



CITY OF CANNON BEACH

AGENDA

Meeting: Planning Commission
Date: **Thursday, April 25 2024**
Time: **6:00 p.m.**
Location: Council Chambers, City Hall

CALL TO ORDER

- (1) **Approval of Agenda**
- (2) **Consideration of the Minutes for the Planning Commission Meeting of**
March 7th
March 12th
March 28th

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

PUBLIC COMMENT

If you are requesting to speak during a public hearing agenda item, your comments will be considered during the public hearing portion of the meeting when the public hearing item is considered by the commission.

ACTION ITEMS

- (3) **Public Hearing of P23-01 & V24-01, Integra Properties requesting a partition and variance.**

P23-01 & V24-01, Integra Properties request for a partition and variance to public street frontage requirements. The property is located at 124 – 126 N. Hemlock St. (Tax lot 6300, Map 51019DD). The property is zoned (C1) Limited Commercial. This request will be reviewed under Municipal Code Chapter 16, Subdivisions and Chapter 17.84 Variances.

INFORMATIONAL ITEMS

- (4) **Tree Report**
- (5) **Good of the Order**
- (6) **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, Tessa Pfund at Pfund@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: April 18, 2024

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Meeting ID: 835 0878 3839

Password: 801463

Dial By Your Location:

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Meeting ID: 835 0878 3839

Password: 801463

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**Minutes of the
CANNON BEACH PLANNING COMMISSION**
Thursday, March 7, 2024

Present: Chair Clay Newton, Commissioners Anna Moritz, Aaron Matusick, Erik Ostrander, and Les Sinclair attended via Zoom.

Excused: Commissioner Bates

Staff: City Manager Bruce St. Denis, Director of Community Development Steve Sokolowski, Land Use Attorney Bill Kabeiseman, City Planner Robert St. Clair, and Administrative Assistant Tessa Pfund

CALL TO ORDER

Chair Newton called the meeting to order at 2:01 p.m.

Approval of Agenda

Motion: Commissioner Moritz moved to approve the agenda as presented; Commissioner Ostrander seconded the motion.

Vote: Chair Clay Newton, Commissioners Erik Ostrander, Anna Moritz and Aaron Matusick voted AYE; the motion passed

PUBLIC COMMENT

Chair Newton opened the floor for public comment. Those who wish to share a public comment must share their name and mailing address. He also asked that public comments be kept under three minutes and limited to items in the commission's purview.

No one moved forward to make a comment.

ACTION ITEMS

Chair Newton read the following:

Continuation of ZO 23-02, The City of Cannon Beach request Zoning Ordinance text amendments.
ZO 23-02, City of Cannon Beach request for Zoning Ordinance text amendments to Chapter 17.43 Wetland Overlay Zone. The zoning text amendment request will be reviewed against the criteria of the Municipal Code, Section 17.86.070(A), Amendments Criteria and the Statewide Planning Goals. The initial evidentiary hearing for this application took place on October 26, 2023.

Newton invited Keith Liden to introduce the updated report. Liden shared what items were adjusted, including those recommended by Mirth Walker, and other items corrected with Land Use Attorney Kabeiseman. Liden shared further updates to the wetland terminology and expectations articulated in this code reorganization.

Moritz posed questions relating to page five of the revised code, section 17.43.020 item E. Mirth Walker was called upon to answer questions. There was concern for the buffer zone. Ostrander asked clarifying questions and conversation followed as to legality of filled buffer zones. Liden shared that from this day forward they can't legally be filled because it would be a violation of the code. Conversation followed.

Ostrander posed questions as to how this will impact the city's GIS mapping system. Conversation followed. Liden brought everyone's attention to section 17.43.050 Paragraph M regarding the "Mapping Delineated Wetlands and Wetland Buffers".

Moritz talked through a brief list of items in the WO Zone Amendments packet that need a few corrections/adjustments. The commission discussed these items. Moritz moved to page 12, 17.43.070, Section B, regarding the *Wetland Lot-of-Record*, highlighting the definition and restrictions and expectations properties that want to develop in an upland. Conversation followed. Sinclair posed a question regarding the minimum criteria for development on a wetland lot of record, Moritz answered. Conversation followed.

Liden asked questions to verify he understood what the commissioners wanted to see. McNelly added clarifying questions. Liden thinks they will craft something new to section 1, to make it clear that we are not limiting the upland area, saying that if you don't have that you are guaranteed a set minimum. Moritz added to that comment. Liden continued to seek clarification and McNelly asked what the process should be to get this section written and approved. Sokolowski asked if we want to add this to the agenda for the meeting on the 28th as it would give Liden time to redraft it and the commission time to review it. Newton asked how long it would take Liden, Liden said 30 minutes. The commission asked to meet next week, and the staff checked the calendar for availability.

Ostrander posed questions, Sokolowski answered and addressed the letter submitted by Ms. Graves regarding her undeveloped property. Conversation ensued. Sinclair asked a question on terminology, and conversation followed. Sinclair asked about the revised map and how we define the significant and non-significant wetlands in our mapping. McNelly answered and provided a brief history of the qualifiers and distinctions for these two categories. St. Clair offered additional information on the maps.

To meet notice requirements, the commission agreed to meet at 1pm on March 12, 2024.

The commissioners thanked Liden and McNelly.

ADJOURNMENT

Chair Newton adjourned the meeting at 3:02 pm.

Tessa Pfund, Administrative Assistant

**Minutes of the
CANNON BEACH PLANNING COMMISSION**
Tuesday, March 12, 2024

Present: Commissioner Erik Ostrander in person. Chair Clay Newton, Commissioners Anna Moritz, Aaron Matusick, Mike Bates, and Les Sinclair attended via Zoom.

Excused:

Staff: Director of Community Development Steve Sokolowski, City Planner Robert St. Clair, and Administrative Assistant Tessa Pfund

CALL TO ORDER

Chair Newton called the meeting to order at 1:00 p.m.

(1) Approval of Agenda

Motion: Commissioner Moritz moved to approve the agenda as presented; Commissioner Sinclair seconded the motion.

Vote: Chair Clay Newton, Commissioners Erik Ostrander, Mike Bates, Anna Moritz and Aaron Matusick voted AYE; the motion passed

PUBLIC COMMENT

Chair Newton opened the floor for public comment.

No one came forward to make a public comment.

ACTION ITEMS

Chair Newton read the following:

*Continuation of ZO 23-02, The City of Cannon Beach request Zoning Ordinance text amendments.
ZO 23-02, City of Cannon Beach request for Zoning Ordinance text amendments to Chapter 17.43 Wetland Overlay Zone. The zoning text amendment request will be reviewed against the criteria of the Municipal Code, Section 17.86.070(A), Amendments Criteria and the Statewide Planning Goals. The initial evidentiary hearing for this application took place on October 26, 2023.*

Chair Newton gave the floor to Keith Linden. He immediately drew our attention to pages two and three for the summary and background. He highlighted the updates made from the March 7th session. Linden addressed Ms. Graves' letter, and said he was prepared to respond to her inquiries. Moritz said she was happy with the changes. Conversation followed regarding the recommendation to council. The commissioners wanted to address the two letters from Graves and Snider before proceeding. Sinclair offered comments. Moritz pointed out that what exists on lots has been grandfathered in, and what is there stays there. Ostrander agreed with Moritz. The wetland itself is being protected by the buffer, and the wetland itself has a physical boundary, the buffer is a boundary we've drawn to protect the wetland. If a buffer gets filled it's different than if a wetland has been filled. The buffer is in reference to the edge of the wetlands. Essentially, anything might be wetland buffers, but we must pinpoint a distance from the wetlands

to define it as a buffer zone. Moritz pointed out that the 50' buffer zone is a distance we defined as a City, other city/states such as Washington define it as 300'. Sinclair shared comments relating to Mr. Snider's letter.

St. Clair pointed out that Mirth Walker raised her hand on Zoom. Chair Newton invited Ms. Walker to speak to the commission.

Mirth Walker appeared via Zoom. Walker added to the buffer conversation and offered insight on the difference between the ecological buffer and administrative buffer zones. Moritz thanked Ms. Walker and offered comments regarding how we maintain buffer zones even if they've been built upon. Many homes will be remodeled, and we need to protect these lands for the future.

Chair Newton commented that these items are worth spending additional time on to make sure we get it right. Mirth Walker offered comments.

Chair Newton asked if there were any other comments on this point. No questions were posed.

Liden addressed the third point in the letter, and what related to Mr. Snider's letter regarding a wetland lot of record. The way our definition reads, those properties would continue to be considered a lot of record, as it is continuous. If it is a wetland lot of record, it would be entitled to one house. If it doesn't have a buffer or wetland, would that be excluded from the wetland lot of record and allow them to build two homes on the lot? Moritz asked if that was for the City Council to consider. Conversation followed. Ostrander posed clarifying situational questions. Discussion followed and it was suggested that we ask Council to investigate this in their review.

Bates agreed that it would be good to let the Council see their feedback on these issues. He asked if Moritz could write a statement or provide a roadmap for the Council. Conversation followed.

Moritz asked if we could make the motion/recommendation today. It was discussed that it could be passed today, and a memo be prepared by this commission to submit to Council. This memo will be reviewed by the commission in their next session on March 28th.

Motion: Commissioner Bates moved to approve the recommendation of ZO 23-02 to City Council; Commissioner Ostrander seconded the motion.

Vote: Chair Clay Newton, Commissioners Erik Ostrander, Mike Bates, Anna Moritz and Aaron Matusick voted AYE; the motion passed

Many thanks were offered to Moritz and all her hard work on this project.

ADJOURNMENT

Chair Newton adjourned the meeting at 1:31 pm.

Tessa Pfund, Administrative Assistant

**Minutes of the
CANNON BEACH PLANNING COMMISSION**
Thursday March 28, 2024

Present: Chair Clay Newton and Commissioners Mike Bates, Anna Moritz, and Erik Ostrander attended in person. Commissioners Aaron Matusick and Les Sinclair attended via Zoom.

Excused:

Staff: Director of Community Development Steve Sokolowski, Land Use Attorney Bill Kabeiseman, City Planner Robert St. Clair and Administrative Assistant Tessa Pfund

CALL TO ORDER

Chair Newton called the meeting to order at 6:03.

ACTION ITEMS

(1) Approval of Agenda

Motion: Commissioner Moritz moved to approve the agenda as presented; Commissioner Bates seconded the motion.

Vote: Chair Clay Newton, Commissioners Erik Ostrander, Mike Bates, Anna Moritz and Aaron Matusick voted AYE; the motion passed

(2) CONSIDERATION OF MINUTES

Consideration of the Minutes for the Planning Commission Meeting of January 25th, February 1st, February 15th, and February 22nd.

Motion: Commissioner Bates moved to approve the minutes; Commissioner Ostrander seconded.

Vote: Chair Clay Newton Commissioners Erik Ostrander, Mike Bates, Anna Moritz, and Aaron Matusick voted AYE; the motion passed

PUBLIC COMMENT

Chair Newton opened the floor for public comment. He stated there would be three opportunities for Public Comment this evening.

There were no public comments at this time.

(3) Public Hearing of SR 24-01, Brent Burton requesting a setback reduction.

SR 24-01, Brent Burton application requesting a setback reduction to reduce the required front and side yard setbacks in order to construct a single-family dwelling on an undeveloped lot located near the intersection of S. Hemlock and Center Streets. The subject property (Tax Lot 04302, Map 51030DD) is located in a Residential Low Density (RL) zone. The request will be reviewed under Municipal Code section 17.64.010, Setback Reduction, provisions established.

No one objected to the jurisdiction of the Planning Commission hearing this matter at this time. Chair Newton asked if any Commissioner had any conflict of interest. There were none. Chair Newton asked if any Commissioner had personal bias to declare. There were none. Chair Newton if any commissioner had done a site visit. All Commissioners stated they'd seen the property.

St. Clair read the staff report.

Chair Newton asked if there was any additional correspondence. St. Clair said yes, and shared Mr. Taylor's comments. Mr. Taylor's comments are available on the Planning Commission's meeting page.

Chair Newton stated that the pertinent criteria were listed in the staff report and criteria sheets on the meeting page of the City's website; 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 Newton asked if the applicant wished to make a presentation.

Vito Cerelli, Architect

Appeared via Zoom to address specifics for the site, including utilities, neighborhood impact, and the driveway. The request for a setback is to establish the building on the flattest portion of the property. They've made a great effort to protect the view of their neighbors.

Brent Burton, applicant, PO Box 1938 North Plains, OR 97133

Appeared via Zoom. Motivation for this request relates to the fact that they cannot enter or park on Hemlock St. As such, it is necessary to acquire access from Center St. If they don't get this setback reduction, the west side of the house would have a 25% grade driving up to the house. His full comments can be heard on the meeting page's YouTube recording.

Commissioner Bates posed questions to Burton and Cerelli relating to the excavation of the proposed site, and the plans for the trees on the East side of the property. Cerelli said they plan to keep them. Ostrander asked about the geotechnical report and if there's concern raised from said report as it's not with the application for their review. Cerelli said there was an initial study, but at present they're waiting on a design with the setback to run a new report. Newton asked clarifying questions. Cerelli responded and conversation followed. Moritz asked for an explanation for the size of the "garage Finish Floor" on page 36 of the packet. Instead of reducing the size of the house, could this be reduced? Cerelli said it would be difficult in terms of

entering and exiting this property. Conversation followed regarding options for the location of the parking area and difficulties presented by the steep slope calculations.

Bates asked if Public Works had concerns. St. Clair gave a brief report on a conversation took place with the Public Works where concern was expressed, but no official statement has been issued. Ostrander posed additional questions relating to Public Works and the utility corridor. More questions were posed.

Burton thanked the commission for their questions. He summarized that all criteria have been met, and they will meet any requirements and address any concerns for this project.

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

Chair Newton called for proponents of the request. Burton and Cerelli shared brief statements.

Chair Newton closed the public consideration at 6:41pm.

Chair Newton moved for the committee to deliberate on the application. Bates expressed concerns. Newton agreed and reminded the committee that they don't have a geotechnical report to answer several of their questions. Moritz echoed the concern and expressed that the setback is meant to protect the utility corridor. Other worries were expressed. Kabeiseman was consulted for questions relating to their purview on considering impacting views of neighboring properties. Kabeiseman read from the code and commented that views may be considered by the Planning Commission. Ostrander asked how much the view would be impacted by varying setback possibilities. Ostrander said his greatest concerns were with the lack of geotechnical reports and possible impacts on the city's water lines. Do they know what digging 12' straight down next to the water line could do without this report? It might be fine when construction is complete, but what about during construction? Could it result in a loss of everything for the south half of Cannon Beach? This is the only water line for the south half of Cannon Beach. Matusick agreed with Ostrander, he doesn't understand why there wasn't a Geotech report with this application. Sinclair expressed similar concern and added that there's a great risk excavating and removing that much soil adjacent to Hemlock. He would like more assurance that there wouldn't be any problems with the water line or Hemlock itself. Conversation followed regarding the committee's concerns.

Motion: Commissioner Bates moved to deny the application as presented; Commissioner Mortiz seconded.

Vote: Chair Clay Newton Commissioners Erik Ostrander, Mike Bates, Les Sinclair, Anna Moritz, and Aaron Matusick voted AYE; the application was denied

The Commission took a break at 6:49pm and resumed at 6:52pm.

(4) Public Hearing of ZO 24-01, the City of Cannon Beach request for a text amendment to Municipal Code to Chapter 17, Zoning.

ZO 24-01, City of Cannon Beach request for a text amendment to Municipal Code Chapter 17, Zoning. The request is for a general reorganization of the zoning ordinance and combination with

chapter 16, subdivisions. The text amendment request will be reviewed against the criteria of the Municipal Code 17.86.070(A) Amendments, Criteria and the statewide planning goals.

No one objected to the jurisdiction of the Planning Commission hearing this matter at this time. Chair Newton asked if any Commissioner had any conflict of interest. There were none. Chair Newton asked if any Commissioner had personal bias to declare. There were none. Chair Newton asked if any commissioner had any ex parte contacts to declare. There were none.

Keith Liden, representative of Urbsworks

Appeared via Zoom to provide a brief review of adjustments made to the code. Noting discretions given to staff to error on this side of a more inclusive processes. Moritz posed questions, noting that we are codifying discretion to choose a type of procedure. Situational questions were posed. What if a citizen believes their app should be a Development Type 2 Permit and not a Development Type 1 Permit? One can be appealed, while the other cannot. Conversation followed relating to the appeals process. Kabeiseman weighed in on this matter. Conversation followed, and questions became directed toward the noticing process for different permits. Sokolowski said the city sends notice for both permits, even though it's not required. Sinclair asked how we ensure there's adequate notice ahead of time, since some applications can't be undone, you can't uncut a tree. Bates shared further issues on the matter of procedures and appeals. The commission engaged in conversation. Liden was worried that we're misunderstanding the process. Whatever person or board approves of a plan would be approving a specific plan with specific conditions. There will be follow through on the next steps to verify those conditions were met and plans were consistent. If they don't, they would have to go back to the beginning. The staff cannot improvise on these matters. Bates continued to express concern for the ambiguity. Ostrander reviewed what Liden had shared and asked for clarification. Sokolowski said that conditions issued by a committee/board would be enforced by the staff. Newton asked for an example of a previous situation. Sokolowski and St. Clair shared a section of our code that reads that freestanding signage goes to the Design Review Board, it says nothing about mounted signs. If the committee wants to review mounted signs that would need to be added to the code. Conversation followed relating to ambiguity in the code, and what amendments we want to see, and where they should be applied.

Bates posed questions arising from sections 17.14.030, 17.15.030, and 17.16.030 and the language and intention behind them. Some items were new, and he wanted to know why they were added. Liden answered accordingly and conversation developed. Many of these items were to give the staff some discretion. Conversation continued relating to discretion of what is considered a satisfactorily complete application. Liden shared that some of the language was designed to prevent staff from applying a filter to applications to such a high degree that an applicant couldn't match and therefore couldn't even go so far as to submit an application. Bates expressed further concerns, and Liden responded by saying they can make further amendments. Moritz addressed that we have a 180-day deadline, and applications with poor or inaccurate materials stresses that deadline. Liden suggested that incomplete applications be denied. Moritz referenced previous problems the committee's encountered that were not so simple. Ostrander pointed out that staff could tell applicants they don't have enough information to proceed. Conversation followed. Kabeiseman was called on for input.

Sokolowski provided an example of a situation with Forest Lawn's footbridge. They believed they didn't need a conditional use permit, staff said they did. Staff had to deny their type 2 application because it did not fit the criteria, the applicant then had to go through the proper channels and through the commission. Conversation followed.

Bates posed questions relating to section 17.14.040 and 17.14.050. Discussion followed. The definition for Quasi-Judicial procedures were discussed. Sokolowski directed the committee to where we find these details for quasi-judicial procedures within the municipal code. Conversation followed and it was agreed that this is ready for the Council's review.

Chair Newton asked for additional comments from the committee. There were none.

Motion: Mortiz moved to recommend to City Council the consideration and adoption of this plan for a reorganization of the city code; Bates seconded the motion.

Vote: Chair Newton, Commissioners Ostrander, Bates, Sinclair, Moritz, and Matusick voted AYE; the motion passed.

McInelly asked how much more work the committee feels they need to get this right. Moritz believes they are close, but it's time for the council to take it from here. Conversation followed regarding what sections will require adjustments to procedure. Sokolowski said he has no issue with the changes, but it needs to be in the code for him to be able to cite and enforce them.

The committee thanked McInelly and Liden for their hard work.

INFORMATIONAL ITEMS

(4) Tree Report

St. Clair shared the report. The report is available in the Planning Commission meeting packet.

(5) Good for the Order

Bates invited everyone to attend the work session for the tree code audit on 4/2/2024.

Sokolowski called attention to the memo written by Moritz, on behalf of the commission, to submit to the Council along with their recommendation for ZO 23-02. No one objected to Moritz letter being included with their report to the Council.

(6) ADJOURNMENT

The meeting adjourned at 8:13pm

Administrative Assistant, Tessa Pfund



Cannon Beach Planning Commission

Staff Report:

PUBLIC HEARING AND CONSIDERATION OF P#23-01 AND V#23-01, INTEGRA PROPERTIES LLC APPLICATION A PARTITION AND VARIANCE TO PUBLIC STREET FRONTAGE REQUIREMENTS. THE SUBJECT PROPERTY, 120-124-126 N. HEMLOCK ST., TAXLOT 51019DD06300, IS LOCATED IN A (C1) LIMITED COMMERCIAL ZONING DISTRICT. THE REQUEST WILL BE REVIEWED UNDER MUNICIPAL CODE CHAPTER 16, SUBDIVISIONS AND CHAPTER 17.84 VARIANCES.

Agenda Date: April 25, 2024

Prepared By: Community Development Department

GENERAL INFORMATION

NOTICE

Public notice for this April 25, 2024 Public Hearing is as follows:

- A. Notice was posted at area Post Offices on April 4, 2024;
- B. Notice was mailed on April 4, 2024 to surrounding landowners within 100' of the exterior boundaries of the property.

DISCLOSURES

Any disclosures (i.e. conflicts of interest, site visits or ex parte communications)?

EXHIBITS

The following Exhibits are attached hereto as referenced.

"A" Exhibits – Application Materials

- A-1** Partition application P#23-01, received September 19, 2023;
- A-2** Proposed partition plat, received September 19, 2023;
- A-3** Variance application V#24-01 with project information, received March 21, 2024;
- A-4** Proposed Lazy Susan access easement, received April 16, 2024;

"B" Exhibits – Agency Comments

None received as of this writing;

"C" Exhibits – Cannon Beach Supplements

None received as of this writing;

"D" Exhibits – Public Comment

- D-1** J. O'Hanlon comment, received April 9, 2024

SUMMARY & BACKGROUND

The applicant is requesting a partition of Lot 10 of Block 47 of the Seal Rock Beach Subdivision in order to create a parcel containing the Lazy Susan Café at 126 N. Hemlock St. in order to facilitate the sale of that property. At present the subject property contains two structures, a multi-unit commercial building facing N. Hemlock St. and a second building containing the Lazy Susan Café. The portion of the property proposed to be separated by this partition will not have a street frontage, however it does face a private parking lot at the intersection of W. 1st St. and N. Larch St., for this purpose the applicant is requesting a variance to street frontage requirements.

Off street parking requirements are currently maintained through a parking agreement to utilize 11 spaces in the lot on 1st and Larch, a partition will require a re-allocation of these parking spaces between the two parcels proposed by this application.

APPLICABLE CRITERIA

17.22.050 – C1 Limited Commercial Zoning District, Standards

In a C1 zone, the following standards shall apply except as they may be modified through the design review process pursuant to Chapter 17.44:

- A. *Lot Size. None, except that the density of multifamily dwellings shall be five thousand square feet for the first unit of the multifamily dwelling plus two thousand five hundred square feet for each additional unit, except that there is no density standard for multifamily dwellings used for long-term rental purposes (thirty days or more) and where a deed restriction is recorded preventing the multifamily dwelling from conversion to condominium use, or similar individual ownership arrangement, or use as a short-term rental pursuant to Chapter 17.77; and the maximum density of assisted living facilities shall be one residential unit per one thousand square feet of site area.*
- B. *Lot Dimension.*
 - 1. *Lot Width and Depth. None.*
 - 2. *Yards. None, except where a lot is adjacent to an R1, R2, R3, or MP zone, the same yard as in the abutting residential zone shall apply.*

Staff Comment: The proposed partition will not result in the creation of lots that are non-conforming to the C1 zone's standards. No redevelopment of any structures on the subject property is proposed.

16.04.310 – Design Standards, Lots

The following design standards are required for lots:

- A. *Size and Dimensions. The size of parcels or lots to be created by a partition or subdivision shall be determined by the zone in which the property is located and the average slope of the property from which the parcels or lots are to be created.*

The dimensions of lots shall not be less than required by the zoning ordinance.

Staff Comment: The C1 Limited Commercial district does not have a minimum lot size requirement.

- B. *Location. All lots shall have a twenty-five-foot frontage on a publicly dedicated street.*

Staff Comment: The proposed new lot will not have a 25-foot frontage on a publicly dedicated street. The portion of the lot containing the Lazy Susan Café faces a privately owned parking lot. For this purpose the

applicant is requesting a variance to street frontage requirements in conjunction with the partition application. Pedestrian and utility access to the Lazy Susan Café will be preserved through easements.

- C. *Lines. Side lot lines shall be substantially at right angles to straight street lines or radius to curved street lines.*

Staff Comment: All proposed side lot lines will be perpendicular to S. Hemlock St.

- D. *Lot Remnants. All remnants of lots below minimum size left over after subdividing a larger tract shall be added to adjacent lots or dedicated for public use rather than allowed to remain as unusable parcels.*

Staff Comment: No lot remnants will be generated as a result of this application.

- E. *Building Envelopes.*

1. *The Planning Commission shall have the authority to require the designation of building envelopes on lots or parcels of land where it finds that the designation of building envelopes is necessary for the protection of significant natural resources, such as wetlands, stream corridors or trees. Building envelopes may also be designated to avoid construction in identified geologic hazard areas. The size and shape of the building envelope shall be that which the planning commission determines necessary to protect the identified resource.*
2. *Where a building envelope is designated, the building envelope shall identify and limit the location of principal and accessory structures, parking areas, and associated site development, excluding roads and driveways, to the building envelope. All the elements of principal structures and accessory structures shall be located within the designated envelope, including building elements such as roof overhangs, bay windows, chimneys, unroofed landings and decks attached to the building.*
3. *The Planning Commission may approve the modification of an approved building envelope where: (a) it finds that the intent of the original building envelope designation is maintained by the proposed modification; and (b) new facts, which were not available at the time of the original designation of the building envelope, about the characteristics of the site form the basis for the modification.*
4. *The Planning Commission shall hold a public hearing on the request for a modification to a designated building envelope pursuant to the requirements Sections 16.04.080—16.04.125.*

Staff Comment: The C1 zoning district does not have any required yards or minimum setbacks for parcels unless a parcel abuts a property with a different zoning classification. As there is no minimum setback requirement, any future develop must conform to fire safety standards established by the State of Oregon. Designation of a building envelope is not required with this application.

16.04.390 – Variance, Action of the Planning Commission

The Planning Commission shall consider the application for a variance at the same meeting at which it considers the tentative plan. The variance may be approved or approved subject to conditions provided the planning commission finds that the following standards are met:

- A. *That there are special circumstances or conditions affecting such property;*
- B. *That the exception is necessary for the proper design and/or function of the subdivision; and*
- C. *That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the area in which the property is situated. Examples of what may be deemed injurious to other property are (but are not limited to): increased risk of geologic hazard, reduction of privacy, impact upon a significant view and additional traffic generation.*

17.84.040 – Variances, Criteria for Granting

- 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:*
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; and*
 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; and*
 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; and*
 4. *That the granting of the variance would support policies contained within the comprehensive plan.*
- B. *Variances 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.*

Staff Comment: The variance to street frontage requirements is requested because the proposed parcel containing the Lazy Susan Café will be effectively landlocked and not front onto a public right-of-way. The lot design standards of CBMC Chapter 16 require a 25-foot frontage onto a public right-of-way which will not be possible given the area's development pattern. The applicant proposes an access easement across the parking lot at 1st and Larch which will establish and preserve an access pathway connecting the property to W. 1st. St.

No new development is proposed in conjunction with this application and the City is not aware of any proposed redevelopment of the private parking lot.

PROCEDURAL REQUIREMENTS

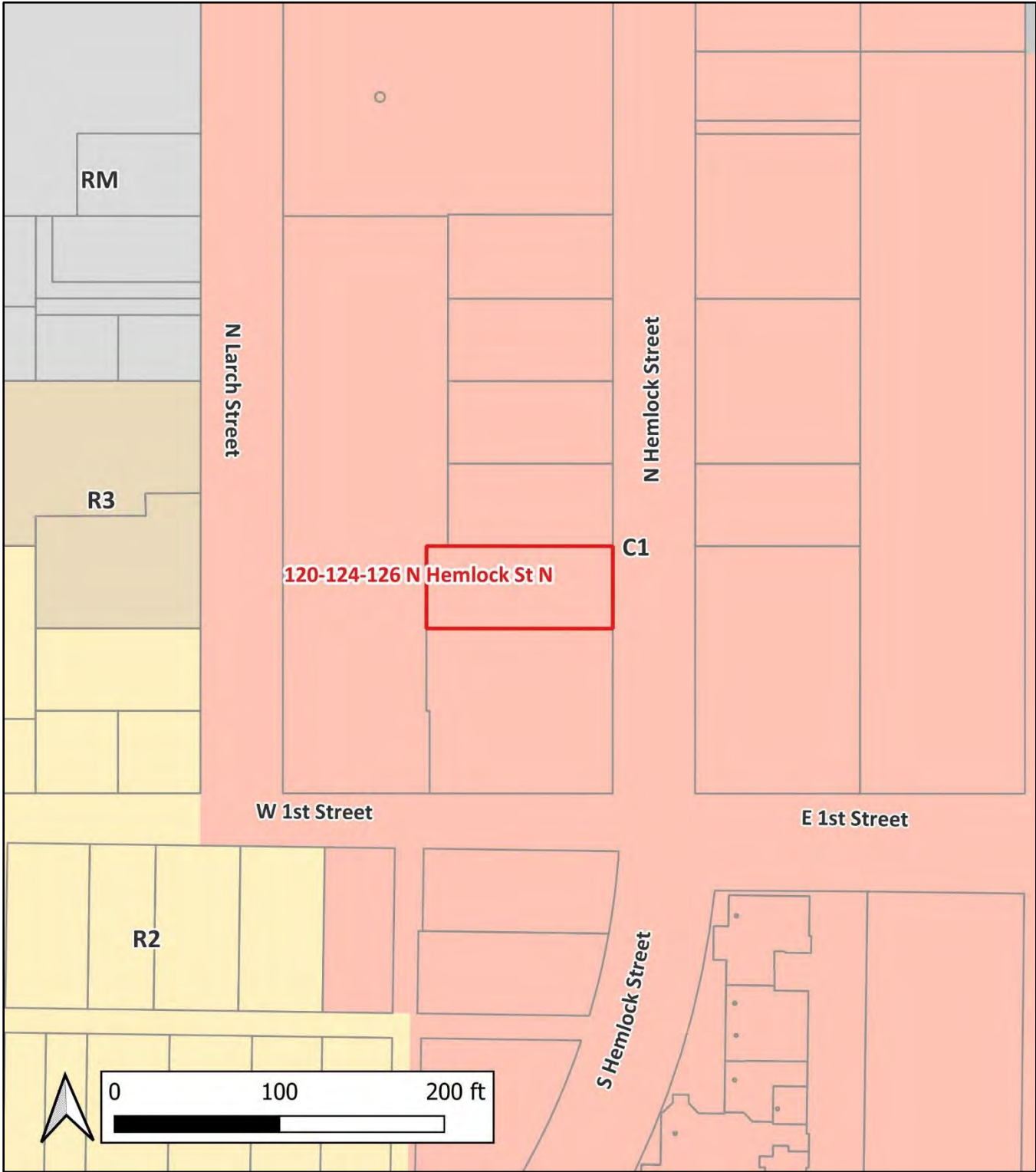
This application is subject to ORS 227.178, requiring the City to take final action within 120 days after the application is deemed complete. Constituent parts of this application were submitted on September 19, 2023 and March 21, 2024. It was determined to be complete on April 16, 2024. Based on this, the City must complete its review of this proposal by August 14, 2024.

The Planning Commission's April 25th hearing will be the first evidentiary hearing on this request. ORS 197.763(6) allows any party to the hearing to request a continuance. The Planning Commission should grant any request for a continuance of this hearing. The Planning Commission's next regularly scheduled hearing date is May 23, 2024.

DECISION AND CONDITIONS

Motion: Having considered the evidence in the record, based on a motion by Commissioner (Name) seconded by Commissioner (Name), the Cannon Beach Planning Commission moves to (approve/approve with conditions/or deny) the Integra Properties LLC application for a partition **P#23-01** and a variance to street frontage requirements **V#24-01**, as discussed at this public hearing (subject to the following conditions):

P#23-01 and V#24-01 Site Map with Zoning Information





CITY OF CANNON BEACH

PARTITION APPLICATION

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

Applicant Name: Integra Properties
 Email Address: steven.sinkler@gmail.com
 Mailing Address: PO Box 995, CB 97110
 Telephone: 503-440-9249

Property-Owner Name: Steven Sinkler
 (if other than applicant) Maryann Sinkler

Mailing Address: Same

Telephone: _____

Property Location: 124-126 N Hemlock St, CB

(street address)
 Map No.: 51019DD 06300 Tax Lot No.: Acct 5299

Partition Description:

See Attached Proposed Partition Exhibit. Applicant wishes to divide the tax lot between two existing buildings The Lazy Susan and The Wine Shack. The sole purpose of this partition is to sell the Lazy Susan property to it's longtime business owner, Rosa Alvarez.

Please see Municipal Code Sections 16.04.180 and 16.04.190 for Partition information that must be included with this application.

Application Fee: \$500.00

Applicant Signature: Steven Sinkler Maryann Sinkler Date: 09/18/2023 PAID

Property Owner Signature: Steven Sinkler Maryann Sinkler Date: 09/18/2023

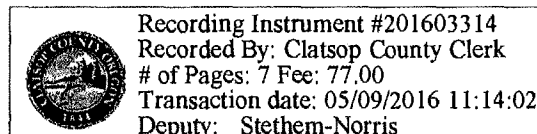
If the applicant is other than the owner, the owner hereby grants permission for the applicant to act on his/her behalf. Please attach the name, address, phone number, and signature of any additional property owners.

For Staff Use Only:

Received on: _____ By: _____

Fee Paid: _____ Receipt No.: _____

(Last revised March 2021)



After Recording, Return to:
Coaster Properties LLC
9770 SW Sunshine Ct.
Beaverton, OR 97005

Site Address:
Larch Street and W. 1st Avenue
Cannon Beach, OR 97110

120, 124, 126 N. Hemlock
Cannon Beach, OR 97110

Assessor's Account No.: 5301 (Map No. 51019DD 6500)
5299 (Map No. 51019DD 6300)

DECLARATION OF PARKING MAINTENANCE AGREEMENT

THIS DECLARATION OF PARKING MAINTENANCE AGREEMENT (this "Declaration") is made as of May 5, 2016 by COASTER PROPERTIES LLC, an Oregon limited liability company ("Declarant").

RECITALS

Declarant is the owner of the real property in Clatsop County, Oregon described as Parcel 1 on the attached Exhibit A ("Parcel 1"). Declarant is also the owner of the real property in Clatsop County, Oregon described as Parcel 2 on the attached Exhibit A ("Parcel 2"). Pursuant to that certain Declaration of Parking Easement dated May 4, 2016, executed by Declarant and recorded on May 9, 2016 as Document No. 201603303 in the Records of Clatsop County, Oregon (the "Parking Easement Declaration"), the owner of Parcel 2 (and its tenants, licensees, employees and invitees) holds an easement to park a vehicle in eleven (11) of the parking spaces (the "Parcel 2 Easement Spaces") on Parcel 1.

Declarant wishes to provide for maintenance of the parking lot on Parcel 1 and for the owner of Parcel 2 to reimburse the owner of Parcel 1 for certain expenses incurred by the owner of Parcel 1.

NOW, THEREFORE, Declarant hereby declares that Parcels 1 and 2 shall be held, sold and conveyed subject to the following easements and covenants, which shall run with each of such lots and shall be binding upon all parties having or acquiring any right, title or interest therein, and shall inure to the benefit of any successor to Declarant in the ownership thereof:

1. **Maintenance of Parcel 1.** The owner of Parcel 1 shall maintain the parking spaces, paved access ways and landscaping on Parcel 1 in reasonably good condition.

After Recording, Return to:
Coaster Properties LLC
9770 SW Sunshine Ct.
Beaverton, OR 97005

Site Address:
Larch Street and W. 1st Avenue
Cannon Beach, OR 97110

120, 124, 126 N. Hemlock
Cannon Beach, OR 97110

Assessor's Account No.: 5301 (Map No. 51019DD 6500)
5299 (Map No. 51019DD 6300)

DECLARATION OF PARKING MAINTENANCE AGREEMENT

THIS DECLARATION OF PARKING MAINTENANCE AGREEMENT (this "Declaration") is made as of May 5, 2016 by COASTER PROPERTIES LLC, an Oregon limited liability company ("Declarant").

RECITALS

Declarant is the owner of the real property in Clatsop County, Oregon described as Parcel 1 on the attached Exhibit A ("Parcel 1"). Declarant is also the owner of the real property in Clatsop County, Oregon described as Parcel 2 on the attached Exhibit A ("Parcel 2"). Pursuant to that certain Declaration of Parking Easement dated May 4, 2016, executed by Declarant and recorded on May 9, 2016 as Document No. 201603303 in the Records of Clatsop County, Oregon (the "Parking Easement Declaration"), the owner of Parcel 2 (and its tenants, licensees, employees and invitees) holds an easement to park a vehicle in eleven (11) of the parking spaces (the "Parcel 2 Easement Spaces") on Parcel 1.

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1. **Maintenance of Parcel 1.** The owner of Parcel 1 shall maintain the parking spaces, paved access ways and landscaping on Parcel 1 in reasonably good condition.

2. **Assessments.**

2.1 **Purpose of Assessments.** The owner of Parcel 1 may levy Assessments. The Assessments levied by the owner of Parcel 1 shall (a) be used for costs and expenses incurred by the owner of Parcel 1: (i) to maintain Parcel 1 in reasonably good condition (including costs incurred for cleaning, striping, seal coating, and resurfacing the parking spaces and paved access ways on Parcel 1, reserves therefor, and costs incurred for lighting, landscaping and irrigation on Parcel 1, (ii) for real property taxes and assessments assessed against Parcel 1, and (iii) for any property insurance and liability insurance carried by the owner of Parcel 1 with respect to Parcel 1 (collectively, the "**Parcel 1 Expenses**"), and (b) include an amount equal to 15% of the Parcel 1 Expenses. Any Assessments levied against Parcel 2 and the owner of Parcel 2 under this Declaration shall be equal to the following (the "**Parking Fee**"): 115% of the Parcel 1 Expenses divided by the total number of parking spaces on Parcel 1 (currently 74) multiplied by the number of Parcel 2 Easement Spaces.

2.2 **Type of Assessments.** The owner of Parcel 1 is authorized to levy the following types of Assessments:

(a) **General Assessments.** The owner of Parcel 1 may levy General Assessments for the Parking Fee incurred by or on behalf of the owner of Parcel 1 in accordance with this Declaration.

(b) **Emergency Assessments.** If the General Assessments levied at any time are or will become inadequate to meet all expenses incurred under this Declaration for any reason, including nonpayment of the owner of Parcel 2's Assessments on a current basis, the owner of Parcel 1 shall immediately determine the approximate amount of such inadequacy and levy an Emergency Assessment for the amount required to meet all such expenses on a current basis. Emergency Assessments shall be payable as determined by the owner of Parcel 1.

2.3 **Commencement of Assessment Obligation; Time of Payment.** The obligation to pay Assessments under this Declaration shall commence as to Parcel 2 on May 1, 2016. The first annual General Assessment levied on Parcel 2 shall be adjusted according to the number of months remaining in the calendar year at the time Assessments commence for Parcel 2

2.4 **Payment of Assessments.** Assessments shall be paid in such manner and on such dates as the owner of Parcel 1 may establish. Unless the owner of Parcel 1 otherwise provides, the General Assessment shall be due and payable in advance on January 1st of each calendar year. If the owner of Parcel 2 is delinquent in paying any Assessments or other charges levied on Parcel 2, the owner of Parcel 1 may require the outstanding balance on all Assessments to be paid in full immediately.

2.5 **Creation of Lien and Personal Obligation of Assessments.** The owner of Parcel 2 by acceptance of a conveyance thereof, whether or not so expressed in any such conveyance, shall be deemed to covenant to pay to the owner of Parcel 1 all Assessments or other charges as may be fixed, established and collected from time to time in the manner

provided in this Declaration. Such Assessments and charges, together with any interest, expenses or attorneys' fees imposed pursuant to Section 3.2, shall be a charge on the land and shall be a continuing lien upon Parcel 2 against which each such Assessment or charge is made. Such Assessments, charges and other costs shall also be the personal obligation of the owner of Parcel 2 at the time when the Assessment or charge fell due. Such liens and personal obligations shall be enforced in the manner set forth in Section 3. Recording of this Declaration constitutes record notice and perfection of the lien for Assessments. No further recording of a claim of lien for Assessments or notice of a claim of lien is required to perfect the owner of Parcel 1's lien for Assessments.

2.6 **Voluntary Conveyance.** In a voluntary conveyance of Parcel 2 the grantee shall be jointly and severally liable with the grantor for all unpaid Assessments against the grantor of Parcel 2 up to the time of the grant or conveyance, without prejudice to the grantee's right to recover from the grantor the amounts paid by the grantee therefor. However, upon request of the owner of Parcel 2 for the benefit of a prospective purchaser, the owner of Parcel 1 shall make and deliver a written statement of the unpaid Assessments against the prospective grantor of Parcel 2 effective through a date specified in the statement, and the grantee in that case shall not be liable for any unpaid Assessments against the grantor not included in the written statement.

2.7 **No Waiver.** Failure of the owner of Parcel 1 to fix Assessment amounts or rates or to deliver or mail the owner of Parcel 2 an Assessment notice shall not be deemed a waiver, modification or release of the owner of Parcel 2 from the obligation to pay Assessments. In such event the owner of Parcel 2 shall continue to pay Assessments on the same basis as during the last year for which an Assessment was made, if any, until a new Assessment is levied, at which time the owner of Parcel 1 may retroactively assess any shortfalls in collections.

2.8 **No Option to Exempt.** No owner of Parcel 2 may exempt himself or herself from liability for Assessments by nonuse of parking spaces on Parcel 1, abandonment of Parcel 2, or any other means. The obligation to pay Assessments is a separate and independent covenant on the part of the owner of Parcel 2. No diminution or abatement of Assessments or set-off shall be claimed or allowed for any alleged failure of the owner of Parcel 1 to take some action or perform some function required of it, or for inconvenience or discomfort arising from the making of repairs or Improvements, or from any other action it takes.

2.9 **Certificate.** Upon written request, the owner of Parcel 1 shall furnish to owner of Parcel 2 a certificate in writing signed by owner of Parcel 1 setting forth whether such Assessment has been paid. Such certificate shall be conclusive evidence of payment. The owner of Parcel 1 may require the advance payment of a reasonable processing fee for the issuance of such certificate.

3. **Enforcement.**

3.1 **Default in Payment of Assessments; Enforcement of Lien.** If an Assessment or other charge levied under this Declaration is not paid within 30 days after its due date, such Assessment or charge shall become delinquent and shall bear interest from the due

date at the rate set forth below. In such event the owner of Parcel 1 may exercise any or all of the following remedies:

(a) The owner of Parcel 1 may suspend the owner of Parcel 2's right to use parking spaces on Parcel 1 until such amounts, plus other charges under this Declaration, are paid in full, and may declare all remaining periodic installments of any General Assessment immediately due and payable. The owner of Parcel 2 acknowledges that if its right to use parking spaces on Parcel 1 is suspended or if it otherwise fails to comply with the City of Cannon Beach Zoning Code requirements for off-street parking, the owner of Parcel 2 may be subject to fines by the City of Cannon Beach and/or other enforcement action available to the City of Cannon Beach for any noncompliance of Parcel 2 with the City of Cannon Beach Zoning Code requirements for off-street parking.

(b) The owner of Parcel 1 may foreclose its lien against Parcel 2 for any Assessment levied against Parcel 2, including any fines or other charges imposed under this Declaration against the Owner of Parcel 2, in a suit or action brought in any court of competent jurisdiction in the manner provided herein. No action shall be brought to foreclose such delinquent Assessment lien sooner than ten (10) days after the date a notice of claim of lien is recorded by the owner of Parcel 1 and a copy is deposited in the United States mail, certified or registered, postage prepaid, to the owner of Parcel 2 at such owner's last known address. The notice of claim of lien must contain a sufficient legal description of Parcel 2, the record owner or reputed owner thereof, the amount claimed (including at the owner of Parcel 1's option the cost of preparing and recording the notice of claim of lien, interest on the unpaid assessment and costs of collection, including a reasonable attorneys' fee), and the name and address of the claimant. Any such foreclosure and sale provided for above shall be conducted in accordance with the provisions regarding foreclosure of liens under Chapter 88 of the Oregon Revised Statutes or in any other manner permitted or provided by the laws of the State of Oregon. The owner of Parcel 1 shall have the power to bid on Parcel 2 at the foreclosure sale and to acquire, hold, lease, mortgage or convey the same.

(c) The owner of Parcel 1 may bring an action to recover a money judgment for unpaid Assessments under this Declaration without foreclosing or waiving the lien described in Section 3.1(b). Recovery on any such action, however, shall operate to satisfy the lien, or the portion thereof, for which recovery is made.

(d) The owner of Parcel 1 shall have any other remedy available to it by law or in equity.

3.2 **Interest and Expenses.** Any amount not paid to the owner of Parcel 1 when due in accordance with this Declaration shall bear interest from the due date until paid at a rate that is the greater of 18 percent per annum or three percentage points per annum above the prevailing Portland, Oregon prime rate as of the due date, but not to exceed the lawful rate of interest under the laws of the State of Oregon. In the event the owner of Parcel 1 shall file a notice of lien, the lien amount shall also include the recording fees associated with filing the notice, and a reasonable fee for preparing the notice of lien.

3.3 **Costs and Attorneys' Fees.** In the event of any suit or action to enforce this Declaration, or to collect any money due hereunder or to foreclose a lien, the prevailing party in such suit or action shall be entitled to recover all costs and expenses incurred by it in connection with such suit or action, including a foreclosure title report, and shall recover such amount as the court may determine to be reasonable as attorneys' fees at trial and upon any appeal or petition for review thereof or in connection with any bankruptcy proceedings or special bankruptcy remedies.

3.4 **Nonexclusiveness and Accumulation of Remedies.** An election by the owner of Parcel 1 to pursue any remedy provided for violation of this Declaration shall not prevent concurrent or subsequent exercise of another remedy permitted under this Declaration. The remedies provided in this Declaration are not exclusive but shall be in addition to all other remedies, including actions for damages and suits for injunctions and specific performance, available under applicable law to the owner of Parcel 1.

3.5 **Subordination of Lien to Mortgages.** The lien of the Assessments or charges provided for in this Declaration shall be subordinate to the lien of any Mortgage on Parcel 2 which was made in good faith and for value and which was recorded prior to the recordation of the notice of lien. Sale or transfer of Parcel 2 shall not affect the Assessment lien, but the sale or transfer of Parcel 2 which is subject to any Mortgage pursuant to a decree of foreclosure or nonjudicial sale thereunder shall extinguish any lien of an Assessment, notice of which was recorded after the recording of the Mortgage. Such sale or transfer, however, shall not release Parcel 2 from liability for any Assessments or charges thereafter becoming due or from the lien of such Assessments or charges. "Mortgage" shall mean a mortgage or deed of trust recorded in the Records of Clatsop County, Oregon against Parcel 2.

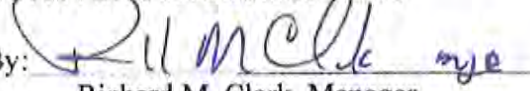
4. **Protection of Rights of Mortgagees.** No breach of the provisions in this Declaration shall defeat or render invalid the lien of any mortgage(s) or deed(s) of trust now or hereunder executed which affects an owner's interests pursuant to this Declaration; provided, however, that upon any sale under foreclosure of any mortgage(s) or under the provisions of any deed(s) of trust, any purchaser at such sale, and its successors and assigns, shall hold any and all property interest so purchased subject to all of the provisions of this Declaration.

5. **Benefits and Burdens.** The benefits and burdens of the easements and covenants contained in this Declaration shall run with the parcel so benefited or burdened.

IN WITNESS WHEREOF, Declarant has executed this Declaration as of the date first above written.

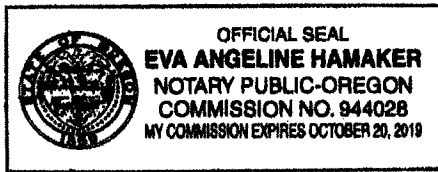
DECLARANT:

COASTER PROPERTIES, LLC

By: 
Richard M. Clark, Manager

STATE OF Oregon)
COUNTY OF Washington) ss.

This instrument was acknowledged before me this 5th day of May, 2016, by Richard M. Clark, Manager of COASTER PROPERTIES LLC, an Oregon limited liability company, on its behalf.



Eva A. Hamaker
Notary Public
My commission expires: 10/20/19

EXHIBIT A

Parcel 1

All of Lot 13, less and excepting the east 11.00 feet of Lot 13,
All of Lot 14, less and excepting the east 13.00 feet of Lot 14,
All of Lot 15, less and excepting the east 13.00 feet of Lot 15, and
All of Lots 16, 17, 18 and 19, Block 47, SEAL ROCK BEACH, in the County of Clatsop, State
of Oregon.

Situated in the Southeast Quarter of Section 19, Township 5 North, Range 10 West, W.M.,
County of Clatsop, State of Oregon.

Parcel 2

All of Lot 10, together with the East 13.00 feet of Lot 15, Block 47, SEAL ROCK BEACH, in
the City of Cannon Beach, County of Clatsop, State of Oregon.

NOTES:

1.

A BLANKET EASEMENT (INST# 200209442) APPLIES TO ALL COMMON AREAS AND WALKWAYS OF THE SUBJECT PROPERTY ALLOWING PEDESTRIAN TRAFFIC
2.

A BLANKET EASEMENT (INST# 200209449) APPLIES TO THE PARKING AREA WEST OF THE SUBJECT PROPERTY ALLOWING PARKING, BY THE OWNER OF THE PROPERTY OR THEIR PERMITTED PERSONS, IN 11 PARKING SPACES.

SUBJECT PROPERTY OWNER:

INTEGRA PROPERTIES LLC

MAILING ADDRESS:

PO BOX 995

CANNON BEACH, OR 97110

SITUS ADDRESS:

120-124-126 N HEMLOCK ST

CANNON BEACH, OR 97110

PRELIMINARY PARTITION

FOR INTEGRA PROPERTIES

OF LOT 10, BLOCK 47, SEAL ROCK BEACH

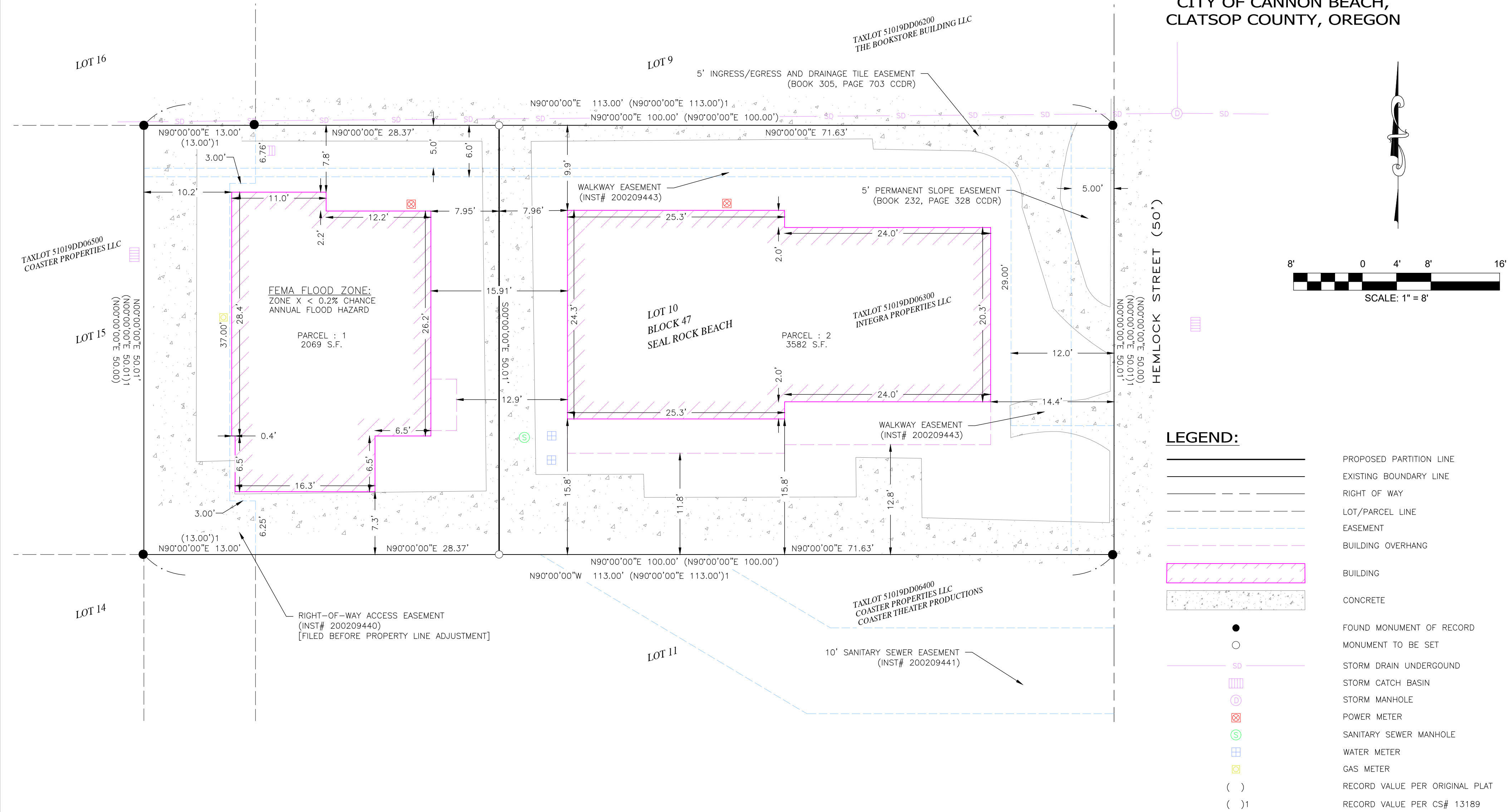
LOCATED IN THE SOUTHEAST 1/4

OF SECTION 19, TOWNSHIP 5 NORTH,

RANGE 10 WEST OF THE WILLAMETTE MERIDIAN

CITY OF CANNON BEACH,

CLATSOP COUNTY, OREGON



HORIZONTAL DATUM (BASIS OF BEARINGS):
LOCAL COORDINATE SYSTEM
BASED ON RECORD BEARINGS AND DISTANCES FROM SURVEY# CS-13189.
DISTANCES SHOWN HEREON ARE GROUND DISTANCES, INTERNATIONAL FEET,

S&F Land Services

PORTLAND, VANCOUVER, BEND, SEASIDE

1725 N ROOSEVELT DR,
STE B, SEASIDE, OR 97138
(503) 738-3425

WWW.SFLANDS.COM

EMAIL: INFO@SFLANDS.COM

DATE	JOB NO.	FIELD	DRAWN	CHECKED
SEPT. 19, 2023	23G68401	JET	JET	JLW

SURVEY FOR:

INTEGRA PROPERTIES

PRELIM PARTITION

LOT 10, BLOCK 47

SEAL ROCK BEACH

SE 1/4 SEC 19

T5N, R10W, W.M.

CLATSOP COUNTY, OREGON

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Jack L. White II

OREGON

SEPTEMBER 10, 2019

JACK L. WHITE II

91987PLS

EXPIRES 6/30/24



CITY OF CANNON BEACH

City of Cannon Beach
Finance Department

MAR 21 2024

VARIANCE REQUEST APPLICATION

PAID

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

Applicant Name:

Email Address:

Mailing Address:

Telephone:

Integra Properties LLC, Steven & Maryann Sinkler
 steven.sinkler@gmail.com, msinkler@gmail.com
 PO Box 995
 Cannon Beach, OR 97110
 503.440.9249, 503.440.9280

Property-Owner Name:

Same

(if other than applicant)

Mailing Address:

Email Address:

Telephone:

Property Location:

120.124.126 N. Hemlock St, Cannon Beach, OR 97110
 (street address)

Map No.:

Tax Lot No.:

5101DD06300

Account ID 5399

VARIANCE REQUEST:

— see attached written response.

1. Description of variance that is being sought (setback, height, access requirement, etc.)

— see attached written response

2. Description of the proposed building plans pertinent to the variance request.

— see attached written response

3. Justification of the variance request. Explain how the request meets each of the following criteria for granting a variance.


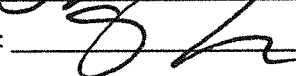
— see attached written response

- 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?

- 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.
- 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.
- d. Explain how this request, if granted, would support policies contained within the Comprehensive Plan.
- e. Explain why this request is not a self-imposed hardship or difficulty.

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: \$500.00

Applicant Signature:  Date: 3/21/24
Property Owner Signature:  Date: 3/21/24

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.: _____

Fees:
803 - Planning \$500
(Last revised March 2021)

PO Box 368 Cannon Beach, Oregon 97110 • (503) 436-8042 • TTY (503) 436-8097 • FAX (503) 436-2050
www.ci.cannon-beach.or.us • planning@ci.cannon-beach.or.us

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

By approving this variance request, the City is upholding the physical principles and values of small scale family owned businesses, small scale buildings, rustic streetscapes, community gathering spaces and livability as described in the Comprehensive Plan's "Purpose" and "Vision Statement" sections.

Additionally, the Comprehensive Plan's "Vision Statement" clearly states the importance of community diversity and family-owned businesses to the Cannon Beach community. It is expected that the proposed parcel will be sold to Rosa Alvarez and her family after the partition is complete. Rosa is the Owner of the Lazy Susan restaurant. Rosa and her family, originally from Mexico, are long time coastal residents and long time owners of the Lazy Susan. The Lazy Susan restaurant has been providing delicious meals (breakfast and lunch) to hungry patrons for decades. By approving the variance request, Rosa and her family will be able to protect their minority owned and female owned business.

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

This partition request is in essence a paperwork change only, with the added requirement of a variance necessary due to the City's code requiring each lot to have public street frontage. After this request is approved, the properties will look exactly the same the day after approval as they had the day before. No physical change is associated with the request.

Variance Request, Photo Attachment

Image 1-Aerial View, Current Access

Street Access #3

Street Access #2

Street Access #1



Parking Lot
West of Parcel

Current Parcel
120-124-126 N Hemlock St.

Image 2-Street View from N Hemlock St



Image 3-Street View from Parking Lot



Image 4-Parking Lot Access #1 to First St

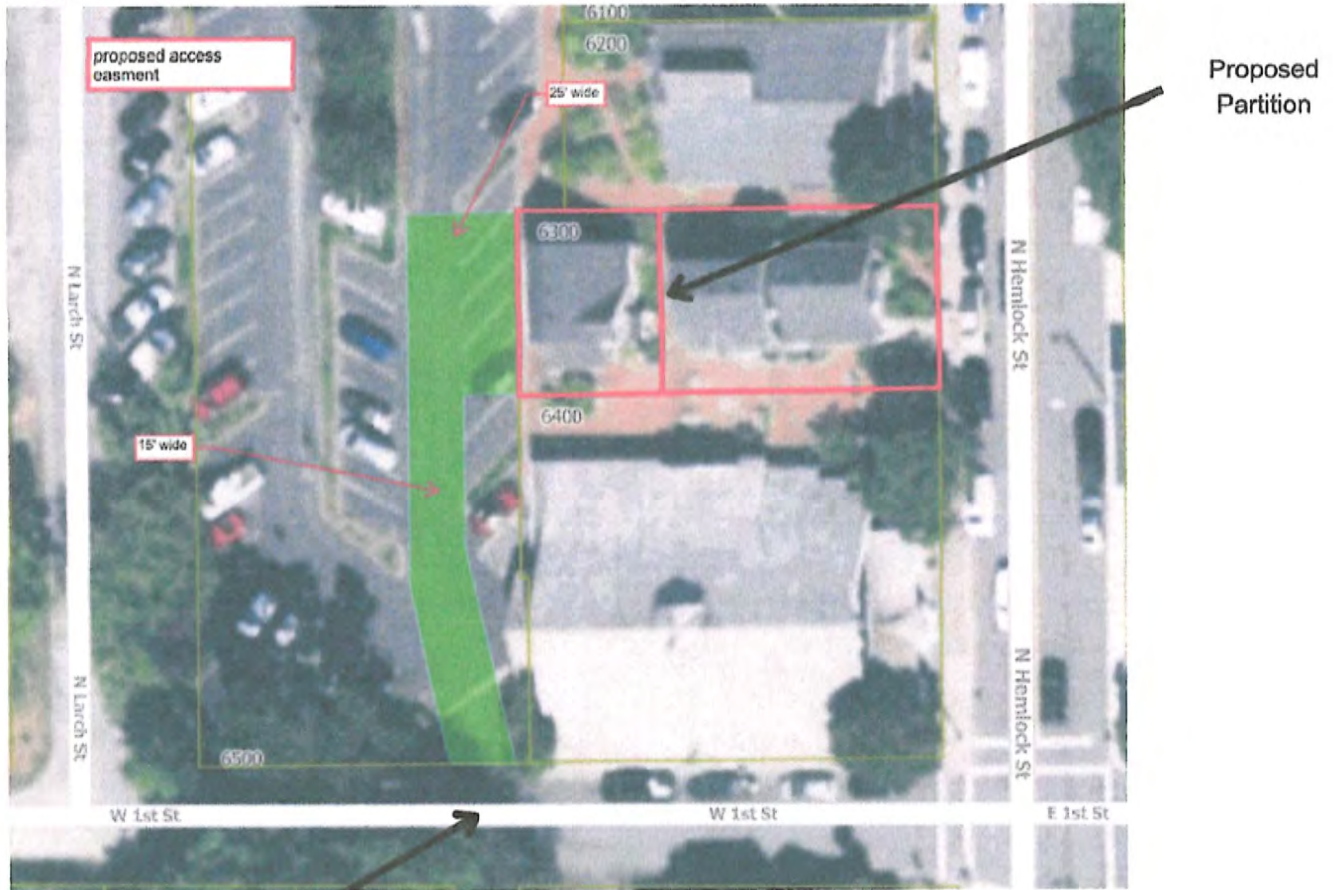


Image 5-Parking Lot Access #1 from First St



Variance Request, Photo Attachment, page 2

Image 6-Aerial View Showing Partition and Access via Proposed Easement



Street Access #1
via Proposed Easement

Image 7-Proposed Partition



Variance Request, Photo Attachment, page 3

Photos of Other Access Points to Partitioned Property

Image 8-Parking Lot Access #2 to N Larch



Image 9-Parking Lot Access #2 from N Larch



Image 10-Parking Lot Access #3 to N Larch



Image 11-Parking Lot Access #3 from N Larch



City of Cannon Beach
PO Box 368
Cannon Beach OR 97110 503-436-1581
Receipt No: 25.030294 Mar 21, 2024

Integra Properties LLC
Previous Balance: .00
Planning Dept
Variance Request 500.00
Application 120,124,126 N
Hemlock St
Total: 500.00
Check
Check No: 1049 500.00
Payor:
Integra Properties LLC
Total Applied: 500.00
Change Tendered: .00

Duplicate Copy
03/21/2024 3:51 PM

City of Cannon Beach
Finance Department

MAR 21 2024

PAID

S&F Land Services

1725 N. Roosevelt Dr. Suite B Seaside OR 97138
503-738-3425 — www.sflands.com

ACCESS EASEMENT

A VARIABLE WIDTH ACCESS EASEMENT FOR THE BENEFIT OF THAT TRACT OF LAND DESCRIBED IN CLATSOP COUNTY INSTRUMENT NUMBER 201606596 AS LOT AND THE EAST 13.00 FEET OF LOT 15 OF SEAL ROCK BEACH. OVER AND ACROSS A PORTION OF LOTS 13, 14 AND 15 OF SEAL ROCK BEACH, LOCATED IN THE SOUTHEAST ONE QUARTER OF SECTION 19, TOWNSHIP 5 NORTH, RANGE 10 WEST OF THE WILLAMETTER MERIDIAN IN THE CITY OF CANNON BEACH, CLATSOP COUNTY, OREGON MORE PARTICULARLY DESCRIBED AS FOLLOWS.

BEGINNING AT THE NORTHWEST CORNER OF THAT PROPERTY DESCRIBED IN SAID CLATSOP COUNTY INSTRUMENT NUMBER 201606596, THENCE NORTH 90°00'00" WEST A DISTANCE OF 25.00 FEET;
THENCE SOUTH 00°00'00" WEST A DISTANCE OF 101.32 FEET;
THENCE SOUTH 10°00'00" EAST, A DISTANCE OF 49.46 FEET, TO THE NORTH RIGHT OF WAY OF WEST 1ST AVENUE;
THENCE NORTH 90°00'00" EAST ALONG THE NORTH RIGHT OF WAY OF WEST 1ST AVENUE, A DISTANCE OF 15.23 FEET;
THENCE NORTH 10°00'00" WEST A DISTANCE OF 50.79 FEET;
THENCE NORTH 90°00'00" EAST, A DISTANCE OF 10.00 FEET, TO THE WEST LINE OF THAT PROPERTY DESCRIBED IN SAID INSTRUMENT NUMBER 201606596;
THENCE ALONG WEST LINE OF SAID PROPERTY NORTH 00°00'00" WEST A DISTANCE OF 50.01 FEET TO THE **POINT OF BEGINNING**.

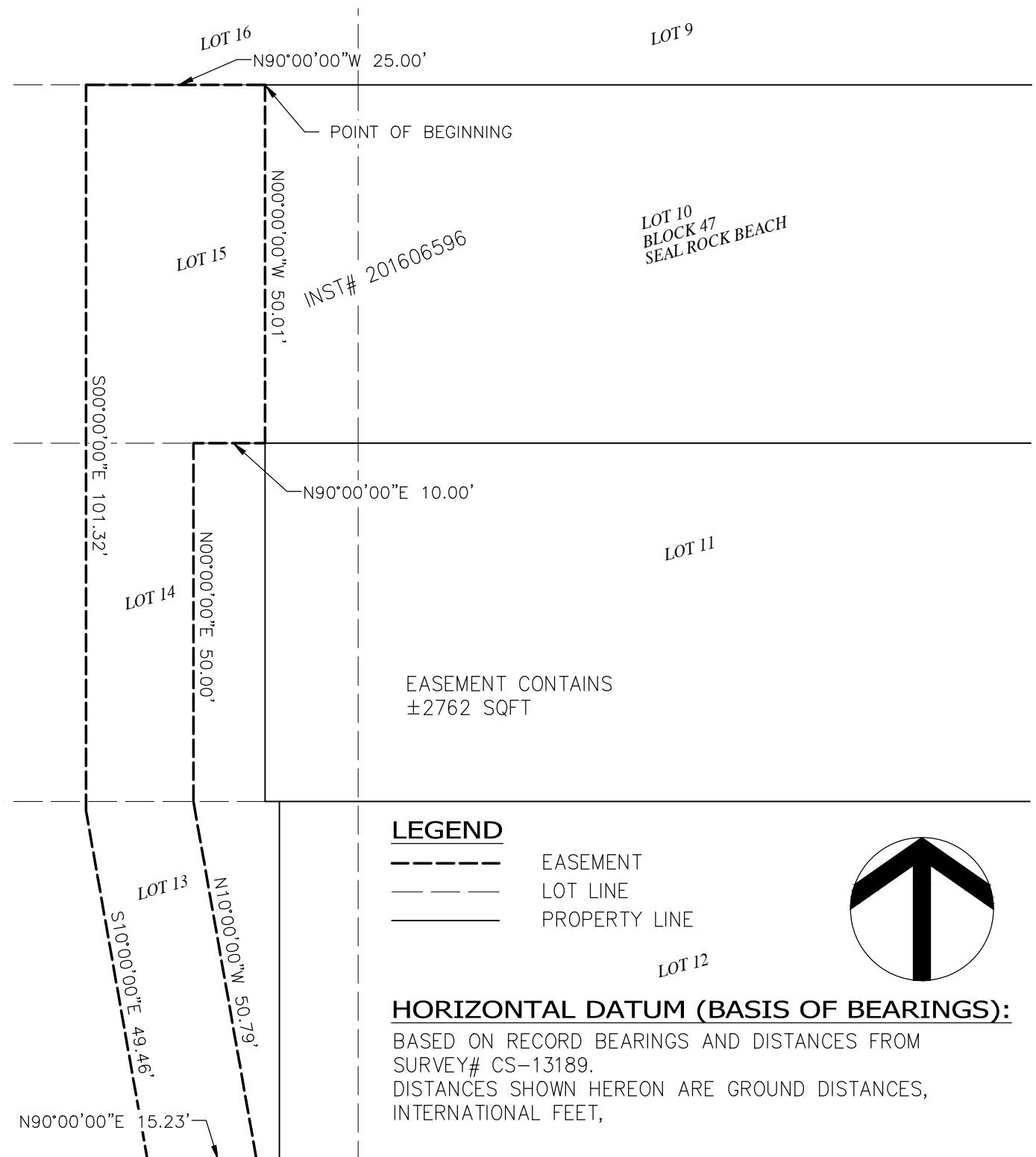
BEARINGS BASED CLATSOP COUNTY SURVEY B-13189

CONTAINING 2,762 SQUARE FEET, PLUS OR MINUS.



EXPIRES 6/30/24

EXHIBIT SKETCH ACCESS EASEMENT



1 INCH = 20 FEET

Date: 4/15/2024
Proj No: 23G68401

1725 N ROOSEVELT DR, STE
B, SEASIDE, OR 97138
(503) 738-3425

www.sflands.com
info@sflands.com

S&F Land Services

Robert St. Clair

From: Jim O'Hanlon <johanlon@touchstonenw.com>
Sent: Tuesday, April 9, 2024 3:41 PM
To: Planning Group
Subject: P23-01 and V24-01

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Planning Commission,

I am writing in support of this request.

I am a homeowner in Cannon Beach and also an owner of a commercial condominium nearby.

The Variance is requested because one lot would not have street frontage. However, the lot does front on the large parking lot to the west and is also visible from Hemlock through the plaza between the theater and the wine shop.

To me this is sufficient to allow you to approve the variance and partition.

Thank you,

Jim O'Hanlon

This email and any attachments may contain confidential information intended solely for the use of the individual or entity to whom it is addressed. If you are not the intended recipient, please notify the sender immediately, and delete this email from your system. Any unauthorized disclosure, copying, or distribution of the material in this email is strictly prohibited.



CITY OF CANNON BEACH

April 4, 2024

Dear Property Owner,

P23-01 & V24-01, Integra Properties request for a partition and variance to public street frontage requirements. The property is located at 124 – 126 N. Hemlock St. (Tax lot 6300, Map 51019DD). The property is zoned (C1) Limited Commercial. This request will be reviewed under Municipal Code Chapter 16, Subdivisions and Chapter 17.84 Variances.

Cannon Beach Zoning Ordinance requires notification to property owners within 100 feet, measured from the exterior boundary, of any property which is the subject of the proposed applications. Your property is located within 100 feet of the above-referenced property or you are being notified as a party of record.

Please note that you may submit a statement either in writing or orally at the hearing, supporting or opposing the proposed action. 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, Subdivision Ordinance or Comprehensive Plan criteria, please contact Cannon Beach City Hall at the address below, or call Tessa Pfund at (503) 436-8052 or email pfund@ci.cannon-beach.or.us.

Sincerely,

Tessa Pfund
Community Development & Planning
Administrative Assistant

Enclosures: Notice of 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 **Thursday, April 25, 2024**, at **6:00 p.m.** at City Hall, 163 E Gower Street, Cannon Beach, regarding the following:

P23-01 & V24-01, Integra Properties request for a partition and variance to public street frontage requirements. The property is located at 124 – 126 N. Hemlock St. (Tax lot 6300, Map 51019DD). The property is zoned (C1) Limited Commercial. This request will be reviewed under Municipal Code Chapter 16, Subdivisions and Chapter 17.84 Variances.

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. Community Development, PO Box 368, Cannon Beach, OR 97110 or via email at 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 Steve Sokolowski at 503-436-8040, or at sokolowski@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.

Posted/Mailed: 4/4/2024



Steve Sokolowski
Community Development Director

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

City of Cannon Beach, P. O. Box 368, Cannon Beach, OR 97110
(503) 436-1581 • FAX (503) 436-2050 • TTY: 503-436-8097 • www.ci.cannon-beach.or.us

**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.

V 24-01 & P 24-01



ACCOUNT	II TAXLOTKEY	SITUS_ADDR	OWNER_LINE	STREET_ADD	PO_BOX	CITY	STATE	ZIP_CODE	AREA	ACRES	YEAR	BU
5297	51019DD06100	144 N Hemlock St	Schwietert Enterprises I LLC	PO Box 189	189	Cannon Beach	OR	97110-0189	5000	0.11	1968	
5300	51019DD06400	108 N Hemlock St	Coaster Theater Productions	PO Box 643	643	Cannon Beach	OR	97110	11200	0.26	1972	
5301	51019DD06500		Coaster Theater Productions	PO Box 643	643	Cannon Beach	OR	97110	33150	0.76	1996	
5311	51019DD07301	131 N Hemlock St	Cannon Beach City of	PO Box 486	486	Cannon Beach	OR	97110-0486	5000	0.11	0	
5312	51019DD07301	131 N Hemlock St	Cannon Beach Library/women Clb	PO Box 486	486	Cannon Beach	OR	97110-0486	5000	0.11	1973	
5282	51019DD04601		Porter Elisabeth Scott	2746 SE 35th Ave		Portland	OR	97202	1000	0.02	0	
5295	51019DD05900	156 N Hemlock St	Northwest Coastal Properties LLC	PO Box 400	400	Cannon Beach	OR	97110	5100	0.12	1993	
5313	51019DD07400	139 N Hemlock St	EMG Inc	PO Box 397	397	Cannon Beach	OR	97110	10000	0.23	1974	
5283	51019DD04602	116 N Larch St	MCW Beach House LLC	14312 Stenbock Way NE #F		Aurora	OR	97002	5000	0.11	1929	
5299	51019DD06300	120 N Hemlock St	Integra Properties LLC	PO Box 995	995	Cannon Beach	OR	97110	5650	0.13	1972	
5314	51019DD07500	163 N Hemlock St	Razor Clams Investment LLC	1801 SW Highland Rd		Portland	OR	97221	10000	0.23	1982	
5310	51019DD07200	107-115 Hemlock St N	115 N Hemlock LLC	PO Box 1696	1696	Beaverton	OR	97075	15000	0.34	1977	
5284	51019DD04603	148 N Larch St	Schinderle Richard Robert	840 San Ramon Way		Sacramento	CA	95864	2000	0.05	1928	
5279	51019DD04503		Porter Elisabeth Scott	2746 SE 35th Ave		Portland	OR	97202	1400	0.03	0	
5298	51019DD06200	130-132 N Hemlock St N	The Bookstore Building LLC	6307 Paseo Canyon Dr		Malibu	CA	9025	5000	0.11	1946	
5807	51030AA00900		Kent Francis D	6018 SE Crown Ct		Milwaukie	OR	97267	5135	0.12	0	
5808	51030AA01000	171 W 1st St	Carey Glen D	PO Box 1013	1013	Cannon Beach	OR	97110	5000	0.11	2001	
5839	51030AA03400		Pivetta Mark	4521 166th Ave E		Lake Tapps	WA	98391	5113	0.12	0	
5835	51030AA02900	188 S Hemlock St	Nelson John E	PO Box 330	330	Cloverdale	OR	97112	7787	0.18	1953	
5853	51030AA04402		Davidspruce LLC	3514 NE US Grant Pl		Portland	OR	97212	18369	0.42	2015	
5289	51019DD05000	123 N Laurel St	VP Getaway LLC	11335 SW Foothill Dr		Portland	OR	97225	10000	0.23	1930	
5296	51019DD06000	148 N Hemlock St	Leer Pamela G	PO Box 516	516	Cannon Beach	OR	97110-0516	5000	0.11	1987	
5303	51019DD06700	172 N Hemlock St	QA Enterprises Inc	1565 SE Running Springs Ct		Newport	OR	97365	29872	0.69	1971	
60728	51019DD04605	132 N Larch St	Drumheller Properties LLC	PO Box 975	975	Cannon Beach	OR	97110	17726	0.41	1978	
5285	51019DD04604	152 N Larch St	Bellerby Linda J Trustee	111 SE 48th Ave		Portland	OR	97215	2000	0.05	1928	
59149	51019DD04901		Moore Anthony P	PO Box 427	427	Cannon Beach	OR	97110	5000	0.11	0	
5286	51019DD04700		Moore Anthony P 1/2	PO Box 427	427	Cannon Beach	OR		2500	0.06	0	
5275	51019DD04400	164 N Larch St	Morrell Benjamin	3910 SW 109th St		Seattle	WA	98146-1652	3750	0.09	2003	
5280	51019DD04504	156 N Larch St	Properties Northwest LLC	11011 SE 200th St		Kent	WA	98031-1671	3600	0.08	1949	
5317	51019DD07601		Cannon Beach City of	PO Box 368	368	Cannon Beach	OR	97110-0368	800	0.02	1996	
5287	51019DD04800	172 W 1st St	Moore Anthony P 1/2	PO Box 427	427	Cannon Beach	OR	97110	2500	0.06	2007	
5309	51019DD07100		Cannon Beach City of	PO Box 368	368	Cannon Beach	OR	97110-0368	45000	1.03	1996	
5837	51030AA03200	116 S Hemlock St	Steidel William W/Sarah J	PO Box 501	501	Cannon Beach	OR	97110-0501	5803	0.13	1930	
5833	51030AA02800	128 W Taft St	The Black Cat Cottage LLC	1940 S 1100 E		Salt Lake City	UT	84106	2125	0.05	1924	
5836	51030AA03100	140 S Hemlock St	Hemlock Pacific LLC	PO Box 2772	2772	Gearhart	OR	97138	5514	0.13	1987	
5838	51030AA03300	123 W 1st St	Steidel Samuel Clay	PO Box 501	501	Cannon Beach	OR	97110	4250	0.1	1992	
5809	51030AA01001	163 W 1st St	M-By-Sea LLC	PO Box 1758	1758	Bend	OR	97709	4000	0.09	2000	
5281	51019DD04600	124 N Larch St	Sea Lark Apartments LLC	1643 S Radcliffe Ct		Portland	OR	97219	7274	0.17	2017	
56466	51030AA90101	123 S Hemlock St #101	Joy Investment LLC	13207 11th Pl NW		Seattle	WA	98177	2456	0.06	1988	
56473	51030AA90202	123 S Hemlock St #202	Paulson Lawrance Lee	8910 NW Lakeshore Ave		Vancouver	WA	98665	3	0	1988	
56472	51030AA90201	123 S Hemlock St #201	Wagers G David TR	32047 NW Redhaven St		Hillsboro	OR	97124	3	0	1988	
5852	51030AA90000	123 S Hemlock St	Ecola Square Condominiums All Owners						10678	0.25	1987	
56467	51030AA90102	123 S Hemlock St #102	Harwichportwest LLC	20345 SW Pacific Hwy #202		Sherwood	OR	97140	2224	0.05	1988	

City of Cannon Beach												
Building Codes Division												
Tree Permit Applications												
March	2024											
				Permit Fee Paid	Notes	Total Number Removed	Hazard	Dead	Construction	Health of surrounding trees	Solar access/ landscaping	Required to Replant
Date	Permit #	Name	Location									
3/6/2024		Haggart Homes	740 Monica Ct.			21			21			0
3/6/2024		Haggart Homes	750 Monica Ct.			17			17			0
3/6/2024		Haggart Homes	780 Monica Ct.			54			54			0
3/14/2024		NC Land Conservancy	TL 51019AD00303			1	1					1
3/18/2024		J. Burch	860 Ecola Park Rd.			2	2					2
TOTAL						95	3	0	92	0	0	3