

**Minutes of the  
CANNON BEACH PLANNING COMMISSION**  
Thursday, January 26, 2023

Present: Chair Anna Moritz and Commissioners Mike Bates, Erik Ostrander, Les Sinclair Aaron Matusick, and Dorian Farrow, Aaron Matusick via Zoom

Excused: Chair Clay Newton

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

ACTION ITEMS

**(1) Approval of Agenda**

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

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

Motion: Motion to amend the agenda to discuss code audit process leading into the future during the Good of the Order. Both Commissioner Bates and Ostrander agreed to their first and second motion to amend the agenda for discussion.

Discussion: None noted

**(2) Consideration of the Minutes for the Planning Commission Meeting of January 26, 2023.**

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

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

**3) Public Hearing and Consideration of V#23-01, CIDA request on behalf of the City of Cannon Beach, for a variance to off-street parking requirements at 268 Beaver St.**

**V#23-01**, Public hearing and consideration of a variance request submitted by CIDA, on behalf of the City of Cannon Beach, to exempt the site of the former Cannon Beach Elementary School from

meeting the minimum off-street parking requirements established by Cannon Beach Municipal Code 17.78.020 in favor of alternate methods of transit and parking. The property is located at 268 Beaver St. (Taxlots 4000, 4100, 4101, 4200, and 4301, Map 51020CB) in an Institutional (IN) zone. The request will be reviewed under Cannon Beach Municipal Code, Sections 17.78.020, Off-Street Parking Requirements.

Robert St. Clair Read the staff report.

Public Comment: Dustin Johnson from Cida & Bruce

First and foremost, I want to thank you all for this opportunity uh to speak to you tonight and to have you consider this variance request. In our work session on November 22, 2022, I read you a description of the project and if it's all right with you tonight I'd like to do that here.

The Cannon Beach Elementary Rejuvenation project is an Adaptive reuse project aimed at reactivating the former Cannon Beach Elementary School and neck use Park site for use by Cannon Beach visitors, residents and businesses.

the two-and-a-half-acre project site is situated at the North End Of Cannon Beach and consists of multiple tax lots zoned in institutional as well as e Estuary CIA limited commercial R3 high density residential. It is bordered by Kohler Creek to the north, First Street to the east, Beaver Street to the South and undeveloped city-owned property with beach access to the West.

As the site of the former class of Nehalem tribal Village of neck use for Generations perhaps over a thousand years, the site is nationally recognized as culturally significant and is considered one of the last best preserved Native American Heritage sites on the West Coast. Given its location on the estuary where Ecola Creek discharges to the Pacific Ocean, as well as the diversity of resident and migrating wildlife that frequent the bordering riparian area the site is also recognized as both geographically and ecologically significant. These unique features and cultural heritage of the project site inspired significant interest amongst public and tribal stakeholders who have been actively engaged throughout the programming and schematic design phases of the project.

We are now in the process of schematic design. We've gone through a several month-long process of what we call a programming phase where we engage in community stakeholders, ask questions, take notes and have them fill out surveys. We collect that information, organize, and prioritize it.

Robert, thank you for going through and reading the staff comments but there are other considerations beyond just the code that I wanted to speak to tonight and again the information is bound in your meeting packet. There are multiple reasons for requesting this variance, however, those of highest priority follow and are based on several months of community outreach.

To preserve one of the oldest indigenous villages on the west coast currently protected by varying depths of shallow sediment. The village, which was documented by Lewis and Clark in 1806, and verified in recent years via ground penetrating radar by Portland State University professor and archaeologist Doug Dorr.

Cannon Beach Elementary School will be used to educate visitors about the rich history and way of life of the class of Nehalem people on this site and throughout this region.

No staff response.

Public Record Closed 6:10pm

Council Question: Bates: Did any business owners give concerns about the parking. Are we doing angle parking on Antler as well as Beaver. Is there anything we can do to make sure that those parking spots don't turn into all day beach parking. Bates expressed concern about paying for parking. Bruce responded that he hopes it is local people that will utilize the parking for the majority of the time.

Staff Response: Staff recommends approval.

Bates is in support of approval. Erik is worried that the parking will greatly effect the businesses in that area, especially on Farmer's Market days. Moritz expressed that there is public parking which the walkway will feed directly to the Elementary School. Sinclair is worried that we may be setting a presidence. Moritz expressed the transportation plan that should be having shuttles.

Motion: Commissioner Bates motion to approve, commissioner Matusick seconded

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

**(4) Public Hearing and Consideration of AA#23-01, Dana Cardwell for an administrative appeal of the City's approval of Development Permit DP#22-19.**

**AA#23-01**, Public hearing and consideration of an administrative appeal submitted by Dana Cardwell of the City's approval of Development Permit DP#22-19 for the extension of a stormwater management system in the Forest Lawn right-of-way adjacent to Taxlot# 4100, Map 51030DA, a Residential Medium Density (R2) zoned property. The request will be reviewed pursuant to Cannon Beach Municipal Code, Section 17.88.180, review consisting of additional evidence or de novo review and applicable sections of the Zoning Ordinance.

Jeff Adams Read the staff report.

Public Comment:

No staff response.

Public Record Closed 7:11pm

Council Question: Bates claims that there is information in the code...pervision Claim at nothing in the overlay zone. Tried to challenge Jeff into a discussion. Mickey stopped the discussion until that are of the agenda.

Jan

Po Box 778

In our experience there's been much confusion and misunderstanding with regard to this matter, we believe this appeal brings up many important points and we hope you'll be able to delve into them before making your final decision. We still have many questions involving the situation on Forest Lawn Road, we're concerned that more information may need to be found for you to fully determine your stance on this appeal. For instance, what is the history of the drainage outfall the developer is wanting to move? Is the water presently draining onto the developer's property draining there illegally as the city staff seems to have been told by the developer? What was the actual written agreement between the city and previous owners of this wetland property? The present developer bought this property seemingly knowing about the wetland and the drainage outfall if he did his due diligence at the time of his purchase were other questions to be answered? Why does the present developer want or need to relocate the outfall? What is his hoped for outcome of this change? Would this in fact constitute a draining of the Wetland? What is the city's real responsibility here? What is the actual length of the proposed new line to be moved northward 100 feet 200 feet there seemed to be varied lengths mentioned throughout the various documents in the packet. Also, how many trees and which trees would be removed for this project? Has the Cannon Beach City Arborist made a report regarding these trees? If so, where is the report and if not, why has the report not been done? Why does the drawing in this project sitemap packet page 49 appear to differ substantially from the site map of Rosie Dorsey's development permit? Regarding Rosie's hookup in the written development agreement between the city and the developer the completion of this project packet page 115 seems to be by January 1st 2023. What is the date of completion to be now? Please read number five outfall location packet page 115. Also, it appears the developer can possibly try to move the outfall again later if any changes are made to the written agreement. How will the public be notified and when what would that process be? Please look at packet page 124 exhibit a map of the temporary construction easement area. Why has the easement been granted? That is way beyond this project, it appears to go all the way to Hemlock Street. We ask that our questions and those asked by the appellant be clearly answered before you make any decision on this appeal. Finally, please help protect this wetland. Thank you and I don't remember how it works to ask for a continuation but, these questions really can't be clearly answered, and I ask for a continuation. How does that work the contingent continuation it sounds like she is, and we can just address it sounds like we've received one if you think it's helpful?

Bruce, City Manager

PO Box 1474

I kind of got this particular project going as far as the new line. And well, we had a conundrum with one of our residents and that was Mrs. Dorsey. There was a requirement and I think you're all aware of when her house was built in 2004 that all the drainage had to be kept on her property. This came up around the same time, that had not happened, it was not her fault she had bought the house you know long after, but it was still a requirement and we had to deal with this. I just try to look at it in the simplest way is that there was water called illegal water but there was water going far enough over on Mrs. Dorsey's property that there's a good possibility it was going on to that site and she really didn't have an answer. So, if she was going to connect to our system, we would know that there's problems with our system as it was built a long time ago. There was information that I got from the public works department that some of that water was likely to go back on the other property, but it was not necessarily going to be contained. So, in trying to resolve the problem for Mrs. Dorsey, whatever water was there would now be going over to the city system which was not necessarily complete. So, there was a discussion with the with Mr. Pietka that would you run a line down at your cost not the city's cost because I wasn't trying to get city involved to have to spend any money on this that would you go ahead and take care of it.

David Pietka  
1225 W Washington  
138 W Washington

I believe you've all had a chance to read I'm fully in support of Jeff's analysis of the appeal I would just like to add that there were two permits issued both were addressing storm water one was addressing Dorsey's storm water the other was addressing the city storm water with water flowing onto a private party's property. One was not appealed, and that work was just completed. The second was appealed that's the city's work. The two projects and permits were to operate together so that water wouldn't just pool in a new location where a probable driveway of a house would eventually go, so without the second permit. which you're discussing tonight the problem is simply moved. If you uphold this appeal my question would be what the timely alternative solution of the city is dumping water adjacent to and on private property.

Proponent  
Comment

Mrs. Dorsey  
1603 Forrest Lawn Road

She wanted to clarify that she and her mother built the home on Forrest Lawn, this was not an inherited problem. Her home was approved by the city once built. She has been told so many time that she needed to hook up to the city. She hooked up to the City, she wants it on record.

Jeff addressed and clarified some of Jan's concerns about the length of the drainage.

Bill explained how to determine if there needs to be motion to continue with a contingent continuation

Executive session with Attorney

What would the impact be to the wetland from a wetland expert....what is the intent and expected outcome

Bates wants to know about flood impact for the Forrest Lawn Area.

Bates believes a conditional use permit is required. Discussion insued regarding storm water discharge and wetland zones.

Bill explained the Land Use Law and zoning codes and how they are currently written.

Bill asked if we use the 777 day rule, any new information is the bearer of the applicant to get the requested information. Or continue until next meeting but can not go past 120 days...maybe 1477.

Bates says to take all the time we need to get the information. Applicant and City will need to get the information.

120 days from the day the application was submitted.

Will be contuned to February 23, 2023, meeting Cannon Beach City Hall, public discussion and comment will be opened at that time.

Motion:

Vote: All 6 agreed in consensus Sinclair, Bates, Moritz, Bennett and Chair Moritz voted AYE; the motion passed

#### WORK SESSION ITEMS

##### **(4) Wetlands Discussion and Presentation by Cameron La Follette of Oregon Coast Alliance**

Wetland information was omitted from packet

Acquatic resource center

What is considered a good wetland buffer? Will be determined based on City's goals

Washington department of ecology (can help with code audit)

Urban areas developed with natural landscape has been changed. Pervious pavement bio-swells...

Cameron to send information to Planning Group

Les asked how to value a wetland in order to determine the level of protection.

Green space values, wildlife habitat, flood control (think of them as sponges)

Mike Bates and Lisa Kerr took the code work for wetlands. Our wetland overlay buffer is greatly deficient. Do we want to rethink calculating the wetland into buildable space.

Bill spoke to Oregon Land Law with wetland and buffer zones. So when things happen outside of the wetland the regulations may not apply.

How do we recognize a stand of trees, compared to just one tree.

Does the Washington Dept of Ecology really look at Rural, may need expert comment from someone who has looked at Cannon Beach wetlands specifically.

Look at City of Eugene Home Building

Les was disappointed within Lieu of process. Need to have good oversight with ....

Work session between now and next meeting. Mickey suggest working with City Council.

#### INFORMATIONAL ITEMS

##### **(5) Tree Report**

##### **(6) Ongoing Planning Items**

##### **Community Development Annual Review**

**TSP -want to go to City Council, hopefully in March**

**Shoreline Protection Ordinances**

**Code Audit-both planning commission, DRB and council to keep the code audit moving along.**

**Ecola North Creek has been funded**

**Cannon Beach Affordable Workforce Housing Program**

**(7) Good of the Order**

Motion:

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

**ADJOURNMENT**

The meeting adjourned at 850 pm.

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Emily Bare  
Community Development  
Administrative Assistant