

**Minutes of the
CANNON BEACH PLANNING COMMISSION
Thursday, March 24, 2022**

Present: Chair Daryl Johnson and Commissioners Barb Knop and Mike Bates in person;
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, and Administrative Assistant Katie Hillenhagen

CALL TO ORDER

Chair Johnson called the meeting to order at 6:00 p.m.

ACTION ITEMS

(1) Approval of Agenda

Motion: Kerr moved to approve the agenda as presented; Bates seconded the motion.

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

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

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

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

(3) Continuation of Public Hearing and Consideration of 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 Harding-Bouvet at 534 N. Laurel Street

Jeff and Jennifer Harrison appeal of the City's approval to issue a development/building permit for 534 N Laurel Street. The property is located at 534 N Laurel Street (Tax Lot 07002, Map 51019AD), and in a Residential Medium Density (R2) zone. The request will be reviewed pursuant to Municipal Code, Section 17.88.160, Review consisting of additional evidence or de novo review and applicable sections of the zoning ordinance, conditions of approval of the Cannon Beach Preservation Planned Development Subdivision and approved plat.

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

Adams read his staff report (see staff report in packet for full details). Adams asked everyone attending via zoom to raise their hands if they wanted to speak. He said that there were issues in the meeting last night so they will need to be more careful about letting people speak. Adams said that there are 3 items at issue with this appeal. The first is whether the garage is a two-story structure and whether it is an attached structure. Adams said that he asked the building official to review the revisions and he concluded that the garage is attached in the revised plans. The second issue is if the building permit violates the comprehensive plan. The third is whether it violates the shared access agreement. Adams noted that the latest addendum to the Staff Report was a summary of possible motions.

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

Dean Alterman spoke on behalf of Paul Bouvet. Alterman said that in the third proposed condition he submitted he had an edit. He had written that the city did not intend to *encourage* people to have garages. It should say the city did not intend to *discourage* homeowners from having garages. Alterman said that if his client turned the garage into a carport, it would meet all the requirements. He said that the purpose of the provision is to prevent there from being living space above the garage. That is not the case here. Alterman pointed out that the applicant is not removing a single tree on the property. He also said that the placement of the drywell is to preserve trees. He noted that the applicant must have two parking spaces and the garage serves to fulfill this requirement. He said another option would be to have fill on the property, but that would not benefit anyone.

Chair Johnson called for the appellant to make a presentation.

Jeff Harrison spoke. Harrison said that they still care about the PUD agreement and the results because there have been so many broken promises. He said that the living wall condition has never been satisfied. He said that they have the authority to make sure that all conditions are met. He said that the City has the enforcement ability to perform the work. Harrison argued that the proposed garage is detached and two stories. He said that the only difference between the OHSU skybridge photo that he submitted, and this is the length of the walkway. He did not think that the revisions shared a load bearing wall. He discussed the thresholds for second stories in the Oregon Building Code. Harrison summarized his arguments again.

Chair Johnson called for proponents of the request. There were none.

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

Staff reminded the Commissioners to ask for tentative findings if they would like to review them.

Chair Johnson asked if the applicant wished to make additional statements.

Alterman said that the living wall is a condition of the PUD. He noted that in the Najimi case, LUBA said that a building permit was not a chance to revisit the PUD but should be decided based on building permit requirements. He asked the commissioners to consider the purpose of the two-story restriction and rule on that. He said that they do have the power to define two stories as they see fit.

Chair Johnson closed the hearing and moved to consideration at 6:22 PM.

Kerr said that no one is trying to relitigate the conditions. She said she sees the conditions as a contract. If you do this, you can do this. She sees it as a contract between the City and the PUD that has been broken. She did not know if you should continue to do business with someone who has broken a contract.

Moritz said that she agreed that they had an enforcement issue, and she would like to see what the city attorney has to say about enforcement. She wanted to know how to move forward with the enforcement of the living wall.

Bates said that he does not think that is in the purview of the Planning Commission. He thought that withholding a building permit from an independent party seemed unfair.

Moritz agreed that they do not have enforcement authority, but she thought they could help the City get to a place where they would enforce it.

Bates said that that is fine, but they should not withhold the permit based on that.

Moritz agreed.

Kerr disagreed.

Newton said that he is also frustrated by the situation. He said that he recently dove into the LUBA decision related to the Najimi case. LUBA said that the City cannot deny a permit based on the actions of the PUD. He said that without a Homeowners Association it is hard to enforce anything. Newton said that LUBA also stated that the City failed to make this a provision for other homes that have been developed. He said that if they come back on Mr. Bouvet's they are going to come back with the same argument; why now? Newton said that they don't have a mechanism for enforcement.

Moritz said that they do have a mechanism for enforcement through the SAMA, not through the PUD. She thought the building permit might not be the way to do that, but there should be a way.

Kerr agreed. She said she doubted that the City would enforce this in the future.

Bates said that they are talking a lot about this matter when that is not the issue before them.

Kerr noted that they did not deny a building permit to anyone else in the PUD. She wondered how they could deny it now when they have not before. She did not know if they could write it in as a condition.

Bates said that putting it as a condition on the building permit would be against Mr. Bouvet only. He had an issue with this because the wall should be for everyone in the PUD to deal with.

Adams said he does not know how enforcement would be done. He noted that they have brought annual reports before Council.

Bates said that there are plants growing on the wall.

Kerr said that it looks terrible. She said that she has seen beautiful living walls, and this is not one of them.

Bates said that they need to tell the City what they expect it to look like.

Adams suggested that they could send a letter on behalf of the Planning Commission to City Council.

Newton asked if it would be possible to come in as the City and take care of it.

Moritz added that they could then send the homeowners the bill.

Kerr agreed that that could be a way to look at it. Kerr said she talked to her cousin, who is an architect, about what attached means. She agreed that it can be defined as sharing a common load bearing wall. If that is a reasonable definition, then that is not an attached wall drawn as it is with the breezeway. Kerr said that she thought the garage was two stories.

Bates agreed.

Moritz asked Vonada to explain how it was attached.

Vonada said that both exterior walls support the deck and the attached roof. You could not take the garage away and expect it to be supported. The same is true for the house. They are interdependent on each other.

Knop said that she interpreted attached as having both structures share a load bearing wall.

Adams said that the garage is not your typical structure. The way that it is supported on the pilings is unique.

They discussed the definitions for load bearing walls and breezeways.

Adams noted that if they removed the breezeway and moved the garage over to the structure that would take care of the issue. He asked if that is what they want, if that got them to a better place.

Kerr said that it makes it follow the rules.

Adams said that that is according to their interpretation. He noted that their municipal code does not define stories.

Kerr asked if the breezeway was enclosed.

Vonada said it is not enclosed, but one option would be to enclose the breezeway.

Kerr asked about the extra square footage.

Vonada said it would be part of the garage because it is not heated. As a result, it would not count as living space for the FAR.

Bates asked what they are trying to accomplish here. Bates asked why it is essential that the garage be built the way it is.

Vonada said that it is a unique site. He said that they had a tree report done and that the current design was intended to save the trees. The foundation is designed to minimize the impact of the structure on the tree roots in the area. They are using earth anchors to support the house. This makes the house minimally invasive. He noted that they decided to connect the house and the garage through the deck.

Kerr asked if they could move the garage over and connect it directly with the house.

Vonada said that they could but at this point it would not be possible because they started construction.

Kerr and Bates said that they did not understand how construction was started.

Adams said that the City did not stop construction.

Bates said that he did not understand the point of all of this.

Richter noted that they have reopened the hearing so they should let Harrison and Alterman comment. Her understanding was that there was nothing in the code that said that the applicant cannot proceed. She said that the City does not have the authority to withdraw the permit once it is issued.

Adams said they asked Kabeiseman, and he said they can proceed at their own risk.

Richter noted that the applicant would be required to alter their plans to meet any new conditions. She reiterated that they are proceeding at their own risk.

Kerr asked what would happen if this was an appeal to a tree permit. Would they be able to proceed? She noted that the tree would be gone and it could not be mitigated.

Richter said that trees and historic structures are the exception and in those cases the appellant should add a stay to their appeal. She said that that is not the case here.

Bates said it seems inefficient.

Richter said they give the applicant that choice.

Adams asked if they have to have criteria in their code if they want to require them to move the garage and not just alter the size.

Bates said that they should add to the code that the permit is not valid until the appeal period has passed.

Adams said that they could look at that in the code audit.

Richter said that she believed there would need to be a code requirement limiting the size of a garage for Commissioner Kerr's requirement that the garage be moved and not be expanded to be justified.

Bates said he is not going to cost the guy thousands of dollars for a mistake they made.

Kerr said that she disagreed with Bates, but she did not think they could force the applicant to move the garage over by 12 feet.

Harrison said that he had to step away and would not be able to respond without revisiting the arguments.

Alterman said that the city did issue a stop work order. He said that he spoke to the city attorney, and he said that according to City Code, appeals do not cease work for building permits. Alterman noted that the trees and the slope were restraints on the design. These factors drove the structure to be designed the way it is. He did not think it was in the interest of anyone to have the applicant dig in and use a different type of foundation. He said that the living wall also limits where the driveway can be. He asked that if they deny the permit, they say why so that the applicant can fix any issues. Alterman said that one option would be to turn the garage into a carport. Alterman said that Mr. Bouvet would just like to know what he can build and how he can build it.

Kerr asked about the intent of the Council in limiting a detached garage to one story. She said that she is not sure what the intent would be.

Alterman said that the single-story limit applies only to garages, not carports. It also only applies to detached garages. Alterman said that second stories in common speak mean something above a garage, not unfinished space under the garage. The logical inference he drew is that they did not want ADUs being snuck onto the lots. He is not sure, but that is what makes sense to him.

Adams asked about the process for proceeding.

Kerr said she did not think it was fair to Mr. Harrison not to continue the hearing as he would not be able to respond in full.

Chair Johnson said that they could continue with written comments.

Harrison said he could not respond fully. He thought that they were given 5 minutes to speak and opposed to the additional comments.

Kerr reiterated that she was concerned about Harrison being able to respond.

Chair Johnson said he agreed, but that he was also worried about continuing the hearing.

Adams asked about leaving it open until a special meeting in a week.

Richter said that that was possible. Though, given the situation, she did not think that was required by the PC.

Knop asked about the stop order.

Adams said that had been issued, but after council from the City's legal advisor it was dropped.

Richter said she did not hear anything in the meeting that was an issue. She did not hear anything that was new so there was no procedural issue that would require a continuance.

Kerr said she did not agree. She thought that new information was introduced concerning the trees and slope. She did not want to continue but thought it was fair.

They discussed continuing the meeting.

Kerr moved to continue the meeting till the 31st of March

Richter clarified that this would be comment in writing until the 31st. Also, this could not include any new evidence. The parties would then be given 5 minutes each at the continued hearing on the 31st.

Bates asked that the motion include a condition that any comments not reference the living wall or the well.

Harrison asked if Mr. Alterman brought up any new information on those issues. He said in that timeframe it will be difficult for him to comment.

Moritz asked if Harrison would like for it to not be continued.

Harrison asked if it could be continued to a later date.

Adams checked the meeting calendar. He also mentioned the 120-day rule related to the permit.

They discussed the timing constraints.

They decided to have a special meeting on the 31st.

Richter said she was not comfortable with continuing because the 120-rule day is hard.

Alterman said that he would not request a continuance if they set the hearing for when he is out of the country.

Bates suggested they just finish it up.

Newton asked if anyone heard information that they thought was relevant to their decision or something Mr. Harrison should be considering.

Kerr said the information about the PC not having the power to require the applicant to move the garage was new.

Moritz said that is not for him to decide so maybe they should just finish up.

Kerr withdrew her motion to continue to the 31st.

Richter asked the chair to close the public hearing again and proceed with deliberation.

Chair Johnson said he had already closed the hearing.

Kerr said that she believes it is a two-story garage. She also believes that it could not be considered attached with just the breezeway. She thought they were in a difficult position and wanted to hear other people's feelings. She wondered if they should stick with the rules and have a bigger garage.

Moritz said she would rather stop the insanity and say that it is two stories but accept the breezeway as attached and move forward.

Kerr said she did not think she could vote for that.

Newton said he echoed Moritz. He does not like how things are, but this might be their best option. He also said he liked Moritz's suggestion related to the living wall.

Chair Johnson asked if they were going to continue the hearing.

It was clarified that they might meet again to review tentative findings on the 31st.

Kerr noted that the drywell issue had not been discussed.

Bates thought the drywell should not be discussed.

Moritz agreed that it is not exclusionary, she did not think it was a problem. She was also not sure they had the right to enforce the SAMA.

Kerr still felt it was a contract with the City that had been broken. She said she looked up information on drywells and they did not seem exclusionary to her.

Bates moved to tentatively deny the appeal.

Moritz asked if they should modify the motion to require that the garage be attached through the breezeway.

They discussed the motion.

The motion died for lack of a second.

Moritz asked if they could do it in parts.

It was agreed that they could.

1st Motion: Moritz moved to tentatively deny the appeal based on the finding that the drywell is not exclusionary; Bates seconded the motion.

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

2nd Motion: Moritz moved to tentatively deny the appeal and approve the building permit with the condition that the garage be attached to the primary residence as shown in Exhibit C-5; Bates seconded the motion.

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

3rd Motion: Moritz moved to tentatively deny the appeal as related to the living wall with the condition that the Planning Commission write a letter to City Council requesting enforcement action regarding the 'living wall'; Knop seconded the motion.

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

Adams requested that they make a motion related to the comprehensive plan.

Kerr was not sure they had discussed it.

Adams read the section of the staff report that was related to the comp plan.

Moritz and Kerr wanted to make sure that they discuss the issue before moving forward.

Kerr said that the comp plan is like the constitution. She thought that it could be that in this case the rules do not comply with the comp plan.

Knop said that she thought that the PUD did not comply with the comp plan.

Bates said that the comp plan is more like the Declaration of Independence. Something that we aspire to that we don't reach.

Kerr disagreed. She said the problem seems to be in the code and the original acceptance of the PUD rather than this permit.

Moritz agreed.

Kerr said this is a smaller house that seems to be making some effort to blend in. She thought this argument would have been more applicable to the Najimi house.

They discussed the wording of the motion at length, specifically there was concern that it be clear that this building permit application specifically does not violate the comprehensive plan.

4th Motion: Bates moved to tentatively deny the appeal as it related to the claim that this particular permit violates the comprehensive plan; Newton seconded the motion.

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

(4) Public Hearing and Consideration of CU# 22-01, Keith and Christine Amo request for a Conditional Use Permit for shoreline stabilization at 3863 Ocean Ave.

Mike Morgan, on behalf of Keith and Christine Amo, request for a Conditional Use permit for shoreline stabilization. The property is located at 3863 Ocean Ave. (Tax Lot 00300, Map 41006BC) in a Residential Moderate Density (R1) 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. Chair Johnson asked if any Commissioner had any conflict of interest. There were none. Chair Johnson asked if any Commissioner had personal bias to declare. There were none. Chair Johnson 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 (see staff report in packet for full details). St. Clair noted that king tides in recent years have caused significant erosion. He said that State Parks has suggested cobble berm as a solution. He also noted that a significant spruce tree is in danger of being affected by the erosion. St. Clair said that the owner is not eligible for riprap or seawalls. St. Clair said that the site would be evaluated annually as a condition of approval.

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

Mike Morgan spoke on behalf of Keith and Christine Amo. He said that this project is very similar to the prior three in Tolovana that were recently approved. He said this is a little more urgent because of the large spruce tree that is one of the last ones on the oceanfront. Morgan noted that in '81 when the house was built there was an effort to preserve this tree as well. He said that the suggested approach seems to be working in other places and they would like to get it done this spring because willows are sprouting up right now.

Johnson asked if they had started any of the other projects.

Morgan said El-Mansy was completed.

Moritz asked about fertilizers. She was concerned about runoff from fertilizers.

Morgan said that they do not use fertilizers. He said that the willows are so hearty that they need not use fertilizer, though they do use some compost.

Moritz said that she read somewhere that it can be better to use a localized fertilizer as that has been shown to have a slow release.

Morgan thought that compost would not be an issue.

Johnson said that the natural fertilizer in the compost is better to use than commercial fertilizer.

Bates asked about a specific ORS statute that Morgan had mentioned that does not apply.

Morgan said it had to do with the sand brought in. The sand or cobbles must be imported; they cannot be taken off the beach. Morgan said that the sand that is usually brought in is dune sand from Gearhart or Manzanita. Morgan said that when they build houses in those areas, they scrape the dunes.

Bates asked Adams about recommendations for conditions on the quality of the sand.

Adams said that other than requiring clean sand, he was not sure. He suggested they consult the Foredune Management Plan.

Chair Johnson called for proponents of the request.

Dianna Turner spoke on behalf of Friends of the Dunes. She said that they have concerns about this application. She noted that they appreciate the previous discussion about using drones to monitor projects. She said they support using an engineered cobble berm. She said that if these projects are well done, they could provide needed protection. The Friends of the Dunes believe that the code should be tightened related to these projects. They are willing to work with staff to bring forward recommendations for such changes in the future. They ask that the PC require more information and better information with these applications. She said that the Staff Report references information that is missing. There is also no supporting documentation of past conditions and erosion. They thought it was curious that all applications are for 50 cubic yards, as this is the max allowed before being required to pull additional permits. Turner noted that they went through a seven-year process to create the current Foredune Management Plan. She gave examples of requirements from the plan that are not being enforced. She suggested that the City develop criteria for who is able to apply for a shoreline stabilization permit. They believe that more expansive and clear documentation is also necessary. They thought that a Geotech Report should be required and that certain projects should require an engineer. They also thought that a city representative should be on site during work. They believe that if monitoring is valued, it should be done with greater vigor.

Chair Johnson called for additional opponents or proponents of the request. There were none.

Kerr asked Turner what she thought the minimum would be for this application to be acceptable.

Turner said she thinks they need to be clear on whether or not this is 50 cubic yards. She would like to see that there is some analysis of what amount of sand or cobble is needed. She does not doubt that the Sitka is being undercut. She said that if there is an attempt to preserve it there needs to be documentation that the best work possible is being done.

Kerr asked if an arborist report would satisfy that.

Turner said that it would. She reiterated that they need to be more information on how this is done.

Morgan said that some of the things Ms. Turner said are fine. He said that they intend on notifying the City and have them on site during the project. He said that he thought most of her comments were over the top. He said that all of the sand for this project is on the site. All they are trying to do is bring in the cobble. He did not think it took an arborist to see that the ocean has started to come up and claw at the roots of the tree. He noted that cobble berm was recommended by the ORCA group, which Turner is a part of. He also noted that this approach may not work. He said that managed retreat may be necessary in the future. He did not think it required an engineering firm and reams of material to document what is essentially a landscaping project. He thought that tightening up the code was fine, but within reason. He agreed that riprap and burritos should not be done without engineering but thought that this is a very simple project. He asked what level is necessary for this very small project. Morgan said that the owners are concerned about the tree and their house, and they need to get approval.

Kerr asked about the 50 cubic yards.

Morgan said that 50 cubic yards is used because it is the maximum. He also said that it is a reasonable amount. Morgan said that once it is down it does not look any different than the rest of the beach.

Kerr asked who will be responsible for monitoring.

Morgan said he will be in charge of monitoring and will report to the Planning Department.

Moritz said that she understands that similar projects have been approved. She asked how they could tell other applicants that they want more if they do not require it from Morgan as well.

Bates said he is in support of what Turner said. He said that Morgan has done what he has done for years, but they do need to tighten things up. He did not think, however, that this was something they could impose on this applicant today.

Moritz said that a lot of what Turner said is currently required. Qualification and reporting requirements are there.

Bates said he understood that Turner was asking that the code be tightened.

Turner said that both are true, the code needs to be tightened and applications need to be more complete. She said that she supports the cobble berm and saving the tree, but standards need to be improved.

Bates asked for specifics about what she would like to see.

They discussed the 50 cubic yard requirement.

Morgan said that this approach has been blessed by ORCA and they are trying to use a very benign approach to shoreline stabilization. He said that 50 cubic yards is not much. He noted that the code does not require an arborist for this kind of project. They are required if you are cutting down a tree, but not if you are trying to save a tree.

Adams said that notification and monitoring by the City is a condition of approval that has been used and should be applied here. He said that they can meet with Friends of the Dunes to work together to create model language to move forward. He said the Foredune Management Plan was done with a purpose and making adjustments to reflect that plan will take some time.

St. Clair said that staff recommended approval based on the conditions laid out in the staff report.

Kerr asked what it would take to have an engineer review the application.

Morgan said that they could have Tom Horning, or a civil engineer review it. He said it would be a very brief report because it is not a structure in the same way a riprap would be. He did not think it was necessary. He said he could ask Tom Horning to do a brief report.

Kerr asked for a report on what exactly is in the compost.

Morgan said he could get one.

Chair Johnson asked if the applicant wished to make additional statements.

Chair Johnson closed the hearing and moved to consideration.

Adams asked about the conditions related to the Geotech Report and compost. He asked if they could start before those things were turned in.

Morgan said they could have Horning on site during construction and have information on the compost to the City in a week.

It was noted that there is no one in the City who specializes in soil composition.

Kerr voiced concerns about follow up on reporting.

Adams said that they could bring that back for the PC to see. He noted that the City has more staff and electronic permitting so that they can follow up better.

Motion: Bates moved to approve the application with the four conditions set forth in the staff report and additional conditions requiring that an engineering geologist be on site during work and a report on the makeup of the compost be provided to the City; Knop seconded the motion.

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

Johnson stated the application is approved.

Authorization to Sign the Appropriate Orders

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

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

WORK SESSION ITEMS

(5) Code Audit: Procedural & Review Thresholds

Adams said that they will cover this in the joint session and suggested they postpone it till then.

INFORMATIONAL ITEMS

(6) Tree Report

Bates commented on the Berg/Long Tree Removal Permit and the fact that there was no requirement to replant.

St. Clair said that he believed it is an undeveloped lot and that the remaining trees would be sufficient.

It was clarified that the requirement to replant was to replace so that a minimum of four trees were on the lot.

Kerr said she would like to see the tree ordinance improved.

(7) Ongoing Planning Items

There were none.

(8) Good of the Order

ADJOURNMENT

The meeting adjourned at 8:54 pm.

A handwritten signature in blue ink, consisting of stylized, overlapping loops and lines, positioned above a horizontal line.

Administrative Assistant, Katie Hillenhagen

