



Cannon Beach Planning Commission

Staff Report Addendum, Noon, August 25, 2022:

PUBLIC HEARING AND CONSIDERATION OF CU 22-03, DAVIDSPRUCE LLC, REQUESTING A CONDITIONAL USE PERMIT FOR A CLUSTER DEVELOPMENT SUBDIVISION IN THE WETLAND OVERLAY ZONE. THE PROPERTY IS AN UNDEVELOPED PARCEL ON THE CORNER OF SPRUCE STREET AND FIRST STREET (TAXLOT 51030AA04402) IN THE LIMITED COMMERCIAL (C1) ZONING DISTRICT WHERE A SINGLE-FAMILY AND MULTIFAMILY DWELLINGS REQUIRE A CONDITIONAL USE. THE REQUESTS WILL BE REVIEWED PURSUANT TO MUNICIPAL CODE SECTIONS 16.04.130 & 400, CLUSTER DEVELOPMENT SUBDIVISIONS & VARIANCES AND 17.43, CONDITIONAL USES AND ACTIVITIES PERMITTED IN LIMITED COMMERCIAL AND WETLAND OVERLAY ZONING DISTRICTS, APPLICABLE STANDARDS.

Agenda Date: August 25, 2022

Prepared By: Jeffrey S. Adams, PhD

NEW MATERIALS: EXHIBITS

The following Exhibits are attached hereto as referenced. All application documents were received at the Cannon Beach Community Development office on July 5, 2022 unless otherwise noted.

“A” Exhibits – Application Materials

A-4 Ecola Square Condominiums, Alternate Site Plan, Tolovona Architects, not dated, received via email, August 24, 2022;

“D” Exhibits – Public Comment

D-2 Jack and Patricia Clenaghan, Email correspondence, received August 22, 2022;

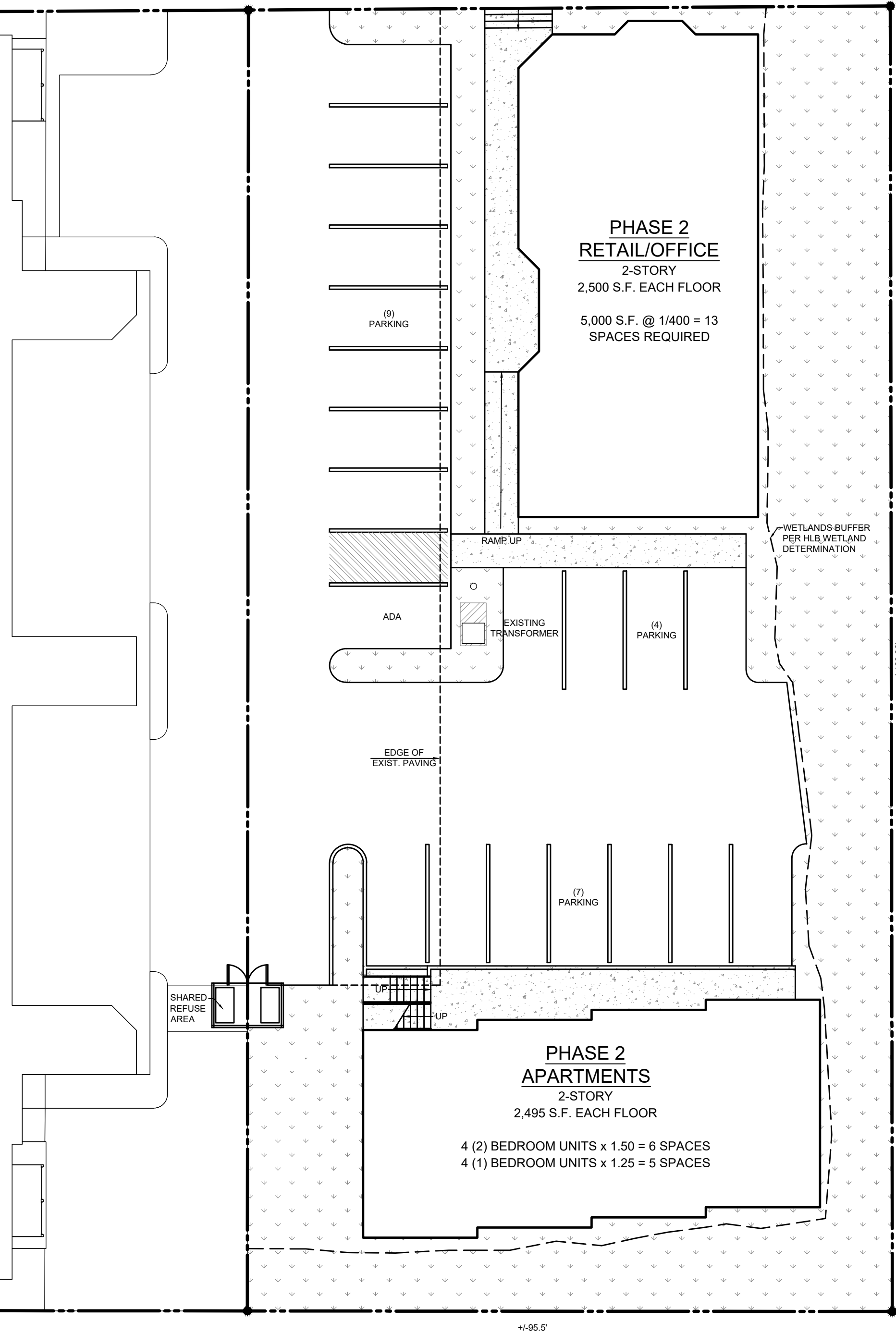
D-3 Ronald M. Shapiro, Email correspondence, received August 23, 2022;

D-4 Barb Hinthorne, Email correspondence, received August 24, 2022;

SUMMARY

Attached are new materials since the distribution of the agenda and packets, posted August 18, 2022.

Daidspruce LLC (applicant) is requesting tentative plan approval of a Cluster Development Subdivision of tax lot 51030AA04402 (also referred to as the project site). The project site is generally located at the intersection of Spruce Street and 1st Street. As the project site contains wetlands mapped on the City’s local wetland inventory that are subject to Cannon Beach Municipal Code (CBMC) Chapter 17.43 (Wetlands Overlay Zone), where the applicant is requesting conditional use approval as required by CBMC 17.43.040-45 for partitions or subdivisions within wetlands and wetland buffer areas. As shown on the Preliminary Partition Plan (Exhibit A-3), the proposed partition would create seven lots intended for five lots of single-family residential dwellings, one lot for a multifamily fourplex, and a common lot for shared access and parking, for a total of nine dwelling units. Single-family and Multifamily dwellings are also a Conditional Use in the C1 Limited Commercial zoning area and subject to conditional use approval of CBMC 17.80.020 & 110.



SPRUCE STREET

Jeffrey Adams

From: Clenaghan <clenaghan@bendcable.com>
Sent: Monday, August 22, 2022 10:58 AM
To: Jeffrey Adams
Subject: Proposal to develop Wetlands at 1st and Spruce Street

We have owned a house in Cannon Beach for 40 years and have sadly watched some of the most charming parts of the community be consumed by unused million dollar houses and great reduction in open space. Bigger is not better!!! To destroy the wetlands will remove the habitat of many animal species and encourage the further influx of people and development thus more habitat loss. Do you want only rabbits as wildlife in Cannon Beach? We are totally against both further development and the destruction of the wetlands in order for someone outside the community to reap fantastic financial benefits. Jack and Patricia Clenaghan

Jeffrey Adams

From: Ronald Shapiro <shapiro@shapiroadvisors-llc.com>
Sent: Tuesday, August 23, 2022 9:01 AM
To: Jeffrey Adams; Jennifer Barrett
Subject: Written testimony for August 28 Planning Commission

Please forward the following to members of the Planning Commission. Thank you, Ron Shapiro

To the Planning Commission

I wish I could join you in person as I did when you heard testimony on the petition regarding development of the Forest Lawn Forested Wetlands area, but I will be out of town- and therefore write this with the hopes it will be included in the record of your August 25 hearing regarding the wetland conditional use permit for the 1st and Spruce Streets wetlands property.

Having represented both citizen groups and developers, I write to seek judgment of the Planning Commission in its role as a quasi-judicial authority based upon the facts as they exist. Expert opinion testimony and developer representations should be listened to, but even more important is weighing the actual results, precedents, of developer actions as they have actually unfolded in the past. Saying that only a limited number of trees will be cut or affected and that water courses will not be altered or wetlands materially impaired is one thing, but what actually has happened in prior development projects is quite another. Thus any developer expert testimony or representations should be carefully weighed in light of past results. This point is particularly important because once a tree or trees is damaged or destroyed, and a wetland is drained and filled, the impact of that loss on the community and its wetlands is permanent.

Thank you for the role you play in protecting our community.

Ron Shapiro, P.O. Box 738, Cannon Beach

—
[Ronald M. Shapiro](#), Chairman
Shapiro Advisors, LLC
(443) 831-1852



Jeffrey Adams

From: barb hinthorne <bhinthor@yahoo.com>
Sent: Wednesday, August 24, 2022 11:08 PM
To: Jeffrey Adams; Planning Group
Subject: Re: 1st and Spruce Street Wetland conditional use

To: The Planning Commission

I want to first commend each member of the Planning Commission for your commitment to the City of Cannon Beach. You have already invested endless hours in reviewing the city's comprehensive plan and codes for development, especially in reviewing conditional use permits for wetlands.

It was evident to me during last month's Planning Commission meeting focused on the conditional use permit request for the wetlands on Forest Lawn and Hemlock, that each Planning Commission member understood the importance of preserving our city's limited wetlands. All pertinent state and local rules and laws were thoroughly reviewed. Citizen input, both written and verbal, was taken into consideration. After much discussion and deliberation, the Planning Commission recommended to deny that specific location request for a wetland conditional use permit.

Your extensive background in state and local wetlands rules and laws and your knowledge about the wetlands environmental significance, will again be the foundation in determining the outcome for the new request for a wetlands conditional use permit for 1st and Spruce Street. Nothing has changed except the wetland location.

The proposal for workforce housing is a guise for development, as was evident from the multiple changes made for the previous wetland conditional request submitted by the same developer for the Forest Lawn and Hemlock wetland.

Please continue to prioritize the positive long term effects of maintaining wetlands versus reducing or eliminating wetlands by permitting short term financial gain for a developer.

Thank you, again, for your dedication to our community.

Respectfully,
Barb Hinthorne
POBox 135
Cannon Beach 97110

[Sent from Yahoo Mail for iPhone](#)