

**Minutes of the
CANNON BEACH PLANNING COMMISSION**
Thursday, August 25, 2022

Present: Chair Clay Newton, Commissioners Barb Knop, Mike Bates, Lisa Kerr and Anna Moritz in person. Charles Bennett and Aaron Matusick via Zoom

Excused:

Staff: Director of Community Development Jeff Adams, Land Use Attorney Bill Kabeiseman, City Planner Robert St. Clair and City Recorder Jennifer Barrett

CALL TO ORDER

Chair Newton called the meeting to order at 6:01 p.m.

Newton said tonight is the last night for Kerr after an 8-year service term, adding Kerr brought a passion, fire and diligent heart to every meeting. She made me better and I had to be better prepared in case I didn't agree. Kerr was as a part of several important decisions with the city. Newton said thank you and gave Kerr a certificate for all she's done. Kerr said this has been the most incredible body of people to work with. You are so smart, prepared and on top of everything. I've loved it. Adams and I have disagreed so many times but have always been civil and had respect for each other. Adams added thank you Kerr. If we could have Planning Commission members as dedicated as you are that is all we can ask for.

ACTION ITEMS

(1) Approval of Agenda

Newton said Haystack Rock is toward the end of the agenda. When they were here last time they stayed until 11 pm or so and I said we'd move them to the top of the agenda and feel we should listen at the beginning or near the beginning.

Motion: Kerr moved to move Haystack to the beginning of the agenda; Mortiz seconded the motion.

Vote: Kerr, Matusick, Knop, Bates, Moritz, Bennett and Chair Newton voted AYE; the motion passed

Motion: Knop moved to approve the agenda as amended; Bates seconded the motion.

Vote: Kerr, Matusick, Knop, Bates, Moritz, Bennett and Chair Newton voted AYE; the motion passed

(2) Consideration of the Minutes for the Planning Commission Meeting of July 28, 2022

Motion: Moritz moved to approve the minutes; Bates seconded the motion.

Vote: Kerr, Matusick, Knop, Bates, Moritz, Bennett and Chair Newton voted AYE; the motion passed

(3) Consideration of the Minutes for the Planning Commission Meeting of August 11, 2022

Kerr asked if the findings should be attached to minutes, Adams no they are not.

Motion: Kerr moved to approve the minutes; Moritz seconded the motion.

Vote: Kerr, Matusick, Knop, Bates, Moritz, Bennett and Chair Newton voted AYE; the motion passed

(7) Work Session review of a Zoning Ordinance Amendment request by Will Rasmussen on behalf of Haystack Rock LLC, for a text amendment regarding notice requirements for applications and decisions.

Will Rasmussen Miller Nash Land Use Attorney and representative for Haystack Rock LLC.

Rasmussen said I have had the pleasure to have land use applications and processes in Cannon Beach for 12 years now. The last 8 years with Kerr on the commission has elevated the attention to detail that I've brought. Thank you for your services to the community. You are a force of nature and will be missed.

Rasmussen said my request is that you set the item for a hearing. We have paid the fee and did the homework. I wanted to be her in person to answer Bates questions. This is an amendment to enable citizens to request and get a notice of a decision. This came from my clients experience with the Roberts project. If there is application of public interest, if a citizen asks for notice with the decision, then the city will provide it. It's straightforward but super important as it impacts public involvement and the ability for folks to have a say in the community to have their voices heard. Second it changes the process. Roberts small house application was approved with no notice and no opportunity to be heard. Despite us asking and it being in a sensitive area, the appeal period ran under the local code, so we appealed to LUBA. That's not how it should work. It matters for process and public involvement and a request for folks that ask for notice they can receive it. I am asking to set a hearing for consideration.

Newton added we are in the middle of resetting the code and this would be patching a system that needs updating. Is there another way to address your concern or is there another way? I can see this taking a number of months to happen. Rasmussen replied it's the only one, the city could do it but currently says we will do what's required by law. This isn't the first time I've been here for a code revision on notification, and it happened before, but we still didn't get noticed on Roberts. I would be hesitant to roll this into the larger update. I don't know why we should tell folks that want to be involved that they have to wait. Kerr added the code audit will take a long time, and this notice is so important especially with the type of applications coming in. It's fundamental of democracy. I don't think it's a big ask. Newton added there is liability for the city if we trip and someone didn't get a notice. Kerr replied that's true of anyone we send notice to, a discussion ensued regarding the timing of doing this, through the code audit versus doing it now. Knop said I have concern about staff time. We keep continue piling on more for them to do. We need to be concerned with that. In response to Bates question what parts would be notified, Rasmussen replied land use issues such as streets. It's not every application, its largely land use title 17. Newton added it seems like geology,

wetlands, streets, those are critical areas that need special attention. Under what you are proposing it's any person may request electronic notification for any permit? Rasmussen replied that's what it says. If the Commission said we see what you are saying but we want to only make it apply to sensitive areas, my primary concern is getting notices for Robert's application.

Mortiz said can we talk logistics for staff. It would be helpful to know how it would work. Adams replied we have worked with them to do this a year ago. The reason they didn't get notice on Roberts was the application was submitted before that date. There is the notice that is out there, with that process set up with put an electronic public notice on our website. We have an electronic permitting system for building permits, it is very a transparent system, and we are trying to improve that. Regarding staffing, we have at least completed 20 or so public record requests and get a new one every month. It depends on what records they ask for and we have to go back and do research depending on what detail they ask for and it can cover many departments. It's not simply just something we can do. We are small and do our best. The number one reason I asked for the code audit 4 years ago and zoning ordinance changes is because of our process. I understand what Rasmussen's saying and I want changes. I think we are slowing down the process by doing these patchwork changes when we should be working on those zoning ordinance changes and we should do a comprehensive development ordinance change. It's conflicting and a difficult kind of thing. I recommend that it waits for the code audit, so it puts procedure first. It's the procedures that are getting us in trouble. Kerr added its critical and I would like to see it sooner than later. Kerr noted how Accela can be used and how the county uses it such as with building plans. Adams replied we don't have the capacity and equipment to put the building plans online, but we are taking steps moving forward. If anyone ask for notification on anything that is a big ask and would like to ask Rasmussen to show examples from other cities.

Kabeiseman said like a lot of other cities the code was developed like patchwork. That's sort of the purpose fo the code audit to deal with that and the conflict with things that were not put in comprehensible. For tacking and having things available at your fingertips, it's something the city can prioritize, but we are much smaller than Clatsop County. The state has certain requirements for notice, and they are uniform throughout the state. This provision will change it, but what it does is get something that Adams said, it's not so much about staffing but tracking, who knows how many people will request but it allows people to allow any request for anything in the city to request information about any other property in the city. Keeping track of that, when we already don't have that, lets us do the things that Commissioner Kerr identified just adds another layer that when we don't have the technical ability to do. It adds a layer that may be difficult to deal with. Is it technically feasible to do and if it's there, then we are already at the place that Kerr was indicating. Rasmussen said I don't want a database, I want notice on this development. I thought this would be an easy decision. Like three months before this house was approved on Roberts this commission denied the stability beam that three months later was approved through permit and commission had no chance to comment. Kabeiseman added from an individual owner's perspective I want notice of what's happening next door to me is relatively easy but all the others and trying to keep track and don't have the electronic capability to sort of identify that becomes a matter of we you know it's just more complicated on the inside than on the outside. A discussion ensued regarding logistics.

Bennett said Adams and staff have limited resources when you add on to it something on the other side gets less attention. Adding on more work something else will suffer. Bates replied we have a public hearing instead of taking Adams and Rasmussen's word for it. Rasmussen added we can always revise it. Bates replied let's have a public hearing and can have discussion.

Adams said we will put it on next month's agenda.

(4) Continuation and Consideration of CP#22-01 Adoption of the Cannon Beach Transportation System Plan (TSP), as supporting material to the Comprehensive Plan.

Jeff Adams on behalf of the City of Cannon Beach, seeks the adoption of the Cannon Beach Transportation System Plan (TSP), as supporting material to the Cannon Beach Comprehensive Plan. The TSP is in accordance with Oregon Revised Statutes OAR 660 Division 12, Transportation Planning Rule, which implements Statewide Planning Goal 12. The request will be reviewed against the criteria of the Cannon Beach Comprehensive Plan and Municipal Code, Section 17.86.070.A, Amendments, Criteria.

In response to Bates question did you get Kerr's changes, Adams yes and they will be entered in as recommendation to the Council for changes. Kerr asked you want us to approve TSP without them? Adams replied approve with the recommendations. Kerr added I would feel more comfortable to have the changes in the TSP and not parentheses. They should be in the TSP then we can approve it.

Motion: Kerr moved that the changes made be included in the body of the TSP before you approve it.

In response to Moritz's question can we vote to approve with the changes in the TSP and send it on the City Council, Adams replied it will go to a work session to council. A discussion ensued regarding how to make the changes.

Kerr withdrew motion

Motion: Bates moved to approve the TSP with the recommendation includes for presentation to council; Knop seconded the motion.

Vote: Kerr, Matusick, Knop, Bates, Moritz, Bennett and Chair Newton voted AYE; the motion passed

Kerr noted I sent the changes because I was asked at the meeting to write them down and I sent them to everyone and was told that was not a thing to do. If I am asked to write down what we decided on, how is that not ok to do. Adams replied we try not to have any kinds of reply all to be seen as a serial meeting. Kabeiseman added what drives that is the definition of what a public meeting is, giving the definition, a discussion ensued.

Chair Newton stated the project is approved.

(5) Public Hearing and Consideration of V# 22-01, David Vonada request, on behalf of Cannon Beach BP LLC, for a Variance to allow residential use for 55% exceeding the 50% threshold for mixed use in the General Commercial Zone.

David Vonada, on behalf of Cannon Beach BP LLC, request for a Variance to allow a residential use for approximately 55% of the building floor area vs. the 50% maximum allowed. The property is located at 368 Elk Creek Rd. (Tax Lot 00200, Map 51029CA) in a General Commercial (C2) Zone. The request will be reviewed under Cannon Beach Municipal Code, Sections 17.24.020, General Commercial Zone, Uses Permitted Outright and 17.84.030, Variances, Criteria for Granting.

Newton asked does anyone objected to the jurisdiction of the Planning Commission to hear this matter at this time.

Lolly Champion PO Box 614, Cannon Beach

Champion said talking to neighbor who knew nothing about it, it involves a wetland and I would like it to be postponed to another meeting. Kabeiseman replied the question is if the Planning Commission has the authority to make the decision. For you wanting more time would be in the hearing itself and is something the Commission can consider as the hearing moves forward. I am not hearing a challenge to the jurisdiction of the authority. Champion added as a resident would like to have public input. Newton replied we will consider as part of our deliberations.

Chair Newton asked if any Commissioner had any conflict of interest. There were none. Chair Newton asked if any Commissioner had personal bias to declare. There were none. Chair Newton asked if any commissioner had any ex parte contacts to declare. There were none. The commissioners declared their site visits.

St. Clair read his staff report. St. Clair noted the application is limited to the building square footage, the proximity of wetland is not pertinent to the application, however it is noted that the wetland is immediately adjacent to the property and we consider this application a part of the multi-step approval process. A project this nature is subject to various reviews, and we have yet to have final plans submitted and there would be additional information. St. Clair gave an overview of the parking.

Chair Newton asked if there was any additional correspondence. There was none.

St. Clair added I reached out to the Fire department regarding lane width for parking but haven't heard back. St. Clair added the applicant is asking for variance specific to residential space of building and landscaping. There are other considerations such as wetland which doesn't pertain to the square footage or landscape. Those would be reviewed separately. Bennett asked is it 55 or closer to 60% and is there a reason for the variance or they want more residential space. St. Clair replied the calculations are 55-60% approximately and the reason for variance is the C2 zoning structure res in conjunction with come to 50% and also to have a variance to deed restrict the parking.

Chair Newton called for public testimony.

Chair Newton stated that the pertinent criteria were listed in the staff report and criteria sheets next to the west door; testimony, arguments and evidence must be directed toward those criteria; 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; prior to the conclusion of the initial evidentiary hearing, any participant may request an opportunity to present additional testimony, arguments or evidence regarding the application. The Planning Commission shall grant such requests by continuing the public hearing or leaving the record open for additional written testimony, arguments or evidence; persons who testify shall first receive recognition from the Chair, state their full name and mailing address, and if appearing in a representative capacity, identify whom they represent.

Chair Newton asked if the applicant wished to make a presentation

David Vonada, Tolovana Architects PO Box 648, Tolovana Park

Vonada said we are asking for variance to make second floor larger in area for a more spacious design for the units themselves. In respect to wetlands, we will make the footprint as small as possible. The wetland delineation indicated certain buildable areas on the site so making the 2nd floor larger with a cantilever, giving an overview of how they will be obtaining the additional square feet. We thought 55-60 sq ft would be a reasonable ask it gives more space for unit and weather protection. Bates said it leans over on the back too, Vonada replied yes it does. Part of that is to cantilever the walkway that is servicing the second-floor apartments with idea to stay away from wetland as much as possible. Bates said the drainage slab cantilevers over wetland too, Vonada replied it doesn't, only the walk way. Bates asked about the gabled wall, Vonada replied the foundation will, the building will be founded on piers with drilled anchors rather than pounding a pier in the ground, giving an overview of the beams on top of the piers. Bates asked can that wall carry the weight, Vonada replied the piers carry the weight. Bates said the pier drawing is simple and looks like its outside wall not is in wetland, Vonada replied yes it is outside the wall. Bates asked how many feet, Vonada replied I believe about 4 ft. Kerr said the reason you are asking for a variance on floor coverage is just to make it bigger, Vonada replied yes and more comfortable and a more efficient floor plan. Bates said I am not worried about the front, how long has the gabion wall been in there, Vonada replied a long time and will be replaced with the new wall. Bates discussed the merits of gabion walls, adding I'd like to see a structural engineer. I don't think this is anywhere close enough to review.

Vonada said I would be happy to provide more information. Keer said I would like how many square feet you are adding and isn't it possible to redesign so you don't need a variance? Bates added if you hangover over the wall 4 ft you are over the wetland, Vonada replied they are over it but wouldn't exceed the wetland boundary. Newton asked what's the wetland delineation date, Vonada replied it's within the year. Newton asked are you able to provide more information, Vonada replied I will provide the entire report. Bates asked for soils report, Vonada replied I would be getting one for the building permit. Knop asked what's the existing building footprint, Vonada replied around 1200 square feet. We had an office there for years. Keer asked would you be willing to out a deed restriction for workforce or low income. Vonada replied I would like to revisit with the continuance. I can tell you he recently purchased about three years ago and even though the homeowner is in Cannon Beach he isn't as familiar with workforce housing stipulation and restrictions and as part of the continuance we can discuss it. Newton asked so you are asking for a continuance, Vonada replied yes. As an occupant of the business park I was there to observe traffic patterns and use of buildings so have firsthand knowledge of how parking it utilized. We need to determine what the real parking ratios are. Business parks are not scheduled in the ordinance and part of what needs to happen is some analysis of what parking uses are of the building. The majority of tenants in the business park are not building occupants but building users. They come and go, store building materials, but they'd don't occupy with a business location, noting examples. Staff outlines floor plans and tenants we can provide more data of what those tenants do, and their businesses are. Newton said it would be helpful to understand their parking requirements. Vonada replied I will do a survey of tenants. It's very dynamic. Kabeiseman added if the continuance if something the Planning Commission is considering, we want to have an idea of length and if you are willing to waive 120-day rule. Vonada replied I don't see an objection to the 120-day limit. I've been working with owner for quite some time and can use the time if that's an option. Adams said can we extend by 60 days, Vonada replied yes that's good.

Chair Newton called for proponents of the request.

There were none.

Chair Newton called for opponents of the request. There were none.

Adams said I suggest that we re-notice and extend the notice to include past the 100 ft, extend to 200 ft. with the notice requirements this would go to November hearing and give them times to get their materials ready.

Took 5 min break at 7:18 pm. Reconvened at 7:25 pm

(6) Public Hearing and Consideration of CD# 22-01 & CU# 22-03, David Vonada request, on behalf of Davidspruce LLC, for a seven-lot Conditional Use Permit Cluster Development Subdivision in the Wetland Overlay Zone.

David Vonada, on behalf of David Pietka, request for a Conditional Use Permit to allow a cluster development consisting of five single-family dwellings and a fourplex apartment. The property is located on the southwest corner of 1st and Spruce St. (Tax Lot 04402, Map 51030AA) in a Limited Commercial (C1) Zone. The request will be reviewed under Cannon Beach Municipal Code, Titles 16 Subdivisions and 17 Zoning, including Sections 16.04.130 Subdivision-Applicable Standards, 16.04.400 Variance-Cluster Development, 17.22.030 Conditional Uses Permitted, and 17.43.040-050 Conditional Uses and Activities Permitted in Wetland and Wetland Buffer Areas, Standards.

No one objected to the jurisdiction of the Planning Commission to hear this matter at this time. Chair Newton asked if any Commissioner had any conflict of interest. There were none. Chair Newton asked if any Commissioner had personal bias to declare. There were none. Chair Newton asked if any commissioner had any ex parte contacts to declare. There were none. The commissioners declared their site visits. Matusick said I was involved about 6 months ago under contract to purchase and worked with Vonada but we did not go forward with purchase and I have no bias.

Adams noted we did receive material since packet went out, giving an overview of what was sent out in the addendum as well as what's on the dais.

Adams read his staff report.

Chair Newton asked if there was any additional correspondence. Jeff noted earlier in the meeting.

Chair Newton called for public testimony.

Chair Newton stated that the pertinent criteria were listed in the staff report and criteria sheets next to the west door; testimony, arguments and evidence must be directed toward those criteria; 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; prior to the conclusion of the initial evidentiary hearing, any participant may request an opportunity to present additional testimony, arguments or evidence regarding the application. The Planning Commission shall grant such requests by continuing the public hearing or leaving the record open for additional written testimony, arguments or evidence; persons who testify shall first receive recognition from the Chair, state their full name and mailing address, and if appearing in a representative capacity, identify whom they represent.

Chair Newton asked if the applicant wished to make a presentation.

David Vonada PO Box 648 Tolovana Park,

Vonada said I am the original architect for the remodel of Ecola Square which is west of the property, giving an overview of the site's history and potential uses. Vonada added we included information in the packet that shows how the property could be developed and could be developed to this day without a conditional use permit. As Adams pointed out, that particular development would meet the 50% commercial 50% residential ratio. It would however be a much more intense development generating more traffic and users of the property than the actual proposal before you tonight. Clark and Dave Pietka chose not to use this development option. Pietka met with the residents of Ecola Square and determined with them that they would prefer a less intense development and prefer a residential development which was what led us to tonight. The 4 apartments would be enrolled in affordable housing. Not only would the 5 single family residence be affordable, but the 4 apartments be affordable. Moritz asked would there be restrictions on housing and apartments with long term rental or price, Vonada replied I know that Pietka has agree to 4 apartments to be affordable housing, not sure if he considered the 5 single family dwellings as such. In response to Bates question what are the floor plans, Vonada gave an overview. Kerr noted I downloaded all the for sale houses in Cannon Beach now and ones that sold in past month and noted houses about that size, one now for sale for \$1.52M, and another for sale for \$650,000, giving other examples. Without restriction on cost of the 5 houses its likely, and don't understand how a builder would agree to put that kind of stipulation or would they be willing to put affordable housing on these lots. Without it, with the cost of construction would any of them be affordable. Has anyone addressed with them the willingness to make it affordable? Vonada replied I haven't had the concertation with them.

Newton said you have proposal in front of us. It does seem like this site is committed commercial development and the client is making an effort to help with affordability in the community. I think if we were going to stretch, this would be the site to do it. What if we got creative with the site? Is there an openness to considering that? Vonada replied the approach that Pietka gave me to take was really creating beach cottages and scaling them as beach cottages with fenced yard/gardens. That kind of individual intimacy of the property would be counter to a duplex direction I was given. He's really looking for beach cottages and getting back to scale of Cannon Beach history of development. It's a lofty goal. I can't give you a reading on the motives, I don't think it's purely to make money. Kerr noted beach cottages sounds wonderful but not at a million dollars, and with the cost of construction this wouldn't be affordable. Adams added I want to see affordable housing and units, but also parking is part of the ratio to. I wanted to bring up parking being part of the ratio as well. Newton added it's a great site and I appreciate your clients effort. Vonada said as compared to what straight zoning would allow, 50/50 commercial/residential, for this site it makes sense to go entirely residential per his proposal. In terms of retail use, it's a little off the beaten path and surrounded by wetland and parking lot to the north. In terms of appropriateness for commercial is a bit of a stretch. It makes sense the use Pietka is wanting to use the site. Bates said we got an alternative plan today, Pietka is not considering this plan, but wanted to show what was considered it in the past. Vonada added Pietka commissioned an update to the wetland delineation and that's the line we used to layout to the property, it's a meandering line. Bates added the issue there is not a dimension on your map, not sure where wetland sits, there is no way anyone can make a final judgment based on what you gave us. It's a what if. Vonada replied I can provide the information, a discussion ensued. Newton added lets come back on the additional information you would like to see. Bates noted I am not comfortable approving a plan without some of that information. A discussion ensued regarding parking at the US Bank location.

Chair Newton called for proponents of the request.

Chair Newton called for opponents of the request.

Susan Glarum PO Box 108 Cannon Beach

I have not had time to fully research the application. What I do know is I object to the approval of the conditional use permit for the cluster development. I believe wetlands are critically important part of the ecosystem in general and especially in Cannon Beach since there are so few left within the city. I therefore request you not act on permit but continue the public hearing to next month's meeting.

Lolly Champion PO Box 614 Cannon Beach

Champion spoke in opposition, reading from a prepared statement. See attached at the end of the minutes.

Are there other presentations by opponents please?

Jan Siebert Wahrmund and this letter is also from my husband, Wes Wahrmund PO Box 778 Cannon Beach
Siebert spoke in opposition, reading from a prepared statement. See attached at the end of the minutes.

Staff response – there was none.

Chair Newton asked if the applicant wished to make additional statements. There was none.

Chair Newton Closed the hearing

Bates said it's clear we need to continue it. Newton replied do you want to discuss now or wait for the continuance. Adams said you can go down the conditions. Kerr asked would the applicant be willing to put deed restriction on low income or affordable housing. Bates added you can add no short-term rentals. Kerr noted it will end up being 4 high end houses. Newton added there are two issues affordability and wetland. Kerr noted under current state law needed housing allows them to build on wetlands. Bates replied not if we stop them from building, they can't. Mortiz added if its commercial we don't get a say at all. Kerr added on last one we decided as a commission it didn't fit under definition of needed housing. The affordability drives the rest of the application, a discussion ensued. Newton added they have the US Bank building, the impact on the building lot parking lot is during the day, can we waive parking to get more units and have them park in the lot. There is a lot of ways to get more units and make it more feasible. If there is any bandwidth, then we should look at it. Kerr replied it feels a little like blackmail. You either give us what we want, or else. Knop added I look at it as negotiation. Newton said I didn't get the idea from Vonda that they weren't open to other ideas. Adams added this is the first one we had a true verbal commitment to go affordable housing since Sea Lark. Newton noted to wetland side of it, there are some gaps to be filled in the application. Bates replied I agree. If we are compromising on anything this may be the one as long as we protect the wetland. I am not going to talk about anything until we see the wetland. Mortiz added and we want to be clear that we had solid conditions on approval so it couldn't change it later.

Adams said we are still under the 120-day clock, November 5, 2022 is the deadline. Newton said do you want to state what you want? Bates said I want to update the wetland delineation map with the wetlands marked, tree line, geo report, I think applicant needs to figure out what he is going to offer us to make it palatable and I don't think they've given us their best offer yet. Mortiz said I don't think it's an offer, it's a

conversation, how do we make this for everyone. They can't do that at a loss so where can we meet. Kerr added we don't have as much leverage as you think we have because they can go ahead and build a commercial property. Bates said that wetland looks like flood catch basin from Little Pompey so how are they going to protect them from flooding, a discussion ensued.

Newton said this moves to next month's meeting, with a 7, 7, 7 format. Kabeiseman noted any and all parties can submit any information in any length in writing no later than 7 days from today which is September 1st. Any all parties can submit rebut regarding what came in previously until September 8th. The applicant has the final 7 days to submit their argument. There is no new evidence. The planning commission meeting is a week later, so you have a week to review materials. The Commission agreed.

(8) Work Session review of draft letter to be sent to City Council regarding stormwater discharge

Kabeiseman reported new information came in this afternoon. Earlier today the applicant for Forest Lawn filed an appeal of you decision to City Council. Given issues in letter are intertwined with issues in the Forest Lawn decision, I would suggest it may be useful to delay deliberating and making a decision about this letter until after the appeal is resolved. Don't want to do something in the process with this letter that could prevent the Planning Commission from hearing a remand or hearing related to this in the future. My advice is to hold off a little and come back when that appeal is over. A discussion ensued. Mortiz added I want to be cautious. Kerr replied I don't want to jeopardize in any way. Newton said from my understanding, we have a letter in the public record, is it not ratified since we haven't voted to accept. Why is it a liability? Kabeiseman said no decision has been made, only discussion. consensus to wait.

INFORMATIONAL ITEMS

(10) Tree Report

Bates said 45 trees were removed. St. Clair said this is a very special circumstance, brining up aerial of the Pacific Power substation showing the strip of land adjacent to the substation. A tree had collapsed and struck a fence and were concerned about other trees leaning and causing disruptions or potentially a fire. The applicant wanted to do this as emergency removal, we made them go through the process and had Balden do a review. Robert this was a vegetation management to prevent the alder trees from having the opportunity to strike the infrastructure and or make contact with power lines resulting in disruptions to service or possibly even causing fire. Bates asked are you looking at area to plant 45 tree, St. Clair replied Pacific Power is working to do replanting in area and express interested to replant in other areas. Bates said so we can't replant where we clear cut? St. Clair replied it is not a clear cut, it was more of an overgrown thicket. Kerr said kudos to city for making them go through the process.

(11) Ongoing Planning Items

September Commission Training – Adams said look at your calendars. I thought about doing it as a work session item for next Planning Commission meeting, but they are getting so packed. If you could you be available the 3rd Thursday for DRB since their agendas are not as full. Bates asked would zoom be an option, Adams replied yes.

Adams noted the Code Audit Update Joint Work Session is on September 7th

(12) Good of the Order

Adams said you got an article from Kerr on rentals. If we get this kind of information we will put it in good of order.

Kerr said there is a referendum going around with Clatsop County approving unlimited short term rentals in the county, so people in the area have formed the petition and are getting signatures to be on the ballot.

The Commission thanked Kerr for her service.

Authorization to Sign the Appropriate Orders

Motion: Knop moved to authorize the Chair to sign the appropriate orders; Mortiz seconded the motion.

Vote: Kerr, Matusick, Knop, Bates, Moritz, Bennett and Chair Newton voted AYE; the motion passed

ADJOURNMENT

The meeting adjourned at 8:48 pm.

City Recorder, Jennifer Barrett

August 25, 2022

Dear Cannon Beach Planning Commissioners,
Regarding the CD 22-01 & CU 22-03 request for a Conditional Use Permit to allow a cluster development consisting of 5 single-family dwellings & a fourplex apartment, as was noticed, for this Public Hearing tonight, we have some concerns:

The application, put forth by David Vonada, on behalf of David Pietka, later mentioned as 'Davidspruce LLC', is said in the summary & background report to be a 'tentative' plan. approval request of a subdivision of tax lot #51030AA04402. We'd like to know what the term 'tentative' means, in this case.

The proposed project site is in the Wetlands Overlay Zone. The application, as we understand it, does NOT include the US Army Corps of Engineers' jurisdictional determination. Isn't that document necessary for a complete application?

What constitutes a complete application & what may still be missing? In David Vonada's application, he stated that this development would 'provide much-needed affordable housing in downtown by providing small single-family dwellings & apartments'. What development agreement or deed restriction with the City would control the rental or sale of these proposed properties? Time & time again, we've witnessed supposed affordable housing projects

be promised & then be switched later to regular market-priced housing in Cannon Beach.

It appears there is no soils or geohazard report. Why has this not been required before this application was considered to be complete? Where is the tree removal application & the subsequent review by our City Arborist? Where is the guarantee that no intrusions would be made into the wetland area & buffer areas?

How are we, as a community, guaranteed that this partition would really be used for what the applicant says? What is the guarantee that no further partition or subdivision would be allowed?

With all of the above concerns, we urge you to NOT grant this application an approval. We request that you continue the public hearing to next month's meeting. There seem to be so many unanswered questions.

Thankyou,
Jan Siebert - Wahrmund
Wes Wahrmund
P.O. Box 778
Cannon Beach, Oregon
97110.

City of Cannon Beach
Finance Department

SEP - 1 2022

Received

Mitigation.

Mitigation - when LLC real estate, wetland developers, as demonstrated by Patrick/Dave, LLC with the Washington and Taft Streets development, attempted development of the Forested Wetland of Forest Lawn with 3 - one million dollar homes and now the Dave of Patrick/Dave as Davespruce, LLC –begins another assault on a wetland they stand assured they will get results and their profits and the city will benefit with property taxes and the losers will be the integrity of our disappearing natural setting we value.

How can this conclusion be jumped too? By understand not just Cannon Beach, Clatsop County, but the State of Oregon and the path allow to migrations of all the state's wetlands. (see handout)

The facts:

I had an opportunity to hear the head of the Aquatic Resource Plans under the Oregon Department of the State Lands*, speak. The presentation clearly covered that wetland designations throughout the state and within each country and city are all easy prey for mitigation, if a well used process is used, as was shown in a power point and accompanied handout tutorial.

***(the State owns all the water sources of the State)**

Cannon Beach years ago plotted within the city boundaries designated sites labeled wetlands. When there is a consideration of development of certain wetlands the Army Corps of Engineers has to give approval that they don't need jurisdiction or involvement, in other words a pass. Then there is an engineering study and eventually a series of development plans. Next - mitigation. The developer talks of boundaries, setbacks, protections, and permits are often first denied and more mitigation and finally the wetland is developed .

Drive by Hill Street. Drive by No. Hemlock Street. Take a look at the building on Dawes, then

wonder how the forested wetland on Forest Lawn will eventually receive mitigation at LUBA possibly and now 1st and Spruce, under the guise of Cluster Homes Wait! I have to strike that...because their MO is to tell neighbors adjacent to development one thing, present another and then change again or...perhaps again. It is their strategy – the usual ploy of Dave and Patrick and David Volnad as they play the mitigation game by continually changing the project that will end in greater mitigation....and another wetland hits the dust.

This is still being accomplished while an overwhelming realization across the globe that trees and wetlands are nature's answer to stem global warming and all that term translates to in the destruction of all we currently have taken for granted of our natural world and now the consequences of flagrant misuse...except for here, in Clatsop County and Cannon Beach. It seems global warming is not a factor here. Our TSP plan has not proposed a limitation on polluting traffic, has no significant EV installation plan and we have not moved to institute codes to begin Green Building- for all City Buildings, remodels, new construction requirements and most visible - allowing tree cutting as usual with no signs of replacement. Why?

In Britain they are reversing their destruction of wetland by removing fills & reconstituting wetland areas because of pervasive, first time recorded, severe drought. Checking other countries across the world there are desperate measures being taken to protect and regain wetlands and plant trees in order to stem the tide of droughts, control flooding....and here we continue to cut trees not replaced and allow ... and encourage by offering draining to developers and agreeing to mitigation of our wetlands for exchange for property tax and happy developers....and assisted by the state who are supposed to protect but too often use LUBA to fine for development over the diminishing environment.

Watch Davespruce,LLC and Patrick/Dave LLC continue their devious ability to tweak plans, change direction and eventually get their profits, as the city and or LUBA allows mitigation of their purchased wetlands property in some agreed plan that will meet a fabricated need for that development. The city and county will sweep in the benefits of more property tax dollars with some more tax dollars not by workforce people but those who afford second homes. expensive or units to allow wink wink family use.

This leaves you, the city council, the community to ask, how long will we choose to keep ignoring an impending crisis --climate change-- because, as to quote Al Gore, it is an inconvenient truth. Please – don't make it easy for this destruction to occur. Keep denying their petitions. They chose to buy at the cheap - choosing to profit and taking extra steps over participating in sustaining this environment while declaring their love of the community.

Please, make it an ongoing untenable and time and expensive attorney fees consuming process.

*Davey Champion
P.O. Box 614
420 Elk Creek #602
97110*