

**Minutes of the
CANNON BEACH PLANNING COMMISSION
Thursday, April 28, 2022**

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

Excused:

Staff: Director of Community Development Jeff Adams, City Planner Robert St. Clair and Administrative Assistant Katie Hillenhagen

CALL TO ORDER

Commissioner Kerr called the meeting to order at 6:00 p.m.

ACTION ITEMS

(1) Approval of Agenda

Motion: Knop moved to approve the agenda as presented; Newton seconded the motion.

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

(2) Consideration of the Minutes for the Planning Commission Meeting of March 24, 2022

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

Vote: Kerr, Newton, Knop, Bates, and Moritz voted AYE; Bennett & Matusick abstained because they were not at the meeting; the motion passed.

(3) Consideration of the Minutes for the Planning Commission Meeting of March 31, 2022

Motion: Knop moved to approve the minutes; Newton seconded the motion.

Vote: Kerr, Newton, Knop, Bates, and Moritz voted AYE; Bennett & Matusick abstained because they were not at the meeting; the motion passed.

(4) Election of Officers

Kerr said it would make sense to have people with experience and longevity serve as chair and vice chair. Kerr nominated Newton for the position of Chair. Knop seconded the motion.

Kerr nominated Knop as vice chair. Newton seconded the motion.

Vote: Kerr, Newton, Knop, Bates, Moritz, Bennett and Matusick voted AYE; the nominations were unanimously approved.

(5) Public Hearing and Consideration of CU# 21-03, Jacqueline O. Brown request, for a Conditional Use Permit for shoreline stabilization at 116 N. Laurel St.

Jacqueline O. Brown Revocable Trust request for a Conditional Use permit to replace approximately 50 cubic yards of sand that has eroded the bank on the west side of the property. The property is located at 116 N. Laurel St. (Tax Lot 04000, Map 51019DD) in a Residential Medium Density (R2) and Oceanfront Management Overlay (OM) zone. The request will be reviewed under Cannon Beach Municipal Code 17.14.030 Conditional Uses Permitted, 17.42.060 Specific Standards and 17.80.230 & 360 Shoreline Stabilization & Preservation Grading.

No one objected to the jurisdiction of the Planning Commission to hear this matter at this time. Commissioner Kerr asked if any Commissioner had any conflict of interest. There were none. Commissioner Kerr asked if any Commissioner had personal bias to declare. There were none. Commissioner Kerr asked if any commissioner had any ex parte contacts to declare. There were none. The commissioners declared their site visits.

St. Clair read the staff report (see staff report in packet for full details). St. Clair noted that there is a Geotechnical Report prepared by Tom Horning that recommends that the work be completed.

Commissioner Kerr asked if there was any additional correspondence.

It was noted that comments were submitted by Friends of the Dunes the morning of the meeting, April 28th, and forwarded to the commission.

Commissioner Kerr called for public testimony.

Commissioner Kerr 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.

Commissioner Kerr asked if the applicant wished to make a presentation.

Mike Morgan spoke on behalf of the Browns. He noted that they have been working with Tom Horning for quite some time to come up with a reasonable solution. He said that the previous owners erected a plywood barrier to keep from being inundated by sand. He said that there are about 30ft between the edge of the cliff and the house, but the erosion is making a significant inroad. Morgan said that this application is for dune restoration focused on keeping erosion at bay. He noted that there is a seawall on one of the neighboring properties. Morgan said that foot traffic has been an issue and signage would be used to reduce damage from foot traffic. He said that in the original application they were going to do a cobble berm, however, Horning did not think that was appropriate in this situation, so they will be using only sand.

Tom Horning was also available to answer questions.

Kerr asked how the drain pipes in the area contribute to the erosion.

Horning said that they create a depression where people tend to walk. He said that indirectly it is causing most of the loss of support for the dune. Horning discussed his recommendation to use a drywell.

Moritz asked about Horning's suggestion related to the type of soil used.

Horning spoke about the soil in the area and his suggestion.

Bates asked about the location of the willows.

Morgan said that their property line goes out to the low tide line, but the willows will be placed on the dune.

Newton asked where the signs would be placed.

Morgan said he was considering several small inobtrusive signs in the area, and potentially some tape while it is getting established. He noted that once things are established the signs will be taken down.

Kerr asked if he was requesting self-monitoring.

Morgan said that his understanding was that there would be a 3rd person who would monitor. He said he would suggest Horning and noted that the Brown's would be responsible for paying for the monitoring.

Newton asked about sand fences as a substitute to signs.

The applicant said that they previously had a sign. He noted that State Parks had previously taped off the area with caution tape. He thought one or two signs would be sufficient.

Adams said staff could work with State Parks to determine appropriate fencing and signage.

Commissioner Kerr called for proponents of the request.

Morgan said that the 50 cubic yard requirement was a state requirement and that it must be placed on the west side of the vegetation line. He thought they would like to put sand and clay on the east side of that line along with salal.

Bates asked if there is a storm drain on the front of the house.

The applicant said there is no storm drain on Laurel St.

Morgan said that he spoke to the Assistant Public Works Director, and he said they will contribute to the work on 1st St.

Jackeline Brown said that their goal was to have the least possible impact and that is why they chose this approach. They are hoping the plantings will help the dune build back naturally. She noted that the pipes used to be buried and she is concerned about kids getting hurt.

Commissioner Kerr called for opponents of the request. There were none.

There was no further response from staff.

Staff recommended approval subject to the conditions outlined in the staff report. St. Clair noted that the City is going through a contract selection process for drone work to capture the progress of erosion along the shoreline.

Kerr asked what the staff meant by tabling.

Adams had a question about Horning's option to leave it to see if it rebuilds over the next couple of years.

St. Clair read the relevant section of Horning's report that talked about the likelihood of the dunes rebuilding over the next year or two.

Moritz was concerned that the foot traffic would still be an issue if it was not addressed.

Horning agreed that foot traffic was an issue. Horning spoke about the erosion that is happening. He thought that it was likely that within two years it would be a fairly good job of repairing itself. He noted that there is a probability of being wrong on this.

Kerr asked about the drainpipes continuing to be a problem.

Horning said that they would continue to have an impact.

They discussed the options available and the long-term impact.

Commissioner Kerr asked for additional statements from both opponents and proponents.

Commissioner Kerr closed the hearing and moved to consideration.

Adams said they would strike the 6th condition from the staff report.

Moritz asked if preservation grading standards applied.

Adams said this is the first test case for that. He said that they did not use it as a standard in the staff report because this seemed more like stabilization than foredune grading.

Moritz had concerns about any possible impact on wildlife and habitat. She wanted to know what other commissioners felt.

Newton thought they should be conscience of that but did not think it was a concern in this application.

They discussed how monitoring would happen and how the PC would fit in.

Kerr had concerns about oversight and accountability.

Adams noted that staff will do what they can and that in the past there was one planner and the work at hand is more than one person can do. City staff now includes two planners. He said that citizens and Friends of the Dunes are also here to help provide oversight.

Newton thought they might need a third party who was not hired by the homeowner who could provide their expertise.

Newton said he would be curious what the cost would be for that kind of analysis.

Adams said he would like to look at approaches taken by other communities who do foredune management.

Knop had a question about the condition related to monitoring.

Adams clarified the condition.

Kerr asked for a motion in relation to the hearing.

Motion: Newton moved to approve the request with conditions #1-5 from the staff report, with revisions to the fifth condition to require follow-up reports be submitted annually for at least three years; Knop seconded the motion.

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

(6) Public Hearing and Consideration of SR#22-01, David Vonada request, on behalf of Clark & Kathryn Reed, for a Setback Reduction for the conversion of an existing structure into an Accessory Dwelling Unit at 2316 Pacific St.

David Vonada, on behalf of Clark and Kathryn Reed, application to allow a setback reduction to reduce the rear yard setback from the required 5'0" to 4'0" to convert the existing attic of a detached garage into an ADU, according to chapter 17.14 Residential Medium Density Zone of the Municipal Code. The addition of the ADU does not increase the nonconformity of the structure, however, the setback reduction is required to bring the existing structure into conformance according to Cannon Beach Municipal Code 17.82.040 B. The property is located at 2316 Pacific St. (Tax Lot 02802, Map 51031AA), and in a Residential Lower Density (RL) zone. The request will be reviewed against the Municipal Code, Section 17.64.010, Setback Reduction, Provisions established.

No one objected to the jurisdiction of the Planning Commission to hear this matter at this time. Commissioner Kerr asked if any Commissioner had any conflict of interest. There were none. Commissioner Kerr asked if any Commissioner had personal bias to declare. Commissioner Kerr declared that she knew the neighbors but she did not think it would influence her decision. Commissioner Kerr asked if any commissioner had any ex parte contacts to declare. There were none. The commissioners declared their site visits.

St. Clair summarized the staff report (see staff report in packet for full details). He noted that the Design Review Board approved the ADU with the condition that the applicants obtain a setback reduction from the Planning Commission.

Commissioner Kerr asked if there was any additional correspondence. There was none.

Commissioner Kerr called for public testimony.

Commissioner Kerr 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.

Commissioner Kerr asked if the applicant wished to make a presentation.

Jay Orloff of Tolovana Architects spoke on behalf of Clark and Kathryn Reed. He summarized their request and noted that the addition would comply with all setbacks.

Kerr asked about the back door and the steps.

Orloff said he would adjust the grade so that the steps were only a landing. He noted that they would have to improve the foundation to accommodate the ADU.

Kerr was concerned about a tree in the area and trimming that would need to be done to accommodate the ADU.

Orloff said that the trimming required should not negatively affect the tree. He thought a report by an arborist would be acceptable.

Kerr asked about utilities.

Orloff said all new utilities would go under the existing driveway.

Knop asked how it would be used.

Orloff said it would be for the family. He noted that it is the first part of two-part project.

They discussed ADUs and workforce housing.

Matusick asked if they have heard from the neighbors.

Orloff noted the comment from Cecilia Farley.

Kerr said that the neighbors to the south are concerned about the tree.

Commissioner Kerr called for proponents of the request. There were none.

Commissioner Kerr called for opponents of the request. There were none.

Staff recommended approval with the conditions laid out in the staff report. Adams added that it be just for this structure and not for the main dwelling.

Kerr added the condition that an arborist evaluate the impact on the tree.

Commissioner Kerr asked if the applicant wished to make additional statements.

Commissioner Kerr closed the hearing.

Motion: Bates moved to approve the application with the conditions laid out in the staff report and the conditions discussed requiring an arborist report and limiting the setback reduction to the accessory structure; Bennett seconded the motion.

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

Authorization to Sign the Appropriate Orders

Motion: Newton moved to authorize the Chair to sign the appropriate orders; Bates seconded the motion.

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

INFORMATIONAL ITEMS

(7) Tree Report

Kerr had concerns about work taking place on Chisana St. and a foundation that is compromising a large tree.

They discussed the issue, and it was noted that the City has contacted the property owner about the tree.

Commissioners and staff discussed another property on Logan Ln. and the Tree Ordinance in general.

(8) Ongoing Planning Items

Adams noted upcoming planning priorities. On May 10th there will be a joint TSP session. The TSP will then be a hearing item before the PC at next month's meeting.

Adams thanked everyone for their feedback and discussion for the Code Audit. He noted that they can send him material to post on the Code Audit website.

(9) Good of the Order

Jan Siebert-Wahrmund thanked everyone who spoke up for protecting trees, wetlands, and village character at the last code audit meeting.

Newton said that he found a manual online for new members. It was noted that that was sent out to new members of the PC.

Adams said that they hoped to have a PC training in September.

Newton said he had another idea related to the TSP. He thought it would be good to have a trial period where they create a pedestrian corridor between first and third. He asked people who liked the idea to voice support in the online survey.

Knop said that they recently had a street fair but there was negative feedback from businesses in the area.

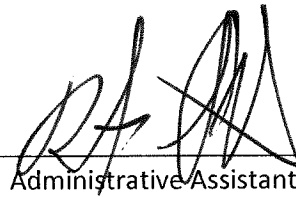
Newton noted that in Portland businesses expand their seating into the street when roads are closed to cars.

Kerr said she would like to have a sendoff for Daryl Johnson.

Everyone agreed that was a good idea.

ADJOURNMENT

The meeting adjourned at 7:37 pm.

A handwritten signature in black ink, appearing to be 'Katie Hillenhagen', is written over a horizontal line.

Administrative Assistant, Katie Hillenhagen

