



Cannon Beach Planning Commission

STAFF REPORT

PUBLIC HEARING AND CONSIDERATION OF **AA 21-01**, JEFF AND JENNIFER HARRISON ADMINISTRATIVE APPEAL OF THE CITY'S APPROVAL OF A BUILDING/DEVELOPMENT PERMIT FOR 544 NORTH LAUREL STREET. THE PROPERTY IS LOCATED AT 544 N. LAUREL STREET (TAX LOT 07000, MAP 51019AD), AND IN A RESIDENTIAL MEDIUM DENSITY (R2) ZONE. THE REQUEST WILL BE REVIEWED PURSUANT TO MUNICIPAL CODE, SECTION 17.88.180, 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.

Agenda Date: November 23, 2021

Prepared By: Jeffrey S. Adams, PhD

DISCUSSION

Staff has prepared findings and conclusions as directed by the Planning Commission and those are in your packet. However, following the Planning Commission meeting of November 23rd and the discussion among the Commissioners, Staff developed an alternative approach that would allow for the Planning Commission to reach the same conclusion, but potentially also satisfy Commissioner Newton's hopes for a 'path forward.' Staff suggests an amended motion that considers the possibility for the removal of the Harding's detached garage and the Najimi's proposed attached garage is the only one remaining on the property.

The Commission is free to reject this approach and simply approve the draft findings, with any changes agreed upon by the Commission. Alternatively, if it wishes, the Planning Commission could reconsider its **tentative** decision overturning Staff's administrative decision and, instead, **modify in part** the Administrative Decision, under Cannon Beach Municipal Code section 17.88.190(A), to **Approve** the Najimi Building Permit, BP# 164-21-000179-DWL, upon a condition where the proposed Najimi home could be built only after the Harding Garage is removed from Lot 1 of the Cannon Beach Preservation Subdivision (taxlot# 51019AD07000). This would provide the Najimis a pathway forward to their requested home, while respecting the Appellant's arguments and keeping to the Planning Commission's Findings that only one garage is permitted under the Conditions of the Planned Development.

As the Commission stated that this is in keeping with the Findings that this Planned Development was not intended to be a compound and that the FAR was utilized to control such intent.

Staff has included a draft of alternative Findings of Fact and Conclusion for your consideration with an Amended Motion shown below. The Findings reflect the discussion based on the removal of the second garage as it illegally exceeds the Floor Area Ratio for the lot. The Commission is free to choose whatever approach best reflects the wishes of the Commission.

The Special Called Meeting for review and adoption of the Findings have been set for Thursday, December 2nd, at 6PM, Cannon Beach City Hall.

PLANNING COMMISSION ACTION

MOTION TO ADOPT FINDINGS: Having considered the evidence in the record, I move to adopt the changes in the findings as proposed *reversing* the administrative decision to conditionally approve Building Permit (BP# 164-21-000179-DWL and **APPROVE** the Greg Hathaway application, on behalf of Jeff & Jennifer Harrison, application number **AA#21-02 Administrative Appeal**.

AMENDED MOTION: Having considered the evidence in the record, I move to adopt the changes in the findings, as proposed, to *Amend* the previous motion and to **MODIFY IN PART** the administrative decision to conditionally approve Building Permit (BP# 164-21-000179-DWL with regards to the Greg Hathaway application, on behalf of Jeff & Jennifer Harrison, application number **AA#21-02 Administrative Appeal**, as discussed, with the following condition:

1. Najimi Building Permit, BP# 164-21-000179-DWL, is approved, *following the removal* of the Harding Garage from Lot 1 of the Cannon Beach Preservation Subdivision (taxlot# 51019AD07000).