

1 Depoe Bay Planning Commission
2 Regular Meeting
3 Wednesday, May 18, 2005 - 7:00 PM
4 Depoe Bay City Hall

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7 PRESENT: S. McGavock, C. Connors, B. Taunton, B. Langdon, D. Johnson, E. Placido, D. Davilla

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9 STAFF: City Planner L. Lewis, City Recorder Pery Murray, Recording Secretary C. Duering

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11 I. CALL MEETING TO ORDER

12 Johnson called the meeting to order and established a quorum at 7:00 PM.

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14 II. APPROVAL OF MINUTES: April 20, 2005 Regular Meeting

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16 Motion: Langdon moved to approve the Minutes of the April 20, 2005 Regular Meeting as written.
17 McGavock seconded the motion.

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19 Johnson said it was moved and seconded, and called for discussion. There was none.

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21 Vote: Motion passed.

22 Ayes: McGavock, Connors, Langdon, Johnson, Placido, Davilla

23 Abstain: Taunton

24

25 III. ITEMS FROM THE AUDIENCE

26 There were no items from the audience.

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28 IV. PUBLIC HEARING ITEMS

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30 A. Case File #1-CU-PC-05

31 Applicant: Eric Watkins

32 Application: Conditional Use Permit

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34 Johnson said testimony and evidence given must be directed toward criteria described by the City
35 Planner, or other criteria in the code that the testifier believes applies to the request. Failure to raise an
36 issue, accompanied by statements or evidence sufficient to afford the Commission and the parties an
37 opportunity to respond to the issue precludes appeal to the State Land Use Board of Appeals on that
38 issue. Application materials or other evidence relied upon by the Applicant had been provided to the
39 City and made available to the Public. He asked if any Commissioner had ex-parte contact, conflict of
40 interest, or bias to declare. Langdon declared she became acquainted with Eric Watkins when he was
41 employed at Little Whale Cove. She also stated that someone approached her with their concerns and
42 she informed them that they should be addressed through written testimony or attendance of the Public
43 Hearing. Davilla declared that she knows Eric Watkins as a City Employee and had sold his former
44 residence. Johnson declared he also knew Eric and has attempted to bribe him when he comes to read
45 the water meter. Johnson and Langdon acknowledged that they had been to the site of the proposed

1 nursery stock home occupation. Johnson then asked if anyone had objection to any Planning
2 Commissioner hearing the case. There was no objection. Lewis summarized the Staff Report (copy
3 attached to original of these Minutes). Written testimony was received from a Concerned Property
4 Owner, Norman Erickson, Bill L. Wright, L. Arlene Wright, and Renee' M. Wright, David McCarley,
5 Cheryl McCarley, and Nanette Ayers (copies attached to original of these Minutes). Johnson asked if
6 the Commissioners had any questions to address to the City Planner. The Applicant was given an
7 opportunity to testify and answer questions from Commissioners. There was no testimony in support of
8 the Application, and no testimony in opposition. There was no request to keep the record open. The
9 Public Hearing was closed and deliberations began.

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11 Motion: Langdon moved to approve the Conditional Use Permit Application for Case File #1-CU-PC-
12 05 with the Conditions of Approval as recommended by the City Planner. Davilla seconded the motion.

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14 Johnson said it was moved and seconded, and called for discussion.

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16 A Commissioner suggested in response to written testimony including an additional Condition of
17 Approval stating *Applicant shall construct a gated fence and plant shrubs to screen the use from view*.
18 It was the consensus of the Commission not to amend the Conditions.

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20 Vote: Motion passed.

21 Ayes: McGavock, Connors, Taunton, Langdon, Johnson, Placido, Davilla

22
23 B. Case File: #1-PAR-PC-05

24 Applicant: Craig Calkins

25 Application: 3-Lot Partition

26 Johnson said testimony and evidence given must be directed toward criteria described by the City
27 Planner, or other criteria in the code that the testifier believes applies to the request. Failure to raise an
28 issue, accompanied by statements or evidence sufficient to afford the Commission and the parties an
29 opportunity to respond to the issue precludes appeal to the State Land Use Board of Appeals on that
30 issue. Application materials or other evidence relied upon by the Applicant had been provided to the
31 City and made available to the Public. He asked if any Commissioner had ex-parte contact, conflict of
32 interest, or bias to declare. There was none. Johnson then asked if anyone had objection to any
33 Planning Commissioner hearing the case. There was no objection. Lewis summarized the Staff Report
34 (copy attached to original of these Minutes). Written testimony was received from Hugh and Dorothy
35 Mayes (copy attached to original of these Minutes). Johnson asked if the Commissioners had any
36 questions to address to the City Planner. City Planner and Commissioners ensued in discussion
37 concerning Conditions of Approval Item 3. and the relevance to the Application given it was for a 3-Lot
38 Partition not a Building Permit Application. A Commissioner asked the Planner to define a Minor Land
39 Partition versus a Subdivision and their time lines. The Applicant was given an opportunity to testify
40 and answer questions from Commissioners. Tom Chavez, 275 Hazelton, asked for an explanation of the
41 proposed covenants and restrictions regarding height restrictions and setbacks. Lewis responded that the
42 standards for setbacks are essentially the same in the R-1 and R-4 Zones with a few minor exceptions;
43 Maximum Building Height is 35 ft. in the R-4 Zone, and 30 ft. in the R-1 Zone; R-4 Zone density allows
44 Multi-Family Dwellings, R-1 Zone does not. Tom Chavez asked about the water line capability and
45 extension. Lewis replied that the City Field Superintendent might require the Developer to upgrade the

1 water line. There was no additional testimony in support of the Application and no testimony in
2 opposition. There was no request to keep the record open. The Public Hearing was closed and
3 deliberations began.

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5 Motion: Connors moved to approve the Findings, Conclusions, and Final Order for Case File #1-PAR-
6 PC-05 with the Conditions of Approval as recommended by the City Planner except deleting Items 3. a.,
7 b., c., and d. and revising Item e. to *Requests for final approval of the partition shall be accompanied by*
8 *a plat and one exact copy meeting the requirements of DBZO Section 14.100, Ors 92.050 - 92.100, and*
9 *Ors 209.250*. Davilla seconded the motion.

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11 Johnson said it was moved and seconded, and called for discussion. There was none.

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13 Vote: Motion passed.

14 Ayes: McGavock, Connors, Taunton, Langdon, Johnson, Placido, Davilla

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16 C. Case File: #1-PD-PC-05 (Continued)

17 Applicant: Northwest, Inc.

18 Agent: Pavitt Land Use Consulting

19 Application: Planned Development and Zone Change

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21 Johnson gave a short synopsis of the prior Planning Commission Meeting specifying that Public
22 Testimony had been closed and directed the City Planner to review the revised Conditions of Approval
23 as discussed at the last meeting. Lewis summarized the revised Draft Conditions of Approval (copies
24 attached to original of these Minutes). A Commissioner asked for clarification of the area designated for
25 the proposed pedestrian trail. Dawn Pavitt, Agent, illustrated the area using the Stonebridge Plan
26 Development Preliminary Plan. There was lengthy discussion with most of the discussion focusing on
27 the following: Cul-de-sac location selected for RV Parking (Lot #3 and #4) may not be suitable due to
28 lack of ease of access. The Commission agreed to amend the Final Order Item 6. to read *Lots #3 and #4*
29 *or Lot #3 alone may be used for RV parking provided the perimeter of the lot(s) is screened from view*
30 *by fencing and landscaping*; regarding the Intermittent Stream to revise Item 9. second paragraph to be
31 replaced with requirements of Ordinance 256, Exhibit "G", Section 4.800 (copy of recommendation
32 received from B. Langdon Order 5. and 6. attached to original of these Minutes); modify Item 11. to *The*
33 *existing lineal footage of the open (natural bottom) intermittent stream channel through the site shall be*
34 *maintained or increased*; Item 1. third sentence to read *Development shall be accomplished in*
35 *conformance with the approved plan and reports submitted with the Application*. Insert additional
36 Condition to read *Streets shall be private streets and maintained by the Developer or Homeowners*
37 *Association*.

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39 Motion: Langdon moved to approve the Findings, Conclusions, and Final Order for Case File #1-PD-
40 PC-05 as recommended by the City Planner with the amended Conditions and the revised Findings,
41 Conclusions and Final Order be submitted for review and approval at the next Planning Commission
42 Meeting. Connors seconded the motion.

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44 Johnson said it was moved and seconded and called for discussion.

1 Commissioners discussed whether the modifications were significant enough to require a review prior to
2 the signing by the Chairman.

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4 The Motion was withdrawn.

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6 Motion: Langdon moved to approve the Findings, Conclusions, and Final Order for Case File #1-PD-
7 PC-05 as recommended by the City Planner with the amended Conditions. Connors seconded the
8 motion.

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10 Johnson said it was moved and seconded and called for discussion.

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12 Vote: Motion passed.

13 Ayes: McGavock, Connors, Langdon, Johnson, Placido, Davilla

14 Abstain: Taunton

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16 Motion: Langdon moved that the revised Findings, Conclusions and Final Order be submitted for
17 review and approval at the next Planning Commission Meeting.

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19 The motion died due to lack of second

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21 VI. CITY COUNCIL LIAISON REPORT.

22 Davilla reported that (1) City Council approved the Goddard's request to return the usage of their
23 structure located at 223 S.W. Hwy. 101 to Commercial at the ground-level and Residential on the second
24 floor (2) Council will be pursuing a potential parking lot at the south end of town (3) Public Hearing:
25 Appeal of the Planning Commission Decision on the Warren & Jean Ford Case (File #3-CS-PC-05) will
26 be held June 7, 2005 (4) The State has decided that Hwy. 101 will not be designated as a Freight Route
27 between Florence and Astoria (5) Public Hearing was held at the May 17, 2005 Regular Meeting
28 regarding the Proposed Amendments to the Comprehensive Plan, Zoning Ordinance and Zoning Map
29 Relating to Uses and Standards in the City and was continued to a Special Meeting, June 16, 2005 (6)
30 No bids were received on the Depoe Bay Fuel Station Project.

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32 VII. PLANNER'S REPORT

33 Lewis reviewed his written report (copy attached to original of these Minutes). He reminded the
34 Commission that A. Joe Dunn (Case File #7-CS-PC-04) would be submitting a request for a 120-Day
35 Extension to his Application and may be prepared for the June Meeting.

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37 VIII. UPCOMING EVENTS

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39 IX. PLANNING COMMISSION CONCERNS

40 Langdon expressed her concern for the Public's unfortunate misconception of the Matrix and suggested
41 perhaps preparing a concise written explanation would be helpful. Johnson replied that he and Lewis are
42 the resources for the City Council during the deliberation process. Public Testimony is closed.

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1 X. ADJOURN

2 There being no further business, the meeting was adjourned at 8:50 PM.

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Richard Johnson, Chairman

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11 Carla Duering, Recording Secretary