

1 Depoe Bay Planning Commission
2 Regular Meeting
3 Monday, November 20, 2006 - 6:00 PM
4 Re-Scheduled From Wednesday, November 15th due to Inclement Weather Conditions
5 Depoe Bay City Hall
6

7 PRESENT: President C. Connors, D. Goddard, B. Taunton, E. Hough

8
9 ABSENT: B. Bruce, D. Davilla, S. McGavock

10
11 STAFF: City Planner L. Lewis, Recording Secretary C. Duering
12

13 I. CALL MEETING TO ORDER

14 Connors called the meeting to order and established a quorum at 6:01 PM.
15

16 II. APPROVAL OF MINUTES: October 18, 2006 Workshop and Regular Meeting
17

18 Motion: Goddard moved to approve the Minutes of the October 18, 2006 Workshop and Regular
19 Meeting as written. Hough seconded the Motion.
20

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

23 Vote: Motion passed.

24 Ayes: Goddard, Taunton, Connors, Hough
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: #3-C1-PC-06 Applicant: Dmitry Koshuba
32 Application: 3 Building Permit Applications in the C-1 Zone
33 Map and Tax Lot: 09-11-08-CA #200 Location: 4, 6, and 8 S.W. Johnson St.
34

35 Lewis summarized his Memorandum (copy attached to original of these Minutes). He noted that the
36 Applicant is in the process of re-establishing the former Tax Lot lines (3 Tax Lots) and widening the
37 Access Lane from 10' to 20' (the Front Yard Setback would be decreased to 7' 6"). Connors asked
38 Lewis to clarify the location of the Access Lane. Lewis illustrated using the Site Plan provided by the
39 Applicant the Access Lane and how the House Footprints could be modified to accommodate the wider
40 width. A Commissioner suggested adding an additional Condition of Approval regarding Parking
41 (providing additional south side Off-Street Parking and posting "No Parking" in the Access Lane).

1 Motion: Goddard moved to approve Case File #3-C1-PC-06 and adopt the Conditions of Approval,
2 Items 1. thru 3. as recommended by the City Planner and amend the Conditions to include *One*
3 *additional Parking Space shall be provided on the south side of each Lot. No Parking shall be*
4 *permitted within the 20 foot wide Easement. “No Parking” signs shall be posted.* Hough seconded the
5 Motion.

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

8
9 Vote: Motion passed.

10 Ayes: Taunton, Connors, Hough, Goddard

11
12 V. PUBLIC HEARING ITEMS

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

29
30 D. Case File: #1-PD-PC-06 Applicant: Charlie Leon Scrivner (Continued)

31 Application: Planned Development, Geologic Hazards Permit and Zone Change

32 Map and Tax Lot: 09-11-05-DC #100, #3900, #4000, #4100 and 09-11-05-CD #7800

33 Location: North of N.E. Collins Street and N.E. Summit Street

34
35 Connors asked if any Commissioner had ex-parte contact, conflict of interest, or bias to declare.
36 Connors declared that she has seen Mr. Scrivner and Mr. Hightower in the last week unrelated to this
37 issue (no discussion occurred regarding the Application). Connors then asked if anyone had objection to
38 any Planning Commissioner hearing the Case. There was no objection.

39
40 Recess: 6:25 PM – 6:35 PM

1 Lewis gave a brief synopsis of the Application and an updated Narrative (copy attached to original of
2 these Minutes) in regards to the revised and additional information received from the Applicant (copy
3 attached to original of these Minutes). Lewis distributed a reduced copy of a Cross-Section Drawing
4 (from Hans and Patty Kuhn) presented at the last Meeting. The Applicant was given an opportunity to
5 testify and answer questions from Commissioners. Paul Hightower, P.E., Hightower Engineering, 1520
6 S.E. 2nd Ave., No. 1, Albany, identified the revisions to the Proposed Development (response to the
7 concerns expressed by the Planning Commission at the last Meeting): Reconfiguring Lots on the west
8 edge of the Site Plan; a Sanitary Sewer Line with gravel access drive is provided along the west edge of
9 the Site; reiterated the request for a Building Height Variance for eight (8) Lots along the western edge;
10 4' Pedestrian Walking System along the Road System (two (2) 10' Travel Lanes, 4' Walking Path, No
11 Parking on either side of the Street System). Hightower provided comments to the issues, questions, and
12 comments Lewis mentioned in his Memo: The Developer is very concerned with providing future
13 access to the north existing Forest Land (potential logging) not opposed if it were for Residential
14 Development. A typical Street Design for a Residential Subdivision doesn't anticipate such heavy loads
15 (proposed 3" asphalt, 2" crushed rock versus 18"- 24" crushed rock, 4" asphalt). Proposed Streets are
16 Private (maintained by Homeowner's Association) if they will be for Public Use then the City needs to
17 accept them into their Street System. He agreed that the Pedestrian System and Open Space would be
18 made available to the Public; intends to make improvements to Summit Street/Summit Place
19 Intersection; Sanitary System will meet all requirements; do not anticipate Subdivision to be a Gated
20 Community; construction of the Storm Drainage System will complete City's existing under designed
21 Master Plan and asked the Commission to consider the possibility of the City assuming responsibility for
22 the Entire System; will pursue a Slope Easement from Lots #52 and #53 in View of the Bay Planned
23 Development (Lewis will verify whether Building Permit Applications have been submitted). Lengthy
24 discussion occurred regarding the Variance Request Procedure in regards to the Building Height (8 Lots)
25 and including stipulations in the CC&Rs (Covenants, Conditions, and Restrictions) regulating the
26 placement of the homes; necessity for Geologic Hazard Permit on individual lots (Geologist Engineer
27 needs to prepare Site Specific Reports) prior to Building Permits being issued; Street Names; schedule
28 Meeting with Larry Lewis, City Planner, Terry Owings, City Superintendent, Josh Williams, Fire Chief
29 (Depoe Bay Rural Fire Protection District), and a Representative of the Lincoln County Road
30 Department to further discuss the feasibility of using Sand Avenue as an access rather than Summit
31 Street (Summit Street and Collins Street Intersection meets the Industry's Minimum Site Distance
32 Design Standards however the Intersection at Sand Avenue and Collins Street has 2-3 times the Sight
33 Distance; projected Improvements would be less expensive for Developer); probability of Fire Sprinkler
34 Systems (make a huge impact on Fire Suppression) being essential in the Design Features of each Home;
35 Mr. Scrivner's desire for a Planning Commission Decision prior to January 15, 2007 (Real Estate
36 Purchase and Sales Agreement Contingency Date – already has requested 2 Extensions); and widening
37 several Driveways and/or the Street (additional 3 ft. – “No Parking” on the east side) to accommodate
38 Overflow Parking for guests.

39

40 Recess: 8:00 PM – 8:05 PM

41

1 Mel McCracken, P.E., OGD Consulting, P.C., 9027 N.W. Fir Ridge Place, Corvallis, responded to a
2 Planning Commissioner's concern regarding the Area of Observed Slope Movement (Figure No. 2) in
3 the Geotechnical Investigation for Infrastructure Improvements prepared November 8, 2006 a Future
4 Site of three (3) Homes. He referenced (Page 9 – last paragraph) *Stockpiles of existing fill material*
5 *appear to have resulted in slope movement west of Scrivner Avenue near Sta. 8+50. The slope*
6 *movement is believed to be relatively shallow and is expected to be limited to the upper topsoil/residual*
7 *soil layer. We anticipate the slope instability would be repaired by completely excavating the mass of*
8 *displaced soil and reconstructing the slope in this area using a structural fill.* There was no further
9 Testimony in favor of the Application. There was no Testimony in opposition of the Application. John
10 O'Brien, 270 Bensell Ave., Chairman of the Traffic Safety Commission, testified that Collins Street is a
11 heavily traveled County Road (increased Traffic as a result of Stonebridge Development, View of the
12 Bay Development, as well as this Proposed Development; Radar Trailer results indicate cars exceeding
13 the Speed Limit), and believes that Sand Avenue as access to the Planned Development (if approved by
14 the D.B.R.F.P.D.) is much safer and would prove to be a less hazardous alternative. It was the
15 consensus of the Planning Commission to continue the Public Hearing to the December 20, 2006
16 Regular Meeting and direct Staff to prepare Draft Conditions of Approval; the Applicant to pursue the
17 discussion (Staff – City of Depoe Bay, D.B.R.F.P.D., and Lincoln Co. Road Dept.) regarding Sand
18 Avenue versus Summit Street; file a Variance Application (Building Height Standard) that would
19 address each of the 8 lots and revise the CC&Rs to impose limitations on Building Height, Setbacks,
20 Pile Foundations, etc.; redefine the Parking Requirements; and modify the Street Width. Lewis cited the
21 Time Limit on a Variance (DBZO Section 8.040) *Authorization of a Variance shall be void after one (1)*
22 *year unless Substantial Construction pursuant thereto has taken place. However, the Planning*
23 *Commission may extend Authorization for an additional period not to exceed one (1) year, on request*
24 and reviewed the Procedure. Brian Higgins, Realtor, (from the Audience) indicated that he helped draft
25 the CC&Rs and that a Buyer has to agree contractually to the Restrictions (i.e. Tree Cutting, etc).

26
27 A. Case File: #6-CS-PC-06 Applicant: Greg & Barb Burge
28 Application: Development in the Coastal Shorelands Overlay Zone
29 Map and Tax Lot: 09-11-08-CB #4316
30 Location: Between 525 and 535 S.W. Point Ave.
31

32 Lewis explained that the Public Hearing will be continued to the December 20, 2006 Regular Meeting.
33 Written Testimony was received from James and Barbara Beck (copy attached to original of these
34 Minutes) requesting to Keep the Record Open for 21 days. The Applicant responded to their concerns
35 (copy attached to original of these Minutes) and asked the Commission to consider the potential financial
36 impact of a Construction Delay and requested a more Timely Decision. Lewis instructed the Commission
37 that they needed to determine the number of days the Record would remain Open. Discussion ensued and
38 the Commission agreed to leave the Record Open for 7 days (New Evidence 7 days, Applicant Rebuttal 7
39 days, Response 7 days) and to proceed with the Public Hearing. Connors asked if any Commissioner had
40 ex-parte contact, conflict of interest, or bias to declare. There was none. Connors then asked if anyone
41 had objection to any Planning Commissioner hearing the Case. There was no objection. Lewis

1 summarized the Staff Report (copy attached to original of these Minutes). Connors asked if the
2 Commissioners had any questions to address to the City Planner. There was none. The Applicant was
3 not present. There was no Testimony in support of the Application and no Testimony in opposition.
4

5 Motion: Hough moved to leave the Record Open for 7 days (Case File: #6-CS-PC-06). Goddard
6 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: Connors, Hough, Goddard, Taunton
12

13 B. Case File: #14-GEO-PC-06 Applicant: Irina Grigorov

14 Application: Geologic Hazards Permit

15 Map and Tax Lot: 09-11-05-DC #9700

16 Location: 350 N.E. Harbor View Pl., View of the Bay Planned Development
17

18 Connors asked if any Commissioner had ex-parte contact, conflict of interest, or bias to declare. There
19 was none. Connors then asked if anyone had objection to any Planning Commissioner hearing the Case.
20 There was no objection. Lewis summarized the Staff Report (copy attached to original of these
21 Minutes). Lewis noted he received revised Drawings after preparation of the Staff Report that designate
22 compliance with the Building Height and Setback Standards. Lewis suggested amending the Conditions
23 of Approval Item 1. *R-5 Standards. Development shall be accomplished in conformance with all R-5*
24 *Standards. This includes, but is not limited to, a minimum 20' Front Yard Building Setback including*
25 *the Covered Porch; and a maximum Building Height of 24' with 8' Side Yard Setbacks.* Connors asked
26 if the Commissioners had any questions to address to the City Planner. There was none. The Applicant
27 was given an opportunity to testify and answer questions from Commissioners. She was not present.
28 There was no Testimony in support of the Application and no Testimony in opposition. There was no
29 request to keep the Record Open. The Public Hearing was closed and Deliberations began.
30

31 Motion: Goddard moved to approve Case File #14-GEO-PC-06 and adopt the Conditions of Approval,
32 Items 1. thru 7. as recommended and amended by the City Planner. Taunton seconded the Motion.
33

34 Connors said it was moved and seconded, and called for discussion. There was none.
35

36 Vote: Motion passed.

37 Ayes: Connors, Hough, Goddard, Taunton
38

39 C. Case File: #15-GEO-PC-06 Applicant: Ivan Oleynik

40 Application: Geologic Hazards Permit

41 Map and Tax Lot: 09-11-05-DC #9800

1 Location: 370 N.E. Harbor View Pl., View of the Bay Planned Development
2

3 Connors asked if any Commissioner had ex-parte contact, conflict of interest, or bias to declare. There
4 was none. Connors then asked if anyone had objection to any Planning Commissioner hearing the Case.
5 There was no objection. Lewis summarized the Staff Report (copy attached to original of these
6 Minutes). Lewis noted he received amended Plans after composing the Staff Report that identifies
7 compliance with the Building Height and Setback Standards. Lewis suggested amending the Conditions
8 of Approval Item 1. *R-5 Standards. Development shall be accomplished in conformance with all R-5*
9 *Standards. This includes, but is not limited to, a minimum 20' Front Yard Building Setback including*
10 *the Covered Porch; and a maximum Building Height of 22'6" with 7'6" Side Yard Setbacks.* Connors
11 asked if the Commissioners had any questions to address to the City Planner. There was none. The
12 Applicant was given an opportunity to testify and answer questions from Commissioners. He was not
13 present. There was no Testimony in support of the Application and no Testimony in opposition. There
14 was no request to keep the Record Open. The Public Hearing was closed and Deliberations began.
15

16 Motion: Hough moved to approve Case File #15-GEO-PC-06 and adopt the Conditions of Approval,
17 Items 1. thru 7. as recommended and amended by the City Planner. Goddard 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: Hough, Goddard, Taunton, Connors
23

24 VI. UNFINISHED BUSINESS:

25

26 A. Discussion: Zoning Ordinance Review

27 Lewis distributed to the Commissioners proposed Text Amendments to the Off-Street Parking and Off-
28 Street Loading Requirements (copy attached to original of these Minutes) and emphasized it is a Revised
29 Draft (derived from the Planning Commission recommendations - September 20, 2006 and October 18,
30 2006 Workshop discussions) for their further review and consideration. Lewis was unable to better
31 define *O. Eating and Drinking Establishment* and establishing the criteria for Parking after looking at
32 examples of 15-20 Ordinances (most based the Parking Requirement on Serving Area or the Number of
33 Chairs). The Commission briefly talked about resolving the matter during the Public Hearing Process.
34 Connors will Report to City Council (at the next Meeting, November 21, 2006) that the Planning
35 Commission has drafted Text Amendments to the Parking Ordinance/Requirements and would like the
36 Council's approval to proceed with the Public Hearing Process.
37

38 VII. CITY COUNCIL LIAISON REPORT

39 Connors reported the City Council moved to change the Planning Commission's Meetings from the third
40 Wednesday of the month to the second Wednesday of the month, beginning January 10, 2007.
41

1 VIII. PLANNER'S REPORT

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

3

4 IX. PLANNING COMMISSION CONCERNS

5 Taunton asked about the status of the Local Wetlands Inventory Text Amendments. Lewis gave a
6 concise review of the Existing and Proposed Regulations. He has drafted Text Amendments for City
7 Council review and discussion (tentatively scheduled for the second meeting in December).

8

9 X. ADJOURN

10 There being no further business, the meeting was adjourned at 9:00 PM.

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12

13

14

Carol Connors, President

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18 _____
Carla Duering, Recording Secretary