

**Minutes of the
CANNON BEACH PLANNING COMMISSION**
Thursday, December 22, 2022

Present: Chair Clay Newton and Commissioners Barb Knop, Mike Bates, Charles Bennett, Les Sinclair, Taylor Kemmer, Erik Purdy and Mickey Moritz via Zoom

Excused: Aaron Matusick

Staff: Director of Community Development Jeff Adams, Land Use Attorney Bill Kabeiseman, City Planner Robert St. Clair, and Community Development Administrative Assistant Emily Bare

CALL TO ORDER

Chair Newton called the meeting to order at 6:03 p.m.

ACTION ITEMS

(1) Approval of Agenda

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

Vote: Sinclair, Matusick, Knop, Bates, Moritz, Bennett and Chair Newton voted AYE; the motion passed

Motion: Motion to amend the agenda to discuss new appointments to the Planning Commission. Both Commissioner Knopp and Bates agreed to their first and second motion to amend the agenda for discussion.

Discussion:

(2) Consideration of the Minutes for the Planning Commission Meeting of November 22, 2022.

Motion: Commissioner Bates moved to approve the minutes; Commissioner Moritz seconded the motion.

Vote: Sinclair, Knop, Bates, Moritz, Bennett and Chair Newton voted AYE; the motion passed

Robert St. Clair Read the staff report

The applicant, Beach Construction, on behalf of property owners Erik & Rachel Purdy, requests a setback reduction on the east and south sides of Tax lot 51030DA10200 located at the corner of Ross Ln and Spruce St. The purpose of the setback reduction is to minimize the number of trees that would need to be removed in conjunction with the construction of a new single-family dwelling on the currently undeveloped lot. On

October 7, 2022, the City of Cannon Beach denied a tree removal permit application on the recommendation of the City Arborist who suggested that the site plan be revised with an emphasis on tree preservation.

During the November 22, 2022, public hearing the Planning Commission requested additional information regarding the number of trees that may be preserved as a result of the proposed setback reduction as well as a professional assessment from the City Arborist. A letter prepared by the City Arborist, dated November 30th, has been added to the record as Exhibit C-3. The applicant submitted a site plan and tree preservation plan letter prepared by Joe Balden of Balden & Associates Arboriculture Services on December 15th that has been added to the record as Exhibit A-4.

Based on the information in Exhibit A-4 the following trees are identified for preservation:

- 16" Alder in the northeastern corner of the property;
- 50" Spruce immediately south of the driveway;
- 46" Spruce adjacent to the Spruce St. right-of-way;
- 12" Hemlock near the southeastern corner of the property;
- 36" Spruce near the mid-point of the western property line.

The most recent site plan, shown in Exhibit A-6, provides additional detail regarding anticipated removals in relation to the house location. In this diagram, as well as Exhibit A-4, the location of the house appears to have been shifted to the northwest of the location originally proposed in this application. Based on the measurements in Exhibit A-6 the new proposed location will be within 4 feet 9 inches of western property line. As this is a corner lot the minimum setback along this line is 5 feet. All other setback measurements on the site plan appear to exceed the minimum required distance.

Comments from the City Arborist, seen in Exhibits A-5 and C-4, are supportive of the latest approach and state that it accounts for the protection of critical root zones of trees on the neighboring property as well as identifying mature trees on the subject property to be retained.

Public Comment:

Taylor Kemmer from Beach Construction, PO Box 3535 HYWY 101 N Gearheart Oregon.

Owners requesting to shift house site to preserve trees closest to Spruce St. With this shift five trees will be preserved; their roots will stay intact as to not harm any of the other trees. Post and pure foundation will be utilized as needed to preserve the Butrice trees.

Mrs. Kemmer asked if a new tree removal permit application needed to be submitted. Mr. Adams explained that the city would amend the current application

Erik Purdy, 14988 SW Lookout Dr, Tigard Oregon

Joe Baldwin and Jeff Gearheart letters presented, they spoke of post and preserve foundation. Wind thinning trees and gravel drive to reduce stress to trees and preserve large spruce trees (facing Spruce Street) which was recommended by Jeff Gearheart. Emails from Jeff are in packet.

No staff response.

Public Record Closed 6:24pm

Council Question: Commissioner Moritz asked if trees in pink would be removed. Mr. Purdy answered that there is growth coming out of the root ball and a tree that is down. The Tree to the north over the root canopy too much so the tree wouldn't survive.

(3) Continuation of Consideration of SR 22-03, Beach Construction, on behalf of Eric & Rachel Purdy, application to allow a setback reduction to reduce the front yard setback side yard setback

SR 22-03, Beach Construction, on behalf of Eric & Rachel Purdy, application to allow a setback reduction to reduce the front yard setback from the required 15'0" to 9'10" and the side yard setback from the required 15'0" for a corner lot to 11'0" in order to reduce the number of trees that would need to be removed in conjunction with the construction of a new single family dwelling. The property is located at the corner of Ross Ln. and Spruce St. (Tax Lot 10200, Map 51030DA), and in a Residential Medium Density (R2) Zone. The request will be reviewed against the Municipal Code, Section 17.645.010, Setback Reduction, Provisions Established.

Mr. St. Clair is comfortable as long as the arborist is comfortable.

Commissioner Bates believes that the applicant has done as much as they can, however, don't we owe it to the neighbors to notice of the new plans? Because of the setback issue. Mr. Bates asked if we could approve the clause of 14 day appeal. Mr. Adams the Committee under the 120-day rule what is the city's recourse? Commissioner Moritz asked if the neighbors could appeal to the City Council. Mr. Adams informed the committee to go ahead and state that you want the neighbors noticed.

Motion: Commissioner Bates moved to approve this application on conditions that they meet all of the items Mr. Baldwin listed in his packet. As well as further notification with certified notice to neighbors. Commissioner Knopp Seconded the motion

Vote: Sinclair, Knop, Bates, Moritz, Bennett and Chair Newton voted AYE; the motion passed

WORK SESSION ITEMS

(4) Track Two Zoning Ordinance Amendments: Public Benefits Developments

INFORMATIONAL ITEMS

(5) Tree Report

Commissioner Bates commented that this is a slow time of year, he is aware Elk Creek Rd has some dead and hazardous trees, he thinks they will add some Sitka.

(6) Ongoing Planning Items

Drone Shoreline Protection Project

The Drone Shoreline Protection Project power point was presented. The Commission was excited for the plan and results. Chair Newton would be interested to see the effects of King tides. Commissioner Les Sinclair asked if the city receives elevation from dunes. It was explained that we get elevation data, it is all useful information.

Community Development Annual Review

Clearer Codes
Clearer Communications
Clearer Processes

(7) Good of the Order

Commissioner Moritz announced that in January we will be adding a work session on wetlands, and if there was any aspect that the commission would like to learn about. Please email Mr. Adams if there is any questions you may have. Commissioner Sinclair requested to learn about the value of buffer zones and what is effective

Motion: Commissioner Bates moved to approve the minutes; Commissioner Moritz seconded the motion.

Vote: Sinclair, Knop, Bates, Moritz, Bennett and Chair Newton voted AYE; the motion passed

Discussion of Vice Chair

Two members are leaving the commission (Charles Bennett and Barbara Knopp). Thank you for your service. New members coming in and we need to vote on a Vice Chairperson, Mickey Moritz was voted in.

ADJOURNMENT

The meeting adjourned at XXX pm.

Emily Bare
Community Development
Administrative Assistant