

1 Depoe Bay Planning Commission
2 Regular Meeting
3 Wednesday, January 9, 2008 - 6:00 PM
4 Depoe Bay City Hall

5
6 PRESENT: Vice-President D. Goddard, S. McGavock, V. Sovern, B. Taunton, B. Bruce

7
8 ABSENT: C. Connors, E. Hough

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

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12 I. CALL MEETING TO ORDER

13 Goddard called the Meeting to order and established a Quorum at 6:00 PM.

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15 II. APPROVAL OF MINUTES: December 12, 2007 Regular Meeting.

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17 Motion: McGavock moved to approve the Minutes of the December 12, 2007 Regular Meeting as
18 written. Sovern seconded the Motion.

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20 Goddard said it was moved and seconded, and called for discussion. There was none.

21
22 Vote: Motion passed.

23 Ayes: McGavock, Sovern, Taunton, Goddard

24 Abstain: Bruce

25
26 III. ELECTION OF PRESIDENT AND VICE-PRESIDENT

27 McGavock nominated V. Sovern for President, D. Goddard nominated C. Connors for President.

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29 Vote: President - V. Sovern

30 Show of Hands: McGavock, Sovern

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32 Vote: President - C. Connors

33 Show of Hands: Goddard, Taunton, Bruce

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35 Bruce nominated D. Goddard for Vice-President.

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37 Vote: Vice-President - D. Goddard

38 Show of Hands: McGavock, Sovern, Taunton, Goddard, Bruce

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40 IV. ITEMS FROM THE AUDIENCE

41 There were no items from the Audience.

42

1 V. NEW BUSINESS

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3 A. Assignment of Liaison to City Council

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5 It was the consensus of the Commission to continue the City Council Liaison rotation. Goddard directed
6 Lewis to prepare a Memo proposing a 2008 Schedule.

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8 VI. PUBLIC HEARING ITEMS

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

22
23 A. Case File: #4-CS-PC-07 (Continued)

24 Applicant: Chris Edwardson

25 Application: Request for Coastal Shorelands, Geologic Hazards Permit, and Variance

26 Map and Tax Lot: 09-11-08-BD #06400

27 Location: 485 S.W. Coast Avenue

28
29 Goddard asked if any Commissioner had ex-parte contact, conflict of interest, or bias to declare. There
30 was none. Goddard then asked if anyone had objection to any Planning Commissioner hearing the Case.
31 There was no objection. Lewis gave a brief synopsis of the Application and reminded the
32 Commissioners that this is a continued Public Hearing. Lewis summarized the updated (January 9,
33 2008) Recommended Conditions of Approval (copy attached to original of these Minutes). Lewis
34 reiterated that any proposed Improvements within the Coast Avenue Right-of-Way, i.e. Retaining Wall,
35 must be reviewed and approved by the City Field Superintendent and the City Council. Lewis reminded
36 the Commission that the Applicant has stated he is willing to withdraw his request to pursue
37 Improvements to the existing Encroaching Retaining Wall (as stated at the last Planning Commission
38 Meeting and in discussion with Lewis). Goddard asked if the Commissioners had any questions to
39 address to the City Planner. There was none. Applicant was given an opportunity to testify and answer
40 questions from Commissioners. Chris Edwardson, 485 S.W. Coast Avenue, stated he is willing to
41 answer any further questions from the Commission. There was none. There was no Testimony in favor
42 or in opposition of the Application. There was no request to keep the Record Open. The Public Hearing
43 was closed and deliberations began.

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2 Motion: McGavock moved to approve Case File #4-CS-PC-07 and adopt the Updated Conditions of
3 Approval Items 1. thru 11. as recommended by the City Planner (specifically articulating the re-phrasing
4 of Item 2. *Coast Avenue Right-of-Way*). Bruce seconded the Motion.

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

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8 Vote: Motion passed.

9 Ayes: Sovern, Taunton, Goddard, Bruce, McGavock

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11 B. Case File: #5-PAR-PC-07
12 Applicant: Maui Dream, L.P.
13 Application: Request for Partition
14 Map and Tax Lot: 09-11-17-CB #00400
15 Location: South of McDonald Avenue and west of Highway 101
16

17 Goddard asked if any Commissioner had ex-parte contact, conflict of interest, or bias to declare. There
18 was none. Goddard then asked if anyone had objection to any Planning Commissioner hearing the Case.
19 There was no objection. Lewis summarized the Staff Report and updated (January 9, 2008)
20 Recommended Conditions of Approval (copies attached to original of these Minutes). Goddard asked if
21 the Commissioners had any questions to address to the City Planner. There was none. The Applicant
22 was given an opportunity to testify and answer questions from Commissioners. Bryce Buchanan, 18855
23 Hilltop Road, Lake Oswego, gave a concise history of the Subject Property. He expressed his intention
24 to preserve the larger portion of the partitioned Lot (proposed Parcel 3) for Conservation and anticipates
25 Development (Single-Family Dwellings) on proposed Parcel 1 and Parcel 2. He introduced Neal Maine,
26 North Coast Land Conservancy, with whom he has been working with for a few years and is prepared to
27 market the Parcel upon Planning Commission Approval. A Commissioner asked if a Preliminary
28 Conservation Plan has been initiated. Buchanan reiterated he and Neal have been discussing the matter
29 for some time. A Commissioner asked if the Parcel would be made available for Public Access. He
30 responded his goal is to minimize the impact on the Habitat of Whale Cove and to establish more of a
31 Nature Preserve not a Public Park. A Commissioner asked if there is a significant Shell Mound on the
32 Site. He answered not on the Subject Lot. Neal Main, 33594 Ocean Home Farm Lane, Seaside,
33 Executive Director of North Coast Land Conservancy, gave an overview of the Mission of North Coast
34 Land Conservancy and summarized information provided in the Brochures, Newsletter, and Map. he
35 distributed (copies attached to original of these Minutes). He emphasized that the Subject Property is a
36 prime Parcel for Preservation of its Natural Resource Value. A Commissioner asked about a Time-Line.
37 He indicated they have good prospects for Conservation Buyers and is confident the process will be
38 approximately one year (Real Estate Trend is a factor). Goddard called for Testimony in favor of the
39 Application. There was none. Goddard called for Testimony in opposition to the Application. There
40 was none. There was no request to keep the Record Open. The Public Hearing was closed and
41 Deliberations began.
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1 Motion: Sovern moved to approve Case File #5-PAR-PC-07 and adopt the Updated Conditions of
2 Approval Items 1. thru 5. as recommended by the City Planner. Taunton seconded the Motion.

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4 Goddard said it was moved and seconded, and called for discussion. A Commissioner applauded the
5 Applicant for his conscious effort to Protect and Preserve Natural Resources and expressed her
6 appreciation.

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8 Vote: Motion passed.

9 Ayes: Taunton, Goddard, Bruce, McGavock, Sovern

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11 Goddard concurred with the commendation and thanked the Applicant too.

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13 B. Case File: #1-SUB-PC-07

14 Applicant: Brian Boyer

15 Application: Request for Subdivision

16 Map and Tax Lot: 09-11-17 #00200

17 Location: South end of Depoe Bay and east of Highway 101

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19 Goddard asked if any Commissioner had ex-parte contact, conflict of interest, or bias to declare.
20 McGavock declared that he had a conversation with Larry regarding Wetland Delineation and Lewis
21 assured him the Depoe Bay Wetland and Riparian Inventory does not identify Wetlands on the Site.
22 Goddard then asked if anyone had objection to any Planning Commissioner hearing the Case. There was
23 no objection. Lewis summarized the Staff Report and updated (January 9, 2008) Recommended
24 Conditions of Approval (copies attached to original of these Minutes). Written Testimony was received
25 from Forest Capital Partners, L.L.C. and Patricia Neal (copies attached to original of these Minutes).
26 Written Testimony and Public Agency Comments were received after preparation of the Staff Report
27 from Katherine Pyle and Oregon Department of Transportation (copies attached to original of these
28 Minutes). Goddard asked if the Commissioners had any questions to address to the City Planner. There
29 was none. The Applicant was given an opportunity to testify and answer questions from
30 Commissioners. Gary Hamilton, Attorney, Litchfield and Carstens, L.L.P., 407 N. Coast Highway,
31 Newport, (representing the Applicant for Kailani Ridge 16-Lot Subdivision), thanked Mr. Lewis for a
32 very thorough Staff Report. He recapped several highlights of the Application for the Planning
33 Commissions consideration: Sixteen (16) Single-Family Detached Dwellings are proposed (21% of the
34 Maximum Density allowed in the R-2 Residential Zone); adjacent Property to the south is zoned T-C
35 Timber Conservation and the Property immediately to the north has just received Preliminary Approval
36 for a 146-Lot Planned Development (Mr. Boyer is working in cooperation with them with regard to
37 O.D.O.T. Approval of Hwy. 101 Access and connection to the City's Water and Sanitary Sewer
38 Systems) and feels that the proposed Project Design (lower Density, larger Lots, and 36% Open Space)
39 creates a nice buffer from a 146-Lot Planned Development to Timber Conservation. A Commissioner
40 asked how long they anticipate the O.D.O.T. Approval process to take. Brian Boyer, Applicant, replied
41 that the Developer of Majestic Pacific Vistas has applied for an O.D.O.T. Access Permit to serve both
42 Developments and O.D.O.T. Approval could be as late as April. Gary Hamilton further explained that
43 they based their Traffic Impact Analysis on 30-Home Sites to ensure that it would be more than

1 adequate. A Commissioner asked if he has thought about providing a Pedestrian Pathway in the Open
2 Space along Highway 101. Brian Boyer responded they intend to connect with the Pedestrian Pathway
3 System and/or Biking Trail with the adjoining Development. A Commissioner clarified the location of
4 the Open/Common Space. Goddard called for Testimony in favor of the Application. Patricia Neal,
5 1075 Walking Wood (Little Whale Cove), referred to her Written Testimony addressing Traffic Impact
6 and emphasized the importance of the Engineered Storm Drainage System (seeking assurance that Little
7 Whale Cove Homeowners will not be adversely affected by an increase in Storm Water Runoff). Don
8 Braaten, Property Owner to the south (outside the City Limits), asked Lewis if he was aware of any
9 issues that would be a concern for him (in relationship to his Parcel). Lewis answered the Development
10 does not show any future Access to your Property, the southern portion of the Development is dedicated
11 Open Space. There was no further Testimony in favor of the Application and no Testimony in
12 opposition. There was no request to keep the Record Open. The Public Hearing was closed and
13 Deliberations began. Lewis mentioned that O.D.O.T. typically requires a Sidewalk when Improvements
14 are made along Highway 101. He suggested that when an Access Permit is pursued with O.D.O.T. that
15 he believes the City's preference would be a Natural Trail System versus a Concrete Sidewalk (Concrete
16 Sidewalks are more appropriate in the Downtown Urban Area as opposed to Forest Corridors). A
17 Commissioner asked Lewis to make that Recommendation to O.D.O.T.

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19 Motion: Sovern moved to approve Case File #1-SUB-PC-07 and adopt the Conditions of Approval
20 Items 1. thru 12. as recommended by the City Planner. McGavock seconded the Motion.

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22 Goddard said it was moved and seconded, and called for discussion. A Commissioner encouraged the
23 Applicant to create a pervious surface (more organic and natural) Trail System; briefly described the
24 Downtown Refinement Plan and how it would enhance his Project; and commented that the proposed
25 Lots have stunning Views.

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27 Vote: Motion passed.

28 Ayes: Goddard, Bruce, McGavock, Sovern, Taunton

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30 Boyer and Hamilton thanked the Commission.

31 32 VII. UNFINISHED BUSINESS

33 34 A. City Council Authorization for Planning Commission to Proceed with Proposed Zoning 35 Ordinance Amendments

36 The Commission agreed to postpone their discussion to the next Regular Meeting.

37 38 VIII. CITY COUNCIL LIAISON REPORT

39 Lewis reported the Council moved to accept Charles Kupper's Proposal and proceed with a Urban
40 Renewal Plan; moved to submit a Notice of Intent (south of the bridge Highway 101 Improvements) for
41 a Transportation Enhancement Program Grant – a short discussion ensued regarding Traffic Lanes and
42 the Downtown Refinement Plan; and moved to table Adoption of Proposed Ordinance #279 (Amending
43 Ordinance #24 as Amended, Retail Commercial Zone Sections 3.110(3)(e) and 3.110(4); Off-Street

1 Parking and Off-Street Loading Requirements Section 4.030; and Declaring an Emergency) to the first
2 meeting in February, 2008, to allow sufficient time to submit an Application to O.D.O.T. for a Four-
3 Hour Parking Time Limit.

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5 IX. PLANNER'S REPORT

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

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8 X. PLANNING COMMISSION CONCERNS

9 There was none.

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11 XI. ADJOURN

12 There being no further business, the meeting was adjourned at 7:14 PM.

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Dorinda Goddard, Vice-President

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Carla Duering, Recording Secretary