

Planning decision draws fire

Council from Page 1A

Nicholson, a Portland resident, purchased the 0.57 acres at 532 N. Laurel St. last summer for \$895,000.

The council's decision on Feb. 10 recognizes the four separate lots for development purposes.

As for the development itself, the council unanimously approved Nicholson's plan on condition that he:

- Move two of the proposed houses five feet west for greater setback
- Limit the size of the four structures on the parcel to a combined total of 9,000 square feet

• Embed planters into a planned retaining wall situated near the driveway and keep it a "living wall"

• Consult with an arborist to make sure two large spruce trees on the property won't get seriously damaged during construction

• Repair any damage done to Laurel Street during development at his own expense, restoring it to its current condition

After selling the three new houses, Nicholson said he will invest the money in another project: tearing down a 99-year-old ramshackle cottage on the northwest corner of the site and rebuilding it, in part, with the original materials according to modern building codes.

Appeals

To make the variance — and, thus, Nicholson's vision — possible, the council approved, by a 4-1 vote, a planned development overlay zone. The overlay changes zoning restrictions in certain areas to allow for different land uses or, as in this case, different densities. A planned development

gives the council greater freedom to approve building projects on land with unique features.

Councilor Mike Benefield voted against the overlay because, he argued, it doesn't meet the city code's criteria for a planned development, which is not to be used to bypass regular zoning provisions "solely to allow increased densities" or "maximizing densities on parcels of land that have unbuildable or unusable areas."

In allowing Nicholson to move forward, the council chose not to act on the planning commis-

a 15,000-square-foot "McMansion" out of character with the style and scale of the neighborhood.

A 'big thing'

After a presentation by Nicholson, his attorney, and a group composed of an architect and a couple of engineers who testified to the stability of the site, Councilor Melissa Cadwallader said she appreciated their work. "I think the team that's been put together shows that they know our community," Cadwallader added.

Councilor George Vetter — who, like Benefield and Mayor Sam Steidel, is a former planning commission

acted with "disbelief" and "shock," said Jeff Harrison, who lives across the street from Nicholson. "We were appalled."

Harrison argued — as did the city's land use attorney, Bill Kabeiseman, at the Feb. 10 council meeting — that Nicholson's property did not meet the criteria for a planned development.

Though they give cities greater flexibility where land use is concerned, planned developments in Cannon Beach apply to properties three acres or larger, Kabeiseman said. When applied to a smaller piece of property — like Nicholson's half-acre parcel — it is

usually because the site has unique features.

At the Jan. 22 planning commission meeting, Commissioner Lisa Kerr said that what makes Nicholson's property unique — its slope — seems to make it *less* fitting for development, not more fitting.

Kerr, citing the same part of the municipal code as Benefield, pointed out that planned developments are not to be used solely to increase densities or maximize densities on "unbuildable or unusable" areas.

By bringing in geotech engineers to argue for the site's usability, however, Nicholson tried to address Kerr's concern about increasing densities on land considered "unbuildable."

"Trying to call this a 'planned development,' in my opinion, is just municipal code abuse, and I liken it to putting lipstick on a pig," Harrison said. "It disregards

city code and sets a bad precedent."

"The planning commission did due diligence by turning down this proposal," said Larch Street resident Rex Amos, alluding to Higgins' comment to Nicholson.

Character and communication

Rex Amos' wife, Diane Amos, is concerned about the traffic impact of three more private residences on Laurel Street's stretch of gravel road. And though Nicholson said he plans to retain more than 30 trees, including the two spruces, neither she nor her husband want to see 17 trees removed, which Nicholson said will happen.

Mindy Hardwick, a Laurel Street resident, doesn't want to see another retaining wall go up on the north end. "It takes away the character of what the north end is, she said.

Robin Riskey, who also lives on Laurel Street, said the retaining wall, which Nicholson said may reach 8 to 9 feet tall in some places, will be "one more scar on this pretty landscape that we have here — minus some trees, too."

Finally, a number of Nicholson's neighbors — like Laurel Street residents Elizabeth and Fred Lorish, and Dale and Linda Hintz — have raised the issue of communication.

Nicholson reached out to the property owners Jane and Victor Harding immediately to the north and Andra Georges, to the south of his own property, all of whom have so far expressed their support for his development plan. But he did not do the same with the Amoses, the Harrisons, the Hintzes, Riskey, Hardwick and others.

"None of us were ever contacted," Dale Hintz said.



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sion's January recommendation that the planned development be denied.

Both the planning commission and the council denied Nicholson's first request for the slope-density variance late last year. This led Nicholson to initiate an appeal with the Oregon Land Use Board of Appeals, a process he put on hold while he pursued the planned development.

Once the planning commission denied Nicholson's planned development request, he began to gather city documents for a potential lawsuit.

Nicholson, who had sunk about \$150,000 into the project by then, said he feared that, if he was unable to go ahead with the development, he would have had no choice but to sell the property — and that it may have passed to someone bent on erecting

member — said he respected the planning commission's work and that it was a "big thing" when the council didn't heed the planning commission.

Councilor Wendy Higgins also expressed her approval.

"I really appreciate, Mr. Nicholson, your passion for what you're doing here," Higgins said. "And I think, as a city, we're fortunate to have someone like you buy this property, that sees a preservation, cares about the community, knows what the culture is here. Your due diligence has paid off."

When Higgins said that, "It seriously took everything in me to not break out crying," Nicholson said after the meeting.

Neighbors speak out

North-end residents who had opposed Nicholson's plan and spoke out against it at previous meetings re-

Winners abound on game night

Fundraiser for Children's Center needs volunteers

Bring some good luck and good cheer to the Cannon Beach American Legion Hall for the eighth annual Casino Game Night, a fundraiser for the Cannon Beach Preschool and Children's Center.

From 7 to 10 p.m. Feb. 28, the legion building, 1216 S. Hemlock St., will be transformed into a scene from a Reno or Vegas casino, with craps, blackjack and roulette offered, said Barb Knop, the center's board president.

Scrip will be available for purchase at the door; no minimum will be required. Players could win merchandise from local businesses and gift certificates from local stores and restaurants.

No skill is necessary; the dealers (center staff, board members and volunteers) will help players learn the rules of the games, she said.

Historically, the fundraiser has brought in an average of \$2,100 every year, according to Knop.

The equipment is donated by the Seaside and Gearhart fire departments and local candy-maker Brian Taylor and his family, she said.

Community members who want to volunteer that evening can contact Annette Campbell, the center's director, at 503-436-1040.

"We particularly need volunteers who would like to be blackjack dealers," Knop said.

"It's going to be a fun night," said Christy Bisping, the center's development director. "It definitely benefits our center, and we rely very heavily on all the money that we bring in."



Robert Morse, D.O., Cardiologist



Sally Freeman, Interpretive Park Ranger

FREE Heart healthy hike

Providence Seaside Hospital, in partnership with Lewis and Clark National Historical Park invites you into the woods for a Heart Healthy Hike.

1 p.m.
Saturday, Feb. 28
Lewis and Clark National Historical Park
 92343 Fort Clatsop Rd.
 Astoria, OR 97103

Robert Morse, D.O., cardiologist, will speak about the risk factors for cardiovascular disease.

Following the heart healthy presentation Sally Freeman, Interpretive Park Ranger, will lead a 2-mile hike into the woods of our Lewis and Clark National Historical Park.

After the hike enjoy refreshments, Providence gifts and a prize drawing.

The event is free but please register by calling: 800-562-8964



Creating healthier communities, together