

Minutes of the
CANNON BEACH CITY COUNCIL
Special Meeting and Work Session
Tuesday, November 14, 2023
Council Chambers

Present: Mayor Barb Knop, Council President Nancy McCarthy, Councilors Brandon Ogilvie, Lisa Kerr and Gary Hayes

Excused:

Staff: City Manager Bruce St. Denis, IT Director Rusty Barrett, Recorder Jennifer Barrett

Other:

CALL TO ORDER AND APPROVAL OF AGENDA

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

Motion: Ogilvie moved to approve the agenda; Hayes seconded.

Vote: Hayes, McCarthy, Ogilvie, Kerr and Knop voted AYE: the vote was 5:0 and the motion passed unanimously.

PUBLIC COMMENT

Knop reminded the body to keep their comments under three minutes, state their name and mailing address and to be kind and respectful.

- Jan Siebert-Wahrmund PO Box 778: spoke regarding a tree removal application that is on the agenda tonight. Requested Jeff Gearhart revisit the site since the ADU received tentative permission to be built along with the driveway.
- Les Sinclair PO Box 1394: said I echo what Jan said. Jeff Gerhardt earlier opinion on the application he addresses other issues raised that were not addressed in the letter from the other arborist.

COMMENDATION

(1) Lifesaving Commendation to Corporal Joseph Bowman and Officer Rashad Gipson

Chief Schermerhorn said within 3 days of each other Gipson and Bowman needed to use Narcan to bring people back. Schermerhorn presented each with a commendation. Schermerhorn gave an overview of using Narcan. Gipson and Bowman introduced their families.

DISCUSSIONS

(2) Removal of Misdemeanor Language in Municipal Code

St. Denis read the staff report. A discussion ensued regarding the \$1M fine in special event. Knop asked how about up to \$500 on all listed. Hayes said for special events, we want to make sure someone doesn't think I'll risk it and do the event without a permit. Kerr suggested \$1,000, adding if someone wants to appeal they can come to court. Consensus up to \$1,000 for special event.

Bingo and social consensus was \$500. Kerr said Haystack Rock should be upped, discussed potential fine amounts. Kerr suggested \$5,000. McCarthy asked what does federal do, Schermerhorn gave an overview added the main issue is not doing double jeopardy with our court and federal. It usually goes to federal as they have the teeth. Kerr said I would like to research to see if double jeopardy is at play. Hayes said it's handy to be able to say to someone there is a big fine. Consensus to add to December work session for Haystack Rock fines. The others to go to a vote in January.

(3) Short Term Rental Information

Knop thanked staff for their research. Knop said this is our preliminary discussion to see how other cities handle their program. Kerr gave a synopsis of Garhart and Manzanita. Kerr said I would like to see a cap on short term rentals (STR) on what we are now, approximately 200. I spoke with many in the community who want to see that happen. Capped at 200 and anything above would be on a waiting list. If you still have the articles I sent out in the past about the impact of STR on affordable housing. I am not trying to deplete revenue, there are so many good reasons to do this. They are detrimental to the community, noting examples. This is the direction that other jurisdictions are going to. Hayes said I agree we should cap them, and am happy that you can only own one. If someone buys a place and they ask can I be a STR right now the answer is yes. If they want an income property their only option is long term rental. Ogilvie said my observation is we've had the same number of STR in the past few years. Our regulations are somewhat more stringent than other cities and it is somewhat self-regulating, a discussion ensued. McCarthy added I did my third year of researching houses for sale in past year for the library and theatre for fundraising. The last 2 years 12% have been local buyers the remaining out of town. This year about 13-14% are local. This year about 55 were for sale, where in past it was approximately 100. Kerr said even though numbers show it hasn't increased, it could increase. And numbers are not accurate due to people manipulating the system. Ogilvie said I'll modify my statement, maybe not more stringent, but different. I am not hearing why we need to cap the STR at the number they currently are at. Hayes said I do not think we need to wait until there is a problem. People are buying houses and doing a STR to offset the costs. It's their part time house, a discussion ensued. Knop asked do you have numbers, Kerr replied I'd like to make it low, but may not be fair. Since 200 is where it's been the last couple years, in that neighborhood would be fair. Knop said I wouldn't want to go any lower than 200, this produces jobs for people – many who can't find a house to live in Cannon Beach and we have some excellent local property management companies that are good employers. McCarthy added I think a cap is appropriate, there are other things interested in too, such as zones where we allow and don't allow STR. Hayes said or limit them to a specific number in any geographic area. McCarthy added you may want to look at fees, we seem lower than others. Hayes said it's so convoluted with the different types. McCarthy gave an overview of the different types, a discussion ensued regarding the different types and benefits and drawbacks. Hayes noted he doesn't have issues on his street with the nightly rentals. Kerr said there are issues in her neighborhood. McCarthy replied it seems like we give people too many chances when there are violations. Ogilvie noted I think the 14 day rule is the mechanism that make our STR program the most self-regulated, a discussion ensued. Discussed illegal

rentals. Knop noted they need to be reported. Discussion will continue discussion at the retreat.

CLOSE WORK SESSION AND OPEN SPECIAL MEETING

(4) Tree Removal Permit Application for 51032BC00600

Sokolowski summarized the staff report. I am here to answer your questions and if there is any additional information you want let me know. Sokolowski gave an overview of the tree removal permit process and the documentation provided by the arborist. Sokolowski read a portion of Joe Balden's arborist report regarding the tree being a part of the nurse log. Hayes said in my site visit it looked like three trees on a nurse log, then a 50 ft tree not on a nurse log that was very well established there. Sokolowski read excerpts from the various tree reports.

Jay Orloff PO Box 563, Tolovana Architects

Orloff said S1 is part of the nurse log. There are 5 trees attached to the nurse log. The site has two clear challenges, trees and slope, giving an overview. We considered pulling the house back to clear the canopy and root structure of S1 but that would in fact result in issues on the two southern trees getting into the root structure. S1 canopy is full width of the site and goes beyond the setback on the front. In order to remove the 4 not including S1 would have to excavate and grind away the nurse tree root structure towards S1. The driveway either way will have an impact. Orloff noted the grading challenges. Orloff added the arborist suggested redwood on north property line, I suggest on the east side with additional trees on the southern. The impact to S1 regardless will be on the south side of it, which means if damage to root structure will fall to the north and east with the wind. Potential issue at later date with the tree which is why we'll go with the aggressive replanting. McCarthy asked how large would the trees be for replanting, Orloff replied I am not sure what is there, would say approx. 6-8". Kerr said I would like to see our city arborist weigh in on that particular tree as these plans stand as he hasn't yet. Sokolowski said the arborist speaks to the trees in a general fashion and lists them, all of them, for removal. There is a message on his thoughts on all of them. Kerr said I want to know how it would effect S1 with others removed, and is it partially on nurse log or have its own structure. Knop said to me it looked like it would be fine by itself, but I am not educated. Hayes said what about the root canopy, that's what the arborist can tell us. Hayes I would want to do what you can to save a 50" tree instead of planting new ones. Kerr said if Jeff Gerhardt says the tree cannot make it and there is no way to change the construction or driveway it's a different matter. Sokolowski said there are three options approve, deny or request additional information. The Council consensus was additional information. Orloff asked can it be done administratively, it will either be a yes or no. Sokolowski said it was a condition of approval that you would review, based on your findings I don't know that we could do that. I am not sure on the timeframe, I would work with Jeff to get it scheduled, and hopefully be able to come back in December. Sokolowski reviewed the additional information requested by council.

(5) Consideration of the Minutes of the

October 3	Regular Meeting
October 5	CH/PD Community Outreach
October 10	Work Session/Special Meeting
October 16	Joint Code Audit
October 17	CH/PD

Motion: Ogilvie moved to approve the minutes of October 3 as amended, 5, 10, 16 and 17; Hayes seconded.

Vote: Hayes, McCarthy, Ogilvie, Kerr and Knop voted AYE: the vote was 5:0 and the motion passed unanimously.

(6) Good of the Order

Knop said we have a work party this Saturday 10-noon and will meet at Second Street parking lot take care of holly, ivy, and blackberries.

McCarthy said Coffee with Councilors Monday November 20th.

McCarthy is the November 18th discussion limited to the school or can it include City Hall and the Police Department as well? Knop said my thoughts were it is specific to the school. Knop said I would like to ask opinion on keeping it at 3 mins or less and if they represent a group to have one speaker for the group, consensus was yes. St. Denis said I believe our advice was not to limit it to CBE. The reason being appeal is on the record you will get testimony on the 28th. There is less of a chance being twisted to have it on more than on project. Knop asked can we have it in two sections, doing CBE then CH/PD. Hayes added can't we accept public comment on any of the projects. Kerr said I thought this was just a community meeting to air out concerns of CBE without what DRB said. Knop said the 28th will be a town hall to talk about construction projects, and we'll limit to three minutes. Hayes said I would like to see a presentation, open with a presentation and talk about the public process we went through. Knop said how many meetings and how many people attended. Hayes added and talk about the fundings and use of the facility, want to counter some of the misinformation. Knop we need to remind people it was bought with TLT funds, which established the use at the time of purchase.

Kerr said St. Denis sent an email out this afternoon I didn't understand. St. Denis replied DRB has asked staff for Thursday meeting to talk about a list of topics. I talked with Sokolowski and the approach is to take information. Some has to do with public meeting laws and we'll need attorney to weigh in on it and some will be council decisions and will come back to you. We will go and listen. Kerr asked will Bill be at the meeting, St. Denis replied I don't know. I'd rather collect information then involve Bill and the council. Hayes added this will be good to get the information before the retreat.

ADJORNMENT

The meeting was adjourned at 7:34 p.m.

ATTEST:

Jennifer Barrett, Recorder

Barb Knop, Mayor