

Minutes of the
CANNON BEACH PLANNING COMMISSION

Thursday, November 17, 2011
Council Chambers

Present: Chair Brandon Ogilvie; Vice-Chair Les Wierson; and Commissioners Mike Benefield, John Holden, Herb Florer, Mark Jacobsen and Bob Lundy

Excused: None

Staff: City Planner Rainmar Bartl and Administrative Assistant Brandy Brien

CALL TO ORDER AND APPROVAL OF AGENDA

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

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

Vote: Benefield, Lundy, Holden, Jacobsen, Florer, Vice-Chair Wierson and Chair Ogilvie, 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 October 27, 2011.

Motion: Lundy moved to approve the minutes as presented; Wierson seconded the motion.

Vote: Jacobsen, Holden, Florer, Lundy, Vice-Chair Wierson and Chair Ogilvie voted AYE; the vote was 5/0 in favor and the motion passed. (Holden and Benefield abstained from the vote since they were not present at the October 27, 2011, meeting.)

ACTION ITEMS

(2) Public Hearing and Consideration of V11-04, Vonada Request for a Variance to Permit a 6.16 Foot Side Yard Setback in Conjunction with Modifications to the Coaster Construction Building to Create an Emergency Shelter and Supply Site at 390 Elk Creek Road.

Chair Ogilvie introduced the item, noting that this is a quasi-judicial hearing.

No one objected to the jurisdiction of the Planning Commission to hear this matter at this time. Jacobsen reminded Commissioners that he and Mr. Vonada, the applicant, worked for the same employer and that Mr. Vonada had submitted a letter of recommendation at the time he applied for the vacancy on the Commission. However, as he stated before, he does not believe this relationship will affect his impartiality in considering this matter. No Commissioner objected to Jacobsen's participation. Wierson declared a conflict of interest as this proposal was discussed at the Emergency Preparedness (EPREP) Committee meeting, of which he is a member. Wierson removed himself from the dais. No other Commissioner stated a conflict of interest or personal bias. As ex parte contacts, remaining Commissioners indicated they had visited the site.

Bartl summarized his staff report.

In response to a question from Lundy regarding determining what constitutes a side yard, Bartl stated that the City determines yards by the orientation of the lot to the adjacent streets.

In response to a question from Ogilvie regarding the size of the required side yard, Bartl stated that the C2 Zone is unique in that it requires a substantial setback where the C2 Zone is adjacent to another zone. The rationale for this is the types of uses permitted in the C2 Zone and a desire to buffer adjacent uses from potential adverse impacts of these uses.

Bartl concluded by stating that the request meets the relevant criteria and that staff recommends approval, including permitting the applicant to implement either of the two options for the siting of the water tank.

Chair Ogilvie asked if there was additional correspondence. Brien confirmed that there was no correspondence in addition to that at the dais.

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.

Chair Ogilvie asked if the applicant wished to make a presentation.

David Vonada, applicant, P.O. Box 648, Tolovana Park, OR, stated that he represents property owner Mike Clark and Coaster Properties, LLC. He stated his agreement with the findings in the staff report. He noted that the City granted a setback reduction to permit the existing building to be built within 10 feet of the eastern property line. He noted that the building was built prior to the construction of the condominiums to the East. He stated that, as Bartl had noted in his comments, there is a considerable distance between the proposed improvements and the condominium buildings to the East and that this area contains a substantial amount of vegetation which provides screening of the Coaster Construction building. The plan is to enhance this screening with additional plantings, which have been reviewed by the Cannon Beach Ridge Homeowners Association.

In response to a question from Benefield, Vonada confirmed the only improvements are those shown on the plan, the placement of the water tanks and portable toilets. The intent of the added plantings is to provide additional screening of these improvements.

In response to questions from Lundy, Vonada reviewed the option for the placement of the water tanks and confirmed that a tree removal may be necessary.

In response to a question from Benefield regarding constructing a fence to screen the properties, Vonada noted that the change in grade between the properties limits the effectiveness of a fence. He stated the Cannon Beach Ridge Homeowners Association felt that the proposed planting for a buffer was sufficient to provide the necessary screening.

Chair Ogilvie called for proponents of the request.

Les Wierson, 802 Oak Street, Cannon Beach, OR, stated that he is a member of the EPREP Committee, noting this proposal meets the Committee's objective of providing areas for emergency supplies. He believes that this is a good location for such a site and urged the Commission to approve the application.

Chair Ogilvie called for opponents of the request. There was none.

Chair Ogilvie asked if there was a staff response. There was none.

Chair Ogilvie asked if the applicant wished to make an additional statement. There was none.

Chair Ogilvie closed the public hearing.

Motion: Benefield moved to approve the variance request to permit a 6.16 foot side-yard setback in conjunction with modifications to the existing Coaster Construction building to create an emergency shelter and supply site, providing the applicant with the option of implementing either of the two design options for the siting of the water tanks. Wierson seconded the motion.

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

Commissioner Wierson returned to the dais.

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

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

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

INFORMATIONAL ITEMS

(4) Commissioner Wierson Presentation

Commissioner Wierson reviewed various planning related items that were discussed in his tenure on the Commission, including the potential re-development of the Cannon Beach Elementary School site, the Spruce Reserve and the Cannon Beach Pedestrian Trail. Ogilvie thanked Wierson.

(5) Ongoing Planning Items

There was none.

(6) Good of the Order

There was none.

ADJOURNMENT

The meeting adjourned at 7:30 p.m.

Administrative Assistant Brandy Brien