

BEFORE THE COMMON COUNCIL OF CANNON BEACH

FOR THE PURPOSE OF VACATING PORTIONS)
OF PINE AND ALDER STREETS SEAL ROCK)
BEACH, WITHIN THE CITY OF CANNON)
BEACH, CLATSOP COUNTY, OREGON)

ORDINANCE NO. 21-07

WHEREAS, Sirpa Duoos, on behalf of Clatsop County, Oregon, a political subdivision of the State of Oregon, initiated vacation proceedings pursuant to ORS 271.080 for vacation of portions of Alder and Pine Streets as described on Exhibit "A" attached and incorporated into this Ordinance; and

WHEREAS, pursuant to ORS 271.080(2), for a property owner to file a petition for proposed vacation, the petitioner must first provide written consent from 100% of all abutting property owners and 2/3 of all affected property owners ("affected property owners"), as defined by law; and

WHEREAS, pursuant to ORS 271.110, City set the matter for a public hearing and published notice in The Astorian for two consecutive weeks, post notice at the site of the proposed vacation and provided personal notice to property owners within the affected area; and

WHEREAS, pursuant to ORS 271.120, the City Council held a public hearing on November 2, 2021 to determine whether the consent of the owners of the requisite area has been obtained, whether notice has been duly given, and whether the public interest will be prejudiced by the vacation of such plat or street or parts thereof; and

WHEREAS, city staff presented a staff report attached and incorporated into this Ordinance as Exhibit "B"; and

WHEREAS, the City Council determined the public interest would not be prejudiced by granting the vacation; and

WHEREAS, it appears that it is in the best interests of the Public to allow the vacation of portions of Adler and Pine Streets in that the area does not need to be utilized for a public street or other public purposes and does not conflict with any aspect of the Cannon Beach Comprehensive Plan.


NOW, THEREFORE, the City of Cannon Beach does ordain as follows:

Section 1. The property in the City of Cannon Beach, Oregon, more particularly described on Exhibit "A" attached hereto and made a part hereof, is hereby vacated and this vacation is hereby made a matter of public record and expressly changed of public record so as to indicate, as required by law, such vacation; it is further proved that the City of Cannon Beach shall file a certified copy of this ordinance with the County Clerk of Clatsop County, State of Oregon, and the County Assessor and County Surveyor of Clatsop County, Oregon. Nothing contained herein shall cause or require the removal or abandonment of any water main, conduit, pipe of any kind, including wires, poles or other things used or intended to be used for any public service and the right is hereby reserved to maintain, continue, repair, construct, renew, replace, rebuild and/or enlarge any and all such things now or hereafter in the future.

Section 2. This Ordinance will take effect 30 days after its adoption by the City of Cannon Beach Council.

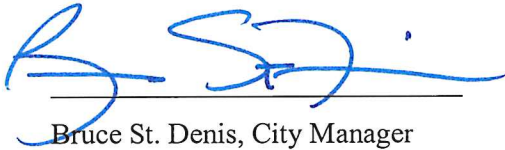
ADOPTED by the Common Council of the City of Cannon Beach this 7th day of December 2021, by the following roll call vote:

YEAS: Councilors Benefield, McCarthy, Ogilvie, Risley and Mayor Steidel
NAYS: None
EXCUSED: None



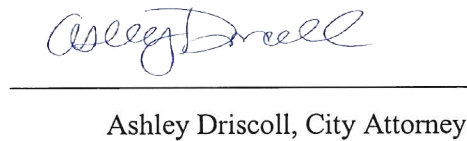
Sam Steidel, Mayor

Attest:



Bruce St. Denis, City Manager

Approved as to Form



Ashley Driscoll, City Attorney

Legal Description

Clatsop County
Vacation Request
VAC# 21-01

Street Vacation of Portions of Alder and Pine Streets, Cannon Beach, Oregon

Portions of Alder Street lying Northerly of the Easterly extension of the south line of Lot 10, Block 9, and portions of Pine Street lying Northerly of the Easterly extension of the south line of Lot 11, Block 10, in the Town Plat of Seal Rock Beach, Book 0, Page 77, Clatsop County Town Plat Records, more particularly describes as follows:

Beginning at the northwest corner of Lot 7, Block 9, Seal Rock Beach , Book 0, Page 77, Clatsop County Town Plat Records;

Thence along the North line of said Lot 7, North $90^{\circ}00'00''$ East 25.00 feet a point;

Thence South $00^{\circ}00'00''$ East 200.00 feet to a point;

Thence North $90^{\circ}00'00''$ West 25.00 feet to the southwest corner of Lot 10, Block 9;

Thence North $00^{\circ}00'00''$ East 200.00 feet to the True Point of Beginning;

Situated in the Northeast Quarter of Section 19, Township 5 North, Range 10 West, W.M., County of Clatsop, State of Oregon.

and;

Beginning at the northwest corner of Lot 11, Block 10, Seal Rock Beach , Book 0, Page 77, Clatsop County Town Plat Records;

Thence along the North line of said Lot 11, North $90^{\circ}00'00''$ East 25.00 feet a point;

Thence South $00^{\circ}00'00''$ East 50.00 feet to a point;

Thence North $90^{\circ}00'00''$ West 25.00 feet to the southwest corner of said lot;

Thence North $00^{\circ}00'00''$ East 50.00 feet to the True Point of Beginning;

Situated in the Northeast Quarter of Section 19, Township 5 North, Range 10 West, W.M., County of Clatsop, State of Oregon.



Cannon Beach Planning Commission

Staff Report Addendum:

PUBLIC HEARING AND CONSIDERATION OF **VAC 21-01**, CLATSOP COUNTY, OREGON, REQUESTING A VACATION OF PORTIONS OF ALDER STREET AND PINE STREET (LOCATED IN THE TOWN PLAT OF SEAL ROCK BEACH, BOOK O, PAGE 77, CLATSOP COUNTY TOWN PLAT RECORDS) FOR ALL OF ALDER STREET LYING NORTHERLY OF THE EASTERLY EXTENSION OF THE SOUTH LINE OF LOT 11, BLOCK 10. THE REQUEST WILL BE REVIEWED UNDER CANNON BEACH MUNICIPAL CODE, SECTION 12.32.030, STREET AND ALLEY VACATION, REVIEW CRITERIA, IN ACCORDANCE WITH ORS 271.005-271.160.

Agenda Date: November 2, 2021

Prepared By: Jeffrey S. Adams, PhD

GENERAL INFORMATION

Notification of the vacation was sent to all abutting parties, which included the petitioner and the Oregon State Parks and Recreation Department and all affected parties, which are provided below. Oregon ORS 271.080 requires the signatures of all abutting and 2/3rds of all affected properties. Those items are attached.

ORS 271.080

Vacation in incorporated cities

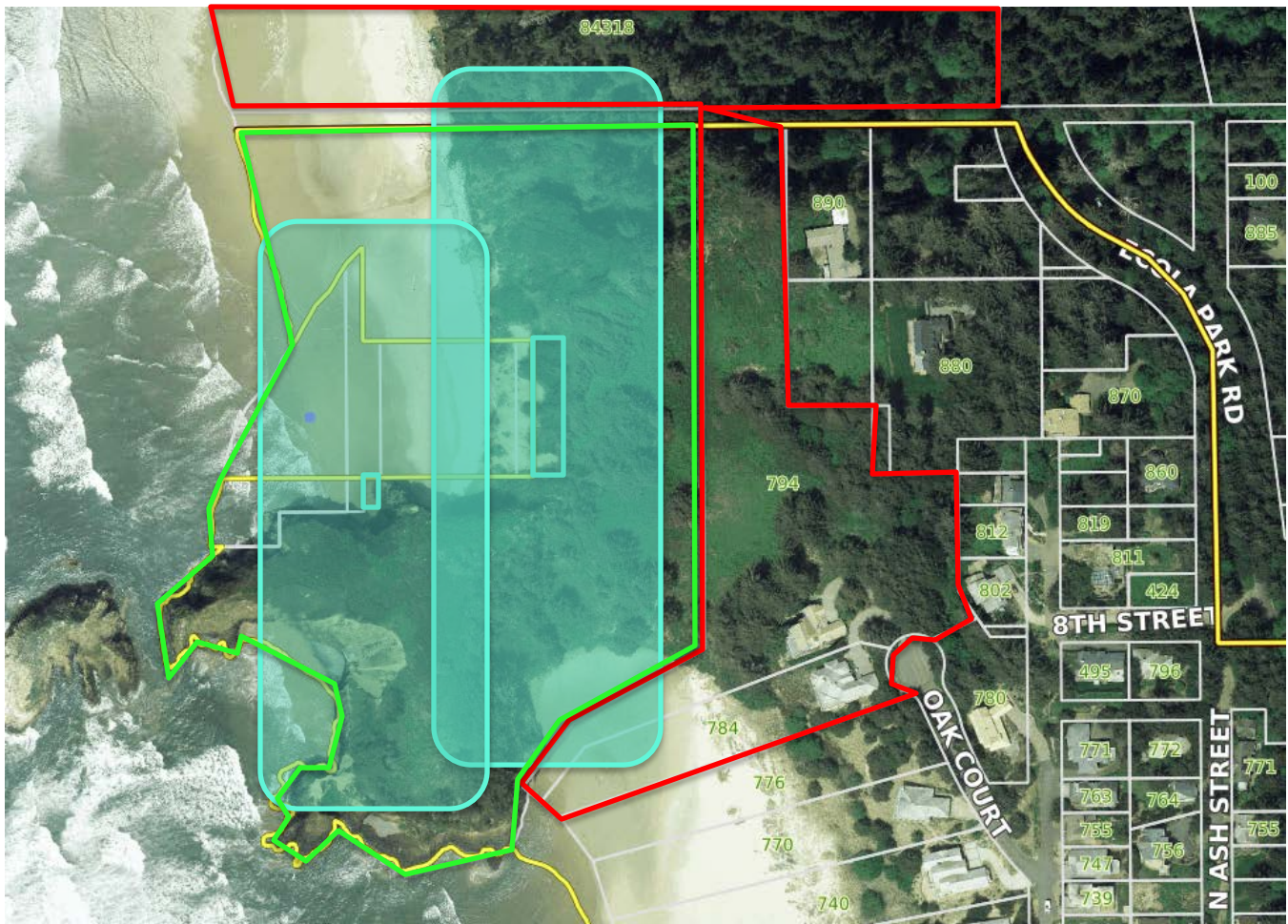
(1)

Whenever any person interested in any real property in an incorporated city in this state desires to vacate all or part of any street, avenue, boulevard, alley, plat, public square or other public place, such person may file a petition therefor setting forth a description of the ground proposed to be vacated, the purpose for which the ground is proposed to be used and the reason for such vacation.

(2)

There shall be appended to such petition, as a part thereof and as a basis for granting the same, the consent of the owners of all abutting property and of not less than two-thirds in area of the real property affected thereby. The real property affected thereby shall be deemed to be the land lying on either side of the street or portion thereof proposed to be vacated and extending laterally to the next street that serves as a parallel street, but in any case not to exceed 200 feet, and the land for a like lateral distance on either side of the street for 400 feet along its course beyond each terminus of the part proposed to be vacated. Where a street is proposed to be vacated to its termini, the land embraced in an extension of the street for a distance of 400 feet beyond each terminus shall also be counted. In the vacation of any plat or part thereof the consent of the owner or owners of two-thirds in area of the property embraced within such plat or part thereof proposed to be vacated shall be sufficient, except where such vacation embraces street area, when, as to such street area the above requirements shall also apply. The consent of the owners of the required amount of property shall be in writing. [Amended by 1999 c.866 §2]

Site Map:



Key:

- Adjacency (200' x 400')
- Abutting Properties
- Adjacent Properties

List of Adjacent and Affected Parties:

TL 510180000200	ORPRD	725 Summer St. #C	Salem, OR, 97301
TL51019AB00902	ORPRD	725 Summer St. #C	Salem, OR, 97301
TL 51019AB00900	Frank & Mary Gill	01740 SW Military Rd.	Portland, OR, 97219
TL 51019AB02400	Kelly Orfield	3116 SE 303 rd Ave.	Washougal, WA 98671



CANNON BEACH COMMUNITY DEVELOPMENT

163 E. GOWER ST.

PO Box 368

CANNON BEACH, OR 97110

Megan Kathleen Gill
01740 SW Military Rd.
Portland, OR 97219

September 1, 2021

RE:

VAC 21-01, Clatsop County request to vacate portions of platted and unimproved Pine and Alder Street right of ways in the Seal Rock Beach Subdivision, according to chapter 17.34 Open Space Zone of the Municipal Code. The property is located on unimproved Pine and Alder Street in the Seal Rock Subdivision (Tax lots 00902 & 01000 Map 51019AB) in the Open Space (OS) zone. The request will be reviewed against the Municipal Code, Section 12.32, Street and Alley Vacation, Provisions established.

This is a notice to adjacent and affected property owners that Clatsop County is,

REQUESTING A VACATION OF PORTIONS OF ALDER STREET AND PINE STREET (LOCATED IN THE TOWN PLAT OF SEAL ROCK BEACH, BOOK O, PAGE 77, CLATSOP COUNTY TOWN PLAT RECORDS) FOR ALL OF ALDER STREET LYING NORTHERLY OF THE EASTERLY EXTENSION OF THE SOUTH LINE OF LOT 11, BLOCK 10. THE REQUEST WILL BE REVIEWED UNDER CANNON BEACH MUNICIPAL CODE, SECTION 12.32.030, STREET AND ALLEY VACATION, REVIEW CRITERIA, IN ACCORDANCE WITH ORS 271.005-271.160.

Please find attached the petition from Clatsop County requesting the City of Cannon Beach's vacation of the property described. As a property owner either adjacent to or within the prescribed affected area by ORS 271.005-217.160, you may show support of such a vacation, as described in the petition's narrative, by signing and returning the signed petition addendum to Cannon Beach City, in care of the Community Development Department, PO Box 368, Cannon Beach, OR 97110.

By signing below you are giving written permission for the City of Cannon Beach to vacate the property described on behalf of the State of Oregon and the Department of Parks and Recreation.

Sincerely,

Jeffrey S. Adams, PhD,
Cannon Beach Community Development Director

Cc: Jennifer Barrett, City Recorder
Bruce St. Denis, City Manager
Bill Kabeiseman, City Land Use Attorney

City of Cannon Beach
Finance Department

SEP 13 2021

Received

Received and approved by:

Megan Kathleen Gill

Megan Kathleen Gill, Property owner TL 51019AB00900

September 9th, 2021

Date

01740 SW Military Rd.
Portland, OR 97219



CANNON BEACH CITY COUNCIL

STAFF REPORT

VAC 21-01, CLATSOP COUNTY, OREGON, REQUESTING A VACATION OF PORTIONS OF ALDER STREET AND PINE STREET

Agenda Date: November 2, 2021

Prepared by: Jeff Adams, PhD
Community Development Director

BACKGROUND

Clatsop County is seeking vacation of portions of platted and unimproved Pine and Alder street rights-of-way in the Seal Rock Beach Subdivision, affecting all of Alder St. lying northerly of the easterly extension of the south line of Lot 11, Block 10, in the Town Plat of Seal Rock Beach, Book 0, Page 77, Clatsop County Town Plat Records.

The approximate 6,000 square-foot (SF) right-of-way, is unimproved beach area, as shown on the aerial photograph at the end of this staff report and provided in the Town Plat.

The location of these remnant rights-of-way from the 1890 Seal Rock Beach Town Plat has caused management issues and the County is seeking a vacation of the rights-of-way to allow them to transfer the property to the State for State management of these beach areas.

The vacation request was presented to the Planning Commission at their September 23rd meeting. The Commission recommended approval of the application with the condition of waiving of fees for the vacation to benefit the citizens of the state.

The City Council received the Planning Commission's recommendation and staff report at its October 12th work session.

ANALYSIS/INFORMATION

Clatsop County owns the tax lot adjacent to the requested vacation area. This area is the only parcels not owned by State Parks in the Ecola boundaries. By state law, camping prohibited on beach and in front of State Parks, but not in front of county land which is why camping has become an issue. County recognizes the concerns and has begun the process to transfer ownership of their tax lots to Oregon State Parks. The hurdle is they cannot take ownership with city ownership of any areas, which why the vacation has been requested.

As the testimony in the record indicates, this will allow State Parks to manage the vacated right-of-way area, which has become a burden not suited to the County's or the City's role.

If Council wishes to proceed with the request, staff will bring an Ordinance back for adoption.

ATTACHMENTS

- A** Clatsop County Vacation Application VAC# 21-01;
- B** Planning Commission VAC# 21-01Recommendation;
- C** Planning Commission Packet for September 23, 2021;
- D** Planning Commission Draft Minutes for September 23, 2021;

AUG 23 2021

Received



CITY OF CANNON BEACH

STREET AND ALLEY VACATION APPLICATION

Please fill out this form completely. Please type or print.

Applicant Name: Clatsop County, a political subdivision of State of Oregon
 Email Address: Sdu005@co.clatsop.or.us
 Mailing Address: 820 Exchange St., Suite 230
Astoria, OR 97103
 Telephone: 503-338-3674
 Property Location: Cannon Beach - Seal Rock Beach area

STREET/ALLEY VACATION REQUEST: See attached

1. Street or alley proposed for vacation. Please attach a map of the street or portion of a street you are requesting to vacate.

Basis for granting the request. Explain how the request meets each of the following criteria for granting the vacation of a street or alley. Please attach additional sheets as necessary.

- a. The request is not in conflict with the Comprehensive Plan.
- b. There is a valid public purpose for the street/alley vacation. Returning the vacated street to the tax rolls shall not be considered sufficient to establish a valid public purpose.
- c. The request will not adversely affect the provision of public facilities and services.
- d. The request will not have an adverse effect on vehicular access to adjoining property, including emergency vehicle access.
- e. Streets which provide access to the ocean beaches or the Ecola Creek Estuary shall not be vacated unless and equivalent or improved public access is provided.

STREET VACATION REQUEST:

1. Street or alley proposed for vacation. Please attach a map of the street or portion of a street you are requesting to vacate.

Portions of platted and unimproved Pine and Alder street right of ways in the Seal Rock Beach Subdivision. Vacation request in the attached map is highlighted in yellow.

All of Alder Street lying northerly of the easterly extension of the south line of Lot 7, Block 9, and all of Pine Street lying Northerly of the Easterly extension of the south line of Lot 11, Block 10, in the Town Plat of Seal Rock Beach, Book 0, Page 77, Clatsop County Town Plat Records.

(The areas highlighted in blue will be presented to Clatsop County Public Works for street vacations in the near future.)

Basis for granting the request. Explain how the request meets each of the following criteria for granting the vacation of a street or alley. Please attach additional sheets as necessary.

- a. The request is not in conflict with the Comprehensive Plan.

The zoning in this area is Open Space, and this request would preserve the area in its natural state to the benefit of the citizens of the State of Oregon. Additionally, because this will benefit the citizens of the State, Clatsop County is requesting the fee to be waived for this street vacation request.

Please note that all other adjoining streets/right of ways within the Seal Rock Beach Subdivision located within the City limits have been vacated.

- b. There is a valid purpose for the street/alley vacation. Returning the vacated street to the tax rolls shall not be considered sufficient to establish a valid public purpose.

The purpose of this request is based on the County's intent to transfer two tax-lots in the Seal Rock Beach area to the State of Oregon. The State does not accept transfers of property unless all streets, alleys and right of ways have been vacated. Staff believes the State can better manage the beach and prohibit overnight camping; which, has been a concern to the adjoining neighborhood. Currently, the County does not have the resources and staff to manage this area of the beach.

- c. The request will not adversely affect the provision of public facilities and services.

There are no public facilities or services provided through Alder and Pine Streets.

- d. The request will not have an adverse effect on vehicular access to adjoining property, including emergency vehicle access.

There is no vehicular access to this portion of Pine and Alder Streets and this request will not adversely affect any vehicular services to the adjoining properties, including emergency vehicle access.

- e. Streets which provide access to the ocean beaches or the Ecola Creek Estuary shall not be vacated unless and equivalent or improved public access is provided.

These are two small stand-alone portions of right of ways and do not provide public access to the beach as they are part of the beach.

Street Vacation Application Fee: \$1,000.00

Applicant Signature: Sripa Duoz Date: August 16, 2021
Property Management Specialist

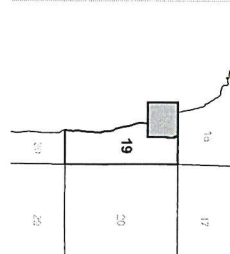
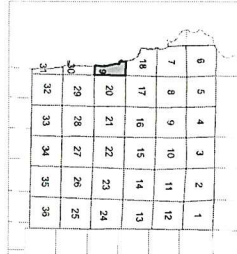
For Staff Use Only:

Received on: _____ By: _____

Fee Paid: _____ Receipt No.: _____

(Last revised March 2021)

5 10 19 AB
CLATSOP COUNTY
NW 1/4 NE 1/4 SEC. 19 T5N R10W WM



CANCELLED TAX LOT NUMBERS

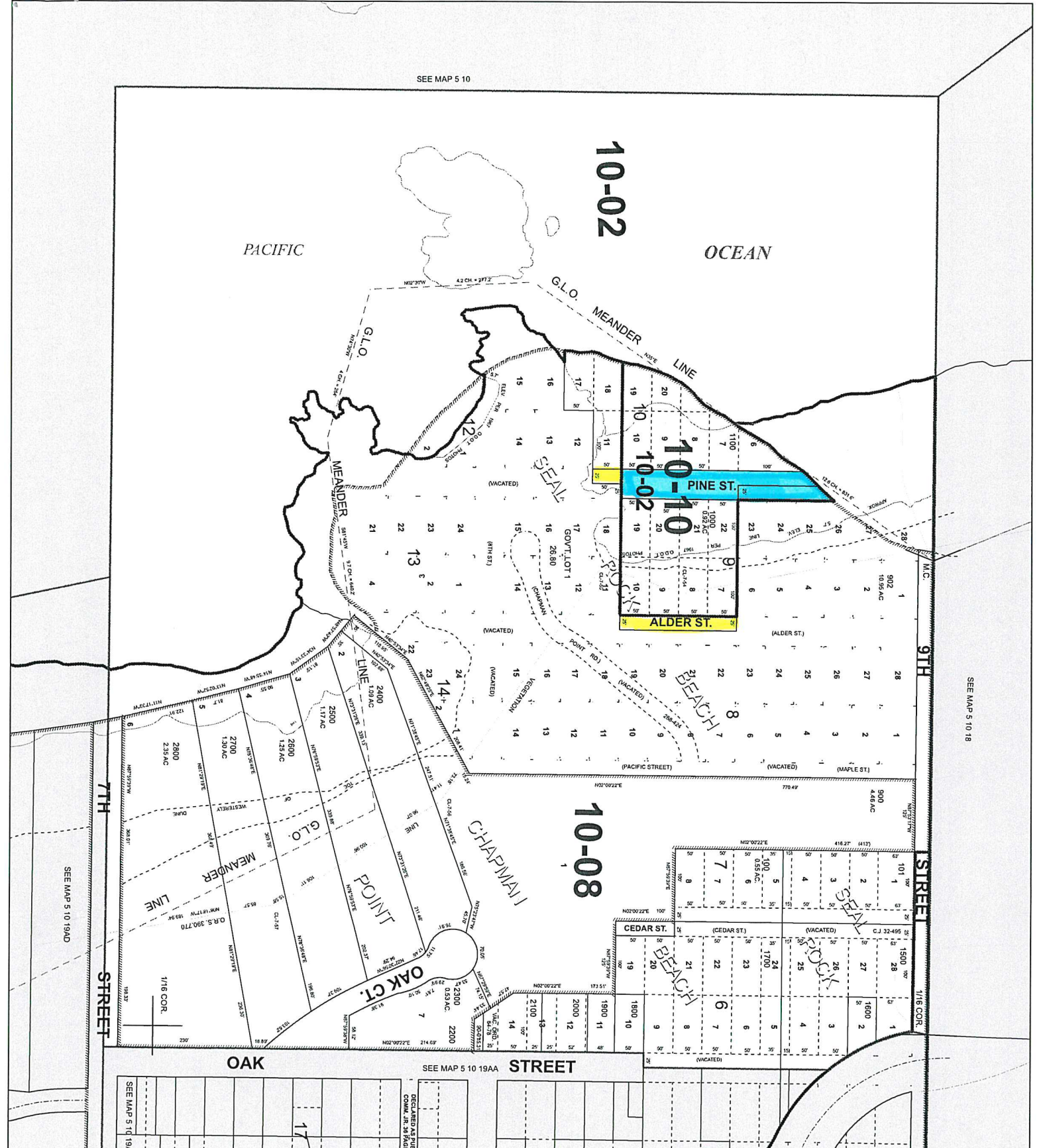
200	600	801	1380	3100
300	700	903	1400	3100
400	800	1001	2900	3300
500	806	1200	3000	3400



FOR ADDITIONAL MAPS VISIT OUR WEBSITE AT
www.co.clatsop.or.us

This map was produced using Clatsop County GIS data. The data is maintained by Clatsop County. Clatsop County is not responsible for any map errors, possible misuse, or misinterpretation.

PLOT DATE: 5/12/2021
5 10 19 AB

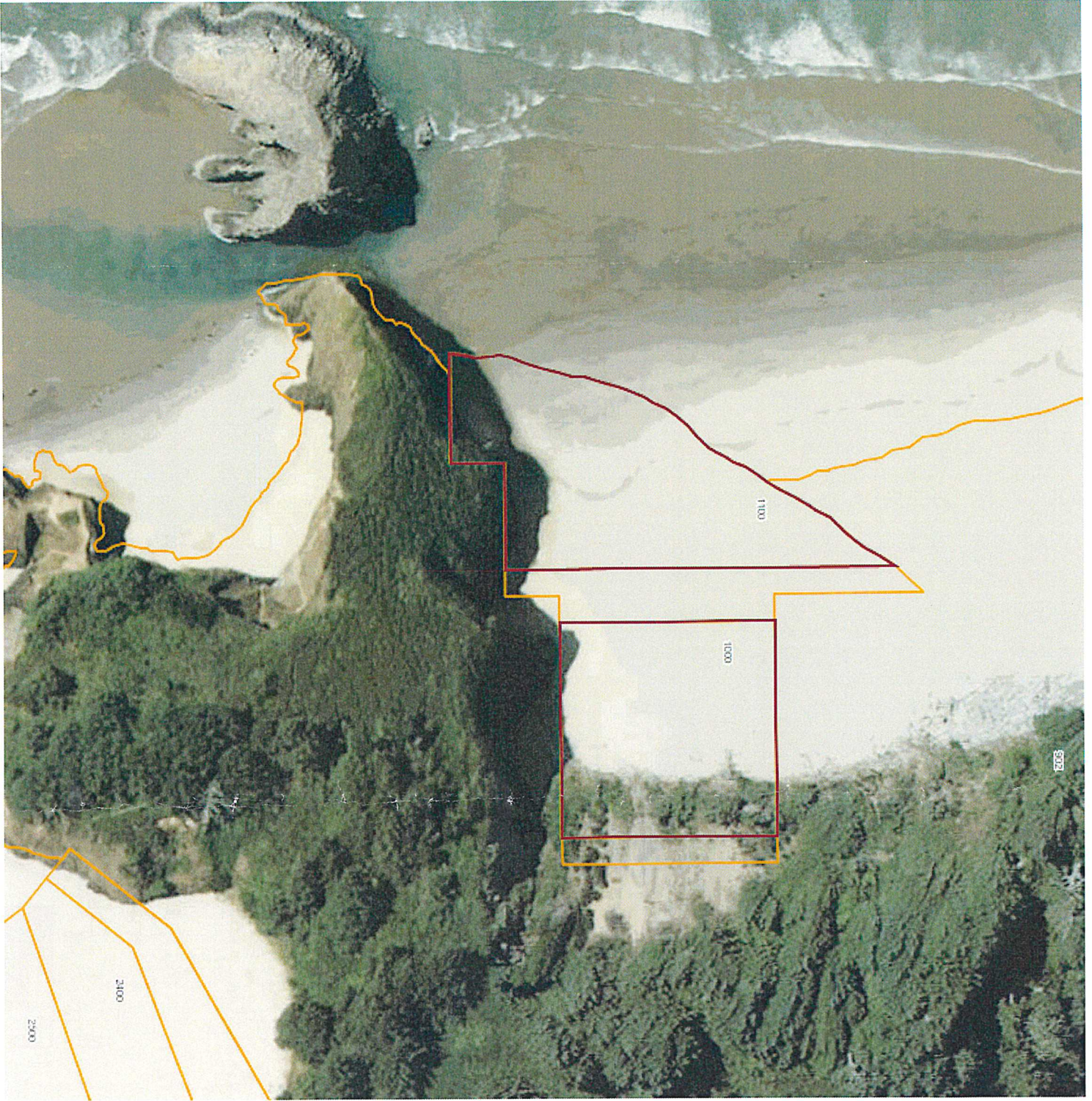


SEE MAP 5 10

SEE MAP 5 10 18

SEE MAP 5 10 19 AD

SEE MAP 5 10 19 A





Cannon Beach Planning Commission

Findings of Fact and Recommendation

PUBLIC HEARING AND CONSIDERATION OF **VAC 21-01**, CLATSOP COUNTY, OREGON, REQUESTING A VACATION OF PORTIONS OF ALDER STREET AND PINE STREET (LOCATED IN THE TOWN PLAT OF SEAL ROCK BEACH, BOOK O, PAGE 77, CLATSOP COUNTY TOWN PLAT RECORDS) FOR ALL OF ALDER STREET LYING NORTHERLY OF THE EASTERLY EXTENSION OF THE SOUTH LINE OF LOT 11, BLOCK 10. THE REQUEST WILL BE REVIEWED UNDER CANNON BEACH MUNICIPAL CODE, SECTION 12.32.030, STREET AND ALLEY VACATION, REVIEW CRITERIA, IN ACCORDANCE WITH ORS 271.005-271.160.

Agenda Date: September 23, 2021

Prepared By: Jeffrey S. Adams, PhD

GENERAL INFORMATION

NOTICE

Public notice for this September 23, 2021, Public Hearing is as follows:

- A. Notice was posted at area Post Offices on September 1, 2021;
- B. Notice was mailed on September 1, 2021 to surrounding landowners within 100' of the exterior boundaries of the property, Cannon Beach Rural Fire Department, Department of Land Conservation and Development;

DISCLOSURES

Any disclosures (i.e. conflicts of interest, site visits or ex parte communications)?

EXHIBITS

The following Exhibits are attached hereto as referenced. All application documents were received at the Cannon Beach Community Development office on August 16, 2021 unless otherwise noted.

"A" Exhibits – Application Materials

A-1 Application packet, including **VAC#21-01**, Received August 16 and stamped August 23, 2021;

"B" Exhibits – Agency Comments

None at the time of writing

"C" Exhibits – Cannon Beach Supplements

None at the time of writing

"D" Exhibits – Public Comment

D-1 Megan Gill, affected party correspondence, dated September 13, 2021;

D-2 Anna “Mickey” Moritz, letter, dated September 15, 2021;

BACKGROUND

Clatsop County is seeking vacation of portions of platted and unimproved Pine and Alder street rights-of-way in the Seal Rock Beach Subdivision, affecting all of Alder St. lying northerly of the easterly extension of the south line of Lot 11, Block 10, in the Town Plat of Seal Rock Beach, Book 0, Page 77, Clatsop County Town Plat Records.

The approximate 6,000 square-foot (SF) right-of-way, is unimproved beach area, as shown on the aerial photograph at the end of this staff report and provided in the Town Plat.

The location of these remnant rights-of-way from the 1890 Seal Rock Beach Town Plat has caused management issues and the County is seeking a vacation of the rights-of-way to allow them to transfer the property to the State for State management of these beach areas.

Cannon Beach Municipal Code chapter 12.32 provides criteria of approval.

APPLICABLE CRITERIA

12.32.030 Review criteria.

In reviewing a petition for a street vacation, the planning commission and city council shall base their recommendation and decision on the conformance of the petition with the following criteria:

12.32.030.A. *The request is not in conflict with the comprehensive plan.*

Findings: The only specific Comprehensive Plan language regarding these unimproved rights-of-way in beach areas falls to the ‘Recreation, Open Space, Natural, Visual, and Historic Resources Policies’ section:

23. The City will cooperate with the Oregon Department of Parks and Recreation in implementing a program to regulate uses on the beach.

The Planning Commission (PC) finds there are many instances where the Comprehensive Plan speaks about preserving access to beach areas, but this is in reference to rights-of-way areas that abut the beach and connect existing points of public access and future access. This would not apply to the current application and thus this vacation would uphold the Comprehensive Plan language to allow the State to more efficiently regulate the use of the beach.

The beach area is a sensitive ecological habitat for various coastal wildlife and management of the resources is prominent to many of the Comprehensive Plan concerns. Keeping this area from the threat of overnight stays and unmanaged public use, is central to the tenants of the public regulation of Oregon’s coastal assets and the Cannon Beach Comprehensive Plan. The PC finds the application meets the criteria.

12.32.030.B. *There is a valid public purpose for the street vacation. Returning the vacated street to the tax rolls shall not be considered sufficient to establish a valid public purpose.*

Findings: The PC finds that the proposed vacation would transfer unimproved and unplanned for rights-of-way, which are currently and increasingly becoming under developmental pressures, from any realm of development to the State to be placed in an easement to benefit the citizens of the state, by keeping the area more securely as a State recreational asset. Complies with criteria.

12.32.030.C. *The request will not adversely affect the provision of public facilities and services.*

Findings: The PC finds that there are no public facilities or services in these areas, other than the State’s ability to manage and maintain recreation, rather than what is currently facilitated through County management of the area. As the applicant states, “the State can better manage the beach and prohibit overnight camping; which, has been a concern to the adjoining neighborhood. Currently, the County does not have the resources and staff to manage this area of the beach.”

As the applicant states, this will be a better use of public resources, where local resources can’t adequately manage such resources, the State is capable. Meets criteria.

12.32.030.D. *The request will not have an adverse effect on vehicular access to adjoining property, including emergency vehicle access.*

Findings: The PC finds that the rights-of-way in question have no surrounding private property where access needs would be required for future development, so there appears to be no conflict with the vacation. The State operates the beach areas throughout Cannon Beach and the State and this vacation will not impact those services. As noted by the applicant, “all other adjoining streets/right-of-ways within the Seal Rock Beach Subdivision located within the City limits have been vacated.” The request complies with the criteria.

12.32.030.E. *Streets which provide access to the ocean beaches or the Ecola Creek Estuary shall not be vacated unless an equivalent or improved public access is provided.*

Findings: As discussed above, the PC finds that these rights-of-way do not provide access to the ocean beaches and thus, do not fall under this section of the Comprehensive Plan or these criteria. Meets criteria.

PLANNING COMMISSION ACTION

MOTION: Having considered the evidence in the record, and upon a motion by Commissioner Kerr and seconded by Commissioner Newton, finding the request is not in conflict with the Cannon Beach Comprehensive Plan and does not adversely affect the provision of public facilities, services or access, the Cannon Beach Planning Commission unanimously ***recommends approval*** of the Clatsop County application, for vacation of portions of platted and unimproved Pine and Alder street rights-of-way in the Seal Rock Beach Subdivision, affecting all of Alder St. lying northerly of the easterly extension of the south line of Lot 11, Block 10, in the Town Plat of Seal Rock Beach, Book 0, Page 77, Clatsop County Town Plat Records., Cannon Beach application number **VAC# 21-01**, as discussed subject to the following conditions:

1. Waiving of fees for the vacation to benefit the citizens of the state.

Vote: Kerr, Newton, Knop, Bernt, Bennett, Patrick and Chair Johnson voted AYE; the motion passed.

List of Adjacent and Affected Parties:

TL 510180000200	ORPRD	725 Summer St. #C	Salem, OR, 97301
TL51019AB00902	ORPRD	725 Summer St. #C	Salem, OR, 97301
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TL 51019AB02400	Kelly Orfield	3116 SE 303 rd Ave.	Washougal, WA 98671



Staff Report:

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12.32.030.B. *There is a valid public purpose for the street vacation. Returning the vacated street to the tax rolls shall not be considered sufficient to establish a valid public purpose.*

Staff Comment: The proposed vacation would transfer unimproved and unplanned for rights-of-way, which are currently and increasingly becoming under developmental pressures, from any realm of development to the State to be placed in an easement to benefit the citizens of the state, by keeping the area more securely as a State recreational asset. Complies with criteria.

12.32.030.C. *The request will not adversely affect the provision of public facilities and services.*

Staff Comment: There are no public facilities or services in these areas, other than the State’s ability to manage and maintain recreation, rather than what is currently facilitated through County management of the area. As the applicant states, “the State can better manage the beach and prohibit overnight camping; which, has been a concern to the adjoining neighborhood. Currently, the County does not have the resources and staff to manage this area of the beach.”

As the applicant states, this will be a better use of public resources, where local resources can’t adequately manage such resources, the State is capable. Meets criteria.

12.32.030.D. *The request will not have an adverse effect on vehicular access to adjoining property, including emergency vehicle access.*

Staff Comment: The rights-of-way in question have no surrounding private property where access needs would be required for future development, so there appears to be no conflict with the vacation. The State operates the beach areas throughout Cannon Beach and the State and this vacation will not impact those services. As noted by the applicant, “all other adjoining streets/right-of-ways within the Seal Rock Beach Subdivision located within the City limits have been vacated.” The request complies with the criteria.

12.32.030.E. *Streets which provide access to the ocean beaches or the Ecola Creek Estuary shall not be vacated unless an equivalent or improved public access is provided.*

Staff Comment: As discussed above, these rights-of-way do not provide access to the ocean beaches and thus, do not fall under this section of the Comprehensive Plan or these criteria. Meets criteria.

STAFF RECOMMENDATION

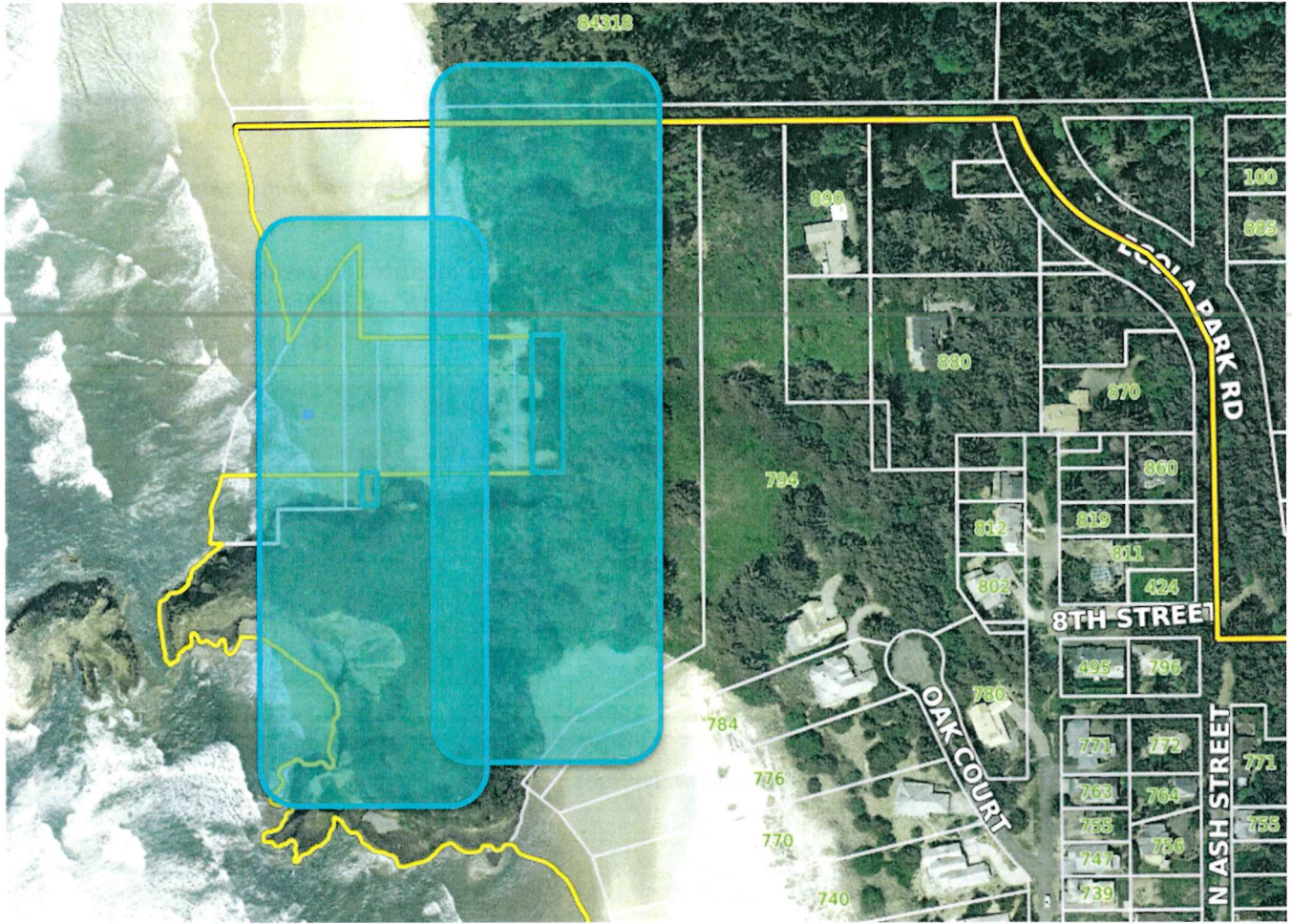
Staff recommends approval, with the condition to waive fees.

PLANNING COMMISSION ACTION

MOTION: Having considered the evidence in the record, I find the request is not in conflict with the Cannon Beach Comprehensive Plan and does not adversely affect the provision of public facilities, services or access and so move to **recommend** (approval/approval with conditions/or denial) of the Clatsop County application, for vacation of portions of platted and unimproved Pine and Alder street rights-of-way in the Seal Rock Beach Subdivision, affecting all of Alder St. lying northerly of the easterly extension of the south line of Lot 11, Block 10, in the Town Plat of Seal Rock Beach, Book 0, Page 77, Clatsop County Town Plat Records., Cannon Beach application number **VAC# 21-01**, as discussed (subject to the following conditions):

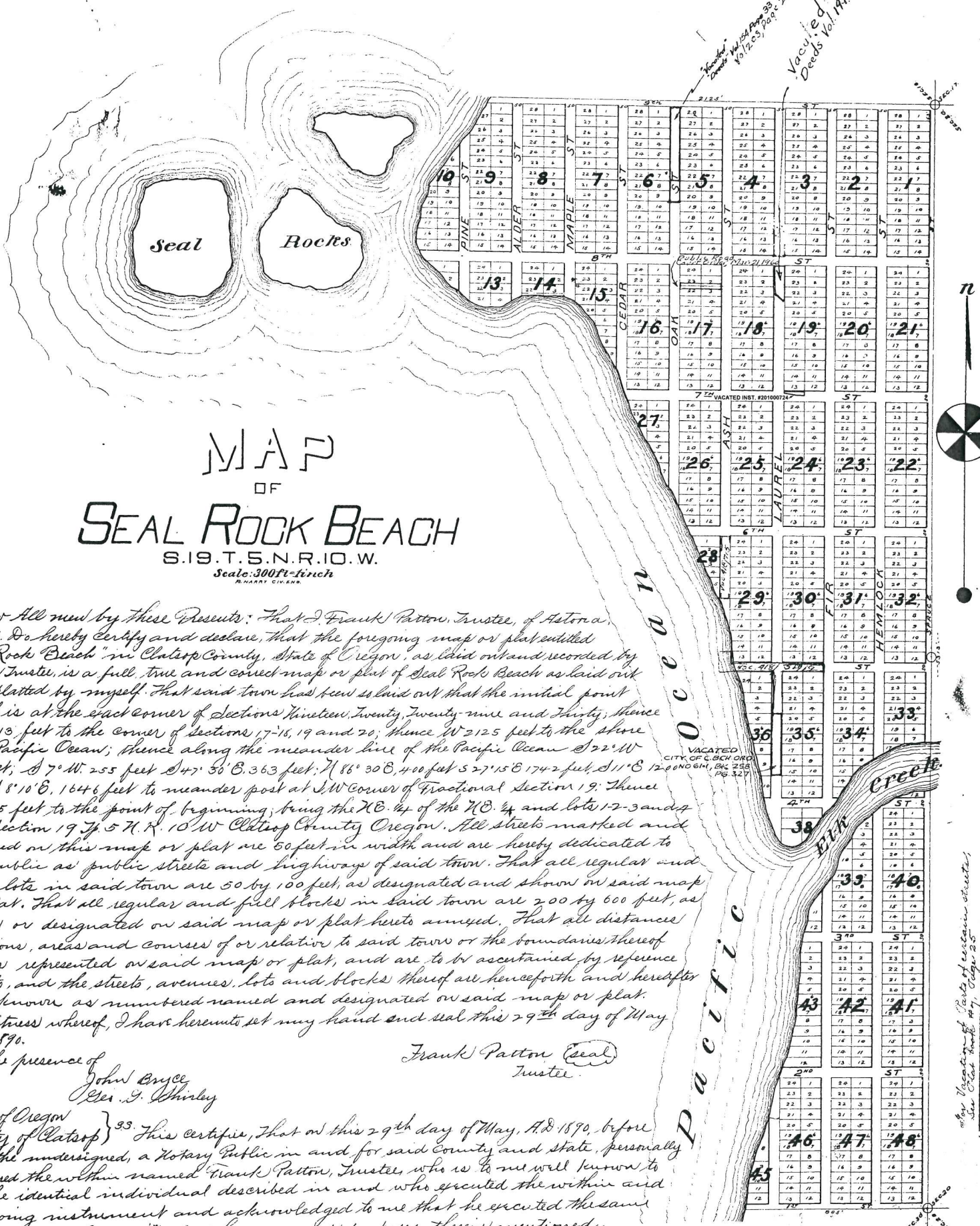
1. Waiving of fees for the vacation to benefit the citizens of the state.

Site Map:



List of Adjacent and Affected Parties:

TL 510180000200	ORPRD	725 Summer St. #C	Salem, OR, 97301
TL51019AB00902	ORPRD	725 Summer St. #C	Salem, OR, 97301
TL 51019AB00900	Frank & Mary Gill	01740 SW Military Rd.	Portland, OR, 97219
TL 51019AB02400	Kelly Orfield	3116 SE 303 rd Ave.	Washougal, WA 98671



MAP
OF
SEAL ROCK BEACH
S. 19. T. 5. N. R. 10. W.
Scale: 300 ft = 1 inch
B. HARRY CIVIL ENG.

Know All men by these Presents: That I, Frank Patton, Trustee, of Astoria, Oregon, do hereby certify and declare, that the foregoing map or plat entitled Seal Rock Beach in Clatsop County, State of Oregon, as laid out and recorded by me, as Trustee, is a full, true and correct map or plat of Seal Rock Beach as laid out and platted by myself. That said town had been as laid out, that the initial point thereof is at the exact corner of Sections Nineteen, Twenty, Twenty-nine and Thirty; thence N 53 1/2 feet to the corner of sections 17-18, 19 and 20; thence W 212 1/2 feet to the shore of the Pacific Ocean; thence along the meander line of the Pacific Ocean S 22° W 16 feet; S 7° W 255 feet S 47° 58' E 363 feet; N 88° 30' E 400 feet S 27° 15' E 174 1/2 feet S 11° E 120 1/2 feet S 8° 10' E 164 1/2 feet to meander post at S.W. corner of fractional Section 19; thence S. 915 feet to the point of beginning, being the N.E. 1/4 of the N.E. 1/4 and lots 1-2-3 and 4 in Section 19 T. 5 N. R. 10 W Clatsop County Oregon. All streets marked and named on this map or plat are 50 feet in width and are hereby dedicated to the public as public streets and highways of said town. That all regular and full lots in said town are 50 by 100 feet, as designated and shown on said map or plat. That all regular and full blocks in said town are 200 by 600 feet, as shown or designated on said map or plat hereunto annexed. That all distances, directions, areas and courses of or relative to said town or the boundaries thereof are as represented on said map or plat, and are to be ascertained by reference thereto, and the streets, avenues, lots and blocks thereof are henceforth and hereafter to be known as numbered named and designated on said map or plat. In witness whereof, I have hereunto set my hand and seal this 29th day of May 4th 1890.

In the presence of
John Bryce
Clerk J. Shirley

Frank Patton (Seal)
Trustee

State of Oregon }
County of Clatsop } 33. This certifies, That on this 29th day of May, A.D. 1890, before me the undersigned, a Notary Public in and for said County and State, personally appeared the within named Frank Patton, Trustee, who is to me well known to be the identical individual described in and who executed the within said foregoing instrument and acknowledged to me that he executed the same freely and voluntarily for the uses and purposes therein mentioned, in testimony whereof I have hereunto set my hand and affixed my Notarial seal the day and year in this Certificate above written.

Recorded May 29-1890
County Clerk.



Chas. C. Rungton
Notary Public for Oregon.

Regular Blocks 200 X 600
Lots 50 X 100

By location of City of Astoria streets,
See Plat Book 17, Page 35



VAC 21-01

City of Cannon Beach
Finance Department

CITY OF CANNON BEACH

AUG 23 2021

Received

STREET AND ALLEY VACATION APPLICATION

Please fill out this form completely. Please type or print.

Applicant Name: Clatsop County, a political subdivision of State of Oregon
Email Address: sduloos@co.clatsop.or.us
Mailing Address: 820 Exchange St., Suite 230
Astoria, OR 97103
Telephone: 503-338-3674
Property Location: Cannon Beach - Seal Rock Beach area

STREET/ALLEY VACATION REQUEST: See attached

1. Street or alley proposed for vacation. Please attach a map of the street or portion of a street you are requesting to vacate.

Basis for granting the request. Explain how the request meets each of the following criteria for granting the vacation of a street or alley. Please attach additional sheets as necessary.

- a. The request is not in conflict with the Comprehensive Plan.
- b. There is a valid public purpose for the street/alley vacation. Returning the vacated street to the tax rolls shall not be considered sufficient to establish a valid public purpose.
- c. The request will not adversely affect the provision of public facilities and services.
- d. The request will not have an adverse effect on vehicular access to adjoining property, including emergency vehicle access.
- e. Streets which provide access to the ocean beaches or the Ecola Creek Estuary shall not be vacated unless and equivalent or improved public access is provided.

STREET VACATION REQUEST:

1. Street or alley proposed for vacation. Please attach a map of the street or portion of a street you are requesting to vacate.

Portions of platted and unimproved Pine and Alder street right of ways in the Seal Rock Beach Subdivision. Vacation request in the attached map is highlighted in yellow.

All of Alder Street lying northerly of the easterly extension of the south line of Lot 7, Block 9, and all of Pine Street lying Northerly of the Easterly extension of the south line of Lot 11, Block 10, in the Town Plat of Seal Rock Beach, Book 0, Page 77, Clatsop County Town Plat Records.

(The areas highlighted in blue will be presented to Clatsop County Public Works for street vacations in the near future.)

Basis for granting the request. Explain how the request meets each of the following criteria for granting the vacation of a street or alley. Please attach additional sheets as necessary.

- a. The request is not in conflict with the Comprehensive Plan.

The zoning in this area is Open Space, and this request would preserve the area in its natural state to the benefit of the citizens of the State of Oregon. Additionally, because this will benefit the citizens of the State, Clatsop County is requesting the fee to be waived for this street vacation request.

Please note that all other adjoining streets/right of ways within the Seal Rock Beach Subdivision located within the City limits have been vacated.

- b. There is a valid purpose for the street/alley vacation. Returning the vacated street to the tax rolls shall not be considered sufficient to establish a valid public purpose.

The purpose of this request is based on the County's intent to transfer two tax-lots in the Seal Rock Beach area to the State of Oregon. The State does not accept transfers of property unless all streets, alleys and right of ways have been vacated. Staff believes the State can better manage the beach and prohibit overnight camping; which, has been a concern to the adjoining neighborhood. Currently, the County does not have the resources and staff to manage this area of the beach.

- c. The request will not adversely affect the provision of public facilities and services.

There are no public facilities or services provided through Alder and Pine Streets.

- d. The request will not have an adverse effect on vehicular access to adjoining property, including emergency vehicle access.

There is no vehicular access to this portion of Pine and Alder Streets and this request will not adversely affect any vehicular services to the adjoining properties, including emergency vehicle access.

- e. Streets which provide access to the ocean beaches or the Ecola Creek Estuary shall not be vacated unless an equivalent or improved public access is provided.

These are two small stand-alone portions of right of ways and do not provide public access to the beach as they are part of the beach.

Street Vacation Application Fee: \$1,000.00

Applicant Signature: Sipha Duoss Date: August 16, 2021
Property Management Specialist

For Staff Use Only:

Received on: _____ By: _____

Fee Paid: _____ Receipt No.: _____

(Last revised March 2021)

SEE MAP 5 10 18

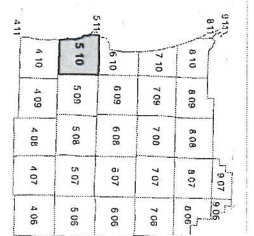
9TH

STREET

1/16 COR.

5 10 19 AB
CLATSOP COUNTY
NW 1/4 NE 1/4 SEC. 19 T5N R10W WM

Scale 1:1,200
0 62.5 125 250 ft



10-02

10-08

SEE MAP 5 10

PACIFIC

OCEAN

7TH

STREET

OAK

SEE MAP 5 10 19A

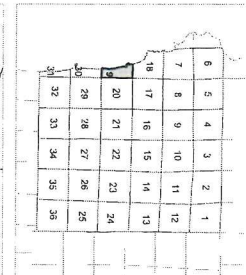
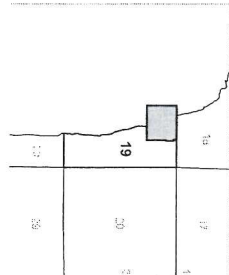
FOR ADDITIONAL MAPS VISIT OUR WEBSITE AT
WWW.CO.CLATSOP.ORG/US



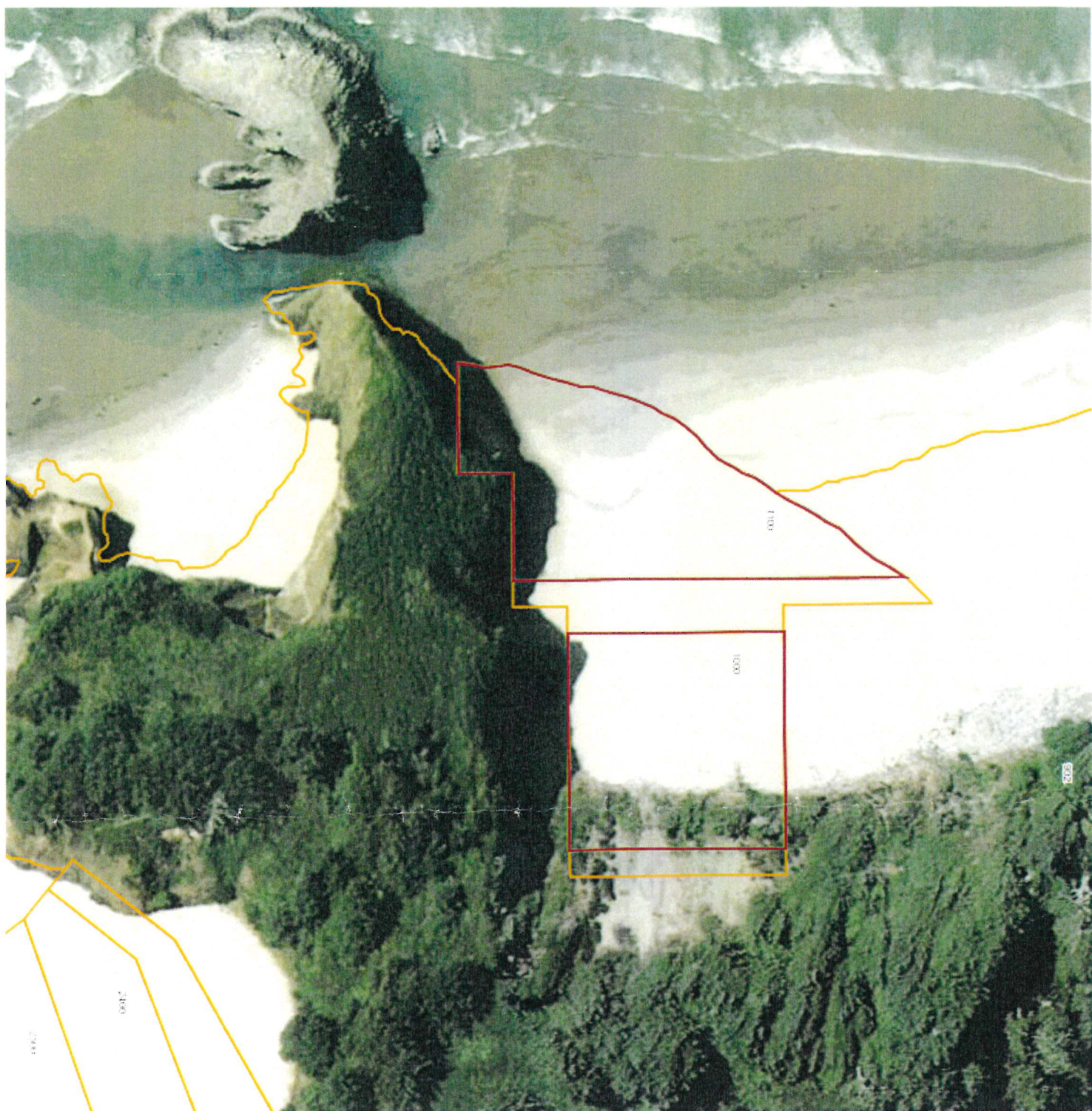
CLATSOP COUNTY
City

CANCELLED TAXLOT NUMBERS

200	600	901	1300	3100
200	700	903	1400	3200
200	800	905	1500	3300
500	806	1200	3000	3400



This map was produced using Clatsop County GIS data. The data is maintained by Clatsop County to support its governmental activities. Clatsop County is not responsible for any map errors, possible misuses, or misinterpretation.
PLOT DATE: 5/12/2021
5 10 19 AB





CANNON BEACH COMMUNITY DEVELOPMENT

163 E. GOWER ST.

PO Box 368

CANNON BEACH, OR 97110

Megan Kathleen Gill
01740 SW Military Rd.
Portland, OR 97219

September 1, 2021

RE:

VAC 21-01, Clatsop County request to vacate portions of platted and unimproved Pine and Alder Street right of ways in the Seal Rock Beach Subdivision, according to chapter 17.34 Open Space Zone of the Municipal Code. The property is located on unimproved Pine and Alder Street in the Seal Rock Subdivision (Tax lots 00902 & 01000 Map 51019AB) in the Open Space (OS) zone. The request will be reviewed against the Municipal Code, Section 12.32, Street and Alley Vacation, Provisions established.

This is a notice to adjacent and affected property owners that Clatsop County is,

REQUESTING A VACATION OF PORTIONS OF ALDER STREET AND PINE STREET (LOCATED IN THE TOWN PLAT OF SEAL ROCK BEACH, BOOK O, PAGE 77, CLATSOP COUNTY TOWN PLAT RECORDS) FOR ALL OF ALDER STREET LYING NORTHERLY OF THE EASTERLY EXTENSION OF THE SOUTH LINE OF LOT 11, BLOCK 10. THE REQUEST WILL BE REVIEWED UNDER CANNON BEACH MUNICIPAL CODE, SECTION 12.32.030, STREET AND ALLEY VACATION, REVIEW CRITERIA, IN ACCORDANCE WITH ORS 271.005-271.160.

Please find attached the petition from Clatsop County requesting the City of Cannon Beach's vacation of the property described. As a property owner either adjacent to or within the prescribed affected area by ORS 271.005-217.160, you may show support of such a vacation, as described in the petition's narrative, by signing and returning the signed petition addendum to Cannon Beach City, in care of the Community Development Department, PO Box 368, Cannon Beach, OR 97110.

By signing below you are giving written permission for the City of Cannon Beach to vacate the property described on behalf of the State of Oregon and the Department of Parks and Recreation.

Sincerely,

Jeffrey S. Adams, PhD,
Cannon Beach Community Development Director

Cc: Jennifer Barrett, City Recorder
Bruce St. Denis, City Manager
Bill Kabeiseman, City Land Use Attorney

City of Cannon Beach
Finance Department

SEP 13 2021

Received

Received and approved by:

Megan Kathleen Gill

Megan Kathleen Gill, Property owner TL 51019AB00900

September 9th, 2021

Date

01740 SW Military Rd.

Portland, OR 97219

September 15, 2021

Anna "Mickey" Moritz
771 N. Ash St.
PO Box 84
Cannon Beach, OR 97110

Cannon Beach Planning Commission
Attn: Community Development
PO Box 368
Cannon Beach, OR 97110

RE: Public Notice **VAC 21-01**; Protect Crescent Beach by vacating City rights-of-way on Clatsop County parcels

To Whom It May Concern:

I am writing to urge the Planning Commission to protect Crescent Beach by voting in support of vacating City rights-of-way over County taxlots 1100 and 1000. Vacating these rights-of-way is a necessary step to toward transferring these lots to Oregon State Parks, and thus protecting the land and unifying management of Crescent Beach.

For background on this request, it may be helpful to note that these parcels are entirely surrounded by Ecola State Park (yellow arrow in image below). Furthermore, the parcels lie just above the southern portion of Crescent Beach.



As you are likely aware, Crescent Beach is a beautiful and much-visited beach to the north of Chapman Point. It is the beach that visitors view from the Overlook parking lot in Ecola Park. Crescent Beach is accessible via trails through Ecola State Park, and at low tide it can be reached by walking between the rocks at the Chapman Point. This beach is not only a popular destination, but is also important ecologically. For instance, Crescent Beach is a nesting area for Black Oystercatchers, home to vibrant tide pools, and the land above the beach is a nesting area for Bald Eagles.

The northern two-thirds of Crescent Beach is under State Parks jurisdiction. The southern third, however, is not subject to State Parks regulations because it is owned by the County. This has created issues with campers – sometimes long term – using the southern portion of Crescent Beach. Because

this is not a beach area either within Cannon Beach city limits or bordering State Parks land, there is no restriction on camping. Recognizing this problem and seeing the need for uniform enforcement of the beach and land management, Clatsop County is currently in the process of deeding these parcels to State Parks. This will allow the day-use beach to be protected.

Although the land transfer process has been started, it cannot be completed until all rights-of-way have been vacated on the parcels in question. To that end, the City of Cannon Beach must release its easements over these parcels. There is much to be gained by ensuring that this land transfer can take place, and I urge the Planning Commission to vote yes to vacating city rights-of-way across these parcels.

Thank you for taking the time to consider this request. I hope you will choose to help protect the beauty and ecology of Crescent Beach! You can reach me at atmoritz@gmail.com or (425) 780-0245.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Anna Moritz', with a stylized flourish at the end.

Anna "Mickey" Moritz, PhD, JD



CITY OF CANNON BEACH

September 1, 2021

VAC 21-01, Clatsop County request to vacate portions of platted and unimproved Pine and Alder Street right of ways in the Seal Rock Beach Subdivision, according to chapter 12.31 Street and Alley Vacation of the Municipal Code. The property is located on all of Alder Street lying northerly of the easterly extension of the south line of Lot 7, Block 9, and all of Pine Street lying northerly of the easterly extension of the south line of Lot 11, Block 10, in the Town Plat of Seal Rock Beach, Book 0, Page 77, Clatsop County Town Plat Records, in the Open Space (OS) zone. The request will be reviewed under Cannon Beach Municipal Code, Section 12.32.030, Street and Alley Vacation, review criteria, in accordance with ORS 271.005-271.160.

Dear Property Owner,

The City of Cannon Beach is providing notice to property owners surrounding the proposed application. Your property is located within the established notice area and you are being notified as a party of record.

The public hearing on this matter will be held on Thursday, September 23rd, 2021, at the Cannon Beach City Hall, and public may participate through phone, video-conference or when possible, in-person, in Council Chambers, 163 E. Gower St.

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 and if you wish to speak at the hearing, please let our offices know by noon, the day 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 Zoning Ordinance, Subdivision Ordinance or Comprehensive Plan criteria, please contact Cannon Beach City Hall at the address below, or call Katie Hillenhagen at (503) 436-8054 or email hillenhagen@ci.cannon-beach.or.us.

Sincerely,

Katie Hillenhagen
Administrative Assistant

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

**NOTICE OF PUBLIC HEARING
CANNON BEACH PLANNING COMMISSION**

The Cannon Beach Planning Commission will hold a public hearing on **Thursday, September 23, 2021** at **6:00 p.m.** at City Hall, 163 E Gower Street, Cannon Beach, regarding the following:

VAC 21-01, Clatsop County request to vacate portions of platted and unimproved Pine and Alder Street right of ways in the Seal Rock Beach Subdivision, according to chapter 12.31 Street and Alley Vacation of the Municipal Code. The property is located on all of Alder Street lying northerly of the easterly extension of the south line of Lot 7, Block 9, and all of Pine Street lying northerly of the easterly extension of the south line of Lot 11, Block 10, in the Town Plat of Seal Rock Beach, Book 0, Page 77, Clatsop County Town Plat Records, in the Open Space (OS) zone. The request will be reviewed under Cannon Beach Municipal Code, Section 12.32.030, Street and Alley Vacation, review criteria, in accordance with ORS 271.005-271.160.

All interested parties are invited to attend the hearings and express their views. Statements will be accepted in writing or orally at the hearing. Failure to raise an issue at the public hearing, in person or by letter, or failure to provide statements or evidence sufficient to afford the decision maker an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue.

Correspondence should be mailed to the Cannon Beach Planning Commission, Attn. Community Development, PO Box 368, Cannon Beach, OR 97110 or via email at planning@ci.cannon-beach.or.us. Written testimony received one week prior to the hearing will be included in the Planning Commissioner's meeting materials and allow adequate time for review. Materials and relevant criteria are available for review at Cannon Beach City Hall, 163 East Gower Street, Cannon Beach, or may be obtained at a reasonable cost. Staff reports are available for inspection at no cost or may be obtained at a reasonable cost seven days prior to the hearing. Questions regarding the applications may be directed to Jeffrey Adams, 503-436-8040, or at adams@ci.cannon-beach.or.us.

The Planning Commission 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. Publications may be available in alternate formats and the meeting is accessible to the disabled.



Jeffrey C. Adams, PhD
Director of Community Development

Posted/Mailed: **September 1, 2021**

NOTICE TO MORTGAGEE, LIEN-HOLDER, VENDOR OR SELLER:
PLEASE PROMPTLY FORWARD THIS NOTICE TO THE PURCHASER

**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 he represents.

VAC 21-01 Clatsop County						
TAXLOTKEY	SITUS_ADDR	OWNER_LINE	STREET_ADD	CITY	STATE	ZIP_CODE Regional contact
51019AB00900	794 Oak Ct	Megan Kathleen Gill	01740 SW Military Rd	Portland	OR	97219
51019AB00902		Oregon Parks and Recreation Dept	725 Summer St #C	Salem	OR	97301 Tabitha Henricksen, Property Unit Tabitha.henricksen@oregon.gov, 503-339-6806; Justin Parker, District Manager, Justin.Parker@oregon.gov
51019AB01000		Clatsop County Attn: Sirpa Duoos, Property	820 Exchange St. Suite 230	Astoria	OR	97103
51019AB02400	784 Oak Ct	Kelly A Orfield	3116 SE 303rd Ave	Washougal	WA	98671

VAC 21-01, Clatsop County

SITE MAP: Areas to be vacated are outlined in **RED**, noticed properties are shaded **BLUE**



**Minutes of the
CANNON BEACH PLANNING COMMISSION**
Thursday, September 23, 2021

Present: Chair Daryl Johnson and Commissioner Barb Knop in person
Commissioners Janet Patrick, Charles Bennett, Clay Newton, Lisa Kerr and Joe Bernt via Zoom

Excused:

Staff: Director of Community Development Jeff Adams and City Recorder Jennifer Barrett

CALL TO ORDER

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

ACTION ITEMS

(1) Approval of Agenda

Motion: Kerr moved to approve the agenda as presented; Patrick seconded the motion.

Vote: Kerr, Newton, Knop, Bernt, Bennett, Patrick and Chair Johnson voted AYE; the motion passed.

(2) Consideration of the Minutes for the Planning Commission Meeting of October 22, 2021

Motion: Knop moved to approve the minutes; Bernt seconded the motion.

Vote: Newton, Knop, Bernt, Bennett, Patrick and Chair Johnson voted AYE; the motion passed.
Kerr abstained as she was not present at the meeting.

(3) Public Hearing and Consideration of VAC#21-01, Clatsop County request, for a Vacation of portions of platted and unimproved Pine and Alder Street right-of-ways in the Seal Rock Beach Subdivision.

Clatsop County request to vacate portions of platted and unimproved Pine and Alder Street right of ways in the Seal Rock Beach Subdivision, according to chapter 12.31 Street and Alley Vacation of the Municipal Code. The property is located on all of Alder Street lying northerly of the easterly extension of the south line of Lot 7, Block 9, and all of Pine Street lying northerly of the easterly extension of the south line of Lot 11, Block 10, in the Town Plat of Seal Rock Beach, Book 0, Page 77, Clatsop County Town Plat Records, in the Open Space (OS) zone. The request will be reviewed under Cannon Beach Municipal Code, Section 12.32.030, Street and Alley Vacation, review criteria, in accordance with ORS 271.005-271.160.

No one objected to the jurisdiction of the Planning Commission to hear this matter at this time. Chair Johnson asked if any Commissioner had any conflict of interest. There were none. Chair Johnson asked if any Commissioner had personal bias to declare. There were none. Chair Johnson asked if any commissioner had any ex parte contacts to declare. There were none. The commissioners declared their site visits.

Adams read his staff report. In response to Johnson's question is this property state controlled or state owned currently, Adams replied currently it's a platted street and they are asking that the city to vacate that property. It was deeded over to the city with the plat, and they are requesting us to vacate. The county manages it but they are having difficulties. In response to Johnson's question could someone build there, Adams replied no it is a right-of-way so we would not allow it. Adams noted we also have Sirpa Duoos online if you have questions.

Chair Johnson asked if there was any additional correspondence. There was none.

Chair Johnson called for public testimony.

Chair Johnson 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; failure to raise an issue accompanied by statements or evidence sufficient to afford the decision maker and the 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; persons who testify shall first receive recognition from the Chair, state their full name and mailing address, and if appearing in a representative capacity, identify whom they represent.

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

Sirpa Duoos, Property Management Specialist for Clatsop County A Political Subdivision of State of Oregon. Adams put the map on the screen from the packet. Duoos stated the County has for some time, over a decade, wanted to deed this property to the state parks for them to manage. In order for the county to do that, we need to have all the platted right-of-ways, even unimproved, vacated in order for the state to accept the piece. Part of the ROW is in the Cannon Beach and part is located in the county area. Once the Cannon Beach portion part is done, I'll approach county public works to vacate their portion. Once both are completed I'll bring to the county commissioner to deed state parks and rec. I have their desire to accept these two tax lots and vacated unimproved ROWs. In response to Newton's questions the lot has been plotted since the 1800's, was this action due to summer concerns of who had regulatory control over certain sections of the beach, Duoos replied partially yes. This started this in early 2003, however, it fell to the wayside and concerns of neighbors brought it to head and we proceeded. In response to Newton's questions was it over camping, Duoos replied yes.

Chair Johnson called for proponents of the request.

Anna Moritz PO Box 84 Cannon Beach

Thank you for time, I appreciate it. You have had excellent presentation. I am another voice urging you to vacate to help protect Crescent Beach, noting examples of how it will help. Moritz added these are the only parcels not owned by state parks in the Ecola boundaries. By state law camping prohibited on beach and in front of state parks, but not in front of county land which is why camping has become an issue. There is no sanitation, and it is a sensitive ecological area. I am very supportive of work Clatsop County is doing. They recognized the concern and began process to transfer ownership to Oregon state parks. The hurdle is they cannot take ownership with city ownership of any areas, which is why we are here.

Chair Johnson called for opponents of the request. There were none.

Adams added Moritz did a persuasive job and her letter had comments as well. It amazes me the loopholes people will find. I highly recommend vacating.

Chair Johnson asked if the applicant wished to make additional statements.

Chair Johnson closed the hearing

Kerr noted I am so happy this is coming before the Planning Commission. I hoped it would happen the last few years and always a distress to see campers on the parcel below the path that leads to the upper area through the woods. Garbage is left there, goes potty there, and I have personally called state parks a number of times and they said they can't do anything about it because they don't have jurisdiction, the City can't and the County doesn't have enough people. I thank Moritz for getting this in front of the Planning Commission. Newton added this is an example of things we have been talking about. I've been here a long time and with ever increasing access to information Cannon Beach has to focus on updating our codes and policies and this is a great example of something that was ok for a long time but no longer works. Cannon Beach needs to stay on top of a rapidly changing information system.

Motion: Kerr moved having considered the evidence in the record, I find the request is not in conflict with the Cannon Beach Comprehensive Plan and does not adversely affect the provision of public facilities, services or access and so move to recommend approval of the Clatsop County application, for vacation of portions of platted and unimproved Pine and Alder street rights-of-way in the Seal Rock Beach Subdivision, affecting all of Alder St. lying northerly of the easterly extension of the south line of Lot 11, Block 10, in the Town Plat of Seal Rock Beach, Book 0, Page 77, Clatsop County Town Plat Records., Cannon Beach application number VAC# 21-01, as discussed, and move the following condition Waiving of fees for the vacation to benefit the citizens of the state; Newton seconded the motion.

Vote: Kerr, Newton, Knop, Bernt, Bennett, Patrick and Chair Johnson voted AYE; the motion passed.

Johnson stated the project is approved.

INFORMATIONAL ITEMS

(8) Tree Report

Jan Siebert-Wahrmund PO Box 778 Cannon Beach

Friends of the Trees is dedicated to growth stewardship and preservation of trees of our community for present and future. Siebert-Wahrmund read a prepared statement regarding the removal of trees in Cannon Beach. A copy is included in the record.

The Commission discussed the recent tree removal on N. Hemlock.

(9) Ongoing Planning Items

Adams reported I appreciate all comments on the tree removal and the process used. You will have the ability to change with the code audit and its one of the worst things in the code. DRB minors are not used properly. Unfortunately, it takes something like this, and it's been a concern of mine since day one.

Adams gave a report on the living wall.

(10) Good of the Order

Patrick reported I would like to see the city approve the size of the tree that they plan to put in on N Hemlock. Adams replied we will, a discussion ensued.

Newton reported I want to take a moment to recognize the passing of a special person in Cannon Beach. Lisa Fraser passed, a discussion about Mrs. Fraser ensued.

A discussion ensued regarding the process to log into the Executive Session through Zoom.

Johnson stated we hold Executive Session Pursuant ORS 192.660(2)(f), to consider information or records that are exempt by law from public inspection

ADJOURNMENT

The meeting adjourned to an Executive Session at 6:51 pm.

The Executive Session adjourned to a public meeting at 7:30 pm.

The meeting adjourned at 7:30 pm.

City Recorder, Jen Barrett