

1 Depoe Bay Planning Commission  
2 Regular Meeting  
3 Wednesday, September 12, 2007 - 6:00 PM  
4 Depoe Bay City Hall  
5

6 PRESENT: President C. Connors, S. McGavock, V. Sovern, B. Taunton, B. Bruce, E. Hough, D.  
7 Goddard (6:01 PM)  
8

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

11 I. CALL MEETING TO ORDER

12 Connors called the meeting to order and established a quorum at 6:00 PM.  
13

14 II. APPROVAL OF MINUTES: August 8, 2007 Regular Meeting.  
15

16 Motion: Sovern moved to approve the Minutes of the August 8, 2007 Regular Meeting as written.  
17 Taunton 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: McGavock, Sovern, Taunton, Connors, Bruce, Hough  
23

24 III ITEMS FROM THE AUDIENCE

25 There were no items from the Audience.  
26

27 IV. PUBLIC HEARING ITEMS  
28

29 A. Case File: #1-PD-PC-05

30 Applicant: Northwest, Inc., dba Northwest Homes (Dan James)

31 Application: Stonebridge Planned Development – Phase 2 Final Approval

32 Location: South of Collins Street, East of Ainslee Avenue  
33

34 Lewis noted that our Code identifies the procedure for Final Approval to be a Public Hearing; however,  
35 it does not permit Public Testimony. Connors asked if any Commissioner had ex-parte contact, conflict  
36 of interest, or bias to declare. There was none. Connors then asked if anyone had objection to any  
37 Planning Commissioner hearing the Case. There was no objection. Lewis summarized his Memo to the  
38 Planning Commission (copy attached to original of these Minutes). Lewis illustrated the location of  
39 Phase 2 using a Drawing provided by the Applicant. A Commissioner asked if the Applicant had  
40 complied with all of the Conditions of Approval relating to the Construction of the Bridge and the  
41 Protection of the Stream. Larry replied yes, the City Field Superintendent has inspected the  
42 Development and Construction has occurred in accordance with the Approved Plan and Conditions of  
43 Approval.

1  
2 Motion: Goddard moved to approve Case File #1-PD-PC-05 Request for Final Approval of Stonebridge  
3 Planned Development Phase 2. Hough seconded the Motion. Connors said it was moved and seconded,  
4 and called for discussion. There was none.

5  
6 Vote: Motion passed.

7 Ayes: Sovern, Taunton, Goddard, Connors, Bruce, Hough, McGavock  
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9 Connors explained the Public Hearing Procedure. Connors said Testimony and evidence given must be  
10 directed toward criteria described by the City Planner, or other criteria in the Code that the Testifier  
11 believes apply to the request. Failure to raise an issue, accompanied by statements or evidence sufficient  
12 to afford the Commission and the parties an opportunity to respond to the issue precludes appeal to the  
13 State Land Use Board of Appeals on that issue. Application materials or other evidence relied upon by  
14 the Applicant had been provided to the City and made available to the Public. Commissioners will be  
15 asked for any declaration of ex-parte contact, conflict of interest, or bias to declare. The Public will have  
16 the opportunity to state objection to any Planning Commissioner hearing the Case. Applicants will have  
17 the opportunity to present information relevant to their Application, followed by Testimony in support of  
18 the Application, then Testimony in opposition, with the Applicant having the opportunity for rebuttal.  
19 Unless there is a request to hold the Record Open, Testimony will be closed and the Commission will  
20 enter into Deliberations on the Application.

21  
22 B. Case File: #3-CS-PC-07

23 Applicant: Audrey Treadway

24 Application: Request for Coastal Shorelands and Geologic Hazards Permit

25 Map and Tax Lot: 09-11-05-CA #8200 and #8300

26 Location: Vista Street  
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 the Staff Report (copy attached to original of these  
31 Minutes). Written Testimony was received after preparation of the Staff Report from Ron Gilliam and  
32 Harry and Colleen Schmidt (copies attached to original of these Minutes). Connors asked if the  
33 Commissioners had any questions to address to the City Planner. There was none. The Applicant was  
34 given an opportunity to testify and answer questions from Commissioners. Mary Trentadue, Agent for  
35 Audrey Treadway, 11300 S.W. Durham Lane, McMinnville, testified that the Subject Property will be  
36 the Applicant's Primary Residence and the intention of the 2<sup>nd</sup> Floor Den/Bedroom (Garage Plan) is to  
37 provide accommodations for a Family Member/Caregiver if Audrey would need assistance in the future.  
38 The stylish, beautiful Liberty Manufactured Home will be well constructed (Hardiplank Siding,  
39 Dormers, etc.) Off-Site (approximately Three-Week Time Frame) and the Garage will be built On-Site  
40 (one Wall attached to the Manufactured Dwelling). She apologized that she was unable to provide  
41 Photographs of the proposed Home. A Commissioner asked if she has had an opportunity to review the  
42 Written Testimony expressing concern about placing a Manufactured Dwelling in the Coastal  
43 Headlands; has the Applicant considered the impact on the Area of Visual Concern; and the possibility

1 of constructing two nice Stick-Built Homes. Trentadue commented that she has not seen the Written  
2 Testimony and the Applicant is concerned about the Encroachment into the Area of Visual Concern; the  
3 Applicant's decision is to purchase a Manufactured Home; the proposed Manufactured Dwelling is wide  
4 however the total square footage is modest (1,500 sq. ft.). Connors referred to Standard c. for granting  
5 an Exception to the Area of Visual Concern (*Options such as clustering of Improvements, maximizing*  
6 *Variance Setbacks on the Sides of the Development away from the Aesthetic Resource, or other Design*  
7 *Methods to minimize impact have been exercised or are not feasible*) and suggested reconfiguring the  
8 Footprint to further minimize the Encroachment in the Area of Visual Concern (moved forward and  
9 shifted to be parallel with the Side Yards rather than the Street) entail a Side Yard and/or Front Yard  
10 Variance Request from the Applicant. The Commission, Lewis, and Trentadue ensued in a lengthy  
11 discussion regarding the matter. Connors called for Testimony in favor of the Application. There was  
12 none. Connors called for Testimony in opposition to the Application. Mary Gilliam, 125 N.W. Vista  
13 Street, asked Lewis how the Applicant derived at the average depth dimension of 77 ft.. Lewis answered  
14 from the Lincoln County Assessor Plat Map and/or the Geologic Hazard Report. Gilliam presented the  
15 important issues she felt pertained to the Case as detailed in her prepared Narrative (Summary of Verbal  
16 Testimony received from Mary Gilliam October 1, 2007 is attached to the original of these Minutes).  
17 She demonstrated how fragile the Bluff is by reading portions of the Preliminary Site Evaluation  
18 prepared by Richard Larrett, Engineering Geologist, and commented that she has witnessed fairly  
19 significant Erosion to Tax Lot #8200 and Tax Lot #8300 in the past 5 years. She acknowledged a small  
20 amount of Erosion on her Tax Lot at the northwest point and stated that she is adamantly opposed to the  
21 Application (potential to adversely affect the condition of the Bluff). She expressed her concern  
22 regarding the Manufactured Home Building Code (Structural Engineering – i.e. Earthquake, Hurricane,  
23 etc. is less restrictive than that of a Stick-Built Home). She disagreed with the Applicant's Illustration of  
24 the Lot dimensions. She requested that the Commission consider several Recommendations (per  
25 attached Summary). A Commissioner asked her to clarify how she calculated the depth of the Lot. She  
26 answered her measurement from the Survey Stake (on the Public Easement) was 85' (Tax Map indicates  
27 88'). Lewis asked Gilliam to provide a copy of her Letter. She replied after she gets her computer  
28 repaired. Ron Zimmerdahl, lives across the street from the Gilliams, feels the proposed Development  
29 will not impact his Property, however he doesn't understand why a Property Owner is allowed to  
30 Request an Exception/Variance to the DBZO (Code should be enforced). He agreed with Gilliam's  
31 Testimony regarding Erosion and believes that the 40' Area of Visual Concern Standard should be  
32 adhered to. There was no further Testimony in opposition of the Application. Mary Trentadue, stated  
33 that she understood that the Gilliams do not have a Recorded Survey on their Property (Tax Lot #8100).  
34 She assured the Commission that the brand new (Built-to-Order), attractive Manufactured Home will be  
35 constructed to meet the Lincoln County Building Code (i.e. 6-8 Tie-Downs, Footings per Seismic Zone,  
36 Engineered per Snow Load and Wind Requirements, etc.). She distributed a Liberty Homes Brochure to  
37 the Planning Commission (copy attached to original of these Minutes) and stressed that the proposed  
38 Manufactured Home Final Plans will not be prepared until after a Planning Commission Decision.  
39 Connors stated that she is getting the impression that the Applicant may not object to re-designing the  
40 Home. Trentadue replied that the Applicant prefers to keep the square footage but understands that she  
41 will have to abide by the Planning Commissions' Decision. A Commissioner asked if the Foundation  
42 would comply with the Geologist's Recommendations and is it concrete. Trentadue answered yes and it  
43 would be concrete (normally 6" rock, 6" of concrete). Trentadue asked if she could have someone else

1 provide further details regarding the construction and placement of a Manufactured Home. Connors  
2 granted her request. Eric Grisby, 11300 S.W. Durham Lane, McMinnville, further described the  
3 Construction Specifications. He reiterated that the impact on the Lot would be less than a Home built  
4 On-Site. There was no request to keep the Record Open. The Commission and Lewis briefly discussed  
5 Public Hearing Protocol. It was the consensus of the Commission to continue the Public Hearing  
6 (reopen Testimony) to the October 10, 2007 Meeting and to direct the Applicant to submit a revised  
7 Footprint and Site Plan. The Commissioners offered the following comments and guidelines: Front of  
8 Garage moved to align with the front of the House, re-design and re-align the Building Footprint to  
9 minimize the Encroachment in the Area of Visual Concern utilizing the Variance Procedure; submit an  
10 Application that meets the DBZO Standards without any requests for Variances or Exceptions  
11 (combining two Lots should allow ample room for Development); preference of Stick-Built versus  
12 Manufactured Home; concern regarding the safety of a Manufactured Dwelling; unsure of Lincoln  
13 County Building Code regarding Manufactured Dwellings; illustrate actual Lot dimensions; proposed  
14 Structure should be parallel to existing adjacent Structures (aesthetically pleasing); Liberty Homes is a  
15 leader in the industry and produces a top-of-the line product. A Commissioner asked Lewis to address  
16 the potential of conversion to a Two-Family Dwelling. Lewis explained that a Two-Family Dwelling is  
17 an Allowed Use in the R-4 Residential Zone and gave a concise synopsis of the criteria and the process.  
18 Connors reminded the Commission that they need to differentiate the two areas that are considered in the  
19 Calculation of Coastal Setbacks (the Area of Coastal Erosion and the Area of Visual Concern). The  
20 Applicant is well beyond (25 ft. from the Top-of-the-Bluff at the closest point) the professional  
21 Geologist's recommended Setback (minimum 18 ft. south of the Top-of-the-Bluff) so the issue is  
22 developing in the Area of Visual Concern. She feels the Area of Visual Concern Standard needs to be  
23 reconsidered (DBZO Review Workshops). Trentadue thanked the Commission.  
24

#### 25 V. NEW BUSINESS: PAINTER PARK BUILDING

26 Connors referred to the Memo from Pery Murray, City Recorder (copy attached to the original of these  
27 Minutes). The Commission stated their support of transferring the Property back to the Oregon Parks  
28 and Recreation Department. They recommended the following stipulations and conditions be included  
29 with the Deed: (1.) Assist City in mitigating Parking Issues (i.e. purchase Land for Parking); (2.) No  
30 Fences, Obstruction of Views; (3.) Reimburse City for money spent on Maintenance and Improvements  
31 to date; (4.) Revert to City if OPRD Whale Watching Center not continued; (5.) ADA Restrooms; (6.)  
32 Maintain Seawall and Grounds; (7.) Same Conditions as currently exist (1988 Memorandum of  
33 Understanding attached to Deed) when State deeded to City; (8.) Handrailing installed and top outside  
34 Balcony re-opened to Public; (9.) Allow placement of Memorial Benches, etc, at City Request/OPRD  
35 Review and Approval; (10.) Public Restrooms be open to accommodate Tourism (longer hours during  
36 high Tourist Season). In addition, define Area to be transferred to State so as not to include Whale Park  
37 Area, nor south of Harbor Channel Entrance.  
38

39 Connors announced to the Commission that she would like to proceed with the Zoning Ordinance  
40 Review and directed the Commission to provide Larry Lewis with a List (prior to the next Planning  
41 Commission Meeting) identifying the area(s) of the DBZO they would like to discuss at future  
42 Workshops.  
43

1 VI. CITY COUNCIL LIAISON REPORT

- 2 Goddard reported that the Mayor is going to Baja at his own expense (Consulate of Mexico visited  
3 Depoe Bay and extended an invitation).

1 VII. PLANNER'S REPORT

2 Lewis reviewed his Report (copy attached to the original of these Minutes). The Commission asked  
3 Lewis to provide additional information on the Pending Property Line Adjustment and the Pole Building  
4 Applications.

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6 VIII. PLANNING COMMISSION CONCERNS

7 Sovern asked who enforces the Sign Ordinance. Lewis noted that he is currently investigating a  
8 Complaint received by the City on the Bulldog Saloon Sign. He will be issuing a Letter to the Property  
9 Owner regarding Free-Standing Signs and Highway 101 Right-of-Way Regulations. Goddard asked if  
10 the Ordinance would also address the Dog Bone and Floodlights. Lewis answered Lighting isn't  
11 addressed in the Sign Ordinance but will research DBZO. Taunton asked if Sidewalk Café Seating is  
12 allowed in the O.D.O.T. Right-of-Way. Lewis replied that would also be a Public Right-of-Way issue  
13 (width varies – North of the Bridge essentially to the Commercial Building Storefronts; South of the  
14 Bridge really varies - Typically minimum 80 ft. to 120 ft.). Sovern asked about the status of the  
15 additional Cross-Walks. Lewis stated last week the Mayor and City Staff met with the O.D.O.T.  
16 Director, Regional Manager, and two District Managers, as of today it appears that we are very close to  
17 being able to Advertise for Bids. Bruce asked if the Keep-It-Art-Sea Sign is in compliance with the Sign  
18 Ordinance. Lewis recalled a Sign Permit Application. Hough referred to the Public Hearing (Case File  
19 #3-CS-PC-07) and asked Lewis what is the Coastal Set-Back of the existing House (Gilliam). Lewis  
20 answered 9 ft.

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22 IX. ADJOURN

23 There being no further business, the meeting was adjourned at 7:40 PM.

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Carol Connors, President

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Carla Duering, Recording Secretary