

1 Depoe Bay Planning Commission
2 Regular Meeting
3 Wednesday, March 15, 2006 - 7:00 PM
4 Depoe Bay City Hall
5

6 PRESENT: President C. Connors, S. McGavock, B. Bruce, B. Taunton, D. Goddard

7
8 ABSENT: J. Messina, D. Davilla
9

10 STAFF: City Planner L. Lewis, Recording Secretary C. Duering
11

12 I. CALL MEETING TO ORDER

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

15 II. APPROVAL OF MINUTES: February 15, 2006 Regular Meeting

16 McGavock moved to approve the Minutes of the February 15, 2006 Regular Meeting as written.
17 Taunton seconded the motion.
18

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

21 Vote: Motion passed.

22 Ayes: McGavock, Taunton, Connors

23 Abstain: Bruce, Goddard
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 #1-CS-PC-06

31 Applicant: Catherine A. Wright

32 Application: Coastal Shorelands Development and Variance

33 Map and Tax Lot: 09-11-08-CA #6801

34 Location: S.W. Cliff St.
35

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

1 Lewis noted Written Testimony was received after preparation of the Staff Report from the Property
2 Owner, Jim and Lana Wetherill, (copy attached to original of these Minutes). Connors asked if the
3 Commissioners had any questions to address to the City Planner. Connors indicated that the Plot Plan
4 did not reflect the Variance Request. Lewis replied the 2nd attachment shows a maximum building
5 envelope and reflects a 20' front yard whereas the request is 15'; side yards are shown as 5', should be 5'
6 on west side and 7'10" on the east property line. Lewis also stated he did not address the residential
7 minimum 10' backyard requirement as the coastal setbacks for the Area of Visual Concern and the
8 Coastal Erosion Standard are well beyond the 10' rear property line. The Applicant was given an
9 opportunity to testify and answer questions from Commissioners. Catherine Wright, 1580 N.E. Center
10 St., Sheridan, testified that she and her husband have entered into an Agreement to purchase the
11 referenced property. She gave Lewis the original Application (signed by the Property Owner). She
12 believes their proposed design would allow them to build a reasonable house and still come as close as
13 possible to satisfying the City's requirements. She gave a brief synopsis of their Application. The
14 Commissioners asked for clarification on the size and location of the decks. Connors called for
15 testimony in support of the Application. There was none. Connors called for testimony in opposition to
16 the Application. Brett Harrison, 170 Cliff St. (recently purchased his property from former Mayor, John
17 Steen) indicated he wasn't fully opposed to the development of the referenced property but did have
18 some valid concerns: View protection; actual lot size; volatility of the land; noticeable erosion factor –
19 adjacent neighbors have lost 1' to 2' of coastal frontage over the last 16 years; information obtained thru
20 investigation led him to the conclusion that the lot was virtually unbuildable. Connors asked if he had
21 reviewed the Geotech Report (Prepared by GeoStandards Corporation, January 30, 2004). He indicated
22 he had not reviewed the Geotech Report and only became aware of the Meeting 2 days ago (conveyed by
23 John Steen, who received the Notice of Public Hearing); had an opportunity to talk to the surveyors; and
24 is in attendance tonight to learn. There was no additional testimony in opposition. Catherine Wright
25 reiterated their intent to construct a home (haven't purchased the plans yet) that would comply with the
26 Geotech recommendations and did not feel there has been any significant erosion since the completion
27 of the Engineer's report; if they are granted the 5' Variance on the west side it would minimize the
28 impact on Mr. Harrison's view. She submitted a revised Plot Plan (copy attached to original of these
29 Minutes) illustrating the standard setbacks prepared by the Surveyor, Matt Dunckel & Assoc. (dated
30 March 14, 2006). Commissioners and Applicant discussed whether the building footprint included front
31 and rear decks. There was no request to keep the Record open. The Public Hearing was closed and
32 deliberations began. A Commissioner asked how can the Commission make a determination without a
33 definitive Plan. Lewis stated the Commission could request a more detailed Site Plan; revise Condition
34 of Approval Item 2. Coastal Shoreland Setback and Area of Visual Concern. Development shall be
35 accomplished in conformance with the approved Plan. This includes a minimum foundation, building,
36 and deck setback of 20' from the top of the bluff to include additional provisions regarding the deck and/
37 or northeast corner of the house. A Commissioner asked Lewis to: Verify the estimated maximum
38 possible erosion rate (0.5'/Year) identified in the Geotech Report; coincide Addresses with Parcel
39 Numbers; location of homes on Lots #6700 and #6800. Connors asked Lewis to confirm that per the
40 DBZO a Geologic Hazard Report is valid for 5 years. A Commissioner acknowledged that this is a
41 difficult lot to develop and recapped the following issues: 5' Variance to the front yard setback; reduce
42 west side yard setback from 8' (due to building height) to 5'; and northeast corner of the home and/or
43 deck be a minimum of 20' from the top of the bluff. Connors suggested the roof pitch could be
44 redesigned to lower the building height. Lewis asked if the Commission wanted to further restrict the

1 width of the deck. The Commission ensued in a discussion concerning the deck width and whether any
2 additional stipulations should be included in the Conditions of Approval. Lewis recommended that the
3 Commission could grant the 5' Variance to the front yard; specify that the house footprint will be no
4 greater than 40' in depth; and deck setback of 20' from the top of the bluff.

5
6 Motion: McGavock moved to allow the Variance Request of a 15' front yard setback, 5' west side yard
7 setback and amend the Conditions of Approval to include the northeast corner of the deck not to exceed
8 10'. Goddard seconded the motion.

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10 Connors said it was moved and seconded, and called for discussion.

11
12 A Commissioner reviewed the Motion: Allow Variance for the front yard setback from a minimum of
13 20' to 15'; Variance for the west side yard setback from a required 7'10" to 5'; east side does not need a
14 Variance; and grant a 20' Exception to the Area of Visual Concern; includes the Conditions of Approval
15 as recommended by the City Planner. Lewis clarified Condition of Approval Item 2. Coastal Shoreland
16 Setback and Area of Visual Concern. *Development shall be accomplished in conformance with the*
17 *approved Plan. This includes a minimum foundation, building, and deck setback of 20' from the top of*
18 *the bluff; Item 3. Setback Variances. *Development shall be accomplished in conformance with the*
19 *approved Plan. This includes a 15' front yard setback and a 5' west ~~street~~ side yard setback.* The
20 Commissioners and Lewis further discussed including additional restrictions on the rear deck and
21 requesting the Applicant to provide a revised building footprint and deck plan illustrating the perimeters
22 discussed.*

23
24 Motion Amendment: McGavock amended the motion to include that the Applicant provide a revised
25 Site Plan showing a 15' front yard setback; 5' west side setback; and the footprint of the house and deck
26 is a minimum of 20 feet from the top of bluff. Goddard seconded.

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28 Connors said it was moved and seconded, and called for discussion. There was none.

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30 Vote: Motion passed.

31 Ayes: Taunton, Connors, Goddard, McGavock, Bruce

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33 Connors advised the Applicant to provide Staff with a revised Site Plan demonstrating conformance to
34 the approved items and directed Staff to prepare the revised Findings, Conclusion and Final Order for
35 review and approval at the next Planning Commission Meeting.

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37 V. UNFINISHED BUSINESS:

38 There was none.

39
40 VI. CITY COUNCIL LIAISON REPORT

41 Goddard reported the "Matrix" died.

1 VII. PLANNER'S REPORT

2 Lewis reviewed his written report (copy attached to original of these Minutes). Lewis restated that the
3 City Council moved to not adopt the Proposed Ordinance No. 271 (An Ordinance amending Ordinance
4 No. 69, the Comprehensive Plan, as amended; amending the Inventory Information, as amended;
5 amending Ordinance No. 24, The Zoning Ordinance, as amended; enacting provisions requested as result
6 of review of the Depoe Bay Zoning Code by the City of Depoe Bay; and declaring an emergency).
7 Lewis indicated there has been discussion that segments of the proposed Text Amendments and perhaps
8 other additional Amendments warrant further consideration. After lengthy discussion it was the
9 consensus of the Commission to address the City Council.

10
11 Motion: McGavock moved that the Planning Commission request the City Council to join us in a Joint
12 Meeting so that we may plan to move ahead to help this city grow. Goddard seconded the motion.

13
14 Connors said it was moved and seconded, and called for discussion.

15
16 Brief discussion occurred on possible reasons why the Ordinance wasn't adopted.

17
18 Vote: Motion passed.
19 Ayes: Connors, Goddard, McGavock, Bruce, Taunton

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21 The Commission agreed that Connors would address the City Council at their next meeting under the
22 Agenda Item - Reports of Officers, Boards, or Standing Committees. A Commissioner asked if the
23 meeting would be closed. Connors replied no, however that doesn't entail that the audience will be
24 given the opportunity to participate.

25
26 Bonnie Saxton, the Real Estate Agent representing Jim and Lana Wetherill, Property Owner (Case File
27 #1-CS-PC-06) asked the Commission to confirm that the Variance Requests were granted, Public
28 Testimony is closed, and the Applicant has been asked to return with a new Plot Plan before the Findings
29 are presented and the Final Order is signed. She is concerned with the time lapse versus the terms of the
30 Sale Agreement given the current increase in property values. Connors affirmed the Planning
31 Commission's decision and reminded her that the Property Owner should understand that this scenario
32 would most likely be repeated with another potential buyer.

33
34 VIII. PLANNING COMMISSION CONCERNS

35 There was none.

36
37 IX. ADJOURN

38 There being no further business, the meeting was adjourned at 8:25 PM.

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41 _____
42 Carol Connors, President

43
44 _____
Carla Duering, Recording Secretary