

Minutes of the
CANNON BEACH PLANNING COMMISSION

Thursday, January 28, 2010
Council Chambers

Present: Vice-Chair, Brandon Ogilvie; Commissioners Larry Peters, John Holden, Mike Benefield, Les Wierson and Herb Florer

Excused: Chair Ron Logan

Staff: City Planner Rainmar Bartl and Administrative Assistant Brandy Brien

CALL TO ORDER AND APPROVAL OF AGENDA

Vice-Chair Ogilvie called the meeting to order at 7:00 p.m.

Motion: Holden moved to approve the agenda; Wierson seconded the motion.

Vote: Peters, Holden, Benefield, Florer, Wierson and Vice-Chair Ogilvie voted AYE; the vote was 6/0 in favor and the motion passed unanimously.

INTRODUCTIONS

(1) New Planning Commissioner Mike Benefield.

Vice-Chair Ogilvie welcomed Mike Benefield to the Planning Commission.

DISCUSSION ITEMS

(2) Consideration of the Minutes of the Planning Commission Meeting of December 17, 2009.

Motion: Wierson moved to approve the minutes of the Planning Commission meeting of December 17, 2009 as presented; Florer seconded the motion.

Vote: Holden, Wierson, Peters, Florer and Vice-Chair, Ogilvie voted AYE; the vote was 5/0 in favor and the motion passed unanimously. (Benefield abstained from the vote since he was not present at the meeting.)

(3) Election of the Planning Commission Chair and Vice-Chair for 2010

Vice-Chair Ogilvie asked for nominations for Chair.

Motion: Wierson moved to re-elect Ron Logan as Chair of the Planning Commission. Peters seconded the motion.

Vice-Chair Ogilvie asked if there were any other nominations. There were no other nominations.

Vote: Holden, Benefield, Wierson, Peters, Florer and Vice-Chair Ogilvie voted AYE; the vote was 6/0 in favor and the motion passed unanimously.

Vice-Chair Ogilvie asked for nominations for Vice-Chair.

Motion: Wierson moved to re-elect Brandon Ogilvie as Vice-Chair of the Planning Commission. Holden seconded the motion.

Vice-Chair Ogilvie asked if there were any other nominations. There were no other nominations.

Vote: Holden, Benefield, Wierson, Peters, Florer and Vice-Chair Ogilvie voted AYE; the vote was 6/0 in favor and the motion passed unanimously.

(4) Public Hearing and Consideration of V10-01, City of Cannon Beach Variance Request to Permit a 6.5 foot Setback Adjacent to N. Spruce Street in Conjunction with the Reconstruction of the Public Restroom.

Vice-Chair Ogilvie opened the public hearing.

No one objected to the jurisdiction of the Planning Commission to hear this matter at this time. No Commissioner stated a conflict of interest or bias. As ex parte contacts, Commissioners indicated they had visited the site.

Bartl summarized his staff report, noting that there are exceptional circumstances applicable. Staff is recommending approval.

Vice-Chair Ogilvie opened the public hearing and 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 or other criteria of the Comprehensive Plan or Municipal Code which the person testifying believes to apply to the decision; failure to raise an issue accompanied by statements or evidence sufficient to afford the decision-makers and 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.

Vice-Chair Ogilvie called for testimony from the applicant. There was none.

Vice-Chair Ogilvie called for testimony from proponents. There was none.

Vice-Chair Ogilvie called for testimony from opponents. There was none.

Vice-Chair Ogilvie closed the public hearing.

Motion: Holden moved to approve the application. Florer seconded the motion.

Vote: Holden, Benefield, Wierson, Peters, Florer and Vice-Chair Ogilvie voted AYE; the vote was 6/0 in favor and the motion passed unanimously.

(5) Public Hearing and Consideration of ZO 10-01, City of Cannon Beach, Zoning Code Text Amendment, Permitting Governmental or Municipal Structures in the Park Management Zone.

Vice-Chair Ogilvie noted that this is a legislative matter. No one objected to the jurisdiction of the Planning Commission to hear this matter at this time. No Commissioner stated a conflict of interest.

Bartl summarized his staff report. He noted that the Park Management (PK) Zone is one of the few zoning districts that does not provide for governmental or municipal structures. He stated that the immediate reason for the proposed amendment is that the City is in the process of locating three emergency supply caches, including one in a PK Zone.

Peters expressed his concern that the proposed uses would be permitted outright in the PK Zone. He stated that with the exception of the C-2 Zone, all other City zoning districts provide for municipal and governmental uses as conditional uses. He stated that he could find no reason not to treat municipal and governmental uses in the PK Zone in a similar fashion, as conditional uses. Benefield concurred. Wierson noted that the amendment is crucial to speed up the process for the placement the needed emergency supply caches.

Benefield asked what safeguards would be in place to ensure that a municipal or governmental structure did not conflict with park use. Bartl replied that the Parks and Community Services Committee could review these

proposals. He also noted that staff is also not insensitive to issues of potential conflicts with park uses and functions.

Vice-Chair Ogilvie opened the public hearing and 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 or other criteria of the Comprehensive Plan or Municipal Code which the person testifying believes to apply to the decision; failure to raise an issue accompanied by statements or evidence sufficient to afford the decision-makers and parties an opportunity to respond to the issue precludes appeal based on that issue.

Vice-Chair Ogilvie called for testimony from the applicant. There was none.

Vice-Chair Ogilvie called for testimony from proponents. There was none.

Vice-Chair Ogilvie called for testimony from opponents.

Jan Siebert Wahrmond, PO, 778, Cannon Beach, asked a question of Bartl about the benefit of having a use be a conditional use rather than an outright use. Bartl replied that it is to provide for an added level of review to ensure compatibility. Siebert-Wahrmond stated that if the use is permitted outright, it may result in a shorter process, but a conditional use review will not harmfully impede the development process and it could identify unforeseen effects that could happen from locating the use at a given location.

Ed Johnson, 449 Elkcourt, Cannon Beach, concurred with Siebert-Wahrmond and noted that, as with the recent matter regarding the cell tower, he disagrees with the process on this matter. He is perplexed by the fact that this matter has not been discussed by the Parks and Community Services Committee. He urged the Planning Commission not to move forward with an outright use for the placement of government or municipal structures in the PK Zone.

Vice-Chair Ogilvie asked if anyone else wished to testify. No one else wished to testify.

Vice-Chair Ogilvie asked if there was any additional staff response. Bartl replied that the Commission is making a recommendation to the Council.

Vice-Chair Ogilvie closed the public hearing.

Wierson stated that he recommends approval. He has been involved in the efforts of the Emergency Preparedness (EPREP) Committee to move forward with emergency supply cache sites and he feels that this is not an issue to delay, permitting public facilities or structures in the Park Zone as an outright use is realistic.

Motion: Wierson moved to recommend approval of the proposed text amendment to the City Council.

There was no second and the motion failed.

Motion: Peters moved to recommend approval of the text amendment with governmental or municipal structures as a conditional use in the Park Management Zone. Holden seconded the motion.

Vote: Peters, Holden, Benefield, Florer, Wierson and Vice-Chair Ogilvie voted AYE; the vote was 6/0 in favor and the motion passed unanimously.

(6) Public Comment and Consideration of the Proposed 2010 Parking and Traffic Management Plan.

Vice-Chair Ogilvie stated that Planning Commission will accept public comment on the City's proposed Parking and Traffic Management Plan for 2010.

Vice-Chair Ogilvie called for the staff report.

Bartl summarized his staff report and the elements in the proposed plan. Florer expressed a concern that the spaces designated for Zipcar use would rarely be used and take away from the overall pool of available on-street parking. In response to this concern, Bartl agreed that these parking spaces would generally be vacant. He stated

he sees their benefit as a marketing tool for a greener City. He noted that the Chamber of Commerce Executive Director supports the idea. A concern was expressed about designating spaces for a specific private enterprise. Bartl noted that it is possible to implement the plan for one year and then evaluate it to determine if a benefit exists.

Vice-Chair Ogilvie asked if there was additional correspondence. It was noted that all additional correspondence is on the dias before the Commissioners.

Bartl referred to correspondence regarding proposed summer parking at the Cannon Beach Grade School. He stated that the primary concern identified in these letters is a safety concerns regarding mixing parking with recreational use, particularly by children. He stated that Chief Halliburton would address the safety issue that has been raised.

Gene Halliburton, Cannon Beach Police Chief, stated that the correspondence received on this matter is compelling. As identified in the correspondence, the Grade School site is a prime recreational area for younger children to ride their bike, roller skate, etc. and a mix of traffic with children is generally not a good idea. He stated that in light of the identified safety issue he would have to assign a person specifically to ensuring that conflicts between parking and recreation use do not arise; this is in addition to the person previously assigned to manage parking in the area. In this scenario, if a problem arose, the program would be immediately stopped.

Commissioners discussed the impact of the proposed parking on the recreational use of the Grade School, particularly the hard-surfaced area. Safety concerns were also discussed.

Bartl referred to correspondence by Sund, stating that he is trying to confirm to what extent that Sunset Empire Parks and Recreation District utilizes the Grade School in the summer.

Vice-Chair Ogilvie called for public comment.

Jessica Sund, P.O. Box 1358, Cannon Beach, OR, reviewed key points in her letter. She stated her primary concern is for the safety of the children that utilize the area during the summer months. She also noted her concern about a loss of a hard surface play area, as there are no equivalent areas during the summer months. She directed Commissioners attention to correspondence regarding a child riding his bike that was hit by a car last year when the playground was used for parking by the "Conductors Seminar."

In response to discussion regarding past and present events at the Grade School, Sund noted that when the PSU Haystack Program utilized the playground area for parking there was not a constant turn over of cars, they parked their vehicle in the morning and left in the evening.

Ed Johnson, 449 Elkland Court, Cannon Beach, OR, stated his concurrence with statements made by Sund. He stated it was important to draw a distinction between the use of the area for parking in conjunction with a specific educational type event, such as the Haystack Program, and using it for tourist parking, where tourists wouldn't necessarily be looking out for children. He stated that the proposed parking plan would eliminate the use of the basketball area, which would be a great loss. He concluded by stating that is strongly opposed to implementing parking at the Grade School.

Jan Siebert Wahrmond, P.O. Box 778, Cannon Beach, OR, stated that she and her family have lived on the north end since 1991. She walks by the playground area almost every day and observes children of all ages, including teenagers, utilizing the play area. She agrees with issues brought up by Sund and stated her opinion that this proposal is contrary to the City's efforts for a more sustainable City. Siebert-Wahrmond also noted that as part of the downtown parking study several years ago, the vast majority of participants stated that the City should not develop additional parking in the downtown area. The City is already overcrowded, in fact, for many businesses, more people in town will adversely affect their business. In her experience, overcrowding causes visitors to become irritable and people visit Cannon Beach for the serenity. She also stated that if the Grade School is relocated, the preferred use of the site is as a park and parking would be inconsistent with such a use.

Vice-Chair Ogilvie closed the public comment.

Wierson concurred with the public comment that was received regarding the use of the Grade School site. Holden concurred, adding that summer weekends would be the time that the playground would experience the most use. Ogilvie stated that he cannot support this part of the proposed Plan.

In response to a question from Benefield, Bartl stated that the proposed Plan addresses eight separate issues; the Plan does not have to be approved as a package.

Florer thanked those who testified and stated that, especially after hearing the public testimony, he does not think the City should proceed with parking at the Grade School. He also stated he would like to delete the Zipcar parking spaces. Wierson agreed.

Motion: Peters moved that temporary summer parking at the Grade School be removed from the proposed plan. Holden seconded the motion.

Vote: Peters, Holden, Benefield, Florer, Wierson and Vice-Chair Ogilvie voted AYE; the vote was 6/0 in favor and the motion passed unanimously.

Holden stated agreement with Florer regarding the Zipcar parking spaces. Benefield stated that there may be a positive good public relations aspect to the proposal, but it is outweighed by retaining the two parking spaces for general on-street parking.

Motion: Florer moved that the designation of Zipcar parking spaces be removed from the proposed plan. Holden seconded the motion.

Vote: Peters, Holden, Benefield, Florer, Wierson and Vice-Chair Ogilvie voted AYE; Wierson voted NAY, the vote was 5/1 in favor and the motion passed.

Motion: Peters moved to recommend approval of the proposed 2010 Parking and Traffic Management Plan as amended. Holden seconded the motion.

Vote: Peters, Holden, Benefield, Florer Wierson and Vice-Chair voted AYE; the vote was 6/0 in favor and the motion passed unanimously.

(7) Consideration of Final Findings of Fact for CU 09-05, City of Cannon Beach Request for a Conditional Use, Replacement of Public Restrooms, 2nd and Spruce Street.

Motion: Peters moved to adopt the final findings of fact in support of the approval of the conditional use permit. Holden seconded the motion.

Vote: Peters, Holden, Benefield, Florer Wierson and Vice-Chair Ogilvie voted AYE; the vote was 6/0 in favor and the motion passed unanimously.

(8) Authorization for the Chair to Sign the Appropriate Orders.

Motion: Wierson moved to authorize the Vice-Chair to sign the appropriate orders. Holden seconded the motion.

Vote: Peters, Holden, Benefield, Florer, Wierson and Ogilvie voted AYE; the vote was 6/0 in favor and the motion passed unanimously.

INFORMATIONAL ITEMS

(9) Ongoing Planning Items

There was none.

(10) Good of the Order

There was none.

ADJOURNMENT

The meeting adjourned at 7:40 p.m.

Administrative Assistant Brandy Brien