



# Cannon Beach Planning Commission

## Staff Report Addendum

(New materials received prior to noon October 28, 2021)

**ZO 21-02 Titles 16 Subdivision & 17 Zoning Ordinance Text Amendments: Lot Combination Restrictions, Residential Lot Coverage, Floor Area Ratio and Dwelling Size Limitations and Repeal of Planned Developments**

**AA# 21-01 Hathaway Administrative Appeal on behalf of Jeff & Jennifer Harrison, of a Building/Development Permit for the Najimi Residence at 544 N. Laurel St.**

---

**Agenda Date:** October 28, 2021

**Prepared By:** Jeffrey S. Adams, PhD

## GENERAL INFORMATION

**ZO 21-02 Titles 16 Subdivision & 17 Zoning Ordinance Text Amendments: Lot Combination Restrictions, Residential Lot Coverage, Floor Area Ratio and Dwelling Size Limitations and Repeal of Planned Developments**

### EXHIBITS

#### **“C” Exhibits – Cannon Beach Supplements**

- C-2**     October 28 Staff Report Addendum
- C-3**     Comprehensive Plan & Statewide Planning Goal Attachment

#### **“D” Exhibits – Public Comment**

- D-14**    Email correspondence from Richard Wilson, dated October 26, 2021;
- D-15**    Email correspondence from Judy Swanson & Kristina Berney, dated October 23, 2021;
- D-16**    Email correspondence from Brent Corwin, dated October 27, 2021;
- D-17**    Email correspondence from Catherine Kitto, dated October 28, 2021;
- D-18**    Email correspondence from Andra Georges, dated October 28, 2021;
- D-19**    Letter via email from Will Rasmussen on behalf of Carolyn Gordon, dated October 28, 2021;

**AA# 21-01 Hathaway Administrative Appeal on behalf of Jeff & Jennifer Harrison, of a Building/Development Permit for the Najimi Residence at 544 N. Laurel St.**

#### **“A” Exhibits – Application Materials**

- A-18**    Harding Garage Floor Plans, Harrison undated detail, received October 28, 2021;
- A-19**    Harrison correspondence, dated February 4, 2021, received October 28, 2021;

#### **“D” Exhibits – Public Comment**

- D-2**     Judy & Jim Morton, Email correspondence, dated October 26, 2021;

- D-3** Rex & Diane Amos, Email correspondence, dated October 27, 2021;
  - D-4** Dale & Linda Hintz, Email correspondence, dated October 27, 2021;
  - D-5** Tommy Huntington, Email correspondence, dated October 27, 2021;
  - D-6** Phil Morton, Email correspondence, dated October 28, 2021;
-

**Attachment: Cannon Beach Comprehensive Planning and Statewide Planning Goals**

**Applicable Comprehensive Plan Policies are provided below for the Commission's consideration:**

- 1. *In order to maintain the city's village character and its diverse population, the city will encourage the development of housing which meets the needs of a variety of age and income groups, as well as groups with special needs.*
- 6. *The City recognizes the importance of its existing residential neighborhoods in defining the character of the community and will strive to accommodate new residential development in a manner that is sensitive to the scale, character and density of the existing residential development pattern.*
- 10. *The city will encourage the preservation of the older housing stock*

*Cannon Beach will continue to be a small town where the characteristics of a village are fostered and promoted. Both the physical and social dimensions associated with a village will be integral to Cannon Beach's evolution.*

The city has various policies in its comprehensive plan calling for the maintenance of the city's village character through the consideration of character, scale and density in its growth management practices. The proposed ordinance amendments are consistent with the Cannon Beach Comprehensive Plan.

**Applicable Statewide Planning Goals are provided below for the Commission's consideration:**

Statewide planning **goal 1, Citizen Involvement**, is potentially applicable:

*Establishes citizen involvement and "the opportunity for citizens to be involved in all phases of the planning process."*

The City has followed City ordinances and State statutes to satisfy notice and public involvement requirements.

Statewide planning **goal 2, Land Use Planning**, is potentially applicable:

*To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.*

The City's land use planning framework is well-established, includes a comprehensive plan and a set of implementing ordinances that define information requirements for all decision-making processes. The proposed subdivision and zoning ordinance amendments meets

Statewide planning **goal 3, Agricultural Lands**, is not applicable:

Statewide planning **goal 4, Forest Lands**, is not applicable:

Statewide planning **goal 5, Natural Resources, Scenic and Historic Areas, and Open Spaces**, is potentially applicable:

*Is intended to protect natural resources and conserve scenic and historic areas and open spaces.*

The proposed subdivision and zoning ordinance amendments restrict the combination of lots to create larger holdings to maintain the village scale and character of Cannon Beach. The coastal cottage homes built prior to 1960, although not on the Historic Register, are key to the cultural heritage of the City. These pre-1960 cottages were on the average below 1,500 square-feet according to Clatsop County records and have increased to over 2,250 square-feet since 2000. The citizens of Cannon Beach are committed to maintaining as many of these homes as possible by discouraging the combination of larger holdings and discouraging demolition of these cottages. Limiting lot combinations, residential structure sizes and the floor-area ratios and lot coverage areas is consistent with statewide goal 5.

Statewide planning **goal 6 is Air, Water and Land Resources Quality**, is not applicable:

*To maintain and improve the quality of the air, water and land resources of the state. All waste and process discharges from future development, when combined with such discharges from existing developments shall not threaten to violate, or violate applicable state or federal environmental quality statutes, rules and standards. With respect to the air, water and land resources of the applicable air sheds and river basins described or included in state environmental quality statutes, rules, standards and implementation plans, such discharges shall not (1) exceed the carrying capacity of such resources, considering long range needs; (2) degrade such resources; or (3) threaten the availability of such resources.*

Statewide planning **goal 7** addresses areas subject to **Natural Hazards**, is not applicable.

*To protect people and places subject to natural hazards such as floods or landslides. It requires that jurisdictions apply "appropriate safeguards" (floodplain zoning, for example) when planning for development there.*

Statewide planning **goal 8, Recreational Needs**, is not applicable:

*To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.*

Statewide planning **goal 9, Economy of the State** is:

*To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.*

The proposal is consistent with goal 9 and doesn't propose and City's goal 9 implementation measures. No changes to the location or extent of commercial zoning are included with this proposal, or are required as a result of this proposal.

Statewide Planning **goal 10, Housing**:

*"to provide for the housing needs of citizens of the state."*

The proposed changes support goal 10 by encouraging a range of housing types and limiting housing sizes. The recent Clatsop County Buildable Lands Inventory and Needs report noted the marked rise in median home pricing throughout Clatsop County, including Cannon Beach's \$500,500 for 2019, which

has only continued to increase since the study, yet the study didn't delve into the granular level of ownership, size or how transient or vacation housing complicates traditional notions of supply and demand. For instance, it has been a constant point of contention over the past couple of years and especially since the recent release of the Census population numbers, that the City of Cannon Beach is seeing increasing numbers of seasonal populations, which aren't reflected in the Portland State University's population estimates or growth projections and the U.S. Census' loss of population numbers. By any calculus, the City, region and many would say, the nation, is suffering through a housing crisis and although the City took steps in 2017 to collect a construction excise tax towards affordable housing there has been only eight new workforce units constructed, while 44 new single-family units have been constructed over the same time-span. Although, according to the Buildable Lands Inventory study, there is ample area for the projected future housing needs of Cannon Beach, the City proposes such ordinance changes to affect the housing mix and types being developed, maintaining the coastal village character of Cannon Beach. The proposed subdivision and zoning ordinance changes are consistent with and satisfy statewide planning goal 10.

Statewide Planning **goal 11**, Public Facilities and Services, reads as follows:

*"To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development."*

The City's facilities and services should not be impacted by the proposed changes and the proposed language is consistent with statewide goal 11.

Statewide planning **goal 12, Transportation**, is not applicable:

*"To provide and encourage a safe, convenient and economic transportation system."*

Statewide planning **goal 13, Energy**, is not applicable:

*"To conserve energy."*

Statewide planning **goal 14, Urbanization**, is not applicable:

*To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.*

Statewide Planning **goals 15, 16, 17, and 18** are not applicable to the proposal.



**Katie Hillenhagen**

---

**From:** Richard Wilson <ricojwilson@gmail.com>  
**Sent:** Tuesday, October 26, 2021 9:37 AM  
**To:** Planning Group  
**Subject:** Public Comment for 10/28/21 Planning Commission meeting

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

I am writing to provide a written public comment for consideration by the Planning Commission (PC) at its meeting on Oct. 28, 2021. My comments are directed to the proposals regarding (1) lot combinations, (2) the 3500 s.f. cap on Gross Floor Area (GFA), and (3) changes to coverage and Framed Area Ratio (FAR) rules. In summary, there is a lack of data and other evidence demonstrating that an overbuilding problem exists in Cannon Beach that requires a legislative solution, or that these proposals will actually solve that alleged problem. The data and evidence instead shows that the existing rules on coverage and FAR, which have been in the zoning ordinance for many years and have stood the test of time, are superior approaches for controlling housing size and density in our community. I urge the PC to reject the proposed amendments regarding lot combinations, the 3500 s.f. cap on GFA, and changes to coverage and FAR rules.

**LOT COMBINATION BAN**

There is a lack of evidence to support this proposed amendment. The staff report admits that there is no way to track how many lots have been combined. Absent that basic information, there is no basis for concluding that lot combinations are a problem or that a blanket ban on them is an appropriate solution. The staff report offers information about house demolitions as a proxy for information about lot combinations, but it fails to explain why demolitions are a proxy for lot combinations. Staff should be able to determine what got built in place of what got demolished, and it should be able to provide relevant data on house size, coverage, and FAR for the replacement structures. How do we know that any of the demolitions were associated with lot combinations? The staff report provides no meaningful information about the demolition sites other than the concession that "it would be difficult to say that there has been a marked increase over the past few years in teardowns and rebuilds." Further information is required for the PC to have a rational basis for recommending the blanket lot combination ban to city council.

**3500 S.F. CAP ON GFA**

The data in the staff report shows that only 6 houses with GFA greater than 3500 s.f. have been built in Cannon Beach in the past three years. That is 2 houses per year, which is consistent with the "by decade" data in the report. The by decade data shows that 22 houses larger than 3500 s.f. were built in each of the past two decades, which is 2 houses per year. Two houses per year on average since 2000 is not indicative of a problem, and it negates the existence of any recent changes in building patterns in Cannon Beach that would justify new legislation. More importantly, there is no information in the staff report about the lot sizes, coverage percentages, or FAR of the over 3500 s.f. homes that have been recently built. Absent that information there is no basis for concluding that these homes are out of scale for their lots or that they constitute overbuilding. Absent this kind of information, the proposed 3500 s.f. cap is just as arbitrary as the last year's proposed 2000 s.f. cap. There is no explanation in any of the materials of why the proposed cap is now 3500 s.f. as opposed to any other number, or why the cap includes garage space. Nor is there any justification for a one size fits all approach that completely ignores lot size. The existing coverage and FAR rules are a superior method for controlling house size. The proposed cap is unfair to large lot owners (many of whom have extended family housing needs) and should be rejected. Alternatively, the cap should be limited to an overlay district and should either be raised to 4000 s.f. or should exclude garage space.

**CHANGES TO COVERAGE AND FAR**

The PC previously decided not to change the coverage and FAR rules. That decision was correct and should not be changed. The table in the staff report regarding building over the past 3 years shows that the current rules are working well and that the average coverage and FAR percentages for new construction in Cannon Beach are well below current limits. The proposed changes contained in the draft amendments are needlessly complex and admittedly of little use if the 3500 s.f. cap is adopted. More importantly, the new proposed tables do not make sense, as they often allow smaller lots to have greater coverage (in square feet, not percentage) than larger lots. They also allow smaller lots to have larger GFA than larger lots. A review of the reference table (p.12 of A-2) shows many examples:

- 5500 s.f. lot has more coverage allowed than a 6500 s.f. lot

- 6000 s.f. lot has more coverage allowed than a 6500 or 7000 s.f. lot

- 7000-8500 s.f. lots have more coverage allowed than a 9000 s.f. lot

- 8000 s.f. lot has more coverage allowed than a 10,000 or 10,500 s.f. lot

- 10,500 s.f. lot has more coverage allowed than 14,000-15,000 s.f. lots

- 5500 s.f. lot has more GFA allowed than a 6500 s.f. lot

- 6000 s.f. lot has more GFA allowed than a 6500 s.f. lot

- 6000 s.f. lot has more GFA allowed than a 7000 s.f. lot

- 11,500-12,500 s.f. lots have more GFA allowed than a 15,000 s.f. lot

These examples simply don't make sense. The scaling formula is not necessary to incentivize additional dwelling units and it only applies to a few zoning districts. There is also no reason to believe that the proposed changes are going to result in any meaningful increase in [Accessory] Dwelling Units that will be turned into "guaranteed long-term rental housing for a workforce capped rental rate." The staff report contains no economic analysis to support the notion that building permit fee rebates (or any other incentives) are going to have any impact at all on what property owners will actually build. Economic analysis is required to avoid burdensome regulations that don't achieve any results.

For the foregoing reasons, I respectfully urge the PC to reject the proposed amendments regarding lot combinations, the 3500 s.f. cap on GFA, and changes to coverage and FAR rules. Thank you for your consideration.

Richard Wilson  
140 Ross Lane





Judith K. Swanson  
3827 NW Astor St.  
Camas, WA 98607

PORTLAND OR 972

23 OCT 2021 PM 2 L



City of Cannon Beach  
P O Box 368  
Cannon Beach, OR 97110



97110-036868

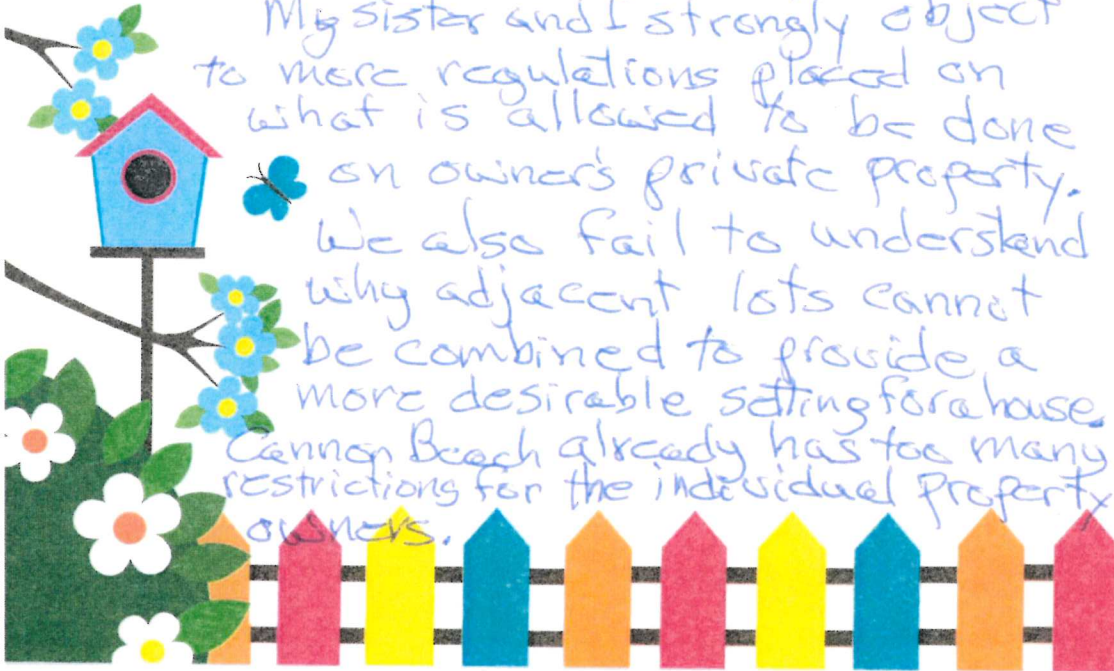
Attn: Property restriction mtg.

10/25/2021

Dear City of Cannon Beach,

My sister and I strongly object  
to more regulations placed on  
what is allowed to be done  
on owner's private property.

We also fail to understand  
why adjacent lots cannot  
be combined to provide a  
more desirable setting for a house.  
Cannon Beach already has too many  
restrictions for the individual property  
owners.





**Katie Hillenhagen**

---

**From:** legal brentcorwin.com <legal@brentcorwin.com>  
**Sent:** Wednesday, October 27, 2021 10:23 AM  
**To:** Planning Group  
**Subject:** Comment on ZO 21-02 and other matters

Dear Cannon Beach City Council and Planning Commission:

Below are some comments for your review:

Comment on ZO 21-02:

Is there a problem that requires more new laws and regulations? Only a small percentage of dwellings that you think are a problem would be affected, and each lot and site have different building issues that need to be taken into account when they are confronted, and that can't always be foreseen.

Further, in addition to the proposed land regulations that seem to be a 'one size fits all' attempt to regulate building size without taking into account the problems in individual cases, the regulations disincentivize the inclusion of a second dwelling unit that would provide additional and affordable housing in town. Separate structures, attics, basements, and over-garage spaces are good ways to provide affordable housing for family members, workers, or other individuals that need housing and who otherwise would not be able to afford to live here. Adding these types of living spaces would not necessarily increase the footprint on the lot, but might do so. Square footage limitations such as that proposed will go against what the City says it is in favor of seeing accomplished.

Comments on Additional Matters:

There is a sense that changes like ZO 21-02 have an aspect to them that vie against those living here, visiting, or not living here full time, creating an 'us-and-them' dynamic that is unhealthy and dysfunctional, but that seems to permeate the town and its leadership.

The permeation appears directed towards residents, business owners, second homeowners, and visitors, who some view with suspicion and hostility as 'outsiders' or 'ruining the town' when in fact the local economy has been historically supported by businesses, second homeowners, and visitors, and the town actively promotes hosting tourists and visitors. Remember the "Daddy Trains". A double message is sent, as the town invites people to come here, but treats them poorly and with snide comments when they do come. The town will not provide adequate safe parking and sidewalks, and is apparently considering law enforcement to punish invited guests who come to enjoy this town but can't find a place to park, which is not their fault. The frustration is visible at times.

Visitors are not welcomed here properly, as parking is limited and sidewalks in many places are lacking altogether or have blind spots or are unsafe. It is only a matter of time before someone gets injured or even killed. The northwest lagoon near the recycle center could be filled in to provide a significant increase in parking without being an eyesore to the town. Sidewalks could be located properly, and new and existing sidewalks around town improved to provide safe pedestrian flow and access around town. Bushes blocking visibility should be removed. And, with some planning and ingenuity, a new lagoon parking lot could be designed to serve as an attractive and useable open space for alternative uses in the offseason.

The permeation seems to have become more prevalent over the years beginning with the banning of ground level fireworks that are a part of the national holiday tradition and the joy of young and old alike.

Then came the dune grading and bush trimming prohibitions which some people openly said they were in favor of to spite those they viewed as rich with ocean front homes and views, and condo owners that have seemingly always been attacked as second-class citizens because they own a condo, don't live here full time, and can't vote, while the town gladly accepts the property tax payments. In actuality, the whole town is punished—from the ocean front homeowner with loss of views and property values; the condo owner with sand intrusion and loss of views; other homeowners not on the oceanfront who have and will lose ocean views; the citizens and visitors who walk along the beach top and progressively see only sand dunes or dune grass but not the ocean they are here to see; and, the people looking towards the ocean 3 blocks away in the neighborhoods to the east who at one time could see the ocean, but now see sand dunes. And, it is getting worse every year.

For decades there used to be 14 stairs going down to the beach at the end of West Van Buren Street; but, in only a few recent years the stairs are completely buried under the sand, and one has to hike up a sand dune and then walk down an immense sand dune to the beach. Walking back up the sand dune is strenuous for most, and impossible for some. Recently, some of the dune was skimmed off on the top because access to the beach was all but impossible. This minor effort required significant red tape and state and local agency involvement to tape off, observe, and guide a most modest dune skimming, which left onlookers and the workers themselves shaking and scratching their heads in frustration and awkwardness. The memory bench at the end of West Van Buren now sits empty staring at a sand dune. People walking by mock the obvious incongruity. The dunes policy discriminates against those with disabilities or of older age, appears to be a taking of property without just compensation, is of questionable veracity, and ultimately will be ruinous to our town.

And the pattern continues, with the prepared food tax measure on the ballot that will only negatively affect businesses, residents, food industry workers, and visitors alike.

The town needs to reshape its vision, and restore inclusiveness, fairness, and diversity which by definition encompasses acceptance and respect.

Sincerely,

*Brent E. Corwin*

Brent E. Corwin | Attorney  
BRENT E. CORWIN, PC  
PO Box 1336, Cannon Beach, OR 97110  
Direct: 503-436-8800 | Fax: 800-520-0503  
[Legal@BrentCorwin.com](mailto:Legal@BrentCorwin.com)  
[www.BrentCorwin.com](http://www.BrentCorwin.com)



CONFIDENTIALITY NOTICE: This message is being sent by or on behalf of a lawyer. It is intended exclusively for the individual or entity to which it is addressed. This communication may contain information that is proprietary, privileged or confidential or otherwise legally exempt from disclosure. If you are not the named addressee, you are not authorized to read, print, retain, copy or disseminate this message or any part of it. If you have received this message in error, please notify the sender immediately by e-mail and delete all copies of the message.



Please print responsibly! Think Green!

**Jeffrey Adams**

---

**From:** Cathy Kitto <cathykitto@comcast.net>  
**Sent:** Wednesday, October 27, 2021 11:55 PM  
**To:** Planning Group  
**Cc:** Cathy Kitto  
**Subject:** Comments for October 28, 2021 Planning Commission Hearing

Dear City of Cannon Beach Planning Commission:

I have owned and loved my home in Cannon Beach for 45 years and have been coming to Cannon Beach for more than 70 years. I am concerned by the direction of progressively more restrictive proposed zoning amendments under consideration by the Planning Commission.

I urge the Planning Commission to reject the proposed amendment for the 3500 square foot limitation and the changes to the lot coverage and floor ratio rules. They are not needed and the proposed rules are disincentives for including accessory dwelling space over a garage.

You used good judgment in deferring consideration of the height restriction on ocean-front properties to a future track and I strongly recommend that you eliminate that controversial proposal from future consideration.

I am concerned as a property owner and taxpayer and I would caution the City to proceed carefully. With the proposed changes, the City of Cannon Beach could potentially significantly reduce the market value and desirability of affected properties. A decade ago, Measure 49 allowed property owners to sue when they suffered losses in market value due to land use regulation changes. Is Cannon Beach putting the city at risk of expensive lawsuits and judgments by pursuing these zoning changes?

Instead, I recommend that Cannon Beach keep the FAR and Lot Coverage ratios that are currently in place. They seem to be working and perhaps could be enhanced with the proposed restrictions on lot combinations that have not yet occurred. And, considering the price per square foot for new construction today, affordability would limit the size of any new home (at least one that I could build).

Thank you for your consideration,

*Catherine M Kitto*  
296 W. Sitka  
cathykitto@comcast.net



Comments for Planning Commission meeting Oct 28, 2021  
Subdivision and Zoning Ordinance Text Amendments

My family has owned a house in Cannon Beach for over 75 years. My mother founded the White Bird Gallery and ran it for almost 40 years and my family still owns that property. We have also owned a hotel, Land's End at Cannon Beach, for almost 50 years. We love Cannon Beach and we are committed to its future. I remember Cannon Beach in the mid-seventies and I cherish those memories. I support a broad perspective and a reasoned attitude toward change that encourages our town to evolve appropriately and fairly.

My family's house on N Laurel Street is on two 50' X 100' lots and is slightly over the 3500 sq ft proposed limit (including the garage). The most recent addition was in 1993, designed to re-claim our view after the construction of the Breakers Point condominiums. The house is shared with three multi-generational families and we often gather together, filling every bed. We have gathered at the house as a family for four generations, now going into the fifth.

It is difficult to understand why we would not be able to re-build a similar house if the existing house was destroyed by a fire, flood or earthquake. I can see the benefit of a limit on floor area, but it is not clear to me that two 3000 sq ft houses on the two lots would be at all preferable to the one existing house.

I am obviously very concerned about the proposals for sweeping restrictions on re-building and perhaps repairing existing residences. My family would lose the traditional enjoyment of our home for future generations and the permitted new buildings would not significantly improve our neighborhood. I believe that the Commission must protect existing homeowners, particularly when re-building is required due to an accident or natural disaster.

The planning issues that the city faces are complicated and any proposed restrictions should be carefully targeted and thoroughly vetted. I have questions and concerns about the proposed standards and how they might be applied:

- How was the 3500 sq ft limit determined? Is this final or is it still up for discussion?
- I believe that lot combinations should be allowed if the standard maximum floor area for a residence stays in effect. Particularly on sloping sites, the ability to combine lots can allow for designs that are much more appropriate for the site and for the neighborhood.
- The slope density rule allows for the maximum area and design of a house to be assessed based on the characteristics of a particular property. Could there be a method to encourage open space even on flatter sites?

Please do not rush this process forward so quickly that we end up with a premature and overly sweeping set of regulations that may soon have to be re-examined. And please do not enact a prohibition against the repair or rebuilding of existing homes without an ability to look at individual circumstances.

I understand the need to set appropriate limits on residential construction and I applaud the Commission for tackling this project in an era of larger and larger homes. However, I would encourage the Commission to provide a fairer acknowledgment of what is existing, and that these existing houses are, in fact, not all bad. New zoning regulations should work for, not against, current homeowners, along with renters, workers and visitors. Homeowners are an important population in Cannon Beach; we have chosen this special town because we love it and care about it.

Andra Georges  
524 N Laurel St  
Cannon Beach, OR







U.S. Bancorp Tower  
111 S.W. Fifth Avenue, Suite 3400  
Portland, Oregon 97204

OFFICE 503.224.5858  
FAX 503.224.0155

**William L. Rasmussen**  
william.rasmussen@millernash.com  
503.205.2308 direct line

October 28, 2021

**VIA E-MAIL**

***planning@ci.cannon-beach.or.us***  
***adams@ci.cannon-beach.or.us***

Cannon Beach Planning Commission and  
Mr. Jeffrey Adams  
City of Cannon Beach  
Post Office Box 368  
163 E. Gower Avenue  
Cannon Beach, Oregon 97110

**Subject:** Comment on ZO# 21-02, City of Cannon Beach request, for Subdivision  
and Zoning Ordinance Text Amendments

Dear Commissioners and Mr. Adams:

This comment relates to the above referenced zoning amendment and is submitted into the record on behalf of this firm's client Karolyn Gordon.

Some of the proposed code amendments would have complex impacts on the residential land supply in Cannon Beach. Particularly, the interplay between the proposed limitation on lot consolidations and situations where lot consolidation might be necessary or appropriate, such as in dealing with lot remnants as contemplated in CBMC 16.04.310.D and in situations where steep slopes warrant consolidation.

**Continuance Request**

We respectfully request that the Planning Commission continue this hearing pursuant to CBMC 17.88.100(B)(6) and state law, so that we may study the issue and have an opportunity to present additional evidence or testimony.

Cannon Beach Planning Commission and  
Mr. Jeffrey Adams  
October 28, 2021  
Page 2

Thank you for your time and service on the Planning Commission, and for  
your attention to these important matters.

Very truly yours,

A handwritten signature in dark ink, appearing to read 'William L. Rasmussen', written in a cursive style.

William L. Rasmussen



Jeff Harrison &lt;jshpub1@gmail.com&gt;

---

**FAR calculation - "loft" area**

---

Jeff Harrison/GMAIL <jshpub1@gmail.com>  
To: Jeff Harrison/GMAIL <jshpub1@gmail.com>

Sun, Oct 17, 2021 at 7:22 PM

**From:** Jeff Harrison/GMAIL [mailto:jshpub1@gmail.com]  
**Sent:** Thursday, February 04, 2021 3:29 PM  
**To:** Jeff Adams <adams@ci.cannon-beach.or.us>  
**Cc:** 'Jennifer Barrett' <barrett@ci.cannon-beach.or.us>; 'Katie Hillenhagen' <hillenhagen@ci.cannon-beach.or.us>; 'Bill Kabeiseman' <billkab@batemanseidel.com>  
**Subject:** FAR calculation - "loft" area

Jeff,

We listened to the City Council proceedings of 2/2/2021 re: the revision of the Najimi decision findings.

We understand why Council felt compelled to remove the loft space of the Harding "garage" from the PUD's habitable space cap because of the potential unintended consequence.

We wanted to be clear, however, re: the Floor Area Ratio calculation. In particular, we noted an exchange between yourself and one of the Councilors on 2/2/2021 at the 46:42 mark.

Risley: Jeff, wouldn't you say that FAR isn't habitable?

Adams: Excuse me?

Risley: Isn't the FAR not inhabitable?

Adams: Right. Exactly.

Risley: And so garages are included in the FAR and so the habitability isn't really a part of that.

Adams: Right the habitability is not included in the gross floor area if that's what you are asking.



We felt this was important because the "loft" area was NOT included in the initial FAR worksheet done for Lot 1 of the Nicholson PUD because it was "not habitable". The FAR worksheet has a specific line for lofts but it was left blank. Now, it appears it is clear that garages are included in the FAR and habitability is NOT a factor on which to base exclusion for any space with a floor in a garage. It would be difficult to argue a 210 sq ft area has no floor space.

We spoke to a land use attorney re: this and his analysis was:

1. CBZO 17.04.283 DOES provide FAR exclusion based on habitability for two spaces: basements and attics. A "loft" is neither.
2. CB code does not provide for "storage areas" to be excluded from the FAR calculation.

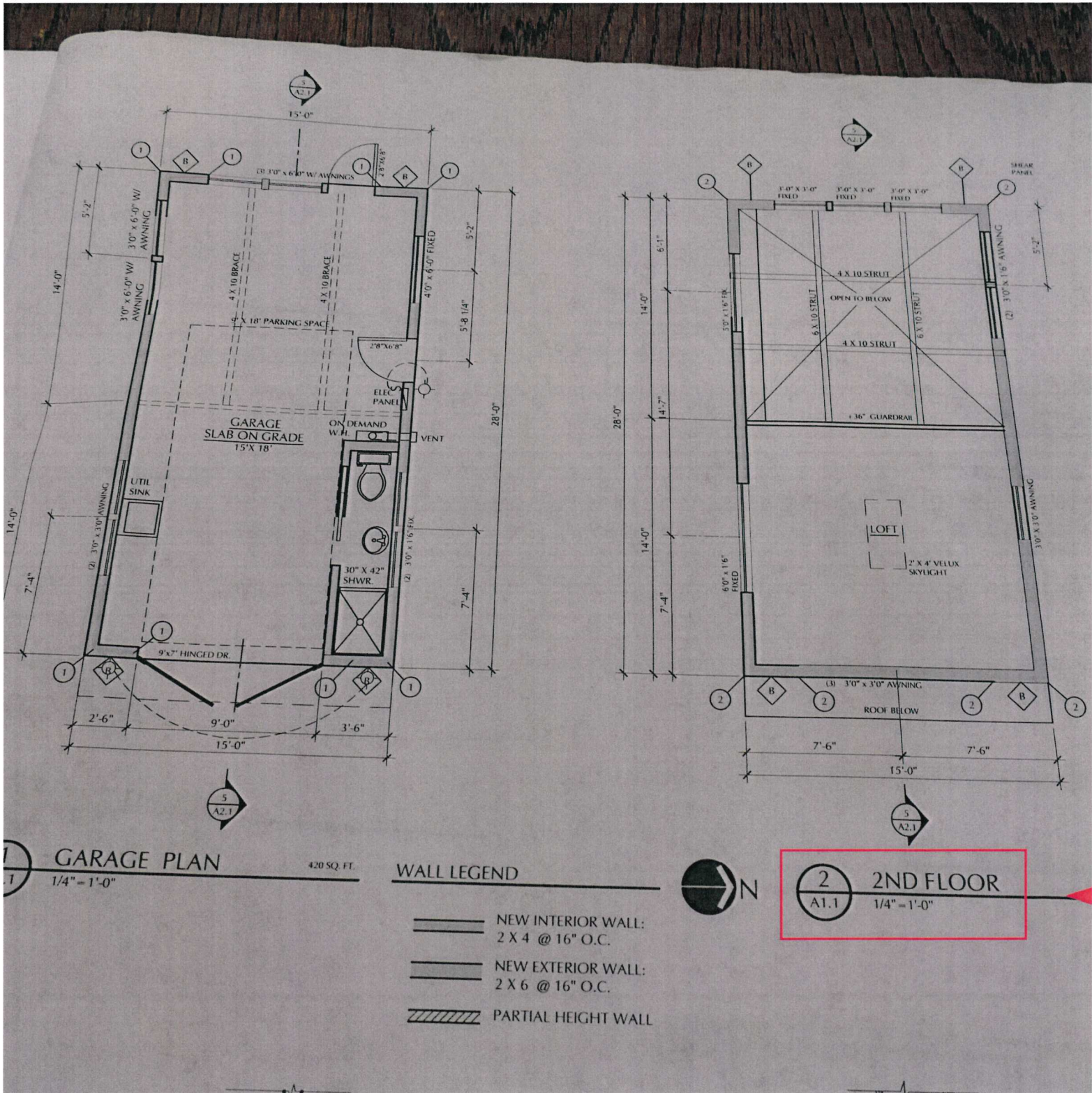
The "loft" on this property has 210 sq ft of floor space and there is no basis for exclusion from future FAR calculations for this property.

It is also worth repeating that CBZO 17.04.283 requires half of the first floor of the existing "garage" (located in the rear yard of Lot 1 of the Nicholson PUD) to be counted 200% because the ceiling is higher than 15 ft.

Jeff and Jennifer Harrison











**Jeffrey Adams**

---

**From:** JUDY MORTON <judygrace@comcast.net>  
**Sent:** Tuesday, October 26, 2021 11:16 AM  
**To:** Jeffrey Adams; Katie Hillenhagen; friendsofcannonbeach@gmail.com; philofar@hughes.net; jimmorton@comcast.net; judymorton@comcast.net  
**Subject:** Building permit for Najimi residence 544 N. Laurel Street

October 26, 2021

Re: Building/Development Permit for Najimi Residence, 544 N. Laurel Street

From: Judy & Jim Morton, Favorite Cottage, 555 N. Laurel Street  
(across the street from the freeway ramp, the great wall, and the Harding's first "garage")

Since 2014 the Lucie's Cottages, LLC, subdivision has removed the historic Yeon home, graded a gigantic driveway, installed a concrete wall which is not "living", provided the Hardings with perpetual right of way to build a second "garage" and a fifth structure, kind of sold Lot 1 to build a 3,734 sf "cottage", and has NOT provided the common open space designated in the final plat.  
Not very neighborly.

It rains a lot in Cannon Beach. Covering nearly every inch of an elevated property such as 544 N. Laurel Street with buildings and asphalt sends that water down hillsides into other properties.  
Not very neighborly.

John Yeon is rolling over in his grave.

Neighbors count on the City of Cannon Beach to protect our community.  
You have our support to enforce all codes and agreements.

Part of the community since 1952 - Judy & Jim Morton



**Katie Hillenhagen**

---

**From:** direx@charter.net  
**Sent:** Wednesday, October 27, 2021 10:38 AM  
**To:** Jeffrey Adams; Katie Hillenhagen  
**Subject:** Appeal of Building Permit No. 164-21-00179 (544 N. Laurel Street)

To the Cannon Beach Planning Commission:

This PUD has been deceit from its very inception. Seventeen realtors wrote letters in support of the PUD because of the historic cottage. It was torn down immediately after the PUD was begun. The PUD was sold as four small cottages, denying that a large house, referred to as a "McMansion," would ever be built. Now a house is proposed that is larger than any planned in the development. We have pointed out the problems of the living wall ever since it was proposed. It was to be maintained by a professional landscaper who would install a watering system. This never happened. Recently the Planning Commission has pointed out that sword ferns will never cover it. The trees on the ocean front were illegally limbed into "toilet brushes," resulting in only a minor fine. Seventeen conditions of approval included a limited number of garages. Now two garages are proposed on one lot. No mention was ever made of an easement allowing an extra garage with possible living quarters. The Hardings already have a double garage on their adjacent property down the slope. Now they have a garage for a third car next to their house. Though we pointed out that the code required an HOA, the city refused to require one. The deception goes on and on. We are totally in support of Jeff Harrison's research regarding the problems of Mr. Najimi's application and urge the Planning Commission to prevent PUDs in the future by removing PUDs from the Cannon Beach building codes.

Respectfully submitted,  
Rex and Diane Amos  
503-436-0936



**Katie Hillenhagen**

---

**From:** beachbums <beachbums@theoregonshore.com>  
**Sent:** Wednesday, October 27, 2021 4:15 PM  
**To:** Jeffrey Adams  
**Cc:** Katie Hillenhagen  
**Subject:** Letter to Planning Commission re: appeal of Najimi Building Permit

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear Planning Commissioners,

We live a couple of houses away from this PUD mess on N Laurel. We are full-time residents and have been following this "planned" development since 2015.

Where is the "plan"? It seems like nothing that was promised is being done. Wasn't the point of this to have and follow a plan?

The wall was supposed to be living and all green. It is not, we look at a lot of concrete now. Not great for our rustic neighborhood.

We are hearing the 2nd story of the "surprise garage" isn't being counted so the house can be a McMansion? Why? These were called cottages when they were approved.

Why would you let another garage be built?

We have to wonder if the people approving this would be doing that in their own neighborhood. We bet they wouldn't. Please don't allow it in ours!

Thank you,  
Dale and Linda Hintz  
571 N Laurel St  
PO Box 712  
Cannon Beach, OR 97110



**Katie Hillenhagen**

---

**From:** Tommy Huntington <huntingtontommy@gmail.com>  
**Sent:** Wednesday, October 27, 2021 8:11 PM  
**To:** Jeffrey Adams; Katie Hillenhagen; Jennifer Barrett; Planning Group  
**Subject:** Nicholson PUD building appeal

Dear Cannon Beach Planning Commission,

Like many others, I have written about the problems on this property and have spoken to you about them for many years. The letters you have received would stack higher than city hall. It is disappointing that so many people continue to feel the need to keep writing to you about this same topic. I have looked at the reasons why this appeal was raised to you.

A year ago, I wrote to you about some of the problems and the same problems still exist. The "wall" was supposed to be all covered up with plants but isn't. From my house, I have to look at this large concrete wall that isn't attractive. We live on a gravel street with trees and this wall just doesn't fit. We have to look at this every day. I hate to say, "I told you so, but...".

I have been a realtor in Clatsop county for many years. It is very unusual to me to see a lot approved with 2 garages. I don't think that is what we want.

I also support you in limiting house sizes and the floor area calculations. It seems to me this building is being built larger because parts of the existing building aren't being counted as floor space. That doesn't make sense that I can see.

Please deny this building permit. I would like to see progress on the promises of this PUD and don't want to see the McMansions they promised not to build. There is already a large 2-story building on this lot. Please don't allow another large 2-story building. Please start making this problem better instead of worse.

Thank you,  
Tommy Huntington  
587 N Laurel St  
Cannon Beach





**Jeffrey Adams**

---

**From:** PHILIP MORTON <philofar@hughes.net>  
**Sent:** Thursday, October 28, 2021 10:01 AM  
**To:** Jeffrey Adams; Jeffrey Adams  
**Subject:** Najimi Residence 544 N. Laurel St. Building Permit

Date: 10-28-21

Re: Building permit for the Najimi residence, 544 N. Laurel St.

From: Phil and Rosemary Morton, 555 N. Laurel St, the Morton family cabin since 1952.

Dear Planning Commission,

There are several issues with this building permit that we are upset with.

- a. The living wall. When this project was first presented to the neighborhood the concrete block wall was illustrated with a type of evergreen plant that showered down over the wall to hide the concrete. This type of plant was promised but instead, ferns were planted which do not hide the wall. We are still looking at an ugly concrete block wall and we do not understand why after several years, and many complaints, the city has not made the owner comply with the conditions of the original permit.
- b. The second garage. We understand that only one garage is allowed on a Planned Unit Development (PUD) lot. Recently a new two-story garage (garage #1) was built on the property and now the plans call for a second attached garage (garage#2) to the house. Why is this being allowed.
- c. Garage #1 height. The new garage #1 is two stories high and exceeds the code height limit of 12 feet. Garage #1 is approximately 24 feet high, double the height allowed. Why was this allowed.
- d. Garage #1 loft. It is our understanding that the square footage of the loft is not being counted as part of the total floor area square footage for the permit. This makes no sense to us as the photos clearly show this space as habitable with large windows and electrical outlets. This is not a storage loft as was presented. Why is loft square footage not being counted.
- e. Gross floor area ratio (FAR). By code, the total FAR ratio to lot is 60%. The current house plans and garage #1 combined exceed this ratio. Why is this being allowed.

The most disturbing aspect of this project is why the Planning Commission is not enforcing some of these very basic code requirements. We thought the Planning Commission was there to protect our community from building structures that did not comply code.

Respectfully,

Phil Morton

