

**Minutes of the
CANNON BEACH PLANNING COMMISSION**
Thursday, March 27, 2021

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

Excused: Charles Bennett

Staff: Director of Community Development Jeff Adams, IT Director Rusty Barrett 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; Kerr seconded the motion.

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

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

Bernt pointed out some spelling errors in the minutes. They will be corrected in the final draft.

Motion: Knop moved to approve the minutes as amended; Patrick seconded the motion.

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

(3) Review of a Zoning Ordinance Amendment request by Will Rasmussen on behalf of Haystack Rock LLC, for a text amendment regarding notice requirements for development permitting of new roads or driveways utilizing public right-of-ways.

Chair Johnson asked for the staff report.

Adams read the staff report (see packet for full details). He thanked Will Rasmussen for working with him on this. He said that City staff are working toward the posting of public notices, and they hope to unveil that soon. Understands concerns about notice related to new roadway access. He and Rasmussen have been discussing and bouncing language back and forth. What resulted from that is the drafted language that the Commission is presented with today. He noted that Rasmussen asked to speak. He went over the changes from the last time they looked at this. In the proposed wording a new road, driveway, or access that is more than 50 feet in length and is in either the Ocean Management Overlay Zone (OMOZ) or in a wetlands buffer area would come before the Planning Commission (PC) as a conditional use.

Kerr asked about the organization of the wording within the code. It is in 42.060 under the oceanfront management overlay. Why is it not under the wetlands overlay? What happens to a wetland that is not in the OMOZ?

Adams said that it was previously under the development permit wording. Now it is being upgraded to a conditional use in the wetland area. It will be organized under conditional uses.

In reviewing the language, Kerr was surprised that you could get a conditional use for a subdivision in the wetlands.

Rasmussen was surprised people would be allowed to put a new road in the oceanfront management zone without coming before the PC. Adams pointed out to him that this was also the case in the wetlands. The conditional use triggers notice and brings it before the PC. This works for his purposes and does not create too much extra work for staff. Rasmussen asked that the PC hear this as soon as possible.

Kerr expressed her surprise that you could do these things without a conditional use permit.

Adams agreed and said he thought that is why they should include the wetlands.

Kerr said she is glad he did.

Adams said this will be further reviewed in the code audit, but Rasmussen requested this change right away.

Kerr said it was great and thought it was important that they do it right away.

Bernt asked if it would still be a priority to post all development permits.

Adams said he would work on that when he got back.

Kerr asked if Adams would like her to send the link to the example from Clatsop County.

They discussed and clarified that the County does it for all land use applications.

Newton felt there was an issue they needed to address. He noted that they are in the middle of a lawsuit and to change the zoning in a way that is related to that case is concerning. He thought it would be more appropriate to bring it forward when they are bringing forward other issues. He is concerned about having a specific hearing on a code change when they have shelved other code changes.

Adams said that it is a legitimate concern and he had asked Bill Kabeiseman (City Land Use Attorney) about it. He noted that this was a public process. Other members of the community will have their chance to weigh in. An application has been put in so we should treat it just as we should any other application. Adams said he will have Kabeiseman speak to that at the next meeting.

Kerr did not see the issue because the lawsuit is about a different issue. She would like to see them act on all the zoning changes as soon as possible, but this is the only one they have wording for.

Johnson agreed that the Roberts would not be affected by this because they are already in the process.

Rasmussen pointed out that the Roberts pending cases are related to their private property and not the right of way. He thought this code change would not be high risk, in a legal sense, and encouraged the Commission to consult with Kabeiseman.

Newton noted that the Roberts have come before them many times, why not come again if they feel they are singled out. He said he would feel comfortable hearing it at the next meeting with comment from Kabeiseman.

Patrick felt the Roberts should be excluded until their issues are cleared up.

The Commission discussed if the proposed change would be relevant to the Roberts' case and whether the Roberts would have to abide by the new change. It was pointed out that their current application does not include a road.

They wrapped up the discussion and agreed that it should come back as a hearing at their next meeting.

Adams also wanted to mention the Transportation System Plan. A webinar about the process will be on June 3rd. There is also an online survey.

A couple of commissions had questions for Adams about construction happening in town and how building height is calculated.

Adams explained that the construction on 5th St. is a new residence, and he went over how building height is calculated.

INFORMATIONAL ITEMS

(8) Tree Report
No comments.

(9) Ongoing Planning Items
Adams said that Jan Siebert Wahrmund brought a Heritage Street type program before Council and they gave the thumbs up for that to move to Parks.
He said that they sent the scope of work to the code audit applicant so that is moving forward.

(10) Good of the Order
Kerr asked about the living wall issue.

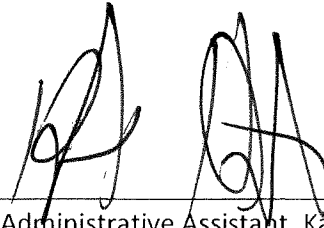
Adams said that he understood that they had replaced a bunch of plants, but he has not gone out to inspect.

Kerr said it still does not look great.

They briefly discussed the pending LUBA cases and LUBA produres.

ADJOURNMENT

The meeting adjourned at 6:30 pm.

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

Administrative Assistant, Katie Hillenhagen