

**CITY OF CANNON BEACH  
AGENDA**

Meeting: Planning Commission  
Date: **Tuesday, November 22, 2016 \* Please note special meeting date. \***  
Time: 6:00 p.m.  
Location: Council Chambers, City Hall

6:00 CALL TO ORDER

ACTION ITEMS

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

6:02 (2) **Consideration of the Minutes for the Planning Commission Meetings of October 27, 2016**

*If the Planning Commission wishes to approve the minutes, an appropriate motion is in order.*

6:03 (3) **Public Hearing and Consideration of V 16-06, Vonada Variance Application to Allow an Existing Entry Deck to Remain in the Front-yard Setback to Facilitate Placement of a New Access Ramp at 524 N Ash**

The applicant, David Vonada, is requesting a variance to allow the existing entry deck to remain within the required 15 foot front yard setback to facilitate a new access ramp. The property is located at 524 N Ash (map 51019AC, tax lot 2600) and in a Residential Medium Density (R2) zone. The property is owned by Patricia & Ken Toole. The request will be reviewed against the criteria of the Municipal Code, Section 17.84.030, Variances, Criteria for granting.

*If the Planning Commission wishes to approve, deny, or modify the request, an appropriate motion is in order.*

6:20 (4) **Annual Parking Management Plan Review**

*If the Planning Commission wishes to make a recommendation to the City Council, an appropriate motion is in order.*

7:00 (5) **Continuation of Public Hearing and Consideration of P 16-02, Cannon Beach Holdings LLC, Partition Request for 1371 S Hemlock, Location of Pelican Pub**

The applicant, Cannon Beach Holdings LLC, is requesting a partition of tax lot 300, map 51030DA. The property is located at 1371 S Hemlock in a Limited Commercial (C1) zone and owned by Cannon Beach Holdings LLC. The request will be reviewed against the criteria of Municipal Code, Chapter 16.04, Subdivisions.

*This item has been continued from the October 27, 2016 meeting.*

*If the Planning Commission wishes to approve, deny, or modify the request, an appropriate motion is in order.*

7:20 (6) **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.*

7:21 INFORMATIONAL ITEMS

(7) **Tree Report**

(8) **Ongoing Planning Items**

(9) **Good of the Order**

7:30 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 Alisha Gregory at [agregory@ci.cannon-beach.or.us](mailto:agregory@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: **November 15, 2016**

**Minutes of the  
CANNON BEACH PLANNING COMMISSION**  
Thursday, October 27, 2016

Present: Chair Robert Lundy; Commissioners Charles Bennett, Joseph Bernt, Hank Johnson, Lisa Kerr, Janet Patrick, and Robin Risley

Excused: None

Staff: City Planner Mark Barnes and Administrative Assistant Alisha Gregory

CALL TO ORDER

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

ACTION ITEMS

**(1) Approval of Agenda**

Motion: Johnson moved to approve the agenda as presented; Risley seconded the motion.

Vote: Bennett, Bernt, Johnson, Patrick, and Risley voted AYE; the vote was 5/0 in favor and the motion passed.

**(2) Consideration of the Minutes for the Planning Commission Meetings of September 22, 2016**

Motion: Risley moved to approve the minutes of September 22, 2016 as presented; Johnson seconded the motion.

Vote: Bernt, Johnson, Patrick, and Risley voted AYE; the vote was 3/0 in favor and the motion passed. Bennett abstained as he was not present at the September 22, 2016 meeting.

**(3) Public Hearing and Consideration of V 16-05, Dan Jesse, Variance Request for 1856 Haystack Lane; Public Hearing and Consideration of SR 16-05, Dan Jesse, Variance Request for 1856 Haystack Lane**

Chair Lundy introduced the item, noting the variance request will be reviewed against the criteria of the Municipal Code, Section 17.84.030, Variances, Criteria for granting; the setback reduction request will be reviewed against the criteria of Municipal Code, Chapter 17.64, Setback Reduction.

6:03 pm, Commissioner Kerr arrived.

No one objected to the jurisdiction of the Planning Commission to hear this matter at this time. Chair Lundy asked if any Commissioner had any conflict of interest. There were none. Chair Lundy asked if any Commissioners had any personal bias to declare. Risley stated she sold the property to the owner and therefore is recusing herself. Risley stepped down from the dais and joined the audience. Chair Lundy asked if any Commissioner had any ex parte contacts. There were none. Chair Lundy asked if any Commissioner had made a site visit. Site visits were declared.

Barnes summarized his staff report, giving a history on the property and previous permits. He stated the setback reduction must be viewed as a variance and reviewed against that criteria. He further stated that although the public hearing notice stated the applicant was seeking a setback reduction, the City attorney confirmed the advertisement was broad enough to cover a variance decision.

Chair Lundy asked if there was additional correspondence. Barnes noted that no correspondence was received for this item.

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

Dane Jesse, 1389 Sea Ridge Lane, Gearhart OR 97138, first thanked the Commissioners for the work they do for their community. Jesse then gave a presentation, reviewing the history of the property. He noted previous construction on the home that made the home unlivable. Jesse read an email into the record from owner Claudia Toutain-Dorbec. A copy of the letter can be found in the meeting record copy. In response to a question from Kerr, Jesse stated a portion of the house and the deck are located in the setback. Jesse stated that a deck located in the north-side setback will be removed, reducing the total amount of structure located in the property setbacks. In response to a question from Johnson, Jesse stated all the deck on the south and west have been removed. The north-end deck is still currently in place. Lundy stated he would have preferred to have received Toutain-Dorbec's email prior to the hearing.

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

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

Chair Lundy asked for a staff response. Barnes had no additional comments.

Chair Lundy asked if the applicant wished to make any additional statements. The applicant did not.

In response to a question from Bernt, Barnes reviewed the 50% rule for nonconforming structures and the rationale behind the rule. Bernt expressed concern allowing a variance to a nonconforming structure and allowing the nonconformity to continue. Kerr noted that the application is not increasing the nonconformity, but reducing it slightly. Bernt and Kerr discussed the nonconformity at length. In response to discussion, Jesse noted the application materials, reviewing the new proposed deck, and noting a 2% reduction in total lot coverage. In response to Bernt's concerns, Kerr asked if any criteria for granting was not met with this application. Kerr stated she believes all criteria has been met. Bennett stated that, in his opinion, the variance should be granted, as criteria are met and the home is not livable unless the construction can continue. In response to discussion, Jesse noted that the roof gable was removed, lowering the roof line.

Motion: Bennett moved to approve the applications as presented; Patrick seconded the motion.

Vote: Bennett, Johnson, Kerr, and Patrick voted AYE, Bernt voted NAY; the vote was 4/1 in favor and the motion passed.

**(4) Public Hearing and Consideration of P 16-01, Dale Barrett, Partition Request for Two Lots Located on E Surfcrest Avenue**

Chair Lundy introduced the item, noting the request will be reviewed against the criteria of Municipal Code, Chapter 16.04, Subdivisions.

No one objected to the jurisdiction of the Planning Commission to hear this matter at this time. Chair Lundy asked if any Commissioner had any conflict of interest. There were none. Chair Lundy asked if any Commissioners had any personal bias to declare. There were none. Chair Lundy asked if any Commissioner had any ex parte contacts. There were none. Chair Lundy asked if any Commissioner had made a site visit. Site visits were declared.

Barnes summarized his staff report, giving a background on how partition applications are handled. He noted that this application is including three lots, not two as stated on the agenda. Barnes noted that Public Works Director, Dan Grassick, confirmed utilities are already in place for these lots. Barnes recommended 5 conditions to be adopted with an approval.

Chair Lundy asked if there was additional correspondence. Barnes noted that no correspondence was received for this item.

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

Dale Barrett, OTAK, 4253-A Highway 101 N, Seaside OR 97138, represented the Sroufes, gave a presentation. He stated the Sroufes are not developers. Their primary goal at this time is to create two lots, in which one lot will be the site of their home. Barrett gave a summary of the previously approved subdivision at this location and the expiration of approval due to economic decline.

Chair Lundy called for proponents of the request.

David Vonada, PO Box 648, Tolovana Park OR 97145, stated his property has a common property line, however, his lot is located in the County. Vonada stated his support for the two lot division.

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

Chair Lundy asked for a staff response. Barnes noted pages 2 and 3 located at the dais.

Chair Lundy asked if the applicant or proponent wished to make any additional statements. The applicant and proponent did not.

Risley stated she feels this is a well thought out plan and respectable to the trees on the property.

Motion: Risley moved to approve the partition application with the 5 conditions stated in the staff report; Bernt seconded the motion.

In regards to a question from Bernt regarding south-bound traffic turning left on HWY 101 at this location, Barnes stated that Council has directed staff to complete a Transportation Systems Plan (TSP), that may address this issue, along with other traffic issues. Barnes noted the plan will come before the Commissioners once complete. Barrett stated the original Seaview Estates subdivision was required to receive highway department review.

Vote: Bennett, Bernt, Johnson, Kerr, Patrick, and Risley voted AYE; the vote was 6/0 in favor and the motion passed.

**(5) Public Hearing and Consideration of P 16-02, Cannon Beach Holdings LLC, Partition Request for 1371 S Hemlock, Location of Pelican Pub**

Chair Lundy introduced the item, noting the request will be reviewed against the criteria of Municipal Code, Chapter 16.04, Subdivisions.

No one objected to the jurisdiction of the Planning Commission to hear this matter at this time. Chair Lundy asked if any Commissioner had any conflict of interest. There were none. Chair Lundy asked if any Commissioners had any personal bias to declare. There were none. Chair Lundy asked if any Commissioner had any ex parte contacts. There were none. Chair Lundy asked if any Commissioner had made a site visit. Site visits were declared.

Barnes summarized his staff report. Barnes noted public concern regarding parking. He stated the application for Pelican Pub met all parking requirements. In regards to a partition, the application shows that both lots will meet parking requirements. Staff is very aware of the parking issues at this location, however, no solutions are currently on the table for consideration. Barnes stated the Planning Commission will be reviewing the Parking Management Plan at their next meeting.

Chair Lundy asked if there was additional correspondence. Barnes noted there is no additional correspondence for this item.

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

Mark Dunn 109 Pacific City OR 97135, representing the applicant, summarized the application. In response to a question from Kerr, Dunn stated Cannon Beach Holdings LLC is not in the hotel businesses. The investors would like the opportunity to do something with that property in the future. In response to a question from Patrick, Dunn confirmed an easement will be in place to allow both businesses equal driveway access. In response to Commissioner's concerns regarding parking, Dunn stated that all requirements have been met for the partition.

Chair Lundy called for proponents of the request.

Alaina Giguiere, PO Box 474, Cannon Beach OR 97110, gave testimony, not as a proponent or opponent, but as a neutral party. She stated that her home is located on Dawes. Since the construction and opening of Pelican Pub, she has seen a large influx of vehicles on Dawes and patrons parking on Dawes, creating traffic hazards; and hazardous conditions for owners and pedestrians on Dawes. Giguiere stated she supports the partition, but feels something needs to be done to eliminate the parking issues. She would like to see no parking allowed on the north side of Dawes. Giguiere stated concerns that if the hotel is sold in the future that would eliminate available parking for Pub patrons, therefore having a larger impact on the existing parking concerns.

Chair Lundy called for opponents of the request.

Jan Siebert-Wahrmund, PO Box 778, Cannon Beach OR 97110, gave testimony in opposition. She stated that it was her understanding the hotel would be utilized for employee housing. Barnes noted that it was used during construction to house workers. He does not recall the applicant saying the hotel would be used for long term employee housing.

Chair Lundy asked for a staff response. Barnes had no additional comments.

Chair Lundy asked if the applicant or proponent wished to make any additional statements. The applicant and proponent did not.

Motion: Bennett moved to approve the application;

There was no second and the motion failed for lack of a second.

Kerr noted it may be helpful to make a decision on the partition after reviewing the Parking Management Plan. Barnes stated consideration could be continued until the Commissioners review the Parking Management Plan, however, he noted the Commissioner's decision on the Parking Management Plan will be a recommendation to Council and not a final decision. Kerr stated concerns with making a decision at this point when an approval may negatively impact parking.

Chair Lundy reopened the public hearing in order to ask additional questions of Dunn.

In response to a question from Lundy, Dunn stated the hotel is currently being used as such. Kerr questioned if patrons of Pelican Pub currently use parking spaces in front of the hotel. Dunn stated that Pelican Pub is pro community and is equally concerned with parking issues. He noted that he has personally spoken with Barnes and the City Manager about solutions. He stated Pelican Pub is working on an incentive program to encourage employees to find alternative ways to work and not drive. Dunn reiterated that currently, at this meeting, the partition request is all that is in front of the Commissioners.

In response to comments from Marty Giguiere, in the audience, Chair Lundy asked him to come forward to the podium. M. Giguiere stated that the construction of Pelican Pub took away 10 parking spaces on that lot.

Kerr stated she would feel more comfortable making a decision after a traffic study has been completed. Bernt stated the parking being a safety issue and should be addressed before making a decision on the partition.

Motion: Bernt moved to continue the public hearing to Tuesday, November 22, 2016; Patrick seconded the motion.

Vote: Bennett, Bernt, Johnson, Kerr, Patrick, and Risley voted AYE; the vote was 6/0 in favor and the motion passed.

**(6) Continuation of the Public Hearing and Consideration of CP 16-01: Housekeeping Amendments, Zoning Ordinance and Comprehensive Plan**

Chair Lundy introduced the item, stating this hearing has been continued from the September 22, 2016 Planning Commission meeting.

Barnes summarized his staff report.

Barnes stated no additional correspondence has been received for the amendments to be considered tonight.

Barnes reviewed the slope/density amendments.

Motion: Kerr moved to recommend the City Council adopt the proposed amendments to the slope/density language as presented; Johnson seconded the motion.

Vote: Bennett, Bernt, Johnson, Kerr, Patrick, and Risley voted AYE; the vote was 6/0 in favor and the motion passed.

Barnes reviewed hardscape/softscape recommended amendments.

Johnson stated it is his opinion that artificial turf should not be allowed; it should not be counted as hardscape or softscape. Risley suggested "normally" be stricken from 17.44.120.K.1.

Motion: Risley moved to strike "normally" from 17.44.120.K.1; Patrick seconded the motion.

Vote: Bennett, Bernt, Johnson, Kerr, Patrick, and Risley voted AYE; the vote was 6/0 in favor and the motion passed.

Motion: Kerr moved to recommend the City Council adopt the proposed amendments to the hardscape/softscape language as updated; Patrick seconded the motion.

Vote: Bennett, Bernt, Kerr, Patrick, and Risley voted AYE, Johnson voted NAY; the vote was 5/1 in favor and the motion passed.

Barnes reviewed PODS/Storage Containers recommend amendments. The Commissioners discussed the proposed language. Bernt stated he felt the language was too broad and that people could comply with this section and still have something “butt ugly” outside of their home.

Motion: Kerr moved to recommend the City Council adopt the proposed amendments to the PODS/Storage Containers language as presented; Bennett seconded the motion.

Vote: Bennett, Bernt, Johnson, Kerr, Patrick, and Risley voted AYE; the vote was 6/0 in favor and the motion passed.

Barnes reviewed Planned Development recommended amendments, stating the Commissioners may choose to update the existing language or remove the Planned Development language all together. Risley asked for clarification of 17.40.020.B.1. Ownership. Barnes reviewed the language in more detail. In response to discussion, Kerr suggested removing “or control” and the last sentence of 17.40.020.B.1.

Motion: Risley moved to strike “or control” and the last sentence of 17.40.020.B.1; Patrick seconded the motion.

Vote: Bennett, Bernt, Johnson, Kerr, Patrick, and Risley voted AYE; the vote was 6/0 in favor and the motion passed.

Patrick stated that taking out the Planned Development language may impact construction of affordable housing. Kerr stated that removing the language may also leave opportunity for language to be adopted down the road that may cause similar issues as the existing language.

Motion: Kerr moved to recommend the City Council adopt the proposed amendments to the Planned Development language as updated;; Johnson seconded the motion.

Vote: Bennett, Bernt, Johnson, Kerr, Patrick, and Risley voted AYE; the vote was 6/0 in favor and the motion passed.

#### **(7) Authorization for the Chair to Sign the Appropriate Orders**

Motion: Kerr moved to authorize the chair to sign the appropriate orders; Bernt seconded the motion.

Vote: Bennett, Bernt, Johnson, Kerr, Patrick, and Risley voted AYE; the vote was 6/0 in favor and the motion passed.

### INFORMATIONAL ITEMS

#### **(8) Ongoing Planning Items**

Barnes stated staff agreed with the Planning Commissions recommendation to not adopt language changes to the short-term rental ordinance at this point. Staff is requesting City Council not adopt any changes at this point. Amendments to the short-term rental code will come before the Commissioners next year.

Barnes noted he will be attending a joint Oregon/Washington American Planning Association Conference to give a presentation on short-term rentals.

#### **(9) November Meeting Date**

Commissioners agreed on the next meeting date: Tuesday, November 22, 2016.

**(10) Good of the Order**

There was no discussion for this item.

ADJOURNMENT

The meeting adjourned at 8:29 p.m.

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Administrative Assistant, Alisha Gregory

## Cannon Beach Planning Commission

PUBLIC HEARING AND CONSIDERATION OF V16-06, A REQUEST BY DAVID VONADA AND TOLOVANA ARCHITECTS ON BEHALF OF PROPERTY OWNERS PATRICIA AND KEN TOOLE FOR A VARIANCE TO THE R2 ZONE'S MINIMUM FRONT-YARD SETBACK TO INSTALL A WHEELCHAIR ACCESS RAMP FOR THE EXISTING RESIDENCE AT 524 NORTH ASH STREET, MAP/TAXLOT 51019AC/2600.

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**Agenda Date:** November 22, 2016

**Prepared By:** Mark Barnes, City Planner

### BACKGROUND

This request is for a variance to the R2 zone's minimum front yard requirements to install a wheelchair access ramp at 524 North Ash Street. The property is in the Residential Medium Density (R2) zone. It is immediately north of the Breakers Point development, on the west (oceanfront) side of Ash Street. The subject property's location is shown on the aerial photograph at the end of this staff report.

A portion of the proposed ramp will be in the North Ash Street right-of-way. The applicants will need to request a right-of-way permit from the Public Works Department for this encroachment. The request before the Planning Commission is for that portion of the project on the subject property. The request, if granted, would reduce the front-yard (street side) setback from 15 feet to 0 feet for the proposed ramp.

### APPLICABLE CRITERIA

The variance request is subject to the criteria in Cannon Beach Municipal Code (CBMC) chapter 17.84. The requested variance is to the fifteen-foot front yard setback in CBMC 17.14.040.B.3.

The Americans with Disabilities Act (ADA) and its implementing regulations are relevant to this matter because the proposed ramp is intended to provide access for a wheelchair-bound individual.

### ANALYSIS/INFORMATION

**CBMC 17.84.030.A:** *Variances to a requirement of this title, with respect to lot area and dimensions, setbacks, yard area, lot coverage, height of structures, vision clearance, decks and walls, and other quantitative requirements, may be granted only if, on the basis of the application, investigation and evidence submitted by the applicant, all four expressly written findings are made.*

This section allows the Planning Commission to approve a variance to "... setbacks...and other quantitative requirements ...". The yard requirement in 17.14.040.B is a setback.

**CBMC 17.84.030.A.1:** *That a strict or literal interpretation and enforcement of the specified requirement would result in practical difficulty or unnecessary hardship and would be inconsistent with the objectives of the comprehensive plan.*



Strict enforcement of the minimum 15-foot front yard setback would make it impossible for the applicant to build the proposed wheelchair access ramp; thus preventing a disabled family member from accessing the existing dwelling. The ramp as proposed is a reasonable accommodation based on the needs of the handicapped individual.

It is not an objective of the Comprehensive Plan to prevent reasonable accommodations for disabled persons. Comprehensive Plan transportation policy 9 reads as follows:

*9. The city will implement the action elements of its Americans with Disabilities Act transition plan.*

The Planning Commission should find that the 15-foot front-yard setback prevents the construction of the ramp as proposed; that the ramp is a reasonable accommodation to address an individual's disability; and that the denial of the ramp imposes a practical difficulty on the handicapped individual. Based on this, the Planning Commission can find the proposed variance consistent with CBMC 17.84.030.A.1.

**CBMC 17.84.030.A.2:** *That there are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property which do not apply generally to other properties in the same zone.*

Exceptional or extraordinary circumstances involved in this application include:

- The house at 524 North Ash Street was built in 1987 without the needs of disabled persons in mind; both in terms of grade differences from the street, and in terms of setback from the street.
- The proposed ramp would enhance the mobility of a disabled person.
- North Ash Street is a dead-end street.
- The grade difference between the North Ash Street driving surface and the entry to 524 North Ash is large enough to require either a ramp or an elevator.
- The grade difference between the driveway/garage and the house's first floor is large enough to prevent direct wheelchair access.

The Planning Commission should find that exceptional or extraordinary circumstances are applicable to 524 North Ash Street; and that these circumstances are not generally applicable to other property in the R2 zone. Based on this, the Planning Commission can find the proposal consistent with CBMC 17.84.030.A.2.

**CBMC 17.84.030.A.3:** *That the granting of the variance will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the near vicinity.*

Planning staff is not aware of any public health, safety or welfare risks posed by the variance or by the completion of this project. North Ash Street is a dead-end street serving two single-family dwellings and one duplex. As of the date of this staff report (11/15/2016), the City has received no written or oral comment from nearby property owners in the notice area concerning potential impacts on property or improvements in the vicinity of the subject property. Based on this, the Planning Commission can find that the proposed variance consistent with CBMC 17.84.030.A.3.

**CBMC 17.84.030.A.4:** *That the granting of the variance would support policies contained within the comprehensive plan.*

The proposed variance must support comprehensive plan policies. Transportation policy 9 addresses measures to accommodate disabled individuals:

*9. The city will implement the action elements of its Americans with Disabilities Act transition plan.*

The Comprehensive Plan identifies North Ash Street as a residential street, the least intensive classification in terms of usage and future expansion needs. North Ash Street has a fifty-foot-wide right-of-way at the subject property. It is a dead-end street, terminating about 150 feet north of the subject property.

Housing policy 10 reads as follows:

*10. The city will encourage the preservation of the older housing stock.*

The existing dwelling at 524 North Ash was built in 1987. The proposed ramp can be removed if no longer needed without damaging or substantially altering the house. An internal elevator, if feasible, would require a substantial modification of the existing house. For these reasons, the proposed ramp will help extend the utility of this older house.

Based on this the Planning Commission can find that the proposed variance would support these two comprehensive plan policies, thus meeting the requirements of CBMC 17.84.030.A.4.

**CBMC 17.84.030.B:** *Variations in accordance with this section should not ordinarily be granted if the special circumstances on which the applicant relies are a result of the actions of the applicant, or owner, or previous owners.*

The special circumstances behind this application are related more to an individual's disability and natural differences in grade than to the actions of current owners or their predecessors. The Planning Commission can find that the special circumstances here are not caused by the applicant's or owner's actions.

#### **Americans with Disabilities Act**

The Americans with Disabilities Act (ADA) became law in 1990. It prohibits discrimination based on disability. One way the law does this is by requiring local governments to make reasonable accommodations for disabled persons. ADA regulations at 28CFR35.130.b(7) read as follows:

*A public entity shall make reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability, unless the public entity can demonstrate that making the modifications would fundamentally alter the nature of the service, program or activity.*

In this case the "policies, practices or procedures" are the City's setback requirements which cover all structures, including wheelchair ramps. According to the US Department of Housing and Urban Development, the test for whether a requested accommodation is reasonable depends on whether the request imposes an undue financial or administrative burden on the City; and whether the request would require a fundamental alteration of the City's operations:

*The determination of whether a requested accommodation is reasonable depends on the answers to two questions. First, does the request impose an undue financial and administrative burden on the housing provider? Second, would making the accommodation require a fundamental alteration in the nature of the provider's operations? If the answer to either question is yes, the requested accommodation is not reasonable.*

The "reasonable modification" in this case is allowing the ramp in the setback. Unless testimony persuades the Planning Commission that the variance would "fundamentally alter" the City's implementation of residential setbacks, the Planning Commission should find the proposal consistent with the City's responsibilities under the ADA.

## TIME LIMITS

This application was submitted on October 21, 2016 and determined to be complete on October 24, 2016. It is subject to ORS 227.178, requiring the City to take final action within 120 days after the application is deemed complete. Based on this, the City must make a final decision by February 21, 2017.

Since this is the first evidentiary hearing on this request, the Planning Commission must grant any requests to provide additional evidence pursuant to ORS 197.763(6). If such a request is made, a motion using the following dates would be appropriate:

- Close the hearing for oral testimony;
- Additional written evidence, arguments, or testimony will be received by the City up to 5:00 PM, Tuesday November 29, 2016;
- Written response by the applicants must be received by the City no later than 5:00 PM, Tuesday December 6, 2016;
- The Planning Commission will reconvene on 6:00 PM, Thursday December 22, 2016, to consider the additional written materials, and to make a decision on this application.

Alternatively, the Planning Commission can continue the hearing for both oral and written testimony to 6:00 PM, Thursday December 22, 2016.

## RECOMMENDED ACTION

Staff recommends that the Planning Commission approve the proposed variance.

planning/pc/dav16-06sr







CITY OF CANNON BEACH  
VARIANCE REQUEST APPLICATION

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

Applicant Name: DAVID YONATA

Mailing Address: P.O. Box 448  
TOLENAVA PARK, OR

Telephone: 436-0519

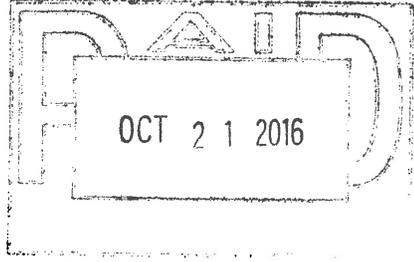
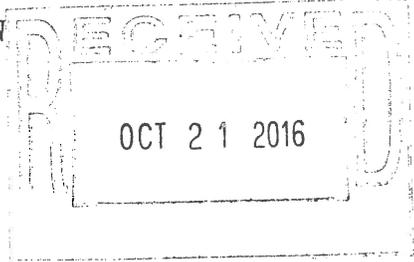
Property-Owner Name: PATRICIA & KEN TOOLE  
(if other than applicant)

Mailing Address: 17016 BATH AVE. NE  
KENMORE, WA. 98028

Telephone: 206-861-8579

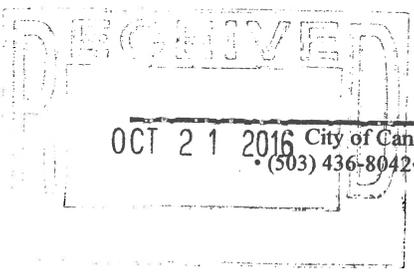
Property Location: 524 N. ASH  
(street address)

Map No.: 5109X Tax Lot No.: 2600 



**VARIANCE REQUEST:**

1. Description of variance that is being sought (setback, height, access requirement, etc.)  
THIS VARIANCE WILL ALLOW THE EXISTING ENTRY DECK TO REMAIN WITHIN THE 15 FOOT FRONT YARD SETBACK TO FACILITATE A NEW ACCESS RAMP.
2. Description of the proposed building plans pertinent to the variance request.  
THE PROPERTY OWNER REQUESTS ON GRADE WHEELCHAIR ACCESS TO THE FRONT ENTRY DOOR FROM ASH STREET FOR THEIR DISABLED SON.
3. Justification of the variance request. Explain how the request meets each of the following criteria for granting a variance.
  - a. How would a literal application of the Zoning Ordinance requirement impose a practical difficulty or an unnecessary hardship, and how would the application of the requirement be inconsistent with the objectives of the Comprehensive Plan?  
THE LITERAL APPLICATION OF THE ZONING ORDINANCE WOULD PROHIBIT WHEELCHAIR ACCESS DUE TO THE GRADE AND EXISTING HOUSE LOCATION.
  - b. Explain any exceptional or extraordinary circumstances or conditions that are applicable to this property or to the intended use of the property which do not generally apply to other properties in the same zone.  
THE EXISTING GRADE OF THE STREET RELATIVE TO THE HOUSE CREATES THE EXCEPTIONAL CIRCUMSTANCE FOR THIS PROPERTY.



c. Explain why the granting of the variance will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the near vicinity.

THIS VARIANCE WILL ALLOW HANDLED ACCESS TO THIS PROPERTY WHERE NO OTHER OPTION EXISTS.

d. Explain how this request, if granted, would support policies contained within the Comprehensive Plan.

THIS REQUEST IS IN KEEPING WITH THE POLICY OF KEEPING THE NORTHSIDE AREA, KEEPING RESIDENTS IN CHARACTER.

e. Explain why this request is not a self-imposed hardship or difficulty.

THIS REQUEST IS NECESSARY DUE TO THE PARTICULAR CIRCUMSTANCES OF THE PROPERTY OWNERS AND IS NOT SELF-IMPOSED.

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 structures, and dimensions of proposed development.

Fee: \$400.00

Applicant Signature:

*David Unode*

Date:

10/20/16

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:

10/21/16

By:

*Samantha*

Fee Paid:

\$400

Receipt No.:

58738501PT

c. Explain why the granting of the variance will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the near vicinity.

THIS VARIANCE WILL ALLOW WHEELCHAIR ACCESS TO THIS PROPERTY WHERE NO OTHER OPTION EXISTS.

d. Explain how this request, if granted, would support policies contained within the Comprehensive Plan.

THIS REQUEST IS IN KEEPING WITH THE POLICY OF KEEPING THE NORTHSIDE AREA, KEEPING RESIDENTS IN DIRECTION.

e. Explain why this request is not a self-imposed hardship or difficulty.

THIS REQUEST IS NECESSARY DUE TO THE PARTICULAR PHYSICAL ASPECTS OF THIS PROPERTY OWNER. AND IS NOT SELF-IMPOSED.

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 structures, and dimensions of proposed development.

Fee: \$400.00

Applicant Signature:

*Carol Lovato*

Date: 10/20/16

Property Owner Signature:

*Stanley*

Date: 10/20/16

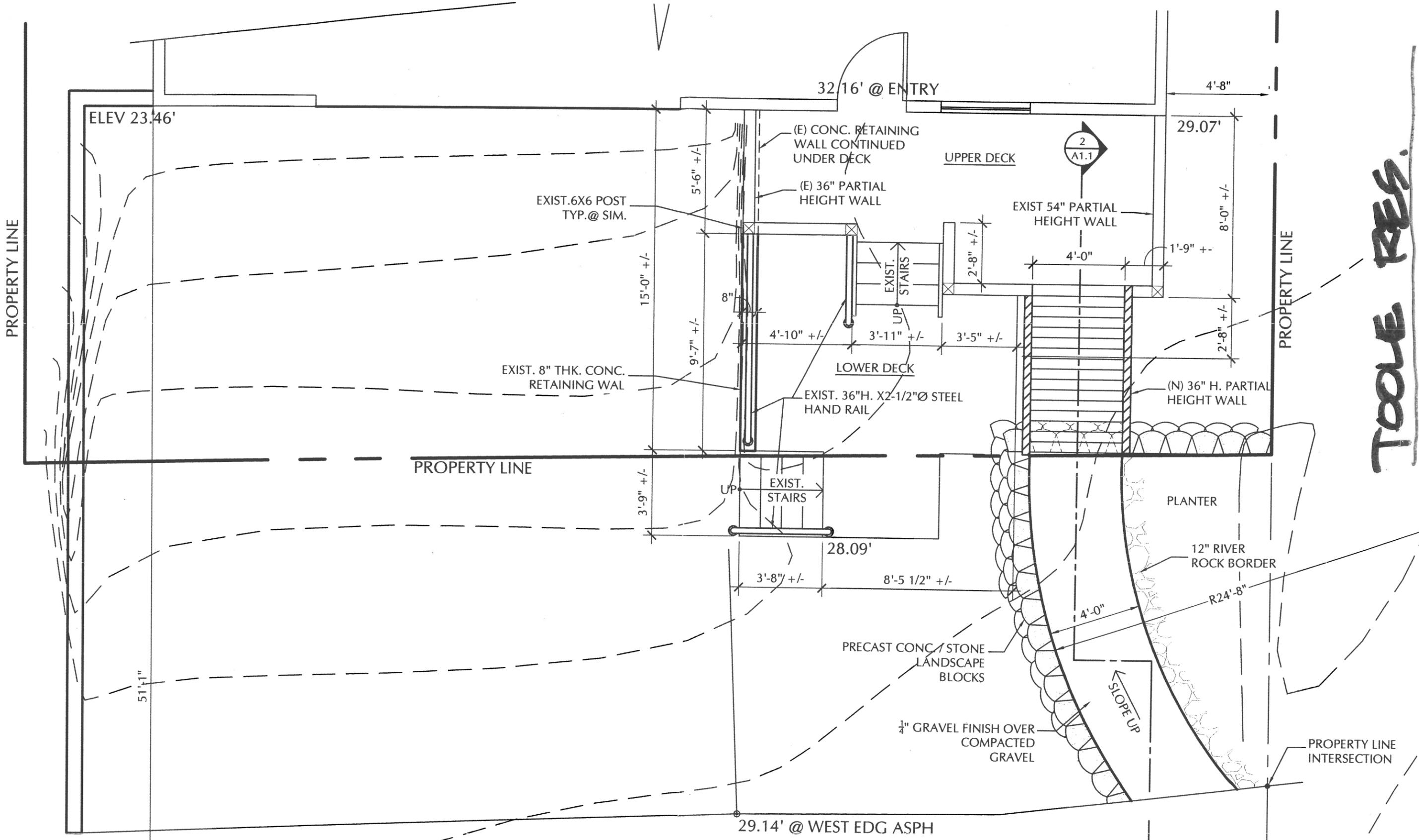
If the applicant is other than the owner, the owner hereby grants permission for the applicant to act on his/her behalf. Please attach the name, address, phone number, and signature of any additional property owners. As Property Owner, my signature or an authorized applicant's signature, allows any duly 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.: \_\_\_\_\_





**PRELIMINARY.**  
N. ASH STREET

**1**  
A1.1 NEW ADA RAMP  
1/4" = 1'-0"



**WALL LEGEND**

	EXISTING WALLS
	DEMO



# CITY OF CANNON BEACH



November 1, 2016

**V 16-06**, David Vonada, application for a variance to allow the existing entry deck to remain within the required 15 foot front yard setback to facilitate a new access ramp. The property is located at 524 N Ash (map 51019AC, tax lot 2600) and in a Residential Medium Density (R2) zone. The property is owned by Patricia & Ken Toole. The request will be reviewed against the criteria of the Municipal Code, Section 17.84.030, Variances, Criteria for granting.

Dear Property Owner:

Oregon State Law and the Cannon Beach Zoning Ordinance require notification to property owners within 100 feet, measured from the exterior boundary, of any property which is the subject of a proposed variance or setback reduction request. Your property is located within the 100 feet notification area of the above-referenced property.

Please note that you may submit a statement either in writing or orally at the hearing, supporting or opposing the proposed actions. 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 or Comprehensive Plan criteria, please contact me at (503) 436-8054 or [agregory@ci.cannon-beach.or.us](mailto:agregory@ci.cannon-beach.or.us).

Please note, due to the holiday, the November Planning Commission meeting will be held on Tuesday, November 22, 2016.

Sincerely,

A handwritten signature in black ink, appearing to read 'Alisha Gregory', with a long horizontal flourish extending to the right.

Alisha Gregory  
Administrative Assistant

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

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

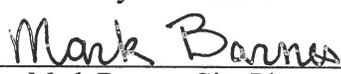
The Cannon Beach Planning Commission will hold a public hearing on **Tuesday, November 22, 2016 at 6:00 p.m.** at Cannon Beach City Hall, 163 East Gower Street, Cannon Beach, Oregon, regarding the following:

**V 16-06**, David Vonada, application for a variance to allow the existing entry deck to remain within the required 15 foot front yard setback to facilitate a new access ramp. The property is located at 524 N Ash (map 51019AC, tax lot 2600) and in a Residential Medium Density (R2) zone. The property is owned by Patricia & Ken Toole. The request will be reviewed against the criteria of the Municipal Code, Section 17.84.030, Variances, Criteria for granting.

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. Alisha Gregory, P.O. Box 368, Cannon Beach, OR 97110 or via email at [planning@ci.cannon-beach.or.us](mailto: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 Mark Barnes, 503-436-8040, or at [barnes@ci.cannon-beach.or.us](mailto:barnes@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.

  
Mark Barnes, City Planner

Posted/Mailed: November 1, 2016

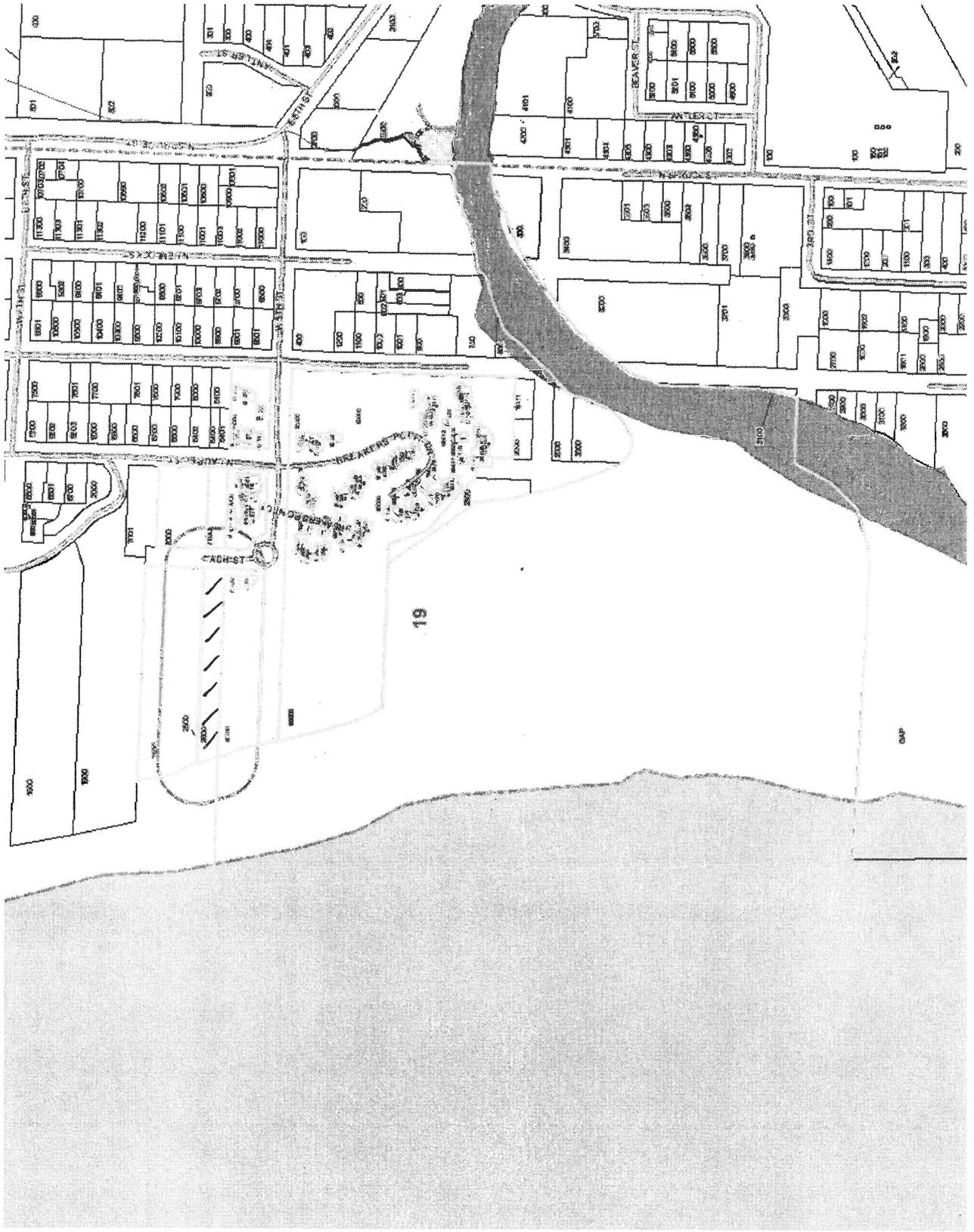
NOTICE TO MORTGAGEE, LIEN-HOLDER, VENDOR OR SELLER:  
PLEASE PROMPTLY FORWARD THIS NOTICE TO THE PURCHASER

**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.

# 524 N Ash



V 16-06 David Vonada - Toole - 524 N Ash  
 Adjacent Property Owner Notification

Taxlotkey	Owner	OwnerLine1	Mailing Address	PO Box	City	State	Zip
51019AC02100	Cannon Beach LLC		9450 SW Gemini Dr #68049		Beaverton	OR	97008
51019AD07000	Lucie's Cottages LLC		25 NW 23rd Pl		Portland	OR	97210
51019AC02500	Toole Kenneth D	Toole Patricia J	15816 84th Ave NE		Kenmore	WA	98028
51019AC02600	Toole Kenneth D	Toole Patricia J	15816 84th Ave NE		Kenmore	WA	98028
51019AD07100	Georges Andra R	Georges Daniel O	7040 SW 84th Ave		Portland	OR	97223-7364
51019DA90422	Ables Paul	Ables Cheryl		2619	Oregon City	OR	97045
51019DA90421	Schneier Scott L	Schneier Charldene S	311 NW 12th Ave #703		Portland	OR	97209
51019DA90420	Schwartz Carol S		1001 NW Lovejoy St Unit #1608		Portland	OR	97209-3570
	Bruce Francis	BPHOA		246	Cannon Beach	OR	97110

## Cannon Beach Planning Commission

### STAFF REPORT

#### PUBLIC COMMENT AND CONSIDERATION OF THE PROPOSED 2016 PARKING AND TRAFFIC MANAGEMENT PLAN

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**Agenda date:** November 21, 2016

**Prepared by:** Mark Barnes, City Planner

### BACKGROUND

Transportation policy 8 in the City's Comprehensive Plan establishes this requirement:

*8. The city will address traffic and parking issues in its commercial areas by means of an annual parking and traffic management plan.*

This staff report summarizes several potential parking and traffic management issues that have been raised by City staff (primarily Public Works and Police); as well as parking concerns raised at the Planning Commission over the past year. The 2013 Parking and Traffic Management Plan is attached, along with the 2015 revisions.

The Planning Commission should take testimony on this and make a recommendation to the City Council.

### PROPOSALS

**Dawes On-street Parking (Spruce to Hemlock):** One-street parking on Dawes Avenue between Spruce and Hemlock has been a source of concern for some time. After the closure of the former Dooger's Restaurant in January 2012, on-street parking demand dropped in this neighborhood. When the Pelican Pub opened in 2016, the demand for on-street parking rose again. Dawes between Spruce and Hemlock (shown on the 2011 aerial photograph in this staff report) has a right-of-way between 40 and 45 feet wide. The existing travel surface is paved, about 20 feet wide. There is no sidewalk.

The West end of this reach of Dawes is zoned C1 and developed with commercial uses: the ExploraStore building, the Hallmark laundry building, and Cannon Beach Hardware. The rest is zoned for residential development. There are two vacant residential lots on the north side of Dawes between Evergreen and Spruce streets. Dawes is classified as a "residential street", the least-intensive classification. The 2016 Goggle Streetview photograph on this staff report shows Dawes Avenue looking east from Spruce Street.

Public Works recommends improving East Dawes between Spruce and Hemlock by developing a full gravel shoulder on the north and south sides of the street to accommodate two-way traffic and on-street parking on both sides of the street. The Planning Commission received testimony at its October 2016 meeting suggesting that East Dawes should be signed for on-street parking on only one side of the street, like West Dawes.





**Hemlock On-street Parking (Sunset to Haystack):** This is an area of concern for the Police Department because of conflicts between pedestrians and motor vehicle traffic. Public Works proposes to develop a sidewalk on the west side of Hemlock. This project was designed in 2004, but never developed. The 2011 aerial photograph on this page shows the project location. On-street parking would continue to be allowed on this reach of Hemlock.



**Spruce Street Parking (First to Second):** This project is already underway. The Public Works Department is constructing a sidewalk and curb along the east side of Spruce between First and Second Streets, adjoining the Little Pompey wetland area. This project was approved by the Design Review Board in 2016, but delayed while the City worked with the Oregon Department of State Lands (DSL) and the US Army Corps to determine wetland permit jurisdiction. After several weeks of review, DSL concluded that the project did not require a wetland permit from the State; and the Corps determined that it was covered under an existing nationwide permit.

The project will not eliminate or reduce on-street parking on the East side of Spruce Street.



**Warren Way/Hemlock Intersection:** In response to congestion and concerns about pedestrian safety, the Public Works Department has contracted with an engineering design firm and a traffic engineer to look at possible alterations at this intersection. An aerial view of the intersection is shown on this page. Depending on the outcome of the engineering study, a solution may require review by the Design Review Board. A draft of the study is expected in February or March of 2017. The impact, if any, on public parking is unknown at this time.



**Mid-town public parking lot:** Two possible projects are under consideration for the mid-town public parking lot:

- Re-painting lines, including better marking of the large RV spaces;
- Moving the Farmers' Market entirely to the lower parking lot. It is currently split between the upper and lower lots.

Public Works and Police believe that improved marking of the large RV spaces would result in more efficient use of those spaces. This should result in no net change to the number of parking spaces in the lot.

The Farmers' Market operates on sixteen Tuesdays from mid-June through the end of September. Currently the Market uses both the lot and a portion of the lower lot. Starting in 2017, the Market intends to use just the lower lot. The Market is open in the afternoon, but the impact on parking is effectively all day.



**Motor Home/RV parking (Second Street public lot):** Like the midtown parking lot project, this project would re-stripe and better label the RV spaces on the extension of second street, north of the sewage lagoons. It is expected to result in more efficient use of these spaces, with no net change in the number of spaces.



**West Second Street on-street parking (Larch to end):** The City is considering improvements to the public viewing area at the end of West Second Street, adjoining the Land's End and Argonauta motels. The project will be subject to design review. It may involve converting parallel parking on this block of West Second to nose-in diagonal parking. There would be a small net increase in the number of on-street parking spaces. West Second would be signed at the Larch Street intersection alerting motorists that it is a narrow dead-end street.



**Elk Creek Road on-street parking (between Elkland Drive and public works yard):** This project would add a small number of on-street parking spaces to the south side of Elk Creek Road.



**Ten-minute parking at the public restrooms:** Some of the parking spots at the Second and Spruce public restrooms are already marked with a ten-minute-parking sign. Public Works is considering expanding this to encompass more of the spaces. This will reduce slightly the number of spaces available for general public parking.



**Loading zone on Spruce adjacent to Cannon Beach Conference Center:** The Public Works Department is considering this change to accommodate delivery trucks serving the Cannon Beach Christian Conference Center. Currently these trucks back into or out of the Conference Center parking lot, causing disruption at the busy Third/Spruce intersection. If a designated loading zone were established on the east side of Spruce, it could more efficiently serve the needs of the Conference Center. If the loading zone was restricted to 6AM to noon, these spaces could be used for public parking during peak periods. The loading zone would be as large as three parallel parking spaces. A similar arrangement exists on Hemlock in front of the Pig ‘N Pancake restaurant.



**Strategic Plan:** The City Council adopted a strategic plan that included the following infrastructure action item:

*By December 31, 2017, Cannon Beach will create 50 parking spaces in the downtown district.*

For purposes of the strategic plan, the downtown area is south of Ecola Creek and north of Washington Street, excluding residential areas. Within this area are five significant public parking resources:

- Second Street east of Spruce (42 automobile spaces plus 16 RV spaces).
- Spruce Street lot between First and Second (108 spaces).
- Elk Run Park (indeterminate: not marked).
- Third Street lot between Spruce and Antler (11 spaces).
- On-street parking downtown (about 316 spaces).

From the Council’s discussion, it was understood that the strategic plan goal might be accomplished by developing additional parking spaces, and/or by managing existing parking spaces differently. Different management regimes include timed parking, restrictions on employee/owner parking, and metered parking.

Expanding public parking might take the form of developing a new off-street lot; re-striping/lining existing parking; or allowing on-street parking where it is currently not allowed.

Several Comprehensive Plan policies may be relevant to this strategic goal. Two policies directly address public parking:

*Downtown policy 3: No new land acquisition, by the City, is anticipated for parking purposes.*

*Energy policy 3: Through construction of centralized parking lots, people shall be encouraged to park their vehicles and walk. By keeping the downtown area compact, the City can and shall encourage energy conservation.*

## **PLANNING COMMISSION ACTION REQUESTED**

That the Planning Commission make a recommendation to the Council on the Proposed Parking and Traffic Management Plan for 2016.

### **Attachments**

- “A” Adopted 2013 Parking and Traffic Management Plan
- “B” Adopted 2015 revisions

## Cannon Beach Planning Commission

### STAFF REPORT

#### PUBLIC COMMENT AND CONSIDERATION OF THE PROPOSED 2015 PARKING AND TRAFFIC MANAGEMENT PLAN

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**Agenda Date:** November 24, 2014

**Prepared by:** Mark Barnes, City Planner

#### BACKGROUND

The Planning Commission will discuss potential issues to be considered for the annual parking and traffic management plan. The 2013 Parking and Traffic Management Plan is attached. There were no revisions in 2014.

#### Staff makes the following recommendations for the 2015 Parking and Traffic Management Plan:

- The public parking lot on Hemlock between Gower and Coolidge Streets contains three large parking spaces, each about 45 feet long, designated for RVs. The designation is painted on the pavement, but only on the west end of each space. The Municipal Court Judge asks that the designation also be painted on the east end of each space.
- Multiple signs at the public parking lot on Hemlock between Gower and Coolidge Streets address RV parking, but the signs are confusing and somewhat contradictory. The Police Department asks for new signs with more accurate and consistent information.
- “No Parking” signs are needed at the end of North Spruce Street near the former Cannon Beach Elementary School site. On-street parking there occasionally blocks emergency vehicle access to the beach.
- A loading zone on the east side of Spruce Street near the Christian Conference Center driveway needs signage. Three existing parking spots will be affected.

#### PLANNING COMMISSION ACTION REQUESTED

That the Planning Commission make a recommendation to the Council on the Proposed Parking and Traffic Management Plan for 2015.

#### Attachments:

“A” Adopted 2013 Parking and Traffic Management Plan





ADOPTED  
2013 PARKING AND TRAFFIC MANAGEMENT PLAN

I. E. Gower On-street Parking

**Discussion:** The north side of E. Gower Street, east of Evergreen Avenue, provides on-street parking. It was suggested that more on-street parking spaces would result if the area had striped parking spaces. An on-street parking survey was conducted from July 30, 2012 to September 4, 2012. The survey determined that striping parking spaces would not result in more available on-street parking.

**Proposed Solution:** No action.

II. Ten Minute Parking – Downtown Restrooms

**Discussion:** The parking information officers recommended that additional 10-minute parking spaces be provided in conjunction with the downtown restrooms. Their recommendation was to add ten 10-minute parking spaces in the City parking lot located to the south of the downtown public restrooms. They also recommended that the existing ADA parking spaces in that parking lot be designated for 10-minute parking only. There are presently two 10-minute on-street parking spaces in the N. Spruce Street right-of-way immediately west of the south restroom building. There are also two 10-minute on-street parking spaces on the south side of the E. Second Street right-of-way, immediately north of the north restroom building. There are also three 10-minute spaces on north side of the E. Second Street right-of-way adjacent to the Information Center building. Staff recommended the addition of one 10-minute parking space.

**Proposed Solution:** It is recommended that four additional 10-minute parking space be designated in the City parking lot to the south of the downtown restrooms. It is also recommended that one of the two existing two ADA parking spaces is designated for 10-minute parking.

**Anticipated Cost:** \$600.

III. On-street Parking – East Side of N. Hemlock, North of 1<sup>st</sup> Street

**Discussion:** The parking information officers recommended that the designated no parking area on the east side of N. Hemlock Street, north of 1<sup>st</sup> Street (adjacent to the US Bank building) be reduced in size to provide additional on-street parking. The size of this no parking area was previously reviewed and an adjustment in its length was made at that time. That adjustment resulted in two additional on-street parking spaces. The Public Works Department has stated that there are no new factors that warrant a modification of the no parking area, for either parking or loading.

**Proposed Solution:** No action.

IV. On-street Parking – North Side of 3<sup>rd</sup> Street, Vicinity of N. Hemlock Street

**Discussion:** A significant area on the north side of 3<sup>rd</sup> Street, in the vicinity of N. Hemlock Street, is designated as no parking in order to provide large vehicles adequate maneuvering area to turn from 3<sup>rd</sup> Street onto N. Hemlock. The parking information officers recommended that the no parking area be reduced in length to accommodate additional on-street parking. The Public Works Department reviewed the basis for the extent of the no parking designation and determined that it was required to provide for safe turning movements for trucks.

**Proposed Solution:** No action.

Parking\2013\adopted\_plan

## Cannon Beach Planning Commission

SUPPLEMENTAL STAFF REPORT; P16-02, A REQUEST BY CANNON BEACH HOLDINGS LLC FOR APPROVAL OF THE PRELIMINARY PLAT FOR A TWO-LOT PARTITION OF THE PROPERTY 1371 SOUTH HEMLOCK STREET, MAP/TAXLOT 51030DA/300.

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**Agenda Date:** November 22, 2016

**Prepared By:** Mark Barnes, City Planner

### BACKGROUND

The applicant requests preliminary approval of a two-lot partition of the 33,000 (approximately) square foot parcel consisting of tax lot 300 on tax map 51030DA. The Pelican Pub and a hotel are located on this parcel. The purpose of the partition is to place each building on a separate lot. The property is owned by Cannon Beach Holdings LLC. It is in the City's Limited Commercial (C1) zone. It is located at the northeast corner of Sunset Boulevard and Hemlock Street.

### APPLICABLE CRITERIA

**Lot Size:** No minimum lot size for commercial uses in the C1 zone (CBMC 17.22.050.A).

**Street Access:** Each lot must have at least 25 feet of street frontage (CBMC 17.90.020). Both proposed lots have frontage and existing driveways on Sunset Boulevard exceeding this minimum requirement.

**Off-street Parking:** Provided when a new building is constructed, or when a use changes in an existing building (CBMC 17.78.020.A). Not applicable for this partition because there is no change in use and no new construction proposed with this partition. Parking was evaluated when the Pelican Pub building was reviewed by the DRB.

**Off-street Parking:** If parking space has been provided in connection with an existing use, the parking space shall not be eliminated if it would result in less than required by the ordinance (CBMC 17.78.020.B). Not applicable for this partition because off-street parking is not eliminated by the proposed partition.

**Pre-application conference:** The applicant and planner must meet prior to submitting a preliminary partition plan (CBMC 16.04.070). The applicant and planning director met prior to submittal of P16-02.

**General Development Policies (CBMC 16.04.130.A).** Not applicable because the subject property is already developed.

**Geologic Hazard Policies (CBMC 16.04.130.G).** Not applicable because the subject property is not in an identified geologic hazard area.

**Flood Hazard Policies (CBMC 16.04.130.H).** Not applicable because the subject property is not in a mapped flood hazard area.

**Sand Dune Construction Policies (CBMC 16.04.130.I).** Not applicable because the subject property is not in a dune area.



Street Policies (CBMC 16.04.130.K). Not applicable because the subject property is served by an existing improved street, and because no new streets are proposed or needed for this partition.

Water System Policies (CBMC 16.04.130.L). Not applicable because the subject property is fully developed; because it is served by existing water lines; and because no new water lines are proposed or needed for this partition.

Sewer System Policies (CBMC 16.04.130.M). Not applicable because the subject property is fully developed; because it is served by existing sewer lines; and because no new sewer lines are proposed or needed for this partition.

Fire Protection Recommendations (CBMC 16.04.130.N). Not applicable because the area is already served by fire hydrants and developed streets.

### **RECOMMENDED ACTION**

The Planning Commission should approve, approve with conditions, or deny the proposed preliminary partition plat.

planning/pc/cbhp16-02sr\_2

