

**DRAFT Minutes of the
CANNON BEACH PLANNING COMMISSION
Thursday February 22, 2024**

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

Excused: Dorian Farrow

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

CALL TO ORDER

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

ACTION ITEMS

(1) Approval of Agenda

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

Vote: Chair Clay Newton, Commissioners Erik Ostrander, Mike Bates, Les Sinclair, Anna Moritz and Aaron Matusick voted AYE; the motion passed

(2) Consideration of the Minutes for the Planning Commission Meeting of January 18, 2024

There was nothing to add or correct regarding the minutes.

Motion: Commissioner Bates moved to approve the minutes; Commissioner Moritz seconded.

Vote: Chair Clay Newton Commissioners Erik Ostrander, Mike Bates, Les Sinclair, Anna Moritz, and Aaron Matusick voted AYE; the motion passed

Chair Newton opened the floor for public comment. There were no public comments.

Chair Newton opened the floor for the *Continuation of the hearing for ZO 23-02, The City of Cannon Beach request Zoning Ordinance text amendments.*

ZO 23-02, City of Cannon Beach request for Zoning Ordinance text amendments to Chapter 17.43 Wetland Overlay Zone. The zoning text amendment request will be reviewed against the criteria of the Municipal Code, Section 17.86.070(A), Amendments Criteria and the Statewide Planning Goals. The initial evidentiary hearing for this application took place on October 26, 2023.

No one objected to the jurisdiction of the Planning Commission hearing this matter at this time. Chair Newton asked if any Commissioner had any conflict of interest. There were none. Chair Newton asked if any Commissioner had personal bias to declare. There were none.

Sokolowski read the staff report, highlighting that the evidentiary hearing for this application took place in October of 2023. This time is an opportunity for interested parties to have their voices heard. Once the Planning Commission makes a recommendation this will be heard before the City Council.

Chair Newton called for public testimony, and established the requirements and expectations for those who want to make a public testimony.

Lisa Kerr PO Box 94

Appeared as a citizen of Cannon Beach, and someone who has worked with a group that formulated this ordinance and passed it off to Urbswork. The expansion of the buffer from 5'-50' sounds dramatic, but the opposite is true. It is on the low end for what is seen by other jurisdictions. This is conservative. It sounds like a major change only because our previous one was worthless.

Suzy Logan, PO Box 464

The process of notification for this hearing was found alarming and insufficient by Ms. Logan. She only learned of this meeting because she saw it on 2/8/2024 but saw that it was noticed as 1/31/2024. She knew of no one who received an email notice. She questioned the legality of the public hearing. She listed her concerns. She highlighted that this was undertaken by local citizens. She asked if anyone questioned their intentions? Why would the city allow them, nonprofessionals, to lead this project?

Carmen Swiggart

Expressed concern for her property and business and wanted to echo what the previous speaker said. It is bothersome the way the city has handled this situation.

Scott Robertson, representing local property owners, PO Box 836

Mr. Robertson is working on a building permit just off Ecola Park Rd. and could be impacted by this change. All engineering and pilings have been done for some time. His client purchased this in March of 2023, and hopes to build on this existing foundation. He has engaged with City staff, engineers, and wetlands experts. It is his understanding that the existing rules may change here, and the permission that was obtained in the past might not be available if this passes.

Jan Siebert-Wahrmund, PO Box 778

Believes that the intention of the group that came together only have the highest and best intentions. She is very grateful for the time and energy they've put into this. She hopes people understand that she believes that this was put together to help our community and wetlands.

Mirth Walker, 4910 SW Richardson Dr. Portland, OR 972309

Appeared by Zoom. Ms. Walker is a property owner in Cannon Beach with 34 years' experience working with wetland science. She submitted suggestions on the proposed plan (her suggestions appear on the Planning Commission page for the 2-22-2024 meeting). She fully supports increasing the wetland buffer from 5' to 50'. She is happy to help in any capacity that she can.

Chair Newton asked if anyone else would like to share. No one answered. He moved forward for the commission to deliberate.

Chair Newton asked McInelly and Liden if they had a chance to review Ms. Walker's proposed amendments. Liden offered positive feedback relating to her suggestions. Conversation followed.

A desire was expressed to establish a clear path for the review of residential development. Square footage of homes, parking and walking spaces were discussed. Items that would impact the location, like the walking paths and utilities, were also discussed. Commissioner Moritz unpacked the utilization of square footage limitations. Questions were posed regarding if a property owner planned to build on a lot that might encroach on a buffer zone. Liden offered options for conflicting terminology. Commissioner Moritz commented that this would need to be made clear regarding buffer averaging. Clear up questions were asked.

Bates asked clarifying questions for the wetland lots of records. Liden answered that it is in reference to what size of dwelling you can have on such a property. The idea works in a similar way, but currently there's roughly a 2500 square feet limit total, and this would move it to 1000 square feet for the home and 400 square feet for the driveway. Bates continued to pose clarifying questions to Liden.

Moritz asked if conditional permit for reasonable use for those with a property that has a problematic buffer zone. Kabeiseman said that should someone disagree with the limitation of 1000 square feet, and it goes to court, it is inevitably an inquiry a federal court will make regardless of what we've determined. Conversation followed.

Newton asked for Moritz opinion regarding Ms. Walker's suggestion. Moritz said that most of them are simple adjustments, but a lot of it does mirror what we've been hearing from the state.

Bates clarified where we are on this current draft and its edits. McInelly confirmed his assessment. Newton asked to summarize what will happen publicly if we approve this motion. Sokolowski said there's a specific notice sent. Initial actions are heard as an evidentiary hearing before the Planning Commission which we did, they bring it back for correction, then they make a recommendation to council should they so choose. Next, the council would send a notice for their initial hearing. Sokolowski then provided a brief history of how this item has been noticed to the public. Notices included listings on the city website, email blasts to those who subscribe on the city's website for the Planning Commission emails, local post offices, a 400+ mailing in October of 2023, and the legal 20-days notices in the Daily Astorian. Then, seven days before the meeting another email blast is sent to those who subscribe to announce that the agenda and packet were available. Conversation followed.

Ostrander wanted to address the inaccuracies of the city's GIS mapping noted by three public commenters. Moritz commented that this item is not related to the mapping, it's related to wetlands. She provided additional clarification and information.

Matusick supported the wetland scientist's comments.
Bates said he was ready to go with the changes that were incorporated.

Bates made a motion to approve the item with the changes discussed. Moritz seconded.

Chair Newton asked if there were questions before they voted. Liden asked to review and unpack the six adjustments the committee asked him to make.

Ostrander asked if it would be better for them to see the final changes before commending this document? Newton suggested a tentative approval. Moritz asked how long it would take to update the document. Liden said they could do it right away. It's just a matter of changing a few words.

Bates made a motion for a tentative approval subject to the modifications outlined by Liden, and then asked for potential dates. The commission agreed they want to meet before their next scheduled meeting. The commission selected to meet on March 7, 2024, at 2pm.

Motion: Commissioner Bates moved for a tentative approval of the document subject to the outlined modifications to be reviewed on March 7, 2024, at 2pm. Commissioner Moritz seconded.

Vote: Chair Clay Newton Commissioners Erik Ostrander, Mike Bates, Les Sinclair, Anna Moritz, and Aaron Matusick voted AYE; the motion passed

INFORMATIONAL ITEMS

(4) Tree Report

St. Clair reviewed the tree report for January. One of the trees shown in the report is a Right of Way Tree. All four trees must be replaced.

(5) Good for the Order

No comments.

(6) ADJOURNMENT

The meeting adjourned at 7:14 pm.

Administrative Assistant, Tessa Pfund