

1 Depoe Bay Planning Commission
2 Regular Meeting
3 Wednesday, September 20, 2006 - 7:00 PM
4 Depoe Bay City Hall

5
6 PRESENT: President C. Connors, D. Goddard, B. Taunton, E. Hough, S. McGavock

7
8 ABSENT: B. Bruce, 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 7:01 PM.

14
15 II. APPROVAL OF MINUTES: August 16, 2006 Workshop and Regular Meeting

16
17 Motion: Goddard moved to approve the Minutes of the August 16, 2006 Workshop and Regular
18 Meeting 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: Connors, Hough, McGavock, Goddard

24 Abstain: Taunton

25
26 III ITEMS FROM THE AUDIENCE

27 There were no items from the audience.

28
29 IV. PUBLIC HEARING ITEMS

30 Connors announced that Public Hearing Item E. Case File #1-PD-PC-06, Planned Development and
31 Zone Change, has been postponed to the October 18, 2006 Meeting per the Applicant, Charlie Leon
32 Scrivner's, written request (copy attached to original of these Minutes). Connors explained the Public
33 Hearing procedure, noting that this procedure applies to all Public Hearing Items (Agenda Items A.
34 through D.) that will be heard this evening. Connors said Testimony and evidence given must be
35 directed toward criteria described by the City Planner, or other criteria in the code that the Testifier
36 believes applies to the request. Failure to raise an issue, accompanied by statements or evidence
37 sufficient to afford the Commission and the parties an opportunity to respond to the issue precludes
38 appeal to the State Land Use Board of Appeals on that issue. Application materials or other evidence
39 relied upon by the Applicant had been provided to the City and made available to the Public.
40 Commissioners will be asked for any declaration of ex-parte contact, conflict of interest, or bias to
41 declare. The Public will have the opportunity to state objection to any Planning Commissioner hearing
42 the Case. Applicants will have the opportunity to present information relevant to their Application,
43 followed by Testimony in support of the Application, then Testimony in opposition, with the Applicant
44 having the opportunity for rebuttal. Unless there is a request to hold the Record Open, Testimony will

1 be closed and the Commission will enter into deliberations on the Application. Lewis proposed that the
2 order of the Public Hearing Items be rearranged to accommodate the Applicants who are in the
3 Audience. The Commissioners concurred.

4
5 D. Case File: #13-GEO-PC-06 Applicant: Kerry & Aleisha Wiest
6 Application: Geologic Hazards Permit
7 Map and Tax Lot: 09-11-17-BB #02600
8 Location: 1470 Tintinnabulary Place, Little Whale Cove Planned Development
9

10 Connors asked if any Commissioner had ex-parte contact, conflict of interest, or bias to declare. There
11 was none. Connors then asked if anyone had objection to any Planning Commissioner hearing the case.
12 There was no objection. Lewis summarized the Staff Report (copy attached to original of these
13 Minutes). Connors asked if the Commissioners had any questions to address to the City Planner.
14 Connors asked Lewis to confirm that in prior Geologic Hazard Permit Applications the Conditions of
15 Approval included that the Applicant shall record a copy of the Engineering Geologist's Report in the
16 Deed Records of Lincoln County, Oregon. Lewis responded yes, and it could certainly be included as a
17 Condition of Approval, however Staff had a discussion and determined it seems redundant to also
18 require the Applicant to record the Geologic Hazard Report as the Declaration of Covenants and
19 Conditions of Responsibility and Indemnity (The Declaration) protects the City and notifies a potential
20 Property Owner of the possibility of Geologic Hazards, the recording fee (approximately \$4 per page –
21 average report is 45-50 pages) was also a consideration. The Applicant was given an opportunity to
22 testify and answer questions from Commissioners. Kerry Wiest stated (from the audience) that he had
23 no testimony unless he could entertain any questions and/or provide clarification. There was none.
24 There was no Testimony in support of the Application and no Testimony in opposition. There was no
25 request to keep the Record open. The Public Hearing was closed and deliberations began.

26
27 Motion: Goddard moved to approve Case File #13-GEO-PC-06 and adopt the Conditions of Approval,
28 Items 1. thru 5. as recommended by the City Planner and in accordance with the Engineering Geologic
29 Hazards Investigation prepared by H.G. Schlicker & Associates, Inc., Section 7.0 Conclusions and
30 Recommendations. Taunton seconded the motion.

31
32 Connors said it was moved and seconded, and called for discussion. There was none.

33
34 Vote: Motion passed.

35 Ayes: Connors, Hough, McGavock, Goddard, Taunton
36

37 A. Case File: #10-GEO-PC-06 (Continued) Applicant: Mustapha A. Badreddine
38 Application: Geologic Hazards Permit
39 Map and Tax Lot: 09-11-05-DC #08100
40 Location: 340 Spring Avenue, View of the Bay Planned Development
41

42 Connors asked if any Commissioner had ex-parte contact, conflict of interest, or bias to declare. There
43 was none. Connors then asked if anyone had objection to any Planning Commissioner hearing the case.
44 There was no objection. Lewis summarized the Staff Report (copy attached to original of these
45 minutes). Lewis recommended that Item 7. **Declaration** be revised to *The Applicant/Property Owner*

1 shall complete and sign the Declaration of Covenants and Conditions of Responsibility and Indemnity
2 (The Declaration) provided by the City. Prior to issuance of a Building Permit, the Applicant or
3 property Owner shall ~~execute and record the Declaration and a copy of the Engineering Geologist's~~
4 ~~July 10, 2006 Engineering Geologic Hazards Investigation Report~~ execute and record the Declaration
5 in the deed records of Lincoln County, Oregon. ~~Documentation of the Engineer's inspection verifying~~
6 ~~design assumptions and final grade shall also be recorded in the Deed Records of Lincoln County,~~
7 ~~Oregon.~~ Connors asked if the Commissioners had any questions to address to the City Planner. A
8 Commissioner asked (referring to the drawing provided by the Applicant) is the extension off the living
9 room a bay window. Lewis answered it's a fireplace which is allowed to encroach (twenty four (24)
10 inches) into a required side yard, bay windows are not. The Applicant was not present. There was no
11 Testimony in support of the Application and no Testimony in opposition. There was no request to keep
12 the Record open. The Public Hearing was closed and deliberations began.

13
14 Motion: McGavock moved to approve Case File #10-GEO-PC-06 and adopt the Conditions of
15 Approval, Items 1. thru 7. as recommended by the City Planner and amend Item 7. **Declaration** to *The*
16 *Applicant/Property Owner shall complete and sign the Declaration of Covenants and Conditions of*
17 *Responsibility and Indemnity (The Declaration) provided by the City. Prior to issuance of a Building*
18 *Permit, the Applicant or Property Owner shall execute and record the Declaration in the Deed Records*
19 *of Lincoln County, Oregon.* and in accordance with the Engineering Geologic Hazards Investigation
20 prepared by H.G. Schlicker & Associates, Inc., Section 8.0 Conclusions and Recommendations. Hough
21 seconded the motion.

22
23 Connors said it was moved and seconded, and called for discussion. There was none.

24
25 Vote: Motion passed.

26 Ayes: Hough, McGavock, Goddard, Taunton, Connors
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28 B. Case File: #11-GEO-PC-06 Applicant: Mikhail Pereverzin
29 Application: Geologic Hazards Permit
30 Map and Tax Lot: 09-11-05-CA #08000
31 Location: 350 Spring Avenue, View of the Bay Planned Development
32

33 Connors asked if any Commissioner had ex-parte contact, conflict of interest, or bias to declare. There
34 was none. Connors then asked if anyone had objection to any Planning Commissioner hearing the case.
35 There was no objection. Lewis summarized the Staff Report (copy attached to original of these
36 Minutes). Lewis recommended that Item 7. **Declaration** be revised to *The Applicant/Property Owner*
37 *shall complete and sign the Declaration of Covenants and Conditions of Responsibility and Indemnity*
38 *(The Declaration) provided by the City. Prior to issuance of a Building Permit, the Applicant or*
39 *property Owner shall execute and record the Declaration* ~~and a copy of the Engineering Geologist's~~
40 ~~August 2, 2006 Engineering Geologic Hazard Report~~ *in the Deed Records of Lincoln County, Oregon.*
41 Connors asked if the Commissioners had any questions to address to the City Planner. There was none.
42 The Applicant was not present. There was no Testimony in support of the Application and no
43 Testimony in opposition. There was no request to keep the Record open. The Public Hearing was
44 closed and deliberations began.

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2 Motion: McGavock moved to approve Case File #11-GEO-PC-06 and adopt the Conditions of
3 Approval, Items 1. thru 7. as recommended by the City Planner and amend Item 7. **Declaration** to *The*
4 *Applicant/Property Owner shall complete and sign the Declaration of Covenants and Conditions of*
5 *Responsibility and Indemnity (The Declaration) provided by the City. Prior to issuance of a Building*
6 *Permit, the Applicant or Property Owner shall execute and record the Declaration in the Deed Records*
7 *of Lincoln County, Oregon.* Goddard seconded the motion.

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

10
11 Vote: Motion passed.

12 Ayes: Hough, McGavock, Goddard, Taunton, Connors

- 13
14 C. Case File: #12-GEO-PC-06 Applicant: Alexsey Kaydalin
15 Application: Geologic Hazards Permit
16 Map and Tax Lot: 09-11-05-DC #09600
17 Location: 340 Harbor View Place, View of the Bay Planned Development
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19 Connors asked if any Commissioner had ex-parte contact, conflict of interest, or bias to declare. There
20 was none. Connors then asked if anyone had objection to any Planning Commissioner hearing the case.
21 There was no objection. Lewis summarized the Staff Report (copy attached to original of these
22 Minutes). Lewis recommended that Item 7. **Declaration** be revised to *The Applicant/Property Owner*
23 *shall complete and sign the Declaration of Covenants and Conditions of Responsibility and Indemnity*
24 *(The Declaration) provided by the City. Prior to issuance of a Building Permit, the Applicant or*
25 *property Owner shall execute and record the Declaration ~~and a copy of the Engineering Geologist's~~*
26 *August 2, 2006 Engineering Geologic Hazard Report in the Deed Records of Lincoln County, Oregon.*
27 Connors asked if the Commissioners had any questions to address to the City Planner. There was none.
28 The Applicant was not present. There was no Testimony in support of the Application and no
29 Testimony in opposition. There was no request to keep the Record open. The Public Hearing was
30 closed and deliberations began.

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32 Motion: Hough moved to approve Case File #12-GEO-PC-06 and adopt the Conditions of Approval,
33 Items 1. thru 7. as recommended by the City Planner and amend Item 7. **Declaration** to *The*
34 *Applicant/Property Owner shall complete and sign the Declaration of Covenants and Conditions of*
35 *Responsibility and Indemnity (The Declaration) provided by the City. Prior to issuance of a Building*
36 *Permit, the Applicant or Property Owner shall execute and record the Declaration in the Deed Records*
37 *of Lincoln County, Oregon.* Taunton seconded the motion.

38
39 Connors said it was moved and seconded, and called for discussion. There was none.

40
41 Vote: Motion passed.

42 Ayes: McGavock, Goddard, Taunton, Connors, Hough

1 It was the consensus of the Commission to direct Lewis to prepare the Findings, Conclusion and Final
2 Order for Case File #10-GEO-PC-06, #11-GEO-PC-06, #12-GEO-PC-06, and #13-GEO-PC-06 for
3 Connors's signature.

4
5 V. CITY COUNCIL LIAISON REPORT
6 Goddard acknowledged that she was unable to attend the meeting. Lewis reported (1) City Council
7 accepted the Planning Commission's recommendation regarding Dorothy Mayes' request to Place a
8 Moratorium on Non-Single Family Building Permits and directed Staff to prepare a letter (2) A City
9 Council member expressed concern regarding the extended time lapse when they refer an Item to the
10 Planning Commission and when they receive a response. He proposed changing the schedule of the
11 Planning Commission Meeting to the Wednesday between the first and second City Council Meeting
12 each month (It was agreed that this item would appear on the next Agenda). After brief discussion the
13 Commission concluded they would request the Council to table this Agenda Item until January 2007.

14
15 VI. PLANNER'S REPORT
16 Lewis reviewed his report (copy attached to the original of these Minutes).

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18 VII. PLANNING COMMISSION CONCERNS
19 There was none.

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21 VIII. ADJOURN
22 There being no further business, the meeting was adjourned at 8:50 PM.

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Carol Connors, President

30 _____
Carla Duering, Recording Secretary