



CITY OF CANNON BEACH

AGENDA

Meeting: Planning Commission
Date: **Thursday, April 28, 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 March 24, 2022**
If the Planning Commission wishes to approve the minutes, an appropriate motion is in order.

(3) **Consideration of the Minutes for the Planning Commission Meeting of March 31, 2022**
If the Planning Commission wishes to approve the minutes, an appropriate motion is in order.

6:05 (4) **Election of Officers**

ACTION ITEMS

6:15 (5) **Public Hearing and Consideration of CU# 21-03, Jacqueline O. Brown request, for a Conditional Use Permit for shoreline stabilization at 116 N. Laurel St.**

CU 21-03, Jacqueline O. Brown Revocable Trust request for a Conditional Use permit to replace approximately 50 cubic yards of sand that has eroded the bank on the west side of the property. The property is located at 116 N. Laurel St. (Tax Lot 04000, Map 51019DD) in a Residential Medium Density (R2) and Oceanfront Management Overlay (OM) zone. The request will be reviewed under Cannon Beach Municipal Code 17.14.030 Conditional Uses Permitted, 17.42.060 Specific Standards and 17.80.230 & 360 Shoreline Stabilization & Preservation Grading.

6:35 (6) **Public Hearing and Consideration of SR#22-01, David Vonada request, on behalf of Clark & Kathryn Reed, for a Setback Reduction for the conversion of an existing structure into an Accessory Dwelling Unit at 2316 Pacific St.**

SR 22-01, David Vonada, on behalf of Clark and Kathryn Reed, application to allow a setback reduction to reduce the rear yard setback from the required 5'0" to 4'0" to convert the existing attic of a detached garage into an ADU, according to chapter 17.14 Residential Medium Density Zone of the Municipal Code. The addition of the ADU does not increase the nonconformity of the structure, however, the setback reduction is required to bring the existing structure into conformance according to Cannon Beach Municipal Code 17.82.040 B. The property is located at 2316 Pacific St. (Tax Lot 02802, Map 51031AA), and in a Residential Lower Density (RL) zone. The request will be reviewed against the Municipal Code, Section 17.64.010, Setback Reduction, Provisions established.

7:00 (7) **Authorization of the Chair to Sign the Appropriate Orders**

If the Planning Commission wishes to authorize the Chair to sign the orders, an appropriate motion is in order.

INFORMATIONAL ITEMS

7:05 (8) **Tree Report**

(9) **Ongoing Planning Items:**

DRAFT Transportation System Plan: @ www.cannonbeachtsp.com

TSP Online Open House Closing April 30th

TSP Timeline: Joint Work Session with City Council May 10th, Public Hearing May 26th

Code Audit Update

(10) **Good of the Order**

7:10 (11) **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, Katie Hillenhagen at Hillenhagen@ci.cannon-beach.or.us or (503) 436-8054. The 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: April 21, 2022

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**Minutes of the
CANNON BEACH PLANNING COMMISSION**
Thursday, March 24, 2022

Present: Chair Daryl Johnson and Commissioners Barb Knop and Mike Bates in person;
Clay Newton, Lisa Kerr, and Anna Moritz via Zoom

Excused: Charles Bennett

Staff: Director of Community Development Jeff Adams, Land Use Attorney Carrie Richter, City
Planner Robert St. Clair, and Administrative Assistant Katie Hillenhagen

CALL TO ORDER

Chair Johnson called the meeting to order at 6:00 p.m.

ACTION ITEMS

(1) Approval of Agenda

Motion: Kerr moved to approve the agenda as presented; Bates seconded the motion.

Vote: Kerr, Newton, Knop, Bates, Moritz, and Chair Johnson voted AYE; the motion passed.

(2) Consideration of the Minutes for the Planning Commission Meeting of February 24, 2022

Motion: Knop moved to approve the minutes; Kerr seconded the motion.

Vote: Kerr, Newton, Knop, Bates, Moritz, and Chair Johnson voted AYE; the motion passed.

(3) Continuation of Public Hearing and Consideration of AA# 22-01, Greg Hathaway request, on behalf of Jeff & Jennifer Harrison for an Appeal of an Administrative Decision to approve a building/development permit for Harding-Bouvet at 534 N. Laurel Street

Jeff and Jennifer Harrison appeal of the City's approval to issue a development/building permit for 534 N Laurel Street. The property is located at 534 N Laurel Street (Tax Lot 07002, Map 51019AD), and in a Residential Medium Density (R2) zone. The request will be reviewed pursuant to Municipal Code, Section 17.88.160, Review consisting of additional evidence or de novo review and applicable sections of the zoning ordinance, conditions of approval of the Cannon Beach Preservation Planned Development Subdivision and approved plat.

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

Adams read his staff report (see staff report in packet for full details). Adams asked everyone attending via zoom to raise their hands if they wanted to speak. He said that there were issues in the meeting last night so they will need to be more careful about letting people speak. Adams said that there are 3 items at issue with this appeal. The first is whether the garage is a two-story structure and whether it is an attached structure. Adams said that he asked the building official to review the revisions and he concluded that the garage is attached in the revised plans. The second issue is if the building permit violates the comprehensive plan. The third is whether it violates the shared access agreement. Adams noted that the latest addendum to the Staff Report was a summary of possible motions.

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

Dean Alterman spoke on behalf of Paul Bouvet. Alterman said that in the third proposed condition he submitted he had an edit. He had written that the city did not intend to *encourage* people to have garages. It should say the city did not intend to *discourage* homeowners from having garages. Alterman said that if his client turned the garage into a carport, it would meet all the requirements. He said that the purpose of the provision is to prevent there from being living space above the garage. That is not the case here. Alterman pointed out that the applicant is not removing a single tree on the property. He also said that the placement of the drywell is to preserve trees. He noted that the applicant must have two parking spaces and the garage serves to fulfill this requirement. He said another option would be to have fill on the property, but that would not benefit anyone.

Chair Johnson called for the appellant to make a presentation.

Jeff Harrison spoke. Harrison said that they still care about the PUD agreement and the results because there have been so many broken promises. He said that the living wall condition has never been satisfied. He said that they have the authority to make sure that all conditions are met. He said that the City has the enforcement ability to perform the work. Harrison argued that the proposed garage is detached and two stories. He said that the only difference between the OHSU skybridge photo that he submitted, and this is the length of the walkway. He did not think that the revisions shared a load bearing wall. He discussed the thresholds for second stories in the Oregon Building Code. Harrison summarized his arguments again.

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

Chair Johnson called for opponents of the request. There were none.

Staff reminded the Commissioners to ask for tentative findings if they would like to review them.

Chair Johnson asked if the applicant wished to make additional statements.

Alterman said that the living wall is a condition of the PUD. He noted that in the Najimi case, LUBA said that a building permit was not a chance to revisit the PUD but should be decided based on building permit requirements. He asked the commissioners to consider the purpose of the two-story restriction and rule on that. He said that they do have the power to define two stories as they see fit.

Chair Johnson closed the hearing and moved to consideration at 6:22 PM.

Kerr said that no one is trying to relitigate the conditions. She said she sees the conditions as a contract. If you do this, you can do this. She sees it as a contract between the City and the PUD that has been broken. She did not know if you should continue to do business with someone who has broken a contract.

Moritz said that she agreed that they had an enforcement issue, and she would like to see what the city attorney has to say about enforcement. She wanted to know how to move forward with the enforcement of the living wall.

Bates said that he does not think that is in the purview of the Planning Commission. He thought that withholding a building permit from an independent party seemed unfair.

Moritz agreed that they do not have enforcement authority, but she thought they could help the City get to a place where they would enforce it.

Bates said that that is fine, but they should not withhold the permit based on that.

Moritz agreed.

Kerr disagreed.

Newton said that he is also frustrated by the situation. He said that he recently dove into the LUBA decision related to the Najimi case. LUBA said that the City cannot deny a permit based on the actions of the PUD. He said that without a Homeowners Association it is hard to enforce anything. Newton said that LUBA also stated that the City failed to make this a provision for other homes that have been developed. He said that if they come back on Mr. Bouvet's they are going to come back with the same argument; why now? Newton said that they don't have a mechanism for enforcement.

Moritz said that they do have a mechanism for enforcement through the SAMA, not through the PUD. She thought the building permit might not be the way to do that, but there should be a way.

Kerr agreed. She said she doubted that the City would enforce this in the future.

Bates said that they are talking a lot about this matter when that is not the issue before them.

Kerr noted that they did not deny a building permit to anyone else in the PUD. She wondered how they could deny it now when they have not before. She did not know if they could write it in as a condition.

Bates said that putting it as a condition on the building permit would be against Mr. Bouvet only. He had an issue with this because the wall should be for everyone in the PUD to deal with.

Adams said he does not know how enforcement would be done. He noted that they have brought annual reports before Council.

Bates said that there are plants growing on the wall.

Kerr said that it looks terrible. She said that she has seen beautiful living walls, and this is not one of them.

Bates said that they need to tell the City what they expect it to look like.

Adams suggested that they could send a letter on behalf of the Planning Commission to City Council.

Newton asked if it would be possible to come in as the City and take care of it.

Moritz added that they could then send the homeowners the bill.

Kerr agreed that that could be a way to look at it. Kerr said she talked to her cousin, who is an architect, about what attached means. She agreed that it can be defined as sharing a common load bearing wall. If that is a reasonable definition, then that is not an attached wall drawn as it is with the breezeway. Kerr said that she thought the garage was two stories.

Bates agreed.

Moritz asked Vonada to explain how it was attached.

Vonada said that both exterior walls support the deck and the attached roof. You could not take the garage away and expect it to be supported. The same is true for the house. They are interdependent on each other.

Knop said that she interpreted attached as having both structures share a load bearing wall.

Adams said that the garage is not your typical structure. The way that it is supported on the pilings is unique.

They discussed the definitions for load bearing walls and breezeways.

Adams noted that if they removed the breezeway and moved the garage over to the structure that would take care of the issue. He asked if that is what they want, if that got them to a better place.

Kerr said that it makes it follow the rules.

Adams said that that is according to their interpretation. He noted that their municipal code does not define stories.

Kerr asked if the breezeway was enclosed.

Vonada said it is not enclosed, but one option would be to enclose the breezeway.

Kerr asked about the extra square footage.

Vonada said it would be part of the garage because it is not heated. As a result, it would not count as living space for the FAR.

Bates asked what they are trying to accomplish here. Bates asked why it is essential that the garage be built the way it is.

Vonada said that it is a unique site. He said that they had a tree report done and that the current design was intended to save the trees. The foundation is designed to minimize the impact of the structure on the tree roots in the area. They are using earth anchors to support the house. This makes the house minimally invasive. He noted that they decided to connect the house and the garage through the deck.

Kerr asked if they could move the garage over and connect it directly with the house.

Vonada said that they could but at this point it would not be possible because they started construction.

Kerr and Bates said that they did not understand how construction was started.

Adams said that the City did not stop construction.

Bates said that he did not understand the point of all of this.

Richter noted that they have reopened the hearing so they should let Harrison and Alterman comment. Her understanding was that there was nothing in the code that said that the applicant cannot proceed. She said that the City does not have the authority to withdraw the permit once it is issued.

Adams said they asked Kabeiseman, and he said they can proceed at their own risk.

Richter noted that the applicant would be required to alter their plans to meet any new conditions. She reiterated that they are proceeding at their own risk.

Kerr asked what would happen if this was an appeal to a tree permit. Would they be able to proceed? She noted that the tree would be gone and it could not be mitigated.

Richter said that trees and historic structures are the exception and in those cases the appellant should add a stay to their appeal. She said that that is not the case here.

Bates said it seems inefficient.

Richter said they give the applicant that choice.

Adams asked if they have to have criteria in their code if they want to require them to move the garage and not just alter the size.

Bates said that they should add to the code that the permit is not valid until the appeal period has passed.

Adams said that they could look at that in the code audit.

Richter said that she believed there would need to be a code requirement limiting the size of a garage for Commissioner Kerr's requirement that the garage be moved and not be expanded to be justified.

Bates said he is not going to cost the guy thousands of dollars for a mistake they made.

Kerr said that she disagreed with Bates, but she did not think they could force the applicant to move the garage over by 12 feet.

Harrison said that he had to step away and would not be able to respond without revisiting the arguments.

Alterman said that the city did issue a stop work order. He said that he spoke to the city attorney, and he said that according to City Code, appeals do not cease work for building permits. Alterman noted that the trees and the slope were restraints on the design. These factors drove the structure to be designed the way it is. He did not think it was in the interest of anyone to have the applicant dig in and use a different type of foundation. He said that the living wall also limits where the driveway can be. He asked that if they deny the permit, they say why so that the applicant can fix any issues. Alterman said that one option would be to turn the garage into a carport. Alterman said that Mr. Bouvet would just like to know what he can build and how he can build it.

Kerr asked about the intent of the Council in limiting a detached garage to one story. She said that she is not sure what the intent would be.

Alterman said that the single-story limit applies only to garages, not carports. It also only applies to detached garages. Alterman said that second stories in common speak mean something above a garage, not unfinished space under the garage. The logical inference he drew is that they did not want ADUs being snuck onto the lots. He is not sure, but that is what makes sense to him.

Adams asked about the process for proceeding.

Kerr said she did not think it was fair to Mr. Harrison not to continue the hearing as he would not be able to respond in full.

Chair Johnson said that they could continue with written comments.

Harrison said he could not respond fully. He thought that they were given 5 minutes to speak and opposed to the additional comments.

Kerr reiterated that she was concerned about Harrison being able to respond.

Chair Johnson said he agreed, but that he was also worried about continuing the hearing.

Adams asked about leaving it open until a special meeting in a week.

Richter said that that was possible. Though, given the situation, she did not think that was required by the PC.

Knop asked about the stop order.

Adams said that had been issued, but after council from the City's legal advisor it was dropped.

Richter said she did not hear anything in the meeting that was an issue. She did not hear anything that was new so there was no procedural issue that would require a continuance.

Kerr said she did not agree. She thought that new information was introduced concerning the trees and slope. She did not want to continue but thought it was fair.

They discussed continuing the meeting.

Kerr moved to continue the meeting till the 31st of March

Richter clarified that this would be comment in writing until the 31st. Also, this could not include any new evidence. The parties would then be given 5 minutes each at the continued hearing on the 31st.

Bates asked that the motion include a condition that any comments not reference the living wall or the well.

Harrison asked if Mr. Alterman brought up any new information on those issues. He said in that timeframe it will be difficult for him to comment.

Moritz asked if Harrison would like for it to not be continued.

Harrison asked if it could be continued to a later date.

Adams checked the meeting calendar. He also mentioned the 120-day rule related to the permit.

They discussed the timing constraints.

They decided to have a special meeting on the 31st.

Richter said she was not comfortable with continuing because the 120-rule day is hard.

Alterman said that he would not request a continuance if they set the hearing for when he is out of the country.

Bates suggested they just finish it up.

Newton asked if anyone heard information that they thought was relevant to their decision or something Mr. Harrison should be considering.

Kerr said the information about the PC not having the power to require the applicant to move the garage was new.

Moritz said that is not for him to decide so maybe they should just finish up.

Kerr withdrew her motion to continue to the 31st.

Richter asked the chair to close the public hearing again and proceed with deliberation.

Chair Johnson said he had already closed the hearing.

Kerr said that she believes it is a two-story garage. She also believes that it could not be considered attached with just the breezeway. She thought they were in a difficult position and wanted to hear other people's feelings. She wondered if they should stick with the rules and have a bigger garage.

Moritz said she would rather stop the insanity and say that it is two stories but accept the breezeway as attached and move forward.

Kerr said she did not think she could vote for that.

Newton said he echoed Moritz. He does not like how things are, but this might be their best option. He also said he liked Moritz's suggestion related to the living wall.

Chair Johnson asked if they were going to continue the hearing.

It was clarified that they might meet again to review tentative findings on the 31st.

Kerr noted that the drywell issue had not been discussed.

Bates thought the drywell should not be discussed.

Moritz agreed that it is not exclusionary, she did not think it was a problem. She was also not sure they had the right to enforce the SAMA.

Kerr still felt it was a contract with the City that had been broken. She said she looked up information on drywells and they did not seem exclusionary to her.

Bates moved to tentatively deny the appeal.

Moritz asked if they should modify the motion to require that the garage be attached through the breezeway.

They discussed the motion.

The motion died for lack of a second.

Moritz asked if they could do it in parts.

It was agreed that they could.

1st Motion: Moritz moved to tentatively deny the appeal based on the finding that the drywell is not exclusionary; Bates seconded the motion.

Vote: Kerr, Newton, Knop, Bates, Moritz, and Chair Johnson voted AYE; the motion passed.

2nd Motion: Moritz moved to tentatively deny the appeal and approve the building permit with the condition that the garage be attached to the primary residence as shown in Exhibit C-5; Bates seconded the motion.

Vote: Newton, Bates, Moritz, and Chair Johnson voted AYE; Kerr and Knop voted NAY; the motion passed.

3rd Motion: Moritz moved to tentatively deny the appeal as related to the living wall with the condition that the Planning Commission write a letter to City Council requesting enforcement action regarding the 'living wall'; Knop seconded the motion.

Vote: Knop, Newton, Bates, Moritz, and Chair Johnson voted AYE; Kerr voted NAY; the motion passed.

Adams requested that they make a motion related to the comprehensive plan.

Kerr was not sure they had discussed it.

Adams read the section of the staff report that was related to the comp plan.

Moritz and Kerr wanted to make sure that they discuss the issue before moving forward.

Kerr said that the comp plan is like the constitution. She thought that it could be that in this case the rules do not comply with the comp plan.

Knop said that she thought that the PUD did not comply with the comp plan.

Bates said that the comp plan is more like the Declaration of Independence. Something that we aspire to that we don't reach.

Kerr disagreed. She said the problem seems to be in the code and the original acceptance of the PUD rather than this permit.

Moritz agreed.

Kerr said this is a smaller house that seems to be making some effort to blend in. She thought this argument would have been more applicable to the Najimi house.

They discussed the wording of the motion at length, specifically there was concern that it be clear that this building permit application specifically does not violate the comprehensive plan.

4th Motion: Bates moved to tentatively deny the appeal as it related to the claim that this particular permit violates the comprehensive plan; Newton seconded the motion.

Vote: Newton, Bates, Moritz, and Chair Johnson voted AYE; Kerr and Knop voted NAY; the motion passed.

(4) Public Hearing and Consideration of CU# 22-01, Keith and Christine Amo request for a Conditional Use Permit for shoreline stabilization at 3863 Ocean Ave.

Mike Morgan, on behalf of Keith and Christine Amo, request for a Conditional Use permit for shoreline stabilization. The property is located at 3863 Ocean Ave. (Tax Lot 00300, Map 41006BC) in a Residential Moderate Density (R1) and Oceanfront Management Overlay (OM) zone. The request will be reviewed under Cannon Beach Municipal Code 17.14.030 Conditional Uses Permitted, 17.42.060 Specific Standards and 17.80.230 & 360 Shoreline Stabilization & Preservation Grading.

No one objected to the jurisdiction of the Planning Commission to hear this matter at this time. Chair Johnson asked if any Commissioner had any conflict of interest. There were none. Chair Johnson asked if any Commissioner had personal bias to declare. There were none. Chair Johnson 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 (see staff report in packet for full details). St. Clair noted that king tides in recent years have caused significant erosion. He said that State Parks has suggested cobble berm as a solution. He also noted that a significant spruce tree is in danger of being affected by the erosion. St. Clair said that the owner is not eligible for riprap or seawalls. St. Clair said that the site would be evaluated annually as a condition of approval.

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

Mike Morgan spoke on behalf of Keith and Christine Amo. He said that this project is very similar to the prior three in Tolovana that were recently approved. He said this is a little more urgent because of the large spruce tree that is one of the last ones on the oceanfront. Morgan noted that in '81 when the house was built there was an effort to preserve this tree as well. He said that the suggested approach seems to be working in other places and they would like to get it done this spring because willows are sprouting up right now.

Johnson asked if they had started any of the other projects.

Morgan said El-Mansy was completed.

Moritz asked about fertilizers. She was concerned about runoff from fertilizers.

Morgan said that they do not use fertilizers. He said that the willows are so hearty that they need not use fertilizer, though they do use some compost.

Moritz said that she read somewhere that it can be better to use a localized fertilizer as that has been shown to have a slow release.

Morgan thought that compost would not be an issue.

Johnson said that the natural fertilizer in the compost is better to use than commercial fertilizer.

Bates asked about a specific ORS statute that Morgan had mentioned that does not apply.

Morgan said it had to do with the sand brought in. The sand or cobbles must be imported; they cannot be taken off the beach. Morgan said that the sand that is usually brought in is dune sand from Gearhart or Manzanita. Morgan said that when they build houses in those areas, they scrape the dunes.

Bates asked Adams about recommendations for conditions on the quality of the sand.

Adams said that other than requiring clean sand, he was not sure. He suggested they consult the Foredune Management Plan.

Chair Johnson called for proponents of the request.

Dianna Turner spoke on behalf of Friends of the Dunes. She said that they have concerns about this application. She noted that they appreciate the previous discussion about using drones to monitor projects. She said they support using an engineered cobble berm. She said that if these projects are well done, they could provide needed protection. The Friends of the Dunes believe that the code should be tightened related to these projects. They are willing to work with staff to bring forward recommendations for such changes in the future. They ask that the PC require more information and better information with these applications. She said that the Staff Report references information that is missing. There is also no supporting documentation of past conditions and erosion. They thought it was curious that all applications are for 50 cubic yards, as this is the max allowed before being required to pull additional permits. Turner noted that they went through a seven-year process to create the current Foredune Management Plan. She gave examples of requirements from the plan that are not being enforced. She suggested that the City develop criteria for who is able to apply for a shoreline stabilization permit. They believe that more expansive and clear documentation is also necessary. They thought that a Geotech Report should be required and that certain projects should require an engineer. They also thought that a city representative should be on site during work. They believe that if monitoring is valued, it should be done with greater vigor.

Chair Johnson called for additional opponents or proponents of the request. There were none.

Kerr asked Turner what she thought the minimum would be for this application to be acceptable.

Turner said she thinks they need to be clear on whether or not this is 50 cubic yards. She would like to see that there is some analysis of what amount of sand or cobble is needed. She does not doubt that the Sitka is being undercut. She said that if there is an attempt to preserve it there needs to be documentation that the best work possible is being done.

Kerr asked if an arborist report would satisfy that.

Turner said that it would. She reiterated that their needs to be more information on how this is done.

Morgan said that some of the things Ms. Turner said are fine. He said that they intend on notifying the City and have them on site during the project. He said that he thought most of her comments were over the top. He said that all of the sand for this project is on the site. All they are trying to do is bring in the cobble. He did not think it took an arborist to see that the ocean has started to come up and claw at the roots of the tree. He noted that cobble berm was recommended by the ORCA group, which Turner is a part of. He also noted that this approach may not work. He said that managed retreat may be necessary in the future. He did not think it required an engineering firm and reams of material to document what is essentially a landscaping project. He thought that tightening up the code was fine, but within reason. He agreed that riprap and burritos should not be done without engineering but thought that this is a very simple project. He asked what level is necessary for this very small project. Morgan said that the owners are concerned about the tree and their house, and they need to get approval.

Kerr asked about the 50 cubic yards.

Morgan said that 50 cubic yards is used because it is the maximum. He also said that it is a reasonable amount. Morgan said that once it is down it does not look any different than the rest of the beach.

Kerr asked who will be responsible for monitoring.

Morgan said he will be in charge of monitoring and will report to the Planning Department.

Moritz said that she understands that similar projects have been approved. She asked how they could tell other applicants that they want more if they do not require it from Morgan as well.

Bates said he is in support of what Turner said. He said that Morgan has done what he has done for years, but they do need to tighten things up. He did not think, however, that this was something they could impose on this applicant today.

Moritz said that a lot of what Turner said is currently required. Qualification and reporting requirements are there.

Bates said he understood that Turner was asking that the code be tightened.

Turner said that both are true, the code needs to be tightened and applications need to be more complete. She said that she supports the cobble berm and saving the tree, but standards need to be improved.

Bates asked for specifics about what she would like to see.

They discussed the 50 cubic yard requirement.

Morgan said that this approach has been blessed by ORCA and they are trying to use a very benign approach to shoreline stabilization. He said that 50 cubic yards is not much. He noted that the code does not require an arborist for this kind of project. They are required if you are cutting down a tree, but not if you are trying to save a tree.

Adams said that notification and monitoring by the City is a condition of approval that has been used and should be applied here. He said that they can meet with Friends of the Dunes to work together to create model language to move forward. He said the Foredune Management Plan was done with a purpose and making adjustments to reflect that plan will take some time.

St. Clair said that staff recommended approval based on the conditions laid out in the staff report.

Kerr asked what it would take to have an engineer review the application.

Morgan said that they could have Tom Horning, or a civil engineer review it. He said it would be a very brief report because it is not a structure in the same way a riprap would be. He did not think it was necessary. He said he could ask Tom Horning to do a brief report.

Kerr asked for a report on what exactly is in the compost.

Morgan said he could get one.

Chair Johnson asked if the applicant wished to make additional statements.

Chair Johnson closed the hearing and moved to consideration.

Adams asked about the conditions related to the Geotech Report and compost. He asked if they could start before those things were turned in.

Morgan said they could have Horning on site during construction and have information on the compost to the City in a week.

It was noted that there is no one in the City who specializes in soil composition.

Kerr voiced concerns about follow up on reporting.

Adams said that they could bring that back for the PC to see. He noted that the City has more staff and electronic permitting so that they can follow up better.

Motion: Bates moved to approve the application with the four conditions set forth in the staff report and additional conditions requiring that an engineering geologist be on site during work and a report on the makeup of the compost be provided to the City; Knop seconded the motion.

Vote: Kerr, Newton, Knop, Bates, Moritz, and Chair Johnson voted AYE; the motion passed

Johnson stated the application is approved.

Authorization to Sign the Appropriate Orders

Motion: Knop moved to authorize the Chair to sign the appropriate orders; Bates seconded the motion.

Vote: Kerr, Newton, Knop, Bates, Moritz, and Chair Johnson voted AYE; the motion passed.

WORK SESSION ITEMS

(5) Code Audit: Procedural & Review Thresholds

Adams said that they will cover this in the joint session and suggested they postpone it till then.

INFORMATIONAL ITEMS

(6) Tree Report

Bates commented on the Berg/Long Tree Removal Permit and the fact that there was no requirement to replant.

St. Clair said that he believed it is an undeveloped lot and that the remaining trees would be sufficient.

It was clarified that the requirement to replant was to replace so that a minimum of four trees were on the lot.

Kerr said she would like to see the tree ordinance improved.

(7) Ongoing Planning Items

There were none.

(8) Good of the Order

ADJOURNMENT

The meeting adjourned at 8:54 pm.

Administrative Assistant, Katie Hillenhagen

**Minutes of the
CANNON BEACH PLANNING COMMISSION
Thursday, March 31, 2022**

Present: Chair Daryl Johnson & Commissioner Barb Knop in person; Mike Bates, Clay Newton, Lisa Kerr and Anna Moritz via Zoom

Excused: Charles Bennett

Staff: Director of Community Development Jeff Adams, Land Use Attorney Carrie Richter, & City Planner Robert St. Clair

CALL TO ORDER

Chair Johnson called the meeting to order at 6:00 p.m.

ACTION ITEMS

(1) Approval of Agenda

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

Vote: Kerr, Newton, Knop, Bates, Moritz, and Chair Johnson voted AYE; the motion passed.

(2) Review of Findings for AA# 22-01, Greg Hathaway request, on behalf of Jeff & Jennifer Harrison for an Appeal of an Administrative Decision to approve a building/development permit for HardingBouvet at 534 N. Laurel Street.

Chair Johnson asked for amendments to the findings for AA# 22-01.

Kerr thought the findings focused too much on the history of the case and not the decision process of the Planning Commission.

They discussed the process for drafting the findings.

Newton discussed the purpose of having a meeting to review the findings. He said that they started this process because there were several motions that went to the City Council that did not represent the sentiment of their decision. This process was to review those motions to ensure they represent the sentiment of the Commission. He thought their scope of review was to just look at the motions and not the Findings of Fact.

Adams said his understanding was that the meeting was to go over the Findings they would like to adopt, including the motions. He noted that there were proposed findings from the appellant as well. He said that in jurisdictions he has worked in in the past the Commission refers to which language they would like to adopt in the Findings.

Bates thought that they would not be able to come to a consensus about what they would like to see in the Findings.

Moritz disagreed. She noted a small language change she would make related to the term detached.

They discussed the language around the word detached.

They discussed more about how the Findings are drafted. Adams noted that the Staff Report includes Proposed Findings that they can draw from.

Richter said that the written Findings document what is adopted and is the thing that will be appealed to the City Council. It is the document that will potentially go to LUBA. She said that the background facts build a foundation for LUBA's review. Richter said that they have to identify all of the facts that are relevant to the PC decision, even if they PC did not talk about them. These things provide an explanation of the case so that it makes sense.

Newton said he would like to see the Proposed Findings before they meet to review them.

Adams agreed and noted that staff is trying to put the record together in the Findings. Adams asked the PC to reference what they would like to see in the Findings in the future.

They discussed changes to the Findings.

Bates voiced concerns about the Findings reflecting the reasons for their individual decisions.

Moritz noted that their decision must be based in facts and the code.

Motion: Kerr moved to remove the first paragraph under B and adopt Moritz's amended language for the second paragraph; Bates seconded the motion.

Vote: Kerr, Knop, Bates, Moritz, and Chair Johnson voted AYE; Newton voted NAY; the motion passed.

Adams asked for any changes to point two.

Moritz noted a typo at the end.

They discussed edits to the motions.

Newton suggested an edit related to the motion regarding the Comprehensive Plan.

Motion: Newton moved to remove the word tentatively from all four motions, to remove the part of the last sentence at the end of each motion that requests that staff draft the findings, to move Commissioner Kerr's name from a YAY to a NAY in the third motion, to change the language in the last sentence to read "based on the findings that the Comprehensive Plan should not be considered as a part of this permit," to remove the word unanimously from

motions where it does not apply, and to arrange the motions to reflect the chronological order of the meeting; Knop seconded the motion.

Vote: Kerr, Newton, Knop, Bates, Moritz, and Chair Johnson voted AYE; the motion passed.

Moritz suggested edits for part three, which is related to the living wall. She shared her screen which showed her edits.

They discussed edits to section three and how much they should be editing in general.

Motion: Moritz moved to strike the sentence that starts “that is not the Planning Commission’s role, and it should reject this basis...” on page 6 of the Proposed Findings; Kerr seconded the motion.

Vote: Kerr, Knop, Moritz, and Chair Johnson voted AYE; Bates and Newton voted NAY the motion passed.

Moritz continued to discuss her edits. She read her edits for the final paragraph of the findings.

Motion: Moritz moved to adopt her edits to the last paragraph as read into the record; Newton seconded the motion.

Vote: Kerr, Newton, Knop, Bates, Moritz, and Chair Johnson voted AYE; the motion passed unanimously.

Newton had concerns that he thought should be brought up in a future work session. One was that the Commissioners should not ‘respond all’ to emails. The other was related to the broad definition for ‘conflict of interest’ as it relates to the Commission.

Kerr thought they should also touch on what their role is.

Motion: Newton moved to adopt the Findings with the revisions approved in the meeting; Knop seconded the motion.

Vote: Kerr, Newton, Knop, Bates, Moritz, and Chair Johnson voted AYE; the motion passed unanimously.

Authorization to Sign the Appropriate Orders

Motion: Kerr moved to authorize the Chair to sign the appropriate orders; Newton seconded the motion.

Vote: Kerr, Newton, Knop, Bates, Moritz, and Chair Johnson voted AYE; the motion passed unanimously.

(3) Good of the Order

Adams mentioned the upcoming Joint Code Audit Sessions.

Kerr asked if it was ok to send information out via email related to the code audit.

Adams said he asked Kabeiseman, and he preferred that they post on a forum that is open to the public. He asked the Commissioners to send information to him so that he can post it on the website. He noted that the Code Audit Consultant Group will likely bring up the idea of having an online public forum at the next meeting.

ADJOURNMENT

The meeting adjourned at 7:30 pm.

Administrative Assistant, Katie Hillenhagen



Cannon Beach Planning Commission

Staff Report:

PUBLIC HEARING AND CONSIDERATION OF **CU 21-03**, JACQUELINE O. BROWN REVOCABLE TRUST, APPLICATION, REQUESTS THE INSTALLATION OF A NONSTRUCTURAL STABILIZATION PROGRAM FOR THE PURPOSE OF EROSION CONTROL. THE PROPERTY IS LOCATED AT 116 N. LAUREL STREET. (TAXLOT# 51019DD04000) AND IS IN THE RESIDENTIAL MEDIUM DENSITY (R2) ZONING DISTRICT. IT IS ALSO IN THE OCEANFRONT MANAGEMENT OVERLAY (OM) ZONE. THE REQUEST WILL BE REVIEWED UNDER CANNON BEACH MUNICIPAL CODE, SECTIONS 17.80.110 AND 17.80.230, SHORELINE STABILIZATION, PROVISIONS ESTABLISHED.

Agenda Date: April 28, 2022

Prepared By: Robert St. Clair

GENERAL INFORMATION

NOTICE

Public notice for this April 28, 2022 Public Hearing is as follows:

- A. Notice was posted at area Post Offices on April 7, 2022;
- B. Notice was mailed on April 7, 2022 to surrounding landowners within 100' 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 November 23, 2021 unless otherwise noted.

"A" Exhibits – Application Materials

- A-1** Shoreline stabilization application #21-03 with photographs , stamped Received November 23, 2021;
- A-2** April 3, 2022 Geotechnical report prepared by Horning Geosciences, received April 7, 2022.

"B" Exhibits – Agency Comments

- B-1** November 16, 2021 email from Eric Crum of Oregon Parks and Recreation Department regarding state requirements for the shoreline stabilization improvement project at 116 N. Laurel St.

"C" Exhibits – Cannon Beach Supplements

- C-1** None as of this writing;

“D” Exhibits – Public Comment

None received as of this writing;

SUMMARY & BACKGROUND

The applicant, Jacqueline O. Brown Revocable Trust, requests a shoreline stabilization to prevent erosion from encroaching onto 116 N. Laurel St, as shown on the aerial photograph at the end of this staff report. The property is in the City’s Residential Medium Density (R2) zone as well as the Oceanfront Management Overlay (OM) zone. The current request is evaluated against applicable standards in Cannon Beach Municipal Code (CBMC) chapter 17.42.060 Standards for shoreline stabilization structures in the Oceanfront Management Overlay (OM) zone; the conditional use permit criteria in CBMC 17.80; and applicable requirements of the Comprehensive Plan.

Installation of shoreline stabilization in the Oceanfront Management Overlay Zone is permitted under CMBC 17.42.030.C.1 subject to the provisions of 17.80.230. Approval requirements are excerpted in this staff report.

Applicable Criteria

The Cannon Beach Municipal Code (CBMC) requires all shoreline stabilizations apply for a conditional use permit in the R2 and Oceanfront Management zoning districts that make up the subject property.

Cannon Beach Municipal Code defines shoreline stabilizations as:

17.04.520 Shoreland stabilization.

“Shoreland stabilization” means the protection of the banks of tidal or inter-tidal streams, rivers, estuarine waters and the oceanfront by vegetative or structural means.

Oceanfront Management Zone Uses and Permitted Activities

17.42.020.A.2.B Relationship to the Underlying Zone. *Uses and activities within the OM zone are subject to the provisions and standards of the underlying zone and this chapter. Where the provisions of this zone and the underlying zone conflict, the provisions of this zone shall apply.*

Staff Comment: The underlying zone is Residential Medium Density (R2) and structural shoreline stabilization and non-structural shoreline stabilization programs are a conditionally permitted use in 17.14.030.D. Meets criteria.

17.42.030.C Uses Permitted in the OM Zone

C. For lots or right-of-way that consist of the beach, active dunes, or other foredunes which are conditionally stable and that are subject to wave overtopping or ocean undercutting, or interdune areas that are subject to ocean flooding the following uses and activities are subject to the provision of Chapter 17.80, Conditional Uses:

- 1. Shoreline stabilization, subject to the provisions of Section 17.80.230;*
- 2. Nonstructural shoreline stabilization program, subject to the provisions of Section 17.42.060(A)(5);*
- 3. Preservation grading, subject to the provisions of Section 17.42.060(A)(3);*
- 4. Remedial dune grading, subject to the provisions of Section 17.42.060(A)(4).*

5. *A new road, driveway approach, or other access that has fifty feet or more of linear length in OM Zone right-of-way, or in right-of-way within one hundred feet of a stream, watercourse or wetland. Access is new if vehicular access did not previously exist at the location, it was blocked for a period of one year, or an unimproved right-of-way would be improved to provide vehicular access. Alteration of an existing access is not new access.*

Staff Comment: Conditional approval of shoreline stabilization projects is permitted on lots that consist of beach, active dunes, or other foredunes which are conditionally stable and that are subject to wave overtopping or ocean undercutting, or interdune areas that are subject to ocean flooding.

The April 3, 2022 geotechnical report prepared by Horning Geosciences (Horning report) states that the dune complex has been eroded and cut back at least 20 feet on taxlot 4000 over the previous two years as a result of storm surges, high tides, large surf waves, and the potential effects of a southerly ebb tide channel of Ecola Creek. This is in contrast to historical conditions where the dune has experienced far less extreme cycles of accumulation and erosion. In addition to increased rates of storm induced erosion, foot traffic along the eroded upper slope is contributing to the rate of erosion.

The Horning report provides the following recommendations to address the erosion on Taxlot 4000:

- **Actions**

Stormwater drainage needs to be controlled by filling the small gully in the right-of-way of West First St., then directing flow from northwest to due west. Climbing on the dune in Taxlot 4000 needs to stop. The three outfall pipes need to empty into a dry well.

- **Recommended Solutions**

1. *Fill the gully in the West First St. right-of-way with clay-silt soils typical of the terrace. Sand is more likely to erode due to its lack of cohesion. Excavate a small channel to direct water due west onto the slope.*
2. *Climbing on the sand slope of TL 4000 needs to be discouraged with signage and stakes with flagging. This will likely need to be maintained. In addition, the present trail should be covered with sand to reduce its attraction to strollers. It is understood that up to 50 cubic yards of sand may be placed on the slope without special permits. Some of the sand should also be spread on the slope above the existing inclined trail, but below the lawn and hedge. To enhance the recovery of the sand dune through time, it is recommended that Hooker willow and European beachgrass be planted on the slope above elevation of 30 feet, as shown in Figure 2 of the Horning report. The willows should be planted into the moist clay-silt terrace soils, the plantings spaced about every 2 feet. The beachgrass should be planted one clump every 24 inches into both sand and terrace soils.*
3. *The drain water outfall pipes should be shortened to practical lengths and emptied into a dry well, the location of which is shown in Figures 2, 7, and 8 of the Horning report. The dry well should consist of 2 inch drain rock that fills an excavated void of 4 feet wide by 8 feet deep, covered with geotextile fabric to prevent infiltration of a capping layer of sand.*

The Horning report demonstrates that the applicant's property is subject to tidal events that are undercutting the existing foredune and causing rapid erosion. Meets criteria.

17.42.060.A.5 Nonstructural Shoreline Stabilization

5. *Nonstructural Shoreline Stabilization Program.*

- A. *The program is prepared by a qualified individual approved by the city. The program shall be based on an analysis of the area subject to accretion and/or erosion. The area selected for management shall be found, based on the analysis, to be of sufficient size to successfully achieve the program objectives.*

Staff Comment: The applicant, Mike Morgan, has worked professionally as a land use planner in Clatsop and Tillamook Counties since 1974. His education includes post graduate work in Environmental Health at Portland State University with coursework in plant science, public health, and biology. Additional professional experience includes the operation of a plant nursery in Cannon Beach since 1991 and land use planning consultation for projects involving dune and shoreline stabilization. He has served as the interim Community Development Director for the City of Astoria and is currently filling this role for the City of Warrenton. Meets criteria.

- B. *The program shall include specifications on how identified activities are to be undertaken. The specifications should address such elements as: the proposed type of vegetation to be planted or removed; the distribution, required fertilization and maintenance of vegetation to be planted; the location of any sand fences; and the timing of the elements of the proposed program.*

Staff Comment: As described in the Horning report, this request is for 5 to 10 cubic yards of imported cobble to anchor drainage lines and prevent drainage from the house to continue contributing to the erosion of the sand bluff. An additional 40 to 45 cubic yards of imported dune sand from the Manzanita will be piled on the existing dune and replanted with hooker willows and European beach grass. Based on Figure 2 of the Horning report, which is copied below, sand will be deposited on both sides of the State Vegetation Line. The dry well described in the Horning report would consist of 2 inch drain rock filling an excavated void 4 feet wide and 8 feet deep, covered with a geotextile fabric to prevent infiltration of a capping layer of sand. Meets criteria.



- C. *Fire-resistant species are the preferred stabilizing vegetation within twenty-five feet of existing dwellings or structures. Fire-resistant vegetation should only be planted when the foreslope and crest of the dune are adequately stabilized to prevent significant accumulation of windblown sand.*

Staff Comment: Salix species such as hooker willow are included in *Fire-Resistant Plants for Home Landscapes* which was jointly produced and published by Oregon State University, Washington State University, and University of Idaho in August 2006. Based on the location of the working area shown in

Figure 2 of the Horning report it is anticipated that there will be more than 25 feet between the dwelling and new vegetative plantings. Meets criteria.

- D. *Where the placement of sand fences is proposed, evidence shall be provided that the planting of vegetation alone will not achieve the stated purpose. Fencing may be permitted on a temporary basis to protect vegetation that is being planted as part of the program, or to control the effects of pedestrian beach access on adjacent areas.*

Staff Comment: Sand fencing is not proposed as an aspect of this project, however the placement of barriers that may include temporary fences to restrict pedestrian access is recommended in the Horning report to discourage climbing and other activities that are contributing to the current erosion conditions and that would negatively impact vegetative plantings. Meets criteria.

- E. *The affected property owners shall establish a mechanism that provides for the on-going management of the proposed program.*

Staff Comment: Condition #5 requires that the applicant submit annual reports with photographs to the City showing the condition of the shoreline stabilization. Meets criteria.

- F. *The impact of the program shall be monitored. For multiyear programs, an annual report detailing the effects of the program during the previous year shall be presented to the planning commission. The report shall include recommendations for program modification. For a one-year program, a final report detailing the effects of the program shall be presented to the planning commission.*

Staff Comment: In addition to the requirements of Condition #4, the City in the process of soliciting bids for a multi-year project which would make use of unmanned aerial systems making periodic flights of the Cannon Beach oceanfront areas to document and track erosion as well as independently monitor the status of shoreline stabilization projects such as the one in this proposal. Meets criteria.

- G. *Areas that accrete as the result of a stabilization program will not form the basis for reestablishing the location of the building line specified by Section 17.42.050(B)(3).*

Staff Comment: This proposal is not in conjunction with any anticipated construction projects. Meets criteria.

Conditional Uses for Shoreline Stabilization

17.80.110 Conditional Use Approval Standards

Before a conditional use is approved, findings will be made that the use will comply with the following standards:

- A. *A demand exists for the use at the proposed location. Several factors which should be considered in determining whether or not this demand exists include: accessibility for users (such as customers and employees), availability of similar existing uses, availability of other appropriately zoned sites, particularly those not requiring conditional use approval, and the desirability of other suitably zoned sites for the use.*

Staff Comment: The application and geotechnical report indicate that the project is necessary to counter the rate of erosion being seen at the subject property and restore material that has been removed by tidal and storm surge events, the project will also allow for the property to be restored to a visual appearance similar to that of adjacent properties. The Horning reports states "The loss of 20 ft of dune sand has been caused by improbable storm surges of high tides and large surf waves, possibly amplified by a southerly

position of the ebb tide channel of Ecola Creek. Most of the loss of sand occurred in only two or three days altogether over a 2-yr period. It is expected that the dune sand will rebuild with time. It is more likely than not that the dunes will recover in the next year or two. It may be desirable to wait for this to happen or it may be better to take action.” Meets criteria as a condition of approval.

- B. *The use will not create excessive traffic congestion on nearby streets or overburden the following public facilities and services: water, sewer, storm drainage, electrical service, fire protection and schools.*

Staff Comment: This condition does not apply to the proposal.

- C. *The site has an adequate amount of space for any yards, buildings, drives, parking, loading and unloading areas, storage facilities, utilities or other facilities which are required by city ordinances or desired by the applicant.*

Staff Comment: The work site will be accessed by the beach and there is adequate room for the vehicles and equipment necessary to carry out the proposal. Meets criteria.

- D. *The topography, soils and other physical characteristics of the site are appropriate for the use. Potential problems due to weak foundation soils will be eliminated or reduced to the extent necessary for avoiding hazardous situations.*

Staff Comment: The Horning report indicates that the proposal is appropriate for the purpose of restoring the dune face. The portion of the criteria relating to avoiding weak foundation soils or hazardous situations does not apply to this proposal as this is not a construction project. Meets criteria.

- E. *An adequate site layout will be used for transportation activities. Consideration should be given to the suitability of any access points, on-site drives, parking, loading and unloading areas, refuse collection and disposal points, sidewalks, bike paths or other transportation facilities required by city ordinances or desired by the applicant. Suitability, in part, should be determined by the potential impact of these facilities on safety, traffic flow and control and emergency vehicle movements.*

Staff Comment: The proposal will generate minimal impact to transportation activities as all working vehicles will access the site from the beach. References made in the Horning report the City improvements to the public beach access south of the subject property would be a separate project and do not apply to this proposal. Meets criteria.

- F. *The site and building design ensure that the use will be compatible with the surrounding area.*

Staff Comment: The proposed site plan is intended to restore the dune face to a more natural appearing state and make it more consistent with the surrounding area. Meets criteria.

17.80.230.C Shoreline Stabilization Standards

The city's review of beachfront protective structures, both landward and seaward of the Oregon Coordinate Line, shall be coordinated with the Oregon Parks and Recreation Department. The city's review of shoreline stabilization along Ecola Creek Estuary shall be coordinated with the U.S. Army Corps of Engineers and the Oregon Division of State Lands.

Staff Comment: Due to the project's location along the state vegetation line, the project will require coordination with the Oregon Parks and Recreation Department. The application states that this coordination

will be take place prior to commencement of work. State requirements, as found in Exhibit B-1, include the following:

- Allowance to place up to 50 cubic yards of natural material on the ocean shore through a free drive on the beach permit. Natural materials are defined as driftwood, clean sand, and river cobbles four to eight inches in size. Any imported sand must be clean and free from any contaminant or seed. Cobble cannot be quarried or angular rock and must match, as closely as possible, naturally occurring cobble present at the work site location.

17.80.230.D.1 Shoreline stabilization priorities

1. *The priorities for shoreline stabilization for erosion control are, from highest to lowest:*

- a. Proper maintenance of existing riparian vegetation;*
- b. Planting of riparian vegetation;*
- c. Vegetated rip-rap;*
- d. Nonvegetated rip-rap;*
- e. Bulkhead or seawall.*

Staff Comment: The applicant and contractor will meet with Oregon Parks and Recreation Department staff prior to the initiation of the project. The deposition of cobbles and sand is not specifically mentioned, however as this material is to be a substrate for the planting of willows and beach grass it is most similar to item b, *Planting of Riparian Vegetation*. Meets criteria.

Staff Recommendation

Staff recommends approval of this Conditional Use Permit for nonstructural shoreline stabilization subject to the conditions outlined in the decision below and requires the Planning Commission to make a determination on whether to table the decision after two years of monitoring and analysis

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 November 23, 2021; and determined to be complete on April 7, 2022. Based on this, the City must make a final decision before August 5, 2022.

The Planning Commission's April 28th 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 May 26, 2022.

DECISION, CONDITIONS AND FINDINGS

Motion: Having considered the evidence in the record, upon a motion by Commissioner _____, seconded by Commissioner _____, the Cannon Beach Planning Commission (approves/approves with conditions/denies) the Conditional Use Permit for the construction of a structural shoreline stabilization, CU# 21-03, as discussed at this public meeting (subject to the following conditions):

1. The applicant shall coordinate this project with Oregon Parks and Recreation Department and obtain all permits required for this work including beach access for vehicles.

2. Planning Commission provides preferred vegetation planting guidance as per Foredune Management Plan 2018 revision Vegetation Planting Specifications language (pg. 18).
3. Any preservation grading shall be subject to the following conditions:
 - Areas of sand removal covered under this permit are ocean front and side yards within 35 feet of the foundation of the structure and an area of no more than 12 feet in width west of the established fence line west of the established fence line west of the structure to allow use of heavy equipment for sand removal.
 - Sand removed from this area to be placed back in the sand/beach system in the areas indicated on the attached map. The intent of this requirement is to place sand over the edge of the sand bluff onto the tide washed area of the beach.
 - Sands which are mixed with soils, gravel or non-beach vegetation are to be removed from the area and disposed of off-site.
 - Moving of sand to the placement area shall take place along routes between the sand/grass mounds indicated. Routes of travel should be in a manner which does not damage existing beach grass or disturb areas west of the 12-foot removal area.
 - Before any work is performed with power equipment in the above area the City shall be given at least 48-hours notice prior to commencing work. Any vehicle access permits for operation west of the zone line shall be obtained.
 - When hand or manual removal of more than 5 yards is to take place the City shall be given at least 48-hours notice prior to commencing work and City will have on-site representation for monitoring activities.
4. Before any work is performed with power equipment in the above area the City shall be given at least 48-hours notice prior to commencing work. Any vehicle access permits for operation west of the zone line shall be obtained.
5. Yearly monitoring of the area, by photographic documentation, provided to the City by the applicant.
6. Planning Commission determination to table decision after two years of monitoring and analysis

Preservation Grading Specific Standards, if applicable

CBMC 17.42.060(A)3. Preservation Grading. Grading or sand movement necessary to repair blow-outs, erosion or maintain public access or facilities, which may be allowed in active dune areas only if the area is committed to development and meeting the requirements of Comprehensive Plan Foredune Management Policy. Preservation Grading does not include grading necessary for the repair, maintenance or installation of stormwater outfalls or facilities, including infiltration and water quality systems. Preservation Grading Conditional Use Permit requests for preservation grading shall include the following information:

- a. Specify minimum dune height and width requirements to be maintained for protection from flooding and erosion. The minimum height for flood protection is four feet above the one-hundred year flood elevation established in the "The Flood Insurance Study for Clatsop County, Oregon and Incorporated Areas," dated June 20, 2018; plus an additional one vertical foot safety buffer for predicted sea level rise. The minimal cross-section area that must be maintained is one thousand one hundred square feet of dune above the stillwater flood elevation.
- b. Identify and set priorities for low and narrow dune areas which need to be built up.
- c. Prescribe standards for redistribution of sand and temporary and permanent stabilization measures including the timing of these activities. Placement of sand on the beach may be permitted as part of a foredune grading permit if sand deposition does not exceed a depth of twelve centimeters. Placement of sand along the seaward face of the dune may be permitted as part of a foredune grading plan if the resulting slope is no steeper than twenty-five to thirty-three percent.
- d. The cumulative volume of proposed grading.
- e. Preservation grading plans shall be submitted to the soil and water district for their comments and any necessary permits shall be obtained from the Oregon State Parks and Recreation.
- f. A monitoring plan. Monitoring is mandatory, and the responsibility of the permit holder. Annual monitoring reports are required for the first and second years following grading activities, and may be requested by the planning commission for subsequent years. Monitoring reports shall include:
 - I. The area, volume, and location of grading;
 - II. The area(s) where graded sand was deposited;
 - III. Erosion control measures;
 - IV. Revegetation measures;
 - V. Impacts on wildlife habitat, including razor clam habitat;
 - VI. Any other requirements of the approved grading plan; and
 - VII. Any conditions of approval imposed by the planning commission.

The city shall retain the services of independent outside experts, at the expense of the permit holder, to review monitoring report and to make recommendations to the city for corrective actions or for future grading, disposition, and revegetation activities. The monitoring report may be included in the review, if conducted by an agreed upon outside expert, at the expense of the permit holder and contracted by the city. Failure to submit the required monitoring reports will result in a penalty and will prevent future grading permits to be issued for the area for a period of five years beginning after the monitoring reports are brought up to date.

- g. Permits for preservation grading shall not be approved unless they comply with applicable policies of the Comprehensive Plan, including Sand Dune Construction and Foredune Management Policies.

- h. Permits for preservation grading may be approved if the Planning Commission finds all of the following criteria have been met:
 - I. The proposal achieves a balance of these four objectives:
 - A. To ensure the dunes sustain an adequate sand volume in order to withstand the erosional effects of (an) extreme storm(s) and to minimize any potential for wave overtopping and inundation (flooding) of backshore.
 - B. To strengthen weak points in the dune system (e.g., adjacent to trails), by repairing areas subject to localized blowouts from wind or waves in order to prevent the dune buffer from erosion and potentially being breached during a storm.
 - C. To maintain valuable habitat for a wide range of plants and animals, such as shellfish, including razor clams, and in some cases rare species.
 - D. To maintain the integrity and natural beauty of the dunes, while providing for the necessary functions of public access, facilities and utilities.
 - II. The annual cumulative volume of preservation grading does not exceed two thousand five hundred cubic yards.
 - III. The preservation does not remove sand from the beach-foredune system.
 - IV. The preservation grading sand deposition area will not impact adjoining property.
- i. Revegetation of graded areas is mandatory. This can be accomplished with a combination of European Beach grass (*A. arenaria*); non-native American dune grass (*A. breviligulata*); the PNW native dune grass (*E. mollis*); or another revegetation plan approved by the planning commission. Graded areas shall be stabilized immediately after grading. Where immediate revegetation is not possible, or where revegetation fails, temporary erosion control measures shall be implemented until revegetation can be completed. Fire-resistant species are the preferred stabilizing vegetation within twenty-five feet of existing dwellings or structures, but fire-resistant vegetation shall only be planted when the foreslope and crest of the dune are adequately stabilized to prevent significant accumulation of windblown sand.
- j. Maintenance activities not requiring a separate administrative permit under the approved conditional use permit may include:
 - I. Additional plantings or certified organic fertilizer applications in areas where plantings performed poorly.

Site Location Map



Oceanfront Management Zone Overlay and Vegetative Line





CITY OF CANNON BEACH

City of Cannon Beach
Finance Department

CONDITIONAL USE APPLICATION

NOV 23 2021

Received

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

Applicant Name: Jacqueline O. Brown Revocable Trust_
Email Address: sbrown@larrybrowninc.com
Mailing Address: 2235 SW 85th St. Portland, OR 97225

Telephone: (503) 887 5846

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

Mailing Address: _____

Telephone: _____

Property Location: 116 N. Laurel St.
(street address)

Map No.: __51019DD__ Tax Lot No.: __4000__

CONDITIONAL USE REQUEST:

1. Description of the proposal. The proposal is to replace sand that has eroded the bank on the west side of the property with imported clean sand, and to stabilize the sand with natural jute or coir material. The sand would then be planted with native willows on the lower 6-7 feet and a mixture of European and American beach grass on the upper areas of the sand deposition.

2. Justification of the conditional use request. Explain how the request meets each of the following criteria for granting a conditional use.

- a. Explain how a demand exists for the use at the proposed location. Several factors which should be considered include: accessibility for users (such as customers and employees); availability of similar existing uses; availability of other appropriately zoned sites, particularly those not requiring conditional use approval; and the desirability of other suitably zoned sites for the use.

As can be seen from the attached photos, there has been significant erosion extending from the beach and State of Oregon Vegetation Line all the way up to the landscaped lawn area. This has occurred in the last two years due to king tides and storm surge events. The properties on either side of the Brown house have not experienced the level of erosion. To the south the properties along Laurel Street are still generally intact, even though they are unplanted sand dunes. The properties to the north are protected by seawalls and rip rap extending beyond Second Street toward Ecola Creek. It is estimated that fifty lineal feet have been lost in the last two or three years.

- b. Explain in what way(s) the proposed use will not create traffic congestion on nearby streets or over-burden the following public facilities and services: water, sewer, storm drainage, electrical service, fire protection and schools.

There will be no impact on public facilities and services. The erosion has uncovered the storm drain line for the Brown house, which must be replaced

- c. Show that the site has an adequate amount of space for any yards, buildings, drives, parking, loading and unloading areas, storage facilities, utilities, or other facilities which are required by City Ordinances or desired by the applicant.

The Brown residence has experienced a severe loss of the front yard in the last several years. Prior to the recent storm and tidal events, the Browns and the previous owners of the property erected plywood fencing on the western edge of the lawn to prevent sand inundation that would sometimes require an excavator to remove large amounts of sand and return it to the beach.

- d. Show that the topography, soils, and other physical characteristics of the site are appropriate for the use. Potential problems due to weak foundation soils must be shown to be eliminated or reduced to the extent necessary for avoiding hazardous situations.

The property is flat, except for the steep eroded dune bank on the west. The house itself sits on a Marine Terrace clay formation. The house has been in existence for several decades, and has not experienced any problems other than the erosion on the ocean front. If the erosion is allowed to continue at the current rate, it will threaten not only the front yard but the foundation of the house.

- e. Explain in what way an adequate site layout will be used for transportation activities. Consideration should be given to the suitability of any access points, on-site drives, parking, loading and unloading areas, refuse collection and disposal points, sidewalks, bike paths or other transportation facilities required by City ordinances or desired by the applicant. Suitability, in part, should be determined by the potential impact of these facilities on safety, traffic flow and control and emergency vehicle movements.

There will be no impact on transportation facilities. The contractor will obtain a one day drive on beach permit in order to place the sand up against the bank using an excavator. It is estimate that it will require five truckloads of clean sand to fill the void created by the erosion.

- f. Explain how the proposed site and building design will be compatible with the

showing the development of the site. After you submit a completed application, accompanied by a fee to help defray the cost of processing, the City will begin processing your conditional use application.

Public Hearing - Planning Commission.

Conditional use permit requests are considered by the Cannon Beach Planning Commission at a public hearing. Hearings for conditional use permits will be held within 40 days after the application is submitted. Notice of the hearing is mailed to the applicant and to property owners with 250 feet of the site in question. Prior to public hearing, the City Planner will prepare a written report on the request. The report will contain the background of the request and a recommendation based on an investigation of the facts of the proposal and how they pertain to the criteria for granting a conditional use permit. A copy of the report will be mailed to the applicant. Anyone interested in the application may request a copy of the report. At the public hearing, the property owner desiring the conditional use permit has the burden of establishing that the requested conditional use meets the criteria in the Zoning Ordinance. Other people will be given the opportunity to speak in favor of the request, offer comments, ask questions, and/or speak in opposition. At the end of the hearing, the Planning Commission will approve, approve with conditions, or deny the conditional use request.

Appeals to the City Council.

Appeals of the Planning Commission action must be made within 20 days of the decision. The basis of the written appeal must be that the Planning Commission made an error in its decision. The applicant may ask for a new hearing before the City Council or request that the City Council review the Planning Commission record established in making its decision. The City Council may either uphold, reverse or place conditions upon the Planning Commission decision.

surrounding area.

It is the intent of the project to restore the dune to its original condition with plantings of willows and other hardy vegetation, and appear as a natural dune from the beach.

Use extra sheets, if necessary, for answering the above questions. Attach a scale-drawing showing the dimensions of the property, adjacent street(s), dimensions of existing structure, and dimensions of proposed development.

Application Fee: \$750.00

Applicant Signature: _____

Date: _____

Property Owner Signature: _____

Date: _____

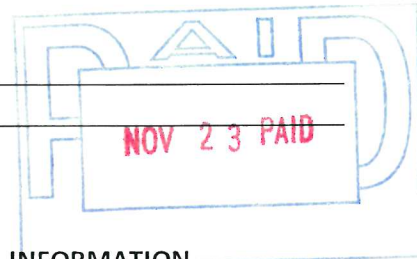
If the applicant is other than the owner, the owner hereby grants permission for the applicant to act on his/her behalf. Please attach the name, address, phone number, and signature of any additional property owners.

For Staff Use Only:

Date Received: _____ By: _____

Fee Paid: _____ Receipt No.: _____

(Last revised March 2021)



CONDITIONAL USE PERMIT - GENERAL INFORMATION

What is a Conditional Use Permit?

Land use on all property in Cannon Beach is governed by zoning districts established by the City Council. Cannon Beach has two main types of zoning districts: residential and commercial. Within each of these main categories there are specific zoning districts, such as Medium Density Residential, R-2, and High Density Residential, R-3. Every zoning district has a list of permitted uses and a list of uses that are only allowed after being approved for a conditional use permit. For example, on property zoned R-2, Medium Density Residential, a single-family dwelling is allowed outright, but a church would be allowed only if approved under a conditional use permit.

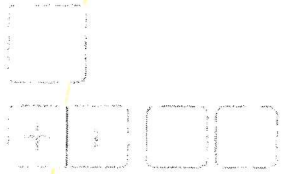
The Purpose of Conditional Use Permits

Certain uses by their very nature need special consideration before they can be allowed in a particular zoning district. The reasons for requiring such special consideration involve, among other things, the size and intensity of the use, traffic generated by the use and compatibility of the use with the area. These issues are addressed through the conditional use permit process which involves a public hearing before the Planning Commission.

Application and Processing.

If the use you wish to establish on your property requires a conditional use permit, the first step is to informally discuss your proposal with the City Planner. Applications may be submitted by the property owner or an authorized agent. An application should include a detailed statement of the proposed use and a plot plan

PO Box 368 Cannon Beach, Oregon 97110 • (503) 436-8042 • TTY (503) 436-8097 • FAX (503) 436-2050
www.ci.cannon-beach.or.us • planning@ci.cannon-beach.or.us



45.897 23.962

EXISTING DUNE SOUTH OF BROWN PROPERTY



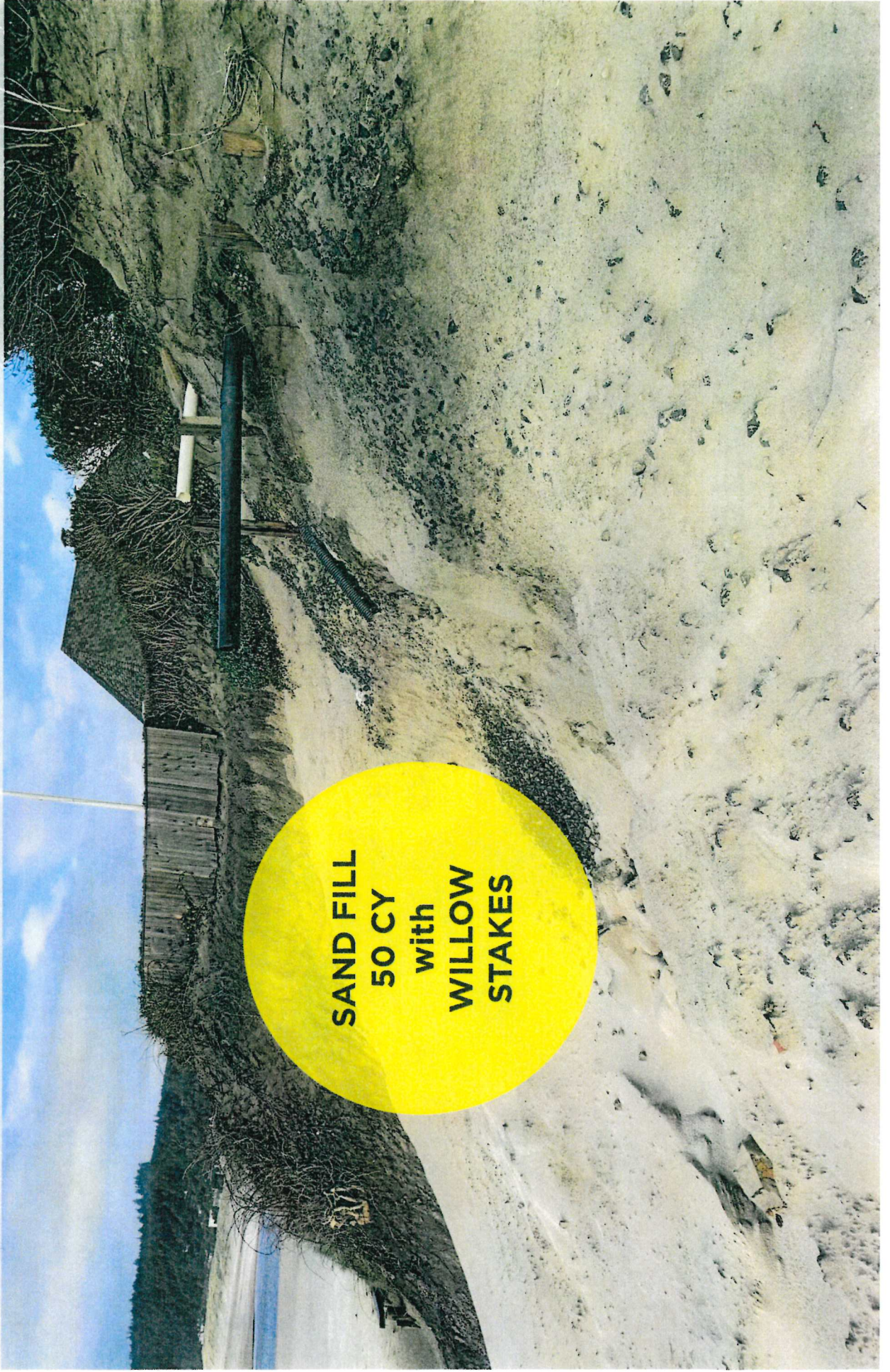
BROWN PROPERTY

SAND FILL
PLANTED
with
WILLOW
STAKES



BROWN PROPERTY

SAND FILL
50 CY
with
WILLOW
STAKES



BROWN PROPERTY



Horning Geosciences

808 26th Avenue, Seaside, OR 97138

Ph./FAX: (503)738-3738

Email: horning@pacifier.com



April 3, 2022

Scott and Jacqueline Brown
2235 SW 85th Avenue
Portland, OR 97225

RE: Erosion Report; Map 5 10 19DD, Tax Lot 4000; 116 N. Laurel Street, Cannon Beach, Clatsop County, Oregon

Dear Mike:

Tax Lot 4000 and its house are located at Kramer Point, at an elevation of about 40 ft. The property fronts the beach for about 100 ft. The house is on a ridge of erosionally resistant coastal terrace sediments that consist of very stiff flood plain silts and stream gravels. The lot lies south of several properties that have been armored to protect them against large storm waves along the lower reach of Ecola Creek.

Tax Lot 4000 has not previously been armored. It is located due east of the approximate channel of Ecola Creek where the river passes through shoals of sand of the lower beach to reach the surf. Typically, the channel position varies considerably, depending on the size of shoals, wave heights, wave direction, and timing coincidence with high tides. At times, when the channel is narrow and deep, it can serve as a conduit for surf waves to pass through the shoals unimpeded to strike the beach and bluff. This can strip away accumulated dune sand, exposing the materials of the terrace. Most significant wave erosion is typically focused a few hundred feet farther upstream. Only exceptional circumstances results in significant erosion in front of TL 4000.

Dune sand chronically blows in from the beach onto the steep western slope of TL 4000 during winter southwesterly storms, necessitating the construction of barrier walls and fences to protect yards and houses. Additional sand can be blown in by summer northwesterly breezes. The accumulated sand is eroded by winter storm waves and carried back out to the zone of breakers and deeper water beyond. Usually the dune is up to 30 ft thick. It can extend northward from TL 4000 and onto TL 3900. Under exceptional storm wave and channel location conditions, the 30 ft thickness of the accumulated dune can be reduced to 10 ft thick, or less. Large storms can wash away the toe of the dune and cause it to collapse and retreat. It is rare for the dune to be reduced to a 10 ft thickness, and it is also rare for this to occur for two years in a row, as is the case for 2020-21 and 2021-22.

The Problem

The dune complex has been eroded and cut back at least 20 ft on Tax Lot 4000 over the past two years, locally exposing the terrace materials. This is an exceptional amount of erosion. The uppermost part of the dune slope is where most of the terrace is exposed. Old fence posts have been exposed by the erosion and some have fallen down the slope. In addition, three drain pipes are presently hanging out in the air below a hedge that is partly undermined by the erosion. The pipes need to be trimmed back and connected to a dry well, the location of which is shown and proposed in Figure 7.

Human hiking activity along the upper eroded slope is enhancing the rate of sand erosion, in addition to the sand being eroded by the wind. The foot traffic includes people climbing on the steep slope and on the middle slope, where chronic use has resulted in the development of a footpath, as shown and demonstrated in Figure 6. This foot

path continues to beyond the south side the brick fence of TL 4000, where stormwater runoff is following the path to the dune slope.

The loss of 20 ft of dune sand has been caused by improbable storm surges of high tides and large surf waves, possibly amplified by a southerly position of the ebb tide channel of Ecola Creek. Most of the loss of sand occurred in only two or three days altogether over a 2-yr period. It is expected that the dune sand will rebuild with time. It is more likely than not that the dunes will recover in the next year or two. It may be desirable to wait for this to happen or it may be better to take action.

Actions

Stormwater drainage needs to be controlled by filling the small gully in the right of way of West First Street, then directing flow from northwest to due west. Climbing on the dune in Tax Lot 4000 needs to stop. The three outfall pipes need to empty into a dry well.

Recommended Solutions

1. Fill the gully in the West First Street right-of-way with clay-silt soils typical of the terrace. Sand is more likely to erode due to its lack of cohesion. Excavate a small channel to direct water due west onto the slope.
2. Climbing on the sand slope of TL 4000 needs to be discouraged with signage and stakes with flagging. This will likely need to be maintained. In addition, the present trail should be covered with sand to reduce its attraction to strollers. It is understood that up to 50 cu yd of sand may be placed on the slope without special permits. Some of the sand should also be spread on the slope above the existing inclined trail, but below the lawn and hedge. To enhance the recovery of the sand dune through time, it is recommended that Hooker willow and European beachgrass be planted on the slope above elevation of 30 ft, as shown in Figure 2. The willows should be planted into the moist clay-silt terrace soils, the plantings spaced about every 2 ft. The beachgrass should be planted one clump every 24 inches into both sand and terrace soils.
3. The drain water outfall pipes should be shortened to practical lengths and emptied into a dry well, the location of which is shown in Figures 2, 7, and 8. The dry well should consist of 2-in drain rock that fills an excavated void of 4 ft wide by 8 ft deep, covered over with geotextile fabric to prevent infiltration of a capping layer of sand.

Please feel free to call or write if you have questions.

Thomas S. Horning, CEG E1131
Horning Geosciences



Expires: 7/1/22

References Cited

Witter, R.C., Horning, T., and Allan, J.C., 2009, Coastal Erosion Hazard Zones in Southern Clatsop County, Oregon: Seaside to Cape Falcon; Open File Report O 09-06; Oregon Department of Geology and Mineral Industries; 61 p.

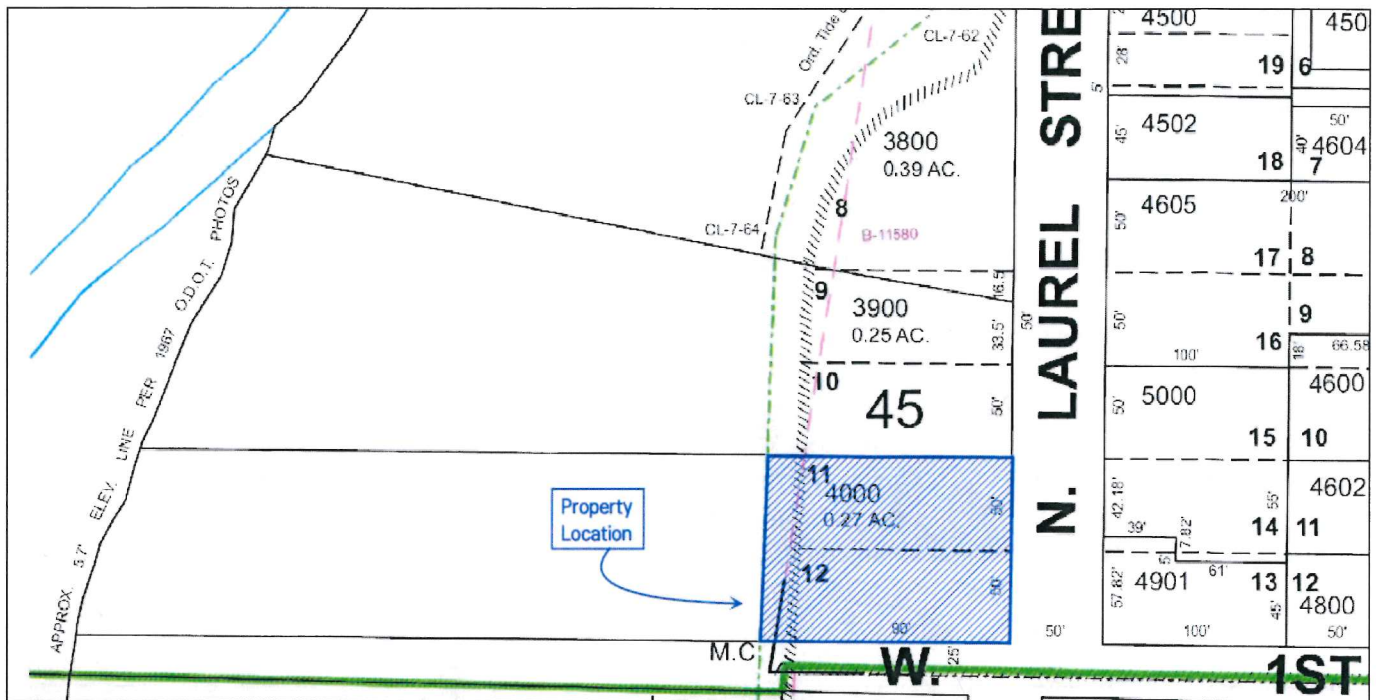


Figure 1: Assessor's plat for the neighborhood. The actual east-west length is around 127 ft, based on fence length.



Figure 2: Geologic sketch showing areas for installation of a dry well and plantings of Hookers willow and European beach grass.

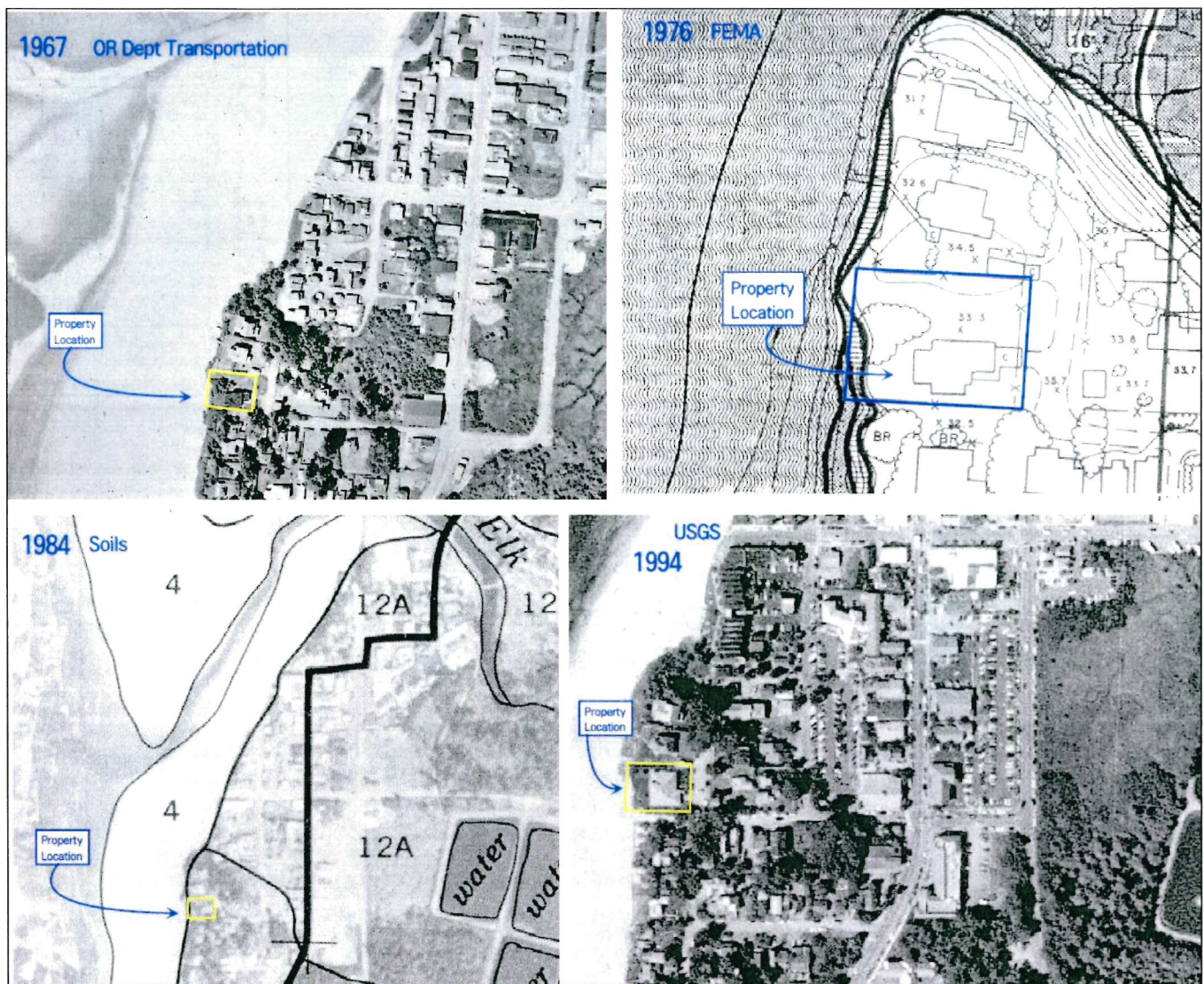


Figure 3A: Aerial photos and surveys for the neighborhood from 1967 to 1994. There is very little permanent shoreline erosion. Tax Lot 3900 on the north side of TL 4000 has experienced retreat rates of 0.1 to perhaps 0.4 ft per year, depending on storm surges and wind intensity.



Figure 3B: Aerial photo of Ecola Creek river mouth in August 2016, courtesy of Google Earth. Extraordinary beach sand transport from south to north has deflected the exit channel of Ecola Creek to the north in response to the temporary high-stand of the ocean during an El Nino Southern Oscillation event. This has built out a large shoal as an extension of the usually much narrower beach at Kramer Point.

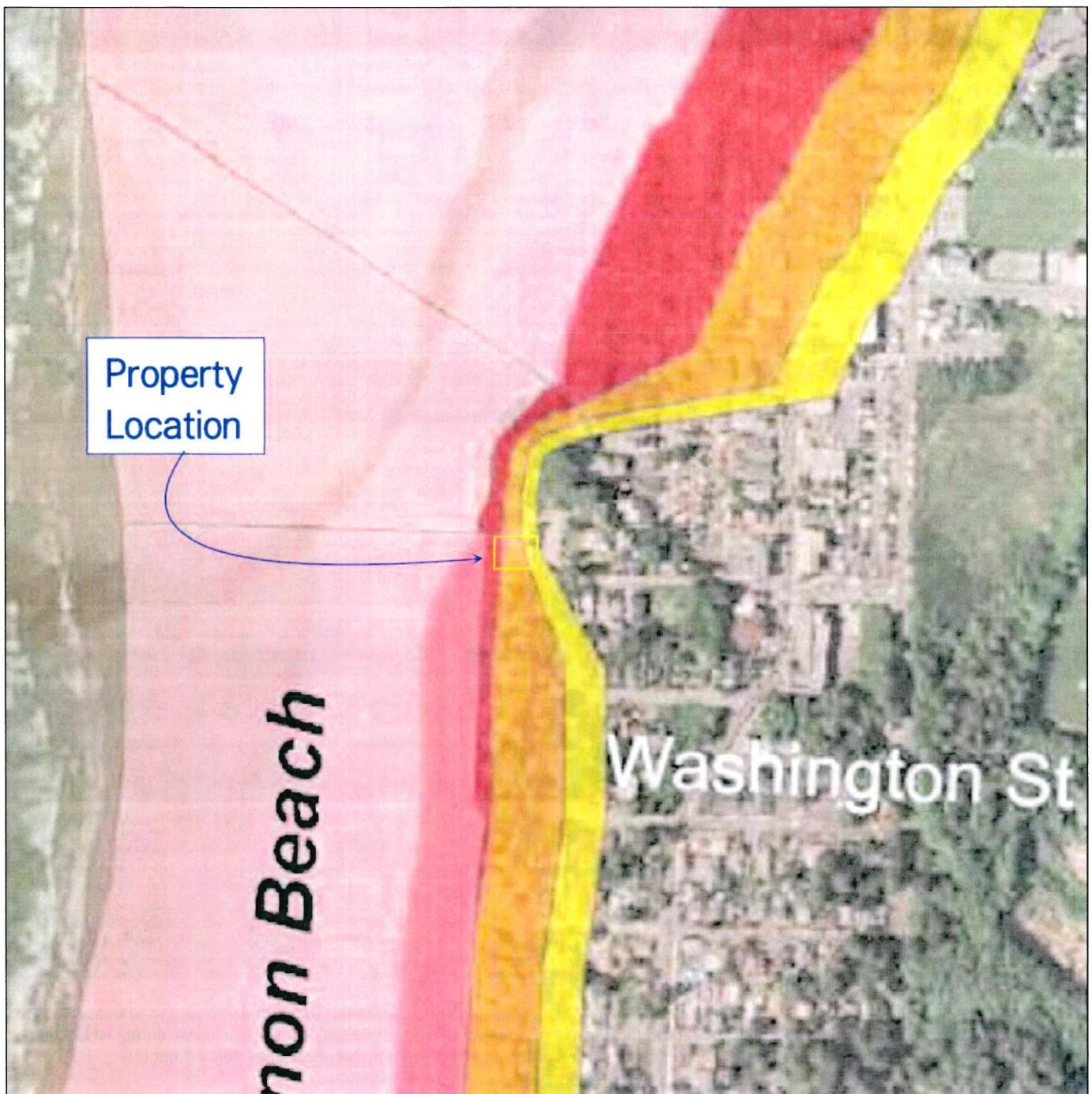


Figure 3: Shoreline erosional sensitivity near the mouth of Ecola Creek; after Witter and others (2009). Red is expected to erode between 2010 and 2070; orange is from 2070 to 2130; and yellow is area that will be affected by the effects of coseismic subsidence from a Cascadia subduction zone earthquake.

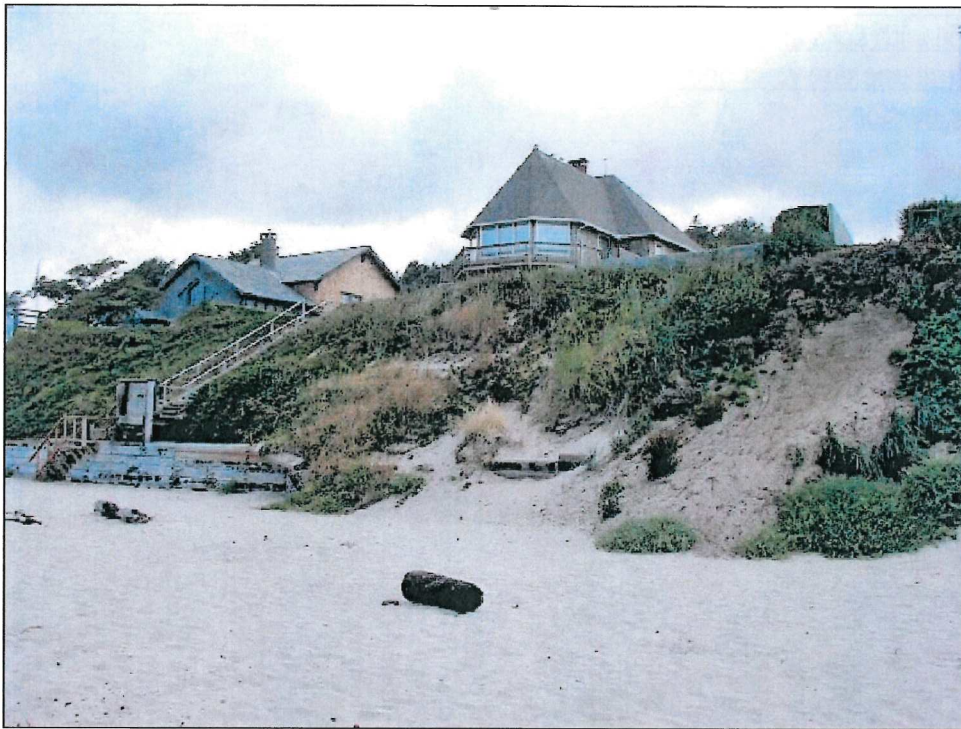


Figure 4: Dune sand accumulation in front of Tax Lot 3900 and the north edge of TL 4000. Excess sand is pushing over the rotting retaining wall.



Figure 5: Windblown sand covering the coastal terrace during the winter of 2007; after Horning (2007).



Figure 6: Top: View to west along right of way of West First Avenue. Pedestrian traffic and water flow have caused erosion to shift to the north side of the route and sculpt a gully that veers to the north after passing the fence. This gully needs to be filled and a new route sculpted to keep water in the middle of the road. Bottom: View to south, showing a recent path by pedestrians, the foot traffic pushing sand down the slope toward the beach. Note the footprints in the open sand above the trail, erosion by feet. The upper beach has been anomalously eroded, probably removing at least 20 ft of foredune, exposing terrace gravels on lower left. Compare with dune sands in Figure 5. Signage or fencing will be needed to direct foot traffic around this sensitive eroded area. Photos dated February 22, 2022.

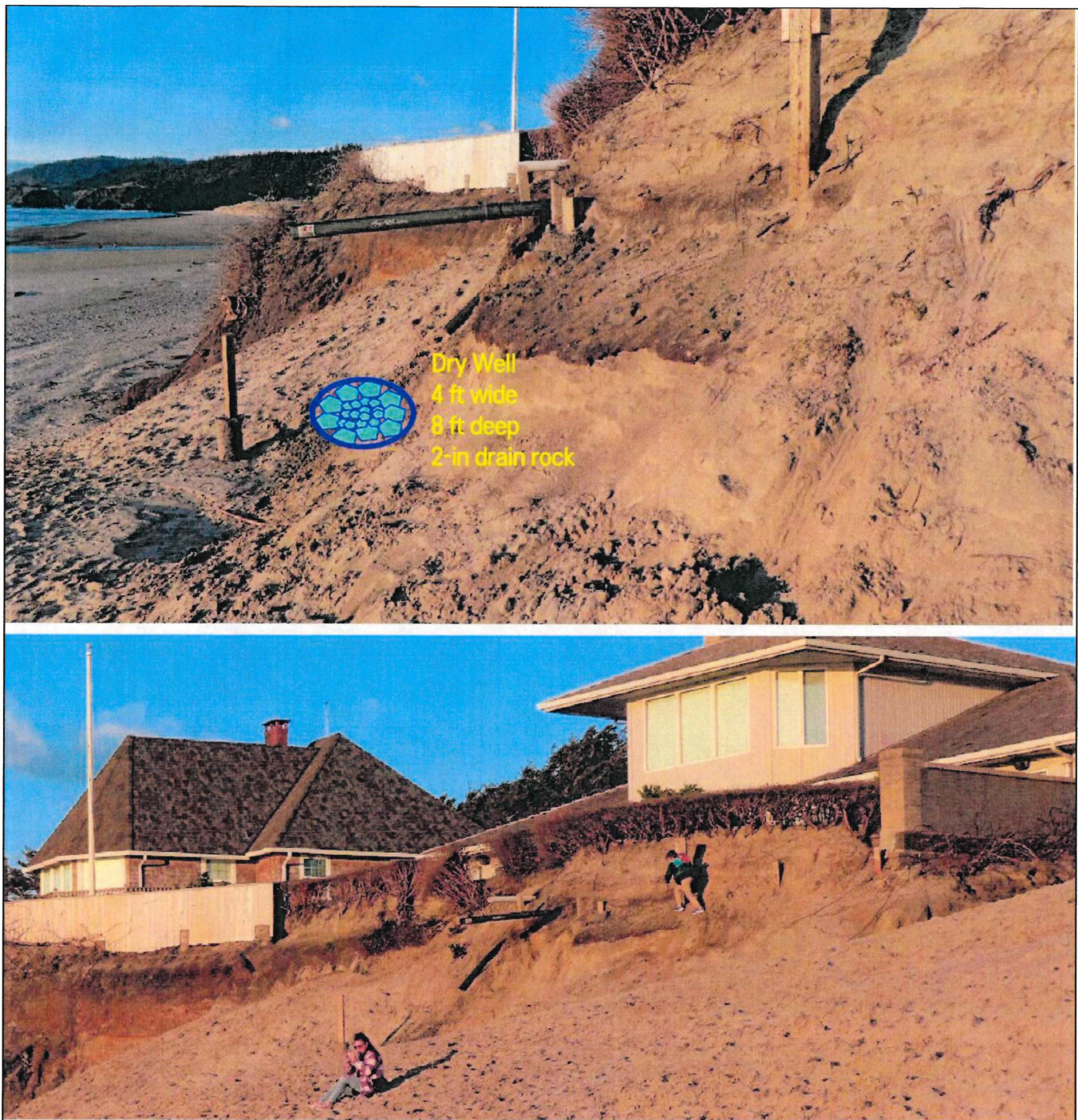


Figure 7: Photo showing outfall of drain pipes, a proposed dry well near the Oregon Zone Line (about the position of the free-standing fence post), and the erosion enhancement of the upper terrace slope by the adventurous boy. The new fence will be used to keep sand from filling the yard in other years to come.

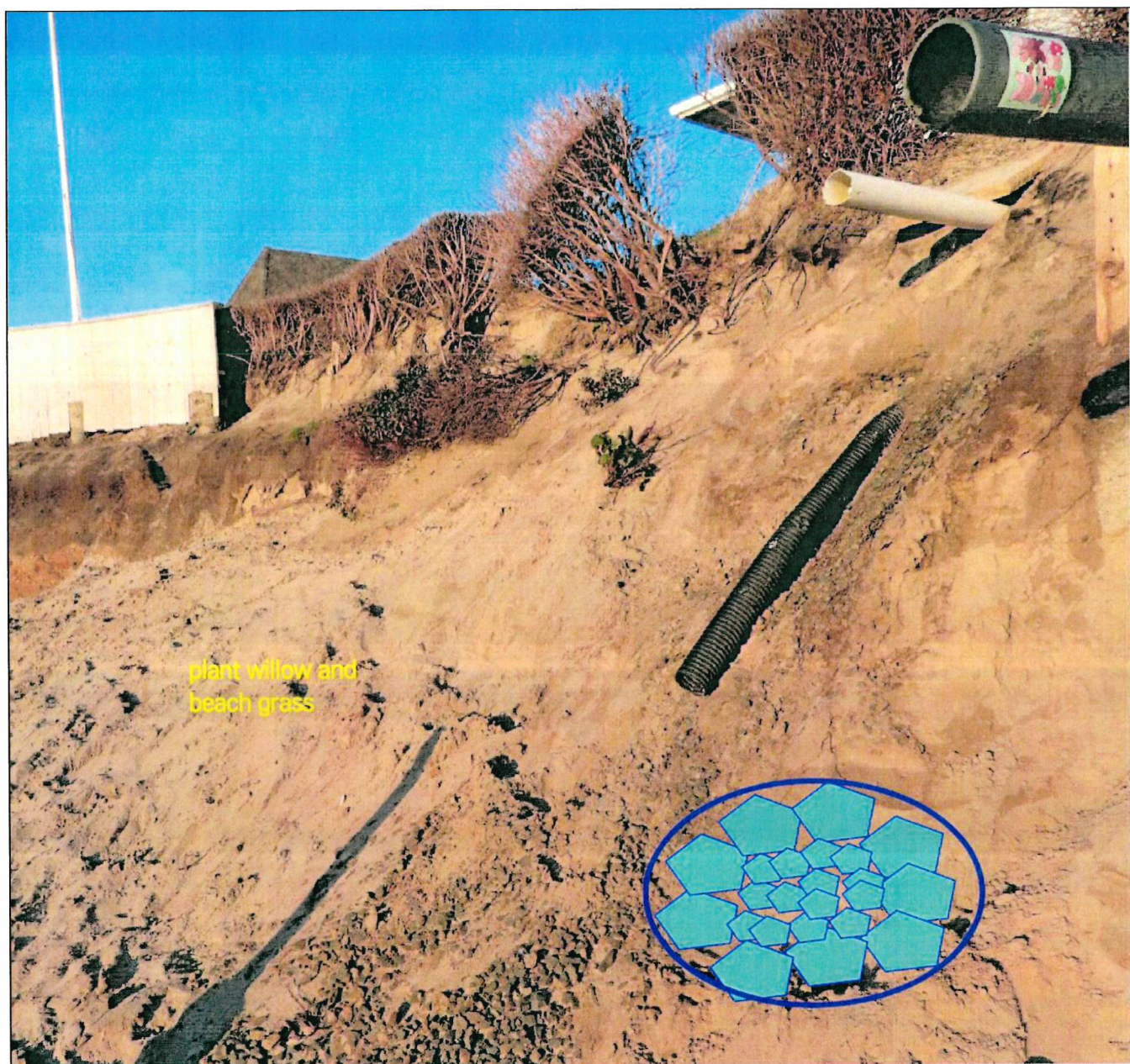


Figure 8: To help stabilize the bare sand slope, it is recommended that a mix of beachgrass and Hooker willow be planted above the pedestrian foot path. The beachgrass will do well where its roots can access moisture from the terrace sediments, and the willow will provide root strength to the slope. The rock-filled dry well is shown. It should be 8 ft deep and about 4 ft in diameter, the three pipes directed into it.

From: Jeffrey Adams
Sent: Monday, December 13, 2021 11:11 AM
To: Robert St. Clair
Subject: FW: 116 N Laurel Street, Cannon Beach
Attachments: BPFindings.pdf

Robert,

This is the email that outlines the State's permitting requirements for shoreline stabilization. You could use this in your staff report. I found this CUP from Breakers Point that you might have a look at.

Jeff



Jeff Adams

Community Development Director

City of Cannon Beach

p: 503.436.8040 | **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:** adams@ci.cannon-beach.or.us

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

From: CRUM Eric * OPRD <Eric.CRUM@opr.d.oregon.gov>
Sent: Tuesday, November 16, 2021 11:03 AM
To: Mike McEwan <mmcewan3569@gmail.com>; Karen La Bonte <labonte@ci.cannon-beach.or.us>; Trevor Mount <mount@ci.cannon-beach.or.us>; Bruce St. Denis <stdenis@ci.cannon-beach.or.us>
Cc: PARKER Ryan * OPRD <Ryan.PARKER@opr.d.oregon.gov>; Jeffrey Adams <adams@ci.cannon-beach.or.us>; TAYLOR Trevor * OPRD <Trevor.TAYLOR@opr.d.oregon.gov>
Subject: RE: 116 N Laurel Street, Cannon Beach

Mike, Karen, Trevor, and Bruce,

Thank you for taking the time to meet with us yesterday. I'm including a brief recap here on what we discussed for the 116 N Laurel St project. I will follow-up with a subsequent email concerning the city's outflow pipes and that permit process moving forward.

We discussed a few potential options for working on the ocean shore in this location:

1. You are allowed to place up to 50 cubic yards of natural material on the Ocean Shore through a free drive on beach permit. Natural materials are defined as driftwood, clean sand, and river cobbles 4"-8" in size. If using driftwood, it cannot be structurally engineered, but simply placed on the ocean shore. Any imported sand would have to be clean and free from any contaminant or seed. The river cobble cannot be quarried rock, nor can it be angular. The cobble must match, as closely as possible, the naturally occurring cobble currently present in the location. The free Drive on Beach permit application can be found here: <https://stateparks.oregon.gov/index.cfm?do=visit.dob-form>

2. Any proposed dynamic revetment (i.e., jute matting and planting), using more than 50 yards of sand, or building a larger cobble revetment project using more than 50 cubic yard of material would require a complete and approved Shoreline Alteration Permit. That permit application can be found here (<https://www.oregon.gov/oprd/prp/pages/per-ocean-shore.aspx>) and here: (https://www.oregon.gov/oprd/PRP/Documents/PRP_PER_OS_SPS_form.pdf). There is a cost associated with this, as well as a public-comment notification period. In section 1, they would choose "Other." Please note that if the project is more than 50 feet in length, it would require a geologic report from a registered professional geologist and a completed Analysis of Hazard Avoidance. Also note that this permit requires the attached City/County Planning Department Affidavit (pg.9) to be completed and signed off/approved by the local planning official, in this case it would be from the City of Cannon Beach.
3. A permanent riprap revetment or seawall would also be obtained through the same Shoreline Alteration Permit, including the same requirements as mentioned above in number 2. A brief check of the Coastal Atlas reference map (<https://www.coastalatlant.net/oceanshores/>), indicates that the property is potentially eligible for a beachfront protective structure. Again, this would have to be verified and approved by the City of Cannon Beach and Clatsop County.

As we observed at the site, there are at least 2 pipes currently exposed and draining onto the ocean shore from this property. Any drainage or water outflow that occurs west of the Statutory Vegetation Line, would also have to be addressed and included in the proposed project application for the Shoreline Alteration Permits.

If you have any further question regarding this project, and these options, please feel free to reach out. My contact information is provided below.

Best,

Eric



Eric Crum | WOC Ocean Shore Specialist / North Coast District Beach Ranger

Schedule: Mon. - Fri. (7am-3:30pm)
Nehalem Bay Management Unit
34600 Garey St. | Nehalem, OR 97131-8246
Office: (503) 812-0650 | Cell: (503) 801-3366
www.oregonstateparks.org

From: CRUM Eric * OPRD
Sent: Wednesday, November 10, 2021 10:06 AM
To: Jeffrey Adams <adams@ci.cannon-beach.or.us>
Cc: PARKER Ryan * OPRD <Ryan.Parker@oregon.gov>
Subject: RE: 116 S Laurel Street, Cannon Beach

Okay, great. Thanks Jeff. It is 116 **NORTH** Laurel St... not south. I think Mike has it down wrong.

See you on Monday.



Eric Crum | WOC Ocean Shore Specialist / North Coast District Beach Ranger

Schedule: Mon. - Fri. (7am-3:30pm)
Nehalem Bay Management Unit
34600 Garey St. | Nehalem, OR 97131-8246
Office: (503) 812-0650 | Cell: (503) 801-3366

From: Jeffrey Adams <adams@ci.cannon-beach.or.us>
Sent: Wednesday, November 10, 2021 9:59 AM
To: CRUM Eric * OPRD <Eric.CRUM@opr.oregon.gov>
Cc: PARKER Ryan * OPRD <Ryan.PARKER@opr.oregon.gov>
Subject: RE: 116 S Laurel Street, Cannon Beach

Eric,

Thanks, we'll try to make the meeting, as they'll need City approval.

Jeff



Jeff Adams

Community Development Director

City of Cannon Beach

p: 503.436.8040 | 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: adams@ci.cannon-beach.or.us

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From: CRUM Eric * OPRD <Eric.CRUM@opr.oregon.gov>
Sent: Wednesday, November 10, 2021 9:34 AM
To: Jeffrey Adams <adams@ci.cannon-beach.or.us>
Cc: PARKER Ryan * OPRD <Ryan.PARKER@opr.oregon.gov>
Subject: FW: 116 S Laurel Street, Cannon Beach

Good morning Jeff,

Just an FYI, we're meeting with Mike McEwan about a new project proposal this coming Monday at 116 S Laurel St. See attached. We are meeting at Noon.

I wanted to give you a heads up is all. Feel free to join if you would like. I'll keep you in the loop on anything moving forward from OPRD.

Eric



Eric Crum | WOC Ocean Shore Specialist / North Coast District Beach Ranger

Schedule: Mon. - Fri. (7am-3:30pm)

Nehalem Bay Management Unit

34600 Garey St. | Nehalem, OR 97131-8246

Office: (503) 812-0650 | Cell: (503) 801-3366

www.oregonstateparks.org

From: Mike McEwan <mmcewan3569@gmail.com>
Sent: Monday, November 8, 2021 11:40 AM
To: CRUM Eric * OPRD <Eric.CRUM@oregon.gov>
Subject: 116 S Laurel Street, Cannon Beach

Hello Eric,

Could we set up a time to review the attached project at 116 S Laurel Street, Cannon Beach?

Michael McEwan

President

Bob McEwan Construction, Inc. CCB 48302

503.440.0223 503.738.3569

mmcewan3569@gmail.com





CITY OF CANNON BEACH

November 29, 2021

CU 21-03, Jacqueline O. Brown Revocable Trust request for a Conditional Use permit to replace approximately 50 cubic yards of sand that has eroded the bank on the west side of the property. The property is located at 116 N. Laurel St. (Tax Lot 04000, Map 51019DD) in a Residential Medium Density (R2) and Oceanfront Management Overlay (OM) zone. The request will be reviewed under Cannon Beach Municipal Code 17.14.030 Conditional Uses Permitted, 17.42.060 Specific Standards and 17.80.230 & 360 Shoreline Stabilization & Preservation Grading.

Dear Property Owner,

Cannon Beach Zoning Ordinance requires notification to property owners within 250 feet, measured from the exterior boundary, of any property which is the subject of the proposed applications. Your property is located within 250 feet of the above-referenced property or you are being notified as a party of record.

Please note that you may submit a statement either in writing or orally at the hearing, supporting or opposing the proposed action. Your statement should address the pertinent criteria, as stated in the hearing notice. Statements in writing must be received by the date of the hearing.

Enclosed are copies of the public hearing notice, a description of how public hearings are conducted and a map of the subject area. Should you need further information regarding the relevant Zoning Ordinance, Subdivision Ordinance or Comprehensive Plan criteria, please contact Cannon Beach City Hall at the address below, or call Katie Hillenhagen at (503) 436-8054 or email hillenhagen@ci.cannon-beach.or.us.

Sincerely,

Kathryn Hillenhagen

Katie Hillenhagen
Administrative Assistant

Enclosures: Notice of Hearing
 Conduct of Public Hearings
 Map of Subject Area

**NOTICE OF PUBLIC HEARING
CANNON BEACH PLANNING COMMISSION**

The Cannon Beach Planning Commission will hold a public hearing on **Tuesday, December 21st, 2021** at **6:00 p.m.** at City Hall, 163 E Gower Street, Cannon Beach, regarding the following:

AA 21-03, Dana Cardwell appeal of the City's administrative decision to approve development permit DP#21-23 for the Forest Lawn Right-of-Way for a stormwater pipe extension under Chapter 17.62 Grading, Erosion and Sedimentation Control. The proposed work is on the east side of Forest Lawn in front of Taxlot 51030DA04100 in a Residential Medium Density (R2) zone. The appeal will be reviewed pursuant to Municipal Code, Section 17.92.010, Development Permits, Section 17.62 Grading, Erosion and Sedimentation Control, Review Consisting of Additional Evidence or de Novo Review and applicable sections of the zoning ordinance.

CU 21-03, Jacqueline O. Brown Revocable Trust request for a Conditional Use permit to replace approximately 50 cubic yards of sand that has eroded the bank on the west side of the property. The property is located at 116 N. Laurel St. (Tax Lot 04000, Map 51019DD) in a Residential Medium Density (R2) and Oceanfront Management Overlay (OM) zone. The request will be reviewed under Cannon Beach Municipal Code 17.14.030 Conditional Uses Permitted, 17.42.060 Specific Standards and 17.80.230 & 360 Shoreline Stabilization & Preservation Grading.

CU 21-04, Mike Morgan, on behalf of The LBC Trust, Mark Smith, Trustee, request for a Conditional Use permit shoreline stabilization. The property is located at 4664 Logan Lane (Tax Lot 03401, Map 41006CB) in Residential Lower Density (RL) and Oceanfront Management Overlay (OM) Zone. The request will be reviewed under Cannon Beach Municipal Code 17.10.030 Conditional Uses Permitted, 17.42.060 Specific Standards and 17.80.230 & 360 Shoreline Stabilization & Preservation Grading.

All interested parties are invited to attend the hearings and express their views. Statements will be accepted in writing or orally at the hearing. Failure to raise an issue at the public hearing, in person or by letter, or failure to provide statements or evidence sufficient to afford the decision maker an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue.

Correspondence should be mailed to the Cannon Beach Planning Commission, Attn. Community Development, PO Box 368, Cannon Beach, OR 97110 or via email at planning@ci.cannon-beach.or.us. Written testimony received one week prior to the hearing will be included in the Planning Commissioner's meeting materials and allow adequate time for review. Materials and relevant criteria are available for review at Cannon Beach City Hall, 163 East Gower Street, Cannon Beach, or may be obtained at a reasonable cost. Staff reports are available for inspection at no cost or may be obtained at a reasonable cost seven days prior to the hearing. Questions regarding the applications may be directed to Jeffrey Adams, 503-436-8040, or at adams@ci.cannon-beach.or.us.

The Planning Commission reserves the right to continue the hearing to another date and time. If the hearing is continued, no further public notice will be provided. The hearings are accessible to the disabled. Contact City Manager, the ADA Compliance Coordinator, at (503) 436-8050, if you need any special

NOTICE TO MORTGAGEE, LIEN-HOLDER, VENDOR OR SELLER:
PLEASE PROMPTLY FORWARD THIS NOTICE TO THE PURCHASER

accommodations to attend or to participate in the meeting. TTY (503) 436-8097. Publications may be available in alternate formats and the meeting is accessible to the disabled.



Jeffrey C. Adams, PhD
Director of Community Development

Posted/Mailed: **November 29, 2021**



**CONDUCT OF PUBLIC HEARINGS BEFORE
CANNON BEACH CITY COUNCIL and PLANNING COMMISSION**

- A. At the start of the public hearing, the Mayor or Planning Commission Chair will ask the following questions to ensure that the public hearing is held in an impartial manner:
1. Whether there is a challenge to the jurisdiction of the City Council or Planning Commission to hear the matter;
 2. Whether there are any conflicts of interest or personal biases to be declared by a Councilor or Planning Commissioner;
 3. Whether any member of the Council or Planning Commission has had any ex parte contacts.
- B. Next, the Mayor or Planning Commission Chair will make a statement which:
1. Indicates the criteria which apply to the action;
 2. Cautions those who wish to testify that their comments must be related to the applicable criteria or other criteria in the Comprehensive Plan or Municipal Code that the person testifying believes apply;
 3. States that failure to raise an issue in a hearing, or failure to provide statements or evidence sufficient to afford the decision makers an opportunity to respond to the issue precludes appeal based on that issue;
 4. Prior to the conclusion of the initial evidentiary hearing, any participant may request an opportunity to present additional evidence or testimony regarding the application. The City Council or Planning Commission shall grant such request by continuing the public hearing or leaving the record open for additional written evidence or testimony.
- C. The public participation portion of the hearing will then proceed as follows:
1. Staff will summarize the staff report to the extent necessary to enable those present to understand the issues before the Council or Planning Commission.
 2. The Councilors or Planning Commissioners may then ask questions of staff.
 3. The Mayor or Planning Commission Chair will ask the applicant or a representative for any presentation.
 4. The Mayor or Planning Commission Chair will ask for testimony from any other proponents of the proposal.
 5. The Mayor or Planning Commission Chair will ask for testimony from any opponents of the proposal.
 6. Staff will be given an opportunity to make concluding comments or respond to additional questions from Councilors or Planning Commissioners.
 7. The Mayor or Planning Commission Chair will give the applicant and other proponents an opportunity to rebut any testimony of the opponents.
 8. Unless continued, the hearing will be closed to all testimony. The Council or Planning Commission will discuss the issue among themselves. They will then either make a decision at that time or continue the public hearing until a specified time.

NOTE: Any person offering testimony must first state their name, residence, and **mailing address** for the record. If representing someone else, the speaker must state whom he represents.

CU 21-03, Brown
116 N. Larch St.



CU 21-03, Brown
116 N Laurel St.

TAXLOTKEY	SITUS_ADDR	OWNER_LINE	STREET_ADD	CITY	STATE	ZIP_CODE
51019DD03800	140 N Laurel St	Carlson Blake	14570 Clay St	Broomfield	CO	80023
51019DD03900	124 N Laurel St	St Mary Sisters Of	4440 SW 148th Ave	Beaverton	OR	97007-2745
51019DD04000	116 N Laurel St	Brown Jacqueline O	2235 SW 85th Ave	Portland	OR	97225
51019DD04500	158 N Larch St	Porter Elisabeth Scott	2746 SE 35th Ave	Portland	OR	97202
51019DD04502	150 N Larch St	Larch Street Investments LLC	235 SE Avondale Way	Gresham	OR	97080
51019DD04605	132 N Larch St	Coaster Properties LLC	9775 SW Barnes Rd #370	Portland	OR	97225
51019DD04601		Porter Elisabeth Scott	2746 SE 35th Ave	Portland	OR	97202
51019DD04602	116 N Larch St	Blackford Gabriel	3800 Bridgeport Way W Ste. #A #297	University Place	WA	98466
51019DD04604	152 N Larch St	Bellerby Linda J Trustee	111 SE 48th Ave	Portland	OR	97215
51019DD04800	172 W 1st St	Moore Anthony P 1/2	PO Box 2110	Fairview	OR	97024-1815
51019DD05000	123 N Laurel St	VP Getaway LLC	11335 SW Foothill Dr	Portland	OR	97225
51030AA00100	118 S Laurel St	Cannon Beach House LLC	14800 NE North Woodinville Way	Woodinville	WA	98072-4484
51030AA00200	132 S Laurel St	Thayer John A	4355 Silver Ct	Lake Oswego	OR	97035
51030AA00300	164 S Laurel St	Wells CB LLC	701 Briar Rd	Bellingham	WA	98225
51030AA00400	188 S Laurel St	Ramsey Hamide	13815 SE Rivercrest Dr	Vancouver	WA	98683
51030AA00900		Kent Francis D/Patricia H Tr	4706 SE Arden St	Milwaukie	OR	97222-5075
51030AA01000	171 W 1st St	Carey Glen D	PO Box 1013	Cannon Beach	OR	97110
51030AA01001	163 W 1st St	M-By-Sea LLC	4220 SW Charming Way	Portland	OR	97225
51030AA01100	191 W 1st St	Edwards-Thompson LLC	937 NW Glisan St #1431	Portland	OR	97209
51030AA01101	187 W 1st St	Mooing Cows LLC	204 N Norton Ave	Los Angeles	CA	90004
51030AA01200	195 W 1st St	Hutchins House LLC	6516 SE 39th Ave	Portland	OR	97202-7711
51030AA01300	131 S Laurel St	Walter House LLC	1731 SE 101st Ave	Portland	OR	97216-2509
51030AA01400	163 S Laurel St	Laurel Street Vacation Home LLC	762 Ave G	Seaside	OR	97138
51030AA01401	196 W Taft St	Stavig Prudence M	11695 SE 147th Ave	Happy Valley	OR	97086-5825
51030AA01500	184 W Taft St	Cousin Camp LLC	PO Box 151524	San Rafael	CA	94215
51030AA15300		Cannon Beach House LLC	19900 144th Ave NE	Woodinville	WA	98072-4460
51030AA15307		Kendall William D Jr	3058 SW Fairview Blvd	Portland	OR	97205-5829
51030AA01600	180 W Taft St	180 W Taft LLC	PO Box 213	Fox Island	WA	98333
51030AA01700	172 W Taft St	Baker Stockton	435 Humboldt St	Denver	CO	80218
51019DD04600	124 N Larch St	Sea Lark Apartments LLC	1643 S Radcliffe Ct	Portland	OR	97219



Cannon Beach Planning Commission

Staff Report:

PUBLIC HEARING AND CONSIDERATION OF SR# 22-01, JAY ORLOFF OF TOLOVANA ARCHITECTS APPLICATION, ON BEHALF OF PROPERTY OWNERS CLARK AND KATHRYN REED, REQUESTING A SETBACK REDUCTION AT 2316 PACIFIC ST (TAXLOT 5103AA02802) FOR A REDUCTION OF THE SIDE YARD SETBACK OF FIVE FEET TO FOUR FEET TO ALLOW FOR THE MODIFICATION OF AN EXISTING DETACHED GARAGE TO HAVE A SECOND LEVEL ACCESSORY DWELLING UNIT. THE PROPERTY IS IN THE RESIDENTIAL LOWER DENSITY (RL) ZONING DISTRICT. THE REQUEST WILL BE REVIEWED UNDER CANNON BEACH MUNICIPAL CODE, SECTION 17.64.010, SETBACK REDUCTION, PROVISIONS ESTABLISHED.

Agenda Date: April 28, 2022

Prepared By: Robert St. Clair

GENERAL INFORMATION

NOTICE

Public notice for this April 28, 2022 Public Hearing is as follows:

- A. Notice was posted at area Post Offices on April 7, 2022;
- B. Notice was mailed on April 7 to surrounding landowners within 100' 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 March 17, 2022 unless otherwise noted.

"A" Exhibits – Application Materials

- A-1** Setback Reduction Application SR#22-01, submitted and stamped March 17, 2022;
- A-2** Architectural drawings for the modification of the detached garage and addition of the ADU submitted by Tolovana Architect LLC, dated March 21, 2022.

"B" Exhibits – Agency Comments

None received as of this writing;

“C” Exhibits – Cannon Beach Supplements

None received as of this writing;

“D” Exhibits – Public Comment

D-1 Comment from Cecillia Farley in support of the application, dated April 11, 2022.

SUMMARY & BACKGROUND

Jay Orloff, on behalf of Clark and Kathryn Reed, is seeking a setback reduction of the side yard setback from 5 feet to 4 feet to allow for the modification of a pre-existing non-conforming detached garage to have a second level accessory dwelling unit. The subject property is 2316 Pacific St, taxlot 5103AA02802, a 5,000 square foot lot zoned Residential Lower Density (RL).

The detached garage is valued at \$37,511 by the Clatsop County Assessor’s Office, it projects 12 inches into the required 5 foot side yard setback. Cannon Beach Municipal Code states that alterations of pre-existing non-conforming structures that exceed 50% of the fair market value of the building, a threshold which the addition of an ADU would exceed, may be authorized under the provisions of Chapter 17.64, Setback Reduction.

The addition of an ADU would not result in a change to the footprint of the garage. The Design Review Board is scheduled to hear this item during its April 21, 2022 meeting and the DRB’s findings will be discussed in this meeting.

APPLICABLE CRITERIA

RL Residential Lower Density Zoning District

17.10.040 Residential Lower Density Development Standards

In an RL zone, the following standards shall apply except as they may be modified through the design review process pursuant to Chapter 17.44:

- A. *Lot size. Lot area shall be at least ten thousand square feet. Lots of less than ten thousand square feet may be buildable pursuant to Section 17.82.020; provided, that such lots were not part of an aggregate of contiguous lots with an area or dimension of ten thousand square feet or greater held in a single ownership at the time of enactment of Ordinance 79-4A. Where there are lots held in a single contiguous ownership and one of the lots or combinations of lots meets the minimum lot size but the other lot or combination of lots does not meet the minimum lot size, there shall be only one buildable lot. Example: three contiguous lots in a single ownership, each lot with an area of five thousand square feet, constitute one buildable lot. The minimum lot size for all uses, including single family dwellings, shall be adjusted for average slope using the standards in Section 16.04.310(A).*
- B. *Lot Dimensions.*
 - 1. *Lot width. Lot width shall be at least seventy-five feet.*
 - 2. *Lot depth. Lot depth shall be at least ninety feet.*
 - 3. *Front yard. A front yard shall be at least fifteen feet.*
 - 4. *Side yard. A side yard shall be at least five feet, except on a corner or through lot the minimum side yard from the street shall be fifteen feet.*
 - 5. *Rear yard. A rear yard shall be at least fifteen feet, except on a corner or through lot it shall be a minimum of five feet, except where a rear lot line abuts a street, it shall be a minimum of fifteen feet.*
 - 6. *Yard Abutting the Ocean Shore. For all lots abutting the ocean shore, any yard abutting the ocean shore shall conform to the requirements of Section 17.42.050(A)(6), Oceanfront setback.*

- C. *Lot Coverage. The lot coverage for a permitted or conditional use shall not exceed fifty percent.*
- D. *Floor Area Ratio. The floor area ratio for a permitted or conditional use on a lot of six thousand square feet or more shall not exceed 0.5. The maximum gross floor area for a permitted or conditional use on a lot of more than five thousand square feet, but less than six thousand square feet, shall not exceed three thousand square feet. The floor area ratio for a permitted or conditional use on a lot with an area of five thousand square feet or less shall not exceed 0.6.*
- E. *Building Height. Maximum height of a vertical structure is twenty-four feet, measured as the vertical distance from the average elevation of existing grade to the highest point of a roof surface of a flat roof, to the top of a mansard roof or to the mean height level between the eaves and the ridge for a pitched roof. The ridge height of a pitched roof shall not exceed twenty-eight feet. Pitched roofs are considered those with a 5-12 pitch or greater.*
- F. *Signs. As allowed by Chapter 17.56.*
- G. *Parking. As required by Section 17.78.020.*
- H. *Design Review. All uses except single-family dwellings and their accessory structures are subject to the provisions of Chapter 17.44.*
- I. *Geologic or Soils Engineering Study. As required by Chapter 17.50.*
- J. *Claims for Compensation Under ORS 197.352. The standards of Section 17.08.040(A) through (K) (Standards), shall apply except as specifically modified pursuant to a development agreement created as part of the city's final action modifying, removing or not applying the city's land use regulation(s) on a demand for compensation under ORS 197.352.*
- K. *Site Plan. Except for interior renovation of existing structures and exterior renovations such as siding replacement where there will be no ground disturbance, no new construction shall be approved unless a site plan meeting the requirements of Section 17.90.190 has been submitted and approved.*

Staff Comment: The lot coverage of the subject property would remain unchanged at 50% while the Floor Area Ratio would increase from 0.37 to 0.49. The renovated structure would have a peak roof height of 22 feet 6 inches above grade. The site plan does not indicate that there would be any ground disturbance associated with this project and the amount of off-street parking to be provided would remain unchanged with the existing four 9x18 foot spaces.

17.64 Setback Reduction

17.64.010.A.1: *Total building coverage shall not exceed forty percent.*

Staff Comment: Total building coverage at present is 1,538 square feet of the 5,000 square foot lot as measured at ground level which is approximately 31% of the lot. Current total lot coverage is approximately 50%. The building coverage of the lot would not be changed as a result of this proposal as there would be no changes in building footprints.

- 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 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.*

Staff Comment: The only applicable criteria is Item f, Rehabilitation of existing buildings where other reasonable alternatives do not exist. Due to the non-conforming nature of the garage the only alternative to a setback reduction for the purpose of adding an ADU is the demolition and replacement of the garage in a location that meets current setbacks, however this would essentially be in the same location as the current structure due to the small size of the encroachment.

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

Staff Comment: There would be no impacts to rights-of-way resulting from this proposal.

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

Staff Comment: There would be no significant traffic impacts resulting from this proposal.

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

Staff Comment: There would be no significant changes in the amount of privacy enjoyed by adjacent property owners as a result of this proposal.

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

Staff Comment: As the project associated with this request would only remodel a pre-existing structure there would be no impact to the ability to provide fire protection to this or other structures.

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. The application was submitted on March 17, 2022 and determined to be complete on March 23, 2022. Based on this, the City must complete its review of this proposal by July 21, 2022.

The Planning Commission's April 28th hearing will be the first evidentiary hearing on this request. ORS 197.763(6) allows any party to the hearing to request a continuance. The DRB should grant any request for a continuance of this hearing. The Planning Commission's next regularly scheduled hearing date is May 26, 2022.

RECOMMENDATION

Staff recommends approval, with the conditions below.

DECISION AND CONDITIONS

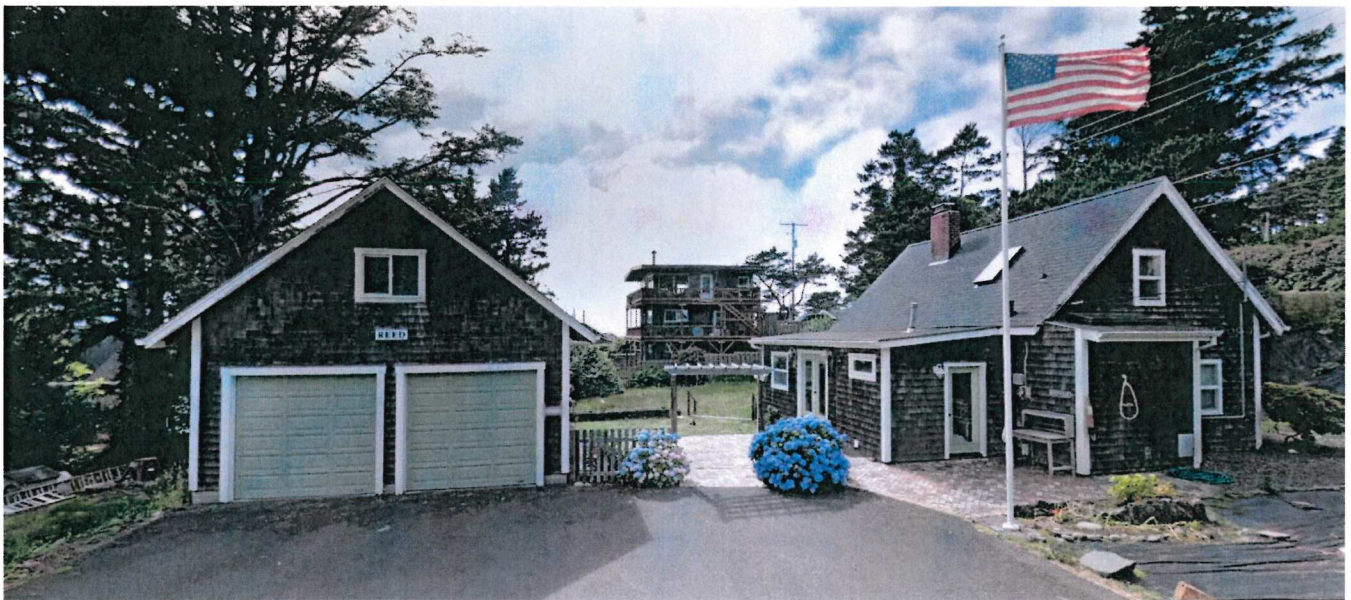
Motion: Having considered the evidence in the record, I move to (approve/approve with conditions/or deny) the Tolovana Architects application for a setback reduction, SR22-01, as discussed at this public hearing (subject to the following conditions):

1. The applicant shall obtain Design Review Board approval for the addition of an accessory dwelling unit prior to starting work.
2. A building permit shall be obtained before starting construction.

Notice of Approval

17.44.140 Final approval expiration.

The final approval of a design review plan shall be void after one year of the date of approval unless a building permit has been obtained. (Ord. 90-3 § 15)



2316 Pacific St., looking west from Pacific St.



Site Map



CITY OF CANNON BEACH

City of Cannon Beach
Finance Department

SR 22-01

MAR 17 2022

Received

SETBACK REDUCTION APPLICATION

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

Applicant Name: TAOVANA ARCHITECTS (JAY ARNOFF)
Email Address: JAY@TAOVANAARCHITECTS.COM
Mailing Address: P.O. BOX 648, TAOVANA PARK, OR 97145
Telephone: 503.436.0519

Property-Owner Name: CLARK REED
(if other than applicant)

Mailing Address: 3010 SW UNDERWOOD BL PORTLAND, OR 97225
Telephone: 503.318.4124
Property Location: 2316 PACIFIC ST
(street address)

Map No.: 5103/AA Tax Lot No.: 02802

SETBACK REDUCTION REQUEST:

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

EXISTING DETACHED GARAGE IS 12" INTO REQUIRED 5'-0" SIDE SETBACK @ WEST.

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

ATTIC CONVERSION OF EXISTING DETACHED GARAGE TO ADU REQUIRES NEW ROOF FRAMING. NEW ROOF FRAMING TO BE IN COMPLIANCE WITH REQUIRED SIDE YARD SETBACK.

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;

NO CHANGE TO BUILDING FOOT PRINT. EXISTING STRUCTURES ARE COMPLIANT TO ZONE ALLOWABLE COVERAGE.

- (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;

EXISTING STRUCTURE LOCATED IN DEPRESSION CORNER OF S. HEMLOCK AND S. PACIFIC, SW. THERE WOULD BE NO CHANGE IN VIEWS IF DETACHED GARAGE WAS COMPLIANT

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

NO AFFECT, <12"> DIFFERENCE

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

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

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

N/A

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

N/A

- 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

APPLICATION REQUEST IS FOR EXISTING PORTION OF DETACHED GARAGE TO ALLOW FOR NEW ROOF FRAMING. NEW UPPER FLOOR WALL TO BE IN COMPLIANCE.

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

NO CHANGE IN BUILDING LOCATION

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: \$500.00

Applicant Signature: [Signature] TOWNANA ARCHITECTS Date: 2022-03-14

Property Owner Signature: _____ Date: _____

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

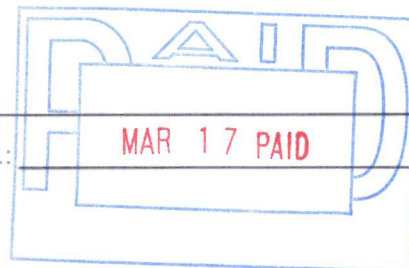
As Property Owner, my signature or an authorized applicant's signature, allows any duly authorized employee of the City to enter upon all properties affected by this permit for the purpose of follow-up inspection, observation, or measurement.

For Staff Use Only:

Received on: _____ By: _____

Fee Paid: _____ Receipt No.: _____

(Last revised March 2021)



Printed on: 28-Mar-2022 2:04 PM File: 23022-DRB-REV-ELEVATIONS.ADU DV: STAMP INSULATION-RES OR 2021 resulTable_2021 C:\Users\rahn\Tolovana Architects\Dropbox\Projects\Active\Reed.ADU - Cannon Beach\ACAD\SHEET SETS\

ABBRV.

A.F.F.	Above Finish Floor	O.D.	Outside Diameter (Dim.)
ACOUST.	Acoustical	P.	Paint
A.C.T.	Acoustical Clg. Tile	PR.	Pair
ADJ.	Adjust, Adjustable	P.T.D.	Paper Towel Dispenser
AGG.	Aggregate	P.T.D./R	Paper Towel Disp & Recept
AL.	Aluminum	P.T.R.	Paper Towel Receptacle
A.B.	Anchor Bolt	PART.BD.	Particle Board
APPROX.	Approximately	PTN.	Partition
ARCH.	Architectural	PERF.	Perforated
A.D.	Area Drain	PLAS.	Plaster
ASPH.	Asphalt	P.LAM.	Plastic Laminate
A.C.	Asphaltic Concrete	PL.	Plate
BM.	Beam	PWD.	Plywood
BITUM.	Bituminous	PT.	Point
BLK.	Block	P.P.	Power Pole
BLKG.	Blocking	PRCST.	Precast
BD.	Board	PREFIN.	Prefinished
BOT./BTM.	Bottom	P.T.	Pressure Treated
B.C.	Bottom of Curb	P/L	Property Line
B.W.	Bottom of Wall	Q.T.	Quarry Tile
BLDG.	Building	R or RAD.	Radius
CAB.	Cabinet	REF.	Reference
C.P.T.	Carpet	REFR.	Refrigerator
C.I.	Cast Iron	REINF.	Reinforced
C.I.P.	Cast In Place	REQT.	Requirements
C.B.	Catch Basin	RES.	Resilient
CLG.	Ceiling	R.	Riser(s)
CEM.	Cement	R.D.	Roof Drain
CTR.	Center	RM.	Room
C.T.	Ceramic Tile	R.O.	Rough Opening
CLR.	Clear	S.GL.	Safety Glass
CLO.	Closer	S.N.D.	Sanitary Napkin Disposal
COL.	Column	SCHED.	Schedule
CONC.	Concrete	S.C.D.	Seat Cover Dispenser
CMU.	Conc. Masonry Units	SECT.	Section
COND.	Condition		Service Sink
CONSTR.	Construction	SHG.	Sheathing
CONT.	Continuous	SHT.	Sheet
CONTR.	Contractor	SH.	Shelf
C.J.	Control Joint	SHR.	Shower
CORR.	Corridor	SHM.	Similar
CNTR.	Counter	S.O.G.	Slab on Grade
CTSK.	Countersink	S.D.	Soap Dispenser
DEPT.	Department	S.C.	Solid Core
DET.	Detail	S.Q.	Square
DIA.	Diameter	S.F.	Square Feet
DIM.	Dimension	S.&V.	Stain and Varnish
DW.	Dishwasher	S.STL.	Stainless Steel
DISP.	Disposal (Garbage)	STD.	Standard
DR.	Door	STL.	Steel
DBL.	Double	STOR.	Storage
DN.	Down	STR.	Structural
DS.	Downspout	SYM.	Symmetrical
DWR.	Drawer	SYS.	System
DWG.	Drawing	TEL.	Telephone
D.F.	Drinking Fountain	T.V.	Television
EA.	Each	THK.	Thick
E.S.	Each Side	TOIL.	Toilet
	East	T.P.D.	Toilet Paper Dispenser
E.W.C.	Electric Water Cooler	T&G	Tongue and Groove
ELEC.	Electrical	T.C.	Top of Curb
ELEV.	Elevation	T.P.	Top of Pavement
ELEV.	Elevator	T.PL.	Top of Plate
EMER.	Emergency	T.W.	Top of Wall
ENCL.	Enclosure	T.	Treads
EQ.	Equal	TYP.	Typical
EQPT.	Equipment	UNF.	Unfinished
EXIST.	Existing	U.O.N.	Unless Otherwise Noted
EXP.	Expansion	UR.	Urinal
E.J.	Expansion Joint	V.P.	Veneer Plaster
EXPO.	Exposed	VFY.	Verify
EXT.	Exterior	V.G.	Vertical Grain
E.I.F.S.	Exterior Insulation & Finish System	VEST.	Vestibule
F.O.C.	Face of Concrete	V.C.T.	Vinyl Composition Tile
F.O.F.	Face of Finish	V.W.C.	Vinyl Wall Covering
F.O.M.	Face of Masonry	WSCCT.	Wainscot
F.O.S.	Face of Studs	WC.	Wallcovering
F.FIN.	Factory Finish	W.C.	Water Closet
FIN.	Finish	W.H.	Water Heater
F.F.	Finish Floor	WP.	Waterproof
F.F.E.	Finish Floor Elevation	WT.	Weight
F.A.	Fire Alarm	W.	West
F.E.	Fire Extinguisher	WDW.	Window
F.E.C.	Fire Extinguisher Cab	W.	With
F.H.C.	Fire Hose Cabinet	W/O	Without
F.R.T.	Fire Retardant Treated	WD.	Wood
FRF.	Fireproof	W.W.F.	Woven Wire Fabric
FIXT.	Fixture	And	
F.B.	Flat Bar	Angle	
F.H.	Flat Head	At	
FL.	Floor		
F.D.	Floor Drain		Square/Square Foot
F.P.H.B.	Freeze Proof Hose Bibb		
FT.	Foot or Feet		
FTG.	Footing		
FDN.	Foundation		
F.S.	Full Size, Scale		
F.O.I.C.	Furnished by Owner, Installed by Contractor		
FURR.	Furring		
FUT.	Future		
GALV.	Galvanized		
G.I.	Galvanized Iron		
G.D.	Garbage Disposal		
G.A.	Gauge		
GLU-LAM	Glu-Laminated		
GL.	Glass		
G.B.	Grab Bar		
GR.	Grade		
GND.	Ground		
GYP.BD.	Gypsum Wallboard		
GYP.BD./WR.	Gypsum Wallboard, Water Resistant		
GYP.	Gypsum		
HDWE.	Hardware		
HT.	Height		
H.C.	Hollow Core		
H.C.P.	Hollow Core Plank		
H.M.	Hollow Metal		
HORIZ.	Horizontal		
H.B.	Hose Bibb		
HR.	Hour		
IN.	Inches		
I.D.	Inside Diameter (Dim.)		
INSUL.	Insulation		
INT.	Interior		
JAN.	Janitor		
JT.	Joint		
K.D.	Kiln Dried		
KIT.	Kitchen		
K.DN.	Knock Down		
LAV.	Lavatory		
LT.	Light		
LKR.	Locker		
MACH.	Machine		
M.B.	Machine Bolt		
M.H.	Manhole		
MFR.	Manufacturer		
M.O.	Masonry Opening		
MAX.	Maximum		
MECH.	Mechanical		
M.C.	Medicine Cabinet		
MDO.	Medium Density Overlay		
MEMB.	Membrane		
MET.	Metal		
MIN.	Minimum		
MISC.	Miscellaneous		
MTD.	Mounted		
MUL.	Mullion		
NOM.	Nominal		
N.	North		
N.I.C.	Not in Contract		
N.T.S.	Not to Scale		
NO.	Number		
OBS.	Obscure		
O.C.	On Center		
OPNG.	Opening		
OPP.	Opposite		
O.H.	Opposite Hand		
OZ.	Ounce		

A.D.U. PLANS FOR:

THE REED RESIDENCE

CANNON BEACH CLATSOP COUNTY, OR



GENERAL NOTES

- THE CONTRACTOR(S) SHALL PERFORM ALL DEMOLITION AND FURNISH/INSTALL ALL MATERIALS/SERVICES NECESSARY TO COMPLETE THE WORK SHOWN ON THE DRAWINGS UNLESS NOTED OTHERWISE.
- WORK SHALL BE IN ACCORDANCE WITH REQUIREMENTS OF CURRENT IBC, STATE OF OREGON STRUCTURAL SPECIALTY CODE AND FIRE AND LIFE SAFETY REGULATIONS, LAW OF THE STATE FIRE MARSHAL, APPLICABLE PLUMBING MECHANICAL, ELECTRICAL CODES AND OTHER APPLICABLE CODES AND ORDINANCES.
- THE CONTRACTOR(S) SHALL OBTAIN AND PAY FOR INSPECTIONS BY CITY OF CANNON BEACH BUILDING DEPARTMENT .
- NO FINAL PAYMENT SHALL BE ISSUED UNTIL THE CONTRACTOR DELIVERS TO OWNER A CERTIFICATE OF COMPLIANCE/OCCUPANCY.
- CONTRACTOR SHALL COORDINATE ALL SUBCONTRACTOR WORK.
- CONTRACTOR SHALL PROVIDE ON SITE SUPERVISION DURING ALL WORK.
- ALL EXISTING CONDITIONS SHALL BE VERIFIED DURING CONSTRUCTION.
- BEFORE ORDERING ANY MATERIAL OR DOING ANY WORK,THE CONTRACTOR SHALL VERIFY IN THE FIELD ALL DIMENSIONS AND ELEVATIONS WHICH ARE REQUIRED FOR CONNECTIONS TO, OR INSTALLATION IN, AREAS COVERED BY DOCUMENTS. CONTRACTOR SHALL NOTIFY THE ARCHITECT OF ANY DISCREPANCY ON THE PLANS OR THE SITE.
- ANY CHANGES OR REVISIONS TO THESE DRAWINGS BY OWNER, CONTRACTOR, OR SUBCONTRACTORS AFTER PERMIT ISSUANCE MUST BE REVIEWED AND APPROVED BY THE ARCHITECT ON RECORD PRIOR TO CONSTRUCTION.
- FLOOR JOIST AND PREMANUFACTURED TRUSS SHOP DRAWINGS, IF NOT PROVIDED BY ARCHITECT AT TIME OF PERMITTING, ARE REQUIRED TO BE REVIEW AND APPROVED BY THE ARCHITECT ON RECORD PRIOR TO MANUFACTURING AND INSTALLATION.
- MAXIMUM BUILDING HEIGHT CONFIRMATION REQUIREMENT: CONTRACTOR TO HAVE LICENSED SURVEYOR DOCUMENT AVERAGE GRADE BEFORE START OF CONSTRUCTION AND ACTUAL BUILDING ROOF RIDGE HEIGHT WHEN FRAMING CONSTRUCTION IS COMPLETE TO INSURE THAT THE STRUCTURE MEETS THE CITY OF SEASIDE MAXIMUM BUILDING HEIGHT REQUIREMENT. CONTRACTOR SHALL NOTIFY THE ARCHITECT OF ANY DISCREPANCY WITH THE PLANS OR THE SITE.

DRAWING INDEX

CS	COVER SHEET				
AS1.1	SITE PLAN				
A1.1	FLOOR & ROOF PLANS				
A2.1	ELEVATIONS & SECTIONS				
L1.1	LANDSCAPING PLAN				

PROJECT TEAM

OWNER:
CLARK REED
2316 PACIFIC STREET
CANNON BEACH, OR 97110

ARCHITECT:
TOLOVANA ARCHITECT LLC 503-436-0519
P.O. BOX 648, TOLOVANA PARK, OREGON 97145
DAVID VONADA, A.I.A. DAVID@TOLOVANAARCHITECTS.COM

STRUCTURAL CONSULTANT;
TIM WOLDEN S.C.
34930 HWY 53
NEHALEM, OREGON 97131 503-368-7962
TIM WOLDEN, S.C. TIM@WOLDENSE.COM

CONTRACTOR:

BUILDING STATISTICS

JURISDICTIONS: CITY OF CANNON BEACH OREGON

ZONING: RL

OCCUPANCY GROUP R-3, SINGLE FAMILY RES

BUILDING CONSTRUCTION TYPE V-B

FIRE SPRINKLERS NO

BUILDING AREA:
(E) GARAGE APPROX. 720 S.F.
(N) UPPER FLOOR A.D.U. APPROX. 600 S.F.
TOTAL FLOOR AREA: APPROX. 1,320 S.F.

TOTAL LOT AREA: XXXX S.F.
MAX LOT COVERAGE (0.50): XXXX S.F.
MAX. FLOOR AREA RATIO (.60): XXXX S.F.

ALLOWABLE HEIGHT: 24'-0" SEE SHEET A2.1

SYMBOLS LEGEND

KEYNOTE		KEYNOTE NUMBER
ROOM TAG		ROOM NAME ROOM NUMBER
REVISION TAG		REVISION NUMBER
ELEVATION TAG		DETAIL NUMBER SHEET NUMBER
BUILDING SECTION TAG		SECTION NUMBER SHEET NUMBER
DETAIL TAG		DETAIL NUMBER SHEET NUMBER
		SHEAR WALL DESIGNATION SEE SCHEDULE
TITLE LINE		DRAWING NUMBER DRAWING NAME DRAWING SCALE SHEET NUMBER

INSULATION TABLE

Per 2021 Oregon Residential Energy Code - Table N1101.1(1)		
New Windows & Sliding Glass Doors	U = 0.27	
Exterior Doors	U = 0.20	
(Max. 28 s.f. of Exterior Door per Dwelling Unit can have U = 0.54 or less)		
Exterior Door w/ > 2.5 s.f. Glazing	U = 0.40	
Wall Insulation - Above Grade	U = 0.059 / R-21	
*Including Cripple Walls & Rim Joist Areas	Intermediate	
Wall Insulation - Below Grade	C = 0.063 / R-15 c.i / R-21	
Underfloor Insulation	U = 0.033 / R-30	
Flat Ceiling Insulation	U = 0.021 / R-49	
Vaulted Ceiling Insulation	U = 0.033	
(Vaulted ceiling surface area exceeding 50% of the total heated floor space shall have U = 0.026 or less / R-38)		
Forced Air Duct Insulation	R = 8	
Skylights	U = 0.50	
Slab Edge Perimeter	F = 0.520 / R-15	
Heated Slab Interior	R-10	
Acoustical Insulation	4" mineral wool	

Note: All new insulation at perimeter of building envelope to have 1 perm vapor retarder on warm side.

3-21-29 DRB REVIEW SET

Tolovana Architect LLC

368 Elk Creek Rd. Suite 408
Cannon Beach, Oregon 97110



DRB REVIEW SET

A.D.U. ADDITION PLANS FOR
REED RESIDENCE

2316 PACIFIC STREET
CANNON BEACH, OREGON 97110

MARK	DATE	DESCRIPTION

DATE: 3-29-2022

JOB:

FILE:

DRAWN: XX

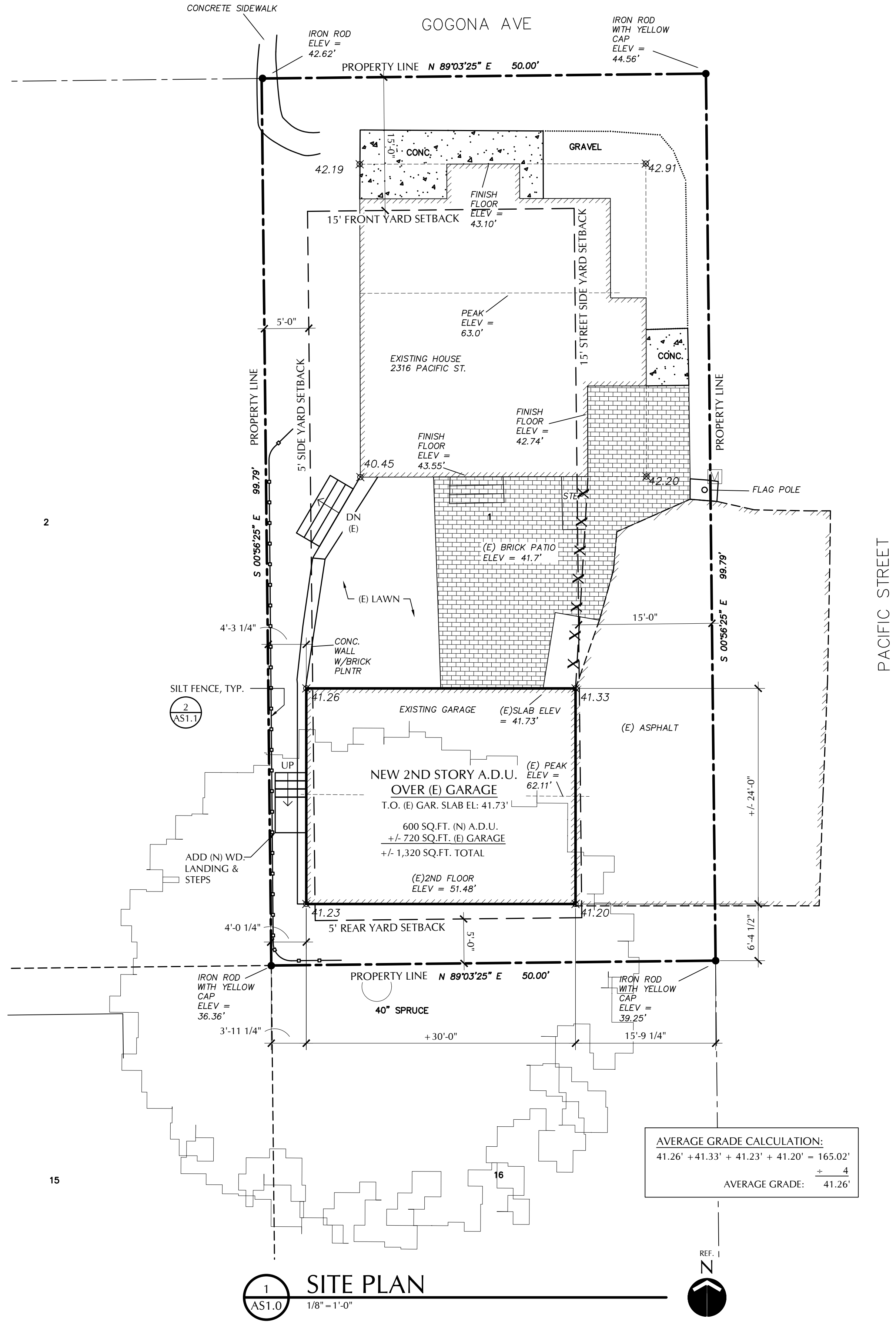
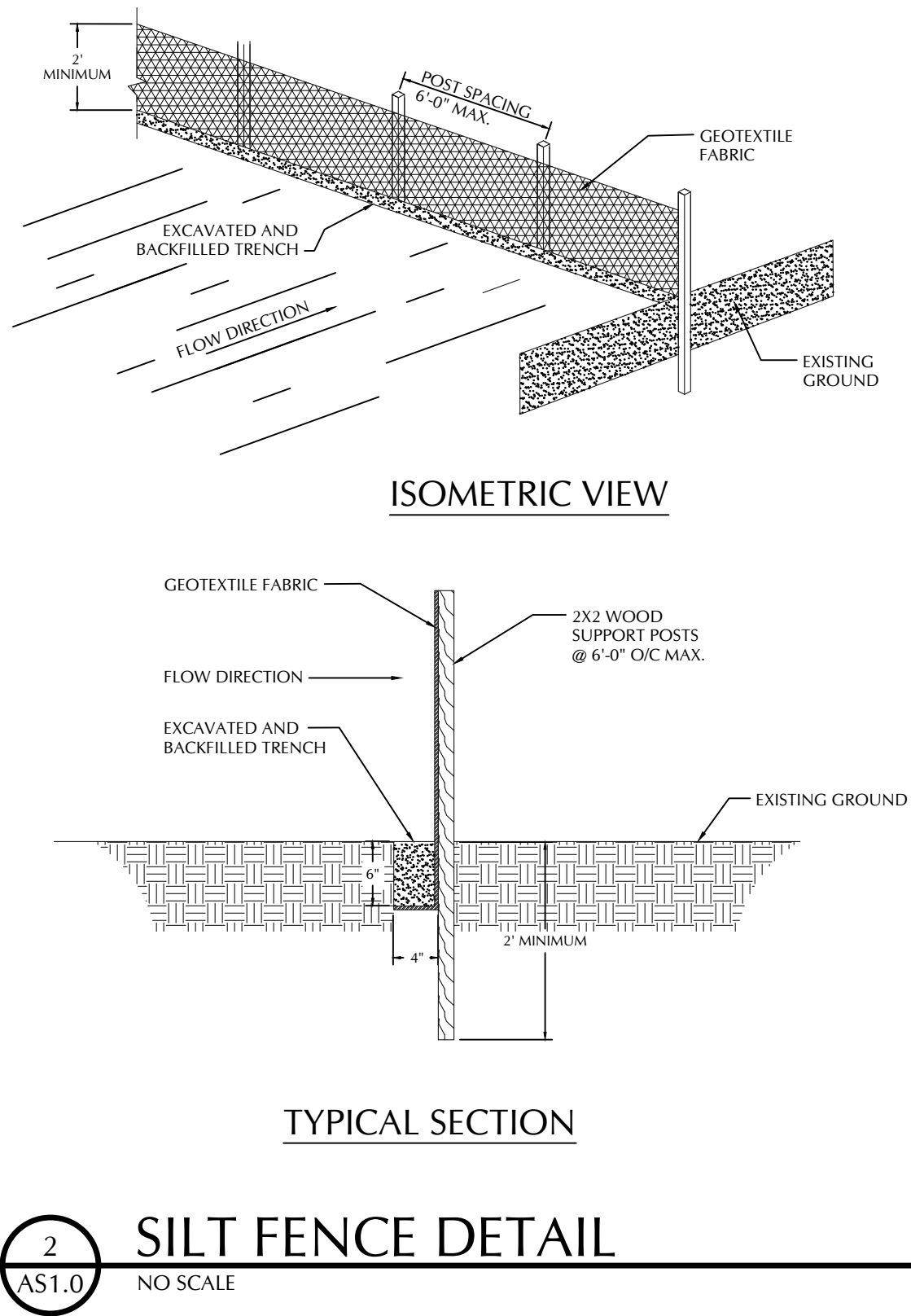
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2022

COVER SHEET

CS

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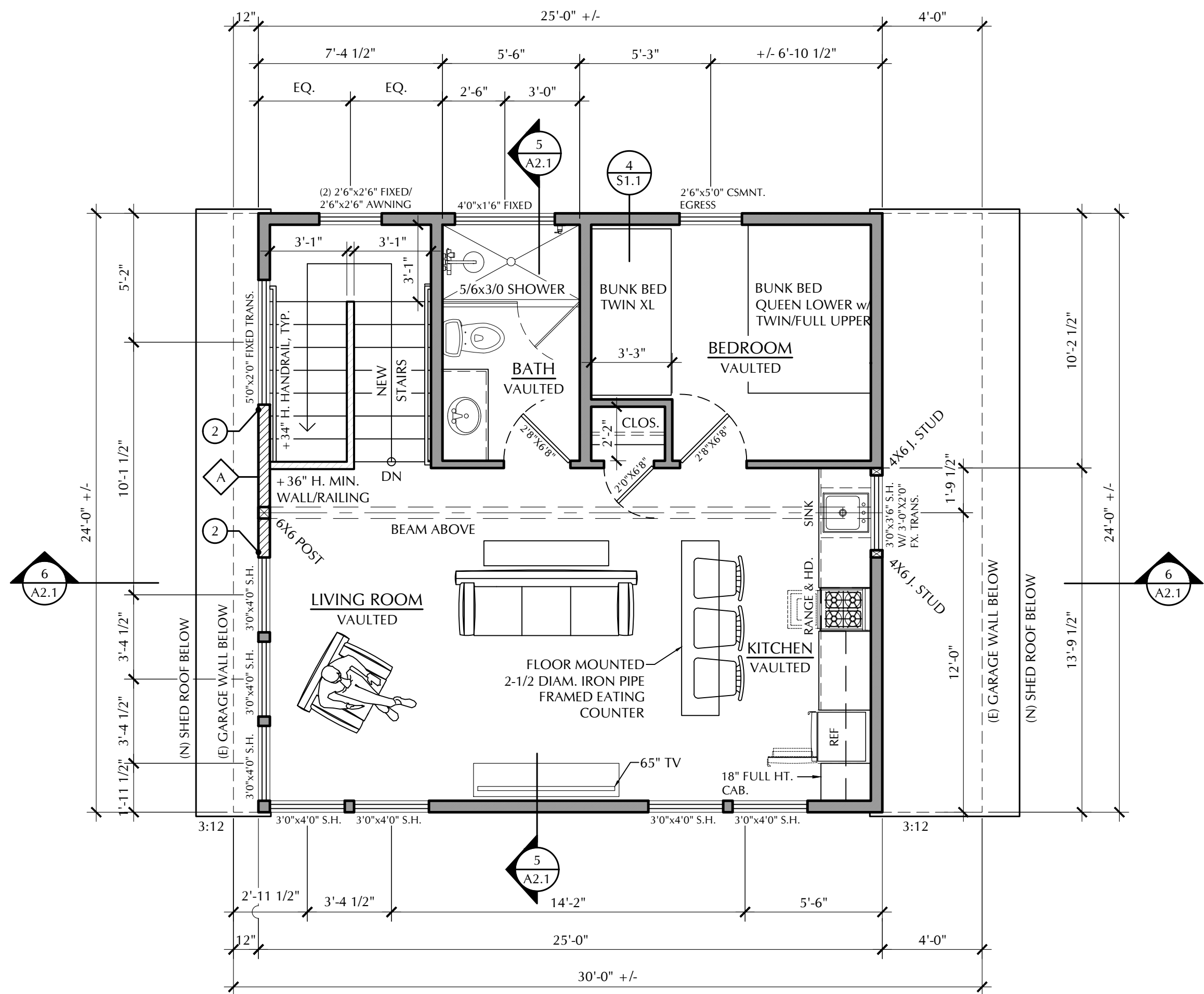


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XR_24x36 TITLE BLOCK_DRB XR_Framing Plans XR_FP-2_GARAGE_ADU



HOLD DOWNS

① = HDU5 W/ 5/8"Ø THRD. ROD ANCHOR EPOXIED 6" INTO EXIST. FOOTING @ (6) LOCATIONS

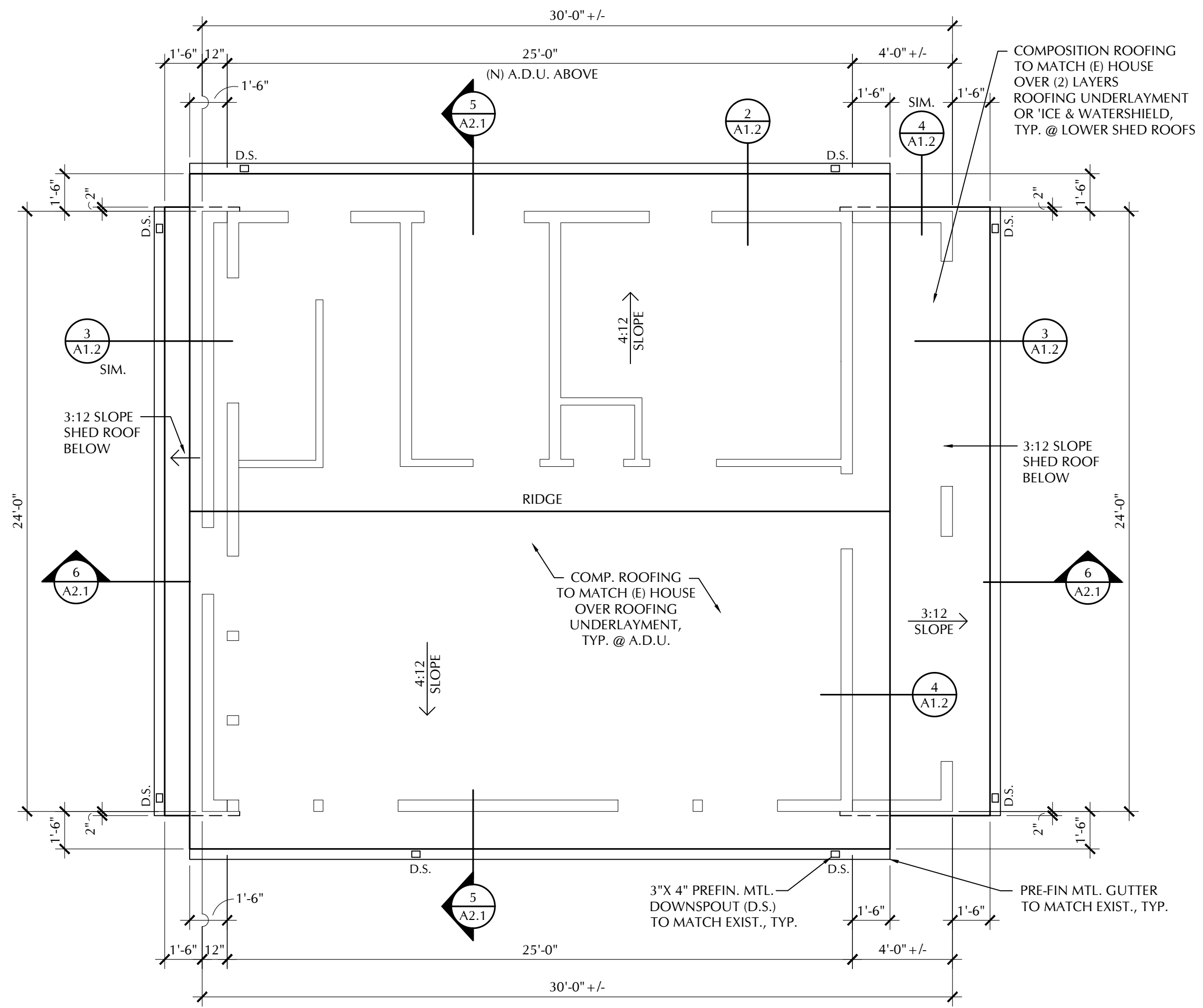
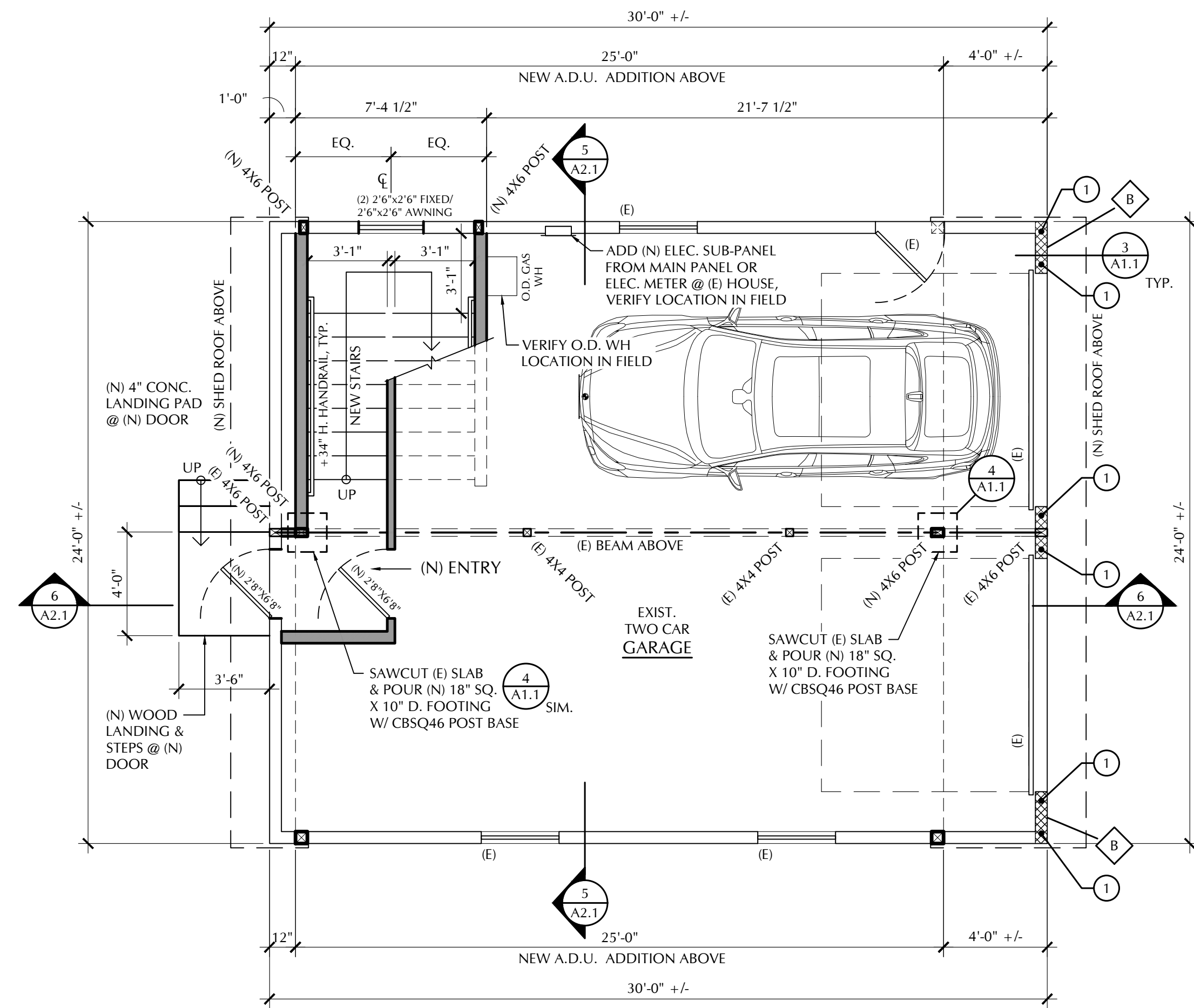
② = MSTA 36 NAILED TO DOUBLE STUDS, ATTACH STRAP @ BTM. OF BEAM BELOW & RUN UP TO DBL. STUDS ABOVE, @ (2) LOCATIONS

SHEAR WALLS
ALL NEW & EXIST. WALLS FULLY BLOCKED @ PANEL EDGES. SHEARWALL NAILING: 8d @ 6" O.C. @ ALL NEW & EXIST. WALLS UNLESS OTHERWISE NOTED.

◇ A - SHEARWALL NAILING: 8d @ 4" O.C. @ PANEL EDGES
◇ B - SHEARWALL NAILING: 8d @ 3" O.C. @ PANEL EDGES

WALL LEGEND

- NEW EXTERIOR WALL: 2 X 6 @ 16" O/C
- NEW INTERIOR WALL: 2 X 6 @ 16" O/C
- NEW INTERIOR WALL: 2 X 4 @ 16" O/C
- NEW PARTIAL HEIGHT WALLS: 2 X 4 @ 16" O/C U.O.N.
- SINGLE SHEARWALL: 2 X 6 @ 16" O/C
- DOUBLE SHEARWALL: 2 X 6 @ 16" O/C
- EXIST. EXTERIOR WALL:
- EXIST. INTERIOR WALL:
- EXIST. PARTIAL HEIGHT WALLS
- EXIST. WALL REMOVED



A.D.U. ADDITION PLANS FOR
REED RESIDENCE

MARK	DATE	DESCRIPTION

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FLOOR PLANS

Tolovana Architect LLC
368 Elk Creek Rd. Suite 408
Cannon Beach, Oregon 97110



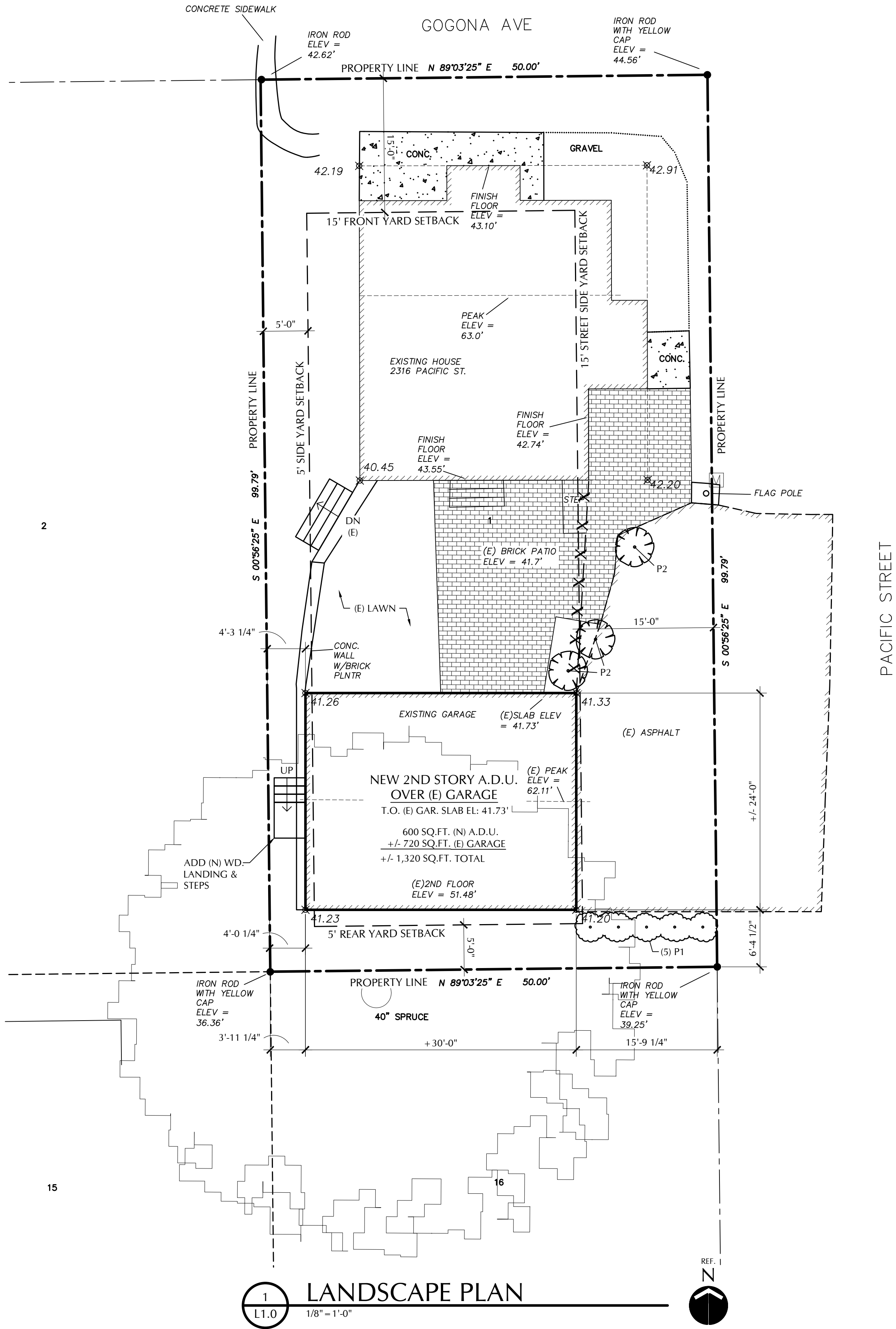
DRB REVIEW SET

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CANNON BEACH, OREGON 97110

3-21-29 DRB REVIEW SET

A1.1

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PLANT LIST:

ITEM	NAME: SCIENTIFIC (COMMON)	MATURE HEIGHT X WIDTH (MAX)	SIZE TO BE PLANTED	SPACING	LEAF COLOR	FLOWER COLOR	FRUIT COLOR	DECID OR EVERGRN	QNTY	NOTES
PLANT MATERIAL										
P1	ROSY ESCALLONIA	10'H. x 4'-5' W.	1 GAL	AS DRAWN	GREY GREEN	PINK	.	EVERGRN	8	ALONG SOUTH DRIVEWAY
P2	HYDRANGEA	TO 10' H.	1 GAL	AS DRAWN	GREY GREEN	BLUE	.	DECID.	3	IN COURTYARD BY FENCE

3-21-29 DRB REVIEW SET

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CANNON BEACH, OREGON 97110

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Cannon Beach, Oregon 97110

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2022

LANDSCAPE
PLAN

L1.0

From: Cecilia Farley <ceciliafarley1@gmail.com>
Sent: Monday, April 11, 2022 4:33 PM
To: Planning Group
Subject: DRB22-07 & SR22-01 for 2316 Pacific St., Cannon Beach

Hi Kathryn,

My husband Chris Farley and I own the lot on Gogona Ave. adjacent to the Reed's home referenced above. Jay Orloff of Tolovana Architects provided me with proximity plans on both our proposed home and the Reeds addition. Both are designed not to infringe on the other's privacy (windows, etc.) so we support the Reed's proposal.

We won't be attending either hearing but wanted to let the committee know we don't have any objections to the Reed's request.

Please let me know if you need anything further.

Cecilia Farley Cell: 503-869-5732



CITY OF CANNON BEACH

April 7, 2022

SR 22-01, David Vonada, on behalf of Clark and Kathryn Reed, application to allow a setback reduction to reduce the rear yard setback from the required 5'0" to 4'0" to convert the existing attic of a detached garage into an ADU, according to chapter 17.14 Residential Medium Density Zone of the Municipal Code. The addition of the ADU does not increase the nonconformity of the structure, however, the setback reduction is required to bring the existing structure into conformance according to Cannon Beach Municipal Code 17.82.040 B. The property is located at 2316 Pacific St. (Tax Lot 02802, Map 51031AA), and in a Residential Lower Density (RL) zone. The request will be reviewed against the Municipal Code, Section 17.64.010, Setback Reduction, Provisions established.

Dear Property Owner,

Cannon Beach Zoning Ordinance requires notification to property owners within 100 feet, measured from the exterior boundary, of any property which is the subject of the proposed applications. Your property is located within 100 feet of the above-referenced property or you are being notified as a party of record.

Please note that you may submit a statement either in writing or orally at the hearing, supporting or opposing the proposed action. Your statement should address the pertinent criteria, as stated in the hearing notice. Statements in writing must be received by the date of the hearing.

Enclosed are copies of the public hearing notice, a description of how public hearings are conducted and a map of the subject area. Should you need further information regarding the relevant Zoning Ordinance, Subdivision Ordinance or Comprehensive Plan criteria, please contact Cannon Beach City Hall at the address below, or call Katie Hillenhagen at (503) 436-8054 or email hillenhagen@ci.cannon-beach.or.us.

Sincerely,

Katie Hillenhagen
Administrative Assistant

Enclosures: Notice of Hearing
 Conduct of Public Hearings
 Map of Subject Area

**NOTICE OF PUBLIC HEARING
CANNON BEACH PLANNING COMMISSION**

The Cannon Beach Planning Commission will hold a public hearing on **Thursday, April 28, 2022 at 6:00 p.m.** at City Hall, 163 E Gower Street, Cannon Beach, regarding the following:

SR 22-01, David Vonada, on behalf of Clark and Kathryn Reed, application to allow a setback reduction to reduce the rear yard setback from the required 5'0" to 4'0" to convert the existing attic of a detached garage into an ADU, according to chapter 17.14 Residential Medium Density Zone of the Municipal Code. The addition of the ADU does not increase the nonconformity of the structure, however, the setback reduction is required to bring the existing structure into conformance according to Cannon Beach Municipal Code 17.82.040 B. The property is located at 2316 Pacific St. (Tax Lot 02802, Map 51031AA), and in a Residential Lower Density (RL) zone. The request will be reviewed against the Municipal Code, Section 17.64.010, Setback Reduction, Provisions established.

All interested parties are invited to attend the hearings and express their views. Statements will be accepted in writing or orally at the hearing. Failure to raise an issue at the public hearing, in person or by letter, or failure to provide statements or evidence sufficient to afford the decision maker an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue.

Correspondence should be mailed to the Cannon Beach Planning Commission, Attn. Community Development, PO Box 368, Cannon Beach, OR 97110 or via email at planning@ci.cannon-beach.or.us. Written testimony received one week prior to the hearing will be included in the Planning Commissioner's meeting materials and allow adequate time for review. Materials and relevant criteria are available for review at Cannon Beach City Hall, 163 East Gower Street, Cannon Beach, or may be obtained at a reasonable cost. Staff reports are available for inspection at no cost or may be obtained at a reasonable cost seven days prior to the hearing. Questions regarding the applications may be directed to Jeffrey Adams, 503-436-8040, or at adams@ci.cannon-beach.or.us.

The Planning Commission reserves the right to continue the hearing to another date and time. If the hearing is continued, no further public notice will be provided. The hearings are accessible to the disabled. Contact City Manager, the ADA Compliance Coordinator, at (503) 436-8050, if you need any special accommodations to attend or to participate in the meeting. TTY (503) 436-8097. Publications may be available in alternate formats and the meeting is accessible to the disabled.



Jeffrey C. Adams, PhD
Director of Community Development

Posted/Mailed: **April 7, 2022**

NOTICE TO MORTGAGEE, LIEN-HOLDER, VENDOR OR SELLER:
PLEASE PROMPTLY FORWARD THIS NOTICE TO THE PURCHASER

**CONDUCT OF PUBLIC HEARINGS BEFORE
CANNON BEACH CITY COUNCIL and PLANNING COMMISSION**

- A. At the start of the public hearing, the Mayor or Planning Commission Chair will ask the following questions to ensure that the public hearing is held in an impartial manner:
 - 1. Whether there is a challenge to the jurisdiction of the City Council or Planning Commission to hear the matter;
 - 2. Whether there are any conflicts of interest or personal biases to be declared by a Councilor or Planning Commissioner;
 - 3. Whether any member of the Council or Planning Commission has had any ex parte contacts.

- B. Next, the Mayor or Planning Commission Chair will make a statement which:
 - 1. Indicates the criteria which apply to the action;
 - 2. Cautions those who wish to testify that their comments must be related to the applicable criteria or other criteria in the Comprehensive Plan or Municipal Code that the person testifying believes apply;
 - 3. States that failure to raise an issue in a hearing, or failure to provide statements or evidence sufficient to afford the decision makers an opportunity to respond to the issue precludes appeal based on that issue;
 - 4. Prior to the conclusion of the initial evidentiary hearing, any participant may request an opportunity to present additional evidence or testimony regarding the application. The City Council or Planning Commission shall grant such request by continuing the public hearing or leaving the record open for additional written evidence or testimony.

- C. The public participation portion of the hearing will then proceed as follows:
 - 1. Staff will summarize the staff report to the extent necessary to enable those present to understand the issues before the Council or Planning Commission.
 - 2. The Councilors or Planning Commissioners may then ask questions of staff.
 - 3. The Mayor or Planning Commission Chair will ask the applicant or a representative for any presentation.
 - 4. The Mayor or Planning Commission Chair will ask for testimony from any other proponents of the proposal.
 - 5. The Mayor or Planning Commission Chair will ask for testimony from any opponents of the proposal.
 - 6. Staff will be given an opportunity to make concluding comments or respond to additional questions from Councilors or Planning Commissioners.
 - 7. The Mayor or Planning Commission Chair will give the applicant and other proponents an opportunity to rebut any testimony of the opponents.
 - 8. Unless continued, the hearing will be closed to all testimony. The Council or Planning Commission will discuss the issue among themselves. They will then either make a decision at that time or continue the public hearing until a specified time.

NOTE: Any person offering testimony must first state their name, residence, and **mailing address** for the record. If representing someone else, the speaker must state whom he represents.

SR 22-01, Reed
2316 Pacific

TAXLOTKEY	SITUS_ADDR	OWNER_LINE	STREET_ADD	CITY	STATE	ZIP_CODE
51031AA02704	232 Gogona Ave	Kerr Robert Bruce/Lisa D	PO Box 94	Cannon Beach	OR	97110
51031AA02800		Farley Chris	13286 SE Caldera Ct	Happy Valley	OR	97086
51031AA02801	247 Gogona Ave	Racker Investment LLC	2600 SE Ellsworth Rd	Vancouver	WA	98664-5357
51031AA02802	2316 Pacific St	Reed Clark/Kathryn	3010 SW Underwood Dr	Portland	OR	97225-4241
51031AA02900	263 Gogona Ave	Peters Larry J	PO Box 273	Cannon Beach	OR	97110-0273
51031AA02901	267 Gogona Ave	Bernstein Albert J Trustee	3365 NE Alameda St	Portland	OR	97212-1803
51031AA03800	248 Gulcana Ave	Boyce Mitchell R	183 Furnace St	Lake Oswego	OR	97034
51031AA03900	232 W Gulcana Ave	Pinkerton Marcene A	3519 168th Ave NE	Bellevue	WA	98008-6171
51031AA04000	2364 Pacific St	Bouneff Nicholas/Doria	PO Box 701	Tolovana Park	OR	97145-0701
51031AA05200	2358 S Hemlock St	Kiffe MaryEllen	PO Box 733	Tolovana Park	OR	97145
51031AA05300		Madden Loren K	13527 W Medlock Dr	Litchfield Park	AZ	85340-4045
51031AA05402	2364 S Hemlock St	TMCJ Pacific LLC	12910 NE 32nd Pl	Bellevue	WA	98005

[illegible]