

1 Depoe Bay Planning Commission
2 Regular Meeting
3 Wednesday, December 21, 2005 - 7:00 PM
4 Depoe Bay City Hall

5
6
7 PRESENT: C. Connors, B. Langdon, D. Johnson, D. Goddard, D. Davilla, B. Taunton (arr. 7:02 PM),
8

9 ABSENT: S. McGavock

10
11 STAFF: City Planner L. Lewis, City Recorder Pery Murray, Recording Secretary C. Duering
12

13 I. CALL MEETING TO ORDER

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

15
16 II. APPROVAL OF MINUTES: November 16, 2005 Regular Meeting
17 Davilla moved to approve the Minutes of the November 16, 2005 Regular Meeting as written. Connors
18 seconded the motion.

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

21
22 Vote: Motion passed.

23 Ayes: Connors, Langdon, Johnson, Goddard, Davilla
24

25 III. ITEMS FROM THE AUDIENCE

26 There were no items from the audience.
27

28 IV. PUBLIC HEARING ITEMS

29
30 A. Case File #2-CU-PC-05 (Continued)

31 Applicant: James and Debra Poplin

32 Application: Conditional Use Permit Expansion
33

34 Johnson recapped the Commission's decision to approve the Application and to review the revised
35 drafted Findings, Conclusions and Final Order for a consensus of approval tonight. A Commissioner
36 suggested that there would need to be a Motion of Approval. The Commissioners discussed the matter.
37 The Commission agreed to correct the Final Order Item 12. to read *There were no requests to leave the*
38 *record open following the November 16, 2005 Public Hearing for Final Written Arguments.* Johnson
39 acknowledged that the November 16th Motion of Approval stated *Perimeter of the property be screened*
40 *with vegetation that will have a variety of different heights with some materials being a minimum of 6'*
41 *in two years with the intention that the structures and RVs be obscured from sight by the vegetation and*
42 Final Order, Item 8. states *The plan shall consist of native vegetation with varying heights and include*
43 *some vegetation that reaches a minimum height of 6 feet within three years.*

1 Motion: Davilla moved to modify the Conditions of Approval Item. 8. *some plant materials will bring a*
2 *minimum of 6' height in three years to be consistent with prior Land Use Approvals*. Taunton seconded
3 the motion.

4
5 Johnson said it was moved and seconded, and called for discussion. There was none.

6
7 Vote: Motion passed.

8 Ayes: Connors, Taunton, Langdon, Johnson, Goddard, Davilla

9
10 Johnson reiterated that there was a consensus to approve the Final Order and announced he would sign
11 the Case Final Order now as he would be leaving town tomorrow morning.

12
13 Murray, City Recorder, reminded Johnson that there was discussion of making the date correction and
14 suggested that for the Record a Motion to make the date correction and adoption of the Final Order
15 would be proper procedure.

16
17 Motion: Davilla moved to approve and adopt the Findings, Conclusions, and Final Order for Case File
18 #2-CU-PC-05 with the Conditions of Approval as recommended by the City Planner with the following
19 revisions: Item. 8. *Some plant materials will bring a minimum of 6' height in 3 years to be consistent*
20 *with prior Land Use Approvals*. Item 12. *There were no requests to leave the record open following the*
21 *November 16, 2005 Public Hearing for Final Written Arguments*. Goddard 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, Taunton, Langdon, Johnson, Goddard, Davilla

27
28 C. Case File: #4-CU-PC-05 (Continued)

29 Applicant: City of Depoe Bay

30 Application: Conditional Use Permit and Geologic Hazards Permit

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32 The Commissioners agreed to take a few moments to read Fran Recht's Written Testimony (copy
33 attached to original of these Minutes) received after preparation of the City Planner's Memo (copy
34 attached to original of these Minutes).

35
36 Johnson reiterated that this is a continued Public Hearing and Oral Testimony will be received tonight.
37 Johnson asked the City Planner to explain the continuation process of this Public Hearing. Lewis
38 referenced Depoe Bay Zoning Code Section 10.060 Item 1. Application Materials: *All application*
39 *materials, documents or other evidence relied upon by the Application for any Land Use Approval shall*
40 *be provided to the City and made available to the Public at least 20-days prior to the Hearing* and stated
41 that additional information has been submitted therefore the Public Hearing will need to be continued to
42 the January 18, 2006 Meeting. Lewis indicated that the Engineer is in attendance and it would be
43 beneficial to discuss some of the concerns tonight. Johnson specified that Applicant's materials would
44 need to be received 20-days prior to the January 18, 2006 Meeting and Testimony will be received at the

1 continued Public Hearing. Lewis clarified the height of the proposed Water Reservoir and noted a
2 revised Conditional Use Application including a request for a Variance is necessary. Fran Recht, 66
3 N.E. Williams, expressed concern regarding the Variance Request and it was her opinion that this should
4 be submitted as a new Application and the 120-day decision deadline be re-determined. Lewis
5 responded that the notification procedure requirements would be followed and the Applicant can provide
6 a written statement requesting the 120-day decision date be extended. Recht stated that the deadline
7 also applies to Appeals and requested that the original Conditional Use Application be withdrawn and a
8 new Application be re-submitted including the Variance Request or that the Planning Commission ask
9 the Applicant to formally waive the 120-day clause. The Commission ensued in discussion concerning
10 the request and determined to proceed with the Public Hearing and asked the Applicant to ensure the
11 Variance Application and Conditional Use Application are on the same time-line (extended from the
12 current date). Matt Hickey, P.E., Murray, Smith & Associates, Inc., 121 S.W. Salmon St., Suite 900,
13 Portland, (Consulting Engineers for the City's Reservoir Project) responded to comments addressed in
14 Fran Recht's Letter dated December 20, 2005. The Specifications provide for on-site erosion control
15 which includes covering bare soils during the rainy season; the Specifications can be expanded to detail
16 erosion control for the haul roads for example bio bags, hay bales, etc, as well as Summit Pl. to Collins;
17 Contractor will have the option to sand the dirt road corridor cut-in by developers in the area for access
18 use. In regards to the hauling of spoils the Contractor will be required to submit a Hauling Plan
19 illustrating the spoil disposal site and erosion control for City Staff approval. Specifications will require
20 roads to be maintained during the construction process; prior construction of the existing reservoir and
21 retaining wall were accomplished via the proposed access points. A Commissioner articulated their
22 concern regarding entry, in particular the steepness of Summit Place and the ability of a concrete truck to
23 maneuver the switchbacks and indicated that the lot believed to have been utilized, as a back-up point
24 previously, will not be vacant as construction of a single-family dwelling is planned. Hickey responded
25 he will review the matter, given the new construction is a consideration and will develop a Preliminary
26 Transportation Guideline and the Contractor will be required to submit a Final Plan for City Staff
27 approval. The Geotechnical Engineer analyzed the weight of the new tank and concluded that it will not
28 be impacting any additional loads or the stability of the existing on-site retaining wall. The
29 Geotechnical Engineer conducted a site specific Seismic Hazards Study including a 9 subduction zone
30 earthquake and determined the maximum ground acceleration is 0.30g; the Building Code for the site
31 conditions requires 0.38g be used for seismic design; the more conservative number will be used. A
32 Commissioner asked if the 0.38g requirement will exceed the 9 magnitude standard. Hickey answered,
33 yes, and stated this is an essential facility and there are additional safety factors built into the equation
34 and design features. Bob Pailthorp, a retired Civil Engineer (several years experience designing
35 municipal facilities) and Depoe Bay resident, has conducted a Plan Review (as a favor to the City); his
36 comments have been incorporated into the design and he will continue to examine the documents. Terry
37 Owings, City Superintendent, addressed the necessity of securing the facility and the priority over and
38 above Public Access. The Commission and Applicant discussed the time frame that major earthmoving
39 would be allowed and the height of the tank. Fran Recht, 66 N.E. Williams, testified that hay bails have
40 not been acceptable for erosion control and should be specified for use as covering for exposed soils;
41 water barring the roads is essential; any site preparation and earthmoving should occur between June and
42 September as per the Geotechnical Report; recommended a provision for a metal grate shaker to help
43 reduce excess dirt from truck tires to further protect N. Depoe Bay Creek; applauded inclusion in the
44 Specifications and Conditions of Approval for erosion control, identification of spoil disposal site, and

1 maintenance of streets during the construction period; reiterated her concern regarding the retaining wall
2 which is currently holding up the excavated hillside (took away the sub-adjacent support) but was not
3 built to earthquake 9 stability; peer review comments if they are going to be relied on should be
4 incorporated into the Public Hearing Record so they can be examined and transparent to the Public;
5 expressed her disappointment to the dismissal of to this site, this structure is in the midst of a
6 Residential Area and the whole purpose of the Conditional Use process is to make the use compatible to
7 the surrounding area (R-2 Zone); feels that absolutely no mitigation (i.e. provide Public Access view
8 site) is being provided for having barbed wire fencing and a massive, ugly structure impacting a
9 residential neighborhood; National Security is important but that does not excuse a good effort to
10 provide public entrance. Owings re-stressed the importance of protecting Depoe Bay's Water System.
11 A fence (screened with vegetation) and electronic security features are necessary to prevent vandalism
12 such as has been occurring at the south Tank. He does not believe there is adequate space to provide
13 safe Public Access to the southwest portion of the site.

14
15 Johnson reminded the Applicant to submit written response to issues addressed this evening 20-days
16 prior to the Continued Public Hearing (i.e. existing retaining wall, water barring the streets, etc.)
17

18 Johnson confirmed the continuation of the Public Hearing to January 18, 2006.
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20 V. CITY COUNCIL LIAISON REPORT

21 There was none.
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23 VI. PLANNER'S REPORT

24 Lewis reviewed his written report (copy attached to original of these Minutes).
25

26 VII. PLANNING COMMISSION CONCERNS

27 Johnson thanked Betty Langdon for her years of dedication and commended her for the valuable balance
28 that she provided the Planning Commission.
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30 VIII. ADJOURN

31 There being no further business, the meeting was adjourned at 8:21 PM.
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Richard Johnson, Chairman

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39 _____
Carla Duering, Recording Secretary
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