

Vice Chairperson Brian Pogue called the April 14, 2009, Clatsop County Planning Commission meeting to order at 10:00 a.m. Planning Commissioners (PC) present: Mike Autio, Christine Bridgens, Marcia Harper-Vellutini, Brian Pogue, and Clarke W. Powers. Excused: Cary T. Johnson.

Staff present: Ed Wegner, Director; and Mike Weston and Jennifer Bunch, Planners, Transportation and Development Services.

### **Business from the Public**

No one asked to speak.

### **Minutes**

**PC Harper-Vellutini moved and PC Bridges seconded to amend the February 10, 2009 minutes by striking in the first paragraph, after the word “at”, “1 p.m. in the Boyington Building” and inserting “10 a.m. in room 430 of the 800 Exchange Building.” Motion approved unanimously.**

**PC Powers moved and PC Harper-Vellutini seconded to approve the minutes of March 10, 2009, as written, other than the amendment. 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 reported he is waiting to hear from the applicant.

Mark Barnes, P.O. Box 569, Astoria, spoke on behalf of the applicant, asking for a continuation. He stated he has not heard recently from his client regarding the proceeding.

Vice Chairperson Pogue asked Mr. Barnes if he would be able to give a report on the status of the application and when Mr. Smejkal might be ready to proceed or withdraw, commenting he did not like to see the matter strung out month after month. Mr. Barnes agreed to provide a written report at the May commission meeting.

In response to a question from Vice Chairperson Pogue, Mr. Weston suggested that, should the applicant request yet another continuance, the planning commission consider pulling the item from future agendas until the applicant requests either to go forward or to withdraw.

**PC Harper-Vellutini moved and PC Powers seconded to continue the matter to the May 12, 2009 planning commission meeting, at 10 a.m., in Room 430 of the 800 Exchange Building. Motion approved unanimously.**

1 Vice Chairperson Pogue announced a change to the agenda to permit the commission to act on  
2 a request expected to take only a few minutes of time. Commission members agreed with the  
3 change.

4  
5 **Other Business**

6  
7 Mr. Weston explained a request by Paul Larson for an extension of time to obtain a building  
8 permit for work related to storm damage in 2007 on a circa-1920, non-conforming building. Mr.  
9 Weston stated planning staff found the structure meets the 20% ratio replacement requirement,  
10 and Mr. Larsen was requesting to December 4, 2009, to replace the non-conforming structure.

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12 **PC Bridgens moved and PC Autio seconded to accept the request by Paul**  
13 **Larson for the extension of time to obtain a building permit. Motion**  
14 **approved unanimously.**

15  
16 **Public Hearings, continued**

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18 **Continuation of Eisenbarth Zoning Map Amendment**

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20 Mr. Weston provided a brief review of the staff report for the request by Corey Eisenbarth to re-  
21 zone approximately one-half acre from Agriculture Forestry (AF) to Residential Agriculture – 2  
22 (RA2) and associated goal exceptions and text amendments on property located between  
23 Svensen and Knappa. He recommended approval with findings.

24  
25 Mr. Barnes, representing Mr. Eisenbarth, noted the planning commission had closed testimony  
26 already, but offered to answer any questions commissioners might have.

27  
28 **PC Harper-Vellutini moved and PC Autio seconded to accept the request**  
29 **and recommend approval to the Board of Commissioners as conditions**  
30 **have been met. Motion approved unanimously.**

31  
32 At 10:16 a.m. Vice Chairperson Pogue recessed the meeting until 10:29 a.m. to permit staff time  
33 to establish a conference call with the next applicant, Cameron Holmes.

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35 **Holmes Variance Request, 81060 Arcadia Road**

36  
37 Vice Chairperson Pogue opened the hearing on the request by Cameron and Julie Holmes for a  
38 variance to the front yard setback for expansion of a non-conforming structure, located at 81060  
39 Arcadia Road. There were no *ex parte* contacts or conflicts of interest; no one objected to the  
40 jurisdiction of the planning commission to hear the matter.

41  
42 Planner Jennifer Bunch presented the staff report, describing the topography of the area, which  
43 she said was the reason for the hardship. The applicants are requesting a 14-foot variance to  
44 the front yard setback to build an addition to an existing non-conforming dwelling, and the  
45 geography and topography of the site limit where the addition may be placed, she explained.  
46 Ms. Bunch outlined the criteria that had been met, noting no special privilege would be granted  
47 by approving the variance. She stated the findings were well formulated and she recommended  
48 approval with conditions.

49  
50 Vice Chairperson Pogue opened public testimony. Applicant Cameron Holmes, attending via  
51 conference phone, offered to answer any questions planning commissioners might have. There  
52 were no proponents, public agencies, or opponents requesting to speak. Ms. Bunch distributed  
53 copies of public comments received, noting two of the comments were from the same parties,  
54 who, after learning more about the application, supported it.

1 In response to a question from Vice Chairperson Pogue, Mr. Holmes said he was aware of the  
2 conditions of approval and found them acceptable. Planning commissioners took a few minutes  
3 to read the comments.  
4

5 There being no further public comment, Vice Chairperson Pogue closed public testimony and  
6 opened discussion among planning commissioners.  
7

8 **PC Harper-Vellutini moved and PC Bridgens seconded to approve the**  
9 **variance request, contingent upon the proposed conditions of approval.**  
10 **Motion approved unanimously.**  
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### 12 **Merrell Variance Request, Arch Cape**

13 Vice Chairperson Pogue opened the hearing on the request by Tom and Kate Merrell for a 10-  
14 foot variance to the 20-foot street side setback, to locate an accessory structure where its  
15 drainage patterns would be less likely to cause damage. The property is located in Arch Cape  
16 and is subject to Southwest Coastal Citizens Advisory Committee review. There were no *ex*  
17 *parte* contacts or conflicts of interest; no one objected to the jurisdiction of the planning  
18 commission to hear the matter.  
19

20 Mr. Weston provided the staff report, outlining the slopes and drainage on the site and issues  
21 regarding a right-of-way easement the Merrells had granted. Mr. Weston said the loss of the  
22 25-foot easement created part of the problem, but he stated the Merrells had granted the easement  
23 as an act of kindness to neighbors whose lot would have been land-locked otherwise. He  
24 cautioned the easement was self-imposed and said it could be argued the hardship was thus  
25 self-imposed; however, there are other idiosyncrasies with the topography that contributed to  
26 the problems as well. He thought the criterion about the hardship not being self-imposed could  
27 be construed as unmet, which, he said, could be used to appeal a decision to approve the  
28 variance. Mr. Weston added everyone on the record and the fire department supported the  
29 variance; no one was on record opposing it.  
30

31 In response to a question from PC Autio, Mr. Weston said should anyone appeal, the board of  
32 commissioners could respond by stating the opponent is not on the record.  
33

34 PC Bridgens commented she approved of staff's handling of the matter.  
35

36 Vice Chairperson Pogue opened public testimony.  
37

38 Applicant Kate Merrell, 31912 E. Shingle Mill Road, Arch Cape, provided greater detail to the  
39 decision she and her husband made to grant the easement.  
40

41 No opponents, proponents or public agencies requested to speak. Vice Chairperson Pogue  
42 closed public testimony and opened discussion among planning commissioners.  
43

44 In response to a question from PC Harper-Vellutini, Mr. Weston said he did not believe an  
45 appellant would prevail based on the criterion regarding the hardship not being self-imposed  
46 because the owners of the neighboring lot could force the issue of access. There was general  
47 discussion about how property could become landlocked in the first place.  
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49 **PC Powers moved and PC Harper-Vellutini seconded to accept staff's**  
50 **report and recommendation to conditionally approve this request. Motion**  
51 **approved unanimously.**  
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**Other Business, continued**

PC Bridgens suggested opening planning commission meetings with the flag salute.

**PC Powers moved and PC Harper-Vellutini seconded to accept (PC Bridgens)'s suggestion (to perform the flag salute) for the next meeting. Motion approved unanimously.**

**Adjournment**

Vice Chairperson Pogue adjourned the meeting at 11:06 a.m.

Respectfully submitted,

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Cary T. Johnson  
Chairperson, Planning Commission