednesday 12 October 2022 | 11:00am and 6pm Local

3

Recommended Public Benefits Proposal – Illustrations



10,000 square foot lot

Development allowed today Lot size: 10,000 sf (shown in green) Existing setbacks shown (transparent shape) Current FAR (white shape): total = 5,000 sf	Proposed FAR Reduction Lot size: 10,000 sf (shown in green) Existing setbacks shown (transparent shape) Reduced FAR (white shape): total = 3,500 sf Dark line in rear setback indicates reduced FAR	With FAR Bonus in exchange for public benefits Lot size: 10,000 sf (shown in green) Existing setbacks shown (transparent shape) Reduced FAR (white shape): total = 3,500 sf + 600 sf = 4,100 sf

5,000 square foot lot

Development allowed today Lot size: 5,000 sf (shown in green) Existing setbacks shown (transparent shape) Current FAR (white shape): total = 3,000 sf	Proposed FAR Reduction Lot size: 5,000 sf (shown in green) Existing setbacks shown (transparent shape) Reduced FAR (white shape): total = 2,500 sf Dark line in rear setback indicates reduced FAR	With FAR Bonus in exchange for public benefits Lot size: 5,000 sf (shown in green) Existing setbacks shown (transparent shape) Reduced FAR (white shape): total = 2,500 sf + 600 sf = 3,100 sf

4



Code rewrite 2023



Step 1 – Policy-neutral re-organization + Policy-neutral classification of all review procedures *

Step 2 – Identify potential list of amendments to code provisions, including policy and form amendments

Step 3 – Prioritize code amendments, including policy and form amendments

Step 4 – Produce code amendments for adoption process (adoption-ready amendments)

* *No change in existing provisions or requirements during the first step, but duplication would be eliminated and procedure types would be clarified*

City of Cannon Beach, Oregon | Community Development Department | 1201 West 1st Street | Cannon Beach, Oregon 97103 | 503.265.1234 | 12/15/2022

5



Code rewrite 2023



Schedule

- › Four- to six-month draft rewrite, followed by
- › Six- to eight-month adoption process

Schedule	Jan-Apr 2023 Revisions may extend into adoption process 4-6 months	May-Jun 2 months	Jul-Aug 2 months	Sep-Oct 2 months	Nov-Dec 2 months
Code Rewrite Project	Consultants prepare Code Rewrite Adoption Draft Four-step process (some steps may be concurrent)	Code Rewrite Adoption process			
		Planning Commission Work Session		City Council Work Session	
Ballpark budget	\$ 45-65,000	\$ 25-40,000		\$ 15-25,000	

Budget range \$85,000 - 130,000

City of Cannon Beach, Oregon | Community Development Department | 1201 West 1st Street | Cannon Beach, Oregon 97103 | 503.265.1234 | 12/15/2022

6

Track One Amendments

1. Lot Combinations Prohibitions
2. Lot Coverage & Floor Area Ratio Restrictions
3. Gross Floor Area or Unit Size Limitations
4. Repeal Planned Development Ordinance
5. Oceanfront Management Zone Building Height Limitations
6. Pre-Existing & Non-Conforming Structures 'Grandfathering' Language



7

Unit Size Limitations

- Gross Floor Area definition, basis of Floor Area Ratio
- Lot Coverage definition
- Public Benefits Development Bonus
 - a. Incentivize Workforce Accessory Dwelling Unit
 - b. Encourage the preservation of remaining historic cottages
 - c. Encourage the conservation of existing tree canopy



8

Track Two Amendments

1. Zoning Definition Text Amendments
2. FAR & Public Benefits Development Text Amendment
3. Workforce Housing Accessory Dwelling Unit Text Amendment
4. Historic Cottage TDR Overlay Area Text & Map Amendment
5. Legacy Tree Canopy Text Amendment
6. Alternative Parking Text Amendment
7. Pre-Existing & Non-Conforming Structures 'Grandfathering' Text Amendment



9

1. Zoning Definition Text Amendments

Revised Terms

Gross Floor Area

Lot Coverage

New Terms

Historic Cottage

Historic Cottage Transferable Development Right

Legacy Tree

Legacy Tree Canopy



10

1. Zoning Definition Text Amendments Revised Terms

8 Chapter 17.04 DEFINITIONS

9 17.04.283 Gross floor area.

10 "Gross floor area" means the sum, in square feet, of the gross horizontal areas of all floors of a
11 building, as measured from the exterior walls of a building, including supporting columns and
12 unsupported wall projections (except eaves, uncovered balconies, fireplaces and similar architectural
13 features), or if appropriate, from the center line of a dividing wall between buildings. Gross floor area
14 shall include:

- 15 1. Garages and carports.
- 16 2. Entirely closed porches.
- 17 3. Basement or attic areas, ~~as defined by Oregon Residential Specialty Code, determined~~

18 ~~to be habitable by the city's building official, based on the definitions in the building code.~~
19 ~~4. Unhabitable basements areas where the finished floor level of the first floor above the~~
20 ~~basement is more than three feet above the average existing grade around the perimeter of the~~
21 ~~building's foundation.~~

22 In addition the calculation of gross floor area shall include the following:

- 23 ~~45.~~ All portions of the floor area of a story where the distance between the finished floor
24 and the average of the top of the framed walls that support the roof system measures more than fifteen
25 feet shall be counted as two hundred percent of that floor area. (Ord. 03-7 § 3; Ord. 93-3 § 1; Ord. 90-
26 11A § 1 (Appx. A § 1(1)); Ord. 86-16 § 1(37); Ord. 86-10 § 1(37))



11

28 17.04.335 Lot coverage.

29 "Lot coverage" means the portion of the lot area that is covered with the following
30 improvements:

- 31 1. The area within the exterior perimeter of all buildings, including dwellings, accessory
32 buildings, ~~garages~~ and carports; and
- 33 2. The area of all structures ~~in impervious materials that are thirty inches in height above~~
34 ~~the existing grade~~, including porches, decks, stairways; and
- 35 3. Paved or graveled areas designated for off-street parking; and
- 36 4. ~~The impervious portions of courtyards, walkways and patio areas; That portion of the~~
37 ~~area of decks, less than thirty inches in height above the existing grade, patios, courtyards, and graveled~~
38 ~~and paved areas, other than designated off-street parking, which exceeds twenty-five percent of the~~
39 ~~allowable lot coverage; and~~

- 1 5. Fifty percent of areas covered with a defined pattern of void spaces to accommodate
2 soil, live vegetation, and drainage between the structural elements, such as ~~Grasscrete~~ or similar
3 treatments.

4 Lot coverage is expressed as the percentage of the lot area that is covered by the site
5 improvements listed above.

6 The following improvements shall not be included in the calculation of lot coverage:

- 7 A. Projections from buildings such as eaves, overhangs and bay windows which meet the
8 requirements of Section ~~17.90.070~~, Projections into required yards;

- 9 B. Arbors not exceeding one hundred twenty square feet in area; and

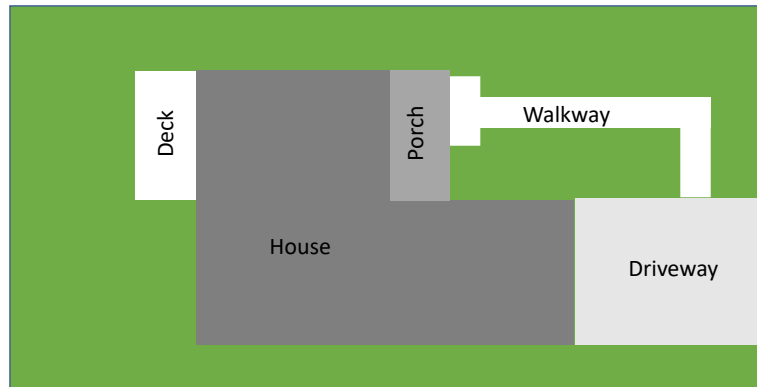
- 10 ~~C. Decks, less than thirty inches in height above the existing grade, patios, courtyards and~~
11 ~~graveled and paved areas, other than designated off-street parking, whose total area does not exceed~~
12 ~~twenty-five percent of the allowable lot coverage.~~

13 Example: The lot size is five thousand square feet. The allowable lot coverage is fifty percent, or
14 two thousand five hundred square feet. The proposed site improvements are: a house with an area
15 within its exterior perimeter of one thousand five hundred square feet; a graveled parking area of four
16 hundred square feet; and decks, less than thirty inches above grade with an area of one thousand
17 square feet. The deck area that is included as part of the lot coverage is determined as follows: total
18 deck area less that portion which does not exceed twenty-five percent of the allowable lot coverage of
19 two thousand five hundred square feet or, $1,000 - 625 (-25 \times 2,500) = 375$ square feet. The lot coverage
20 of the proposed development is site improvements $(1,500 + 400 + 375)$ divided by lot area $(5,000)$ or
21 forty-five and one-half percent. (Ord. 17-3 § 1; Ord. 92-11 § 4; Ord. 86-16 § 1(56); Ord. 86-10 § 1(56))
22



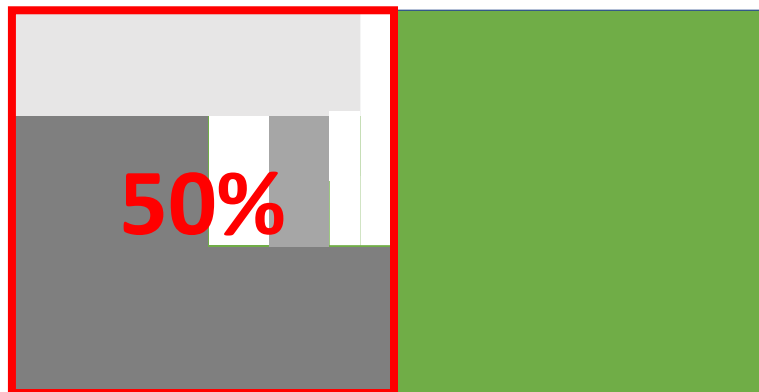
12

Lot Coverage Example



13

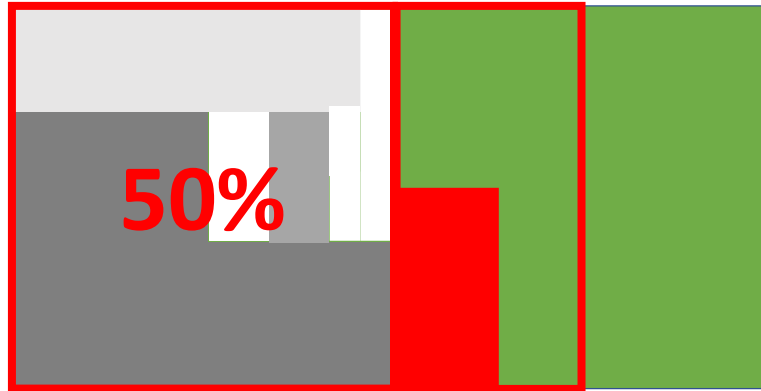
Lot Coverage Example



$$5,000 \times .5 \times .25 = 625$$

14

Lot Coverage Example

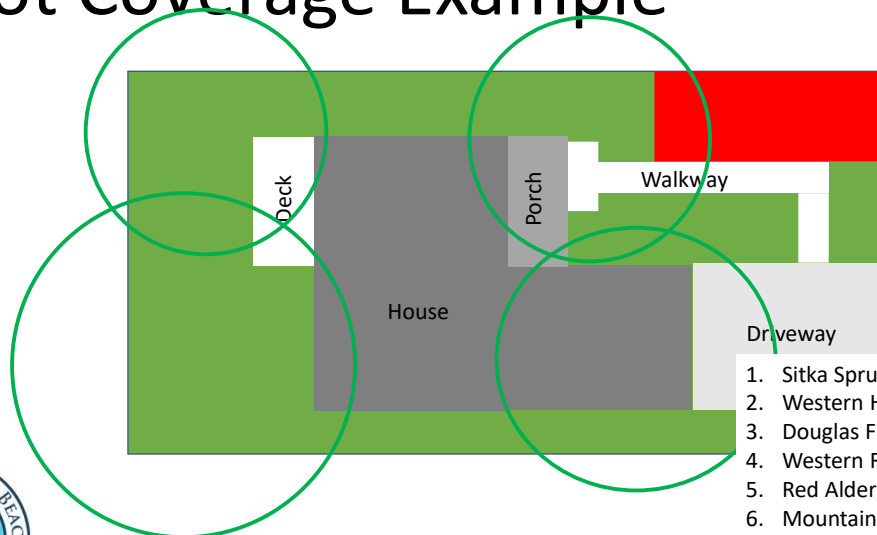


$$5,000 \times .5 \times .25 = 625$$



15

Lot Coverage Example



1. Sitka Spruce: 20-30' spread
2. Western Hemlock: 20-30'
3. Douglas Fir: 12-20'
4. Western Red Cedar: 15-25'
5. Red Alder: 20-30'
6. Mountain Ash: 15-20'
7. Big Leaf Maple: 40-75'
8. Vine Maple: 15-20'



16

1. Zoning Definition Text Amendments
New Terms

3. Legacy Tree
means a 30" DBH or greater viable tree.



17

1. Zoning Definition Text Amendments
New Terms

4. Legacy Tree Canopy
means the protection of over fifty percent of the legacy trees
identified on a lot, where no more than two legacies trees are
removed during construction.



18

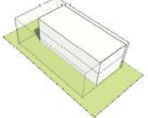
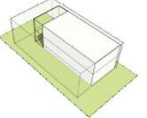
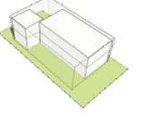
2. FAR & Public Benefits Development Text Amendment

Currently House Size is limited by FAR, which is 60% for most lots. Early discussions offered three routes to limiting house size:

1. Prohibit Lot Combinations to take advantage of FAR
2. Cap House Size
3. Control through FAR

The City has taken the first step, prohibiting lot combinations, staff offers another alternative if there is still a desire to limit house sizes.

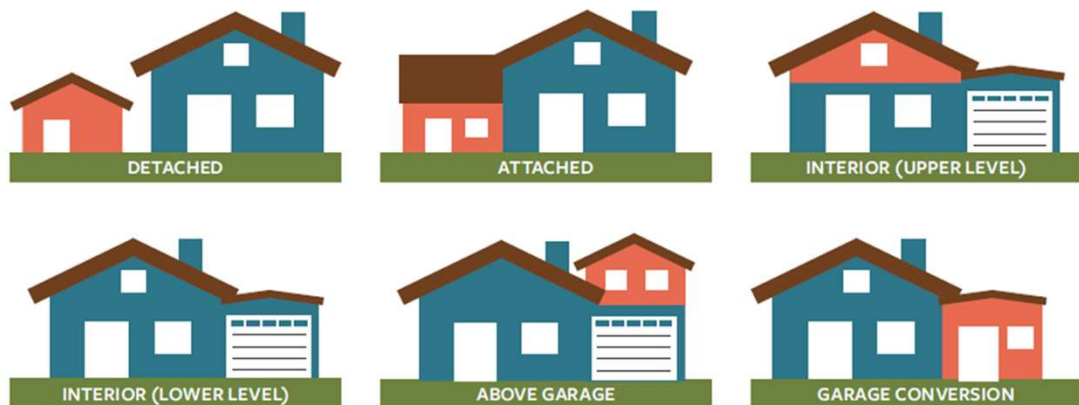
5,000 square foot lot

		
<p>Development allowed today</p> <ul style="list-style-type: none"> Lot size: 5,000 sf (shown in green) Existing setbacks shown (transparent shape) Current FAR (white shape): total = 3,000 sf 	<p>Proposed FAR Reduction</p> <ul style="list-style-type: none"> Lot size: 5,000 sf (shown in green) Existing setbacks shown (transparent shape) Reduced FAR (white shape): total = 2,500 sf Dark line in rear setback indicates reduced FAR 	<p>With FAR Bonus in exchange for public benefits</p> <ul style="list-style-type: none"> Lot size: 5,000 sf (shown in green) Existing setbacks shown (transparent shape) Reduced FAR (white shape): total = 2,500 sf + 600 sf = 3,100 sf



19

3. Workforce Housing Accessory Dwelling Unit



▲ Accessory dwelling units (or ADUs) come in many shapes and styles.



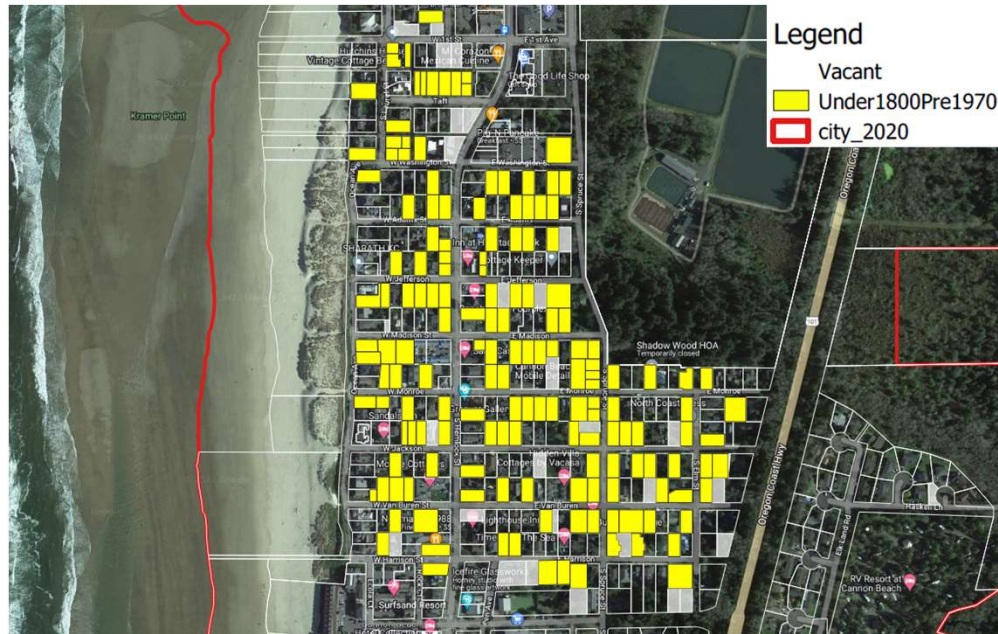
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4. Historic Cottage Overlay



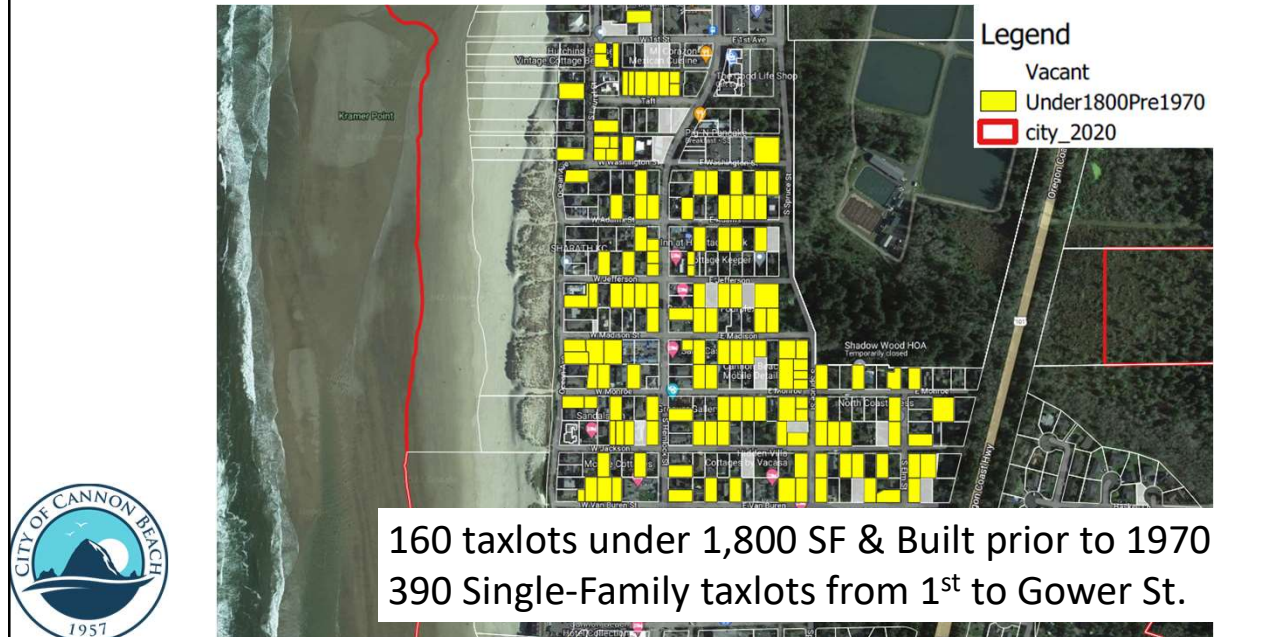
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4. Historic Cottage Overlay Area Map Amendment

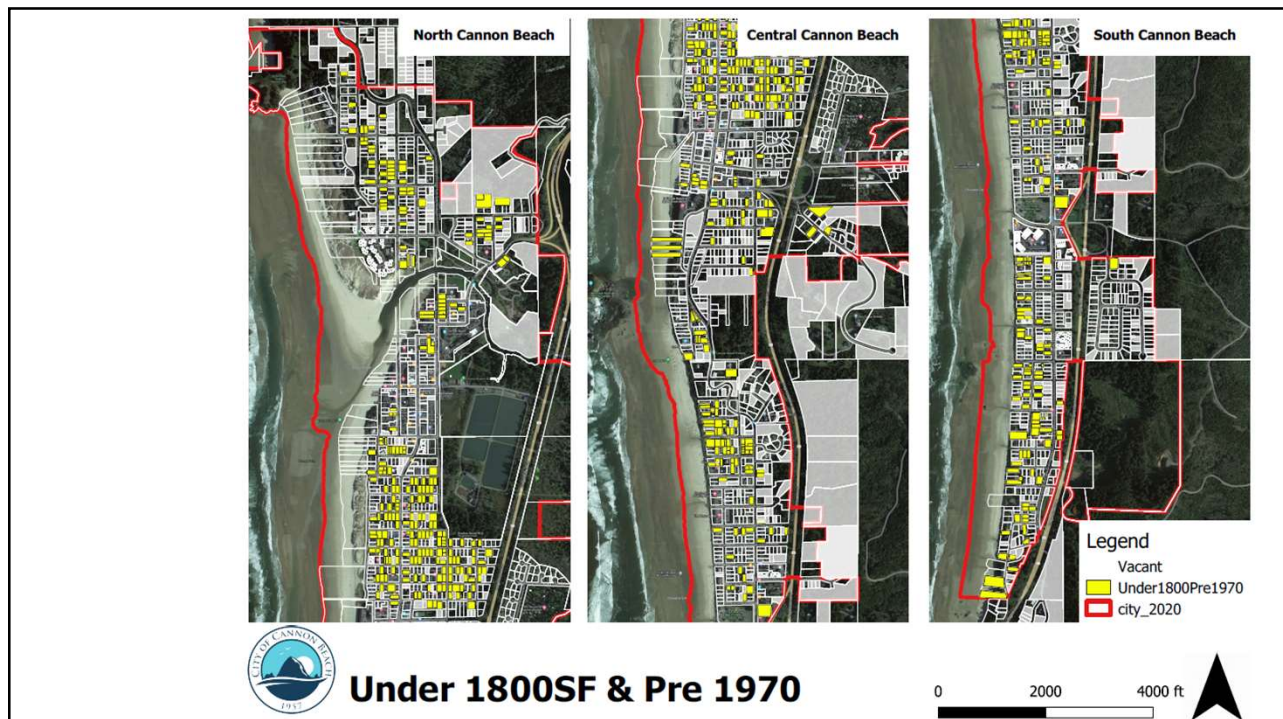


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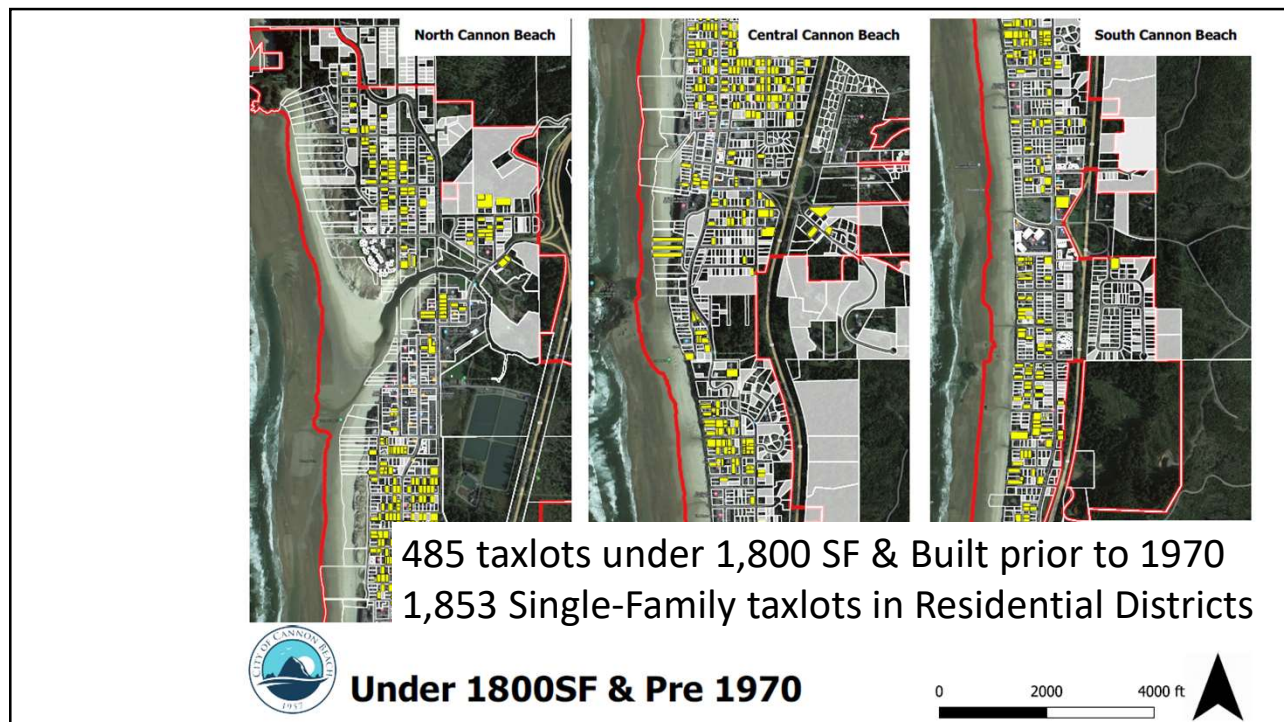
4. Historic Cottage Overlay Area Map Amendment



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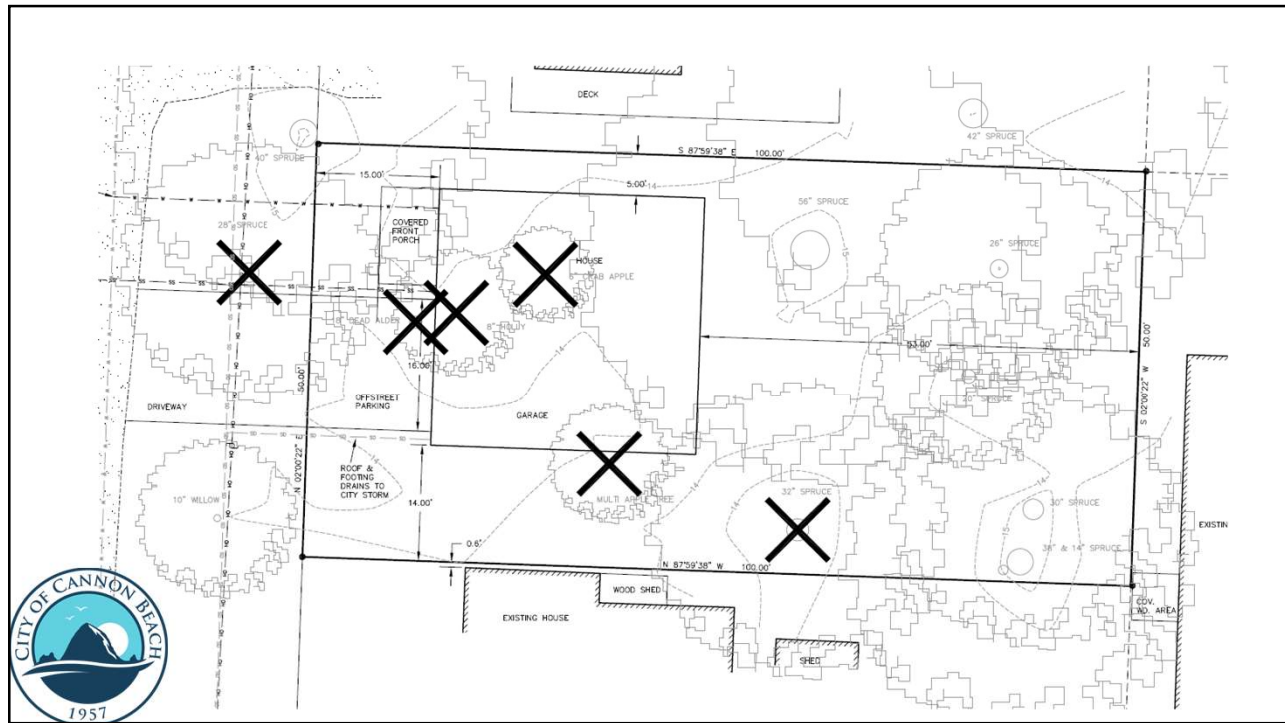
5. Legacy Tree Canopy Text Amendment

TREE LANGUAGE UPDATE IDEAS

1. Define Legacy Trees as any tree over 30 inches in DBH.
2. Better Define TPZ and function.
3. Allow for up to 50% setback reduction, administratively approved, through a Type III Development Permit, where the owner proposes to alter the siting of any new structure or alteration exceeding 1,000 SF in gross floor area, in order to save a Legacy Tree.
4. Legacy Trees shall be required to have City Arborist review.
5. Construction & Public Benefit Incentives are three tiered:
 AA: Administratively Approved for non-Legacy, within footprint, where Certified Arborist:
 Reviewed:



26



27



28



29

6. Alternative Parking Text Amendment

20 17.78.025 Parking Alternatives

21 If a property owner is unable to provide the required parking on-site, the owner may at the discretion of
 22 the Director satisfy the parking requirements by one or more alternatives in this section.

23 A. Off-Site Parking. The location of off-premises parking facilities in relation to the use served are
 24 described in this subsection. All distances specified shall be between the closest edge of such parking
 25 facilities to the closest edge of the site being served.

26 1. General to All Zones.

27 a. Pedestrian access between the use or the site and the off-premises parking area shall be via paved
 28 sidewalk or walkway.

29 b. The owner shall provide a recorded parking agreement reflecting the arrangement with the other
 30 site.

31 c. If the off-premises parking facility is shared, the Director may allow a reduction in the following
 32 manner:



30

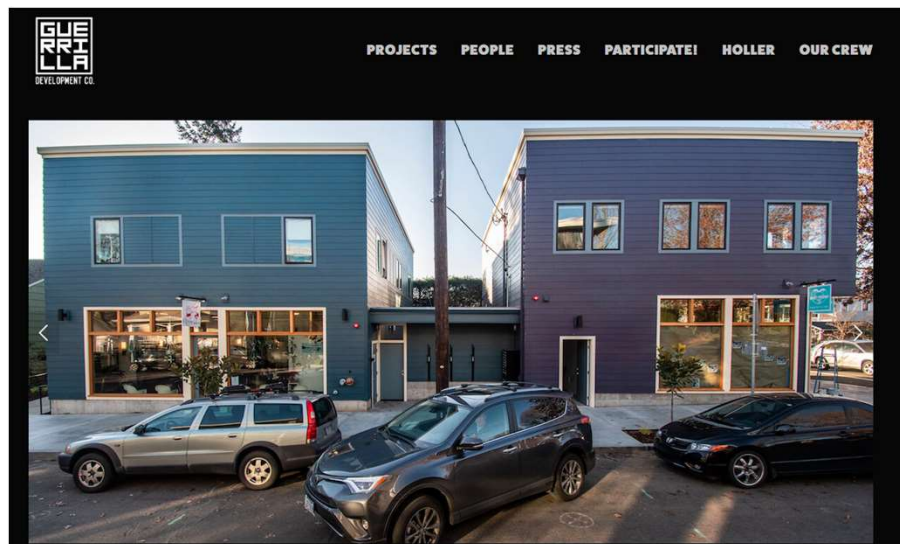
6. Alternative Parking Text Amendment

- 1 (1) The reduction in number of required parking spaces shall be based on a parking demand study. The
- 2 parking demand study shall be in accordance with established professional practices.
- 3 (2) The shared parking arrangement shall require a recorded covenant running with the land, recorded
- 4 by the owner of the parking lot, guaranteeing that the required parking will be maintained exclusively
- 5 for the uses served and remain for the duration of the use.
- 6 d. Required parking may be provided in off-street parking facilities on another property within 600 feet
- 7 of the site proposed for development.
- 8 2. Off-site parking facilities for a nonresidential use shall not be located in a residential zone.
- 9 B. In-Lieu Fee. The owner of any property upon which a development is proposed may pay an in-lieu
- 10 parking fee if the City approves it as part of the site plan review. A request to pay the in-lieu fee for
- 11 more than 10 parking spaces must be approved by the Council. The Council shall make the following
- 12 findings before approving any in-lieu fee proposal:
- 13 1. There is available or planned public parking capacity to offset this demand;
- 14 2. The public parking will be made available within a reasonable time period of the approval of this
- 15 development; and
- 16 3. The fee option is available only if an existing or planned parking facility exists within 600 feet of the
- 17 site, or within a distance set by the Council. The fee shall be the current value of land and parking
- 18 construction costs per space needed, as determined by an adopted parking management plan.



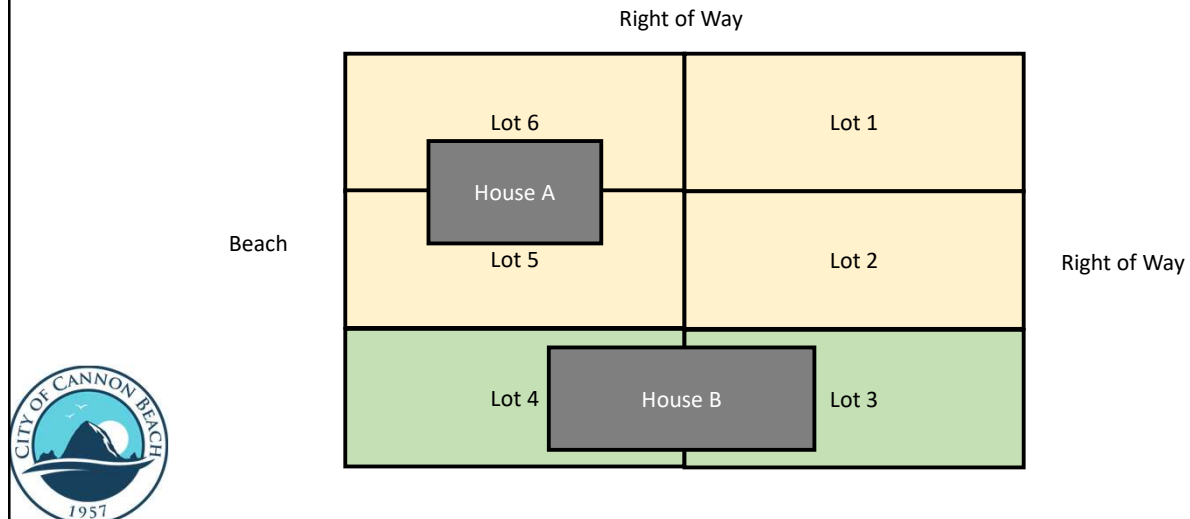
31

6. Alternative Parking Text Amendment



32

7. Non-Conforming & Pre-Existing Structures Text Amendment



35

7. Non-Conforming & Pre-Existing Structures Text Amendment

16.04.370 Lot line adjustment.

A. Application shall be made on a form provided by the city.

B. The city shall review the request for a lot line adjustment to determine compliance with the standards of this chapter and the zoning ordinance. The city shall approve or deny the request in writing based on the criteria of this chapter and the zoning ordinance within thirty days of submittal of the request.

C. A request for a lot line adjustment must meet all of the following criteria:

1. An additional lot is not created by the lot line adjustment and the existing parcel reduced in size by the adjustment is not reduced below the minimum lot size established by the approved zoning for that district;

2. By reducing the lot size, the lot or structures on the lot will not be in violation of the zoning ordinance requirements for that district;

3. The adjustment is not a combination or recombination of entire parcels or previously platted lots or portions thereof, except to meet minimum lot size requirements of a district.

D. The applicant may appeal the decision of the city to the planning commission by filing an appeal within fourteen consecutive calendar days of the decision. (Ord. 21-08 § 1; Ord. 17-3 § 1; Ord. 95-20 § 1)



36

7. Non-Conforming & Pre-existing Structures Text Amendment

22 17.82.060 Pre-existing uses.

23 The following provisions apply to preexisting uses:

24 {...}

25 C. Requirements. Pre-existing uses shall be subject to the following requirements:

26 1. Reconstruction. If a structure devoted to a pre-existing use is destroyed or damaged by any
27 cause other than actions of the owner of that structure or his agents to an extent amounting to eighty
28 percent of its fair market value as indicated by the records of the county assessor, that structure may be
29 rebuilt. The construction or reconstruction of the structure shall:

30 a. Conform to the setbacks, building height and floor area of the structure prior to damage
31 or destruction; or

32 b. Conform to the setbacks, building height and other requirements of the zone in which it
33 is located.

34

36 17.82.040 Nonconforming structures.

37 The following provisions apply to nonconforming structures:

38 F. If a nonconforming structure or nonconforming portion of a structure is destroyed or damaged
39 by any cause other than actions of the owner of that structure or his agents by any means to an extent
40 amounting to eighty percent of its fair market value as indicated by the records of the county assessor, ~~it~~

1 ~~shall not be reconstructed except in conformity with the provisions of this title. that structure may be~~
2 ~~rebuilt. The construction or reconstruction of the structure shall:~~

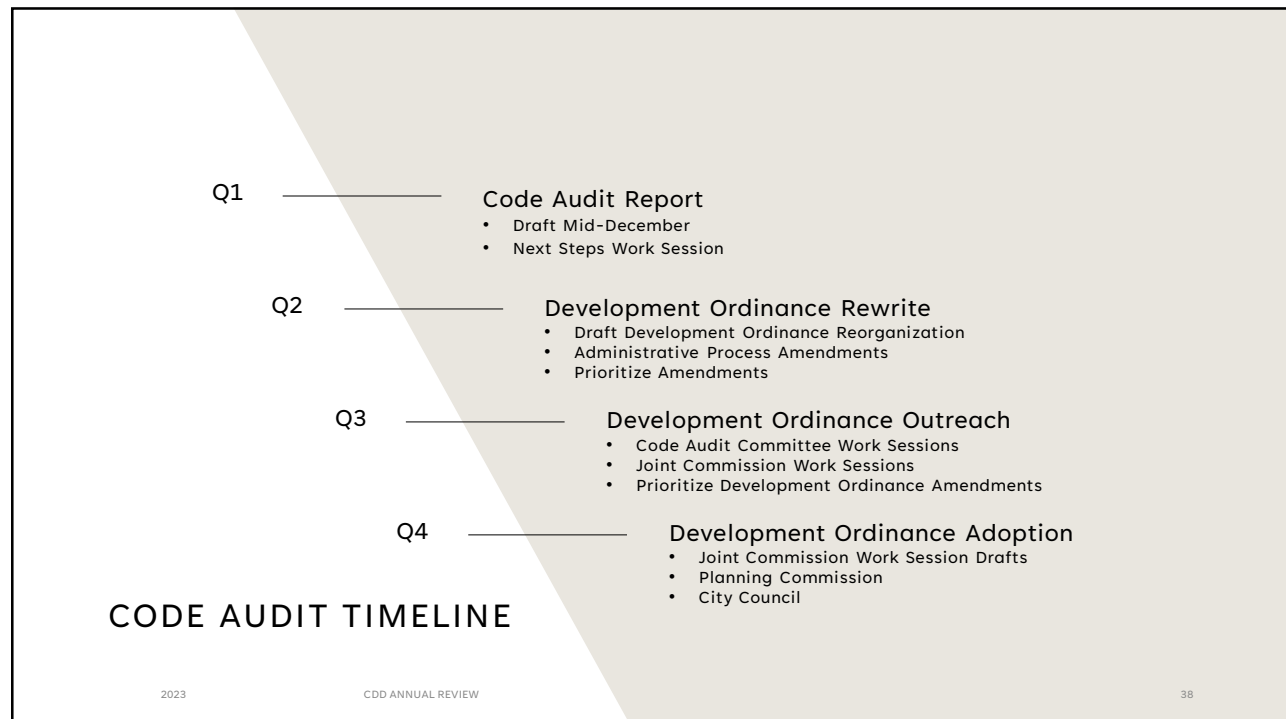
3 ~~a. Conform to the setbacks, building height and floor area of the structure prior to damage~~
4 ~~or destruction; or~~

5 ~~b. Conform to the setbacks, building height and other requirements of the zone in which it~~
6 ~~is located.~~

7



37



38

Track Two Amendments Timing

1. Zoning Definition Text Amendments
2. FAR & Public Benefits Development Text Amendment
3. Workforce Housing Accessory Dwelling Unit Text Amendment
4. Historic Cottage TDR Overlay Area Text & Map Amendment
5. Legacy Tree Canopy Text Amendment
6. Alternative Parking Text Amendment
7. Pre-Existing & Non-Conforming Structures 'Grandfathering' Text Amendment



39

Track Two Amendments Timing

- January Work Session with proposed language
- March Work Session with draft language for notice
- June Planning Commission Public Hearing
- September City Council Work Session
- October City Council Public Hearing



Thank you!

For more, contact

planning@ci.cannon-beach.or.us or visit
www.ci.cannon-beach.or.us

40

City of Cannon Beach								
Building Codes Division								
Tree Permit Applications								
November	2022							

[illegible]



1



2

INTRODUCTION

The Community Development Department (CDD) is engaged in assisting the city with two capital projects, the Elementary School Rejuvenation Project (CBES) and the City Hall/Police Department/Emergency Operation Center Project (CBCC). The CDD is also engaged in a host of planning projects, including finalizing the Code Audit (CODE), implementing the Community Development Ordinance rewrite and Transportation System Plan (TSP). The CDD has four Full-Time Employees working across the community and region to support building, housing, planning and zoning activities that serve the citizens of Cannon Beach.

2023

CDD ANNUAL REVIEW

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3

COMMUNITY DEVELOPMENT DEPARTMENT



Jeff Adams
Director



Alton Butler
Building Official



Robert St. Clair
Planner



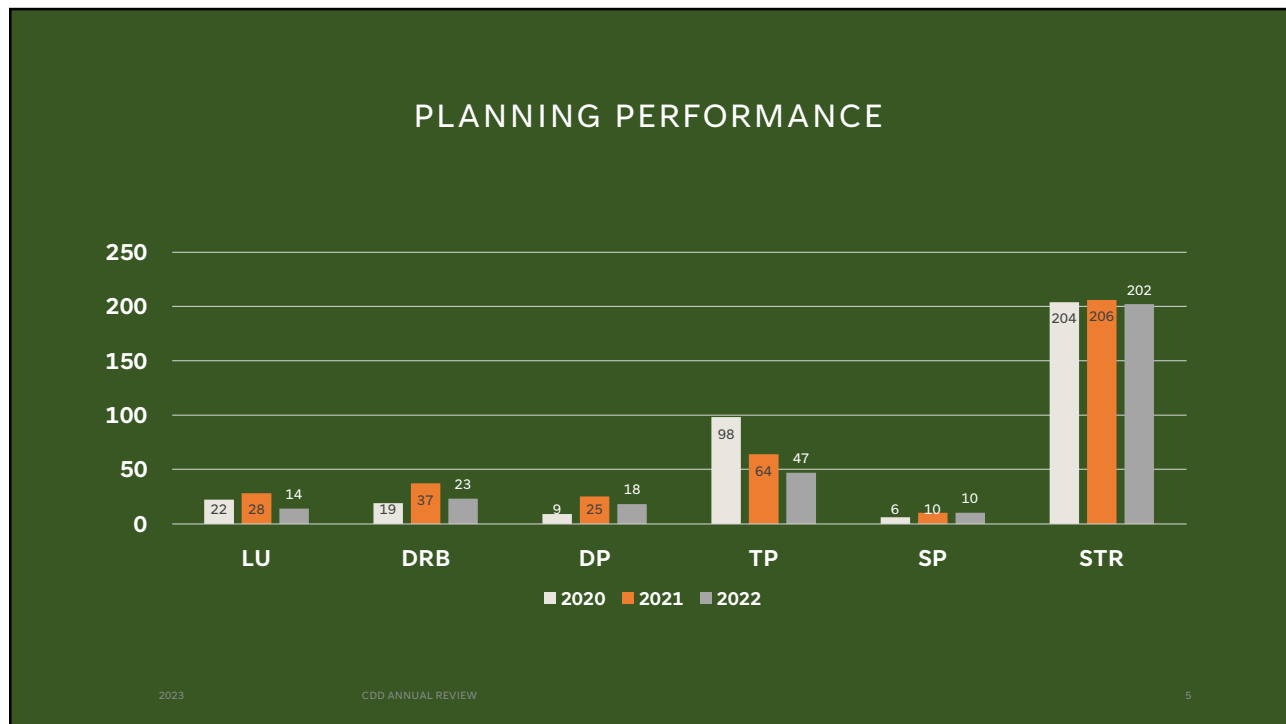
Emily Bare
Administrative
Assistant

2023

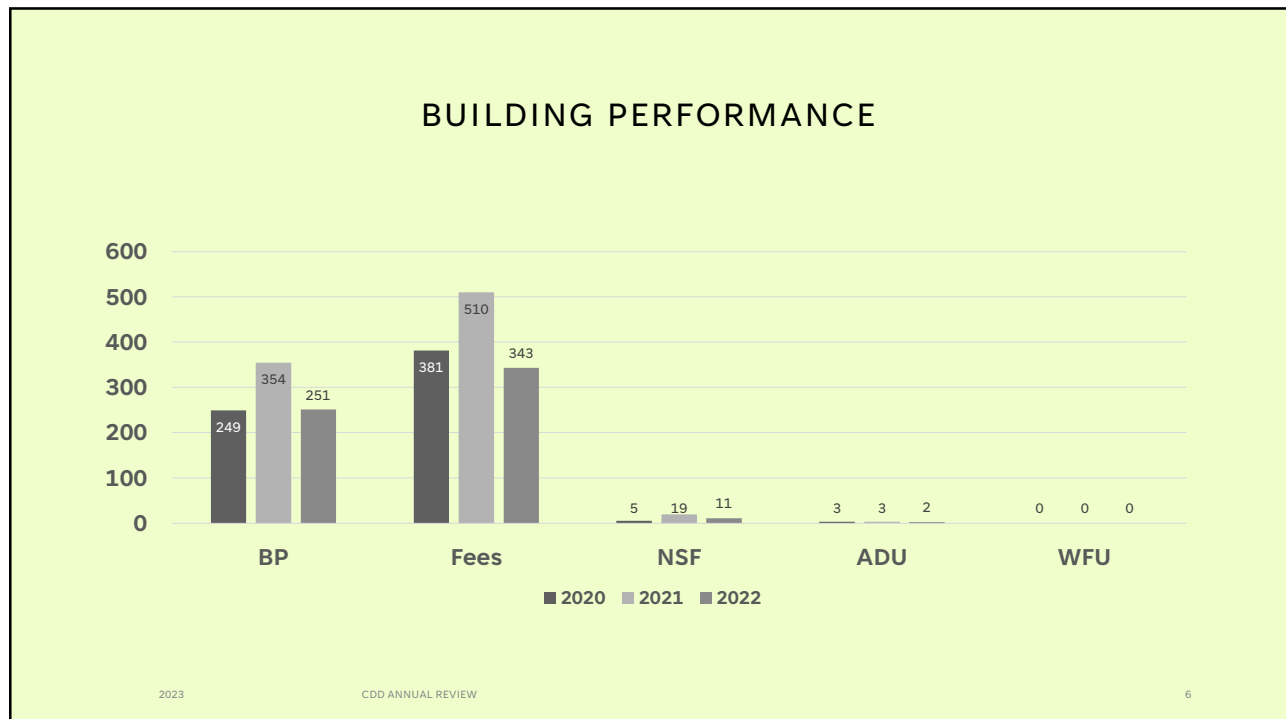
CDD ANNUAL REVIEW

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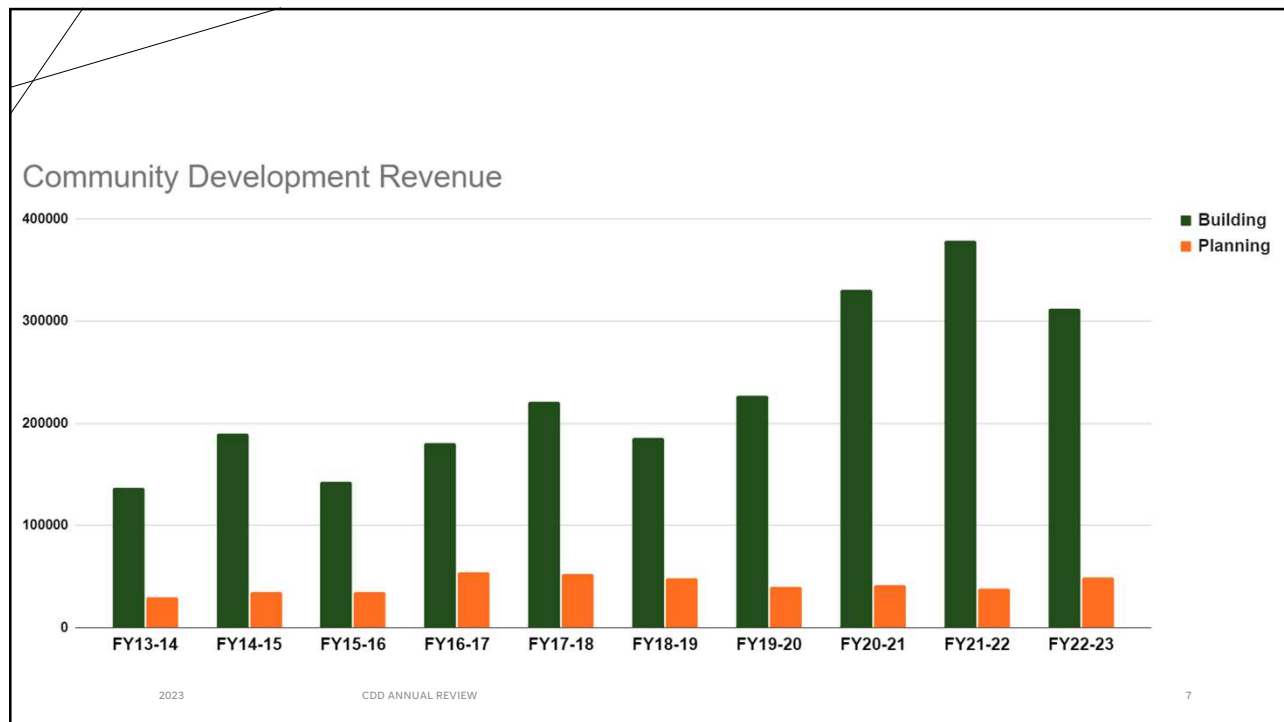
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CURRENT PROJECTS

- CBES Rejuvenation Project
- CBCC/PD/EOC Project
- CB Transportation System Plan: Priorities
- Code Audit
- Track Two Ordinance Amendments
- Wetlands Ordinance Amendments
- Clatsop Regional Housing Task Force
- CB Affordable/Workforce Housing Program Policies
- Ecola North Bank Stabilization Project
- Sea Level Rise Adaptation & Mitigation Planning Project

2023 CDD ANNUAL REVIEW 8

8

PROJECT PARTNERS

CBES  Dustin Johnson CIDA	CBCC  Leslie Jones CIDA	CODE  Marcy McInelly Urbworks	TSP  Eddie Montejó Parametrix
 Dave Brookings Bremik	 Jordan Fell Emerick	 Marcy McInelly Urbworks	 TBD Project Specific

2023
CDD ANNUAL REVIEW
9

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CODE AUDIT TIMELINE

Q1	<hr style="width: 100%;"/>	Code Audit Report <ul style="list-style-type: none"> Draft Mid-December Next Steps Work Session
Q2	<hr style="width: 100%;"/>	Development Ordinance Rewrite <ul style="list-style-type: none"> Draft Development Ordinance Reorganization Administrative Process Amendments Prioritize Amendments
Q3	<hr style="width: 100%;"/>	Development Ordinance Outreach <ul style="list-style-type: none"> Code Audit Committee Work Sessions Joint Commission Work Sessions Prioritize Development Ordinance Amendments
Q4	<hr style="width: 100%;"/>	Development Ordinance Adoption <ul style="list-style-type: none"> Joint Commission Work Session Drafts Planning Commission City Council

2023
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10

10

10.08.040 Powers of the governing body.

A. Subject to state laws, the governing body shall exercise all local traffic authority for the city except those powers expressly delegated by the ordinance codified in this chapter or another ordinance. The city council shall assign to the city's planning commission responsibility for the annual review of the city's parking and traffic policies within the powers of the governing body. The planning commission after study of the issues and a public hearing shall make recommendations to the city council. The city council shall convene a public hearing on the recommendations from the planning commission and consider any changes to the city's parking and traffic policies.

B. The powers of the governing body include, but are not limited to:

1. Designation of through streets;
2. Designation of one-way streets;
3. Designation of truck routes;
4. Designation of parking meter zones;
5. Restriction of the use of certain streets by any class or kind of vehicle to protect the streets from damage or excess traffic;
6. Authorization by resolution of greater maximum weights or lengths than specified by state law for vehicles using city streets or county roads;
7. Initiation of proceedings to change speed zones;
8. Revision of speed limits in parks;
9. Temporary closure or blocking of streets;
10. Establish, remove or alter the following classes of traffic controls:
 - a. Crosswalks, safety zones and traffic lanes,
 - b. Intersection channelization and areas where vehicle drivers shall not make right, left or U-turns and the time when the prohibition applies,
 - c. Parking and no parking areas and time limitations, including the form of permissible parking (e.g., parallel or diagonal),
 - d. Traffic control signals,
 - e. Loading zones and stops for vehicles. (Ord. 97-7 §§ 1, 2; Ord. 89-8 § 4)

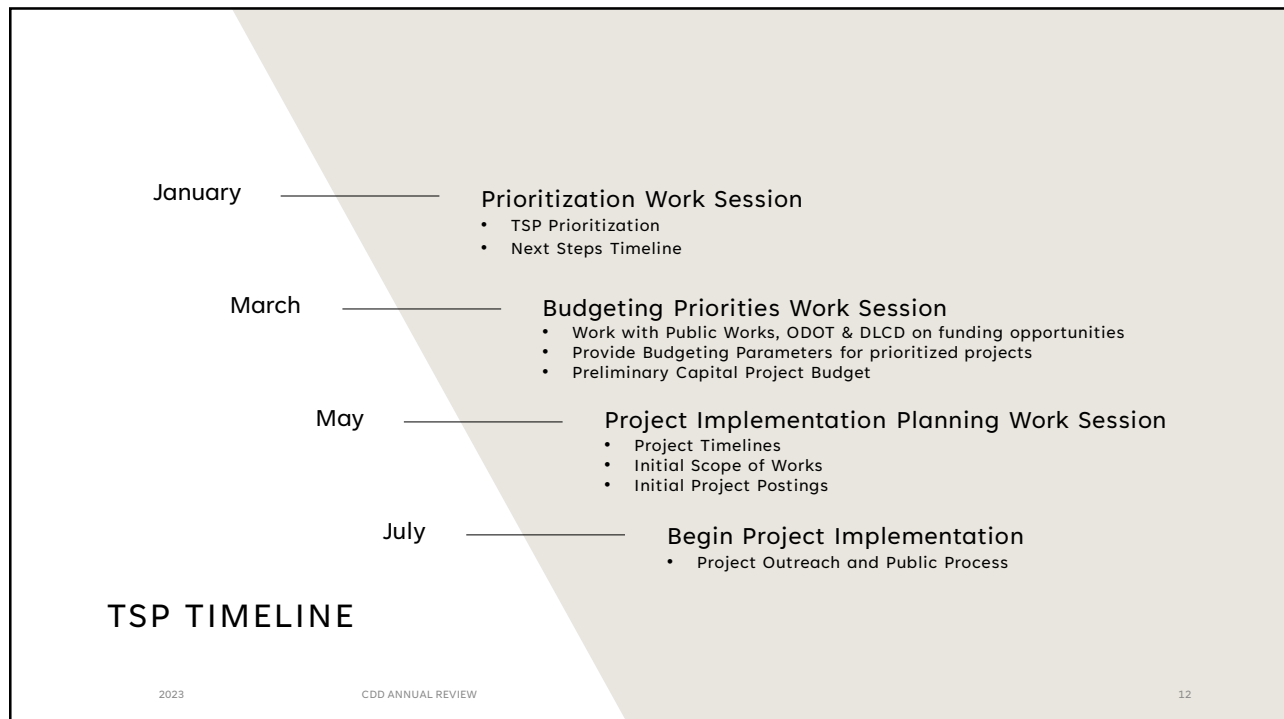
10.08.050 Duties of the city manager.

The city manager or the city manager's designee shall exercise the following duties:

- A.** Designate certain streets as bridle paths and prohibit horses and animals on other streets;
- B.** Establish bicycle lanes and paths and traffic controls for such facilities;
- C.** Implement ordinances, resolutions and motions of the governing body and the city manager's orders by installing, maintaining, removing and altering traffic control devices. Installation shall be based on standards contained in the Manual on Uniform Traffic Control Devices for Streets and Highways and the Oregon Supplements;
- D.** Issue oversize or overweight vehicle permits;
- E.** Temporarily close or block streets.

2023 CDD ANNUAL REVIEW 11

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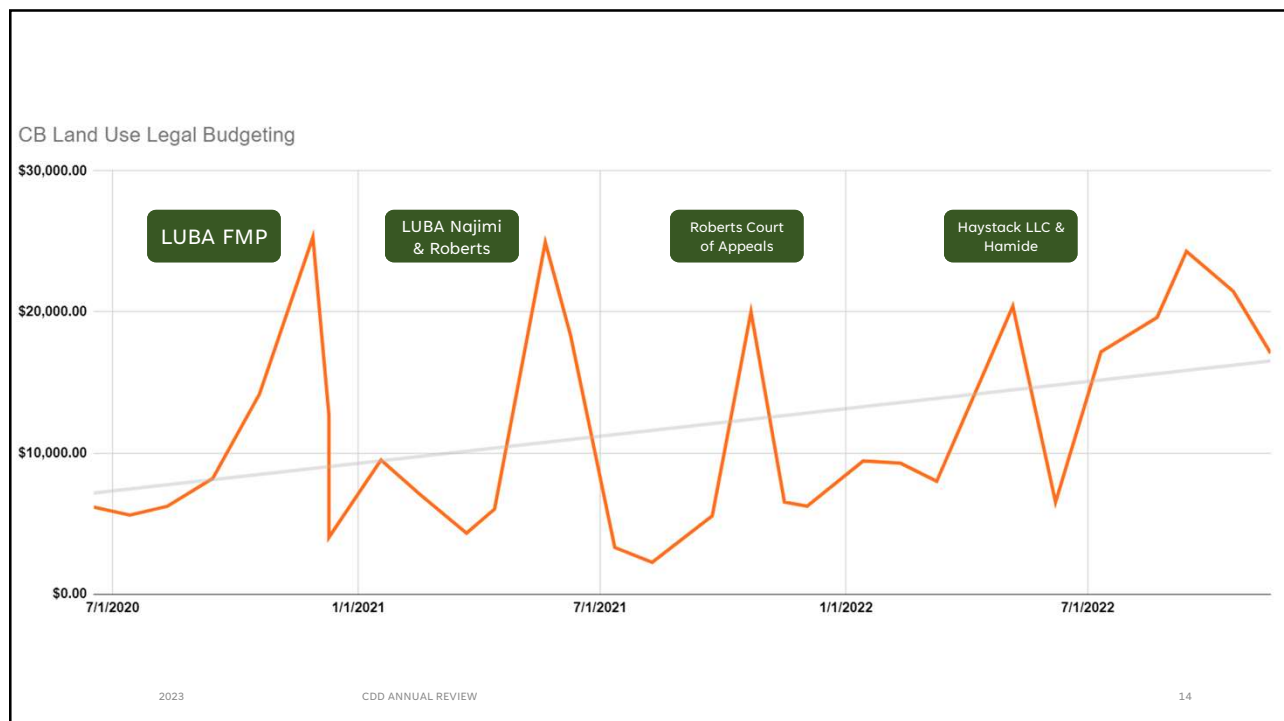
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LAND USE LEGAL ISSUES

<p>Roberts v. City of Cannon Beach</p>	<p>Supreme Court denied review of the oceanfront setback appeal in July.</p>
<p>Haystack LLC v. Roberts & City of Cannon Beach</p>	<p>Before the Circuit Court of Clatsop County regarding use of right-of-way.</p>
<p>Hamide v. City of Cannon Beach</p>	<p>City gave oral arguments on November 15th and a decision is due December 13th.</p>
<p>Haystack LLC v. City of Cannon Beach & Roberts</p>	<p>City gave oral arguments on October 5th regarding the notice of decision.</p>

2023
CDD ANNUAL REVIEW
13

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SUMMARY

Clear & Objective

Input & Output

Film Don't Lie

2023

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CLEAR & OBJECTIVE

1 BEFORE THE LAND USE BOARD OF APPEALS
2 OF THE STATE OF OREGON
3
4 EAST PARK, LLC,
5 *Petitioner,*
6
7 vs.
8
9 CITY OF SALEM,
10 *Respondent.*
11
12 LUBA No. 2022-050
13
14 FINAL OPINION
15 AND ORDER
16
17 Appeal from City of Salem.
18
19 Edward H. Trompke filed the petition for review and reply brief
20 on behalf of petitioner. Also on the brief was Jordan Ramis PC.
21
22 Daniel B. Atchison filed the respondent's brief and argued or
23 respondent.
24
25 RUDD, Board Member; ZAMUDIO, Board Chair; RYA
26 Member, participated in the decision.
27
28 REVERSED 08/30/2022
29
30 You are entitled to judicial review of this Order. Judicial
31 governed by the provisions of ORS 197.850.

23 In this case, SRC 240.005(d)(2) and (3) are not objective. SRC
24 240.005(d)(2) requires evaluation of "reasonably likely adverse impacts" on an
25 undefined "immediate neighborhood." Similarly, SRC 240.005(d)(3) requires
26 evaluation of whether the proposed use is "reasonably compatible" or will have
Page 9
1 minimal impact on the "livability" and "appropriate development" of
2 neighboring property. The CUP criteria are intended to balance or mitigate the
3 impact of the proposed development on surrounding properties and require
4 subjective, value-laden judgments. They are not objective and may not be applied
5 to the application.
6 Application of the criteria in SRC 240.005(d)(2) and (3) required the city
7 to engage in a value-laden analysis regarding adverse impacts to surrounding
8 properties. The city's analysis, which balances its desire for commercial
9 development against the proposed residential development, is prohibited by ORS
10 197.307(4).
11 The second assignment of error is sustained.


2023

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16

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INPUT & OUTPUT



CITY OF CANNON BEACH

APPLICATION FOR CITY COMMITTEE, BOARD, OR COMMISSION

Applicant Name: _____ Mailing Address: _____ Telephone (Home): _____ Alt. Telephone: _____ Email Address: _____	Type of Application: <input type="checkbox"/> New <input type="checkbox"/> Renewal
---	--

Which Committee, Board, or Commission would you like to serve upon (see full qualifications required for each Committee on reverse)? Submit completed application questionnaire with this application.

<input type="checkbox"/> Budget Committee <small>Must provide copy of voter registration card with application</small> <input type="checkbox"/> Design Review Board <input type="checkbox"/> Farmers Market Committee	<input type="checkbox"/> Parks & Community Services Committee <input type="checkbox"/> Planning Commission <input type="checkbox"/> Public Works
--	--

☐ Tourism and Arts Commission (TAC)
See specific requirements in Municipal Code Chapter 2.32.040 D

Please indicate which committee(s) you are already a member of: _____


If you are applying for more than one committee, are you willing to serve on both? If not, indicate your order of preference for service: _____

Applicants must have resided within the city or its urban growth boundary during the one year immediately preceding appointment, or at the time of appointment, shall have owned real property located within the city or its urban growth boundary for at least one year immediately preceding appointment. Note: Tourism and Arts Commission applicants are not required to reside in Cannon Beach and are eligible if he or she has worked, at least part-time, within the City of Cannon Beach for at least one year immediately preceding appointment. Do you meet this criterion?

Why are you interested in this position? Please use extra sheets as necessary.

What knowledge, skills or experience can you bring to this position? Please use extra sheets as necessary.

What is your current occupation?



CITY OF CANNON BEACH

APPLICATION FOR DESIGN REVIEW BOARD AND/OR PLANNING COMMISSION

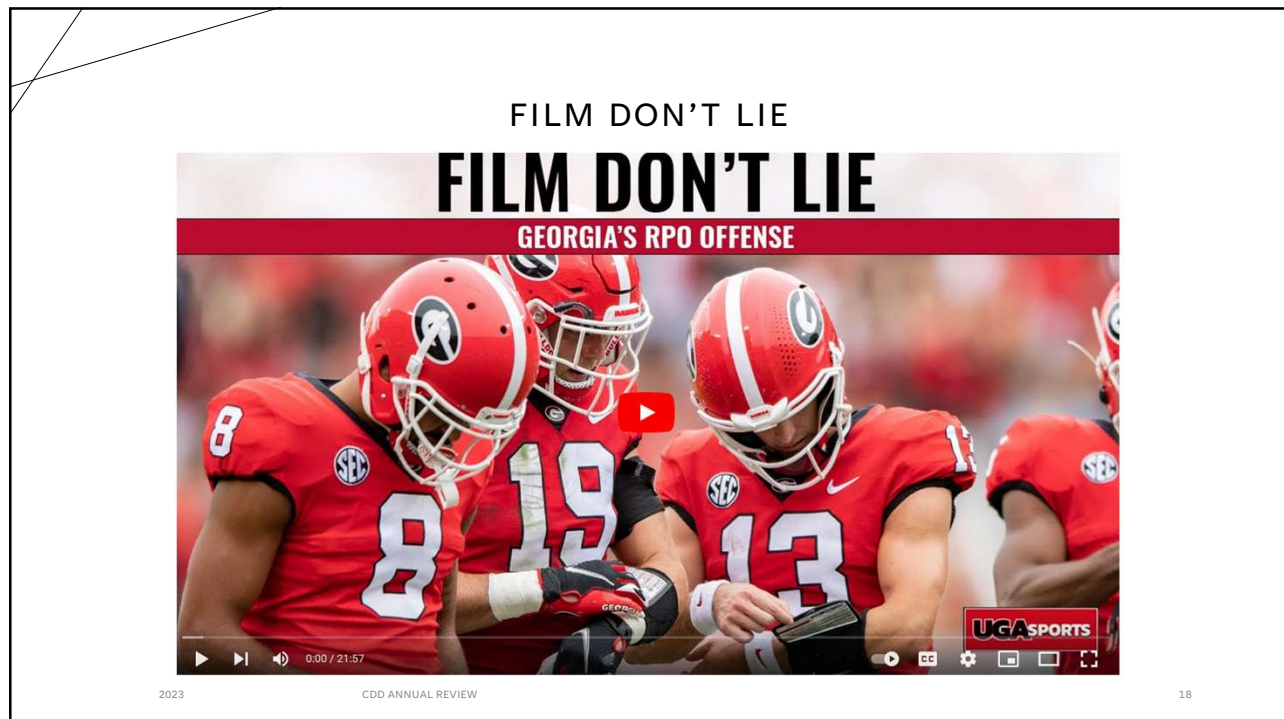
Applicant Name: _____ Mailing Address: _____ Telephone (Home): _____ Alt. Telephone: _____ Email Address: _____	Type of Application: <input type="checkbox"/> Design Review Board <input type="checkbox"/> Planning Commission
---	--

Please answer the questions below and return with your application. Use extra pages as necessary.

- Have you read the ordinance defining this committee to understand its purpose and duties?
- Are you willing to learn and follow the Oregon ethics rules, including those regarding conflict of interest? <https://www.oregon.gov/leg/committees/Pages/Code-for-Public-Officials.aspx> for details.
- Will you be able to regularly attend the meetings and possible work sessions? Including a one day training session?
- What is it about this committee that attracts you?
- What would you like to accomplish by being a member of this committee?

2023
CDD ANNUAL REVIEW
17

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18

FILM DON'T LIE



Item #4: Flats at Hansen Farm
October 20, 2022 | Planning & Zoning Commission Meeting

FCTV
channels 14 & 881

2023

CDD ANNUAL REVIEW

19

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BUILDING TRANSPARENCY

Clearer Codes

Clearer Communications

Clearer Processes

2023

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