

1 Depoe Bay Planning Commission  
2 Regular Meeting  
3 Wednesday, July 11, 2018 – 6:00 P.M.  
4 Depoe Bay City Hall  
5

6 PRESENT: G. Steinke, M. Phillips, J. Speer, R. Hageman, J. Hayes, J. Faucett  
7 STAFF: City Planner L. Lewis, Recording Secretary C. Duering  
8 VACANCY: One Vacant Seat  
9

10 I. CALL MEETING TO ORDER

11 Hageman called the Meeting to order and established a Quorum at 6:00 P.M.  
12

13 II. APPROVAL OF MINUTES: June 13, 2018  
14

15 Motion: Steinke moved to approve the Minutes of the June 13, 2018 Regular Meeting. Phillips seconded.  
16

17 Vote: Motion passed.

18 Ayes: Steinke, Phillips, Speer, Hageman, Hayes, Faucett  
19

20 III. ITEMS FROM THE AUDIENCE

21 There was none.  
22

23 IV. PUBLIC HEARING ITEMS  
24

25 A. Case File: #3-CS-PC-18

26 Applicant: Max and Sofya Grishkevich

27 Application: Coastal Shorelands Overlay Zone

28 Zone, Map and Tax Lot: R-4 Residential 09-11-05-CA #12200

29 Location: 483 Alsea Avenue  
30

31 Hageman said Testimony and evidence given must be directed toward Criteria described by the City Planner, or  
32 other Criteria in the Code that the Testifier believes apply to the request. Failure to raise an issue, accompanied by  
33 statements or evidence sufficient to afford the Commission and the parties an opportunity to respond to the issue  
34 precludes appeal to the State Land Use Board of Appeals on that issue. Application materials or other evidence  
35 relied upon by the Applicant had been provided to the City and made available to the Public.  
36

37 Hageman explained the Quasi-judicial Public Hearing procedure: He will call for Planning Commissioner ex-parte  
38 contact, conflict of interest or bias to declare. There will be an opportunity to object to any Planning Commissioner  
39 hearing the Case. Applicants will have the opportunity to present information relevant to their Application,  
40 followed by Testimony in support of the Application, then Testimony in opposition, with the Applicant having the  
41 opportunity for rebuttal. Unless there is a request to hold the Record Open, Testimony will be closed and the  
42 Commission will enter into Deliberations on the Application.  
43

44 Hageman asked if any Commissioner had ex-parte contact, conflict of interest, or bias to declare. There was none.  
45

46 Hageman then asked if anyone had objection to any Planning Commissioner hearing the Case. There was no  
47 objection.  
48

49 Lewis summarized the Staff Report (copy attached to original of these Minutes). No Written Testimony was  
50 received. He specifically noted per the adopted 2012 Depoe Bay Parks, Open Space and Trails Master Plan, the

1 Vista Trail shall remain within the 40 foot wide right-of-way. The public right-of-way is not considered a street  
2 and does not provide vehicular access.

3  
4 Lewis asked if there were any questions. Brief discussion ensued regarding roof pitch and roofing material.  
5 Hageman suggested the question be addressed to the Applicant.

6  
7 The Applicant was given an opportunity to testify and answer questions from Commissioners.

8  
9 Max Grishkevich, 6928 S.E. Barbara Welch Road, Portland, came forward and reiterated that they are requesting  
10 approval for a single-family dwelling. He clarified that their local contractor is recommending a metal roof and he  
11 anticipates the actual fireplace width will be less than 8 feet.

12  
13 Discussion ensued regarding: (1) Inclement weather environment and composite flat roof systems (more  
14 susceptible to wind damage and water leakage); (2) Interpretation of Depoe Bay Zoning Ordinance (DPZO) Article  
15 8 Exceptions, Section 5.010 Projections from Buildings in regards to fireplaces; (3) Dwelling will be a secondary  
16 vacation home; and (4) Proposed North Pointe location has been Max's favorite fishing place for over 10 years.

17  
18 There was no Testimony in Support and no Testimony in Opposition of the Application.

19  
20 There was no request to keep the Record Open or to Continue the Public Hearing.

21  
22 The Public Hearing was closed and deliberations began.

23  
24 Motion: Hayes moved to approve the request for construction of a new single-family dwelling (Coastal Shorelands  
25 Overlay Zone Development – Case File #3-CS-PC-18) and adopt the Conditions of Approval (Items 1. thru 4.) as  
26 prepared by the City Planner. Speer seconded.

27  
28 Vote: Motion passed.

29 Ayes: Phillips, Speer, Hageman, Hayes, Faucett, Steinke

30  
31 The Applicant thanked the Planning Commission.

32  
33 It was the consensus of the Commission to direct Lewis to prepare the Findings, Conclusion and Final Order for  
34 Hageman's signature.

35  
36 Recess: 6:19 – 6:20 P.M.

37  
38 B. Depoe Bay Zoning Code (DBZO) Text Amendment – Section 3.115 Commercial Zone C-1  
39 Design Guidelines (Continued)

40  
41 Hageman reminded the Planning Commission that this is a Legislative Public Hearing. Hageman asked the  
42 Planning Commission to consider revising the draft guidelines (copy attached to original of these Minutes).

43  
44 Discussion ensued and there was a consensus of the Planning Commission to make the following revisions: (1)  
45 *Section 3.115 Commercial Zone C-1 – Design Standards and Guidelines*; (2) 7. *Building Architectural Standards*.  
46 B. 2) ...*Street ground floor exterior walls shall contain a minimum of 50% of either display windows or entrance*  
47 *area measured across the length of the exterior wall. Display windows are not required for residential or tourist*  
48 *accommodation uses. For all building types and uses, upper floors facing streets shall not have less than 25%*  
49 *window area measured across the length of the exterior wall. Proportion of windows shall conform to general*  
50 *architectural standards.*

1 Hageman also asked the Planning Commission to think about tiny homes along Highway 101 frontage for  
2 discussion/deliberation later in the meeting.

3  
4 Fran Recht applauded the Planning Commission's efforts. In summary she reiterated the following: (1)  
5 Recommended separation of the downtown corridor guidelines/standards from the remainder of Hwy. 101; (2)  
6 Expressed her overall concern regarding using the phrases guidelines versus standards and recommended versus  
7 required; and (3) Believes Depoe Bay needs landscaping standards in order to provide screening, add character,  
8 and distinguish our community from Newport and Lincoln City. In conclusion she encouraged the Planning  
9 Commission to advocate for keeping Depoe Bay a jewel of a community.

10  
11 Brief discussion ensued between Recht and the Planning Commission regarding City Council and Planning  
12 Commission roles in the text amendment process; interpretation of Oregon's Statewide Planning Goal 1; and public  
13 testimony by petition.

14  
15 The Planning Commission and City Planner ensued in lengthy discussion (with additional comments from Recht)  
16 and agreed to the following amendments: (1) ~~8. *Building Architectural Guidelines*~~. 7. *Building Architectural*  
17 *Standards B...**This criteria shall be met by providing architectural features as listed in items 1-34...* 4) ~~A. In~~  
18 ~~addition to the immediately above design features representing the "beach or "cape cod" architectural styles are~~  
19 ~~highly recommended including~~ **A minimum of two of the following design features are required:** ~~1a)~~ Cedar shake  
20 shingle appearance for the roof and siding ~~2b)~~ A steeply pitched roof with gable ends, ~~3c)~~ Multiple dormers, ~~4d)~~  
21 Shutters by windows, ~~5e)~~ Window boxes, ~~6f)~~ Pilasters surrounding doors, ~~7g)~~ Bright white trim. ~~In all landscaped~~  
22 ~~areas the use of native vegetation is strongly encouraged and recommended. ...D. A minimum 15% of Hwy. 101~~  
23 ~~C-1 frontage north of Bradford Street and south of Evans Street shall be landscaped with native vegetation~~  
24 ~~including a mix of trees, shrubs, and ground cover.~~

25  
26 Lewis restated the items to be amended.

27  
28 In conclusion the Planning Commission agreed to continue the Public Hearing and directed Lewis to revise the draft  
29 document to include the amendments as discussed and distribute the updated version via e-mail to the Planning  
30 Commission for review.

31  
32 Hageman called for a motion.

33  
34 Motion: Speer moved to continue the Public Hearing to the August 8, 2018 Planning Commission Meeting. Phillips  
35 seconded.

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37 Vote: Motion passed.

38 Ayes: Speer, Hageman, Hayes, Faucett, Steinke, Phillips  
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40 Hageman thanked Recht for her input and encouraged her to attend, as well as invite other citizens, to the City  
41 Council Public Hearing.

## 42 43 VI. UNFINISHED BUSINESS

44 There was none.

## 45 46 VII. CITY COUNCIL LIAISON SCHEDULE AND REPORT

47 Hageman reported on the June 19, 2018 City Council Meeting: (1) ASK (Asking Saves Kids) Campaign  
48 Proclamation Request; (2) Depoe Bay Chamber of Commerce Annual Report and Request for Reimbursement  
49 Fiscal Year 2017-18, Contract Renewal 2018-19; (3) U.S. Army Corp. of Engineer (USACE) Oregon Ports  
50 Maintenance Dredging – Fiscal Year 2018 Work Plan – Schedule Joint City Council/Harbor Commission  
51 Workshop; and (4) PBS Engineering and Environmental, Inc. – Retainer Fee.

1 Hayes reported on the July 3, 2018 City Council Meeting: (1) Employee Salary Survey Subcommittee  
2 Recommendation; (2) Harbor Commission Resignation Letter – Kathy Wyatt; (3) School House Street  
3 Improvement Project; (4) City Council/Harbor Commission Subcommittee – Establish a Port District; (5) Harbor  
4 Pilings and Dredging; and (6) S.E. Bay Street – Fire Lane.

5  
6 Discussion followed specifically regarding the Shell Avenue Improvement Project and the  
7 advantages/disadvantages of forming a Port District.

8  
9 VIII. PLANNER'S REPORT  
10 Lewis reviewed the Planner's Report – Land Use and Building Permit Activity June 1, 2018 – July 5, 2018 (copy  
11 attached to original of these Minutes). Brief discussion followed.

12  
13 IX. PLANNING COMMISSION CONCERNS  
14 Discussion ensued regarding an independent analysis/assessment of the City's raw water supply capacity; the push  
15 towards a regional water system for all of Lincoln County; and Rocky Creek Water Rights. Hageman advised the  
16 Planning Commission to come prepared to discuss tiny homes along Hwy. 101 at the next meeting. Discussion  
17 followed regarding the e-mail distributed to the Planning Commission from Oregon Department of Transportation  
18 – Subject Building Code Division Rule Clarifies Titling of Recreational Park Trailers (copy attached to original of  
19 these Minutes).

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21 X. ADJOURN  
22 There being no further business, the Meeting was adjourned at 8:07 p.m.

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27 \_\_\_\_\_  
28 Roy Hageman, President

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31 \_\_\_\_\_  
32 Carla Duering, Recording Secretary