

Chairperson Cary T. Johnson called the March 10, 2009, Clatsop County Planning Commission meeting to order at 1:00 p.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; Mike Weston, Planner; Jennifer Bunch, Planner; and Patricia Getchell, Recording Secretary, Transportation and Development Services.

Business from the Public

No one asked to speak.

Minutes

PC Autio moved and PC Bridgens seconded to approve the minutes [of January 13, 2009] and the amended minutes [of February 10, 2009]. 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 February 10, 2009

Planner Mike Weston added to the record Ordinance #03-11 Comprehensive Plan, Section 2, Exception to Goal 14-Urbanization ARCADIA BEACH AREA. Planner Jennifer Bunch distributed the document.

Chairperson Johnson announced the hearing was still open for public testimony.

Mark Barnes, P.O. Box 569, Astoria, spoke on behalf of the applicant. He said there had been a great deal of testimony opposing the rezone of this property, and a number of people have commented they would be interested in obtaining the property. Mr. Barnes continued, saying the applicant's attorney is talking with some of those people regarding purchasing the property, and because of this the applicant is asking to continue the hearing. He added there is no new evidence to submit at this time, and the applicant is requesting a "reasons" exception, not a "built" or "committed" exception to Goal 14.

PC Pogue questioned staff's recommendation to avoid the goal exceptions and to consider the AF zoning and asked if this would leave the door open for lot sites. Mr. Barnes responded the applicant considered this and is reviewing potential Lots of Records and AF Zoning with Ms. Bunch. If there is a possibility of more lots through the Lot of Record process, the re-zone may be set aside; more research is needed. Mr. Weston explained the planning commission could consider the AF zoning and deny the current application or address them at the same time. No new notifications would be necessary, he explained, because the original notification was for a larger scale development. He added the planning commission could deny the goal exceptions and ordinance zone change to AF at the same hearing.

1 In response to questions, Mr. Weston explained there is no time limit for Type IV legislative
2 hearings. In response to a question from Chairperson Johnson, Mr. Barnes suggested a month-
3 to-month continuance with progress updates, saying if the hearing is continued to a time and
4 date certain, no re-notice is required.

5
6 Gus Gates, 3225 31st St., Florence, Oregon Policy Coordinator for the Surfrider Foundation,
7 asked the planning commission to consider the impacts of the proposed zone change on the
8 recreational area. Mr. Gates listed among his concerns impacts that are not immediately
9 apparent, such as degradation of water quality, wild life habitats, and traffic congestion. Direct
10 ocean access is important for tourism and aesthetics, he said, adding buildings with septic
11 systems on steep slopes are unacceptable. He listed agencies expressing concerns about the
12 potential rezone, including the Department of Land Conservation and Development (DLCD),
13 Oregon Department of Forestry (ODF), Oregon Department of Fish and Wildlife (ODFW),
14 Clatsop Soil and Water Conservation District, and the Ecola Watershed. He urged planning
15 commissioners to follow staff recommendations and deny the zone changes as Statewide Goals
16 3, 4, and 14 have not been met.

17
18 Louise Christianson, 7935 Sunset, Nehalem, stated she was speaking on behalf of Governor
19 Tom McCall, who she believed would oppose the change in zoning laws regarding Arcadia
20 State Park because state parks belong to the people. She stated the matter was never
21 advertised in the media and the transaction was illegal and should be vacated. This is a
22 precedent we don't want to start, she said, referring further to Del Ray, Fort Stevens, and
23 Nehalem State Park beaches being developed. She believes people need to spend time in
24 Arcadia State Park to renew their spirits and fill them with hope, given the current economic
25 situation. She said more parking and trails are needed, and she urged planning commissioners
26 to resist zoning changes and building in Arcadia rather than taking the side of the people who
27 want to build.

28
29 Sharon Amber, P.O. Box 101, Cannon Beach, stated Mark Smith was head of the parks
30 department during the land exchange and he was not notified until after it was done. She felt it
31 sent up a red flag and the possibility of an investigation.

32
33 In response to questions from PC Bridgens and Chairperson Johnson, County Counsel Blair
34 Henningsgaard responded the applicant is the owner of the property the planning commission
35 cannot speculate about prior property transactions. PC Autoio added regardless of how it came
36 about, planning commissioners could consider only the zoning application before them.

37
38 **PC Autoio moved and PC Bridgens seconded to continue the hearing to the**
39 **April 14th, 2009 meeting at 10:00 am in the Judge Guy Boyington Building.**
40 **Motion approved unanimously.**

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42 Chairperson Johnson announced the hearing would be continued to April 14, 2009, at 10:00
43 a.m. in the Judge Guy Boyington Building at 857 Commercial Street, Astoria, Oregon.

44
45 **Request by Corey Eisenbarth to re-zone approximately one-half acre from Agriculture**
46 **Forestry (AF) to Residential Agriculture-2 (RA-2) and associated goal exceptions and text**
47 **amendments on property located north of Hillcrest Loop about a mile east of the Koppish**
48 **Road-Hillcrest Loop intersection**

49
50 Mr. Weston referred to page 37 of the staff report for the zone change map. The original map
51 covered 22 acres, he explained, but after he and the owner, Mr. Eisenbarth, discussed the
52 situation with Laren Woolley, DLCD, Mr. Eisenbarth agreed to set aside two acres for a potential
53 lot. Currently only one-and-three-quarters acres are located within the RA-2 zone, one-quarter
54 acre less than the two-acre minimum necessary to create a legally developable lot. Mr. Weston

1 said setting aside the additional quarter acre would solve the problem. He recommended a
2 continuance of the rezone application to permit time to modify the findings to allow for 20 acres
3 in the AF zone with two acres in the RA-2 zone. He said the modified findings would include
4 Goal 14 exceptions.

5
6 Mark Barnes, P.O. Box 569, Astoria, representing Mr. Eisenbarth, suggested a different
7 procedure for modifying the application. He suggested the planning commission close the
8 hearing and testimony and direct staff to make modified findings, working with the applicant to
9 provide these findings.

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11 Those present discussed the procedure, and Mr. Weston agreed it would work, although a
12 separate application is needed to partition the AF and RA-2 parcels.

13
14 Mr. Eisenbarth spoke, explaining he would like to develop the lot for family reasons, not for
15 financial gain.

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17 No one else requested to speak. Chairperson Johnson closed public testimony and opened
18 discussion among planning commissioners.

19
20 **PC Autio moved and PC Bridgens seconded to “tentatively approve the**
21 **application as modified by staff today and direct staff and the applicant to**
22 **present us with findings at out next meeting.” Motion approved**
23 **unanimously.**

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25 **Adjournment**

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27 Chairperson Johnson adjourned the meeting at 1:40 p.m.

28
29 Respectfully submitted,

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33 _____
34 Cary T. Johnson
35 Chairperson, Planning Commission
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