

1 Depoe Bay Planning Commission  
2 Regular Meeting  
3 Wednesday, October 10, 2007 - 6:00 PM  
4 Depoe Bay City Hall  
5

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

7  
8 ABSENT: V. Sovern, B. Taunton  
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: September 12, 2007 Regular Meeting.  
16

17 Motion: Goddard moved to approve the Minutes of the September 12, 2007 Regular Meeting as written.  
18 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: McGavock, Goddard, Connors, Bruce, Hough  
24

25 III ITEMS FROM THE AUDIENCE

26 There were no items from the Audience.  
27

28 IV. NEW BUSINESS  
29

30 A. Case File: #3-CS-PC-06

31 Applicant: Ray and JoAnne Reichert

32 Application: Request for One-Year Extension of Variance Approval

33 Map and Tax Lot: 09-11-05-CD #8300 Location: 150 N.E. Williams Avenue  
34

35 Lewis reviewed his Memo (copy attached to original of these Minutes). Connors asked if the  
36 Commissioners had any questions to address to the City Planner. Connors recalled that the adjacent  
37 Neighbor and the Applicant had reached an Agreement concerning the Encroachment at the time the  
38 Variance Request was approved (October 19, 2006). Lewis replied no.  
39

40 Motion: McGavock moved to grant the Request for 1-Year Extension to Variance Approval (Case File  
41 #3-CS-PC-06). Hough seconded the Motion.  
42

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

45 Vote: Motion passed.

1           Ayes: Goddard, Connors, Bruce, Hough, McGavock  
2           B. Case File: #1-C1-PC-07  
3           Applicant: Igor Yudin  
4           Application: Building Permit Application in the C-1 Retail Commercial Zone  
5           Map and Tax Lot: 09-11-08-BD #4500   Location: 25 S.W. Johnson Street  
6

7   Lewis reviewed his Memo (copy attached to original of these Minutes).   Connors asked if the  
8   Commissioners had any questions to address to the City Planner.   There was none.  
9

10 Motion: McGavock moved to approve the Application to construct a Single-Family Dwelling in the C-1  
11 Commercial Zone (Case File #1-C1-PC-07).   Bruce seconded the Motion.  
12

13   Connors said it was moved and seconded, and called for discussion.   There was none.  
14

15           Vote: Motion passed.

16           Ayes: Connors, Bruce, Hough, McGavock, Goddard  
17

## 18   V.    PUBLIC HEARING ITEMS

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

32           A. Case File: #3-CS-PC-07 (Continued)  
33           Applicant: Audrey Treadway  
34           Application: Request for Coastal Shorelands, Geologic Hazards Permit, and Variance  
35           Map and Tax Lot: 09-11-05-CA #8200 and #8300  
36           Location: Vista Street  
37

38   Connors asked if any Commissioner had ex-parte contact, conflict of interest, or bias to declare.   There  
39   was none.   Connors then asked if anyone had objection to any Planning Commissioner hearing the Case.  
40   There was no objection.   Lewis summarized the Updated Staff Report (copy attached to original of these  
41   Minutes).   Lewis noted an error on the Notice of Public Hearing *Applicant requests Approval of a*  
42   *Coastal Shorelands Overlay Application, Geologic Hazards Report, and Front Yard Setback Variance*  
43   *to construct a Single-Family Manufactured Home with Attached ~~Detached~~ 2-Level Garage.*   Written  
44   Testimony was received after preparation of the Staff Report from Ron Gilliam, Warren and Jean Ford,  
45   and P.R. Gurney (copies attached to original of these Minutes).   Connors asked if the Commissioners

1 had any questions to address to the City Planner. There was none. The Applicant and/or Agent were not  
2 present. Connors called for Testimony in favor of the Application. There was none. Connors called for  
3 Testimony in opposition to the Application. Mary Gilliam, 125 N.W. Vista Street, stated her opposition  
4 to the 11 ft. Front Yard Setback Variance Request. She feels it could be a possible Traffic and  
5 Pedestrian Hazard: Vista Street is very narrow (Pavement is only 15 ft. wide in front of the Subject  
6 Property); further impair the Clear Vision Area (already an existing 2-car Garage on the west corner  
7 Property Line; cars frequently park along Vista Street); no Sidewalks (natural for people to walk in the  
8 road). She asked the Commission to consider her concerns and thanked them for allowing her to voice  
9 her opinion regarding the Variance Request. There was no further Testimony in opposition of the  
10 Application. There was no request to keep the Record Open. The Public Hearing was closed and  
11 deliberations began. A Commissioner stated her apprehension to allow an 11 ft. Front Yard Setback  
12 (versus increasing the Encroachment into the 40 ft. Area of Visual Concern); Connors reminded the  
13 Commission that at the last Meeting the Applicant was advised to submit a Variance Request (move the  
14 Structures further back from the Bluff, unfortunately the Lot is not a rectangle). The Commissioners  
15 ensued in a discussion regarding: the Vista Street Traffic Volume; Front Yard Setback varies from a  
16 minimum 20 ft. to the east; 11 ft. to the west; and 18 ft. to the Common Wall of where the Garage and  
17 Home meet (average proposed Front Yard Setback approximately 16 ft.); clarification of the dotted Line  
18 illustrated on the Plot Plan (identifies the 3 ft. Encroachment into the Subject Property - Existing Garage  
19 on the Adjacent Lot to the West). Lewis shared with the Commissioners a modified Site Plan he  
20 sketched during their discussion (copy attached to original of these Minutes). The revised Site Plan  
21 illustrated (approximate dimensions): 15 ft. Front Yard Setback from the southwest corner of the  
22 Manufactured Home, 18 ft. from the common wall of the Manufactured Home and Garage, and 20 ft.  
23 from the southeast corner of the Garage. The minimum Side Yard Setbacks would be 7 ft. with a  
24 maximum 21 ft. Building Height (in conformance with the R-4 Side Yard Setback Standards). Connors  
25 recommended that the Conditions of Approval require that the northwest corner of the Manufactured  
26 Home be a minimum of 31 ft. from the Top-of-the-Bluff.

27  
28 Motion: Goddard moved to approve Case File #3-CS-PC-07 and adopt the Conditions of Approval  
29 Items 1. thru 11. as recommended by the City Planner and the modified Site Plan (as prepared by the  
30 City Planner). She acknowledged that all of the Criteria for granting a Variance and an Exception to the  
31 40 ft. Area of Visual Concern have been satisfied. Bruce seconded the Motion.

32  
33 Connors said it was moved and seconded, and called for discussion. After brief discussion it was the  
34 consensus of the Commission to amend the Conditions of Approval to *the minimum Front Yard Setback*  
35 *shall be 15 ft. from the southwest corner of the Manufactured Home and the northwest corner of the*  
36 *Manufactured Home be a minimum of 31 ft. from the Top-of-the-Bluff.*

37  
38 Motion Amendment: Goddard amended the Motion to include *the minimum Front Yard Setback shall*  
39 *be 15 ft. from the southwest corner of the Manufactured Home and the northwest corner of the*  
40 *Manufactured Home shall be a minimum of 31 ft. from the Top-of-the-Bluff.* Bruce accepted the  
41 Amendment.

42  
43 Vote: Motion passed as amended.

44 Ayes: Bruce, Hough, McGavock, Goddard, Connors

45

- 1 The Commission agreed to direct Lewis to prepare a revised Site Plan and Findings, Conclusions and
- 2 Final Order for Planning Commission Review at the next Meeting (November 14, 2007).
- 3

1 VI. UNFINISHED BUSINESS: DISCUSSION ZONING ORDINANCE REVIEW

2 The Commission determined that the following subjects need to be discussed at future Meetings: Article  
3 4. Supplemental Regulations, Section 4.800, Protection of Streams, Ponds, Wetlands and Riparian  
4 Areas; Section 4.820, Protection of Coastal Headlands, Areas of Exceptional Aesthetic Resources  
5 (specifically Item 2., Standards, a. (2.) *The Shorelands, Cliffs, and immediate Environs of the Coastal*  
6 *Scenic Areas comply with the requirements of Section 13.080 and 13.081, except that Area of Visual*  
7 *Concern for Whale Cove, Pirate's Cove and the designated faces of North and South Points shall extend*  
8 *40 ft. rather than 25 ft. landward from the Top of the Coastal Bluff.*); identify and correct the  
9 inconsistencies and contradictions in the overall DBZO; and Article 10., Administrative Provisions,  
10 Section 10.017, Survey Requirements *At the time an Application for a Permit is submitted for Structural*  
11 *Improvements which require compliance with Setback Requirements, the Applicant shall provide a copy*  
12 *of a Recorded Survey which identifies the location of the Property Line(s) from which the Setback is*  
13 *applicable.* Connors requested that the Commission and Lewis bring a List to the next Meeting.  
14

15 VII. CITY COUNCIL LIAISON REPORT

16 Goddard reported the Council moved to eliminate Sections c., d., and e. from Item 7. on Page 2 of  
17 Proposed Ordinance #279 (Amending Ordinance #24 as Amended, Retail Commercial Zone Sections  
18 3.110(3)(e) and 3.110(4); Off-Street Parking and Off-Street Loading Requirements Section 4.030; and  
19 Declaring an Emergency) The vote to adopt at first reading was not unanimous, the second reading will  
20 occur at the next regular Council Meeting. The Planning Commission discussed the matter and decided  
21 that if possible Members should plan to attend the next City Council Meeting to endorse the adoption of  
22 the Ordinance including Sections d. and e. Goddard reiterated her request to obtain a copy of the  
23 Parking Survey Data collected several years ago.  
24

25 VIII. PLANNER'S REPORT

26 Lewis reviewed his Report (copy attached to the original of these Minutes). Lewis announced a 2007-  
27 2008 Planning Commissioner Free 9-Part Training Series - Sessions are live on the Web and archived  
28 for viewing at a more convenient time (copy of Notice attached to original of these Minutes).  
29

30 IX. PLANNING COMMISSION CONCERNS

31 Connors commented on how nice the Stonebridge Planned Development is and recommended that the  
32 Commissioners take the opportunity to drive-thru and see the improvements.  
33

34 X. ADJOURN

35 There being no further business, the meeting was adjourned at 6:50 PM.  
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37

38  
39 \_\_\_\_\_  
Carol Connors, President

40  
41  
42 \_\_\_\_\_  
43 Carla Duering, Recording Secretary