

Minutes of the
CANNON BEACH CITY COUNCIL
SPECIAL MEETING AND WORK SESSION
Tuesday, March 12, 2024
Council Chambers

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

Excused: Gary Hayes

Staff: City Manager Bruce St. Denis, IT Director Rusty Barrett, Recorder Jennifer Barrett, Chief of Police Jason Schermerhorn and Public Works Director Karen La Bonte

Other: Legal Counsel Carrie Richter

CALL TO ORDER AND APPROVAL OF AGENDA

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

Motion: Ogilvie moved to approve the agenda as amended; Kerr seconded the motion.

Vote: McCarthy, Ogilvie, Kerr and Knop voted AYE: the vote was 4:0 and the motion carried. The agenda was approved.

Knop asked for moment of silence for dave rouse who passed away yesterday.

PUBLIC COMMENT

Knop called for public comment, adding we are following our new policy and rules, remember to be kind and respectful and under 3 minutes.

There was none.

INTRODUCTION

(1) Introduction and Swear in of Keaton Walde

Schermerhorn introduced the new Police Officer, giving an overview of his resume. Walde read the Oath of Office, Mayor Knop swore in Officer Walde.

PUBLIC HEARING

(2) Public Hearing for Landscape Review of the Rejuvenation of the Cannon Beach Elementary School Project and Ne'Cus Park

Knop stated this is a hearing to consider revision to the landscape plan for the Rejuvenation of the Cannon Beach Elementary School Project and Ne'Cus Park.

The appeal will be reviewed against the conditions listed in the adopted Findings of Fact and Conclusion of Law for APP 23-07 and for compliance with the landscape design evaluation criteria set forth in Cannon Beach Municipal Code 17.14.100.

During a work session on February 20th, the Council reviewed the same revised landscape plan that is before the

Council tonight for consideration. The presentation and Council's discussion of this matter on February 20 was limited to project scheduling as well as fiscal impacts and did not include any consideration of whether the revisions satisfied the Landscape Design Evaluation Criteria set forth in CBMC 17.44.100. Although it is not relevant, the City will include a copy of the recording of the February 20th work session in the record for this proceeding. If any councilor has concerns about their ability to set aside any considerations for this project that are not related to the question of compliance with the design review criteria on issue for tonight's consideration, now would be the time to raise those concerns.

Knop opened the public hearing.

Knop asked does anyone object to the jurisdiction of the City Council to hear this appeal at this time? Does any Councilor believe he or she has a personal bias to declare? Does any Councilor believe he or she has a conflict of interest? In addition to the February 20 work session, has any Councilor had any ex parte contacts or made a site visit? Site visits were declared.

Knop asked is there any additional correspondence?
There was none.

Knop requested the staff report.
St. Denis read the staff report.

Knop stated the pertinent criteria to be considered by the City Council are identified in the staff reports; Testimony, arguments and evidence must be directed toward those criteria or other criteria in the Comprehensive Plan or Municipal Code which the person testifying believes to apply to the decision; Failure to raise an issue accompanied by statements or evidence sufficient to afford the decision maker and the parties an opportunity to respond to the issue precludes appeal based on that issue. In addition, failure of the applicant to raise constitutional or other issues related to proposed conditions of approval will preclude an action for damages in circuit court; Persons who testify shall first receive recognition from the Mayor, state their full name and mailing address, and if appearing in a representative capacity, identify whom they represent.

Knop asked is there a presentation by the applicant?

St. Denis introduced CIDA Architect Dustin Johnson. Johnson congratulated Officer Walde. Johnson noted Joyce Jackson is online and will speak to the planting. Johnson presented the landscaping plan, noting these are the same plans from February. Johnson noted the green on the plants are all native grass as opposed to the manicured non-native grass that you see in NeCus' park. Johnson noted the accessibility portions, adding the green trees are shore pines. Johnson gave an overview of the story circle. Johnson noted the gray paths are compacted gravel, which has some upkeep to it, but that can be compacted in a way to be ADA compliant, which will give people access to the components.

Joyce Jackson Landscape Architect, reviewed the plants in the plan, noting there are a few plants that are not native to the Pacific Northwest but have been adapted to the area and are surviving quite well. Jackson asked if there were any questions? Council did not have any.

Knop asked are there presentations by proponents?

Jan Siebert-Wahrmund PO Box 778. Siebert-Wahrmund said this design is simpler and she would even be happy with it even being simpler, adding it is an improvement and the elk may help with simplifying it in the future. Siebert-Wahrmund is grateful to think they are not cutting any more trees, the cherry trees are coming down and she is sad, but understand why. Siebert-Wahrmund thanked them for the shore pines being planted adding it will be beautiful and will do well. Siebert-Wahrmund thanked for the SE plaza, the less hard space, asking for more greenery if possible, as it is more welcoming. On riparian area on creek by bridge is a large Laurel she asked for consideration to leave the is possible. Siebert-Wahrmund noted she saved it one time 10 years ago and hope to save

it again.

Knop asked are there presentations by opponents?

There was one.

Knop asked would the applicant like to provide any rebuttal to the testimony in opposition?

There was none.

Knop asked is there a staff response?

No response.

Knop asked does the Council have any further questions for any of the participants in this proceeding?

McCarthy noted she is interested in Siebert-Wahrmund suggestion for more greenery in the SE Plaza, asking if there was a reason there was not more. Johnson replied they always considered the SE Plaza to be a space that accessed the NeCus' site. Johnson added when people walk by it, they see people congregate. Johnson feels it could accommodate more greenery. McCarthy said more greenery would be nice.

In response to McCarthy's question where the trail meets hardscape in the back is it at grade or is there a lip to it, is there a step to the hardscape, Johnson replied the intent to be at grade, however with the materials it will need to be maintained. In response to McCarthy's question are all pavers' blocks, can they be tripped on, Johnson replied with the system used for creating the critical subbase layer before the leveling sand, noting the steps taken, it's nearly as hard as concrete and when pavers are in place there is nothing in this climate to cause those to move. Johnson added outside the coast there is the to worry about freeze thaw, but here with a strong subbase they should see very little over the decades.

In response to Kerr's question what about the Laurel Siebert-Wahrmund spoke about, Jackson replied she does not have a problem keeping the Laurel, adding she was trying to keep everything native and a tree in that corner. Jackson added if this is something of concern she can keep it as it is mature and holding a lot of soil in place, it wouldn't hurt to keep other than the fact that it's not native and broken our native rule, it could possibility in the right-of-way.

Knop added the tree has been there so long it's native. Jackson replied we can call it adaptive native adding there is a fair amount of ground cover, and the cover south of existing tree is low ground cover and is in an area we are trying to have murals. Jackson added other low shrubs can be added, noting the height of the ground cover. Jackson added if looking for the concrete to go away, a good area is east of the pull off, adding it would need to be low to maintain accessibility. Jackson is not sure if she could add an additional tree closer to the intersection, adding she would need to investigate if that would be a problem with a view of the intersection.

In response to Knop's question do you foresee issues with moving the basalt fixture, Johnson replied there are no issues with physically moving it and from the tribal perspective they'd prefer it to be in area where it forces people to see it and learn about it.

In response to Knop's question how big is open are pavilion, Johnson replied 12ft by 24ft adding in previous scheme it was quite a bit larger. A discussion ensued regarding the height of the circle and the visibility.

Knop closed the public hearing.

Kerr feels this is and likes the improvements, changes, and is happy the tribe was a part of the decision, and that they are in favor of the design. Knop agreed.

Motion: Ogilvie moved to approve the Landscape Plan for the Rejuvenation of the Cannon Beach

Elementary School Project and Ne'Cus Park with the noted changes made this evening, with extra greenery and saving the laurel tree, McCarthy seconded.

Vote: McCarthy, Ogilvie, Kerr and Knop voted AYE: the vote was 4:0 and the motion passed unanimously.

Knop thanked Johnson and Jackson.

ACTION ITEMS

- (3) **Consideration of the Minutes of the**
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| February 6 | Council Meeting |
| February 7 | Council Work Session TSP & Parking |
| February 13 | Council Work Session/Special Meeting |
| February 20 | Council Work Session/Special Meeting |
| February 28 | Work Session CH/PD |
| February 29 | Work Session Code Rewrite |

J Barrett noted an error on the date for February 28th minutes, adding it has been revised.

Motion: Ogilvie moved to approve the minutes of February 6 as amended, 7, 13 as amended, 20, 28 as amended & 29; McCarthy seconded.

Vote: McCarthy, Ogilvie, Kerr and Knop voted AYE: the vote was 4:0 and the motion passed unanimously.

CLOSE SPECIAL MEETING AND OPEN WORK SESSION

DISCUSSIONS

(4) **Annual Review of SDC's as Recommended by Adopted Methodology**

La Bonte read the staff report. La Bonte noted when Doug Gabbard from FCS did the presentation last year there was a lot of data and several models looked at. La Bonte added as a reminder SDC's are only for new construction.

Kerr noted Council received a letter about the parks SDC's from Randy Neal, and didn't see how NeCus' is for people who live here now and in the future as it is not just for tourist. Kerr added she didn't see how that would make sense to take the parks portion out. La Bonte added she sent the questions to Doug at FCS to give his opinion to share with you, wanted to see his interpretation on Randy's input. La Bonte will follow up and give Council the information. La Bonte noted we do not need to make decision tonight, this will go to the next meeting. McCarthy asked La Bonte to send Randy a note to let him know his letter was forwarded to the consultant. Knopp agreed it was a good idea to hear from expert. Kerr added she thinks we should raise the SDC by the inflationary index listed. Ogilvie agreed. La Bonte will bring the Resolution to the April 2nd meeting along with Doug's answer to Randy's question.

(5) **Good of the Order**

Kerr noted in the minutes twice she asked for an update on Mr. Sellers. St. Denis replied he will follow up adding it's become more complicated as it is a dispute between two neighbors.

Ogilvie noted the next meeting is an executive session on March 19th at 4:30 pm, then Council meeting at 6pm.

Knop noted she met with Ashley Driscoll and they are working on code of conduct for committee, commissions and council, and will be presented to everyone to make sure what we do reflects the good values in Cannon Beach.

Knop noted Senator Wyden will be in Astoria at 1pm on Sunday at Astoria High school for a town meeting.

Knop noted Saturday March 16th trail cleaning.

McCarthy noted Coffee with Councilors on Monday at 10 am.

Kerr asked if the code of conduct is conduct during meeting or carrying on duties as a commissioner or code while you are not carrying on your duties and not acting as role. Knop replied the majority is while they are at a meeting or acting on behalf, but there will be a little on acting outside of, a discussion ensued. McCarthy added Council had a discussion are we are now carrying on with what we discussed. In response to Kerr's question is Council having a meeting with people involved with sticker, Knop replied Ashley Driscoll suggestion was for her and the Council President meet with them individually.

Ogilvie noted the next regional task force housing meeting is on the 27th at the Bob Chisholm Community Center. Ogilvie will forward the information to all Councilors. Kerr added it is a small room and there is an option for Zoom.

ADJORNMENT

The meeting was adjourned at 7:18 p.m.

ATTEST:

Jennifer Barrett, Recorder

Barb Knop, Mayor