

1 Depoe Bay Planning Commission
2 Regular Meeting
3 Wednesday, June 13, 2007 - 6:00 PM
4 Depoe Bay City Hall

5
6 PRESENT: President C. Connors, V. Sovern, B. Taunton, D. Goddard, E. Hough

7
8 ABSENT: S. McGavock, B. Bruce

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 6:00 PM.

14
15 II. APPROVAL OF MINUTES: May 9, 2007 Regular Meeting.

16
17 Motion: Hough moved to approve the Minutes of the May 9, 2007 Regular Meeting as written. Sovern
18 seconded the Motion with a Correction. Sovern recommended that the Minutes be amended as follows:
19 (Page 3 of 4, Line 9.) *A Commissioner asked if he was familiar with the State City Park Land at the end*
20 *of Harney St. and what his thoughts were pertaining to the increased usage of Public Access as more*
21 *Park Benches are placed.*

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

24
25 Vote: Motion as amended passed.

26 Ayes: Sovern, Connors, Hough

27 Abstain: Taunton, Goddard

28
29 III ITEMS FROM THE AUDIENCE

30 There were no items from the Audience.

31
32 IV. NEW BUSINESS

33
34 A. Case File: #2-CS-PC-06
35 Applicant: Chris W. Edwardson
36 Application: Request for One-Year Extension of Variance Approval
37 Map and Tax Lot: 09-11-08-BD #6300 Location: 475 S.W. Coast Avenue

38
39 Lewis reviewed his Memo (copy attached to original of these Minutes). Connors asked if the
40 Commissioners had any questions to address to the City Planner. There was none.

41
42 Motion: Goddard moved to grant the Request for 1-Year Extension to Variance Approval (Case File #2-
43 CS-PC-06). Hough seconded the Motion.

44
45 Connors said it was moved and seconded, and called for discussion. There was none.

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2 DBPC 6/13/07

1 Vote: Motion passed.
2 Ayes: Taunton, Goddard, Connors, Hough
3 Noes: Sovern
4

5 B. Case File: #3-CS-PC-06
6 Applicant: Jerry & Dina Biesterfeld
7 Application: Request for One-Year Extension of Variance Approval
8 Map and Tax Lot: 09-11-05-CA #6200 Location: 45 N.W. Harney Street
9

10 Lewis reviewed his Memo (copy attached to original of these Minutes). Connors asked if the
11 Commissioners had any questions to address to the City Planner. There was none.
12

13 Motion: Goddard moved to grant the Request for One-Year Extension to Variance Approval (Case File
14 #3-CS-PC-06). Hough seconded the Motion.
15

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

18 Vote: Motion passed.
19 Ayes: Goddard, Connors, Hough, Taunton
20 Noes: Sovern
21

22 V. PUBLIC HEARING ITEMS

23 Connors said Testimony and evidence given must be directed toward criteria described by the City
24 Planner, or other criteria in the code that the Testifier believes applies to the request. Failure to raise an
25 issue, accompanied by statements or evidence sufficient to afford the Commission and the parties an
26 opportunity to respond to the issue precludes appeal to the State Land Use Board of Appeals on that
27 issue. Application materials or other evidence relied upon by the Applicant had been provided to the
28 City and made available to the Public. Commissioners will be asked for any declaration of ex-parte
29 contact, conflict of interest, or bias to declare. The Public will have the opportunity to state objection to
30 any Planning Commissioner hearing the Case. Applicants will have the opportunity to present
31 information relevant to their Application, followed by Testimony in support of the Application, then
32 Testimony in opposition, with the Applicant having the opportunity for rebuttal. Unless there is a
33 request to hold the Record Open, Testimony will be closed and the Commission will enter into
34 Deliberations on the Application.
35

36 A. Case File: #3-PAR-PC-07
37 Applicant: Larry Tyler
38 Application: Partition and Variance
39 Map and Tax Lot: 09-11-08-DB #1101 Location: 785 S.E. Indian Trail Avenue
40

41 Connors asked if any Commissioner had ex-parte contact, conflict of interest, or bias to declare. There
42 was none. Connors then asked if anyone had objection to any Planning Commissioner hearing the Case.
43 There was no objection. Lewis summarized the Staff Report (copy attached to original of these
44 Minutes). Written Testimony was received from Forest Capital Partners, L.L.C. Written Testimony was
45 received after preparation of the Staff Report from Larry Tyler (Applicant), A.J. Mattila, Delores and
46 Nels Anderson, and Lloyd and Barbara Brown (copies attached to original of these Minutes). Connors

1 asked if the Commissioners had any questions to address to the City Planner. There was none. The
2 Applicant was given an opportunity to testify and answer questions from Commissioners. Larry Tyler,
3 785 Indian Trail, testified that he felt Lewis's summary was sufficient and that he did not have any issues
4 with the recommended Conditions of Approval. Connors asked if his intentions were to build two
5 houses (one on each lot). He answered he plans to live in one and when time allows sell and build the
6 second home as a permanent residence. Lewis commented that DBZO would allow Tyler to build a
7 Duplex on the existing Subject Lot - In the event of approval of the Application (Two-Lot Partition and
8 Variance) only two Single-Family Dwellings would be permitted. A Commissioner asked Lewis to
9 clarify the Lot Size Standards for Duplexes. Lewis replied the Lot Area required for a Single-Family
10 Dwelling is 5,000 sq. ft. and 10,000 square feet for a Two-Family Dwelling. There was no Testimony
11 in support of the Application and no Testimony in opposition. There was no request to keep the Record
12 Open. The Public Hearing was closed and Deliberations began.

13
14 Motion: Goddard moved to approve Case File #3-PAR-PC-07 and adopt the Conditions of Approval,
15 Items 1. thru 5. as recommended by the City Planner. 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: Connors, Hough, Sovern, Taunton, Goddard

21
22 B. Case File: #1-PD-PC-07 (Continued)
23 Applicant: J. Squared, Inc. and Avalon Architecture
24 Application: Planned Development, Geologic Hazards, Variance, and Zone Change
25 Map and Tax Lot: 09-11-05-B #01109
26 Location: North end of Depoe Bay City Limits on east side of Highway 101

27
28 Connors asked if any Commissioner had ex-parte contact, conflict of interest, or bias to declare. There
29 was none. Connors then asked if anyone had objection to any Planning Commissioner hearing the Case.
30 There was no objection. Lewis summarized his Memo (copy attached to original of these Minutes). The
31 Applicant was given an opportunity to testify and answer questions from Commissioners. Gary
32 Hamilton, Attorney, Litchfield and Carstens, L.L.P., 407 N. Coast Highway, Newport, (representing the
33 Applicants for Whale Watch Planned Development) signed in. Connors clarified that this was her
34 opinion (having not talked with the other Commissioners). She reiterated that in March the Planning
35 Commission directed the Applicant to provide additional information (Nine Items) in order to address
36 the Application. The information was to be submitted two weeks prior to the next scheduled Public
37 Hearing to allow the members of the Public an opportunity to read and understand the material and
38 ample time to provide Written and Oral Testimony. She stressed that this is her opinion and not coming
39 from the entire Commission. She feels since nothing has been provided the Planning Commission
40 should either continue the Public Hearing based upon receipt of the additional information (important
41 issues concerning the proposed Project to be discussed) or if the Applicant chooses not to provide the
42 additional information deny the Application. Hamilton asked for a 2-minute Recess to speak with his
43 Client. Connors answered absolutely.

44
45 Recess: 6:25 to 6:27 p.m.

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2 DBPC 6/13/07

1 Hamilton announced that the Applicant at this time has chosen to withdraw the Planned Development
2 Application and to pursue the Outright Uses allowed on the Subject Property in the C-1 Zone and will
3 address those issues in the very near future. He thanked the Planning Commission for their time.
4

5 VI. CITY COUNCIL LIAISON REPORT

6 Connors reported the City Council closed Public Testimony and scheduled Deliberations for Monday,
7 July 2, 2007 concerning the Proposed Depoe Bay Zoning Ordinance Text Amendments Regarding
8 Parking Regulations.
9

10 VII. PLANNER'S REPORT

11 Lewis reviewed his Report (copy attached to the original of these Minutes).
12

13 VIII. PLANNING COMMISSION CONCERNS

14 Connors reminded the Planning Commission that the next Meeting will be Thursday, July 5, 2007. It
15 was the consensus of the Commission to start the Meeting at 6:00 p.m. Goddard expressed her concern
16 regarding the capability of the City's infrastructure (specifically the pipes) to withstand the increased
17 demand on the system as development occurs. Lewis stated that the City Field Superintendent was in
18 the process of retaining a Registered Engineer (designed the City's Water Reservoir) to assess the
19 proposed Whale Watch Development and the impact on the City's infrastructure. The information
20 would be available for the Planning Commission's review and consideration prior to Final Engineering.
21 Sovern reinforced Goddard's statement. She reminded the Commission that they are the stewards of
22 what is happening in Depoe Bay (phenomenal growth requests i.e. Planned Developments, Variance
23 Requests, and other potential growth issues); need to consider the capacity and the age of our
24 infrastructure. She referred to the detailed criteria that Developers in Salem are being required to
25 comply with (additional reservoirs, road improvements, etc.). We need to be more cognizant of what the
26 City's future needs are going to be; concerned for the impact on the Environment of our Community by
27 allowing rapid growth. She supports conscientious, positive growth and making confident decisions in
28 good conscious that the infrastructure can support it. Lewis complimented the Planning Commission for
29 identifying those issues (recent PD) and requesting the information to assist them in making an informed
30 decision (set a good precedence). He gave an example of a Planned Development Process in Yachats
31 where the Applicant provided a comprehensive Geologic Hazards Report; Wetlands and Traffic Impact
32 Studies; and a Social Impact Analysis (well beyond what was required) and was granted Preliminary
33 Plan Approval at the first Public Hearing. Connors asked Lewis if he knew when the Temporary Water
34 Tanks were going to be disbanded. Lewis deferred to Terry Owings, City Field Superintendent.
35

36 IX. ADJOURN

37 There being no further business, the meeting was adjourned at 6:40 PM.
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42 _____
43 Carol Connors, President
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45 _____
Carla Duering, Recording Secretary