



CITY OF CANNON BEACH

CITY OF CANNON BEACH AGENDA

In keeping with the Governor's social distancing direction and to minimize the spread of COVID-19, the City of Cannon Beach has issued an [Administrative Order](#), effective immediately, all public access and participation for City Council, Commissions, Boards and Committees meeting will be virtual until further notice. Please visit our website at ci.cannon-beach.or.us for viewing options and how to [submit public comment](#).

Meeting: Planning Commission
Date: **Thursday, May 27, 2021**
Time: **6:00 p.m.**
Location: Council Chambers, City Hall

6:00 CALL TO ORDER

WORK SESSION ITEMS

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

6:03 (2) **Approval of the minutes from the April 22 meeting.**

6:05 (3) **Review of a Zoning Ordinance Amendment request by Will Rasmussen on behalf of Haystack Rock LLC, for a text amendment regarding notice requirements for development permitting of new roads or driveways utilizing public right-of-ways.**

INFORMATIONAL ITEMS

6:30 (4) **Tree Report**

(5) **Ongoing Planning Items:**

Transportation System Plan: Open House, June 3rd-June 18th @ www.cannonbeachtsp.com

(6) **Good of the Order**

6:40 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.

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Posted: May 20, 2021

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You may also request to speak during this virtual meeting. You must submit your request to speak by **noon**, the day of the meeting, to planning@ci.cannon-beach.or.us. Public Comment may be taken at the beginning of the meeting.

**Minutes of the
CANNON BEACH PLANNING COMMISSION
Thursday, April 22, 2021**

Present: Chair Daryl Johnson & Commissioner Barb Knop in person. Commissioners Charles Bennett, Clay Newton, Lisa Kerr and Joe Bernt via Zoom

Excused: Commissioner Janet Patrick

Staff: Director of Community Development Jeff Adams, Land Use Attorney Bill Kabeiseman 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; Bernt seconded the motion.

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

(2) Consideration of the Minutes for the Planning Commission Meeting of March 25, 2021

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

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

(3) Public Hearing and Consideration of SR 21-02, David Herman, property owner of 180 Elliott Way, for a Setback Reduction of the rear-yard setback requirement for an accessory guest house at an existing single-family residence.

David Herman application to allow a setback reduction to reduce the rear yard setback from the required 15 feet to 5 feet to accommodate a new guest house, according to chapter 17.14 Residential Medium Density Zone of the Municipal Code. The property is located at 180 Elliott Way (Tax Lot 06200, Map 51030DA) in the Residential Medium Density (R2) zone. The request will be reviewed against the Municipal Code, Section 17.64.010, Setback Reduction, Provisions established.

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 full staff report in packet for details). He noted that the property abuts a commercial property towards the north, where the proposed structure will be. The new structure would not likely intrude on anyone's view. The location will not interfere with solar access. He noted that the applicant said this is the only area on the property that will provide no impact on neighboring properties. There will be no issues with utilities or traffic. The structure will be next to a commercial building, so no issue of compromising the privacy of neighboring properties. Staff recommends approval.

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

Chair Johnson called for public testimony.

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.

David Herman, PO Box 823, Cannon Beach, OR. Herman said that they have two middle school boys. The house currently has 3 bedrooms. The guest house will be for visitors and their two sons. They chose the proposed location because it has no impact on the neighbors or their own house. Perfect spot to put the size guesthouse they would like to build; the only issue is the setback. Herman said he appreciates the Commission looking at their application. If this is not approved, they will have to look for somewhere else to put it. They have a large front yard because that is the side of the house that gets sun. The back yard does not get any sun, which is another reason they chose the proposed location. Herman asked for questions.

Newton asked what would be in the guesthouse, as far as bathrooms etc.

Herman said there would be 1 bedroom, 1 bathroom and a living area.

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

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

Chair Johnson asked for further response from staff.

Adams noted that there were a couple of responses from neighbors in the packet.

Herman said that he talked to his neighbors and they are all for it. This is the comment that is included.

Kerr asked how many trees they would have to remove.

Herman said no trees would need to be removed.

Newton asked if the neighbors that wrote in were the direct neighbors on each side.

Herman confirmed that yes, the comments were from the neighbors on each side.

Chair Johnson Closed the hearing and moved to deliberation.

Kerr said that it does not impact anybody, so she thinks that they should approve it. Nobody is living behind the property, it is commercial space, so she cannot see any downside to allowing it.

Bernt said that they had considered putting a school there in the past.

Kerr said that setbacks do not require hardship, that is not part of the criteria. She said that maybe that should change in the future.

Bernt said that the Commission is functioning as if the way things are will be that way forever. Down the road someone else is going to own that house. He worries that we legislate for what the current status is rather than across the board. It has always bothered him that they try to please the person who is trying to get an exception to what they think is a legitimate rule.

Kerr said that all of the Setback Reduction Criteria are met. If they were to put it in front instead, it would impact more people. She agrees that the Setback Reduction Criteria are too lenient, but that is what it is.

Newton said that it is interesting that they do not have something that addresses a residential property next to a commercial residence.

Kabeiseman said that if a commercial property abuts a residential property, it must follow the same standards as the abutting residential.

Newton said that he agrees with Kerr. He thinks that this body usually is pretty tough on these things, but in this case, he thinks they should grant it.

Bennett and Knop agreed.

Bernt asked if they would feel differently if this house was bigger.

Kerr said yes, but it would depend on the lot coverage. She said that that does not mean that she would vote no. She said they would also feel differently if someone lived behind the building.

Bernt said that the house that is there is smaller than necessary for the lot and the front setback is larger than required. He thinks that it is a reasonable request. He just wants to point out that we put these rules in place for a reason. Bernt asked what the purpose of a setback was.

Kabeiseman read the purpose of setbacks from the code. "It is the purpose of setbacks to provide for a reasonable amount of privacy, drainage, light, air, noise reduction and fire safety between adjacent structures."

Bernt said that more and more he has heard about pressure to exploit the remaining surface area of Cannon Beach. People are covering every inch of the lot possible. He thinks that that is going to lead to more jumbled housing in popular areas in the City.

Adams said that they will be going through a code audit in the next few months and noted that this can be addressed during that process.

Kerr said that if there is pressure, she does not feel or care about it.

Bernt said that there is pressure on the Planning Commission.

Kerr said that is going to continue, but this is not the case with this application.

Newton made a tentative motion to approve the request.

Adams asked if they needed to review the findings.

Newton got rid of the word tentatively from his motion.

Motion: Newton moved to approve the request; Bernt seconded the motion.

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

Johnson stated that the project is approved.

(4) Public Hearing and Consideration of SR 21-03, David Vonada request, on behalf of Robert & Heidi Klonoff, of 1658 Forest Lawn, for a Setback Reduction of the front-yard setback requirement for a garage in conjunction with a residential replacement.

David Vonada, on behalf of Robert & Heidi Klonoff, application to allow a setback reduction to reduce the front yard setback from the required 15 feet to 7 feet to accommodate a new garage, according to chapter 17.14 Residential Medium Density Zone of the Municipal Code. The property is located at 1658 Forest Lawn Rd. (Tax Lot 4600, Map 51030DA) in the Residential Medium Density (R2) zone and Oceanfront Management Overlay (OM) zone. The request will be reviewed against the Municipal Code, Section 17.64.010, Setback Reduction, Provisions established.

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 full staff report in the packet for details). Adams noted that the area that is being proposed as the location for the garage is now used for off street parking. Approval would just allow this parking to take place in the garage. He said that the plan would have minimal impact on neighbors. Many homes along the street have had Setback Reductions and Variances over the years. Staff recommends approval.

Chair Johnson called for public testimony.

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.

David Vonada, PO Box 648 Tolovana Park. Vonada said that he is representing Robert & Heidi Klonoff. He noted that the commission looked at this last month as a variance application. He said it was his mistake to submit it as a variance, it makes more sense to submit it as a Setback Reduction, so that is what they are doing this evening. In relation to the main criteria, Vonada pointed out that the lot is 390ft deep. The criteria say that a setback reduction can be granted to the setback opposite the oceanfront setback when the oceanfront setback reduces the lot to less than 40% of its original size. On this lot the oceanfront setback reduces the lot to 16% of its original size, so they more than meet that. In that respect it makes sense to approve the setback reduction. Vonada reiterated that they want to reuse the basement to reduce the impact of the new building on the lot. He asked for questions.

Newton asked about the site plan.

Vonada said that the site plan is consistent with how the plan is developing. The only difference is that the roof of the entry might extend further towards Forest Lawn, but not beyond the 7ft setback.

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

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

Staff confirmed that there was no additional correspondence. Adams asked if the applicant wished to make additional statements.

Robert Klonoff said that he did not.

Chair Johnson closed the hearing and moved to consideration. He asked for a motion if there was no comment.

Motion: Newton moved to approve the request; Bennett seconded the motion.

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

Johnson stated the project is approved.

WORK SESSION ITEMS

(5) **Work Session review of a Zoning Ordinance Amendment request by Will Rasmussen on behalf of Haystack Rock LLC, for a text amendment regarding notice requirements for development permitting.**

Adams said that the changes could have far reaching administrative and legal effects. Adams shared the proposed changes. Staff concern is that this would provide a large administrative burden to an already overburdened system. He proposed another option where we would post development permits to a website. He noted that it would be very difficult to keep up with neighbors who want to see what another neighbor is doing. He hears what the applicant is asking for, he could not agree more, but he cannot recommend approving something that would put such a burden on staff. He said that Rasmussen has requested to speak. Adams said that he always supports public comment, but this is a work session, so it is up to the commission to decide. He said that Rasmussen has brought up an issue that he would have brought up in the code audit.

Newton asked what the current procedure is for a neighbor who thinks their neighbor is going to do something they would not currently be noticed on.

Adams said that they can file a Public Records Request. He said that the City has been doing that on a monthly basis for Rasmussen. He said that some permits, such as a development permit, require notice to surrounding properities. That does not always happen when the person needs it. Adams would like to make it a more streamlined process during the code audit. The City is working on the posting of notices now and he hopes to have that up and running in the next month or so.

Newton asked about the timeline, how long would it take to approve something and how long would it take a citizen to get a response?

Adams said that it is more than just the planning department that looks at this. He said that he can only speak to his department. When a Development Permit comes in, the City typically has a timeline of 7-10 days to get it done. He noted that some of the timelines are state driven and that others are up to the jurisdiction.

Kerr asked if it was correct that nobody gets notice for things like an ADU that are over the counter or a type 1 development permit.

Adams confirmed that yes, if an ADU is in the required yard, it does not require notice.

Kerr reiterated that a type 1 dev. permit does not need notice. She asked if the permit that Rasmussen wanted notice for was a type 1. She asked if what Adams was talking about giving notice for was for type 2 permits.

Adams said yes and that is why they have asked for the code audit, so that the Commission can look at what they are noticing for and what they are not, what is in the code and what is not. If they want to notice on everything. He does not have the staff or resources for that. It is a difficult process.

Kerr asked if he was only asking for notice in the Oceanfront Management Zone.

Adams said that is what he wants for his client, but it opens it up to anything anywhere in the City.

Kerr asked if the code audit is only as good as the person auditing. It could be different depending on if the code auditor is pro-development or not.

Adams said that the Planning Commission, Design Review Board, and City Council will consult with the auditor and the public. They can discuss these issues with the auditor. It will not be an auditor sitting in their office telling them what to do. It will be a public process with plenty of discussion. They will also ask for the PC to have a liaison on the Advisory Committee.

Chair Johnson asked to give Rasmussen 5 minutes to give a presentation.

Rasmussen said he is sympathetic to Adam's point that staff are overburdened. He gets tired trying to keep up with the applications. He does not want to submit monthly records requests. He likes Adam's idea to post development permits on the website. He thinks that would be great. He would like the PC to review this proposal. He only wants notice of approval on Nenana. He thinks there should be a public process for this. He thinks it would be crazy to approve a bridge on unimproved Nenana without notice. He is terrified that there will be an agreement without any opportunity for the public or the PC to weigh in. He narrowed this recommendation as much as possible. With distance & time. They want a hearing on this, they have paid the \$1,000 fee.

Kerr asked if the flying bridge was a type 1.

Rasmussen said that his understanding was that it would have been if it was submitted. His clients only knew about it because the Roberts appealed the denial of the permit.

Adams asked to clarify. He said that the bridge was conditionally approved. If that bridge were to be approved notice would be required. If it gets approved in the future, notice will be required. Adams said that if Rasmussen's proposal was limited to the section that calls only for a road or bridge to be noticed, that would cover it and limit the scope. He would recommend approval for that.

Rasmussen said that he would be willing to look at it and narrow the scope with Adams.

Kerr said she would like to have all type 1 permits listed on a website where everyone can see it. She said that Clatsop county does that.

Kabeiseman said that he agrees that that is the idea, however, the City does not have the resources to do that for type 1 permits. He said that the proposal makes sense in that people can ask for something and get it. However, the different tracking systems make it hard to handle administratively. There are ways to do

this and do what makes the most sense. He asked what we want City staff to do. How do we not use a bazooka on a mosquito and a fly swatter on an elephant?

Bernt said that one thing that bothered a lot of people in the last few years is the ability of appeals to bury us in hundreds of pages of unnecessary paperwork. He thinks there ought to be a way to limit how much verbiage is attached to a setback justification. He does not know if there are ways to limit the amount of explanation that come with a proposal, but that is the other half of the workload. It is not just City staff, but the Planning Commission that is buried in this stuff that is often unnecessary, irritating, and unhelpful. He said that we have to limit what crap comes in the office and the kinds of things we all see and who gets to see them. We live in a world where things are expected to be available. He thinks the whole community should see this stuff. It can also be educational for people in the community who are looking to do something on their lot.

Kerr said that her biggest concern is that the bridge got as far as it did without people knowing about it. She said that it would be more burdensome on staff, but it is important. We have to figure out a way to make sure that people are aware of these projects.

Rasmussen said that the City is due for a look at the code and notice. Asked to bring the application back as a public hearing and have the PC make a recommendation.

Newton said that some valid points have been brought up. He is concerned these changes could be considered favoritism or special consideration.

Kerr says that the justification is in the asking.

Newton said he is just trying to be thoughtful and careful.

Adams said that he would be happy to work on a narrower scope of this. He reiterated that the City does not have the resources to keep up with noticing all permits. Adams said he is working right now to get a website started where the City will post Development Permits. He said that they are not prepared to notice type 1 permits. The permits that the City notices for now would be on that notice board.

Kerr asked if the example from his past jurisdiction included type 1 permits.

Adams said that it did not.

Kerr said that Clatsop County does that now. For type 1 permits as well.

Newton asked if Adams will be getting additional staff; the additional planner that he has asked for.

Adams said that the budget committee will decide on that.

Adams asked for direction from the PC.

Kerr said she would like to see the application come before the PC in a hearing.

Adams asked if she would like to see it come as is or with a narrower scope.

She said she would like to see both.

Newton asked what was meant by narrower.

Adams said that his suggestion was to narrow it to chapter 17.42 (page 4 on Rasmussen's submission). #5 says that a new road, driveway, or public access in the OMZ would require notice. If this were simply required that would cover it.

Kerr requested that it be brought before them as a public hearing.

Bernt said that there is a building enthusiasm that has occurred in downtown Cannon Beach. He said that there several houses that seem awful tight and crammed together. He thinks the credibility of staff, the PC and DRB are getting tainted by the atrocious building on Hemlock.

Kerr noted that even tourists are complaining about it. There was a comment that whoever permitted it should be ashamed. She noted that it was the code that permitted it.

Kabeiseman said that there are state laws that prevent DRB review of residential houses.

Newton asked how they could control development, particularly with Historic Districts.

Kabeiseman said that there has been push back on having discretionary review of buildings. There need to be clear and objective standards. You cannot say this is denied because it is ugly. You can say it cannot be this big. You cannot say you cannot paint it purple. There are some options to go further with a historic district overlay.

Kerr asked if that would be like a covenant.

Kabeiseman said that CCRs are between neighbors, not with the City. That is a private agreement.

Newton said it is interesting that Neighborhood Associations can do these things (such as control paint color), but the City cannot.

Kabeiseman said it is because we are government entities. The state has the ability so say local governments thou shall not.

Bernt said that part of the value of letting the community see all the approvals is that it develops enormous trust. And people being appalled by what people propose. That is why he favors something that is all inclusive and web based.

INFORMATIONAL ITEMS

(8) Tree Report

No comments.

(9) Ongoing Planning Items

There were none.

(10) Good of the Order

Amos Dark Skies Ordinance.

Adams said that the Amos' have brought forward a letter about the Dark Skies Ordinance. The Code Officer has been notified and they are monitoring it more. It is also monitored through DRB. It is hard to regulate because light fixtures are not usually in a building plan. For enforcement to happen neighbors have to complain and then the City can go out and monitor. There is a code complaint form on the website that anyone can use.

Chair Johnson said that he drove around town at night and noticed that several hotels have upward lighting that illuminate signage.

Adams said he went back and reviewed the original dark skies notice. It was stated that if there is an existing fixture, the ordinance cannot make the owner replace it, only new fixtures have to abide by the ordinance.

Kabeiseman said that most zoning ordinances are not retroactive, that is why there are non-conforming structures. He said that in other jurisdictions with dark sky ordinances they often approach the property owner with information and easy solutions. The owner is often willing to make changes. Our ordinance is not retroactive only new things must be dark sky lighting.

Kerr asked if it is illegal to make it retroactive

Kabeiseman said that it is not illegal if there is an amortization (grace) period.

Adams said that in his experience, education has worked in the past. He said that a member of the Design Review Board is interested in working on this. It would be good to target a day and have an educational effort. In the past they communities have been successful by educating people.

Newton asked what an amortization period was.

Kabeiseman explained that people would have a time period, such as five years, to come into compliance.

Before wrapping things up, Adams said that the county is going back to high risk. For those that want to continue doing zoom they should do that until they feel comfortable. He also noted that the City has started the transportation grant and have done the first study. The first open house will be in June.

Chair Johnson asked for a follow up regarding the property across from Gery's garage. There was a lot of a mess from construction.

Adams said he would follow up with Alton, the building official.

Authorization to Sign the Appropriate Orders

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

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

ADJOURNMENT

The meeting adjourned at 7:43 pm.

Administrative Assistant, Katie Hillenhagen



Cannon Beach Planning Commission

Work Session

Staff Report:

HAYSTACK ROCK LLC PROPOSED ZONING ORDINANCE AMENDMENTS TO EXTEND PUBLIC NOTICE TO ALL ACCESS EXTENSIONS OF PUBLIC RIGHT-OF-WAYS

Agenda Date: May 27, 2021

Prepared By: Jeffrey S. Adams, PhD

Background

Will Rasmussen, on behalf of Haystack Rock LLC, property owners of 1981 Pacific Ave., is requesting an amendment of the notice requirements of the Cannon Beach Municipal Code. The applicant first approached the city with an application seeking to extend surrounding property owner notice mainly with regards to development permits. After last month's work session discussion with the Planning Commission, the applicant worked with staff to offer text amendments that would limit the changes to only access extensions of public rights-of-way in the oceanfront management zones and wetland overlay areas.

Summary

Staff's initial concern with over-burdening staff with keeping up with notice requirements of neighboring properties would be eliminated by the suggested changes. Staff is still working with the IT Department to institute the notice system described along the Currituck County, NC, example, discussed last month, where every permit, which requires notice is posted and anyone in the community can subscribe to the page or visit the page for the latest postings.

By moving any roadway, driveway or access extension to the conditional use category in the oceanfront management zone and wetlands overlay areas, the public and surrounding land-owners will be noticed, without having to keep track administratively on a lot by lot instance. By specifying the fifty-foot linear length and keeping it to these sensitive lands, staff and the public will not be overwhelmed with notifications and will be able to have their input on the extension of roadways into such sensitive sites.



Recommendation

Staff has notified DLCD and recommends noticing the Zoning Amendments for next month's Public Hearing.

Attachments

A: Zoning Ordinance Text Amendment Application, with attached letter, from Will Rasmussen, of Miller, Nash, Graham & Dunn LLP, on behalf of Haystack Rock, LLC, dated March 9, received March 12, 2021;

B: Revised Zoning Ordinance Text Amendment, May 2021;

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Notices

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Legal Announcement	Publish Date
✓ PB 20-16 Currituck County Text Amendment Utility and Drainage Easements:	3/11/2021
✓ PB 21-05 Currituck County Text Amendment PUD Open Space:	3/11/2021
✓ PB 18-23 Fost, Amended PD-R, Phases 1-5, #2:	3/3/2021
✓ PB 20-24 Shingle Landing Villas:	3/3/2021
✓ PB 21-04 Flora Farm:	2/18/2021
✓ PB 18-23 Fost, Amended PD-R #3:	2/18/2021
✓ PB 21-02 Hutchinson Rezoning:	2/18/2021
✓ PB 21-01 Currituck County - Multi-Family Townhouse Stormwater Text Amendment:	2/18/2021
✓ BOA 21-01 Harry F. Strez:	1/28/2021
✓ PB 20-19 Bissell Professional Group:	1/22/2021
✓ PB 20-23 Miller Homes and Building, LLC:	1/22/2021
✓ PB 20-25 Currituck County Stormwater BMP:	1/22/2021
✓ PB 20-21 Nigel & Sarah Culpepper Rezoning:	1/4/2021
✓ PB 20-22 Pinnacle Storage:	1/4/2021
✓ PB 84-11 Corolla Light PUD, Phase 11:	1/4/2021

Currituck County, NC Posting Notices Page, from [Currituck County Website](#)

REVISED ZONING ORDINANCE TEXT AMENDMENT LANGUAGE

May 2021

Chapter 17.42 OCEANFRONT MANAGEMENT OVERLAY (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.

F. For lots or right-of-way that do not consist of a 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: ~~in addition to the uses permitted in the underlying zone,~~ the following uses and activities are permitted subject to provision of Chapter 17.80, Conditional Uses:

1. Shoreline stabilization, subject to the provisions of Section 17.80.230;
2. Non-structural shoreline stabilization program, subject to the provisions of Section 17.42.060(A)(5). (Ord. 20-03 § 2)
3. 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.

Chapter 17.43 WETLANDS OVERLAY (WO) ZONE

17.43.030 Uses and activities permitted outright in wetlands.

The following uses and activities may be permitted in the wetlands portion of the WO zone, subject to the issuance of a development permit in accordance with Section 17.92.010, and subject to applicable standards, and if permitted outright in the base zone:

- A. Single-family dwelling, modular housing, or manufactured home meeting the standards of Section 17.68.020, limited to one dwelling unit on a wetland lot-of-record;
- B. Accessory structure or building, as provided for by Section 17.54.030;
- ~~C. Roads or driveways, including an expansion of an existing right-of-way;~~
- D. Underground or above-ground utilities;
- E. Vegetation management. (Ord. 94-29 § 2)

17.43.035 Uses and activities permitted outright in wetland buffer areas.

The following uses and activities may be permitted in wetland buffer areas of the WO zone, subject to the issuance of a development permit in accordance with Section 17.92.010, and subject to applicable standards, and, if permitted outright in the base zone:

- A. Single-family dwelling, modular housing, or manufactured home meeting the standards of Section 17.68.020, limited to one dwelling unit on a wetland lot-of-record;
- B. Accessory structure or building, as provided for by Section 17.54.030;
- ~~C. Roads or driveways, including an expansion of an existing right-of-way;~~
- D. Underground or aboveground utilities;
- E. Vegetation management. (Ord. 94-29 § 2)

17.43.040 Conditional uses and activities permitted in wetlands.

The following uses and activities may be permitted subject to the provision of Chapter 17.80 in the wetland portion of the WO zone, subject to applicable standards, if permitted outright or conditionally in the base zone:

- A. Commercial structures;
- B. Excavation;
- C. Wetland enhancement;
- D. Compensatory mitigation;
- E. Roads or driveways, including an expansion of an existing right-of-way;
- ~~E.F.~~ Footpaths;
- ~~F.G.~~ Point-source stormwater discharge;
- ~~G.H.~~ Alternative stormwater management practices;
- ~~H.I.~~ Subdivisions, replats, partitions and property line adjustments. (Ord. 94-29 § 2)

17.43.045 Conditional uses and activities permitted in wetland buffer areas.

The following uses and activities may be permitted subject to the provision of Chapter 17.80 in wetland buffer areas in the WO zone, subject to applicable standards, if permitted outright or conditionally in the base zone:

- A. Commercial structures;
- B. Excavation;
- C. Wetland enhancement;
- D. Compensatory mitigation;
- E. Roads or driveways, including an expansion of an existing right-of-way;
- ~~E.F.~~ Bicycle paths;
- ~~F.G.~~ Footpaths;
- ~~G.H.~~ Point-source stormwater discharge;
- ~~H.I.~~ Subdivisions, partitions, lot line adjustments. (Ord. 94-29 § 2)

Chapter 17.71 STREAM CORRIDOR PROTECTION

17.71.040 Uses and activities permitted.

The following uses and activities may be permitted in the stream buffers established by Section 17.71.030, subject to the issuance of a development permit in accordance with Section 17.92.010, and subject to the applicable standards of Section 17.71.060.

- A. Transportation structures including bridges, bridge crossing support structures, and culverts ~~and roads;~~
- B. Underground or aboveground utilities;
- C. Vegetation management;

- D. Bank stabilization;
- E. Maintenance and improvement of the stream corridor for storm drainage purposes;
- F. Stormwater discharge. (Ord. 94-30 § 2)

17.71.045 Conditional uses and activities permitted.

The following uses and activities may be permitted in the stream buffers established by Section 17.71.030, subject to the issuance of a conditional use permit in accordance with Section 17.80.070, and subject to the applicable standards of Section 17.71.060.

- A. Roads or driveways, including an expansion of an existing right-of-way;

City of Cannon Beach	
Building Codes Division	
Tree Permit Applications	
April	2021

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