

1 Depoe Bay Planning Commission
2 Regular Meeting
3 Wednesday, June 21, 2006 - 7:00 PM
4 Depoe Bay City Hall
5

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

7
8 ABSENT: B. Bruce, J. Messina
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: May 17, 2006 Workshop and Regular Meeting
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17 Motion: Davilla moved to approve the Minutes of the May 17, 2006 Workshop and Regular Meeting as
18 written. Taunton seconded the motion.
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20 Connors said it was moved and seconded, and called for discussion. There was none.
21

22 Vote: Motion passed.

23 Ayes: Taunton, Davilla, Connors, Goddard, McGavock
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25 III ITEMS FROM THE AUDIENCE

26 There were no items from the audience.
27

28 IV. NEW BUSINESS
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30 A. Case File: #1-C1-PC-06 Applicant: Dimitry Koshuba
31 Application: New Construction in the C-1 Retail Commercial Zone
32 Map and Tax Lot: 09-11-08-CA #00400 Location: 16 S.W. Johnson St.
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34 B. Case File: #2-C1-PC-06 Applicant: Dimitry Koshuba
35 Application: New Construction in the C-1 Retail Commercial Zone
36 Map and Tax Lot: 09-11-08-CA #00500 Location: 24 S.W. Johnson St.
37

38 Lewis recommended reviewing the two Applications simultaneously (Same Applicant, Adjacent Parcels,
39 Single-Family Dwellings and not Public Hearings) and the Commission agreed. Lewis summarized the
40 Memorandums (copy attached to original of these Minutes). Connors asked if the Commissioners had
41 any questions to address to the City Planner. There was none.
42

43 Motion: Davilla moved to approve Case File #1-C1-PC-06 and Case File #2-C1-PC-06 and adopt the
44 Conditions of Approval, Items 1. and 2. as recommended by the City Planner. Goddard seconded the
45 motion.
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1 Connors said it was moved and seconded, and called for discussion. There was none.

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3 Vote: Motion passed.

4 Ayes: Taunton, Davilla, Connors, McGavock, Goddard

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6 V. PUBLIC HEARING ITEMS

- 7
8 A. Case File: #2-CS-PC-06 (Continued) Applicant: Chris Edwardson
9 Application: Coastal Shorelands Development, Geologic Hazards Permit, and Variance Request
10 Map and Tax Lot: 09-11-08-BD #06300 Location: 475 S.W. Coast Ave.
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12 Connors explained the Public Hearing procedure. Connors said Testimony and evidence given must be
13 directed toward criteria described by the City Planner, or other criteria in the code that the testifier
14 believes applies to the request. Failure to raise an issue, accompanied by statements or evidence
15 sufficient to afford the Commission and the parties an opportunity to respond to the issue precludes
16 appeal to the State Land Use Board of Appeals on that issue. Application materials or other evidence
17 relied upon by the Applicant had been provided to the City and made available to the Public. She asked
18 if any Commissioner had ex-parte contact, conflict of interest, or bias to declare. There was none.
19 Connors then asked if anyone had objection to any Planning Commissioner hearing the case. There was
20 no objection. Lewis reiterated a portion of the Motion from the previous Meeting regarding
21 notification (copy attached to original of these Minutes) to the adjacent affected Property Owner - No
22 written response was received. Lewis summarized the Findings, Conclusions, and Final Order (copy
23 attached to original of these Minutes). Connors asked if the Commissioners had any questions to address
24 to the City Planner. There was none.
25

26 Motion: Davilla moved to approve the Findings, Conclusions, and Final Order including Condition
27 Items 1. thru 13. for Case File #2-CS-PC-06. McGavock seconded the motion.
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29 Connors said it was moved and seconded, and called for discussion. There was none.

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31 Vote: Motion passed.

32 Ayes: Davilla, Connors, McGavock, Goddard, Taunton
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- 34 B. Case File: #1-PD-PC-05 Applicant: Northwest Inc., dba Northwest Homes
35 Application: Final Approval of Stonebridge PD (Phase 1)
36 Map and Tax Lot: 09-11-08-AA #02000 Location: S. of Collins St. and E. of Ainslee Ave.
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38 Connors said Testimony and evidence given must be directed toward criteria described by the City
39 Planner, or other criteria in the code that the testifier believes applies to the request. Failure to raise an
40 issue, accompanied by statements or evidence sufficient to afford the Commission and the parties an
41 opportunity to respond to the issue precludes appeal to the State Land Use Board of Appeals on that
42 issue. Application materials or other evidence relied upon by the Applicant had been provided to the
43 City and made available to the Public. She asked if any Commissioner had ex-parte contact, conflict of
44 interest, or bias to declare. Davilla declared she has spoken with the Developer and potential Buyers and
45 recused herself. Connors then asked if anyone had objection to any Planning Commissioner hearing the
46 case. There was no objection. Lewis summarized the Staff Report (copy attached to original of these

1 Minutes). Lewis noted the following changes have been made in the Tentative Phase 1 Plan Approval:
2 26 to 31 lots; due to typography the 35% open space will be shifted; Engineer's open culvert design will
3 leave the intermittent drainage way in its natural state. Connors asked if the Commissioners had any
4 questions to address to the City Planner. There was none. The Applicant was given an opportunity to
5 testify and answer questions from Commissioners. Dawn Pavitt, Agent, gave a brief synopsis of their
6 compliance with the Findings, Conclusions, and Final Order Conditions of Approval and the DBZO
7 Planned Development criteria; and the submitted Riparian Enhancement Plan. The Commissioners
8 asked Pavitt to define the proposed plan and location of the Earthern Bridge. Pavitt described the design
9 and illustrated the location. The Commissioners complimented Pavitt on the comprehensive Riparian
10 Enhancement Plan. There was no Testimony in support of the Application and no Testimony in
11 opposition. There was no request to keep the Record open. The Public Hearing was closed and
12 deliberations began. Lewis instructed the Commission that they are determining whether to approve the
13 Final Plans of Phase 1 and the Recommendation to the City Council for a Zone Change from Residential
14 R-3 and Residential R-4 to Residential R-4 Planned Development.

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16 Motion: McGavock moved to approve the Final Phase 1 Plan as recommended by the City Planner for
17 Case File #1-PD-PC-05 and recommend to the City Council that the Zoning be changed from R-3 and R-
18 4 to R-4 Planned Development. Taunton seconded the motion.

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

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22 Vote: Motion passed.

23 Ayes: Connors, McGavock, Goddard, Taunton

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25 It was the consensus of the Commission to direct Lewis to prepare the Findings, Conclusion and Final
26 Order for Connors's signature.

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28 Davilla announced she is a Co-Listing Agent on the next two properties and recused herself from Case
29 File #2-GEO-PC-6 and #3-GEO-PC-06.

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31 C. Case File: #2-GEO-PC-06 Applicant: Alex Onishchenko

32 Application: Geologic Hazards Permit

33 Map and Tax Lot: 09-11-05-DC #09200 Location: Harbor View Pl., View of the Bay PD

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35 Connors said Testimony and evidence given must be directed toward criteria described by the City
36 Planner, or other criteria in the code that the testifier believes applies to the request. Failure to raise an
37 issue, accompanied by statements or evidence sufficient to afford the Commission and the parties an
38 opportunity to respond to the issue precludes appeal to the State Land Use Board of Appeals on that
39 issue. Application materials or other evidence relied upon by the Applicant had been provided to the
40 City and made available to the Public. She asked if any Commissioner had ex-parte contact, conflict of
41 interest, or bias to declare. There was none. Connors then asked if anyone had objection to any
42 Planning Commissioner hearing the case. There was no objection. Lewis summarized the Staff Report
43 (copy attached to original of these Minutes). Connors asked if the Commissioners had any questions to
44 address to the City Planner. There was none. The Applicant was given an opportunity to testify and
45 answer questions from Commissioners. He was not present. There was no Testimony in support of the
46 Application and no Testimony in opposition. There was no request to keep the Record open. The Public

1 Hearing was closed and deliberations began. A Commissioner asked if the Geologist's
2 recommendations need to be itemized in the Conditions of Approval? Lewis replied that during his
3 review of the Building Permit he verifies that the Application complies with the Conditions of Approval
4 including the Geologist's Conclusions and Recommendations. Connors suggested further defining the
5 Geologist's Recommendation concerning Wet-Weather Construction. Lewis indicated they could
6 restrict excavation for a certain period or require the Engineering Geologists to review the site after final
7 grading and excavation occurs and submit a letter documenting his analysis.

8
9 Motion: McGavock moved to approve Case File #2-GEO-PC-06 and adopt the Conditions of Approval,
10 Items 1. thru 6. as recommended by the City Planner and amend the Conditions to include Item 7. *The*
11 *Engineering Geologist will provide a Letter to the City stating that all excavation and earth moving is*
12 *being carried out in accordance with the Engineering Geologist's recommendations.* Goddard
13 seconded the motion.

14
15 Connors said it was moved and seconded, and called for discussion. There was none.

16
17 Vote: Motion passed.

18 Ayes: McGavock, Goddard, Taunton, Connors

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20 It was the consensus of the Commission to direct Lewis to prepare the Findings, Conclusion and Final
21 Order for Connors's signature.

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23 D. Case File: #3-GEO-PC-06 Applicant: Alex Onishchenko
24 Application: Geologic Hazards Permit
25 Map and Tax Lot: 09-11-05-DC #09300 Location: Harbor View Pl. at View of the Bay PD
26

27 Connors said Testimony and evidence given must be directed toward criteria described by the City
28 Planner, or other criteria in the code that the testifier believes applies to the request. Failure to raise an
29 issue, accompanied by statements or evidence sufficient to afford the Commission and the parties an
30 opportunity to respond to the issue precludes appeal to the State Land Use Board of Appeals on that
31 issue. Application materials or other evidence relied upon by the Applicant had been provided to the
32 City and made available to the Public. She asked if any Commissioner had ex-parte contact, conflict of
33 interest, or bias to declare. There was none. Connors then asked if anyone had objection to any
34 Planning Commissioner hearing the case. There was no objection. Lewis summarized the Staff Report
35 (copy attached to original of these Minutes). Connors asked if the Commissioners had any questions to
36 address to the City Planner. There was none. The Applicant was given an opportunity to testify and
37 answer questions from Commissioners. He was not present. There was no Testimony in support of the
38 Application and no Testimony in opposition. There was no request to keep the Record open. The Public
39 Hearing was closed and deliberations began.

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41 Motion: McGavock moved to approve Case File #3-GEO-PC-06 and adopt the Conditions of Approval,
42 Items 1. thru 6. as recommended by the City Planner and amend the Conditions to include Item 7. *The*
43 *Engineering Geologist will provide a Letter to the City stating that all excavation and earth moving is*
44 *being carried out in accordance with the Engineering Geologist's recommendations.* Goddard
45 seconded the motion.

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

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3 Vote: Motion passed.

4 Ayes: Goddard, Taunton, Connors, McGavock

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6 Davilla Returned to her seat.

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8 E. Case File: #3-CS-PC-06 Applicant: Biesterfeld Family Trust, Jerry and Dina Biesterfeld
9 Application: Coastal Shorelands Development, Geologic Hazards Permit, and Variance Request
10 Map and Tax Lot: 09-11-05-CA #06200 Location: 45 N.W. Harney St.

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12 Connors said Testimony and evidence given must be directed toward criteria described by the City
13 Planner, or other criteria in the code that the testifier believes applies to the request. Failure to raise an
14 issue, accompanied by statements or evidence sufficient to afford the Commission and the parties an
15 opportunity to respond to the issue precludes appeal to the State Land Use Board of Appeals on that
16 issue. Application materials or other evidence relied upon by the Applicant had been provided to the
17 City and made available to the Public. She asked if any Commissioner had ex-parte contact, conflict of
18 interest, or bias to declare. There was none. Connors then asked if anyone had objection to any
19 Planning Commissioner hearing the case. There was no objection. Lewis summarized the Staff Report
20 (copy attached to original of these Minutes). Written Testimony was received from Roxanne and James
21 D. Imbrie (copy attached to original of these Minutes.) Connors asked if the Commissioners had any
22 questions to address to the City Planner. There was none. The Applicant was given an opportunity to
23 testify and answer questions from Commissioners. Jerry Biesterfeld, 257 N.W. 56th St., Newport, stated
24 he didn't have any additional information to add but would be happy to answer any questions. A
25 Commissioner expressed a concern regarding the 15' front-yard set-back - a vehicle parked in the
26 driveway may impact traffic. Biesterfeld responded he did not feel that would be an issue (park in the
27 garage) if there is a car in the driveway it would be a smaller vehicle. Lewis illustrated that the outer
28 edges of the structure are very close to a 30' Area of Visual Concern Setback (Standard is 40') and at the
29 middle of the structure encroachment actual decreases. Connors asked if the building footprint included
30 decks. Biesterfeld indicated he did realize that decks were a consideration in the Area of Visual
31 Concern. Lewis explained the Area of Visual Concern Standard (*Section 4.820, Item 2.*) and reiterated
32 the Geologist's recommendation (*1. To mitigate for shallow landsliding of the bluff slop, we*
33 *recommend a minimum setback of 30 feet from the top edge of the bluff, measured horizontally, as*
34 *shown on Figure 3.*). Biesterfeld responded that his home would not adversely affect the view (the
35 surrounding homes are much closer - some have decks overhanging the bluff). Commissioners, Lewis,
36 and Biesterfeld further discussed the deck dimensions and concluded that the Applicant would be
37 required to adhere to the Geologist's recommendation in regards to the lower deck and that they needed
38 to determine whether to allow the cantilever deck to encroach further into the Area of Visual Concern.
39 It was agreed to request that Applicant to submit a revised Drawing demonstrating the deck location and
40 dimensions and a geological evaluation supporting the construction (should ground disturbance occur
41 within the prior recommended 30' setback). There was no Testimony in support of the Application and
42 no Testimony in opposition. There was brief discussion regarding continuing the Public Hearing. There
43 was no request to keep the Record Open. It was the consensus of the Commissioners to continue the
44 Public Hearing to July 19, 2006.

1 F. Case File: #1-ZC-PC-06

2 Applicant: Monty Roberts, Joseph and May Tam, Joan E. Dooner, Siletz Tribal Council

3 Application: Zone Change and Comprehensive Plan Map Amendment

4 Map and Tax Lot: 09-11-08-BA #05702, #05800, #05900, #06000, #06100, #06200, #06300

5 Location: 208, 218, 234, 250 and 272 S. Hwy. 101

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7 Connors said Testimony and evidence given must be directed toward criteria described by the City
8 Planner, or other criteria in the code that the testifier believes applies to the request. Failure to raise an
9 issue, accompanied by statements or evidence sufficient to afford the Commission and the parties an
10 opportunity to respond to the issue precludes appeal to the State Land Use Board of Appeals on that
11 issue. Application materials or other evidence relied upon by the Applicant had been provided to the
12 City and made available to the Public. She asked if any Commissioner had ex-parte contact, conflict of
13 interest, or bias to declare. Davilla declared she has spoken with Monty Roberts regarding other real
14 estate transactions. Goddard declared she owns property across the highway from the Subject Lots and
15 has talked to several of the Applicants on occasion. Connors then asked if anyone had objection to any
16 Planning Commissioner hearing the case. There was no objection. Lewis summarized the Staff Report
17 (copy attached to original of these Minutes). Connors asked if the Commissioners had any questions to
18 address to the City Planner. A Commissioner asked if the 13' wide strip (portions of Tax Lot #5702
19 and #5800) would remain zoned Planed Marine and Recreation Zone (M-P). Lewis replied yes, and
20 essentially insures that the water dependent uses stay intact (he further illustrated the location using the
21 Map attached to the Staff Report.) The Applicant was given an opportunity to testify and answer
22 questions from Commissioners. Monty Roberts, 628 S.E. 5th St., Newport testified he had nothing
23 further to add and said he would address any questions the Commissioners might have. The
24 Commissioners commended Monty for the renovations and improvements he has made to his property
25 and asked if there were other proposals for facelifts in the Subject Area. Roberts said he could not speak
26 for the other Property Owners. Connors called for Testimony in support of the Application. Peggy
27 Leoni, 355 S.W. Hwy. 101 welcomed Monty to the neighborhood and stated she was wholeheartedly in
28 favor of eliminating the M-C Zone (On Hwy. 101) in its entirety. She feels that these Property Owners
29 should have the same rights and privileges as other Property Owners currently zoned Commercial (C-
30 1). During her review of the "Matrix" as a member of the EBDC she felt that the Marine Commercial
31 (M-C) Zone was superfluous and she still feels that way. Connors called for Testimony in opposition.
32 There was none. There was no request to keep the Record open. The Public Hearing was closed and
33 deliberations began. A Commissioner stated this is positive Proposal and opens up additional
34 opportunities for revitalization South of the Bridge and the Staff has provided a thorough Summary.

35
36 Motion: Davilla moved to approve Case File #1-ZC-PC-06, direct Staff to prepare a recommendation
37 (to amend the Zoning Map and Comprehensive Plan Map) for review at the next Planning Commission
38 Meeting and upon approval it would be forwarded to the City Council for their consideration and
39 Ordinance Adoption. Taunton seconded the motion.

40
41 Connors acknowledged for the Record that her office had received an Application for Insurance from an
42 Agent representing her client, Mr. Roberts, a Property Owner in this Case.

43
44 Connors said it was moved and seconded, and called for discussion. Connors asked if the Commission
45 could address re-zoning the entire M-C Zone at this time (as suggested by Leoni). Lewis stated it is not
46 allowable with this Application.

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Vote: Motion passed.
Ayes: Goddard, Taunton, Davilla, Connors, McGavock

VI. CITY COUNCIL LIAISON REPORT

Connors reported (1) The Appeal on a Planning Commission Decision (Case File: #1-V-PC-06 Waldport Seafood Company/Siletz Tribe Variance Request) will be continued to Monday, July 17, 2006 (2) Water System Improvements Project – Construction Contract, T. Bailey, Inc. was approved (3) Budget – Fiscal Year 2006-07 was approved.

VII. PLANNER'S REPORT

Lewis reviewed his report (copy attached to the original of these minutes)..

VIII. PLANNING COMMISSION CONCERNS

Lewis stated the term Eating and Drinking Establishment and Serving Area is in our current Parking Standards and the question has come up – What is an Eating and Drinking Establishment and what is the definition of Serving Area. This certainly needs to be addressed as the Planning Commission goes through the Parking Standards Review. Goddard asked does the City of Depoe Bay have a Noise Nuisance Ordinance. Lewis answered he believed so, but would need to confer with the City Recorder. A Commissioner stated they believed it is complaint driven. Davilla reminded everyone that Saturday is the Depoe Bay Community Clean-up starting at 9 a.m. (meet at the Community Center) and thanked various organizations for their donations and support. Connors reiterated her concern from the May 17, 2006 Meeting regarding the City’s Business License Application Certification procedure and thought perhaps she should address the Council. The Commissioners agreed. She also expressed her concern (she has spoken with Larry Lewis and Terry Owings) regarding a Subcontractor Crew (working on the Water Storage Facility Project) living in travel trailers on an adjacent lot. This is a Violation of the DBZO (Uses Permitted Outright in a Residential Zone). Brief discussion occurred. Lewis announced that he does have a Staff Meeting with the City Recorder and City Superintendent tomorrow morning and this matter will be discussed.

IX. ADJOURN

There being no further business, the meeting was adjourned at 9:15 PM.

Carol Connors, President

Carla Duering, Recording Secretary