

Depoe Bay Planning Commission
Regular Meeting
Wednesday, August 16, 2006 - 7:00 PM
Depoe Bay City Hall

PRESENT: President C. Connors, D. Goddard, D. Davilla, E. Hough, S. McGavock

ABSENT: B. Bruce, B. Taunton

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

I. CALL MEETING TO ORDER

Connors called the meeting to order and established a quorum at 7:00 PM. She welcomed the new Planning Commissioner, Ed Hough, and expressed her appreciation for his service to our community.

II. APPROVAL OF MINUTES: July 19, 2006 Workshop and Regular Meeting

Motion: Davilla moved to approve the Minutes of the July 19, 2006 Workshop and Regular Meeting as written. McGavock seconded the motion.

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

Vote: Motion passed.

Ayes: Davilla, Connors, McGavock

Abstain: Hough, Goddard

III ITEMS FROM THE AUDIENCE

There were no items from the audience.

IV. NEW BUSINESS

A. Request for Interpretation of Side Yard Setback Determination

Lewis distributed two house plans illustrating various options for measuring building height as well as DBZO Section 1.030, Definitions, Item 19. Building Height *c. For Establishing Setbacks: The setback from structures to property lines shall be based on the height of the building on the side in question. The height of the side shall be measured from the lowest grade to the highest point of the building* (copy attached to original of these Minutes). He gave a brief history of prior Planning Commission's interpretation; a synopsis of the various choices; and asked the Commissioners to make a determination on the issue. There was brief discussion regarding maintaining view corridors (if maximum height is utilized then a greater distance between structures is essential). The Commissioners determined that Building Height is measured from the lowest finished grade on each side to the highest point of the Building (Option "C"). Bruce Silver, 420 S.W. Cardinal St., distributed photographs (Exhibit "A", "B", and "C" - copies attached to original of these Minutes) of his existing garage, his proposed addition, and the neighboring house to the east. He clarified that the east wall is actually 41' to the property line. He acknowledged the Commissioner's logic and recommended and encouraged them to review Ordinance

#24, Ordinance #185, and Ordinance #256 and amend the DBZO definition (second sentence) to *The height of the side shall be measured from the lowest grade to the highest point of the entire building*. He thanked them for their consideration and indicated he would proceed with the Variance Procedure if necessary. The Commissioners agreed that the language could be made clearer. Lewis reviewed the Legislative Text Amendment Process and suggested that a revision be incorporated with the review of the DBZO.

B. Request to Place Moratorium on Non-Single Family Building Permits

Lewis summarized a Memo from City Superintendent, Terry Owings, responding to a letter from Dorothy Mayes, and a copy of the City of Depoe Bay System Development Charge Periodic Review (copies attached to original of these Minutes). He cautioned the Planning Commission concerning prohibiting specific uses. He reiterated that the City Council has asked the Planning Commission for their recommendation concerning this matter.

Motion: McGavock moved that a letter be written to Dorothy Mayes indicating that after reviewing the existing and planned improvements to the City's Water and Sewer Services we do not feel it essential at this time to place a Moratorium on Non-Single Family Building Permits. Davilla seconded the motion.

Connors said it was moved and seconded, and called for discussion. A Commissioner suggested that the information they reviewed be enclosed with the letter.

Motion Amendment: McGavock amended the motion to include that additional information be enclosed with the letter.

Vote: Motion passed.

Ayes: Connors, Hough, McGavock, Goddard, Davilla

V. PUBLIC HEARING ITEMS

Lewis proposed that the order of the Public Hearing Items be rearranged to accommodate the Applicants who are in the Audience. The Commissioners concurred. Connors explained the Public Hearing procedure, noting that this procedure applies to all Public Hearing Items (Agenda Items A. through E.) that will be heard this evening. Connors said Testimony and evidence given must be directed toward criteria described by the City Planner, or other criteria in the code that the Testifier believes applies to the request. Failure to raise an issue, accompanied by statements or evidence sufficient to afford the Commission and the parties an opportunity to respond to the issue precludes appeal to the State Land Use Board of Appeals on that issue. Application materials or other evidence relied upon by the Applicant had been provided to the City and made available to the Public. Commissioners will be asked for any declaration of ex-parte contact, conflict of interest, or bias to declare. The Public will have the opportunity to state objection to any Planning Commissioner hearing the Case. Applicants will have the opportunity to present information relevant to their Application, followed by Testimony in support of the Application, then Testimony in opposition, with the Applicant having the opportunity for rebuttal. Unless there is a request to hold the Record Open, Testimony will be closed and the Commission will enter into deliberations on the Application.

B. Case File: #9-GEO-PC-06 Applicant: Jeffrey S. Peterson

Application: Geologic Hazards Permit
Map and Tax Lot: 09-11-05-DC #07100
Location: 290 Sea Star Drive, View of the Bay Planned Development

Connors asked if any Commissioner had ex-parte contact, conflict of interest, or bias to declare. Davilla declared her relationship (listing agent) to several of the Subject Properties on the Agenda and recused herself from Case File #2-PAR-PC-06, #9-GEO-PC-06, #10-GEO-PC-06, and #4-CS-PC-06. Connors then asked if anyone had objection to any Planning Commissioner hearing the case. There was no objection. Lewis summarized the Staff Report (copy attached to original of these Minutes). Connors asked if the Commissioners had any questions to address to the City Planner. There was none. The Applicant was given an opportunity to testify and answer questions from Commissioners. Jeff Peterson, 290 N.E. Sea Star Drive, stated his intention to adhere to the recommendations provided by the Engineering Geologist and the City Planner and asked if there were any questions. There was none. There was no Testimony in support of the Application and no Testimony in opposition. There was no request to keep the Record open. The Public Hearing was closed and deliberations began.

Motion: McGavock moved to approve Case File #9-GEO-PC-06 and adopt the Conditions of Approval, Items 1. thru 7. as recommended by the City Planner and in accordance with the Engineering Geologic Hazards Investigation and Erosion Control Recommendations prepared by H.G. Schlicker & Associates, Inc., Section 8.0 Conclusions and Recommendations. Hough seconded the motion.

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

Vote: Motion passed.

Ayes: Hough, McGavock, Goddard, Connors

- D. Case File: #4-CS-PC-06 Applicant: Joe and Dian Forbis
Application: Coastal Shorelands Overlay and Geologic Hazards Permit
Map and Tax Lot: 09-11-05-CD #00100
Location: 147 N. Highway 101

Davilla remained in the audience. Connors asked if any Commissioner had ex-parte contact, conflict of interest, or bias to declare. There was none. Connors then asked if anyone had objection to any Planning Commissioner hearing the case. There was no objection. Lewis summarized the Staff Report (copy attached to original of these Minutes). Connors asked if the Commissioners had any questions to address to the City Planner. Connors clarified that the Applicant is requesting an exception to the 25 foot Area of Visual Concern by asking for a setback of 14 feet from the Coastal Bluff. The Applicant was given an opportunity to testify and answer questions from Commissioners. Joe Forbis, 147 N. Highway 101, asked if there were any questions. Connors referenced the Plan provided by the Applicant and asked Forbis to demonstrate in more detail the proposed Parking Layout and asked if the carport will remain a carport or will it be converted to a garage as indicated. Forbis illustrated the Parking Layout. Dian Forbis, 147 N. Highway 101, replied at a later date they may add a door to the carport. Lewis commented that with the parking addition, the existing driveway will provide access to four parking spaces, including the existing carport space, one existing space between the building and the sidewalk, and the two new parking spaces. A Commissioner asked how far the existing deck and the proposed addition extend west. Lewis replied the proposed addition will align with the existing deck which scales

at 6 ft. There was no Testimony in support of the Application and no Testimony in opposition. There was no request to keep the Record open. The Public Hearing was closed and deliberations began.

Motion: McGavock moved to approve Case File #4-CS-PC-06 and adopt the Conditions of Approval, Items 1. thru 7. as recommended by the City Planner and in accordance with the Preliminary Site Evaluation Recommendations Items 1. thru 6. prepared by Richard Larrett. Goddard seconded the motion.

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

Vote: Motion passed.

Ayes: McGavock, Goddard, Connors, Hough

- E. Case File: #5-CS-PC-06 Applicant: Jon and Mary Hamlin
Application: Coastal Shorelands Overlay
Map and Tax Lot: 09-11-05-CA #19800 and 9-11-05-CD #1100 and #1101
Location: 279 N. Highway 101 – Tidal Raves Restaurant

Davilla returned to her seat. Connors asked if any Commissioner had ex-parte contact, conflict of interest, or bias to declare. There was none. Connors then asked if anyone had objection to any Planning Commissioner hearing the case. There was no objection. Lewis summarized the Staff Report (copy attached to original of these Minutes). Connors asked if the Commissioners had any questions to address to the City Planner. There was none. The Applicant was given an opportunity to testify and answer questions from Commissioners. Arnold Bondley, Architect, 1010 S.W. 13th St., Lincoln City, introduced Jon Hamlin, Owner, and stated he was here to answer any questions the Commissioners might have and provide additional information if needed. Connors asked how many tables are being added in the proposed 727 sq. ft. addition. John Hamlin, Bend, Oregon, representing Tidal Raves Restaurant, 279 N. Highway 101, responded a net gain of 20-22 seats (some of the less desirable existing tables will be removed). There was no Testimony in support of the Application and no Testimony in opposition. There was no request to keep the Record open. The Public Hearing was closed and deliberations began.

Motion: Davilla moved to approve Case File #5-CS-PC-06 and adopt the Conditions of Approval, Items 1. thru 3. as recommended by the City Planner. Goddard seconded the motion.

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

Vote: Motion passed.

Ayes: Goddard, Davilla, Connors, Hough, McGavock

- C. Case File: #2-PAR-PC-06 Applicant: Farsearch, L.L.C. and Coastal Western Land Co.
Application: 2-Lot Partition
Map and Tax Lot: 09-11-05-DC #07700
Location: Sea Star Drive, View of the Bay Planned Development

Davilla returned to the Audience. Connors asked if any Commissioner had ex-parte contact, conflict of interest, or bias to declare. There was none. Connors then asked if anyone had objection to any Planning Commissioner hearing the case. There was no objection. Lewis summarized the Staff Report (copy attached to original of these Minutes). Connors asked if the Commissioners had any questions to address to the City Planner. There was none. The Applicant was not present. There was no Testimony in support of the Application and no Testimony in opposition. There was no request to keep the Record open. The Public Hearing was closed and deliberations began.

Motion: Goddard moved to approve Case File #2-PAR-PC-06 and adopt the Conditions of Approval, Items 1. thru 3. as recommended by the City Planner. Hough seconded the motion.

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

Vote: Motion passed.

Ayes: Goddard, Connors, Hough, McGavock

- C. Case File: #10-GEO-PC-06 Applicant: Mustapha A. Badreddine.
Application: Geologic Hazards Permit
Map and Tax Lot: 09-11-05-DC #08100
Location: 340 Spring Avenue, View of the Bay Planned Development

Davilla remained in the Audience. Connors asked if any Commissioner had ex-parte contact, conflict of interest, or bias to declare. There was none. Connors then asked if anyone had objection to any Planning Commissioner hearing the case. There was no objection. Lewis summarized the Staff Report (copy attached to original of these Minutes). Lewis noted that the building elevation has not been identified (maximum allowed in this Zone is 40 ft.). The proposed east and west side yards are 6 ft. 9 in. which based on DBZO Standards would calculate to a maximum building height of 20 ft. 3 in. (1 ft. for every 3 ft. of building height). The proposed 15 ft. front yard setback does not adhere to the DBZO Standard of 20 ft. Connors asked if the Commissioners had any questions to address to the City Planner. Connors asked Lewis to verify if the address is Spring Avenue or Spring Street. Lewis replied Spring Avenue. The Applicant was not present. There was brief discussion regarding the omission of the Building Plans. It was agreed to request that Applicant to submit a revised Site Plan and Drawing demonstrating the building height and compliance with the DBZO Standards.

Motion: McGavock moved to request the Applicant to provide additional information and specifically submit a revised Site Plan that meets the R-5 Residential Standards or show that circumstances exist that prevent them from compliance. Goddard seconded the motion.

Connors said it was moved and seconded, and called for discussion. Lewis clarified that adherence to the R-5 Standards would require the Applicant to also provide the building elevation. Connors confirmed the 120-Day Decision date as November 24, 2006.

Vote: Motion passed.

Ayes: Connors, Hough, McGavock, Goddard

The Commissioners ensued in a discussion regarding enforcing a policy that all Geological Hazards Permit Applications be required to include a Site Plan and Building Elevation in order to be considered a complete Application for Planning Commission review.

It was the consensus of the Commission to direct Lewis to prepare the Findings, Conclusion and Final Order for Case File #2-PAR-PC-06, #9-GEO-PC-06, #4-CS-PC-06, and #5-CS-PC-06 for Connors's signature.

VI. CITY COUNCIL LIAISON REPORT

Connors reported (1) per a Memo from Pery Murray, City Recorder (copy attached to original of these Minutes) an Appeal was filed (Case File: #1-V-PC-06 Waldport Seafood Company/Siletz Tribe Variance Request) to Oregon Land Use Board of Appeals (LUBA) (2) Ordinance #276 – An Ordinance Amending Ordinance #69 (Depoe Bay Comprehensive Plan) Map, Changing the Designation of Seven Properties from Marine to Commercial; Amending Ordinance #24 (Depoe Bay Zoning Ordinance) Map, Changing the Zoning of Seven Properties from M-C (Marine Commercial) to C-1 (Retail Commercial); and Declaring an Emergency was adopted.

VII. PLANNER'S REPORT

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

VIII. PLANNING COMMISSION CONCERNS

Goddard stated she would really like to see the Commission move forward quickly on the Parking Requirement Review. McGavock reminded the Commission that a lot of time (3 years) and energy was spent on the "Matrix" and expressed his frustration at the City Council decision to not adopt any of the proposed changes to DBZO (presented in Ordinance #271). Lewis responded, perhaps he could identify some alternatives that could be incorporated in an Ordinance to assist with the review process. The Commission agreed that would be beneficial. The Commission ensued in discussion about how to designate on-street parking spaces if they were to count towards satisfying the minimum Parking Requirements. Davilla announced she will not be attending the September Meeting. Hough stated it was interesting. He recognizes it will take a couple of times for him to learn the process.

IX. ADJOURN

There being no further business, the meeting was adjourned at 8:55 PM.

Carol Connors, President

Carla Duering, Recording Secretary