

**Minutes of the
CANNON BEACH PLANNING COMMISSION**
Thursday, February 15, 2024

Present: Chair Clay Newton Commissioners Erik Ostrander, Mike Bates, Dorian Farrow and Anna Moritz attended in person. Les Sinclair attended via Zoom.

Excused: Commissioner Matusick

Staff: Director of Community Development Steve Sokolowski, City Planner Robert St. Clair, and Administrative Assistant Tessa Pfund

CALL TO ORDER

Chair Newton called the meeting to order at 6:01 p.m.

Approval of Agenda

Motion: Commissioner Moritz moved to approve the agenda as presented; Commissioner Ostrander seconded the motion.

Vote: Chair Newton, Commissioners Ostrander, Bates, Sinclair, and Moritz voted AYE; the motion passed.

PUBLIC COMMENT

Chair Newton introduced the new procedural step for public comment and added that we ask public comments be limited to three minutes and all interested parties raise their hand to be acknowledged by the Chair who would then invite them up to the podium.

Anita Dueber, PO Box 694

Addressed the spruce reserve and removal of trees, particularly an application from the city that was approved. She was seeking insight on the guidelines that will be used. She also posed questions relating to the sign ordinance, and if the Planning Commission will change the language within that ordinance, regarding the DRB's consideration.

Chair Newton closed the public comment and moved to the work session item.

Work Session ITEMS

Chair Newton invited McInelly of Urbswork to speak on the matter at hand. She made it clear that her goal was to move through administrative procedures by procedure and how they appear in the code reorganization. Marcy McInelly asked if anyone had questions, and then offered to move the presentation over to Keith Liden. Liden directed the commission's attention to the packet. Article II was highlighted, pointing out that they tried to make sure most of the procedures were the same. He made note of strike throughs and additions to the text and addressed portions that he recommended

be updated. For example, the time restrictions on pre-app meetings or the completion of applications. He referred to questions and comments submitted by Moritz that are included in the packet as exhibit A-4.

Liden asked if the commission would like to ask questions or talk through the table. Moritz asked to hear more relating to how often the code doesn't define who has the decision-making authority for approval. Liden provided an example with home occupations, where it addresses the criteria but doesn't say who is responsible for making the decisions. It says the planning director can revoke a permit but doesn't say who is responsible for it. He mentioned there were several instances like this. He also noted that conditional uses don't completely align with the conditions listed in the conditional use section. This guided to the line of questioning to how these items line up.

Newton reminded the commission that they had enough concern during their last meeting with the number of changes to the reorg, that they scheduled this work session. Chair Newton invited the commissioners to address any questions that have arisen since their last meeting. Liden mentioned they have kept track of changes on a spreadsheet, that he can utilize should the commissioners have questions on what was changed and when.

Bates posed a few questions relating to chapter 17.14.020 Type I procedures, paragraph C. Bates read the text, and conversation ensued as to how these open-ended code directions should be interpreted. Specifically, if changes happen to items that were approved in one way but were executed in another (non-reviewed or approved) way. Moritz asked Sokolowski if knew how they should proceed if such situations occurred. Sokolowski mentioned that for the DRB there are major and minor items for consideration. Significant changes must be brought to the board. Moritz mentioned that the devil is in the details, who determines what is "significant". St. Clair provided some clarifications on the matter, and then provided examples for definitions relating to "major" and "minor" applications, and so on. Bates shared that he doesn't want to lean on examples, and then posed additional questions. Bates asked what a tree permit is considered, St. Clair said it is a Type 2 permit. Bates commented that there is so much ambiguity here. Sokolowski said that type 3 items would go to DRB and PC. Type 1s are typically administrative decisions. Conversation ensued relating to the Type I, II, and III permits, and the determining factor of significance of impact. Bates commented that there is a problem and doesn't want to haggle over this right now. Newton mentioned that he would like to continue this conversation as it is inviting new thoughts. Chair Newton invited Jan to come forward to share.

Jan Siebert Warhmond, Po Box 787

Jan felt these changes were more important than she had expected and is in favor of tabling items for later. She provided an example of an occurrence where a new pot shop in the downtown area submitted a new landscape plan that caused a tree to be cut down. She was told that the Chair of the DRB was given permission from the staff to make minor changes, but this was a large shore pine and people were outraged. She wants the commission to make sure we have clear objectives and rules. If we change rules on who can appeal items, that is huge. We need to take more time for this. She cares for this community and wants the public to have knowledge of what is going on.

Chair Newton thanked her for her comments. Jan spoke from the gallery to highlight the loss of the tree was not minor. Sinclair said that our job tonight is to determine if this best reflects the current code, not the changes we would like to make, and if we can recommend this rewrite to city council. To his knowledge this isn't necessarily what they want but it is what they are supposed to produce.

Mortiz agreed with Sinclair, and then shared some of her personal concerns. Some concerns related to the fact that when these items are written down and formalized, they are less likely to change in the future. Farrow said there's a missing piece for him, the code audit is being worked on primarily for the city staff. He doesn't have a good grasp on these road maps, and asked if the city staff's road maps are the same as the commissions' road maps. Just because it's the best thing for city staff, doesn't mean it's the best thing for the city. He is uncomfortable asserting what he as a citizen may want, and how it might be out of alignment with what other citizens may want, and/or city staff and commissioners. What do we want for our city? He doesn't feel that we are ready to recommend this work and feels obligated to voice that.

Chair Newton shared that even this commission is constantly being corrected and beat up on decisions. Farrow felt the Planning Commission was being marginalized, as are the other committees. When he read this the first time, he felt this was a nail in the coffin for the ability of the Planning Commission to be able to do something proactive for the city. This has been a struggle to grapple with. He didn't want to point fingers but wanted to voice his feelings. Chair Newton began to mention that this is the staff's job. Farrow interjected by sharing that as an executive director of a business, their committee had an equal say to him, and he could not make a decision without their approval. For Cannon Beach, it may be the staff's job, but it is our city too and they should have an equal say and decision-making authority as city staff.

Moritz commented that what she read is pretty accurate to what their job description has been and thinks we will continue to be here and this captured what their purview has been. From what she read, this code does reflect the committee's job description. Farrow asked if Moritz felt the commission's current purview was enough. She recognized they have a limited scope and has accepted that. Conversation followed as to how the commission felt about Article II. Bates said he cannot recommend it. Moritz said if they cannot recommend this then they should walk away with a to-do list.

Ostrander asked if moving forward changes would need to be re-noticed to the public, as it seems they will do more than reorganization of the code. Moritz expressed concern here, saying she doesn't know how to put the rest of the code into place if we don't name the procedures. We must come to a workable article II before we can recommend the rest. Moritz addressed Urbsworks, and asked how they would feel working their feedback in. Liden said that would be fine, and provided information on what will need to be worked on in response to their corrections.

Chair Newton shared they've had several projects appear before the committee that did not result in what they approved, which has left the commission feeling a little jaded. Liden and McNelly responded to that. McNelly shared that this work session was set up specifically to work on those sections that they weren't comfortable with and wanted to know how extensive these edits needed to be many for everyone to be comfortable with the procedures. She followed up by asking how many changes they thought there would be. Conversation followed. Bates offered to write up an email of what he would like to see changed. Moritz offered up points that she would like to see addressed in the code, specifically a process by which citizens could request to be noticed for applications on any specified lot. She provided an account of a previous situation for reference. This would be for any application, on a particular lot, going through the planning department. Sokolowski highlighted concerns with this, namely the city doesn't have the manpower to provide that service, but we do list such notification on the City website for all applications. This information is accessible to everyone online. Conversation ensued. St. Clair shared where, how,

and when type 1, 2, &3 permit notices are shared. Sokolowski shared what works fall under the Planning Department versus the Public Works Department.

McInelly and Liden offered to continue the conversation when the commission was ready. Newton asked the commission what they could work with today. Moritz shared a method to approach the code review for the commission. Sinclair asked if we are trying to improve our code or just match the code? He believes the items discussed were important, but were those changes for us to make tonight or are they the next step of the process? McInelly responded by saying those were the next phase of the code audit, but we could address and fix that now. McInelly shared their goal was to adopt a policy neutral code, however many of procedures are not described. They are trying to do that so the process can move forward. Liden mentioned they didn't have text to rely on, so they've had to type it up. As for the rest of the code, most of them are nearly identical. Sokolowski shared that in the last session he misspoke and said the code was nearly the same, and they were correct, there are more changes here than he realized. The goal here was to address those changes and then bring them to council. This is the first step in talking through those procedures, but now it appears we may need more sessions to review what we have. Conversation ensued. Commissioner Moritz posed questions that furthered conversation relating to the defining for the type 1,2, and 3 permits and decision making/appeals. Liden shared that generally city staff will be more conservative when it comes to making these calls.

Newton posed troubleshooting questions relating to the discretion of the staff decision making. Namely, providing an option for the staff (when overrun with projects to review) to make a conservative call and send applications to the committee. Sokolowski said this would need to be in writing if it's what the commission wants. Farrow asked St. Clair if that would handcuff him from doing his job. St. Clair said yes it would impact him. Farrow wanted to know what this grey area would be that would make the staff second guess itself to make a decision. Farrow wanted this to be clearer as this could be stressful to staff. Conversation followed. Sinclair commended the staff, but said his real concern was with the major and minor definitions.

Sokolowski said we will still go through the code section by section for a full review. Moritz pointed out that this process will be long term and likely take a year. Sokolowski reminded the committee that they aren't making decisions tonight and they have time to make tweaks to the code before they make a recommendation to council.

Ostrander asked if we'd made enough recommendations for a new draft at the next meeting. Conversation followed. The committee wanted to continue this as a hearing item for discussion. Liden mentioned that it won't be much of a rewrite, so much as making distinct changes that they can share with the commission at the next session. McInelly asked Liden clarifying questions.

Ostrander asked where we landed for notices. Conversation ensued. Sinclair mentioned creating a list of items the commission has talked through to bring to the council's attention. St. Clair reminded the committee that this is a policy neutral adoption of the code, and must fall under that rule, or reenter a new proposal for the directed coverage.

Chair Newton asked if there were other items the group wanted to address. Sinclair asked if the committee wanted to change the use of the word "manager" to a more specific person. Liden responded.

Chair Newton asked if our DRB focus on commercial construction is typical for other cities. He followed up by asking what the typical scope is for a Design Review Board. McInelly shared that post house bill 2001 that housing is not subject to discretionary or design review. Liden provided additional information on how larger cities utilize their Planning Commissions and Design Review Boards.

Sokolowski reminded the commission that they have a meeting next Thursday on the wetland review. Conversation followed.

INFORMATIONAL ITEMS

Good of the Order

Chair Newton asked if the commission had items to share. Bates addressed a concern Anita Dueber shared regarding three trees that will be cut in the reserve. Bates wanted to know how we were addressing the tree code. Bates described the trees, and with respect to public works, wants to know why the trees are being cut. Conversation followed.

No further comments were shared. Chair Newton adjourned the meeting.

ADJOURNMENT

The meeting adjourned at 7:50 pm.

Tessa Pfund, Administrative Assistant