

1 Depoe Bay Planning Commission
2 Regular Meeting
3 Wednesday, February 16, 2005 - 7:00 PM
4 Depoe Bay City Hall

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7 PRESENT: B. Langdon, S. McGavock (arr 7:08 PM), C. Connor, B. Taunton, E. Placido,
8 D. Davilla

9

10 ABSENT: D. Johnson

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12 STAFF: City Planner L. Lewis, Recording Secretary S. Fox

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14 I. CALL MEETING TO ORDER

15 In Johnson's absence, Vice-Chair Langdon called the meeting to order and established a quorum at 7
16 PM.

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18 II. APPROVAL OF MINUTES: January 19, 2005 Regular Meeting

19 Hearing no objection, the minutes of the January 19, 2005 Regular Meeting were approved as submitted.

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21 III. ITEMS FROM THE AUDIENCE

22 There were no items from the audience.

23

24 IV. NEW BUSINESS

25 There was no new business.

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27 V. PUBLIC MEETING ITEM

28 A. Case File #1-C1-PC-05

29 Applicant: Lee Brackhahn

30 Application: Building Permit Application in the C-1 Zone

31 Lewis reviewed his memo dated 2/9/05 (copy attached to original of these minutes) regarding this
32 application. There were no questions or discussion.

33

34 Motion: Davilla moved to approve Case File #1-C1-PC-05 as submitted. Connors seconded the motion.

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36 Langdon said it was moved and seconded, and called for discussion. There was none.

37

38 Vote: Motion passed.

39 Ayes: Connors, Taunton, Langdon, Placido, Davilla

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41 VI. PUBLIC HEARING ITEMS

42 A. Case File: #1-V-PC-04 (continued)

43 Applicant: Sheila and William Howell

44 Application: Variance

1 Langdon said testimony and evidence given must be directed toward criteria described by the City
2 Planner, or other criteria in the code that the testifier believes applies to the request. Failure to raise an
3 issue, accompanied by statements or evidence sufficient to afford the Commission and the parties an
4 opportunity to respond to the issue precludes appeal to the State Land Use Board of Appeals on that
5 issue. Application materials or other evidence relied upon by the applicant had been provided to the City
6 and made available to the public. She asked if any Commissioner had ex-parte contact, conflict of
7 interest, or bias to declare. There was none. She then asked if the applicant or anyone else had objection
8 to any Planning Commissioner hearing the case noting that some of the Planning Commissioners are
9 new since the application was first presented. There was no objection. Lewis summarized the Staff
10 Report, which included written testimony from Duane and Rebecca Papke, and Brenda and Roger
11 Martin, and distributed a revised Conclusion (copies attached to original of these minutes). The applicant
12 was given an opportunity to testify and answer questions from Commissioners. There was no additional
13 testimony in support of the application, and no testimony in opposition. The public hearing was closed
14 and deliberations began. A Commissioner questioned setting a precedence for allowing a variance on
15 small lots, expressing a concern about the South Forty area, which has many undersized lots. Lewis
16 confirmed that the lot size was legally established, and is significantly smaller and narrower than other
17 lots in the vicinity. There was discussion regarding the front porch size, with a recommendation that it be
18 a maximum width of 6' 4½" where it is less than 20' from the front property line. Commissioners
19 generally felt that variance applications should be taken on a case-by-case basis, that the applicant met
20 all the criteria for the variance, and that the new construction would improve the neighborhood.

21
22 Motion: Connors moved to approve Case File #1-V-PC-04, with the revised Conclusion and maximum
23 front porch width of 6' 4½" where the porch is less than 20' from the front property line. McGavock
24 seconded the motion.

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26 Langdon said it was moved and seconded, and called for discussion. There was further discussion
27 regarding the front porch.

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29 Vote: Motion passed.

30 Ayes: McGavock, Connors, Taunton, Langdon, Placido, Davilla

31
32 Langdon will sign the Final Order tomorrow.

33
34 B. Case File: #1-CS-PC-05

35 Applicant: City of Depoe Bay

36 Application: Coastal Shorelands

37 Langdon said testimony and evidence given must be directed toward criteria described by the City
38 Planner, or other criteria in the code that the testifier believes applies to the request. Failure to raise an
39 issue, accompanied by statements or evidence sufficient to afford the Commission and the parties an
40 opportunity to respond to the issue precludes appeal to the State Land Use Board of Appeals on that
41 issue. Application materials or other evidence relied upon by the applicant had been provided to the City
42 and made available to the public. She asked if any Commissioner had ex-parte contact, conflict of
43 interest, or bias to declare. Davilla said she spoke with Governor Kulongoski regarding facilitating an
44 agreement with the agencies that were working on them, including the State Marine Board, the state and
45 local fire chiefs, engineers, and City Staff, and she recused herself from the hearing. There were no other

1 declarations. Langdon then asked if anyone had objection to any Planning Commissioner hearing the
2 case. There was no objection. Lewis summarized the Staff Report. Langdon called for testimony in
3 opposition. Ruth Moreland, 30 SW Hawkins, said she wasn't opposed, but expressed concern about the
4 aesthetic resource. She requested the record remain open for seven days so she could look at the
5 construction plans and review the Staff Report. Langdon called for testimony in favor of the application.
6 Rick Davilla, Harbor Commissioner, said this project is considered an emergency because fishing season
7 is rapidly approaching, and if the fuel tank is not in place, it will have a tremendous negative impact on
8 Depoe Bay. The City has a grant that will expire in June, and if the project is not complete, the grant will
9 be lost. Moreland asked for a clearer picture of how the aesthetic resources would be protected, and
10 Lewis reviewed key areas of the Staff Report. There was further discussion on this issue. Moreland
11 withdrew her request to leave the record open. The public hearing was closed and deliberations began.
12 There was brief discussion regarding the waste oil shed and dredging.

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14 Motion: McGavock moved to approve Case File #1-CS-PC-05 as submitted. Taunton seconded the
15 motion.

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17 Langdon said it was moved and seconded, and called for discussion. There was none.

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19 Vote: Motion passed.

20 Ayes: McGavock, Connors, Taunton, Langdon, Placido
21

22 Langdon will sign the Final Order tomorrow. Davilla returned to her seat.
23

24 VII. CITY COUNCIL LIAISON REPORT.

25 Langdon reported that she participated in a walking tour with Tony Stein up North and South Depoe Bay
26 Creeks. If anyone is interested in taking a tour of the creeks, of the water treatment plant, or the
27 wastewater treatment plant, contact Terry Owings to set up.
28

29 VIII. PLANNER'S REPORT

30 Lewis reviewed his written report (copy attached to original of these minutes).
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32 IX. PLANNING COMMISSION CONCERNS

33 There were no concerns.
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35 X. ADJOURN

36 There being no further business, the meeting was adjourned at 8:06 PM.
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Betty Langdon, Chairman Pro Tem

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Silver Fox, Recording Secretary