

Plan Development LLC

Addendum to, in part, address the City Planner August 3, 2020 review.

Building Permit Application: Tolovana Park Block 1 Lot 13 for Stanley and Rebecca Roberts.  
August 5, 2020.

**Cannon Beach Oceanfront Lot Defined**

Hi Jeff,

I sincerely appreciate talking with you about your August 3, 2020 letter, and the opportunity to explain why we do not consider Tolovana Park Block 1 Lot 13 an oceanfront lot. Please accept this as an addendum to the Stan and Rebecca Roberts Application to answer that question.

**Findings:**

Cannon Beach Municipal Code Section 17.04.315 "Lot" means a plot, parcel or tract of land." Cannon Beach Municipal Code Section 17.04.320 "Lot abutting the oceanshore" means a lot which abuts the Oregon Coordinate Line or a lot where there is no buildable lot between it and the Oregon Coordinate Line."

Tolovana Park Block 1 Lot 13 is not a 17.04.320 "Lot abutting the oceanshore", because the City owns "Ocean Avenue", a buildable lot between Tolovana Park Block 1 Lot 13 and the Oregon Coordinate Line.

Ocean Avenue, Tolovana Park Subdivision, recorded on May 1, 1908 in Clatsop County Book 3 Page 70, signed by the Clatsop County Surveyor and Commissioners, is a 17.04.315 "lot" owned by the City and located between Tolovana Park Block 1 Lot 13 and the Oregon Coordinate Line.

The City is allowed to build substantive development on this 17.04.320 "lot abutting the oceanshore" consistent with Cannon Beach Municipal Code Title 12 Streets, Title 13 Utility Code, and Title 17 Zoning.

Tolovana Park, Block 1 Lot 13, is not oceanfront and is not subject to the Oceanfront Setback, however, it is required to maintain a 15-foot street yard setback from Ocean Avenue and this setback is further increased where determined suitable by design professionals.

Administrative Decision: I anticipate that this determination is a City Planner Administrative Decision, because it follows a clear and objective application of the City of Cannon Beach, Oregon Municipal Code.

Thank you sincerely for your time,



Sabrina Pearson  
Project Planner  
Plan Development, LLC

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**APPLICABLE CRITERIA**

**17.04.085 Building.**

“Building” means a structure built for the support, shelter or enclosure of persons, animals or property of any kind. (Ord. 86-16 § 1(13); Ord. 86-10 § 1(13))

**17.04.315 Lot.**

“Lot” means a plot, parcel, or tract of land. (Ord. 86-16 § 1(52); Ord. 86-10 § 1(52))

**17.04.320 Lot abutting the oceanshore.**

“Lot abutting the oceanshore” means a lot which abuts the Oregon Coordinate Line or a lot where there is no buildable lot between it and the Oregon Coordinate Line. (Ord. 86-16 § 1(53); Ord. 86-10 § 1(53))

**OREGON REVISED STATUTES**

**92.014 Approval of city or county required for specified divisions of land.** (1) A person may not create a street or road for the purpose of subdividing or partitioning an area or tract of land without the approval of the city or county having jurisdiction over the area or tract of land to be subdivided or partitioned.

(2) Notwithstanding ORS 92.175, an instrument dedicating land to public use may not be accepted for recording in this state unless the instrument bears the approval of the city or county authorized by law to accept the dedication. [1955 c.756 §3; 1973 c.696 §4; 1991 c.763 §4; 2005 c.399 §2]

**92.175 Methods by which certain land may be provided for public purposes.** (1) Land for property dedicated for public purposes may be provided to the city or county having jurisdiction over the land by any of the following methods:

(a) By dedication on the land subdivision plat;

(b) By dedication on the partition plat, provided that the city or county indicates acceptance of the dedication on the face of the plat; or

(c) By a separate dedication or donation document on the form provided by the city or county having jurisdiction over the area of land to be dedicated.

(2) Notwithstanding subsection (1) of this section, utility easements in partition and condominium plats may be granted for public, private and other regulated utility purposes without an acceptance from the governing body having jurisdiction. [1989 c.772 §3; 1997 c.489 §7; 2007 c.652 §4].