

Chairperson Cary T. Johnson called the February 10, 2009, Clatsop County Planning Commission meeting to order at 10:00 a.m. Planning Commissioners (PC) present: Mike Autio, Christine Bridgens, Marcia Harper-Vellutini, Cary T. Johnson, Brian Pogue, and Clarke W. Powers.

Staff present: Blair Henningsgaard, County Counsel; Ed Wegner, Director; Will Caplinger, Development Services Manager; and Jennifer Bunch, Planner, Transportation and Development Services.

Introductions

Director Ed Wegner introduced Will Caplinger, the county's new Development Services Manager, who began work February 2, 2009.

Mr. Wegner also distributed packets, entitled "Climate Ready Communities – A Strategy for Adapting to Impacts of Climate Change on the Oregon Coast," from the Oregon Department of Land Conservation and Development to planning commissioners. (A copy is attached to the original minutes.)

Business from the Public

No one asked to speak.

Minutes

Brian Pogue moved and Marcia Harper-Vellutini seconded to approve the minutes [of December 9, 2008]. Motion approved unanimously.

Public Hearings

Request by Mark Barnes on Behalf of James Smejkal for Zone Change on 17.57 Acres East of Arcadia Wayside, Continued from January 13, 2009

Chairperson Johnson announced the hearing would be continued an additional 30 days, at the applicant's request, and the commission would keep the record open during that time and take public testimony today.

Planner Jennifer Bunch distributed additional comments received since the planning commission packets had been mailed. She said the comments would be posted on the county Web site later in the day.

Kevin Widener, P.O. Box 735, Tolovana Park, spoke first, expressing concerns about water rights in the area. He described his own experience of trying to obtain water in the area, noting that clearing the land makes way for invasive species and would disturb the threatened marbled murrelets. For all the work, he added, the applicant might destroy the land and not get anything (water) out of it.

1 Sharon Amber, P.O. Box 101, Cannon Beach, stated she was concerned about the
2 environmental impacts and financial impacts on Cannon Beach. The parks are necessary to
3 keep people coming, she said, and she called on the applicant, Mr. Smejkal, to create a wildlife
4 preserve on the property, as he had done with property he owns in Eastern Oregon.
5

6 Lori Lilly, 3204 Grand Avenue, Astoria, stated she is the coordinator for the local watershed
7 councils, two of which have submitted letters to the planning commission recommending denial
8 of this application for a variety of reasons, including conflicts of the rezoning with state and
9 county land use regulations and concern about setting a precedent that values development
10 over preservation of ecosystems. She added she was appalled at the decision by the parks
11 department to trade, and she asked the planning commission to uphold the Comprehensive
12 Plan.
13

14 James D. Brown, 610 SW Alder Street, Suite 910, Portland, introduced himself as a land use
15 attorney representing John Miner and Michael Tembreull, who own property neighboring the
16 applicant's. Mr. Brown stated he had submitted written comments already and added these
17 comments today: The Oregon Department of Land Conservation and Development, the state
18 agency with the particular expertise for implementing and interpreting state laws, has reviewed
19 this application and found it to be inconsistent with state law. In addition, he continued, Clatsop
20 County's planning staff have reviewed the application and found it to be inconsistent with county
21 law and state land use laws; and the Oregon Department of Forestry and the Oregon
22 Department of Fish and Wildlife oppose the application because of impacts to the marbled
23 murrelet and inconsistency with forestry operations. Mr. Brown stated his written comments on
24 behalf of his clients include grounds for denial of the application, including inconsistency with
25 numerous state and county criteria. Mr. Brown concluded by saying both state law and the
26 county's Comprehensive Plan envision specific use of the property as forest land and said the
27 applicant seeks an exception to Goal 14 but doesn't address the criteria for a goal exception.
28

29 John Feuz, 81076 Arcadia Road, spoke against the application in general terms, criticizing the
30 parks department's decision to swap the property and saying he found the deal unacceptable.
31 He cited water rights, logging and landslides among the reasons the property should not be
32 developed and said he would like to see the state re-acquire the property.
33

34 Kathy Bacon, P.O. Box 617, Cannon Beach, commented there are only four miles between
35 Cannon Beach and Arcadia/Arch Cape, and she saw no need for homes between those two
36 residential communities. This isn't California, she said, "That's why we love it."
37

38 Brian Parnell, 5100 SW 324th, Federal Way, Washington, said he owns a house immediately
39 south of the subject property and was concerned about water. He didn't see justification for
40 approval of the application and saw no need for additional housing in the area.
41

42 Bill Campbell, P.O. Box 843, Manzanita, requested continuation for obtaining comment. He
43 referred to soil classifications that would cause septic systems to function poorly and issues with
44 slopes. In addition, he took issue with the staff finding that the application satisfied the
45 economic goal, saying it was insufficient and noting the economy of the area is based on
46 tourism.
47

48 Jerome Arnold spoke again, emphasizing the importance of the previous person's (Bill
49 Campbell) remarks. He asked the planning commission to not change the zoning and to ask
50 the parks department to re-purchase the land. He saw potential for a small campground and
51 said the land would be more valuable if returned to the parks system.
52

53 Sharon Amber spoke again, saying there is a glut of unsold houses in Cannon Beach.
54

1 No one else asked to speak.

2
3 Chairperson Johnson announced the hearing would be continued to March 10, 2009, at 10:00
4 a.m. in Room 430 of the 800 Exchange Building.

5
6 Chairperson Johnson recessed the meeting at 10:37 a.m. and reconvened at 10:57 a.m.

7
8 **Request by Judy McIntyre for a Conditional Use Permit to Expand Mini Storage**
9 **Operations in Knappa**

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11 Chairperson Johnson introduced the item, a request by Judy McIntyre for a conditional use
12 permit to expand a mini storage operation on property located in the Rural Community
13 Commercial – Light Industrial Zone in Knappa.

14
15 There were no conflicts of interest or objections to the jurisdiction of the planning commission to
16 hear the matter. PC Autio reported an *ex parte* contact, saying he had known the applicant
17 most of his life and had gone to school with her daughter.

18
19 Ms. Bunch provided the staff report on behalf of Planner Michael Weston II, who was unable to
20 attend today's hearing. She reported staff recommends approval with proposed conditions,
21 which she read from page 12 of the report.

22
23 Chairperson Johnson opened public testimony. No one wished to speak.

24
25 In response to a question from PC Autio, Ms. Bunch said proposed condition 6, regarding
26 review of the use in the event of a complaint by neighbors, is a standard condition to all such
27 applications.

28
29 PC Autio asked Ms. McIntyre about road maintenance on Kylester Road. She explained the
30 heavy trucks affect the road, but Mr. Wilcox has been receptive to fixing problems caused by his
31 firm's trucks. Ms. Bunch explained the development permit would require some checks and
32 balances on road access.

33
34 Chairperson Johnson closed public testimony. In response to a question from PC Pogue, Ms.
35 McIntyre said she agreed with the conditions proposed.

36
37 **PC Pogue moved and PC Bridgens seconded to conditionally approve the**
38 **applicant's request, contingent upon the satisfactory compliance with the**
39 **conditions, noted by (staff). Motion approved unanimously.**

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41 **Adjournment**

42
43 Chairperson Johnson adjourned the meeting at 11:06 a.m.

44
45 Respectfully submitted,

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48
49 _____
50 Cary T. Johnson
51 Chairperson, Planning Commission
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