

1 Depoe Bay Planning Commission
2 Regular Meeting
3 Wednesday, September 18, 2008 - 6:00 P.M.
4 Depoe Bay City Hall

5
6 PRESENT: President C. Connors, S. Scopelleti, D. Goddard, R. Hageman, S. McGavock (arrived
7 6:02 P.M.)
8 ABSENT: B. Taunton, E. Hough
9 STAFF: City Planner L. Lewis, Recording Secretary C. Duering

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11 I. CALL MEETING TO ORDER

12 Connors called the Meeting to order and established a Quorum at 6:00 P.M.

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14 II. APPROVAL OF MINUTES: August 13, 2008 Regular Meeting.

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16 Motion: Hageman moved to approve the Minutes of the August 13, 2008 Regular Meeting as written.
17 Scopelleti seconded the Motion.

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

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21 Vote: Motion passed.
22 Ayes: Scopelleti, Goddard, Connors, Hageman

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24 III. ITEMS FROM THE AUDIENCE

25 There were no items from the Audience.

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27 IV. PUBLIC HEARING ITEMS

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29 Connors explained the Public Hearing procedure, noting that this procedure applies to all Public Hearing
30 Items (Agenda Item A.) that will be heard this evening. Connors said Testimony and evidence given
31 must be directed toward criteria described by the City Planner, or other criteria in the Code that the
32 Testifier believes apply to the request. Failure to raise an issue, accompanied by statements or evidence
33 sufficient to afford the Commission and the parties an opportunity to respond to the issue precludes
34 appeal to the State Land Use Board of Appeals on that issue. Application materials or other evidence
35 relied upon by the Applicant had been provided to the City and made available to the Public.
36 Commissioners will be asked for any declaration of ex-parte contact, conflict of interest, or bias to
37 declare. The Public will have the opportunity to state objection to any Planning Commissioner hearing
38 the Case. Applicants will have the opportunity to present information relevant to their Application,
39 followed by Testimony in support of the Application, then Testimony in opposition, with the Applicant
40 having the opportunity for rebuttal. Unless there is a request to hold the Record Open, Testimony will
41 be closed and the Commission will enter into Deliberations on the Application.

42
43 A. Case File: #1-VAR-PC-08
44 Applicant: Neighbors for Kids
45 Application: Request for Variance Application and Building Permit Review
46 Map and Tax Lot: 09-11-08-CA #7400 Location: 630 S.E. Highway 101

1 Connors asked if any Commissioner had ex-parte contact, conflict of interest, or bias to declare. S.
2 Scopelleti recused himself. Connors then asked if anyone had objection to any Planning Commissioner
3 hearing the Case. There was no objection. Lewis summarized the Staff Report (copy attached to
4 original of these Minutes). Lewis specifically noted part of the Planning Commission's Review of New
5 or Substantial Construction in the Light Industrial Zone is to ensure that adequate Parking is provided.
6 DBZO Section 4.030(19) identifies Parking Requirements for different types of Uses. The Parking
7 Requirement for the Neighbors for Kids Use is not identified. Section 4.030(1) states that *Requirements*
8 *for types of Buildings and Uses not specifically listed shall be determined by the Planning Commission,*
9 *based upon the Requirements of comparable Uses listed.* The Applicant has provided a Narrative (copy
10 attached to the Staff Report) justifying the Proposed Parking. Connors asked if the Commissioners had
11 any questions to address to the City Planner. A Commissioner referred to the Plat Map (attached to the
12 Staff Report) and asked Lewis to clarify on Tax Lot #600: "Corner Per Deeds See CS10306" (Section
13 Corner or ½ Section Corner) and if the Dotted Line serves no current purpose. Lewis assumed perhaps
14 a prior Property Corner and agreed that the Dotted Line was a former Property Line. A Commissioner
15 asked if Jewel Court is a City maintained Street. Lewis replied it is Public Right-of-Way but was unsure
16 whether it is City maintained. Connors asked if the Gazebo (illustrated on the Plot Plan provided by the
17 Applicant) is in the Jewel Court Right-of-Way. Lewis answered it appears to be partially encroaching in
18 the Right-of-Way but is obviously outside of the Pavement. A Commissioner asked who owns the
19 Gazebo. Lewis answered it seems to be Tax Lot #102. Applicant was given an opportunity to testify
20 and answer questions from Commissioners. Maggie Brown, 15 S.E. Ainslee, a Member of the Board of
21 Directors and Building Committee for Neighbors for Kids, acknowledged that their motivating factor is
22 to provide the children of Depoe Bay with as large of a Building as possible while maintaining the
23 Existing Building as a Teen Center. She reiterated they have met their maximum enrollment in the
24 Existing Facility and need to expand to accommodate an increasing number of children waiting to
25 participate in their Program. She testified that Staff has amply outlined their Proposal and is happy to
26 answer any questions. A Commissioner asked if they intend to replace the Existing Rear Retaining
27 Wall. Brief discussion ensued regarding: Constructing a New Retaining Wall at the back of the
28 Building sloping back (backfilling) to the Existing Retaining Wall (located on the Property Line);
29 Engineering; 3' Spread Footing; 6' Building Clearance; and Setbacks. There was no Testimony in favor
30 of the Application. Connors called for Testimony in opposition of the Application. Larry Smith, 658
31 Painter Lane, explained that he owns the Property (Tax Lot #7600) adjacent to the Subject Property
32 (east end) and objects to the NFK Variance Application. He believes the Zoning has changed (since he
33 purchased his Property) from Residential to Light Industrial (which allows Zero Lot Line). He quoted
34 L-I Zone Standards a. *All Yards abutting a Lot in a Residential Zone shall be a minimum of 20 feet.* He
35 gave a brief synopsis of how his view has been previously impacted (construction of a Pole Building on
36 neighboring Property Tax Lot #7500) and will be further affected by the Proposed NFK Building.
37 Connors asked what is the Setback of your Home from the Property Line. He answered Zero Lot Line.
38 He requested a brief Recess. The Planning Commission agreed. (Commissioners join him on the front
39 steps of City Hall so they can observe what he is trying to convey).

40
41 Recess: 6:26 to 6:30 P.M.

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43 Lewis recommended that Smith repeat for the Record what he had discussed with the Planning
44 Commissioners on the steps. He explained that he had measured and marked a 20' Setback from the
45 adjacent Easterly Residential Zone back of the Subject Lot. He reiterated his desire to maintain some
46 daylight in his Home. There was discussion regarding: the proposed NFK Building Roof Height
47 (Gabled, Eaves approximately 20 ft.); redesigning the Upper Level (eliminate Back Storage Space) in

1 the proposed Building (lessen impact on Neighbor); Smith's Home was built in 1947 (presumably
2 without a Survey); Chief Depoe and his wife resided there; Grade Elevation of Tax Lot #7600 versus
3 Tax Lot #7400; precautionary measures during Excavation and Construction of Retaining Wall (not to
4 adversely impact Adjacent Property). Heekyong Hong, Owner of Whistle Stop-Shell Gas Station,
5 testified she is not opposed to the NFK Proposal but demands that the Fence be replaced on the north
6 side of the Subject Property (children's safety and liability concerns). There was no further Testimony.
7 The Applicant was given an opportunity for Rebuttal. Maggie Brown emphasized the importance of
8 maintaining the square footage as much as possible and will endeavor to continue interaction with the
9 adjacent Property Owners. She believes the loss of square footage if they were to comply with the 20'
10 Setback to be comparable to approximately $\frac{3}{4}$ of the Existing Structure. There was lengthy discussion
11 between the Applicant (M. Brown and S. Scopelleti), L. Smith, and the Planning Commission
12 concerning the distance (8 ft.) between the Proposed and Existing Buildings; demolition of the Existing
13 Building as Proposed Building (approximately 5,000 sq. ft.) should be more than adequate; status of the
14 Engineered and Architectural Plans; Lincoln County Building Department Restrictions addressing the
15 mandatory distance between two Buildings (essential for children's safety, seismic, fire, and
16 maintenance issues); Construction Schedule (begin 6-8 weeks); eliminate or minimize the Second-Story
17 Storage Space on the east end of the Proposed Building; Structural Steel Building may not have
18 capability to alter. The Commission concluded it would be beneficial to minimize the distance between
19 the Existing and Proposed Buildings (minimum the County allows). Connors called for a Motion.

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21 Motion: Hageman moved to approve Case File #1-VAR-PC-08 contingent that the Applicant move the
22 Building as far west as the County allows or is reasonable (maintain a minimum distance of 2-3 ft.
23 between Existing and Proposed Buildings). Goddard seconded the Motion.

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25 Connors said it was moved and seconded, and called for discussion. Connors mentioned the Planning
26 Commission has reviewed the Site Plan (don't need to approve). L. Lewis agreed. L. Smith commented
27 the Applicant could install a Door with an Overhang out the back of the Block Building (within 3 feet).

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29 Vote: Motion passed.
30 Ayes: Goddard, Connors, Hageman, McGavock

31
32 Connors directed Lewis to prepare the Findings, Conclusion and Final Order for her signature.

33
34 Goddard asked if they will be installing a Fence. Hageman stated per Light Industrial Zone Standards
35 they are required.

36
37 Scopelleti returned to his seat.

38
39 Connors announced that Case File #3-PAR-PC-08 has been continued to the November 12, 2008
40 Meeting and Case File #2-PD-PC-08 has been postponed to the October 8, 2008 Meeting.

41
42 NEW BUSINESS
43 There was none.

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45 VI. CITY COUNCIL LIAISON REPORT
46 There was none.

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1 VII. PLANNER'S REPORT

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

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4 VIII. PLANNING COMMISSION CONCERNS

5 There was none.

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7 IX. ADJOURN

8 There being no further business, the Meeting was adjourned at 7:01 P.M.

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Carol Connors, President

Carla Duering, Recording Secretary