

**Minutes of the
CANNON BEACH PLANNING COMMISSION**
Thursday, August 26, 2021

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

Excused: Lisa Kerr

Staff: Director of Community Development Jeff Adams 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: Bernt moved to approve the agenda as presented; Patrick seconded the motion.

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

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

Chair Johnson asked if there were any amendments to the minutes.

Bennett said that his name was missing from the motions for the minutes and agenda. He said that he had voted yes but was perhaps on mute. Hillenhagen said that she would correct the minutes.

Motion: Bennett moved to approve the minutes with the edits mentioned; Patrick seconded the motion.

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

(3) Public Hearing and Consideration of SR 21-05, David Vonada request, on behalf of Dana & Thurman Cardwell, of 1696 S. Hemlock, for a Setback Reduction of the rear-yard setback requirement for an entry-arbor in conjunction with a fence for an existing residence.

SR 21-05, David Vonada application, on behalf of Dana & Thurman Cardwell, to allow a setback reduction to reduce the rear-yard setback from the required 15 feet to 0 feet to accommodate an entry arbor in conjunction with a rear-yard fence, according to chapter 17.14 Residential Medium Density Zone of the Municipal Code. The property is located at 1696 S. Hemlock St. (Tax Lot 4102, Map 51030DA) in the Residential Medium Density (R2) zone and Oceanfront Management Overlay (OM) zone. The request will be reviewed against the Municipal Code, Section 17.64.010, Setback

Reduction, Provisions established. Code, Section 15.04.150 and Section 17.88.180, Review consisting of additional evidence or de novo review and applicable sections of the zoning ordinance.

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 the staff report (see staff report in packet for full details). Adams noted that many structures along Forest Lawn are non-conforming. The property owner was issued a letter on June 11, 2021 regarding the violation of constructing an arbor in the required rear-yard and given alternatives for bringing the structure into compliance. This setback reduction application is one option for the arbor to come into compliance. Adams recommended a condition for approval that would limit the setback reduction to the existing arbor as it is now, with no other structures or additions/alterations allowed in the required yard. Adams noted that the structure does not intrude into any view sheds. He also noted that the structure would be allowed in the front yard and that this lot is a through lot with two sides that front a street.

Chair Johnson asked what kind of structure the arbor is. He also asked about the height of the fence.

Adams clarified that it is an accessory structure and said he would let Vonada speak the height of the fence. He believed it was between 5 and 6 feet.

Bernt asked what the size limitations are for arbors.

Adams read the applicable language which limits the height of an arbor to 10' and the depth of 5'. Adams noted that the language is for a front yard entry and does not apply here because this is in the back yard.

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.

David Vonada, PO Box 648, Tolovana Park, 97145. Vonada said that the development along Forest Lawn lead the Cardwells to believe that they could construct the arbor at its current location. He said that if they

would have known it was non-conforming they would have applied for a setback reduction before building. The Cardwells bought the property after the house was constructed, but if they had planned the layout of the house, they would have had the front of the house facing Forest Lawn. For this reason, they decided to enhance the entry on Forest Lawn. This is a safer entry than on Hemlock. Vonada noted that there is no intent to encourage people to park on Forest Lawn, the new entry is intended for pedestrian access. Vonada also said that he did not think that the Cardwells would oppose limiting parking on Forest Lawn or the proposed condition for approval. He noted that they intend to add roofing to the arbor that matches the dwelling.

Bernt asked if the arbor would be considered living space.

Vonada said that it would not be considered living space. It would be used to shelter from rain or other weather when coming or leaving the property, but that is it.

Bernt asked if the gate would match the existing fence.

Vonada was not sure but said that he would recommend that the gate match the existing fence.

Newton asked if the arbor was meant to be a staging area for people getting in and out of their car.

Vonada said that that was not the intent.

Chair Johnson called for proponents of the request.

Thurman Cardwell, PO Box 1305, Cannon Beach. Cardwell apologized for getting halfway through the project without getting approval. He noted that all the other homes on the street have Forest Lawn addresses. He also said that there is already an arbor the street. Cardwell confirmed that the gate will match the fence, though it may be lower to make it more inviting. He addressed parking and said that there is a utility corridor along that side of the street that makes it look like it is for parking. He said that they would be happy to, and even welcome, putting up no parking signs. He also noted that they do not intend to rent the home as a short-term rental.

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

Adams mentioned that there were letters from surrounding landowners in the packet and they were all positive. He said that he had brought up parking because that will be addressed in the TSP and the area in questions will likely be new signage as a result.

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

Vonada reiterated the strong support from the neighbors. He said that they did not encounter anyone in the neighborhood who was opposed to the project.

Newton asked about the roofing material on the house.

Thurman said that it is a wood shake; the arbor will have wood shake as well.

Chair Johnson closed the hearing and moved to consideration.

Motion: Newton moved to approve the request with the condition that no additional structures be developed in the required rear yard; Patrick seconded the motion.

Vote: Knop, Newton, Patrick and Bennett voted AYE; Bernt and Johnson voted NAY. The motion passed.

Johnson stated that the project was approved.

Authorization to Sign the Appropriate Orders

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

Vote: Patrick, Bennett, Knop, and Newton voted AYE; Bernt abstained. The motion passed.

INFORMATIONAL ITEMS

(8) Tree Report

No comments.

(9) Ongoing Planning Items

Adams encouraged people to visit the Transportation System Plan website (@ www.cannonbeachtsp.com) and noted that there are new reports up. Additional reports will be added next week. Adams said that notice for the next TSP Open House should go out next week as well. Additionally, the first joint code audit session will be next month.

Adams said that due to recent COVID numbers City Hall will be closing to the public, except by appointment. Board and Commission members will still be able to attend meetings in person.

The Living Wall Yearly Monitoring Report was tabled until next month.

(10) Good of the Order

No comments.

ADJOURNMENT

The meeting adjourned at 6:35 pm.

Administrative Assistant, Katie Hillenhagen