

Minutes of the
CANNON BEACH CITY COUNCIL
SPECIAL MEETING AND WORK SESSION
Tuesday, February 13, 2024
Council Chambers

Present: Mayor Barb Knop, Council President Nancy McCarthy, Councilors Brandon Ogilvie, Gary Hayes and Lisa Kerr

Excused:

Staff: City Manager Bruce St. Denis, IT Director Rusty Barrett, Recorder Jennifer Barrett, Assistant Finance Director Ron Logan, Public Works Director Karen La Bonte, Corporal Joe Bowman

Other:

CALL TO ORDER AND APPROVAL OF AGENDA

Mayor Knop called the meeting to order at 6:00 p.m.

Knop noted we will amend the agenda to include an action item to amend the standards of public comment, to be held prior to public comment.

Motion: McCarthy moved to amend the standards of public comment to include the following for tonight's meeting: Public comment during City Council meetings is not an absolute right. Rather, the City Council permits public comment only for the limited purposes of hearing from the public about matters directly related to the business of the City that is within the Council's jurisdiction. The public comment period is a limited public forum and comments are therefore appropriately limited to matters of concern, official action, or deliberation which are or may come before City Council. The City Council is not creating an opportunity for and will not accept public comment on matters that fall outside the scope of the Council's jurisdiction, such as employment issues related to employees and officers who are not appointed or supervised by Council. During public hearings, all public comment must relate to the specific matter under discussion. All public comments must be addressed to the City Council as a body.

Public comment must not unduly interfere with the City Council's ability to conduct business or otherwise disrupt City Council meetings. Comments that substantially interrupt, delay, or disturb the peace and good order of the proceedings of the City Council are not permitted. Examples of such types of comments include shouting, use of profanity or vulgarity, or speaking outside of allotted time. In addition, public comment may not be used for belligerent or abusive behavior including true threats, fighting words, or incitements to imminent lawless action. Abusive and harassing comments that could lead to the creation of a hostile work environment for City employees required to attend City Council meetings likewise unduly interferes with the Council's ability to conduct its business and are therefore prohibited. The City Council requests that all public comment is provided in a manner that is respectful to those in attendance at the meeting; Kerr seconded the motion.

Vote: McCarthy, Ogilvie, Kerr, Hayes and Knop voted AYE: the vote was 5:0 and the motion carried

Motion: Hayes moved to approve the agenda as amended; Ogilvie seconded the motion.

Vote: McCarthy, Ogilvie, Kerr, Hayes and Knop voted AYE: the vote was 5:0 and the motion carried. The agenda was approved.

PUBLIC COMMENT

Knop called for public comment, adding we are following our new policy and rules, remember to be kind and respectful and under 3 minutes.

- Andrew Tonry PO Box 664 spoke about the number of meetings and their length. Tonry added he is a member of CBE Research Advisory Group and shared his reasons for abstaining on the recommendation to Council. Tonry shared his thoughts on short term rentals (STR) and potential ways to help.
- Richard Kosa PO Box 656 spoke against limiting the STRs, adding limiting only helps hotels, noting their benefits. Kosa added he is opposed to the previous public comment given and his preference would be to remove STR restrictions.

INTRODUCTION

(1) Introduce New City Staff

St. Denis introduced our new Community Development Administrative Assistant Tessa Pfund the new Public Works Administrative Assistant Sheri Skotland.

PUBLIC HEARING

(2) Public hearing for ZO 23-03, CIDA Inc, Applicant, on Behalf of the City of Cannon Beach, Request for a Comprehensive Plan Amendment & Zone Change for Taxlot 41006B000200, a Partially Developed Property Adjacent to the Intersection of U.S. Highway 101 and Tolovana Mainline Road. The Property is Currently Zoned Institutional Reserve (IR) and the Request is to Change the Zoning Classification to Institutional (IN) and Consideration of Ordinance 24-01

Knop stated this is a hearing for ZO 23-03, CIDA Inc, Applicant, on Behalf of the City of Cannon Beach, Request for a Comprehensive Plan Amendment & Zone Change for Taxlot 41006B000200, a Partially Developed Property Adjacent to the Intersection of U.S. Highway 101 and Tolovana Mainline Road. The Property is Currently Zoned Institutional Reserve (IR) and the Request is to Change the Zoning Classification to Institutional (IN)

Knop asked does anyone object to the jurisdiction of the City Council to hear this application at this time? There were none. Does any Councilor believe he or she has a personal bias to declare? There were none. Does any Councilor believe he or she has a conflict of interest? There were none. Has any Councilor had any ex parte contacts or made a site visit? Site visits were declared.

Knop asked is there any additional correspondence?
Sokolowski replied there has been none.

Knop asked for the staff report.
Sokolowski summarized the staff report.

Knop called for public testimony and stated the request will be reviewed against the criteria of the Municipal Code, Section 17.86.070.A, Amendments, Criteria. The pertinent criteria to be considered are noted in the staff reports; Testimony, arguments and evidence must be directed toward those criteria or other criteria in the

Comprehensive Plan or Municipal Code which the person testifying believes to apply to the decision; Failure to raise an issue accompanied by statements or evidence sufficient to afford the decision maker and the parties an opportunity to respond to the issue precludes appeal based on that issue; Persons who testify shall first receive recognition from the Mayor, state their full name and mailing address, and if appearing in a representative capacity, identify whom they represent.

Knop asked is there a presentation by the applicant?

Leslie Jones, CIDA noted the decision to move the police department to the site in question was based on community outreach process where it was determined to separate City Hall (CH) and the police department (PD) and put the PD in an area outside inundation zone.

Knop asked re there presentations by proponents.
There was none.

Knop asked are there presentations by opponents?
There was none.

Knop asked is there a staff response?

Sokolowski noted a new Oregon house bill requires newly constructed essential facilities are required to be outside the inundation zone which is another reason for the request.

Knop asked does the applicant or proponents wish to make additional statements?
There was none.

Knop closed the public hearing and moved to consideration.

Motion: Hayes moved to approve the first reading of Ordinance 24-01; Kerr seconded.

Knop read “Ordinance 24-01: ZO 23-03, City of Cannon Beach Request for a Comprehensive Plan Map Amendment and Zone Change for Tax Lot 41006B000200, a Partially Developed Property Adjacent to the Intersection of U.S. Highway 101 and Tolovana Mainline Road from Institutional Reserve (IR) to Institutional (IN)”

Vote: Hayes, McCarthy, Ogilvie, Kerr and Knop voted AYE: the vote was 5:0 and the motion passed unanimously.

Motion: Hayes moved to approve the second reading and adopt Ordinance 24-01; Ogilvie seconded.

Knop read “Ordinance 24-01: ZO 23-03, City of Cannon Beach Request for a Comprehensive Plan Map Amendment and Zone Change for Tax Lot 41006B000200, a Partially Developed Property Adjacent to the Intersection of U.S. Highway 101 and Tolovana Mainline Road from Institutional Reserve (IR) to Institutional (IN)”

Vote: Hayes, McCarthy, Ogilvie, Kerr and Knop voted AYE: the vote was 5:0 and the motion passed unanimously.

Knop announced Ordinance No. 24-01 has been adopted and will become effective 30 days from adoption.

ACTION ITEMS

(3) Lifeguard Intergovernmental Agreement for Services

St. Denis read the staff report. In response to Kerr’s question when you say report, is that a full account, St. Denis replied yes. Fire Chief Marc Reckmann added there will be two reports, and at the end of each season a report on the full program and where it is heading.

Council discussed the times lifeguards would be available. Reckmann noted the general start of the season where they are guaranteed to start is Memorial Day, but their goal is to start having a presence on the beach starting early April and ending a little later in the season on nice days. Discussed the timeframe of the Season. Chief of Ops Jason Smith noted the difficulty trying to lay down a specific date as it is weather dependent. Smith added if there is a nice day they’ll staff the beach. McCarthy suggested adding a phrase to 5.1 including lifeguard services on the beach is weather permitting, a discussion ensued regarding potential language. Reckmann noted he would make the revision. Knop requested a revision to section 3.8. Language agreed to add reads – Personnel weather dependent, the district will provide staff beginning of April and will last through October. Discussed how this time frame utilizes the full-time employee.

Hayes noted the terms of the agreement asking if it will extend multiple years, Reckmann replied no, adding it will take three years to really get their arms around the program and the true costs, which is why it is listed for three years. Reckmann added at the end of the first year there will be a discussion on the program but will not know the full extent but will by the end of the three year.

In response to Haye’s question the agreement calls for city to sign over vehicles and existing equipment, what’s the value, Reckmann replied nothing, it’s all older, giving a brief overview of the status of equipment noting there is not much value. Hayes noted part of this is the capital expenditure program each year, asking if Reckmann will actually have a fund to replace experiment. Reckmann replied yes adding the board met last night and already built it into their future.

In response to Ogilvie’s question where does the tower fit into that, Reckmann replied they will end up taking repairs to it and maintain it, a discussion ensued about a new tower and the cost.

Motion: Ogilvie moved to approve the Intergovernmental agreement services noted change to 3.8; Hayes seconded.

Vote: Hayes, McCarthy, Ogilvie, Kerr and Knop voted AYE: the vote was 5:0 and the motion passed unanimously.

(4) Consideration of the Minutes of the

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| December 14 | Council Retreat |
| December 19 | Council Retreat |
| January 2 | Council Meeting |
| January 9 | Work Session to Discuss 11/28 Meeting |
| January 10 | Work Session |
| January 16 | Work Session/Special Meeting |
| January 30 | Work Session City Hall Design Review |
| January 31 | Joint Work Session Housing Meeting |

Hayes noted the January 9 is misleading and says Hayes added it will lessen the general fund, Hayes added the point was it’s not coming from the general fund but are slowing the contributions for general fund reserve. Hayes added the January 31st has multiple references to Dunning but should be McNelly.

Kerr requested a revision on January 9 page 2, under specifics on funding of CBE project, three lines from

bottom says Kerr replied of food tax... to change to can't imagine any of us supporting increase of property tax or food tax.

Motion: Hayes moved to approve the minutes of December 14 & 19, January 2, 9 as amended, 10, 16, 30 & 31 as amended; Ogilvie seconded.

Vote: Hayes, McCarthy, Ogilvie and Knop voted AYE: the vote was 4:0 and the motion passed unanimously.

CLOSE SPECIAL MEETING AND OPEN WORK SESSION

DISCUSSIONS

(5) Utility Rate Study

Logan read the staff report and introduced Doug Gabbard from FCS to walk through the PowerPoint in the packet. Gabbard presented the presentation, a copy is in the record. Amanda Levine presented the 5 scenarios. Levine and Gabbard answered council's questions. Discussed conservation measures.

Discussed next steps. Gabbard noted the presentation had specific scenarios, but there is almost an infinite numbers of possibilities. Kerr noted she is partial to 2A, noting it seems more conservation oriented than the others. McCarthy added she could go with 2A or 2B. Hayed noted that it seems to be the most equitable with the burden being faced with. Knop added she would like to go 2A due to the conservation aspect. In response to Ogilvie's question asked is there something with 2a or 2b that is not workable, Logan replied no, they are all workable and only require programing.

Council consensus was option 2A and discuss how to proceed. Knop noted each budget year rates are adopted. St. Denis added that is what is done based on the funds needed. Logan noted this provided direction with what to do for July 1. Gabbard noted options of passing by a resolution with a multiyear rate schedule but there can always pass another resolution interrupting that, anything you can do with a resolution you can undo with a resolution.

In response to Logan's question would council like a Resolution for year by year or multiple years included, Ogilvie replied his preference is year by due to all the projects. Kerr noted 2A doesn't have elasticity, so it is her preference as well. Discussed the process that would occur each year regarding rates.

Took break at 7:52 pm. Reconvened at 8:00 pm

(6) Cannon Beach City Hall Design Review

St. Denis introduced Leslie Jones on Zoom. Jones said they are taking a look at the updated package anticipate to be submitted to DRB adding the primary submission is the arborist report and based on the report there will be an update to the submittal. Jones noted Jeff Gearhardt is online for questions. Jones reviewed the design package. Gearhardt shared his thoughts. Jones noted the landscape architect Joyce Jackson is available online as well. Jones answered council's questions. St. Denis noted he wanted to make sure you were comfortable before submitted to DRB. Ogilvie replied based on his review he is very comfortable and well presented. In response to Ogilvie's question if there is a possibility of adding more tree canopy to the site or the trees being proposed to replace will maximize the space available, Jackson replied there are a couple of spots where a few trees could added in the lower south and east corner where there were alders. A discussion ensued regarding additional trees and potential locations. Ogilvie asked if there is a consensus for DRB. Hayes replied he felt they are close, Know added when going to DRB the tree matter should be figured out. St. Denis agreed asking if they want to see it before submitting, Knop replied no, they trust it will get done.

(7) Presentation of Cannon Beach Elementary Research Advisory Committee Recommendations for the Ne’Cus Site

Knop noted Hayes has been the chair and done a great job. Hayes reviewed the documents in the staff report. Hayes noted we have people on the committee who were fully in support of the project and some with reservations or specific concerns about the project and personally that allowed us to address some of the most critical issues to the community such as parking and competing with other facilities, nonprofits and community use. Hayes added he sees the committee’s roll as complete and they’ve looked at entire scope from the resolution. Hayes added this is for councils general approval of recommendations and also moving forward.

Hayes noted that council is aware but one recommendation regarding management hit a snag, the discount rate bonding would require it be city managed until a management contract can be fully flushed out. Hayes added this will not preclude the project being turned over to a nonprofit in the future, but initially a city program is the way to make sure we get the discounted rate on the bonding. Hayes suggested an advisory committee to give the community a voice as it relates to the actual management of the facility. Knop added the advisory committee would be similar to the Farmers Market committee.

Kerr noted the calendar didn’t include the Cannon Beach Arts Summer Art Camp. Kerr asked for an explanation on what Tonry’s public comment was about. Hayes replied that some members wanted to draw a line of what wouldn’t be allowed, such as weddings or off season corporate events to use the facility for a conference. Hayes didn’t feel that was the view of the majority of the committee, adding he sees the advisory committee working on these details and other items such as free speech. Hayes answered Kerr’s questions. In response to Ogilvie’s question do you anticipate this committee to flush out a shuttle or overall parking plan, Hayes replied he hopes that is something the citizen/advisory committee would be able to do, and any event would have a parking plan. Ogilvie added he is happy and would like to move forward with all possible speed. Hayes noted he thinks council will be making decisions on where to go from here and it will come up on the agenda to satisfy the community input and how to get the ball rolling. Kerr noted she feel it is a good idea to have citizen/advisory committee. In response to McCarthy’s question when do you see committee being organized, Hayes replied they we will want to hire a director, that committee should be there in that advisory capacity and setting the specific policies in place. Knop thanked the committee members for their work. In response to McCarthy’s question how do you hire someone if this is a city program and how much input would committee have, Knop replied the advisory committee is not hiring staff, a discussion ensued.

(8) Short-Term Rental Discussion

St. Denis read the staff report.

- Not allowing an ADU primary residence to be used as a short term rental

Ogilvie noted the list says rental, but should be short term rental. Hayes added that change could happen in the code audit.

- Capping the number of STRs

Kerr would like a cap at 200, adding it really resonates how STR;s do not help with the feeling of community and deteriorate a sense of place in a community. Kerr noted a lot of jurisdictions are outlawing them and putting a cap is a simple fix. A discussion ensued regarding the historic number of STR’s and potential cap number.

Hayes suggested looking at limited STR in particular areas, adding the property management companies do a great job managing the STRs. Ogilvie noted 200 represents approx. 10% of housing stock, a discussion ensued on the origins of the 200 number. Kerr noted it’s a self-regulating number, a discussion ensued.

Sokolowski asked if council wanted to update this during the code update, noting the steps needed to move forward with a code change. Sokolowski noted he’ll prepare a draft with potential revisions.

- Penalties

Kerr feels penalties are not working or being enforced. Hayes suggested shortening the time on taking licenses away, there is strengthening there that could happen. Knop asked if that could be incorporated, Sokolowski replied yes it's a part of the code and would go through the same process.

- Raising fees

Discussed rates in surrounding communities. Sokolowski noted other communities can be researched and fees would be included in the zoning ordinance amendments.

- Inactivity Clause

Hayes noted concerns of people acquiring a STR license and not using it. Sokoloski noted the staff time needed to administer a policy such as that.

Discussed not allowing an ADU primary residence to be used as a short-term rental, and grandfathering in existing permits. Sokolowski noted this was part of a larger conversation,

In response to McCarthy's question can a cap on STR's happen with not going to the code audit, Sokolowski replied it would be their decision, adding it would be a similar discussion as wetlands. Kerr noted she'd like to do the cap before the code audit as it is a place to start.

Sokolowski noted the cap, tightening of violations and getting the main home not allowed to be a STR when you have an ADU can be drafted for review and input, prior to starting the hearing process to adopt.

Discussed how STR are not allowed in commercial zone.

Sokolowski will work with Bill Kabeiseman to draft language. Sokolowski noted it could take a month to put together. McCarthy requested if anyone had questions to contact Sokolowski.

(9) Good of the Order

Knop reported trail cleaning on Saturday from 10-noon, meet at 2nd St parking.

St. Denis reported per the scheuled his evaluation was due today, however due to the number of projects going on it will be ready on Friday.

ADJORNMENT

The meeting was adjourned at 9:28 p.m.

ATTEST:

Jennifer Barrett, Recorder

Barb Knop, Mayor