

1 Depoe Bay Planning Commission  
2 Regular Meeting  
3 Wednesday, July 19, 2006 - 7:00 PM  
4 Depoe Bay City Hall

5  
6 PRESENT: President C. Connors, S. McGavock, B. Taunton, D. Davilla, B. Bruce

7  
8 ABSENT: D. Goddard

9  
10 STAFF: City Planner L. Lewis, City Recorder P. Murray

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: June 21, 2006 Workshop and Regular Meeting

16  
17 MOTION: Davilla moved to approve the Minutes of the June 21, 2006 Workshop and Regular Meeting  
18 as written. McGavock seconded the motion.

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

21  
22 Vote: Motion passed.

23 Ayes: McGavock, Taunton, Davilla, Connors

24 Abstain: Bruce

25  
26 III ITEMS FROM THE AUDIENCE

27 There were no items from the audience.

28  
29 IV. NEW BUSINESS

30  
31 A. Case File: #5-CS-PC-05 Applicant: Pete Tuana  
32 Application: Request for Variance Extension  
33 Map and Tax Lot: 09-11-18-AA #109 Location: 520 Cove Point

34  
35 Lewis reviewed his memo dated July 16, 2006 (copy attached to the original of these minutes), noting a  
36 building permit application had been approved by the City on June 28, 2006 and, if the request is  
37 granted, the variance approval on the subject property would extend to June 30, 2007.

38  
39 MOTION: McGavock moved to extend the variance approval for Case File #5-CS-PC-05 to June 30,  
40 2007. Davilla seconded the motion.

41  
42 Connors said it was moved and seconded, and called for discussion. There was none.

43  
44 Vote: Motion passed.

45 Ayes: McGavock, Taunton, Davilla, Connors, Bruce

46  
47

1 V. UNFINISHED BUSINESS

2  
3 A. Case File: #1-ZC-PC-06

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

5 Application: Zone Change and Comprehensive Plan Map Amendment

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

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

8  
9 Connors noted the application for zone change was heard and deliberated on at the June 21, 2006  
10 meeting, and asked Lewis to review the Commission's draft recommendation to the City Council on the  
11 requested zone change from M-C to C-1. Lewis reviewed the recommendation to approve the zone  
12 change to the City Council dated July 16, 2006 (copy attached to the original of these minutes).

13  
14 MOTION: McGavock moved to send the recommendation as written to the City Council for the zone  
15 change application, Case File #1-ZC-PC-06. Taunton seconded the motion.

16  
17 Connors said it was moved and seconded, and called for discussion. There was none.

18  
19 Vote: Motion passed.

20 Ayes: McGavock, Taunton, Davilla, Connors, Bruce

21  
22 VI. PUBLIC HEARING ITEMS

23 Connors explained the Public Hearing procedure, noting that this procedure applies to all public hearing  
24 items (agenda items A through G) that will be heard this evening. Connors said testimony and evidence  
25 given must be directed toward criteria described by the City Planner, or other criteria in the code that the  
26 testifier believes applies to the request. Failure to raise an issue, accompanied by statements or evidence  
27 sufficient to afford the Commission and the parties an opportunity to respond to the issue precludes  
28 appeal to the State Land Use Board of Appeals on that issue. Application materials or other evidence  
29 relied upon by the applicant had been provided to the City and made available to the public.  
30 Commissioners will be asked for any declaration of ex-parte contact, conflict of interest, or bias to  
31 declare. The public will have the opportunity to state objection to any Planning Commissioner hearing  
32 the case. Applicants will have the opportunity to present information relevant to their application,  
33 followed by testimony in support of the application, then testimony in opposition, with the applicant  
34 having the opportunity for rebuttal. Unless there is a request to hold the record open, testimony will be  
35 closed and the Commission will enter into deliberations on the application.

36  
37 A. Case File: #3-CS-PC-06 (continued)

38 Applicant: Biesterfeld Family Trust, Jerry and Dina Biesterfeld

39 Application: Coastal Shorelands Development, Geologic Hazards Permit, and Variance Request

40 Map and Tax Lot: 09-11-05-CA #06200 Location: 45 N.W. Harney St.

41  
42 Connors announced Case File #3-CS-PC-06, which is continued from the June 21, 2006 meeting, and  
43 called for any declarations of exparte contact, conflict of interest, or bias from Commissioners. There  
44 was none. Connors then asked if anyone had objection to any Planning Commissioner hearing the case.  
45 There was no objection. Lewis reviewed his memo dated July 13, 2006 (copy attached to the original of  
46 these minutes), noting the area of visual concern setback standard is 40 feet from the top of the bluff, the  
47 request is for a 30 foot setback. The two decks (upper and lower levels) on the westerly side of the

1 house would extend 2 feet into the requested 30 foot setback at the northwest corners. The 30 foot  
2 setback is recommended in the geologic hazards report, if the decks are allowed the pilings will need to  
3 be at least 30 feet from the top of the bluff per the geologist's recommendation. The applicant has  
4 requested a 5 foot variance to the front property line, placing the building 15 feet from the property line,  
5 however, the covered front deck is 8 feet from the property line. Covered decks may not encroach into  
6 the setback area. Applicant, Jerry Biesterfeld, 257 NW 56<sup>th</sup> St, Newport, said the deck footings will be  
7 30 feet or more from the top of the bluff. He could cut the corners of the decks to avoid encroaching  
8 into the 30 foot setback, but he would prefer not to. Neighboring houses have decks extending closer to  
9 the top of the bluff than his would. He offered to eliminate the front deck, revising his design to an inset  
10 doorway, so 15 feet would be the front yard setback with the street. There was no testimony in favor or  
11 in opposition of the application. There was no request to hold the record open. Connors closed the  
12 testimony and Commission deliberations began. Davilla said there is one parking space provided in the  
13 garage, two spaces are required for a single family dwelling, with the deck on the front side of the house  
14 there is no room for parking. It was suggested that with the deck eliminated, there could be a curved  
15 driveway with parking parallel to the house. Biesterfeld said this was agreeable to him. Discussion  
16 turned to a recent development next door to the subject property and what the approved setback for that  
17 house was. A brief break was called while Lewis researched the matter. Lewis reported that the average  
18 distance from the top of the bluff on the neighboring dwelling is 27 feet, with the closest point being 21  
19 feet from the top of the bluff.

20  
21 MOTION: McGavock moved to approve Case File #3-CS-PC-06, including the back decks, but to not  
22 approve the front deck. Bruce seconded the motion.

23  
24 Connors said it was moved and seconded and called for discussion. An amendment to the motion was  
25 suggested, that the applicant provide the two required parking spaces as discussed and to include staff's  
26 recommended conditions of approval (Staff Report dated June 21, 2006). McGavock and Bruce  
27 accepted the amendment to the motion. Lewis reviewed revisions to the recommended conditions of  
28 approval as follows: Condition 2 Building Permit, is revised by adding the following: *Proposed front*  
29 *deck shall not be permitted. Back decks shall be as shown on the approved plan and shall not be closer*  
30 *than 28 feet from the top of the bluff. A new condition is added as follows: Applicant shall provide for*  
31 *2 on-site parking spaces.*

32  
33 Vote: Motion, as amended, passed.

34 Ayes: McGavock, Taunton, Davilla, Connors, Bruce  
35

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

38  
39 B. Case File: #2-V-PC-06 Applicant: Mark & Dianne Prlain  
40 Application: Variance Request  
41 Map and Tax Lot: 09-11-05-CA #15700 Location: 30 NW Vista St.  
42

43 Connors announced Case File #2-V-PC-06 and called for any declarations of exparte contact, conflict of  
44 interest, or bias from Commissioners. Davilla stated that due to being involved in the sale of the  
45 properties she is recusing herself from this and the remaining public hearing items on the agenda (agenda  
46 items B through G) and sat in the audience. There was no other declaration made. Connors then asked if  
47 anyone had objection to any Planning Commissioner hearing the case. There was no objection. Lewis

1 summarized his Staff Report (copy attached to original of these minutes), noting the applicant is  
2 requesting a 2 foot variance to the side yard setback and a 4 foot variance to the front yard to utilize an  
3 existing foundation and accommodate the proposed 27 foot building height and replacement/expansion  
4 of a covered porch. Applicant Mark Prlain, Sherwood, Oregon, said the project began as a remodel of a  
5 home built in the 1930's, but as work progressed the extent of dry rot found in the structure made them  
6 determine the best alternative was to remove the building entirely, leaving the foundation. A  
7 Commissioner asked about abandoning the foundation and relocating the proposed structure in order to  
8 meet required setbacks. Prlain said he did not anticipate the cost of a new foundation which would  
9 cause a \$7,000 - \$8,000 increase to the project and most of the existing foundation is compliant with the  
10 setback requirements. Lewis noted the original house conformed to setbacks because it was not as high  
11 as the proposed house, with the exception of a slight encroachment of the covered porch on the front  
12 side. Prlain commented that there are a number of setback violations existing in the North Point area,  
13 and it is impossible to build a two story house with a 21 foot height, reducing to 24 feet gives an attic  
14 feeling to the upper floor, they are compromising with the 27 foot height by having 8 foot ceilings on the  
15 first floor and dealing with headroom issues on the second floor. There was no testimony in favor or in  
16 opposition of the application. There was no request to hold the record open. Connors closed the  
17 testimony and Commission deliberations began. Brief discussion occurred.

18  
19 MOTION: McGavock moved to approve the Case File #2-V-PC-06 application as requested with the  
20 conditions identified in the Staff Report. Taunton seconded the motion.

21  
22 Connors said it was moved and seconded, and called for discussion. Connors said she does not feel that  
23 the circumstances required to grant a variance exist for this application and the monetary matter of  
24 replacing the foundation is not a reason the commission should consider for granting a variance.

25  
26 Vote: Motion passed.

27 Ayes: McGavock, Taunton, Bruce

28 Nays: Connors

29  
30 It was the consensus of the Commission to direct Lewis to prepare the Findings, Conclusion and Final  
31 Order for Connors's signature.

32  
33 C. Case File: #4-GEO-PC-06 Applicant: Sergey Yasinskiy, Victor Yasinskiy, Mikhail Yasinskiy  
34 Application: Geologic Hazards Permit  
35 Map and Tax Lot: 09-11-05-DC #07000 Location: Bayview St., View of the Bay PD

36  
37 Connors announced Case File #4-GEO-PC-06 and called for any declarations of exparte contact, conflict  
38 of interest, or bias from Commissioners. There was none (Davilla recused). Connors then asked if  
39 anyone had objection to any Planning Commissioner hearing the case. There was no objection. Lewis  
40 noted the subject property is addressed Spring Ave., not Bayview St. and Connors said that Bayview St.  
41 has been renamed to Sea Star Drive. Lewis reviewed his Staff Report (copy attached to original of these  
42 minutes). Applicants Sergey Yasinskiy, Victor Yasinskiy and Mikhail Yasinskiy, Vancouver,  
43 Washington, were present in the audience with their interpreter. The applicants provided no additional  
44 information, and there were no questions from Commissioners. There was no testimony in favor or in  
45 opposition of the application. There was no request to hold the record open. Connors closed the  
46 testimony and Commission deliberations began. Brief discussion occurred.

1 MOTION: McGavock moved to approve Case File #4-GEO-PC-06 with the conditions of approval  
2 identified in the Staff Report, stressing that the geologist's recommendations be followed. Bruce  
3 seconded the motion.

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

6  
7 Vote: Motion passed.

8 Ayes: McGavock, Taunton, Connors, Bruce

- 9  
10 D. Case File: #5-GEO-PC-06 Applicant: Sergey Yasinskiy  
11 Application: Geologic Hazards Permit  
12 Map and Tax Lot: 09-11-05-DC #07300 Location: Bayview St., View of the Bay PD  
13

14 Connors announced Case File #5-GEO-PC-06 and called for any declarations of exparte contact, conflict  
15 of interest, or bias from Commissioners. There was none (Davilla recused). Connors then asked if  
16 anyone had objection to any Planning Commissioner hearing the case. There was no objection. Lewis  
17 reviewed his Staff Report (copy attached to original of these minutes), noting the subject property is  
18 accessed from Bayview St. (now renamed to Sea Star Dr.) via a 20 foot wide access easement, the site  
19 plan shows the proposed house extending into the easement therefore a revised site plan will be required  
20 to reflect that access is via the access easement and that the house does not encroach into the easement  
21 area. This is included as suggested condition of approval #1 in the Staff Report. Applicant Sergey  
22 Yasinskiy, Vancouver, Washington, was present in the audience with his interpreter. The applicant  
23 provided no additional information, and there were no questions from Commissioners. There was no  
24 testimony in favor or in opposition of the application. There was no request to hold the record open.  
25 Connors closed the testimony and Commission deliberations began. Brief discussion occurred.

26  
27 MOTION: McGavock moved to approve Case File #5-GEO-PC-06 with the conditions of approval  
28 identified in the Staff Report. Bruce seconded the motion.

29  
30 Connors said it was moved and seconded, and called for discussion. There was none.

31  
32 Vote: Motion passed.

33 Ayes: McGavock, Taunton, Connors, Bruce

- 34  
35 E. Case File: #6-GEO-PC-06 Applicant: Sergey Yasinskiy  
36 Application: Geologic Hazards Permit  
37 Map and Tax Lot: 09-11-05-DC #07400 Location: Bayview St., View of the Bay PD  
38

39 Connors announced Case File #6-GEO-PC-06 and called for any declarations of exparte contact, conflict  
40 of interest, or bias from Commissioners. There was none (Davilla recused). Connors then asked if  
41 anyone had objection to any Planning Commissioner hearing the case. There was no objection. Lewis  
42 reviewed his Staff Report (copy attached to original of these minutes), noting the subject property, like  
43 the previous case, is accessed from Bayview St. (now renamed to Sea Star Dr.) via a 20 foot wide access  
44 easement, the site plan shows the proposed house extending into the easement therefore a revised site  
45 plan will be required to reflect that access is via the access easement and that the house does not  
46 encroach into the easement area. This is included as suggested condition of approval #1 in the Staff  
47 Report. Applicant Sergey Yasinskiy, Vancouver, Washington, was present in the audience with his

1 interpreter. The applicant provided no additional information, and there were no questions from  
2 Commissioners. There was no testimony in favor or in opposition of the application. There was no  
3 request to hold the record open. Connors closed the testimony and Commission deliberations began.  
4

5 MOTION: McGavock moved to approve Case File #6-GEO-PC-06 with the conditions of approval  
6 identified in the Staff Report. Bruce seconded the motion.  
7

8 Connors said it was moved and seconded, and called for discussion. There was none.  
9

10 Vote: Motion passed.

11 Ayes: McGavock, Taunton, Connors, Bruce  
12

13 F. Case File: #7-GEO-PC-06 Applicant: Victor Yasinskiy

14 Application: Geologic Hazards Permit

15 Map and Tax Lot: 09-11-05-DC #08500 Location: NE Spring Ave, View of the Bay PD  
16

17 Connors announced Case File #7-GEO-PC-06 and called for any declarations of exparte contact, conflict  
18 of interest, or bias from Commissioners. There was none (Davilla recused). Connors then asked if  
19 anyone had objection to any Planning Commissioner hearing the case. There was no objection. Lewis  
20 reviewed his Staff Report (copy attached to original of these minutes). Applicant Victor Yasinskiy,  
21 Vancouver, Washington, was present in the audience with his interpreter. The applicant provided no  
22 additional information, and there were no questions from Commissioners. There was no testimony in  
23 favor or in opposition of the application. There was no request to hold the record open. Connors closed  
24 the testimony and Commission deliberations began.  
25

26 MOTION: McGavock moved to approve Case File #7-GEO-PC-06 with the conditions of approval  
27 identified in the Staff Report. Bruce seconded the motion.  
28

29 Connors said it was moved and seconded, and called for discussion. There was none.  
30

31 Vote: Motion passed.

32 Ayes: McGavock, Taunton, Connors, Bruce  
33

34 G. Case File: #8-GEO-PC-06 Applicant: Victor Yasinskiy

35 Application: Geologic Hazards Permit

36 Map and Tax Lot: 09-11-05-DC #09100 Location: NE Spring Ave, View of the Bay PD  
37

38 Connors announced Case File #8-GEO-PC-06 and called for any declarations of exparte contact, conflict  
39 of interest, or bias from Commissioners. There was none (Davilla recused). Connors then asked if  
40 anyone had objection to any Planning Commissioner hearing the case. There was no objection. Lewis  
41 reviewed his Staff Report (copy attached to original of these minutes), noting the subject property is  
42 located at the intersection of Harbor View Pl. and Spring Ave. The proposed street side yard setback  
43 (Spring Avenue side) at 14' 10" + does not conform to setback requirements, therefore a revised site plan  
44 will be required to reflect the required 20 foot setback. This is included as suggested condition of  
45 approval #1 in the Staff Report. Applicant Victor Yasinskiy, Vancouver, Washington, was present in the  
46 audience with his interpreter. The applicant provided no additional information, and there were no  
47 questions from Commissioners. There was no testimony in favor or in opposition of the application.

1 There was no request to hold the record open. Connors closed the testimony and Commission  
2 deliberations began.

3  
4 MOTION: McGavock moved to approve Case File #8-GEO-PC-06 with the conditions of approval  
5 identified in the Staff Report. Bruce seconded the motion.

6  
7 Connors said it was moved and seconded, and called for discussion. There was none.

8  
9 Vote: Motion passed.

10 Ayes: McGavock, Taunton, Connors, Bruce

11  
12 It was the consensus of the Commission to direct Lewis to prepare the Findings, Conclusions and Final  
13 Orders for the five geologic hazard report case files (agenda items C through G) for Connors's signature.

14  
15 Davilla returned to her seat.

16  
17 VII. CITY COUNCIL LIAISON REPORT

18 Connors reported (1) The Council voted to deny the Appeal on a Planning Commission Decision (Case  
19 File: #1-V-PC-06 Waldport Seafood Company/Siletz Tribe Variance Request) at the special meeting  
20 Monday night and adopted the Findings at last night's regular meeting. (2) Changed the name of  
21 Bayview St. in View of the Bay PD to Sea Star Drive, to eliminate confusion with existing city street  
22 Bayview Avenue. (3) Received a letter requesting a moratorium on development be put into place. The  
23 Council directed the Planning Commission to review this matter at the next Planning Commission  
24 meeting and provide a recommendation to the Council.

25  
26 VIII. PLANNER'S REPORT

27 Lewis reviewed his report (copy attached to the original of these minutes), additionally noting land use  
28 applications which will be on the next agenda.

29  
30 IX. PLANNING COMMISSION CONCERNS

31 Davilla commented that on Case File #7-GEO-PC-06, Map 9-11-5DC, tax lot 8500, the lot dimensions  
32 and setbacks don't work, the lot is 63 feet wide and with side yard setbacks of 18'9" and 24'11" there  
33 remains less than 20 feet for house width. Lewis will follow-up and ensure the proposed structure meets  
34 setback requirements. Brief discussion occurred on the proposed stucco houses.

35  
36 IX. ADJOURN

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

38  
39  
40  
41 \_\_\_\_\_  
42 Carol Connors, President

43 \_\_\_\_\_  
Pery Murray, City Recorder