

1 Depoe Bay Planning Commission  
2 Regular Meeting  
3 Wednesday, July 20, 2005 - 7:00 PM  
4 Depoe Bay City Hall

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7 PRESENT: C. Connors, B. Langdon, D. Johnson, D. Goddard, D. Davilla

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9 ABSENT: S. McGavock, B. Taunton

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

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13 I. CALL MEETING TO ORDER

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

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16 Johnson asked the Commission members and City Planner to offer an introduction and share a brief  
17 background since they had a new member, Dorinda Goddard, present. Everyone complied.

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19 II. APPROVAL OF MINUTES: June 15, 2005 Regular Meeting

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21 Motion: Davilla moved to approve the Minutes of the June 15, 2005 Regular Meeting as written.  
22 Connors seconded the motion.

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

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26 Vote: Motion passed.

27 Ayes: Connors, Johnson, Davilla

28 Abstain: Langdon, Goddard

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30 III. ITEMS FROM THE AUDIENCE

31 There were no items from the audience.

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33 IV. PUBLIC HEARING ITEMS

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35 A. Case File #2-PAR-PC-05

36 Applicant: Mike Lewis

37 Application: 2-Lot Partition

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39 Johnson said testimony and evidence given must be directed toward criteria described by the City  
40 Planner, or other criteria in the code that the testifier believes applies to the request. Failure to raise an  
41 issue, accompanied by statements or evidence sufficient to afford the Commission and the parties an  
42 opportunity to respond to the issue precludes appeal to the State Land Use Board of Appeals on that  
43 issue. Application materials or other evidence relied upon by the Applicant had been provided to the  
44 City and made available to the Public. He asked if any Commissioner had ex-parte contact, conflict of  
45 interest, or bias to declare. There was none. Johnson then asked if anyone had objection to any Planning  
46 Commissioner hearing the case. There was no objection. Lewis summarized the Staff Report (copies

1 attached to original of these Minutes). Lewis noted on Page 7, Staff Analysis, R-2 Standards and Street  
2 Frontage, the correct proposed street frontage for the Northerly Lot is 25' not 40' and the Southerly Lot  
3 is 25' not 308'. Lewis illustrated (using the Site Plan provided by the Applicant) the front yard setback  
4 on the Northerly Lot as the south property line given the Planning Commission (Partition Application  
5 processed 3 years ago) conditioned that property line needed to be a minimum of 10' from an exiting  
6 house. He identified the Southerly Lot front yard setback as Indian Trail Avenue. Johnson asked if the  
7 Commissioners had any questions to address to the City Planner. A Commissioner inquired if the  
8 Applicant would be required to have 2 separate driveways or can 1 driveway be shared. Lewis replied  
9 they could use the same driveway however the plat would need to grant an easement to both properties  
10 exhibiting the allowed joint access. Lewis indicated that he was not aware of the owner's intentions  
11 regarding the driveway. The Applicant was given an opportunity to testify and answer questions from  
12 Commissioners. He was not present. There was no testimony in opposition and no request to keep the  
13 record open. The Public Hearing was closed and deliberations began.

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15 Motion: Langdon moved to approve the 2-Lot Partition Application for Case File #2-PAR-PC-05 with  
16 the Conditions of Approval as recommended by the City Planner. Connors seconded the motion.

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

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20 Vote: Motion passed.

21 Ayes: Connors, Langdon, Johnson, Goddard, Davilla

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23 B. Case File #2-GEO-PC-05

24 Applicant: Northwest Homes

25 Owner: Roy and Rogene Giangrossi

26 Application: Geologic Hazards Permit

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28 Johnson said testimony and evidence given must be directed toward criteria described by the City  
29 Planner, or other criteria in the code that the testifier believes applies to the request. Failure to raise an  
30 issue, accompanied by statements or evidence sufficient to afford the Commission and the parties an  
31 opportunity to respond to the issue precludes appeal to the State Land Use Board of Appeals on that  
32 issue. Application materials or other evidence relied upon by the Applicant had been provided to the  
33 City and made available to the Public. He asked if any Commissioner had ex-parte contact, conflict of  
34 interest, or bias to declare. There was none. Johnson then asked if anyone had objection to any Planning  
35 Commissioner hearing the case. There was no objection. Lewis summarized the Staff Report (copies  
36 attached to original of these Minutes). Lewis noted on Page 3., Summary and Staff Analysis, R-2  
37 Residential Standards, the correct proposed north and south side yards are 5' not 8'9". Johnson asked if  
38 the Commissioners had any questions to address to the City Planner. There were none. The Applicant  
39 was given an opportunity to testify and answer questions from Commissioners. Dan James, 1730 N.E.  
40 18<sup>th</sup>, Lincoln City, clarified his relationship to the Case as the Manufactured Home Dealer and General  
41 Contractor. Johnson asked who was designing the retaining wall. James replied H.G. Schlicker &  
42 Associates, Inc. A Commissioner questioned the height of the retaining wall. Lewis responded 8'.  
43 There was no testimony in opposition and no request to keep the record open. The Public Hearing was  
44 closed and deliberations began. After brief discussion it was the consensus of the Commissioners that  
45 the Conditions of Approval Item 8. be deleted and Item 7. be amended to *The Applicant or Property*  
46 *Owner shall complete and sign the Declaration of Covenants and Conditions of Responsibility and*

1 *Indemnity (The Declaration) provided by the City. Prior to issuance of a Building Permit, the Applicant*  
2 *or Property Owner shall execute and record the Declaration and a copy of the June 29, 2004*  
3 *Engineering Geologic Hazards Investigation in the deed records of Lincoln County, Oregon.*  
4 *Documentation of the testing of soil conditions, foundation, and fill shall also be recorded in the deed*  
5 *records of Lincoln County, Oregon.*

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7 Motion: Connors moved to approve the Geologic Hazards Permit Application for Case File #2-GEO-  
8 PC-05 as recommended by the City Planner with the amended Conditions of Approval. Davilla  
9 seconded the motion.

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11 Johnson said it was moved and seconded, and called for discussion. A Commissioner noted that the  
12 page headings of the Staff Report referenced Case File #2-GTR-PC-05. Lewis affirmed the correct Case  
13 File is #2-GEO-PC-05.

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15 Vote: Motion passed.

16 Ayes: Connors, Langdon, Johnson, Goddard, Davilla  
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18 Johnson stated he would sign both Cases' Final Orders tomorrow unless there is an objection. There  
19 was none.

## 20 21 VI. CITY COUNCIL LIAISON REPORT.

22 Connors reported that (1) Public Hearing/Continue Deliberations on the Proposed Amendments to the  
23 Comprehensive Plan, Zoning Ordinance and Zoning Map Relating to Uses and Standards in the City will  
24 be held at a Special Meeting, August 18<sup>th</sup> at 7:00 PM (2) Dorinda Goddard was appointed to the  
25 Planning Commission (3) Public Hearing for Ordinance #260 Review will be scheduled (Thursday,  
26 September and October) at their next meeting. Johnson explained that Ordinance #260 was the  
27 Ordinance that modified the DBZO to allow Limited Land Use Overlay Zones. In response to Public  
28 opposition the Ordinance has a clause written that requires the City Council's review no earlier than the  
29 30<sup>th</sup> month and no later than the 35<sup>th</sup> month after the date of adoption of the Ordinance. Ordinance #261  
30 was the creation of the North Coast Avenue Limited Land Use Overlay Zone. Johnson noted that he is  
31 the Liaison for the month of August per the Rotation Chart.

## 32 33 VII. PLANNER'S REPORT

34 Lewis reviewed his written report (copy attached to original of these Minutes).  
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## 36 IX. PLANNING COMMISSION CONCERNS

37 A Commissioner inquired if the dwelling approved on Austin St. is a single-family dwelling, as she  
38 observed the size and placement of the windows seemed unusual. Lewis confirmed that it is a single-  
39 family dwelling.  
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1 X. ADJOURN

2 There being no further business, the meeting was adjourned at 7:36 PM.

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Richard Johnson, Chairman

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10 Carla Duering, Recording Secretary