

# Final approval given to Laurel Street development

## Council decision allows four homes on sloped property

By Erick Bengel  
Cannon Beach Gazette

Portland resident Jeff Nicholson received final approval by the Cannon Beach City Council on a controversial proposal to build four houses on a sloped parcel of land in north Cannon Beach.

In one motion, the City Council voted 4-1 to approve three land-use applications submitted by Nicholson. The final approval came March 3, a month after the council granted tentative approval to the project.

Nicholson will now be able to build, and eventually sell, three new family-sized homes on his property at 532 N. Laurel St. and rebuild an existing house on the same site.

Nicholson bought the 0.57-acre parcel last summer for \$895,000.

To work around a city rule preventing multiple structures on steeply sloped land, Nicholson applied for a planned development overlay zone, which changes the site's zoning restrictions to permit greater housing density there.

**Lone dissenter**

The council's decision goes against the planning commission's January recommendation that Nicholson's planned development should be denied.

Councilor Mike Benefield, who cast the sole dis-

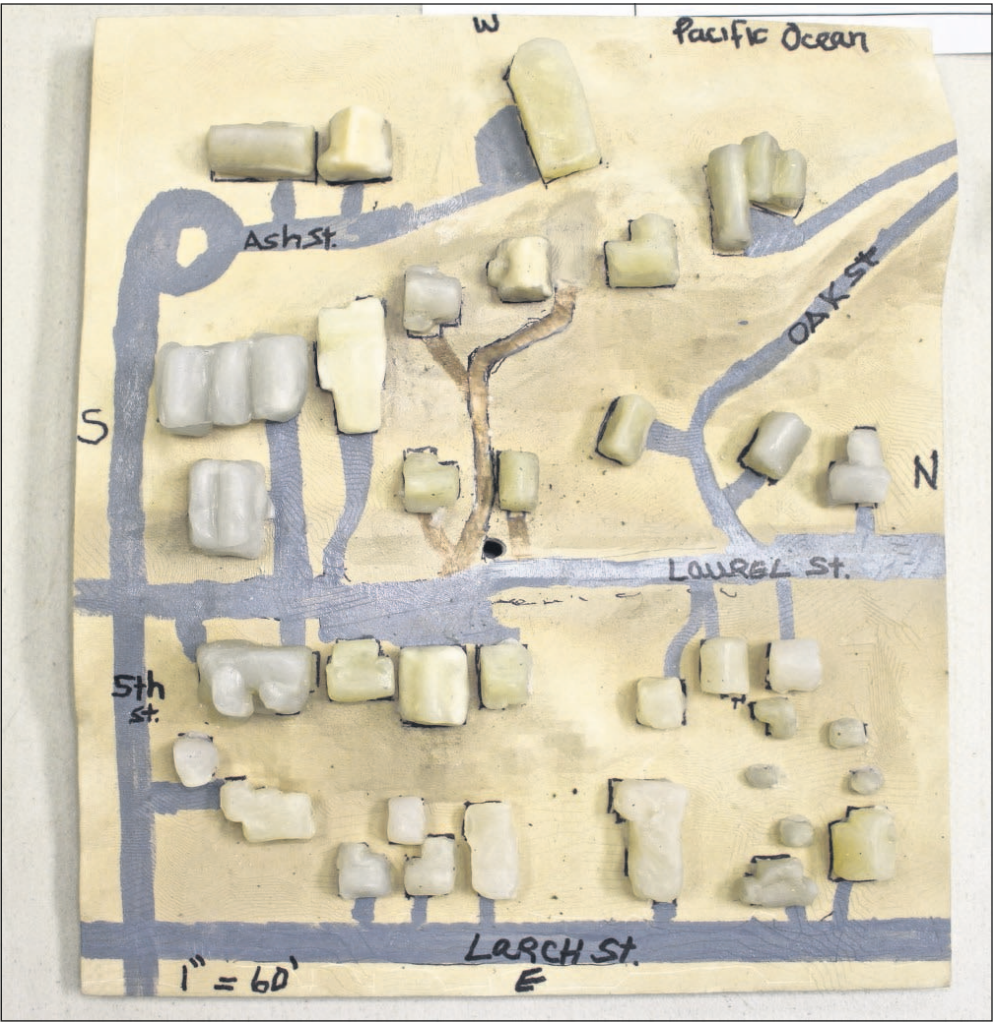
senting vote, pointed out — as did members of the planning commission — that the municipal code's criteria requires the property to be at least three acres or have some natural features that make it suitable for development.

But the geology of the half-acre property — which includes both a slope and a ravine — make it unsuitable for the kind of development Nicholson has in mind, Benefield and the planning commission argued.

At previous city meetings, Nicholson brought in geotech engineers to alleviate concerns about whether the site is stable enough to support additional houses. Though at least 30 trees on the property will be preserved, including two large spruces, 17 are slated for removal, Nicholson said.

Benefield also said that approving Nicholson's three-pronged application may "open the door" to other property owners in similarly restrictive areas applying for planned development overlays, and then looking to the council's decision in the Nicholson case as a precedent.

"It could or it couldn't," said the city's land-use attorney Bill Kabeiseman, who noted that future City Councils may decide that some developments proposed in the future are not "unique enough" to merit an overlay.



ERICK BENDEL PHOTO  
Jeff Nicholson's model of the North Laurel Street area shows how he plans to have a four-home development (which includes an existing home) at 532 North Laurel St. The City Council approved Nicholson's planned development request at its March 3 meeting.

### Conditions

Bundled with the council's approval of the planned development was a variance to the city's slope-density rule — the reason the four lots were consolidated in the first place — and the approval of Nicholson's four-house development plan. His plan entails one house per lot, including the reconstruction

of the existing house.

At its February meeting, the council imposed a set of conditions on the development. Nicholson must:

- 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 the two old 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

# Homeowners want city to reopen Laurel Street property issue

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been legally required to ignore them, said Mayor Sam Steidel.

"We all knew that public testimony was over and the record was closed. We just wanted to be heard by the councilors before they voted, so they could hear our new concerns and be aware of the number of opponents," Elizabeth Lorish wrote to a reporter in an email after the meeting. "We hoped that maybe they would defer the vote and reopen the issue (at their April 7 meeting)."

**Grievances**

When the time came for public comments, Jeff Harrison, another Laurel Street homeowner, spoke on behalf of 36 people in attendance and two more who couldn't be there.

Harrison read a prepared statement outlining their concerns, including:

- Several of the city's notifications for public hear-

ings on the issue came days late and contained confusing information.

For example, although the city requires hearing notices to be posted 20 days in advance, the notice for the Jan. 22 planning commission meeting was posted Jan. 6 — only 16 days in advance.

- The notice for the Feb. 10 special meeting, sent out on Jan. 20, lists only Nicholson's planned development overlay zone request. No reference was made to a proposed variance for the density allowed on the slope. The proposed development plan for the three cottages and the existing house also wasn't mentioned.
- The Feb. 10 notice also was not posted at least 20 days in advance, and it mistakenly referred to the previous "design review board" hearing on the matter rather than the planning commission hearing.

Such a proliferation of procedural errors may have

delayed public involvement and opposition to the project until it was too late, Harrison said.

- The project may conflict with the city code, as Benefield and the planning commission argued, because of its "lack of appropriate size and the lack of suitable shared outdoor living space," and because its slope does not make the property "unique" enough to qualify for a planned development.
- The retaining wall will not fit the character of the north-end neighborhood, Harrison said.
- Nicholson said he had spoken to his neighbors about his development plan and got their approval. Though he had reached out to the homeowners immediately to the north and south of his property — Jane and Victor Harding, and Andra

Georges, respectively — he hadn't spoken with many other Laurel Street residents.

- Nicholson originally told the council at its Oct. 7 meeting that he planned to build a "couple of cottages," though that number eventually became three, in addition to the existing house.
- Though Nicholson originally characterized the work to be done on the site's historic home as a "preservation," it technically does not qualify as one, since the structure will be demolished and reassembled with some new materials.
- The council and staff appeared "very active in offering the planned development option" to Nicholson, according to the council's Oct. 7 meeting minutes, Harrison said.

"We further feel that the city has incorrectly and

overtly assisted Mr. Nicholson in circumventing the city rules in order to get his development approved," Harrison said. "How has the city helped all of the neighbors on the north end who do not want this plan?"

Nicholson's "threats of McMansions and LUBA

(state Land Use Board of Appeals) action should not govern how any of us view this project," he said. "Instead, we expect a strict and considered interpretation of codes and the comprehensive plan that benefit the good of the whole — not a single developer."

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