

1 Depoe Bay Planning Commission
2 Regular Meeting
3 Wednesday, August 17, 2005 - 7:00 PM
4 Depoe Bay City Hall

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6
7 PRESENT: S. McGavock, C. Connors, B. Taunton, B. Langdon, D. Johnson, D. Goddard, D. Davilla
8
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.

13
14 II. APPROVAL OF MINUTES: July 20, 2005 Regular Meeting
15 Langdon recommended that the Minutes be amended as follows (copy attached to original of these
16 Minutes): (Page 2, Line 10.) *Lewis indicated he was not aware of the owner's intentions regarding the*
17 *driveway. Some Commissioners felt the owner's intentions regarding the driveway should be clarified.*
18 *Lewis stated that such clarification would be required on the plat.*

19
20 Motion: Langdon moved to approve the amended Minutes of the July 20, 2005 Regular Meeting.
21 Connors seconded the motion.

22
23 Johnson said it was moved and seconded, and called for discussion. There was none.

24
25 Vote: Motion passed.
26 Ayes: Connors, Langdon, Johnson, Goddard, Davilla
27 Abstain: McGavock, Taunton

28
29 III. ITEMS FROM THE AUDIENCE

30 There were no items from the audience.

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32 IV. PUBLIC HEARING ITEMS

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34 Johnson asked if the Commission objected to moving Agenda Item IV. C. to the beginning of the Public
35 Hearing Items as the two Audience members were present to provide testimony for Case File #6-CS-PC-
36 05. There was none.

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38 A. Case File #6-CS-PC-05
39 Applicant: Ronald Spores
40 Application: Coastal Shorelands and Variance

41
42 Johnson said testimony and evidence given must be directed toward criteria described by the City
43 Planner, or other criteria in the code that the testifier believes applies to the request. Failure to raise an
44 issue, accompanied by statements or evidence sufficient to afford the Commission and the parties an
45 opportunity to respond to the issue precludes appeal to the State Land Use Board of Appeals on that

1 issue. Application materials or other evidence relied upon by the Applicant had been provided to the
2 City and made available to the Public. He asked if any Commissioner had ex-parte contact, conflict of
3 interest, or bias to declare. Johnson declared that he visited the site and stated there are two adjacent
4 two-story homes that are in very close proximity to the property lines. Johnson then asked if anyone had
5 objection to any Planning Commissioner hearing the case. There was no objection. Lewis summarized
6 the Staff Report (copies attached to original of these Minutes). Johnson asked if the Commissioners had
7 any questions to address to the City Planner. A Commissioner asked if the only substantial alteration to
8 the structure was the building height. Lewis replied it will also be expanded to the west and will
9 decrease 1 ft. on the side, while maintaining the existing Front-Yard Setback and complying with the
10 Area of Visual Concern and Coastal Setback Requirements. The Applicant was given an opportunity to
11 testify and answer questions from Commissioners. He was not present. Tony Archer, Contractor, 590
12 Spencer Ave., reiterated the narrow lot size, the existence of the adjacent 2-story homes, no obstruction
13 of neighboring views, and minimizing a present setback. Bill Spores, 362 Highway 101, stated he
14 believed the building height was not changing, as there is already an existing second-story. Lewis
15 referred to the Applicant's Narrative *...in order to accommodate a full second-story, the raising of the*
16 *roofline in conformity with City Guidelines*. Robert Cornelles, 445 Alsea Ave., asked the Commission
17 to clarify the Application and expressed concern regarding the street-side aesthetics of extending the
18 second-story above the garage. Lewis and Johnson restated the Applicant's request and clarified the
19 Items the Planning Commission would be taking into consideration. A Commissioner asked what is the
20 current Alsea Ave. (front yard) setback. Archer responded that he did not know the current setback as
21 Fairfield Design prepared the plot plan, however the intention is to install new windows and include
22 decorative detailing to improve the appearance. There was no additional testimony in support of the
23 Application and no testimony in opposition. There was no request to keep the record open. The Public
24 Hearing was closed and deliberations began. Commissioners ensued in discussion concerning the issue
25 of narrow lots platted in 1928 and meeting current setback requirements and the Commission's past
26 practice of granting Variances to accommodate Property Owners in this neighborhood.

27
28 Motion: Langdon moved to approve the Coastal Shorelands and Variance Application for Case #6-CS-
29 PC-05 with the Conditions of Approval as recommended by the City Planner. Davilla seconded the
30 motion.

31
32 Johnson said it was moved and seconded, and called for discussion. There was none.

33
34 Vote: Motion passed.

35 Ayes: McGavock, Connors, Taunton, Langdon, Johnson, Goddard, Davilla

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37 Johnson stated he would sign the Case Final Order tomorrow unless there is an objection. There was
38 none.

39
40

41 B. Case File #3-GEO-PC-05
42 Applicant: Steve Scopelleti
43 Application: Geologic Hazards Permit

44

1 Johnson 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
6 City and made available to the Public. Johnson asked if any Commissioner had ex-parte contact,
7 conflict of interest, or bias to declare. Davilla declared that she sold the lot to the Applicant and recused
8 herself from the hearing. Johnson then asked if anyone had objection to any Planning Commissioner
9 hearing the case. There was no objection. Lewis summarized the Staff Report (copies attached to
10 original of these Minutes). Johnson asked if the Commissioners had any questions to address to the City
11 Planner. Commissioners and City Planner discussed the Storm Drainage Plan and whether Condition
12 (Item 4., Page 4) should be revised. It was agreed to amend Condition (Item 4., Page 4, 3rd paragraph) to
13 read Prior to obtaining a Building Permit, the Applicant shall submit a Storm Drainage Plan for review
14 and approval by the City Superintendent. *The Drainage Plan shall show that surface water from*
15 *impervious surfaces shall be directed to Ludson Place, and there shall not be an increase in surface*
16 *water runoff onto adjacent properties.* The Applicant was given an opportunity to testify and answer
17 questions from Commissioners. He was not present. There was no testimony in opposition and no
18 request to keep the record open. The Public Hearing was closed and deliberations began. A
19 Commissioner expressed concern regarding the GeoTech Report (Page 830-2, Investigation) *A visual*
20 *field investigation was conducted for the lot and adjacent area on June 29, and July 1, 2005. Five ½-*
21 *inch iron rods had been previously flagged and were assumed to be the property corners.* After brief
22 discussion it was determined that an Engineer, who is not a Surveyor, would not attest to the validity of
23 property lines.

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25 Motion: Connors moved to approve the Geologic Hazards Permit Application for Case File #3-GEO-
26 PC-05 as recommended by the City Planner with the amended Conditions of Approval. Taunton
27 seconded the motion.

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29 Johnson said it was moved and seconded, and called for discussion. Johnson suggested the following
30 modifications: Condition (Page 4., Item No 4.) be changed to Water collected in the system shall be
31 drained by gravity in tight-jointed, non-perforated pipe *to Ludson Place* and Condition (Page 4., Item
32 No. 5.) *Insert Silt fencing, as shown on the Site Plan, shall be installed during construction.* The site
33 shall be re-vegetated and landscaped as soon after construction as possible, at least within the same
34 growing season to minimize potential surface erosion.

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36 Motion Amendment: Connors altered the motion to include the amended conditions. Taunton seconded
37 the motion.

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39 Vote: Motion passed.

40 Ayes: McGavock, Connors, Taunton, Langdon, Johnson, Goddard

41
42 Johnson stated he would sign the Case Final Order tomorrow unless there is an objection. There was
43 none.

44
45 Davilla returned to her seat.

1 C. Case File #2-CU-PC-05
2 Applicant: James and Debra Poplin
3 Application: Conditional Use Permit Expansion
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5 Johnson said testimony and evidence given must be directed toward criteria described by the City
6 Planner, or other criteria in the code that the testifier believes applies to the request. Failure to raise an
7 issue, accompanied by statements or evidence sufficient to afford the Commission and the parties an
8 opportunity to respond to the issue precludes appeal to the State Land Use Board of Appeals on that
9 issue. Application materials or other evidence relied upon by the Applicant had been provided to the
10 City and made available to the Public. Johnson asked if any Commissioner had ex-parte contact,
11 conflict of interest, or bias to declare. Johnson and Connors acknowledged that they had been to the
12 Mini-Storage site. Johnson then asked if anyone had objection to any Planning Commissioner hearing
13 the case. There was no objection. Lewis summarized the Staff Report (copies attached to original of
14 these Minutes). Written testimony was received from Fran Recht (copy attached to original of these
15 Minutes). Lewis noted that a Memo received from the City Superintendent has since made him aware of
16 a 20' Easement that contains 2 water lines (copy of Plat Map showing easement attached to original of
17 these Minutes). Lewis spoke with the Applicants and they assured him they would revise their plan so
18 the water lines would not be impacted. Also a Commissioner in conversation alerted Lewis to the issue
19 of RV's parked on the property and there is no identification in the original Conditional Use that allows
20 for outside storage. Johnson asked if the Commissioners had any questions to address to the City
21 Planner. A Commissioner requested Lewis to clarify the expansion. Lewis replied there are four
22 existing buildings and they are requesting to increase the number to eight. There was lengthy discussion
23 with most of the discussion focusing on the concern of development in the Riparian Corridor Area, the
24 on-site RV parking, a need for screening (with vegetation and/or fencing) the perimeter of the property,
25 and does the Commission wish to allow expansion of a Grand fathered Conditional Use Permit, as
26 current regulations would not allow such a use today in the R-4 Zone. It was the consensus of the
27 Commission to direct the City Planner to research the original Conditional Use Permit Application,
28 compose a letter to the Applicant requesting a response addressing screening and the items identified in
29 Recht's written testimony, and to submit a revised Site Plan. The Public Hearing will re-open at a later
30 date.

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32 V. CITY COUNCIL LIAISON REPORT.

33 Johnson reported that (1) Fractional Ownership in Residential Zones was addressed last night and
34 Johnson voiced his concern that the Letter from Dave Gordon focused only on the R-1 Zone and asked if
35 Murray had any further information. Murray informed the Commission that Dave Gordon is no longer
36 our City Attorney. He is now the Crook County Counsel. Our new Attorney is Peter Gintner, of
37 Macpherson, Gintner, Gordon & Diaz (same firm), and he will be providing Staff a definitive answer on
38 whether Dave Gordon's Opinion Letter is applicable to all our Residential Zones. (2) The City has
39 received a letter from Bob Ward looking for support of a Maritime Museum in Depoe Bay. Johnson
40 noted that Betty Langdon is the Liaison for the month of September per the Rotation Chart. Connors
41 volunteered to replace Langdon who is unable to attend.

42
43 VI. PLANNER'S REPORT

44 Lewis reviewed his written report (copy attached to original of these Minutes).
45

1 VII. PLANNING COMMISSION CONCERNS

2 Johnson reminded the Commissioners: (1) Land Use/Planning Training Session in Newport on
3 Saturday, October 22nd (2) The Public Hearing/Continued Deliberations on the Proposed Amendments to
4 the Comprehensive Plan, Zoning Ordinance and Zoning Map Relating to Uses and Standards in the City
5 will be held at a City Council Special Meeting tomorrow evening.

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7 VIII. ADJOURN

8 There being no further business, the meeting was adjourned at 8:30 PM.

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Carla Duering, Recording Secretary

Richard Johnson, Chairman