

1 Depoe Bay Planning Commission
2 Regular Meeting
3 Wednesday, October 11, 2017 – 6:00 P.M.
4 Depoe Bay City Hall
5

6 PRESENT: M. Phillips, J. Speer, R. Hageman, J. Hayes, G. Steinke (arrived at 6:01 P.M.)
7 STAFF: City Planner L. Lewis, Recording Secretary C. Duering
8 ABSENT: B. Taunton
9 VACANCY: One Vacant Seat

10
11 I. CALL MEETING TO ORDER

12 Hageman called the Meeting to order and established a Quorum at 6:10 P.M.
13

14 II. ITEMS FROM THE AUDIENCE

15 There was none.
16

17 III. PUBLIC HEARING ITEMS

18
19 A. Case File: #1-PAR-PC-17
20 Applicant: Debra Callender and Dan Allison
21 Application: Two-Lot Partition and Variance
22 Zone, Map and Tax Lot: R-3 Residential Zone, 09-11-08-AC #00940
23 Location: 197 and 199 South Forty Lane
24

25 Hageman said Testimony and evidence given must be directed toward Criteria described by the City Planner, or
26 other Criteria in the Code that the Testifier believes apply to the request. Failure to raise an issue, accompanied
27 by statements or evidence sufficient to afford the Commission and the parties an opportunity to respond to the
28 issue precludes appeal to the State Land Use Board of Appeals on that issue. Application materials or other
29 evidence relied upon by the Applicant had been provided to the City and made available to the Public.
30

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

38 Hageman asked if any Commissioner had ex-parte contact, conflict of interest, or bias to declare. There was
39 none. Hageman then asked if anyone had objection to any Planning Commissioner hearing the Case. There was
40 no objection.
41

42 Lewis summarized the Staff Report (copy attached to original of these Minutes). There was no Written
43 Testimony.
44

45 Hageman asked if there were any questions for the City Planner. Discussion ensued regarding: (1) Currently
46 there is one Water/Sewer Service (charged at 2 EDU's), a second water and sewer connection will be required so
47 each lot has its own separate service; (2) 24 of the 36 lots have a similar lot size to the proposed easterly lot; 32 of
48 the 36 lots are less than the minimum 5,000 sq. ft. standard; and (3) Removal of an old trailer would create room
49 for one parking space.
50

51 The Applicant was given an opportunity to testify and answer questions from Commissioners.
52

53 Debbie Callender, South Forty Lane, reiterated that the lot currently has two single-family dwellings. She is
54 interested in buying the house and detached boat garage and Mr. Allison is interested in buying the mobile home.

1 The house has been a family vacation home since the 1960's. She explained due to topography the proposed
2 2,625 sq. ft. lot has more useable space than the proposed 7,775 sq. ft. lot (basically the footprint of the house).
3 She put the small lots in South Forty into perspective – Development was designed in the late 1950's/1960's as a
4 fisherman's weekend camp allowing room for gear shack, RV, and boat storage. She asked for the Planning
5 Commission's support of their endeavor by granting approval of the Variance and 2-Lot Partition. She intends to
6 use the house as rental investment property which is a need in our community. Mr. Allison has another purpose.
7 She asked if there were any questions.

8
9 The Applicant and Planning Commission discussed/clarified there are two existing single-family dwellings – One
10 is a stick built two-level home built by former Mayor, Jim McNurlin, and the other is a manufactured home.

11
12 Hageman called for Testimony in support of the Application.

13
14 Dan Allison, 19223 55th Avenue N.E., Lake Forest Park, Washington, born and raised in Portland Oregon. He
15 expressed his fondness of Depoe Bay (visited as a child and a great little community). Brother and his wife are
16 currently living on the subject site and obviously his motivation is to allow them to stay as well as the investment
17 potential. Initially intend to do minor repairs/improvements (i.e. paint, etc.) but have discussed future plans to
18 remove/replace the dwelling with one of similar size. He acknowledged the off-street parking extends into the
19 grassy portion of South Forty Lane right-of-way. The property as it exists has been difficult to sale due to the odd
20 configuration – Approval of their request would allow for the continuance of the pending sale (contingencies,
21 inspection, etc.). He reiterated the purpose for their request and stated his appreciation of approval.

22
23 There was brief discussion regarding the use of City right-of-way to meet parking requirements.

24
25 Hageman called for Testimony in support of the Application. There was none. Hageman called for Testimony in
26 opposition. There was none. There was no request to Keep the Record Open. The Public Hearing was closed
27 and deliberations began.

28
29 The Planning Commission discussed: (1) Proposed side yard setbacks; (2) Number of South Forty Neighborhood
30 properties similar in size to the proposed east parcel; (3) Garage is to be located on the proposed west parcel; (4)
31 If old trailer is removed along the east side of the lot, there would be more room for parking; (5) Due to the
32 location of the lots the only vehicular traffic is going to or from the two proposed lots; and (6) If reconstruction
33 occurs adherence to current parking standards would be required.

34
35 Motion: Speer moved to approve Case File #1-PAR-PC-17 (Two-Lot Partition and Variance to Lot Size, Width
36 and Depth Standards, and Parking Spaces) and adopt the Conditions of Approval (Items 1. thru 5.) as
37 recommended by the City Planner and as amended by the Planning Commission to include the travel trailer shall
38 be relocated or replaced to allow one parking space entirely on site; and if the manufactured home structure is
39 replaced in the future the setback shall conform to the minimum standards so parking spaces may be provided on
40 site. Hayes seconded.

41
42 Vote: Motion passed.

43 Ayes: Steinke, Phillips, Speer, Hageman, Hayes

44
45 Recess: 6:30-6:35 P.M.

46
47 The Planning Commission directed Lewis to prepare the Findings, Conclusions, and Final Order for Hageman's
48 signature.

49
50 IV. NEW BUSINESS

51 There was none.

52
53 V. UNFINISHED BUSINESS

- 1 A. Case File: #2-VAR-PC-17 (Findings, Conclusions, and Final Order)
2 Applicant: River Dog Investments, Inc. – Lori and Sean Rietze
3 Application: Variance to Off-Street Parking Requirements
4 Zone, Map and Tax Lot: C-1 Retail Commercial Zone, 09-11-08-BA #04600
5 Location: 249 S. Hwy. 101
6

7 There was brief discussion regarding the Findings, Conclusions and Final Order (copy attached to original of
8 these Minutes) Conditions of Approval: Item 4. *Employees of the retail uses are to be instructed to park on Hwy.*
9 *101; and Item 5 The Applicant recognizes that there is an apparent ~6 inch building encroachment into the*
10 *Ellingson Street right-of-way. This Variance approval does not include authorization to encroach into public*
11 *right-of-way.*

12
13 Motion: Phillips moved to approve the Findings, Conclusions and Final Order Case File #2-VAR-PC-17
14 (Variance to Off-Street Parking Requirements) as prepared by the City Planner. Speer seconded.

15
16 Vote: Motion passed.

17 Ayes: Phillips, Speer, Hageman, Hayes, Steinke
18

- 19 B. Ordinance No. 314 – An Ordinance Amending Ordinance No. 24 (Zoning Ordinance) As
20 Amended; Adding New Section 4.910 Signs, Enacting Provisions Requested As A Result Of
21 Review Of The Depoe Bay Zoning Ordinance By The City of Depoe Bay; And Declaring An
22 Emergency
23

24 Hageman noted City Council’s Motion to adopt Ordinance No. 314 included directing the Planning Commission
25 further discuss murals. He prepared a recommendation (copy attached to original of these Minutes) for review
26 and discussion. Hageman also gave a brief synopsis of the City Council and Planning Commission mural
27 deliberations.
28

29 Discussion ensued regarding: (1) Variance to standards would be pursuant to DBZO Article 8 Variances; (2)
30 Revise 1st paragraph (last sentence) *These include: **Historical**, marine life, native wildlife, ocean scenery from*
31 *areas inside and near the City, the Harbor, the Depoe Bay Bridge, and other related ideas and subjects;* (2)
32 Scheduling the Public Hearings for the Commercial Design Guidelines and Signs concurrently (save time and
33 money); (3) Sign Application for a Mural would be reviewed and approved by the Planning Commission (not a
34 Public Hearing) and current signage fees would apply; (4) No signs shall be integrated with the mural and shall
35 not include any product representation; and (5) Amend Section 4.950 Signs Item 7. *C-1, L-1, and M-P Zone*
36 *Requirements b. Sign Types Wall and Window Signs. A maximum 20% of a building façade is allowed to have*
37 *signs. This includes the total combined area of a wall and window signs. Multiple facades may not be*
38 *aggregated for purposes of determining sign size. **This maximum 20% coverage does not apply to murals.***
39

40 Hageman called for a Motion.
41

42 Motion: Steinke moved to direct Lewis to prepare the updated Sign Ordinance to be sent to Oregon Department
43 of Land Conservation and Development (DLCD). Public Hearing will be scheduled at a later date. Speer
44 seconded the motion.

45
46 Vote: Motion passed.

47 Ayes: Speer, Hageman, Hayes, Steinke, Phillips
48

- 49 C. Commercial Design Guidelines
50

51 The Planning Commission reviewed the updated Draft Commercial Design Guidelines (copy attached to original
52 of these Minutes).
53

1 After lengthy discussion the Planning Commission decided to further discuss the draft and specifically the
2 following items at the November 8th Regular Meeting: (1) Item 4. Building Height ...Maximum Height: *If*
3 *required because of structure size, a flat topped pitched roof may be used with a minimum pitch of 6 in 12 and a*
4 *maximum pitch of 14 in 12, that still provides the appearance of a peaked pitched roof;* and (2) Item 8. Parking
5 Requirements C. Parking Restrictions: *Between nine a.m. and five p.m. on any day, no individual who works or*
6 *resides in the C-1 Zone shall park a vehicle on Hwy. 101 while their place of employment or in their place of*
7 *residence. Tourist transients are excluded.*

8
9 VI. CITY COUNCIL LIAISON SCHEDULE AND REPORT

10 There was none.

11
12 VII. PLANNING COMMISSION CONCERNS

13 There was brief discussion regarding: (1) Status of Little Whale Cove Tract D; (2) Building height of the house
14 under construction at 525 S.W. Point St. (Property Owner: Grau); and (3) Hageman encouraged everyone to be
15 mindful of the upcoming Public Hearing Items and if they are not able to attend the Planning Commission
16 Meetings to please notify Staff (need a Quorum).

17
18 VIII. Next Meeting – October 18, 2017

19
20 IX. ADJOURN

21 There being no further business, the Meeting was adjourned at 7:09 p.m.

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25
26 _____
27 Roy Hageman, President

28
29
30 _____
31 Carla Duering, Recording Secretary