

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

6 PRESENT: President C. Connors, S. McGavock, V. Sovern, D. Goddard, E. Hough, B. Taunton
7 (arrived 6:05 p.m.)
8

9 ABSENT: B. Bruce
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: November 14, 2007 Regular Meeting.
17

18 Motion: McGavock moved to approve the Minutes of the November 14, 2007 Regular Meeting as
19 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: Connors, Hough, McGavock

25 Abstain: Sovern, Goddard
26

27 III ITEMS FROM THE AUDIENCE

28 There were no items from the Audience.
29

30 IV. NEW BUSINESS
31

32 A. Meeting Start Time
33

34 Motion: McGavock moved to change the Regular Meeting Start Time from 7:00 p.m. to 6:00 p.m.
35 Hough seconded the Motion.
36

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

39 Vote: Motion passed.

40 Ayes: Goddard, Connors, Hough, McGavock, Sovern
41

42 V. PUBLIC HEARING ITEMS
43

44 Connors explained the Public Hearing Procedure. Connors said Testimony and evidence given must be
45 directed toward criteria described by the City Planner, or other criteria in the Code that the Testifier

1 believes apply to the request. Failure to raise an issue, accompanied by statements or evidence sufficient
2 to afford the Commission and the parties an opportunity to respond to the issue precludes appeal to the
3 State Land Use Board of Appeals on that issue. Application materials or other evidence relied upon by
4 the Applicant had been provided to the City and made available to the Public. Commissioners will be
5 asked for any declaration of ex-parte contact, conflict of interest, or bias to declare. The Public will have
6 the opportunity to state objection to any Planning Commissioner hearing the Case. Applicants will have
7 the opportunity to present information relevant to their Application, followed by Testimony in support of
8 the Application, then Testimony in opposition, with the Applicant having the opportunity for rebuttal.
9 Unless there is a request to hold the Record Open, Testimony will be closed and the Commission will
10 enter into Deliberations on the Application.

11
12 A. Case File: #4-PAR-PC-07

13 Applicant: Helena W. Moore Living Trust

14 Application: Request for Partition and Variance

15 Map and Tax Lot: 09-11-07-DD #00300

16 Location: 405 S.W. Cardinal Street
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). Connors asked if the Commissioners had any questions to address to the City Planner. A
22 Commissioner confirmed that the Variance Request is for the Proposed Westerly Lot to have a 60 ft.
23 Depth versus the R-1 Residential minimum Lot Depth Standard of 80 ft. (the Proposed Westerly Lot has
24 an existing Single-Family Dwelling with access off of Cardinal Street). The Applicant was given an
25 opportunity to testify and answer questions from Commissioners. Robert Barden, 6939 S.W. Galley
26 Avenue, Lincoln City, testified (on behalf of his Mother – Power of Attorney) that he does not believe
27 that granting the Variance Request would adversely affect the surrounding Property Owners (the
28 Existing Driveway already enters the Property and Garage from Cardinal Street). A Commissioner
29 asked if the Access for the Proposed Easterly Lot would be on Cardinal Street or Pine Avenue. Barden
30 answered in order to meet the R-1 Zone Minimum Lot Depth Standard it would be Cardinal Street.
31 Connors called for Testimony in favor of the Application. There was none. Connors called for
32 Testimony in opposition to the Application. Bruce Silver, 420 S.W. Cardinal Street, stated he is not
33 opposed to the Variance or Partition provided the Planning Commission incorporate an additional
34 Condition of Approval: *the current R-1 Zoning Standards* (as identified in Section 3.010 of the DBZO)
35 *remain in place, specifically Building Height and Setback Requirements and that no future Variance*
36 *Requests regarding Building Height or Setbacks be Approved* (copy of Oral Testimony attached).
37 Barden indicated that he did not have an issue with the additional Condition of Approval as
38 recommended by Silver. Connors asked Lewis to further explain the ramifications if the Commission
39 were to impose such a Condition of Approval. Lewis responded that the Commission could certainly
40 add the Condition, however it does not take away the right of a Future Property Owner to initiate a
41 Request for a Variance (the Condition would be considered evidence to be considered by the Planning
42 Commission at the time a Variance Application is received). There was no request to keep the Record
43 Open. The Public Hearing was closed and deliberations began.
44

1 Motion: Sovern moved to approve Case File #4-PAR-PC-07 and adopt the Conditions of Approval
2 Items 1. thru 5. as recommended by the City Planner (specifically excluding the suggested additional
3 Condition of Approval). She acknowledged that all of the Criteria for granting a Variance have been
4 satisfied. Goddard seconded the Motion.

5
6 Connors said it was moved and seconded, and called for discussion. There was none.

7
8 Vote: Motion passed.

9 Ayes: Goddard, Hough, McGavock, Connors, Taunton, Sovern

10
11 B. Case File: #4-CS-PC-07

12 Applicant: Chris Edwardson

13 Application: Request for Coastal Shorelands, Geologic Hazards Permit, and Variance
14 Map and Tax Lot: 09-11-08-BD #06400

15 Location: 485 S.W. Coast Avenue
16

17 Connors asked if any Commissioner had ex-parte contact, conflict of interest, or bias to declare. There
18 was none. Connors then asked if anyone had objection to any Planning Commissioner hearing the Case.
19 There was no objection. Lewis summarized the Staff Report (copy attached to original of these
20 Minutes). Written Testimony was received after preparation of the Staff Report from Marjory
21 Armstrong (copy attached to original of these Minutes). He noted the Applicant is requesting a 5 ft.
22 Exception to the Area of Visual Concern. He referred to a Letter dated November 26, 2007 from
23 Richard Larrett, Engineering Geologist, which states *the Foundation Footings for the Addition to the*
24 *House will be approximately 20 ft. east of the Top of the Slope* (not a minimum of 12 ft. as illustrated on
25 the Applicant's Site Plan). He amended the Conditions of Approval: Item 2. *Coastal Shoreland*
26 *Setback and Area of Visual Concern. Development shall be accomplished in conformance with the*
27 *Approved Plan. This includes House and Foundation Footings located a minimum 20 ft. from the Top-*
28 *of-the-Bluff. and the House Addition a minimum 12 ft. from the Top-of-the-Bluff at its closest point.* He
29 corrected the numbering of the Items and suggested adding Item 11. *The Applicant's Designer shall*
30 *work with the City Field Superintendent on acceptable Design Alternatives for any Proposed Retaining*
31 *Walls in the Coast Avenue Right-of-Way. Any Structural Encroachment into the Right-of-Way requires*
32 *approval by the Depoe Bay City Council.* Connors asked if the Commissioners had any questions to
33 address to the City Planner. There was none. The Applicant was given an opportunity to testify and
34 answer questions from Commissioners. Chris Edwardson, 485 S.W. Coast Avenue, testified to the
35 necessity of a Garage to provide Off-Street Parking. He acknowledged the existing Encroaching
36 Retaining Wall and his intention to strengthen it (proposing to remove the Treated Timber and replace it
37 with a shorter Concrete Retaining Wall and improving Coast Avenue per City Street Standards). A
38 Commissioner asked for clarification on the Site Plan submitted by the Applicant in regards to the
39 adjacent Property (Tax Lot #6300) and the Existing Structures and is he the current Property Owner.
40 Edwardson indicated that the Garage is Existing and a Building Permit Application has been approved
41 for a Single-Family Residence and confirmed he has sold the Property. Edwardson gave a concise
42 history of the Property. Connors asked the Applicant if he had considered other options in regards to the
43 Garage location. Edwards and Lewis reiterated that the Topography of the Site is an issue (the ground
44 from the Road to the House is at a severely Steep Grade). Connors asked the Applicant to further
45 describe the Garage's Structural Foundation. Edwardson replied the Certified Engineers have assured

1 him that they have designed Structurally Safe Structures (including the Proposed Retaining Walls). A
2 Commissioner asked Lewis if there are other Existing Structures encroaching into the City's Coast
3 Avenue Right-of-Way. Lewis answered he is not aware of any other Encroachments. Lewis reiterated
4 the City Field Superintendent's concern regarding the Retaining Wall Encroachment and the suggested
5 Condition of Approval. The Applicant, Planning Commission, and Lewis ensued in a lengthy discussion
6 regarding: the existing Encroaching Retaining Wall and Fence; removal and relocation of Pedestrian
7 Access Steps; the recent Urban Renewal Feasibility Report identified Coast Avenue as a potential
8 Infrastructure Improvement Project; Coast Avenue is platted with a 40' Right-of-Way; the existing
9 Storm Water Drainage System; and the Average Building Height of the Proposed Garage (23 ft. 9 in.).
10 Connors called for Testimony in favor of the Application. There was none. Connors called for
11 Testimony in opposition to the Application. Jim Hayes, 30 S.W. Heiberg Street, believes all Property
12 Owners have the right to build within the limitations of both City and County Regulations whether or
13 not they impede adjacent Property Owner's views, however granting a Variance that does obstruct views
14 is not right. He stated he has no objections to the Variance Request provided the Roof Line is no higher
15 than the Garage on the adjacent Property to the north. A Commissioner asked him to address the issue
16 of the Encroaching Retaining Wall and the Variance Request (construct a Garage zero ft. from the Front
17 Property Line and zero ft. from the north Side Property Line). He replied if the City were to improve
18 Coast Avenue to 40 ft. south of Heiberg the Retaining Wall would be the least of the obstacles the City
19 would encounter and his main concern with allowing reduced Setbacks would be related to maintaining
20 Emergency Personnel access between Structures (the proposed Site Plan appears to be adequate). Steve
21 Scopelleti, 110 Ludson Place, advised the Commission to seriously consider the impact of allowing an
22 Encroachment into the City Right-of-Way and the implication it will have in the future and stressed the
23 importance of the City Field Superintendent's involvement. Chris Edwardson reminded the
24 Commissioners that he intends to remove 12 ft. (approximately 2/3) of the existing Encroaching
25 Retaining Wall. A Commissioner requested to keep the Record Open. Connors suggested revising the
26 request to Continue the Public Hearing. The Commissioner agreed. Discussion ensued concerning the
27 Encroachment Procedure; allowing an opportunity for Commissioners to visit the Subject Site in order to
28 gain a better understanding of the Existing and Proposed Structures and the constraints of the
29 Topography; and potential for additional Public Testimony.

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31 Motion: Sovern moved to continue the Public Hearing to the January 9, 2008 Regular Meeting. Hough
32 seconded the Motion.

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

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36 Vote: Motion passed.
37 Ayes: Hough, McGavock, Sovern, Goddard, Connors
38 Noes: Taunton
39

40 Edwardson expressed a concern regarding a delay of his complex Construction Project and asked if he
41 were to address improving the Encroaching Off-Site Retaining Wall at another time would the Planning
42 Commission consider approving his Application. Connors responded the Commission has already voted
43 to continue the Public Hearing.

44
45 VI. UNFINISHED BUSINESS

1
2 A. City Council Authorization for Planning Commission to Proceed with Proposed Zoning
3 Ordinance Amendments
4 Connors announced that the City Council moved to grant Authorization for the Planning Commission to
5 begin discussions on whether or not Amendments are desired, draft potential amended language, and
6 begin the Public Hearing process. It was the consensus of the Commission to direct Lewis to prepare a
7 Memo identifying potential DBZO Amendment topics to facilitate discussion at the next Meeting.

8
9 VII. CITY COUNCIL LIAISON REPORT
10 Connors reported the Council moved to table Adoption of Proposed Ordinance #279 (Amending
11 Ordinance #24 as Amended, Retail Commercial Zone Sections 3.110(3)(e) and 3.110(4); Off-Street
12 Parking and Off-Street Loading Requirements Section 4.030; and Declaring an Emergency) to the first
13 meeting in February, 2008, to allow sufficient time to submit an Application to O.D.O.T. for a Four-
14 Hour Parking Time Limit.

15
16 VIII. PLANNER'S REPORT
17 Lewis reviewed his Report (copy attached to the original of these Minutes).

18
19 IX. PLANNING COMMISSION CONCERNS
20 There was none.

21
22 X. ADJOURN
23 There being no further business, the meeting was adjourned at 7:45 PM.

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26
27 _____
28 Carol Connors, President

29
30 _____
31 Carla Duering, Recording Secretary