



# CITY OF CANNON BEACH

March 13, 2024

**Application for Waiver from Requirement to Remove an Encroachment of Private Improvement into Public Street Rights-of-Way;** Travis Hartnett and Lesli Von Eberstein request for waiver to allow a circular brick paver parking spot located in the public right-of-way. The property is located at 3823 Pacific Ave (Tax Lot 02300, Map41006BC). The request will be reviewed against the criteria of the Municipal Code, Section 12.38.060, Waiver of Requirement.

Dear Property Owner,

Oregon State Law and the Cannon Beach Municipal Code require notification to property owners within 100 feet, measured from the exterior boundary, of any property that is the subject of a proposed waiver from the requirement to remove an encroachment of a private improvement in the public right-of-way. Your property is located within 100 feet of the above-referenced property.

Please note that you may submit a statement, either in writing or orally at the hearing, supporting or opposing the proposed action. Your statement should address the pertinent criteria, as stated in the hearing notice. Statements in writing must be received by the date of the hearing.

Enclosed are copies of the public hearing notice, a description of how public hearings are conducted and a map of the subject area. Should you need further information regarding the relevant Ordinance criteria, please contact Cannon Beach City Hall at the address below, call me directly at (503) 436-8048, or email [skotland@ci.cannon-beach.or.us](mailto:skotland@ci.cannon-beach.or.us).

Sincerely,

Sheri Skotland  
Administrative Assistant  
Public Works Department

Enclosures: Notice of Hearing  
Conduct of Public Hearings  
Map of Subject Area



# CITY OF CANNON BEACH

## NOTICE OF PUBLIC HEARING CANNON BEACH CITY COUNCIL

The Cannon Beach City Council will hold a public hearing on Tuesday, **April 2<sup>nd</sup> 2024**, at **6:00 p.m.** at Cannon Beach City Hall, 163 East Gower Street, Cannon Beach, regarding the following:

**Application for Waiver from Requirement to Remove an Encroachment of Private Improvement into Public Street Rights-of-Way;** Travis Hartnett and Lesli Von Eberstein request for waiver to allow a brick paver parking spot located in the public right-of-way. The property is located at 3823 Pacific Ave (Tax Lot 02300, Map 41006BC). The request will be reviewed against the criteria of the Municipal Code, Section 12.38.060, Waiver of Requirement.

All interested parties are invited to attend the hearings virtually and express their views. Statements will be accepted in writing or orally at the hearing. Correspondence should be mailed to the Cannon Beach City Council, ATTN: Public Works Department, P.O. Box 368, Cannon Beach, OR 97110 or via email at [labonte@ci.cannon-beach.or.us](mailto:labonte@ci.cannon-beach.or.us). Staff reports are available for inspection at no cost or may be obtained at a reasonable cost seven days prior to the hearing. Contact Sheri Skotland at City Hall (503) 436-8048 or [Skotland@ci.cannon-beach.or.us](mailto:Skotland@ci.cannon-beach.or.us) for further information.

The City Council reserves the right to continue the hearing to another date and time. If the hearing is continued, no further public notice will be provided. The hearings are accessible to the disabled. Contact City Manager, the ADA Compliance Coordinator, at (503) 436-8050, if you need any special accommodations to attend or to participate in the meeting. TTY (503) 436-8097.

  
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Bruce St. Denis, City Manager

Posted: **March 13<sup>th</sup>, 2024**

**CONDUCT OF PUBLIC HEARINGS BEFORE  
CANNON BEACH CITY COUNCIL and PLANNING COMMISSION**

- A. At the start of the public hearing, the Mayor or Planning Commission Chair will ask the following questions to ensure that the public hearing is held in an impartial manner:
1. Whether there is a challenge to the jurisdiction of the City Council or Planning Commission to hear the matter;
  2. Whether there are any conflicts of interest or personal biases to be declared by a Councilor or Planning Commissioner;
  3. Whether any member of the Council or Planning Commission has had any ex parte contacts.
- B. Next, the Mayor or Planning Commission Chair will make a statement which:
1. Indicates the criteria which apply to the action;
  2. Cautions those who wish to testify that their comments must be related to the applicable criteria or other criteria in the Comprehensive Plan or Municipal Code that the person testifying believes apply;
  3. States that failure to raise an issue in a hearing, or failure to provide statements or evidence sufficient to afford the decision makers an opportunity to respond to the issue precludes appeal based on that issue;
  4. Prior to the conclusion of the initial evidentiary hearing, any participant may request an opportunity to present additional evidence or testimony regarding the application. The City Council or Planning Commission shall grant such request by continuing the public hearing or leaving the record open for additional written evidence or testimony.
- C. The public participation portion of the hearing will then proceed as follows:
1. Staff will summarize the staff report to the extent necessary to enable those present to understand the issues before the Council or Planning Commission.
  2. The Councilors or Planning Commissioners may then ask questions of staff.
  3. The Mayor or Planning Commission Chair will ask the applicant or a representative for any presentation.
  4. The Mayor or Planning Commission Chair will ask for testimony from any other proponents of the proposal.
  5. The Mayor or Planning Commission Chair will ask for testimony from any opponents of the proposal.
  6. Staff will be given an opportunity to make concluding comments or respond to additional questions from Councilors or Planning Commissioners.
  7. The Mayor or Planning Commission Chair will give the applicant and other proponents an opportunity to rebut any testimony of the opponents.
  8. Unless continued, the hearing will be closed to all testimony. The Council or Planning Commission will discuss the issue among themselves. They will then either make a decision at that time or continue the public hearing until a specified time.

NOTE: Any person offering testimony must first state their name, residence, and **mailing address** for the record. If representing someone else, the speaker must state whom<sup>3</sup> he represents.



# CITY OF CANNON BEACH

## MAP OF SUBJECT AREA

Travis Hartnett and Lesli Von Eberstein

3823 Pacific Ave (Tax Lot 023002, Map 41006BC)

