

# CB says OK to Laurel Street housing project

'Smaller homes on smaller lots,' Nicholson says

By Lyra Fontaine  
Cannon Beach Gazette

The Cannon Beach City Council tentatively gave final approval, with conditions, to a highly contested four-lot residential development plan Wednesday night, March 2.

The council's public hearing lasted more than three hours and had City Hall's seats and doorways packed with the project's opponents and supporters.

It ended the third stage for approving the development proposed by Cannon Beach property owner and Portland resident Jeff Nicholson, who bought the property at 532 N. Laurel St. in 2014 for \$900,000.

Nicholson's proposals have faced opposition from the Friends of Cannon Beach group, been denied twice by the Planning Commission, gone through a Land Use Board of Appeals decision and earned tentative approval last year from the City Council.

"It will look like what we all know Cannon Beach to look like, having smaller homes on smaller lots," Nicholson said. "I would prefer to have any future development to go along with the comprehensive plan and look like Cannon Beach has looked."

## One in opposition

The council voted 4-1, with City Councilor Mike Benefield voting against the approval.

"That ticking time bomb continues to tick, so I don't think we have a choice but to address this in this hearing. But it should never have come here, it should have been denied," Benefield said. "We didn't follow procedure. I don't think we have a choice, and I don't like not



LYRA FONTAINE PHOTO  
**Lawyer Will Rasmussen spoke on behalf of Nicholson.**

having a choice."

"This being the first time a planned development has been attempted in Cannon Beach, unfortunately we have found out that it (the code) was badly written. It was a failure," Mayor Sam Steidel said.

He said he anticipated a future rewording or elimination of the code. "It has taught us that we will change this and whatever new that comes out will hopefully be better," Steidel said.

Jeff Harrison, who represented the 70-member Friends of Cannon Beach, said the City Council should have followed the Planning Commission. "How can you consider approving the applicant for a highly contentious land use application when doing so would create a long list of significant dangerous precedents?" Harrison asked the mayor, staff and council.

The city "rewarded" Nicholson for not following rules, he added.

"You're in a tough spot because you allowed the rules to be compromised last year," Harrison said. "We ask you to vote with your heart and your conscience and lis-

ten to your constituents, instead of merely listening to a lawyer. If you feel like you made a mistake in 2015, this is your chance, perhaps your last chance, to fix it."

Harrison counted 44 people in the room from Friends of Cannon Beach, with more than half the members full-time locals. About 22 opponents publicly voiced their concerns.

"The lack of binding commitment shows up again and again in Mr. Nicholson's application," said Cannon Beach property owner Jeffrey Gottfried.

## Some conditions

Before voting, the council discussed conditions for community concerns about square footage, trees, building height, scheduling, slope density, pile driving and building design.



EO MEDIA GROUP/FILE PHOTO

**Property owner Jeff Nicholson has said he plans to tear down this 99-year-old house at 532 N. Laurel St. and rebuild it using some of the original materials according to modern building standards.**

City Councilor George Vetter said there were "thoughtful and insightful information and concerns tonight," but Nicholson has "expressed considerable desire to work with conditions" and the Planning Commission is an advisory body to the council.

A city staff report recommended the council approve the development.

Portland lawyer Will Rasmussen, representing Nicholson, denied that pile driving would occur and said geotechnical engineering will be further examined.

"From a legal and engineering standpoint, this is a relatively simple request for four homes on an over-half acre site," he said, adding it has a planned development overlay applied to it and Nicholson will comply with any concerns the council has.

"The law is straightforward," Nicholson's attorney Steve Leighty said. "Only those criteria or elements that were not resolved in the earlier stages can be reviewed."

Rasmussen said they are not at the end of the development process yet. He agreed to put the protection of the property's two spruce trees in writing, responding to a comment by Jan Siebert-Wahrman, representing Cannon Beach Friends of Trees, calling for stronger language on tree protection.

Public comments supporting the development included Ted Wood of Cannon Beach.

# Nicholson ready to start building in Cannon Beach

By Lyra Fontaine  
Cannon Beach Gazette

After the Cannon Beach City Council's decision to give conditional approval to a four-home development at 532 N. Laurel St., property owner Jeffrey Nicholson said he is ready to move forward and that he hopes to break ground in about a month.

"It's amazing the time and effort the city has put in to make this happen," Nicholson said, adding that councilors continued to discuss the project well after the 11:30 p.m. end of last week's public hearing.

Before voting, the council discussed conditions for community concerns about square footage, trees, building height, scheduling, slope density, pile driving and building design. "Everything the Planning Commission wanted, the City Council upheld," Nicholson said. "I hope the commissioners are happy."

## A long road

Nicholson purchased the .57-acre property in 2014 for \$900,000.

His proposals have faced opposition from the Friends of Cannon Beach group, been denied twice by the Planning Commission, gone through a Land Use Board of Appeals decision and earned tentative approval last year from the City Council. The decision to conditionally uphold the approval was issued by the council last week.

About 14 proponents spoke. They echoed that Cannon Beach's small cottages appealed to visitors and "McMansions" had no place in the coastal town.

## Opponents speak out

Opponents commented that supporters of the plan were not Cannon Beach residents and were unfamiliar with the city. Jeff Harrison, representing the

70-member Friends of Cannon Beach, said in a letter the tentative vote is "unexplainable, unless you believe that the council merely caved in to the developer's lawsuit threats."



Jeff Nicholson

"The courageous thing would have been for the mayor and the three councilors to admit they made a mistake and to deny the admittedly faulty and wildly unpopular incomplete application," Harrison wrote.

"Slope density provisions were put in place for good reason and should not be circumvented," Harrison added.

During public comment, 22 opponents spoke out against the project's proposed wall, building and landscaping plans, lack of a homeowner's association, development schedule and the City Council's approval in 2015 that followed a threatened lawsuit by Nicholson.

Opponents also questioned whether Nicholson's four proposed homes would be small-sized and affordable.

The implication that "the only alternative to four houses is a 15,000-square-foot McMansion is a ridiculous scare tactic," said Elizabeth Muller-Lorish, of Cannon Beach, at the hearing. "If you again choose to ignore the recommendations of the Planning Commission as well as many constituents. ... Please give us clear reasons. I think you owe that to us."

Robin Risley, who lives near the development, said a bond should be taken out for the city's protection, along with an insurance policy to cover potential damage.

Cannon Beach property owner Clay Newton said it felt like the lawyers were "playing games."

# Fire department teams up to repair flagpole

The Cannon Beach American Legion was not able to escape the high winds of February and a "Mayday" call for help was issued. The U.S. flag was torn from the halyard and the line separated crashing to the ground hardware and all.

Post Commander Dan O'Reilly reports the Cannon Beach Fire Department report-

ed for duty on Feb. 23. Captain Matt Gardner, Lieutenants Mike Johnson, and Steve Moon teamed up to re-fly Old Glory. The ladder was extended, Captain Matt scaled, and together, under the watchful eye of American Legion House Chairman Pat Hegrenes, they replaced the halyard and repaired the attaching hardware.

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