

Minutes of the
CANNON BEACH PLANNING COMMISSION

Thursday, February 25, 2010
Council Chambers

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

Excused: None

Staff: City Planner Rainmar Bartl and Administrative Assistant Brandy Brien

CALL TO ORDER AND APPROVAL OF AGENDA

Chair Logan called the meeting to order at 7:00 p.m.

Motion: Peters moved to approve the agenda; Benefield seconded the motion.

Vote: Peters, Holden, Benefield, Florer, Wierson, Vice-Chair Ogilvie and Chair Logan voted AYE; the vote was 7/0 in favor and the motion passed unanimously.

CONSENT AGENDA

(1) Consideration of the Minutes of the Planning Commission meeting of January 28, 2010.

Motion: Holden moved to approve the minutes of January 28, 2010. Peters seconded the motion.

Wierson noted typographical error (the vote) on page 5 of item #3. Benefield noted a typographical error (his name) on page #1 and #2.

Vote: Peters, Holden, Benefield, Florer, Wierson and Vice-Chair Ogilvie voted AYE; the vote was 6/0 in favor and the motion passed unanimously. (Logan abstained since he was not present at the meeting.)

ACTION ITEMS

(2) Public Hearing and Consideration of V 10-02, Carlson Variance Request to Permit a 5.5 Foot Fence in the Front Yard Setback.

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. The wetland area on this property precludes the creation of a private outdoor area in the rear yard. Permitting the proposed fence in the front yard will allow for a private outdoor area at that location. Bartl noted that all relevant criteria has been met and staff recommends approval.

In response to a question from Benefield, Bartl replied that a permit is not required to construct a fence.

In response to a question from Holden, the Commission reviewed the heights of neighboring fences to the east and the west.

Chair Logan 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.

Chair Logan called for testimony from the applicant.

Steve Carlson, applicant, 2410 NW 2nd Street, Bend, OR, 97701, stated that he agrees with the staff report and is available for questions.

Holden asked Mr. Carlson if he had made any inquires with regard to permitted fence height prior to constructing his fence. Carlson replied that he discussed other building matters with the Building Official, Mark Brien, but he did not inquire about constructing a fence on his property.

Chair Logan called for testimony from proponents. There was none.

Chair Logan called for testimony from opponents. There was none.

Chair Logan closed the public hearing.

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

Holden stated that the Planning Commission must be very cautious with variance requests such as this. As he has stated during previous after-the-fact requests, they are problematic. The applicant claims that he was unaware of the requirements and the Commission must consider a request to construct a fence that has already been completed. However, in this case, Holden stated he believes the relevant criteria are met. Logan agreed and noted that he has also expressed his concern about after-the-fact permit applications in the past. To reduce their occurrence, the Planning Commission may need to consider an amendment to the Zoning Code to require a permit for fences.

Vote: Peters, Holden, Benefield, Florer, Wierson, Vice-Chair Ogilvie and Chair Logan voted AYE; the vote was 7/0 in favor and the motion passed unanimously.

(3) Public Hearing and Consideration of ZO 10-02, Cannon Beach Farmer's Market Committee, Zoning Code Text Amendment, Modification to Outdoor Merchandising Standards to Permit the Sale of Cut Flowers.

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 and reviewed the two proposed amendments. He stated that the first part of the amendment would be to add cut flowers to the list of products and services that are exempt from the prohibition on outdoor merchandising. The second would be to add cut flowers to the items that can be sold at the Farmer's Market.

In response to a question from Logan, Bartl replied that the likely locations for cut flowers sales would be at the Farmers Market or at businesses that presently sell flowers.

Benefield asked what would prevent a business owner from filling up the sidewalk in front of his store with cans of flowers; Bartl replied that the City's Code prohibits the disruption of the flow of traffic on sidewalks.

It was noted that additional correspondence was received from Forrest Darrough, Molly Edison, Eliza Davis and Barbara and Cliff Batchelder.

Chair Logan 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.

Chair Logan asked if there was a presentation by the applicant.

Robert Lundy, P.O. Box 1357, Cannon Beach, OR, on behalf of the Farmers Market Committee, stated that many visitors to the Market, both locals and visitors, have commented that the Market should have cut flowers. Lundy also noted that the request is consistent with the City's Comprehensive Plan's Midtown policy recommendations which states that the central commercial area around City Hall should continue to be made more attractive.

Chair Logan asked if there were any proponents or opponents to the proposed amendments.

Hank Johnson, P.O. Box 292, Cannon Beach, OR, noted his support for permitting the sale of cut flowers at the Farmers Market, while provided a tip for extending the life of cut flowers.

Bill Morgan, P.O. Box 55, Cannon Beach, OR, stated that he supports the sale of cut flowers at the Market. He noted this is a feature of other Farmers Markets he has attended.

No one else wished to testify. There was no staff response.

Chair Logan closed the public hearing.

Motion: Holden moved to recommend approval of this request to the City Council. Florer seconded the motion.

Vote: Peters, Holden, Benefield, Florer, Wierson, Vice-Chair Ogilvie and Chair Logan voted AYE; the vote was 7/0 in favor and the motion passed unanimously.

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

Motion: Holden moved to authorize the Chair to sign appropriate orders. Florer seconded the motion.

Vote: Peters, Holden, Benefield, Florer, Wierson, Vice-Chair Ogilvie and Chair Logan voted AYE; the vote was 7/0 in favor and the motion passed unanimously.

INFORMATIONAL ITEMS

(5) Ongoing Planning Items

The Commission discussed the possibility of requiring permits for fences and decks. It was agreed to discuss the matter at a work session immediately after the March regular meeting. Logan requested that staff also provide an update on the status of planning projects.

Bartl reviewed recent matters before the Council.

(6) Good of the Order

Marty Schwab-Harris, P.O, Box 1452, Cannon Beach, OR, stated that she concurs with Holden's concern with regard to granting after-the fact variances. She suggested that the Commission consider a specific monetary penalty for after-the-fact permit applications

ADJOURNMENT

The meeting adjourned at 7:32 p.m.

Administrative Assistant Brandy Brien