

**Minutes of the
CANNON BEACH PLANNING COMMISSION**
Thursday, September 23, 2021

Present: Chair Daryl Johnson and Commissioner Barb Knop in person
Commissioners Janet Patrick, Charles Bennett, Clay Newton, Lisa Kerr and Joe Bernt via Zoom

Excused:

Staff: Director of Community Development Jeff Adams and City Recorder Jennifer Barrett

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; Patrick seconded the motion.

Vote: Kerr, Newton, Knop, Bernt, Bennett, Patrick and Chair Johnson voted AYE; the motion passed.

(2) Consideration of the Minutes for the Planning Commission Meeting of October 22, 2021

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

Vote: Newton, Knop, Bernt, Bennett, Patrick and Chair Johnson voted AYE; the motion passed.
Kerr abstained as she was not present at the meeting.

(3) Public Hearing and Consideration of VAC#21-01, Clatsop County request, for a Vacation of portions of platted and unimproved Pine and Alder Street right-of-ways in the Seal Rock Beach Subdivision.

Clatsop County request to vacate portions of platted and unimproved Pine and Alder Street right of ways in the Seal Rock Beach Subdivision, according to chapter 12.31 Street and Alley Vacation of the Municipal Code. The property is located on all of Alder Street lying northerly of the easterly extension of the south line of Lot 7, Block 9, and all of Pine Street lying northerly of the easterly extension of the south line of Lot 11, Block 10, in the Town Plat of Seal Rock Beach, Book 0, Page 77, Clatsop County Town Plat Records, in the Open Space (OS) zone. The request will be reviewed under Cannon Beach Municipal Code, Section 12.32.030, Street and Alley Vacation, review criteria, in accordance with ORS 271.005-271.160.

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. In response to Johnson's question is this property state controlled or state owned currently, Adams replied currently it's a platted street and they are asking that the city to vacate that property. It was deeded over to the city with the plat, and they are requesting us to vacate. The county manages it but they are having difficulties. In response to Johnson's question could someone build there, Adams replied no it is a right-of-way so we would not allow it. Adams noted we also have Sirpa Duoos online if you have questions.

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

Chair Johnson called for public testimony.

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.

Sirpa Duoos, Property Management Specialist for Clatsop County A Political Subdivision of State of Oregon. Adams put the map on the screen from the packet. Duoos stated the County has for some time, over a decade, wanted to deed this property to the state parks for them to manage. In order for the county to do that, we need to have all the platted right-of-ways, even unimproved, vacated in order for the state to accept the piece. Part of the ROW is in the Cannon Beach and part is located in the county area. Once the Cannon Beach portion part is done, I'll approach county public works to vacate their portion. Once both are completed I'll bring to the county commissioner to deed state parks and rec. I have their desire to accept these two tax lots and vacated unimproved ROWs. In response to Newton's questions the lot has been plotted since the 1800's, was this action due to summer concerns of who had regulatory control over certain sections of the beach, Duoos replied partially yes. This started this in early 2003, however, it fell to the wayside and concerns of neighbors brought it to head and we proceeded. In response to Newton's questions was it over camping, Duoos replied yes.

Chair Johnson called for proponents of the request.

Anna Moritz PO Box 84 Cannon Beach

Thank you for time, I appreciate it. You have had excellent presentation. I am another voice urging you to vacate to help protect Crescent Beach, noting examples of how it will help. Moritz added these are the only parcels not owned by state parks in the Ecola boundaries. By state law camping prohibited on beach and in front of state parks, but not in front of county land which is why camping has become an issue. There is no sanitation, and it is a sensitive ecological area. I am very supportive of work Clatsop County is doing. They recognized the concern and began process to transfer ownership to Oregon state parks. The hurdle is they cannot take ownership with city ownership of any areas, which is why we are here.

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

Adams added Moritz did a persuasive job and her letter had comments as well. It amazes me the loopholes people will find. I highly recommend vacating.

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

Chair Johnson closed the hearing

Kerr noted I am so happy this is coming before the Planning Commission. I hoped it would happen the last few years and always a distress to see campers on the parcel below the path that leads to the upper area through the woods. Garbage is left there, goes potty there, and I have personally called state parks a number of times and they said they can't do anything about it because they don't have jurisdiction, the City can't and the County doesn't have enough people. I thank Moritz for getting this in front of the Planning Commission. Newton added this is an example of things we have been talking about. I've been here a long time and with ever increasing access to information Cannon Beach has to focus on updating our codes and policies and this is a great example of something that was ok for a long time but no longer works. Cannon Beach needs to stay on top of a rapidly changing information system.

Motion: Kerr moved having considered the evidence in the record, I find the request is not in conflict with the Cannon Beach Comprehensive Plan and does not adversely affect the provision of public facilities, services or access and so move to recommend approval of the Clatsop County application, for vacation of portions of platted and unimproved Pine and Alder street rights-of-way in the Seal Rock Beach Subdivision, affecting all of Alder St. lying northerly of the easterly extension of the south line of Lot 11, Block 10, in the Town Plat of Seal Rock Beach, Book 0, Page 77, Clatsop County Town Plat Records., Cannon Beach application number VAC# 21-01, as discussed, and move the following condition Waiving of fees for the vacation to benefit the citizens of the state; Newton seconded the motion.

Vote: Kerr, Newton, Knop, Bernt, Bennett, Patrick and Chair Johnson voted AYE; the motion passed.

Johnson stated the project is approved.

INFORMATIONAL ITEMS

(8) Tree Report

Jan Siebert-Wahrmund PO Box 778 Cannon Beach

Friends of the Trees is dedicated to growth stewardship and preservation of trees of our community for present and future. Siebert-Wahrmund read a prepared statement regarding the removal of trees in Cannon Beach. A copy is included in the record.

The Commission discussed the recent tree removal on N. Hemlock.

(9) Ongoing Planning Items

Adams reported I appreciate all comments on the tree removal and the process used. You will have the ability to change with the code audit and its one of the worst things in the code. DRB minors are not used properly. Unfortunately, it takes something like this, and it's been a concern of mine since day one.

Adams gave a report on the living wall.

(10) Good of the Order

Patrick reported I would like to see the city approve the size of the tree that they plan to put in on N Hemlock. Adams replied we will, a discussion ensued.

Newton reported I want to take a moment to recognize the passing of a special person in Cannon Beach. Lisa Fraser passed, a discussion about Mrs. Fraser ensued.

A discussion ensued regarding the process to log into the Executive Session through Zoom.

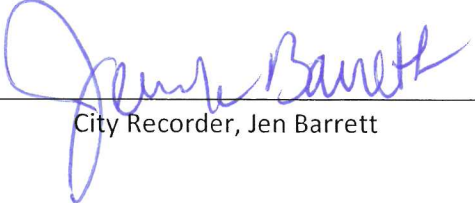
Johnson stated we hold Executive Session Pursuant ORS 192.660(2)(f), to consider information or records that are exempt by law from public inspection

ADJOURNMENT

The meeting adjourned to an Executive Session at 6:51 pm.

The Executive Session adjourned to a public meeting at 7:30 pm.

The meeting adjourned at 7:30 pm.



City Recorder, Jen Barrett