

**Minutes of the
CANNON BEACH PLANNING COMMISSION
Thursday, March 31, 2022**

Present: Chair Daryl Johnson & Commissioner Barb Knop in person; Mike Bates, Clay Newton, Lisa Kerr and Anna Moritz via Zoom

Excused: Charles Bennett

Staff: Director of Community Development Jeff Adams, Land Use Attorney Carrie Richter, & City Planner Robert St. Clair

CALL TO ORDER

Chair Johnson 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; Moritz seconded the motion.

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

(2) Review of Findings for AA# 22-01, Greg Hathaway request, on behalf of Jeff & Jennifer Harrison for an Appeal of an Administrative Decision to approve a building/development permit for HardingBouvet at 534 N. Laurel Street.

Chair Johnson asked for amendments to the findings for AA# 22-01.

Kerr thought the findings focused too much on the history of the case and not the decision process of the Planning Commission.

They discussed the process for drafting the findings.

Newton discussed the purpose of having a meeting to review the findings. He said that they started this process because there were several motions that went to the City Council that did not represent the sentiment of their decision. This process was to review those motions to ensure they represent the sentiment of the Commission. He thought their scope of review was to just look at the motions and not the Findings of Fact.

Adams said his understanding was that the meeting was to go over the Findings they would like to adopt, including the motions. He noted that there were proposed findings from the appellant as well. He said that in jurisdictions he has worked in in the past the Commission refers to which language they would like to adopt in the Findings.

Bates thought that they would not be able to come to a consensus about what they would like to see in the Findings.

Moritz disagreed. She noted a small language change she would make related to the term detached.

They discussed the language around the word detached.

They discussed more about how the Findings are drafted. Adams noted that the Staff Report includes Proposed Findings that they can draw from.

Richter said that the written Findings document what is adopted and is the thing that will be appealed to the City Council. It is the document that will potentially go to LUBA. She said that the background facts build a foundation for LUBA's review. Richter said that they have to identify all of the facts that are relevant to the PC decision, even if they PC did not talk about them. These things provide an explanation of the case so that it makes sense.

Newton said he would like to see the Proposed Findings before they meet to review them.

Adams agreed and noted that staff is trying to put the record together in the Findings. Adams asked the PC to reference what they would like to see in the Findings in the future.

They discussed changes to the Findings.

Bates voiced concerns about the Findings reflecting the reasons for their individual decisions.

Moritz noted that their decision must be based in facts and the code.

Motion: Kerr moved to remove the first paragraph under B and adopt Moritz's amended language for the second paragraph; Bates seconded the motion.

Vote: Kerr, Knop, Bates, Moritz, and Chair Johnson voted AYE; Newton voted NAY; the motion passed.

Adams asked for any changes to point two.

Moritz noted a typo at the end.

They discussed edits to the motions.

Newton suggested an edit related to the motion regarding the Comprehensive Plan.

Motion: Newton moved to remove the word tentatively from all four motions, to remove the part of the last sentence at the end of each motion that requests that staff draft the findings, to move Commissioner Kerr's name from a YAY to a NAY in the third motion, to change the language in the last sentence to read "based on the findings that the Comprehensive Plan should not be considered as a part of this permit," to remove the word unanimously from

motions where it does not apply, and to arrange the motions to reflect the chronological order of the meeting; Knop seconded the motion.

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

Moritz suggested edits for part three, which is related to the living wall. She shared her screen which showed her edits.

They discussed edits to section three and how much they should be editing in general.

Motion: Moritz moved to strike the sentence that starts “that is not the Planning Commission’s role, and it should reject this basis...” on page 6 of the Proposed Findings; Kerr seconded the motion.

Vote: Kerr, Knop, Moritz, and Chair Johnson voted AYE; Bates and Newton voted NAY the motion passed.

Moritz continued to discuss her edits. She read her edits for the final paragraph of the findings.

Motion: Moritz moved to adopt her edits to the last paragraph as read into the record; Newton seconded the motion.

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

Newton had concerns that he thought should be brought up in a future work session. One was that the Commissioners should not ‘respond all’ to emails. The other was related to the broad definition for ‘conflict of interest’ as it relates to the Commission.

Kerr thought they should also touch on what their role is.

Motion: Newton moved to adopt the Findings with the revisions approved in the meeting; Knop seconded the motion.

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

Authorization to Sign the Appropriate Orders

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

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

(3) Good of the Order

Adams mentioned the upcoming Joint Code Audit Sessions.

Kerr asked if it was ok to send information out via email related to the code audit.

Adams said he asked Kabeiseman, and he preferred that they post on a forum that is open to the public. He asked the Commissioners to send information to him so that he can post it on the website. He noted that the Code Audit Consultant Group will likely bring up the idea of having an online public forum at the next meeting.

ADJOURNMENT

The meeting adjourned at 7:30 pm.

A handwritten signature in blue ink, appearing to be 'KH', is written over a horizontal line.

Administrative Assistant, Katie Hillenhagen