

1 Depoe Bay Planning Commission  
2 Regular Meeting  
3 Wednesday, May 13, 2009 - 6:00 P.M.  
4 Depoe Bay City Hall

5  
6 PRESENT: S. McGavock, S. Scopelleti, B. Taunton, R. Hageman, P. Leoni  
7 ABSENT: D. Goddard, E. Hough  
8 STAFF: City Planner L. Lewis, Recording Secretary C. Duering

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10 I. CALL MEETING TO ORDER  
11 Hageman called the Meeting to order and established a Quorum at 6:00 P.M.

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13 II. APPROVAL OF MINUTES: April 8, 2009 Regular Meeting.

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15 Motion: McGavock moved to approve the Minutes of the April 8, 2009 Regular Meeting as written.  
16 Taunton seconded the Motion.

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18 Hageman said it was moved and seconded, and called for discussion. There was none.

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20 Vote: Motion passed.  
21 Ayes: McGavock, Scopelleti, Taunton, Hageman, Leoni

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23 III. ITEMS FROM THE AUDIENCE  
24 There were no Items from the Audience.

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26 IV. NEW BUSINESS

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28 V. PUBLIC HEARING ITEMS  
29 Hageman explained the Public Hearing procedure, noting that this procedure applies to all Public  
30 Hearing Items (Agenda Item B.) that will be heard this evening. Hageman said Testimony and evidence  
31 given must be directed toward criteria described by the City Planner, or other criteria in the Code that  
32 the Testifier believes apply to the request. Failure to raise an issue, accompanied by statements or  
33 evidence sufficient to afford the Commission and the parties an opportunity to respond to the issue  
34 precludes appeal to the State Land Use Board of Appeals on that issue. Application materials or other  
35 evidence 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-CS-PC-09 (Findings, Conclusions, and Final Order)  
44 Applicant: John & Cecilia Kennedy  
45 Application: Request for Development in the Coastal Shorelands, Geologic Hazards, and  
46 Variance  
47 Map and Tax Lot: 09-11-08-BD #06200

1 Location: 465 S.W. Coast Avenue

2  
3 Hageman announced that the Public Testimony was closed at the April 13, 2009 Meeting. He directed  
4 the City Planner to review the revised Conditions of Approval as discussed at the last Meeting. Lewis  
5 summarized the Draft Findings, Conclusions, and Final Order (copy attached to original of these  
6 Minutes). Lewis noted that he talked with the Depoe Bay Rural Fire Protection District after preparation  
7 of the Findings, Conclusions, and Final Order and cited a recommendation to amend Findings Item 4.  
8 Fire District Approval, *With approval of the Variance, the distance between the Applicant's House and*  
9 *the House to the south will be reduced from the standard distance because both Properties will have*  
10 *approved Variances to construct within 4'6" of the Property Line. Due to this reduced distance*  
11 *between Buildings, the Planning Commission requested review by the Depoe Bay Rural Fire Protection*  
12 *District (DBRFPD). DBRFPD stated they do not review or place stipulations on Single-Family*  
13 *Dwellings. Building Codes address appropriate stipulations for Single-Family Dwellings. DBRFPD*  
14 *will review and place stipulations for the development of Businesses, Commercial Structures, and Multi-*  
15 *Family Dwellings; and suggested deleting Order Item 7. Fire District Approval Prior to obtaining a*  
16 *Building Permit, the Applicant shall submit documentation that the Depoe Bay Rural Fire Protection*  
17 *District has reviewed and approved the Final Plans and there is adequate access between the*  
18 *Applicant's Building and the Building located on the adjacent Property to the south.*

19  
20 MOTION: McGavock moved to approve the Findings, Conclusions, and Final Order for Case File #1-  
21 CS-PC-09 Request for Coastal Shorelands Development, Geologic Hazards, and Variance as amended  
22 by the City Planner. A Commissioner asked for clarification regarding the Fire District's response and  
23 the request the Planning Commission had posed to them. Lewis reiterated that the Fire District is  
24 relying on the Lincoln County Building Department to enforce the relevant Building Codes.

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26 Leoni seconded the motion.

27  
28 Hageman said it was moved and seconded, and called for discussion. There was none.

29  
30 Vote: Motion passed.

31 Ayes: Scopelleti, Taunton, Hageman, Leoni, McGavock

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33 B. Case File: #2-CS-PC-09

34 Applicant: William J. & Gayle J. Smith

35 Application: Request for Development in the Coastal Shorelands

36 Map and Tax Lot: 09-11-18-AA #02400

37 Location: 515 S.W. Breakers Scarp – Little Whale Cove Planned Development

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39 Hageman asked if any Commissioner had ex-parte contact, conflict of interest, or bias to declare. There  
40 was none. Hageman then asked if anyone had objection to any Planning Commissioner hearing the  
41 Case. There was no objection. Lewis summarized the Staff Report (copy attached to original of these  
42 Minutes). Hageman asked if the Commissioners had any questions to address to the City Planner.  
43 There was none. The Applicant was not present. Hageman called for Testimony in favor of the  
44 Application. There was none. Hageman called for Testimony in opposition to the Application. There  
45 was none. Marie Gargano, 530 S.W. Cove Point, Chair of the Little Whale Cove Architectural  
46 Committee, gave a brief synopsis of how major renovation of an adjacent House had adversely affected  
47 her Property (i.e. 100 mph. gusts of wind blew soil that permanently stained her then recently painted

1 home and sheets of plywood onto her Property). She emphasized there are unique circumstances when  
2 constructing a Home on the Oregon Coast. She referred to Conditions of Approval Item 3. Erosion  
3 Control and Drainage and asked when the Applicant submits an Erosion Control and Storm Drainage  
4 Plan for review does the City consider those types of issues. She stressed she is not against the  
5 Application, the Smiths have a lovely Home planned. Lewis responded the City Field Superintendent is  
6 looking to ensure that surface water run-off and soils are maintained on the Site (Oregon State policy  
7 states you can not increase surface water run-off or sedimentation onto adjacent Property). The review  
8 would not include construction material and/or debris and suggested that she address the matter with the  
9 Applicant/Contractor at the Little Whale Cove Architectural Committee Meeting. Hageman felt the  
10 concern is more of a Building Permit issue (seek enforcement by the Lincoln County Building  
11 Department). Discussion ensued regarding the responsibility of the General Contractor to secure  
12 material and how to impose erosion prevention and airborne sediment control measures. Gargano also  
13 emphasized the importance of maintaining the integrity of the Cliff Walk (proximity at the front of the  
14 Subject Property). Hageman asked about a Geologic Hazards Report (specifically recommendations in  
15 regard to Erosion Control). Lewis answered it was not required on the Subject Property. There was a  
16 brief discussion regarding storm and natural disaster insurance coverage. There was no request to keep  
17 the Record Open. The Public Hearing was closed and Deliberations began.

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19 MOTION: Scopelleti moved to approve to approve Case #2-CS-PC-09 and adopt the Conditions of  
20 Approval Items 1. thru 4. as recommended by the City Planner. McGavock seconded the motion.

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22 Hageman said it was moved and seconded, and called for discussion.

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24 Vote: Motion passed.

25 Ayes: Taunton, Hageman, Leoni, McGavock, Scopelleti

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27 It was the consensus of the Commission to direct Lewis to prepare the Findings, Conclusions, and Final  
28 Order for Case File #1-CS-PC-09 and #2-CS-PC-09 for Hageman's signature.

29  
30 John Kennedy thanked the Planning Commission.

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32 VI. UNFINISHED BUSINESS

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34 A. Discuss June 2009 Planning Commission Meeting Date

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36 Hageman referred to a Memo prepared by Larry Lewis (copy attached to original of these Minutes).  
37 The Commission agreed to schedule the next Planning Commission Meeting date to Wednesday, June  
38 17, 2009, at 7:00 p.m.

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40 B. Discuss Possible Zoning Ordinance Amendments

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42 Lewis reviewed his Memo (copy attached to original of these Minutes) identifying three additional  
43 possible Text Amendments for their review and consideration. The Commission reviewed and  
44 discussed each itemized Amendment (Items 4., 16., and 18.) and made the following  
45 modifications/suggestions: *Item 4. DBZO Article 4. Supplemental Regulations* – The Commission  
46 decided not to pursue a Code Amendment at this time (may consider implementing the principle as a  
47 Condition of Approval in future Planned Developments - further research necessary); *Item 16. DBZO*

1 *1.030 Definitions Building Height* – Lewis distributed an Alternative Building Height Amendment (copy  
2 attached to original of these Minutes). There was a consensus to proceed with the Alternative Building  
3 Height Amendment.

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5 VII. CITY COUNCIL LIAISON REPORT

6 Scopelleti reported the City Council moved to approve a Three-Year Contract with the City Planner  
7 (Larry Lewis). Hageman reminded the Planning Commissioners of their obligation to comply with the  
8 Oregon Government Ethics Commission filing regulations.

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10 VIII. PLANNER'S REPORT

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

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13 IX. PLANNING COMMISSION CONCERNS

14 There was brief discussion concerning the status of the Vintage Truffle Business License (issued May  
15 12, 2009) and disclosure of Business License Application Information under Public Record Law.

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17 X. ADJOURN

18 There being no further business, the Meeting was adjourned at 7:00 P.M.

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Roy Hageman, Vice-President

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Carla Duering, Recording Secretary  
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