

Chairperson Cary T. Johnson called the December 9, 2008, 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; and Teri Allen, Planner, Transportation and Development Services.

### **Business from the Public**

No one asked to speak.

### **Minutes**

**PC Pogue moved and PCs Bridgens and Powers seconded to pass the minutes (of September 9, 2008, and October 14, 2008) as written. Motion approved unanimously.**

### **Public Hearing**

#### **Variance Request by Greg and Roselle Soriano**

There were no conflicts of interest, *ex parte* contacts, or objections to the planning commission's jurisdiction to hear the matter.

Chairperson Johnson opened the quasi-judicial hearing, regarding Greg and Roselle Soriano's request for a variance to the required 20-foot corner side yard setback to allow repair, remodel, and/or replacement of an existing single-family dwelling within 11 feet, six inches of the west property line of their property in Arch Cape: T4N, R10W, Section 30CB, Tax Lot 3700.

Planner Teri Allen provided her staff report, explaining the request, situation and her recommendation. Ms. Allen described the situation, saying the Southwest Coastal Design Review/Citizen Advisory Committee had reviewed the application and found the east side yard setback to be within five feet on the Sorianos' plan. Ms. Allen reviewed the actions of the committee, referring to a December 4, 2008, memo mailed to the planning commission earlier. The committee had recommended the east setback be increased to 10 feet and the variance for the west setback variance be denied because the committee did not believe the variance request met the standards. County Counsel Blair Henningsgaard interpreted the language in the Southwest Coastal Community Plan to mean the 10-foot setback must be applied to the east property line, she added. In November, Ms. Allen continued, the applicants amended their application and site plan to show the 10-foot east side yard setback and the dwelling pushed five feet farther to the west. They requested a variance of 11 feet, six inches to the west setback, she said.

Ms. Allen explained there are two existing structures, a single-family residence and attached garage/guest house. The garage/guest house has a variance from 1981 that permits it to be

1 two-feet from the west property line and in the right of way of East Beach Lane. The Sorianos,  
2 she said, would move the garage/guest house two feet east, to correspond with the 1981  
3 variance.  
4

5 Ms. Allen reviewed the Comprehensive Plan – Goals and Policies, noting the special  
6 requirement to maintain beach accesses is found nowhere else but in the Southwest Coastal  
7 Community Plan. She reviewed the standards for a variance, noting granting the variance to  
8 the west corner lot side yard would not be injurious to the community and would improve public  
9 safety by removing the garage/guest house from the public right-of-way; pushing the project  
10 further to the west would provide additional justification for the variance; granting the variance  
11 would not confer special privilege, and the location of the neighbor's house on or over the east  
12 property line, as well as a letter from the fire district, supports relocating the project farther to the  
13 west; and the language of the Southwest Coastal Community Plan requiring beach access  
14 provides exceptional circumstances and a hardship that is not self-imposed. She recommended  
15 the variance be granted.  
16

17 In response to a question from PC Autio, Ms. Allen said the advisory committee's  
18 recommendations had not changed her recommendation.  
19

20 PC Pogue asked about the conflicting surveys, and Ms. Allen said the Sorianos' survey had  
21 been recorded, but the one commissioned by the Merrells had not. County Counsel Blair  
22 Henningsgaard noted the county surveyor had to approve a survey in order for it to be recorded,  
23 and PC Autio commented it seemed reasonable to go with the recorded survey. PC Pogue saw  
24 a potential problem for the property owners with the conflicting surveys.  
25

26 Ms. Allen said the community plan's language was the driver for her recommendation and she  
27 was not aware of any county plans to develop Beach Road to 40 feet.  
28

29 PC Powers wondered why there was an issue, given the existing garage/guest house and  
30 variance. Ms. Allen said the advisory committee did not want to set a precedent that would  
31 affect the rural character of the neighborhood. PC Pogue stated he saw the committee's point,  
32 but added this was exactly the type of situation for which variances should be used.  
33

34 Chairperson Johnson opened public testimony.  
35

36 Thomas Merrell, 31912 East Shingle Mill Lane, Arch Cape, spoke first, saying he had hired a  
37 surveyor, John Wickman. He said Mr. Wickman found past survey markers, which he thought  
38 were the original markers, and determined past surveys had caused a shift in property lines.  
39 PC Harper-Vellutini asked if any kind of consensus had been reached among the surveyors,  
40 noting that was the usual procedure when surveys don't agree. Mr. Merrell said he anticipated  
41 his surveyor would talk to the Sorianos' surveyor, HLB, but had not done so yet.  
42

43 PC Pogue wondered about the effects of approving the variance plan if the Merrells' surveyor's  
44 findings supplanted the Sorianos' survey.  
45

46 Mr. Henningsgaard advised planning commission members it was not up them to determine the  
47 boundary lines, only the setbacks. Boundary line disputes are settled judiciously, he said.  
48

49 PC Autio wondered if a boundary line change could put the Sorianos out of compliance with the  
50 variance. Mr. Henningsgaard said it might, potentially.  
51

52 Mr. Merrell said he assumed every line would shift.

1 Chairperson Johnson asked if any representatives from public agencies wished to speak. Steve  
2 Hill, 31880 Oceanview, Arch Cape, President of the Arch Cape – Falcon Cove Community Club,  
3 responded, saying he spoke in favor of the advisory committee's recommendations and hoped  
4 the provisions would be enforced.

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6 Applicants Greg and Roselle Soriano, 4309 N. Willamette Blvd., Portland, spoke. Mr. Soriano  
7 said his surveyor, HLB, had written to Mr. Wickman but had not received a response. He added  
8 HLB apparently was not consulted about the draft survey, though the firm has been active in  
9 working in the Arch Cape area for 30 years. Mr. Soriano said Mr. Wickman's survey was  
10 presented after, not during, the advisory committee's meeting. He circulated a photograph to  
11 planning commissioners, which was handed back to him and not entered into the record, and  
12 said he had asked planning staff about vacating Beach Road and found it wasn't really an  
13 option.

14  
15 Mr. Soriano said he was here today to ask for a variance of five and a half feet, noting the  
16 existing building built within the setback already. He said part of the problem comes with the  
17 setbacks, including a riparian setback, which diminish the buildable portion of the lot to 70 feet  
18 by 100 feet. Mr. Soriano said he believed he's acted in good faith and offered to produce the  
19 letter from HLB to Mr. Wickman. Planning commissioners declined the letter.

20  
21 In response to a question from PC Powers, Mr. Soriano said the existing building is almost as  
22 far in the setback as what he was proposing.

23  
24 No other proponents or opponents requested to speak. Chairperson Johnson closed public  
25 testimony and opened discussion among the commissioners.

26  
27 PC Bridgens asked for clarification about the advisory committee's third motion. PC Autio  
28 thought the advisory committee didn't find the variance met the criteria, a position with which PC  
29 Autio did not agree. He said he found the hardship was not self-imposed. PC Pogue  
30 commented the Sorianos were planning to improve the situation.

31  
32 **PC Powers moved and PC Harper-Vellutini seconded to approve the**  
33 **variance as presented by staff and the applicant. Motion approved**  
34 **unanimously.**

35  
36 **Open Discussion**

37  
38 Ms. Allen announced today's hearing likely would be her last appearance before the planning  
39 commission, as she is retiring on December 31, and she thanked the commissioners for the  
40 opportunity to work with them. Planning commission members congratulated Ms. Allen,  
41 thanked her for her 32 years of service to the county and wished her well.

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43 **Adjournment**

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45 Chairperson Johnson adjourned the meeting at 10:50 a.m.

46  
47 Respectfully submitted,

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51 \_\_\_\_\_  
52 Cary T. Johnson  
Chairperson, Planning Commission