

# Zoning change allows more structures on lot

Laurel from Page 1A

ident Jeff Nicholson the final go-ahead to build and eventually sell three new family-sized homes on 0.57 acres of sloped property that Nicholson purchased last summer for nearly \$900,000. The project will also involve demolishing and rebuilding an existing 100-year-old home on the site using some of the original materials according to modern building codes.

Mayor Sam Steidel and councilors Melissa Cadwallader, Wendy Higgins and George Vetter voted to approve the development; Councilor Mike Benefield voted against it.

Among the more contentious issues during the council's deliberations was whether the property qualified for a "planned development overlay zone," a tool that allows for zoning changes on a parcel of land based on the land's natural features.

In this case, the overlay allows for greater housing density on property that, because of its slope, would otherwise allow for only one structure, which the property already has.

Benefield and some members of the planning commission, who originally turned down Nicholson's request, said that Nicholson's property *didn't* qualify for a planned development.

The city code states that a site must be at least three acres or be uniquely suitable for development, and, they argued, the only thing



ERICK BENGEL PHOTO

**With members of the planning commission watching, Jeff Nicholson, a Portland resident, explains a model of the property at and around North Laurel Street, where he hopes to reconstruct an existing historic cottage and build three new cottages. Foreground from the left: commissioner Charles Bennett, Vice Chairman Hank Johnson, Nicholson and Chairman Bob Lundy.**

unique about the site is its slope.

In addition, planned developments are not meant to bypass regular zoning provisions "solely to allow increased densities" or to maximize densities on "parcels of land that have unbuildable or unusable areas," the code reads.

To counter these objections, Nicholson hired architects and geotechnical engineers to examine the property. The experts all testified to its stability at both the planning commission and City Council meetings.

Though most members of the planning commission remained unmoved, the council saw things differently at Nicholson's appeal on Feb. 10 and tentatively voted to overturn the decision — a decision made final at its March meeting.

"Just because the City Council, in this case, has the right to do it doesn't mean that they should," said north-end resident Rex Amos, who is a Friends member along with his wife, Diane Amos. "Just because they can do it doesn't mean they have to."

### 'Dangerous precedent'

Thirty-six opponents showed up to the council's decision-making meeting on March 3, thinking they would be able to speak during the public comment period before the council took a final vote on the Nicholson item.

However, public comment periods are normally reserved for the matters not on the agenda, and, in any event, the council closed the public testimony at its February meeting.

Harrison and Lorish said

that city officials reassured them before the meeting that they would be allowed to voice their objections publicly before the council voted. When the city's land use attorney, Bill Kabeisman, advised to council to save the comments until *after* the final vote, "We felt blindsided," Harrison said.

Steidel pointed out that, even if opponents had been allowed to speak beforehand, the council would legally have had to ignore the comments in reaching a decision.

After the vote, Harrison accused the city of overtly assisting Nicholson by bending, favorably interpreting and circumventing the city's zoning provisions while doing nothing to help the residents who opposed his development project, he later wrote in a summary. This "improper use of city code" could set a "dangerous precedent for Cannon Beach."

"Why do we even have codes in place if we don't honor them?" Lorish asked.

Harrison also argued that the city's notifications for both the planning commission and the City Council meetings were posted days late, violating the city's requirement for a 20-day advance notice, and contained flawed and incomplete information. It is possible, he said, that these errors delayed public involvement until it was too late.

Several residents said that the four-house development, which will include an 8- to 9-foot-high retaining wall on North Laurel Street, will not fit the char-

acter of the city's north end.

### Different views

Nicholson maintains that, despite the outcry, he went through all of the proper channels to obtain the planned development.

He said he believes that, by convincing the council to approve the planned development, he is doing what is best for Cannon Beach.

Since he would need to sell the three new houses to pay for the reconstruction of the old house, Nicholson expressed concern that, if his development project wasn't approved, he would have to sell the property, possibly to someone intent on erecting a "McMansion" or some other structure incompatible with the scale and character of the surrounding neighborhood.

But Harrison and other neighbors told the planning commission that, actually, they would rather have a McMansion on Nicholson's half-acre property than the four-house development that Nicholson has in mind.

Nicholson originally went before the planning commission last summer asking the city to recognize four buildable lots on the property — lots which had been consolidated into one buildable lot allowing only one house. The commission denied the request, and the City Council upheld the denial.

Nicholson filed a LUBA appeal but put that process on hold while he pursued the planned development overlay zone, an option that the city staff brought to his attention. After the plan-

ning commission denied that, too, Nicholson started gathering documents for a lawsuit against the city, feeling he had been led down a "very expensive potential blind (alley)," he wrote in an email.

Once the City Council approved the planned development, however, Nicholson said he would drop both the LUBA appeal and the potential lawsuit.

### 'The city we love'

The city has three weeks to respond to the Friends of Cannon Beach's intent to file an appeal. Once the attorneys on both sides file their respective briefs, the three-member LUBA board schedules an oral hearing. The board will then issue its decision to overturn the City Council's decision, uphold it or — if they decide one or more procedural errors took place — remand it back to the city.

"If they hand it back to the city, I would hope the four councilors (who approved the development) are not so dug into this that they can't be persuaded any other way. I would hope that they don't feel they're losing face by changing their mind," Diane Amos said. "I should think that intelligent people should be open to new information, or old information that they haven't really taken into account."

Although nobody in the Friends group "wants to fight the city we love," Harrison said, "we also don't want to roll over on issues we feel strongly and care deeply about."

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## 46 ANNOUNCEMENTS

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The Jewell School District welcomes existing businesses, individuals or other organizations to compete for the contractual opportunities to provide the Pre-School/Daycare Program for the 2015-2016 school year. We are looking to begin with a one year contract with the opportunity to extend the contract upon agreement spring 2016. Deadline for bid submissions is 3:00 pm April 1, 2015. Please visit our website home page ([jewell.k12.or.us](http://jewell.k12.or.us)) for more information or call 503 755-2451 ext. 2410.

**NOTICE:** Oregon Landscape Contractors Law (ORS 671) requires all businesses that advertise landscape contracting services be licensed with the Landscape Contractors Board. This 4-digit number assures the business has a bond, insurance and an associated individual contractor who has fulfilled the testing and experience requirements for licensure. For your protection call (503)378-5909 or use our web site: [www.lcb.state.or.us](http://www.lcb.state.or.us) to check license status before contracting with the business. Persons doing landscape maintenance do not require a LCB license.

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Cannon Beach Family Market hiring for Chashier/stock person. Inquire at 1170 S. Hemlock, Cannon Beach

**Clatsop Community Action (CCA)** is seeking a Full-Time Case Manager for the Supportive Services for Veteran Families (SSVF) Program to provide community outreach, office grant management and direct caseload services for veterans and their families who are at risk of and/or are currently experiencing homelessness within Clatsop County.

**CCA's SSVF Program:** This is a federal Veterans Administration (VA) grant to target and assist single adult veterans and veteran families who are literally homeless or at imminent risk of becoming homeless. The SSVF program coordinates with County, State and Federal veteran-serving agencies and other service providers to provide case management, homelessness prevention and rapid re-housing to help transition veterans and their families to stable and permanent housing. **Qualified veterans are encouraged to apply!**

**Job Requirements:**  
•Bachelor's degree in social services or a related field required;  
•Must have reliable transportation, a driver's license, and insurance for business travel;  
•Housing case management, preferred;  
•Previous work with homeless veterans/veterans preferred.

**Contact Clatsop Community Action at** [eburce@ccaservices.org](mailto:eburce@ccaservices.org) or by calling (503)325-1400 for a complete job description and application.

**Benefits:** Full-time, 40 hours/week, medical, dental, 401K, vacation, sick leave, travel reimbursement.

**How to Apply:** Please include a cover letter, job application and resume with your current contact information and submit to: **CCA, 364 9th street, Astoria, OR 97103 or email to:** [eburce@ccaservices.org](mailto:eburce@ccaservices.org). Any job offer will be contingent upon the results of an updated background investigation and drug screening.

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Clatsop Retirement Village is hiring for part-time evening caregiver position, able to work weekends. Experience preferred but not required. EOE Applications are available on website [www.clatsopcare.org](http://www.clatsopcare.org) or 947 Olney Ave. Astoria.

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Email a cover letter, resume, sample photos, and up to three 500-word to 1,200-word writing samples to Coast Weekend Editor Rebecca Sedlak at [rsedlak@dailyastorian.com](mailto:rsedlak@dailyastorian.com)