

CANNON BEACH PLANNING COMMISSION

October 22, 1987

7:00 p.m. - 10:00 p.m.

M I N U T E S

Present: Laurel Hood, John Dickson, Pat Friedland, Al Aya, John Alve, George Vetter, John Fraser.

Staff: Mike Morgan, City Planner; Max Justice, Building Official and Code Enforcement officer; Helen Crowley, Planning Commission Secretary.

Laurel Hood opened the Planning Commission meeting of October 22, 1987 at approximately 7:00 p.m.

APPROVAL OF AGENDA. Pat Friedland moved that the agenda be approved as presented; George Vetter seconded the motion and it passed unanimously.

PUBLIC HEARING: AMENDMENT TO COMPREHENSIVE PLAN AND ZONING MAP CHANGING BOUNDARY OF ECOLO CREEK ESTUARY ZONE. Mike Morgan read the staff report, described the proposed boundary changes, noting that some of the private properties affected by the proposed change are included as part of the estuary, and some have been deleted. He said that Mr. Swigart is interested in having the City adopt the adjusted line so that he can build a new restroom building at his campground northeast of Ecola Creek Bridge. He noted that the City has a grant to purchase Mr. Haney's property, adjacent to the estuary, and is presently in negotiations regarding purchase of that property. Since there is some concern that amending the line in this area would upset the negotiations, Morgan recommends that the new line not include the Haney property until it has been purchased by the City. He also noted that the "sponge" is being studied for wetlands management and the plan should be ready by next spring or summer.

Laurel Hood opened the public hearing. She asked if anyone objected to the jurisdiction of the Planning Commission to hear this matter, or if any Commissioners had a conflict of interest. There were none.

Mr. Aya raised a question about the north side west of the bridge and Morgan noted that Mr. Swigert wants to build restrooms before

the next season. The Haney property is not included in the boundary change, as mentioned above. He noted that changing the boundary at this time could change the appraisal.

Janet Rekate, 3732 S. Pacific, Cannon Beach. Ms. Rekate stated that she and another real estate broker had appraised the Haney property and she had learned that much of the property is Planning Commission Meeting 10/22/87

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unbuildable because it is below the estuary line. She indicated that her appraisal was a bit lower than the appraisal of the other appraiser.

Morgan indicated that he agreed with Ms. Rekate's comments, but indicated that the property is zoned R-2, and a portion of it is buildable and outside the estuary.

Laurel Hood noted that not only this property but other property needs to be placed in the estuary zone and she is in favor of this as well as zoning all the land along the creek. She also noted that Swigert's restrooms have been approved by the City.

The public hearing was closed.

CONSIDERATION OF AMENDMENT TO COMPREHENSIVE PLAN AND ZONING MAP BY CHANGING BOUNDARY OF ECOLA CREEK ESTUARY ZONE. Pat Friedland moved to approve the Ecola Creek Estuary Boundary changes. George Vetter seconded the motion and it passed unanimously. Laurel Hood commented that other properties in the area should be considered for placement within the estuary boundaries.

PUBLIC HEARING: PROPOSED AMENDMENT TO ZONING ORDINANCE, SECTION 4.030, ACCESS REQUIREMENT. Morgan presented the staff report noting that the amendment language is based on discussions at a Planning Commission workshop. Morgan read the proposed amendment.

Mr. Aya asked why property owners needed to be notified. Laurel Hood noted that since easements can be within setbacks, neighboring properties could be affected. Aya said if a setback is involved that is one thing, but asked why there is a need to notify if that is not the circumstance.

Laurel Hood opened the public hearing. She asked if anyone objected to the Planning Commission's jurisdiction to hear the matter or if any Commissioner had a conflict of interest. There were none. She asked for proponents:

Lyle Wells, 1879 Pacific, Cannon Beach. Mr. Wells stated he objects to the word easement because it is too ambiguous and would not protect property owners, and that property owners beyond 100 feet should be notified since they would be affected by a variance. Laurel Hood pointed out that the term used is irrevocable easement. Mr. Wells indicated that the term easement is an insufficient description. Ms. Hood commented that when someone is acquiring an easement those details are worked out. Mr. Alve asked whether it might be appropriate to add another standard indicating that the action should not adversely affect traffic patterns.

Phil Nelson, an attorney for Mr. and Mrs. Harold Wall, suggested adding "recorded" irrevocable easement. He questioned whether this should be a quasi judicial matter.

Ms. Hood asked how the City of Astoria and Clatsop County handle access requirements. Mr. Nelson noted that the City of Astoria does not have an access requirement, and that Clatsop County has a similar ordinance requiring the Planning Director to decide whether criteria are met. He said it is a ministerial function.

Art Alve, 181 Chena, Cannon Beach. Mr. Alve stated that the intent of an easement is to allow ingress or egress.

Janet Rekate, 3232 Pacific, Cannon Beach. Ms. Rekate stated that if an easement is recordable, serves 4 lots or less, and approved by the fire chief, a hearing should not be required. To require a hearing will cost more money for the city.

There was some discussion regarding the use of the word "adverse" and several expressed the view it was not appropriate.

Laurel Hood closed the public hearing.

CONSIDERATION OF PROPOSED AMENDMENT TO ZONING ORDINANCE REGARDING SECTION 4.030, ACCESS Requirement. Mr. Aya suggested striking language requiring notification; using objective criteria; and not making it a quasi judicial matter unless a setback is involved.

Ms. Hood asked if the language necessarily meant a hearing, and Morgan said that there are two reasons for that language: 1/ after the issue regarding the Wall property it was the decision of himself, Rainmar Bartl and City Attorney Bill Canessa to notify property owners of future lot reductions, so there is due process; and 2/ where adjoining property owners might be affected by an easement. Ms. Hood asked if neighboring property owners are notified and there appear to be substantial objections, could a hearing be requested.

It was indicated that is how the county does it; an appeal can be made based on one of the criteria. Mr. Alve suggested a statement similar to one in the variance criteria, that properties in the vicinity won't be injured. Mr. Aya expressed the view that that language is too loose, and that it should be a neighbor, not someone

down the street. Ms. Hood indicated she wanted to see the word "recorded" in the language.

Mr. Aya moved to adopt the proposed wording with the exception of "recorded" being inserted, and notification language being struck. John Dickson expressed the view that a hearing should not be required. After discussion, Mr. Aya amended his motion to also

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add a standard "e. Adjacent property owners will be notified", and changing Planning Commission to Planning Department, so that this is a ministerial matter. Mr. Vetter seconded the motion. Commissioners Dickson, Friedland, Aya, Hood, Vetter and Fraser voted AYE and Commissioner Alve voted NAY, and the motion passed.

McMAHON MINOR PARTITION REVIEW: Mike Morgan gave the staff report. Mr. Aya asked why all the property couldn't be subdivided at one time. Morgan explained that subdivision is a separate process at the state level and is more complicated; partition is just at the city level. Ms. Hood asked if a geologic investigation is required. Morgan noted he had checked the geologic map and there are no active landslides or evidence of movement; the slope is under 10% and in most places flat. Morgan explained the size of the parcels.

Laurel Hood opened the public hearing. She asked if anyone objected to the jurisdiction of the Planning Commission to hear this matter or if any Commissioners had a conflict of interest. There were none. A telegram from Eleanor Easely, from whom McMahon is purchasing the property, was read authorizing McMahon to act as her agent.

Ron Larson of Handforth & Larson, Manzanita, indicated he had prepared a legal survey and could answer questions regarding the property.

Laurel Hood asked if proponents desired to speak. There were none. She asked if opponents desired to speak.

Janet Rekate, 3732 Pacific, Cannon Beach. Ms. Rekate noted that page 32 - of the Comprehensive Plan indicates there is a requirement for geologic studies. Morgan indicated that is a requirement at the building permit stage. The Planning Commission agreed. Ms. Hood closed the public hearing.

CONSIDERATION OF McMAHON MINOR PARTITION REVIEW. Mr. Aya moved that the request be granted in line with the staff's

recommendations. There was discussion and it was clarified that Hemlock is a limited access highway. The applicant, Janet McMahon, 1658 Forest Lawn Road, Cannon Beach. Ms. McMahon stated that her application had requested that all three lots have access from Hemlock but actually only one lot needs access from Hemlock. Morgan noted his recommendation in the staff report that lots be accessed from Forest Lawn. Mr. Vetter questioned limiting a property owners potential access. Mr. Aya noted access should be from Forest Lawn. Morgan noted that the Planning Commission does have a legal right to restrict access from one street if another access is available. There was discussion about Forest Lawn being one way, making access to some properties difficult.

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Dick Anderson, 115 Ross Lane, Cannon Beach. Mr. Anderson commented that cars must go in at the curves if going from south to north.

Ms. Hood asked which official addresses such a problem and Morgan replied that it is up to the Public Works Director.

Ron Larson noted that the issue of what way Forest Lawn should go is not relevant here. With regard to safety analysis, he did not prepare measurements regarding site visibility; he stated there is more visibility on west than east - not right in curves, and would like access.

Pat Friedland seconded the Mr. Aya's motion to approve the minor partition based on the Findings and Recommendations in the Staff Report; Commissioners Dickson, Friedland, Aya, Hood, Alve and Fraser voted AYE; Commissioner Vetter voted NAY.

Mr. Aya commented that there should also be discussion with the fire district and an opinion should be obtained.

DESIGN REVIEW BOARD RECOMMENDATIONS.

DeLano/Criterion -- Mike Morgan read the staff report. He noted that the building is actually 4200 square feet, that the sign is larger than allowed, and that all parking will be purchased from the City. He also noted that 670 square feet of landscaping is covered, explained that lights were in soffits and that a retaining wall is needed on the north boundary of the alley, or if alley is graded along the adjacent property owner's lot. He said that the Planning Commission needed to determine the appropriateness of the covering over a portion of the landscaping.

Morgan read the DRB recommendations for approval of the building design and lighting plan, and noted the DRB had tabled consideration of the landscaping plan until the Planning Commission determined the appropriateness of the covering over a portion of the landscaping. It was also noted that the DRB recommended that the Planning Commission determine that the overhang over the landscaping is appropriate.

Pat Friedland commented that 33% is green and hard surface, and asked if the area under the roof is not considered landscaping, what percentage would be considered landscaped. Morgan replied that there is 667 square feet of landscaping under a roof in front or on the side, and if that is excluded about 1,000 square feet are left which would be considered landscaping. Ms. Friedland asked if the landscaped area would be decreased if the sidewalk was widened to 7 feet. Morgan indicated that only about 50 feet would be lost. John Dickson indicated the size of the sign would have to be changed.

Carolyn DeLano, 3715 Coho Lane, Cannon Beach. Ms. DeLano, the applicant, introduced Mr. Norman Larson, her architect for the proposed building. Mr. Larson, 1352 Tyler, Eugene, Oregon, architect for Carolyn DeLano. Mr. Larson made a presentation to the Commission regarding the building, and specifically addressed the covered landscaped area in question, noting that it is a 2 story space with plenty of light and low growing plants. He referred to the floor plan and described the bay windows and indentations which add texture to the building. He described the uncovered landscaping.

George Vetter asked how the back area would be used and why a portion of the landscaping is covered. Mr. Larson replied it would be a lounge area with a garden for customers, and that in covering some of the landscape he was attempting to develop a columnar idea from inside to outside. Ms. Hood noted that some concern had been expressed regarding the building face being so close to the street and asked if it could be dropped back. Mr. Larson said that they wanted to make a statement of what the building is.

There was considerable discussion about the building and the landscaping. After the discussion, Mr. Larson indicated that his building could be moved back approximately 3 feet. He indicated the desire to make this a dominant retail building.

Carolyn DeLano indicated that this had been discussed at the Design Review Board meeting and that she had indicated she did not want to put up a building that will displease residents. It was also noted that the plans don't show the curve of the lot or Steidel's building. She also noted that the building does not block the view of downtown.

John Dickson described photos taken by Jim Hannen and reviewed at the DRB meeting which confirm what Carolyn DeLano just said, due to the angle of street.

Pat Friedland asked if there is an option to move it back. Laurel Hood said it would give more awareness. She further noted that she still objects to the south side covered landscaping.

Mr. Aya moved to approve the plan as presented, with the exception that the front of the building be moved back (west) three feet. Pat Friedland seconded the motion. During discussion it was clarified that the covered landscape area equals open space. Vetter raised the question of a skylight and Beth Holland indicated that sun

through glass on plants scorches them and does no good. A vote was held on Mr. Aya's motion; Commissioners Dickson, Friedland, Aya, Hood, Vetter, and Alve voted AYE; Commissioner Fraser voted NAY, and the motion passed. Morgan noted that the DRB is waiting for the Planning Commission's decision on the covering over the landscaping, and in this case it is approved. Laurel Hood Planning Commission Meeting 10/22/87

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indicated that the Planning Commission should have a joint meeting with the DRB, where DeLano can present a revised landscape plan. The meeting was scheduled for Tuesday, November 3 at 8:00 a.m.

Lighting Plan - Mr. Alve moved to approve the lighting plan; George Vetter seconded and the motion passed unanimously.

HOLLAND'S FLOWERS: Mike Morgan removed himself from deliberations because of a conflict of interest. Pat Friedland also removed herself from deliberations. Max Justice read the staff report and also noted that he had checked to be sure the buildings were in compliance with FEMA regulations. It was clarified that no electricity is allowed in the buildings.

Mr. Dickson raised question of lights; Holland said there was one in the building being moved to the back - and there is existing power in the round greenhouse. Justice indicated he would check above/below ground requirements for wiring.

In response to a question from Laurel Hood, Beth Holland stated that there are two options for the placement of the building in front.

Mr. Fraser moved for approval of the building to be moved and the placement of the building in the front. Mr. Aya seconded the motion. Mr. Vetter raised the question of building placement, and Mr. Fraser indicated that his motion should reflect that either placement is approved. Vetter commented that normally more detailed plans are required. Beth Holland indicated that paned glass window and a series of soft paned windows would be used in the front building, as well as two sliding glass doors. A vote was held on Mr. Fraser's motion and it passed unanimously. (Pat Friedland did not vote.)

REYNOLDS LEPPERT. Morgan noted that Mr. Cummins, attorney for Reynolds and Leppert, had sent a letter to Bill Canessa, the City Attorney, objecting to Canessa's opinion that there is only one lot on the property under slope density requirements; and that this was a "taking of property." Canessa does not feel that there is any

action that can be taken at this point. Mr. Alve said he thought that Bill Canessa was going to provide a legal opinion regarding constitutional issues in this matter. He indicated to Mr. Alve that Mr. Canessa had written a letter setting forth his opinion that there is one lot on the property. Max Justice indicated that a timetable is to be presented regarding the disrepair of the lot and that nothing could be done now because of the ban on burning presently in force.

McMAHON MINOR PARTITION. Laurel Hood noted that a motion is necessary for her to sign the order regarding the Planning Commission Meeting 10/22/87

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Commission decision on the McMahon minor partition. Mr. Aya moved that Laurel Hood as Chair of the Planning Commission be authorized to sign the required legal document regarding the Planning Commission decision; Mr. Alve seconded the motion and it passed unanimously.

SECOND STREET BEACH ACCESS. Morgan indicated that the DRB had discussed this matter at their last meeting and suggested that there be a joint worksession to develop criteria for design. He noted that a small committee of interested citizens should be invited to attend the worksession. Ms. Hood asked if information on wave dynamics can be obtained and Morgan replied that the architect would work with a coastal engineer on the project. George Vetter requested that the University of Oregon plans be available for the meeting. Janet Rekate, in the audience, noted that some of those plans were superb and should be considered.

COLORS OF NEWSRACKS. John Dickson indicated that he thought the newspapers' representatives indicated they would change the colors and placement of newsracks. Mr. Vetter questioned whether all newsracks should be the same color. Laurel Hood noted that the Planning Commission had sent a recommendation to the Council that the newsracks be moved off of the sidewalks, and at the Planning Commission hearing the newspapers representatives had expressed a willingness to cooperate with the City. Vetter noted that some of the papers' uniqueness is the different colors and logos. There was further discussion regarding the meaning of "willing to work with." Mr. Aya suggested inviting the newspapers' representatives to a meeting with the DRB to discuss the issue. After further discussion, it was decided no action would be taken on the matter.

DESIGN REVIEW BOARD/PLANNING COMMISSION WORKSESSION REGARDING GREEN SPACE. It was agreed that this subject would be added to the agenda

for the November 3 joint special meeting.

MINUTES: Mr. Aya moved to approve September 24 meeting minutes and the September 29 special meeting minutes. Vetter noted a correction on page 5 of the September 24 meeting minutes, second paragraph, line 4 to strike the word "not". Mr. Aya amended his motion to include Mr. Vetter's correction; Mr. Vetter seconded the motion and it passed unanimously.

SIGNS: Max Justice described the confusion over the sign area, and the formula used to determine the allowable square footage of a sign. This formula essentially prohibits triangular, circular and some other shapes of signs because it causes a loss of allowable area. He said that the existing measurement system does not allow creativity without loss of sign area. He suggested two solutions: 1/ include with sign applications an explanation of how to measure different shapes of signs so that there is no loss of square

footage; or 2/ rewrite the ordinance to allow creativity without loss of area.

There was discussion among the Commissioners, with Vetter and Aya noting that creativity and flexibility is necessary. Fraser said he would like to see something that was enforceable. Max Justice indicated he would prepare a rewording of the ordinance for their consideration.

ONGOING PLANNING ITEMS. (1) Tree Removal - Laurel Hood noted that tree removal applications were attached and two had been approved and one denied. (2) Enforcement Actions - Max Justice reported on efforts to bring various signs into compliance. He noted that if someone had applied for a variance regarding their sign, he was not requiring that the sign be taken down since they were in the process of trying to right the situation. He noted that cost is an issue here, because large signs often cost hundreds of dollars to take down and put back up. There was discussion among the Commissioners about the issue and Morgan indicated that such things as simple banners, not in compliance with the ordinance, should be taken down even if the owner has applied for a variance. Laurel Hood noted that the banners should come down and if it is not too expensive, or if signs have been up for a long time, they should comply with the law and take them down. If there is a refusal to comply, a citation should be issued. Justice indicated that 95% of the sign violations had been taken care of.

(NOTE. Subsequent to this meeting, Max Justice was advised by the City Attorney and the Police Chief that no signs for which a business owner had applied for a variance should be required to be removed.)

Mike Morgan reported that Changing Fancies business is applying for a sign variance.

Ms. Hood expressed appreciation to Max Justice for his diligence regarding these sign violations. Justice indicated that he wanted to be sure they were settled once and for all so that none of them would come up again in six months.

Pat Friedland commented that every holiday another building outlines its buildings with lights and she considers such lights to be signs.

CHANGE IN PLANNING COMMISSION MEETING DATES IN NOVEMBER AND DECEMBER. Laurel Hood noted that the PC and DRB meetings had been

moved one week ahead in November and December because of the Thanksgiving and Christmas holidays, and that notices had been posted to that effect.

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ORDINANCE 87-13. Ms. Hood noted that Ordinance 87-13 is included in Commissioners packets, which amends building height and landscaping sections of the zoning ordinance.

GOOD OF THE ORDER. Laurel Hood noted that a bloodmobile will be in Cannon Beach on Monday, Oct. 26, in front of the Conference Center, and encouraged people to give blood. Appointments can be made with Laurel.

ADJOURNMENT. John Fraser moved to adjourn the meeting. Mr. Aya seconded and the vote was unanimous. The meeting was adjourned at 10:00 p.m.

Helen Crowley Planning Commission Secretary