

1 Depoe Bay Planning Commission  
2 Regular Meeting  
3 Wednesday, June 17, 2009 – 7:00 P.M.  
4 Depoe Bay City Hall

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

9  
10 I. CALL MEETING TO ORDER

11 Hageman called the Meeting to order and established a Quorum at 7:17 P.M.

12  
13 II. APPROVAL OF MINUTES: May 13, 2009 Regular Meeting.

14  
15 Motion: McGavock moved to approve the Minutes of the May 13, 2009 Regular Meeting as written.  
16 Leoni seconded the Motion.

17  
18 Hageman said it was moved and seconded, and called for discussion. There was none.

19  
20 Vote: Motion passed.

21 Ayes: Scopelleti, Hageman, Leoni, McGavock

22  
23 III. ITEMS FROM THE AUDIENCE

24 There were no Items from the Audience.

25  
26 IV. NEW BUSINESS

27  
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 A.) 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-GEO-PC-09

44 Applicant: Douglas McCauley

45 Application: Request for Geologic Hazards Permit

46 Map and Tax Lot: 09-11-17-BC #03700

47 Location: 420 S.W. Forest Park - Little Whale Cove Planned Development

1 Hageman asked if any Commissioner had ex-parte contact, conflict of interest, or bias to declare. There  
2 was none. Hageman then asked if anyone had objection to any Planning Commissioner hearing the  
3 Case. There was no objection. Lewis summarized the Staff Report (copy attached to original of these  
4 Minutes). Written Testimony was received from the Little Whale Cove Homeowner's Association, Inc.  
5 (copy attached to original of these Minutes). The Little Whale Cove Homeowner's Association  
6 submitted copies of the Site Plan, Floor Plan, Building Elevations, and a Detail and Structural  
7 Calculations of the Driveway Retaining Wall after preparation of the Staff Report. He commented given  
8 the configuration of the Subject Lot and the location of the Access the Front Yard Setback could be  
9 calculated from the east or north side of the Property (Drawing submitted with the Application illustrates  
10 the required Front Yard Setback from the north side); and recommending revising Conditions of  
11 Approval, Item 1. R-4 Standards. *The Applicant shall obtain a valid Building Permit prior to  
12 commencement of construction. Development shall be accomplished in conformance with the submitted  
13 Plan DBZO R-4 Standards. This includes a minimum 20' north Front Yard, 21' 10' south Rear Yard,  
14 10' east Side Yard, 20' west side yard for the house and 9'6" for the deck minimum Side Yards of 1' for  
15 every 3' of Building Height and maximum average Building Height of 35'. The average Building  
16 Height shall be a maximum 24'9"*. Hageman asked if the Commissioners had any questions to address  
17 to the City Planner. There was none. The Applicant was not present. Hageman called for Testimony in  
18 favor of the Application. There was none. Hageman called for Testimony in opposition to the  
19 Application. Marie Gargano, 530 S.W. Cove Point, Chair of the Little Whale Cove Architectural  
20 Committee, referred to the Staff Report prepared by Lewis Item C. Summary and Staff Analysis, 1. R-4  
21 Residential Standards, which identifies the north side of the Subject Lot as the Front Yard. She stressed  
22 that the Little Whale Cove Architectural Committee has not accepted a Site Plan from the Applicant.  
23 She stated: typically the Committee defines the Front Yard as that side of the Property where the Front  
24 Door is facing the Street (also a Legal Definition); and would be looking at the east side as the Front  
25 Yard (Committee has informally agreed); brief synopsis of the Development Application process in  
26 Little Whale Cove when Common Property is affected (review by the Homeowner's Association Board  
27 of Directors and the Architectural Committee). She asked Lewis to clarify if the proposed amended  
28 Condition would alleviate their concerns. Lewis answered yes – The key from the City's prospective is  
29 to ensure there is a 20' Front Yard (whether it be the north or the east side of the Subject Lot). He  
30 emphasized that the City does not enforce CC&Rs (Covenants, Conditions and Restrictions) or Deed  
31 Restrictions, only the DBZO Standards. She asked Lewis if Depoe Bay Rural Fire Protection District  
32 would be reviewing the proposed Development and Access Road and what are their criteria. Lewis  
33 explained the Depoe Bay Rural Fire Protection District's involvement in Single-Family, Commercial,  
34 and Planned Development Plan Reviews. He understands as a rule if the driving lane exceeds 150'  
35 length then the requirement is 20' clear width, if less than 150' length then 12' unobstructed width. Bob  
36 Anderson, 315 S.W. Singing Tree, Chairman of the Board of Directors, Little Whale Cove  
37 Homeowner's Association, stated the Board does not expect the Architectural Committee to enforce  
38 Setbacks, it is their understanding that is the City's responsibility to determine whether a Home has  
39 satisfied the DBZO Standards – The Committee/Homeowner's Association simply assists in an advisory  
40 capacity. Lewis reiterated the City's role versus the Little Whale Cove CC&Rs and Deed Restrictions.  
41 Anderson asked to what extent the Planning Commission will rely on the submitted Drawings that  
42 illustrate the specific location of the Access Road. It is very unlikely that the Board of Directors will  
43 approve the submitted Drawing (proposing an alternate path, actually much easier to construct and less  
44 engineering concerns - as discussed with the Applicants representative, Tom Golden Residential Design,  
45 and the most affected adjacent neighbor). There was brief discussion regarding defining and  
46 establishing the Subject Lot's Front Yard. Hageman stated if the east is documented as the Front Yard  
47 then the Applicant would need to request a waiver (Variance) to the Setback Standards or submit a

1 revised Site Plan. Hageman encouraged the Little Whale Cove Committee/Homeowner's Association  
2 and/or all Property Owners to provide Written or Oral Testimony when they have concerns regarding  
3 proposed Setbacks. Hageman suggested that the Conditions of Approval be amended to quote the  
4 DBZO definition of Building Height (Section 1.030 Definitions. #19). There was no request to keep the  
5 Record Open. Discussion ensued regarding: the probability of the Applicant submitting a revised  
6 Proposal based on comments from the Little Whale Cove Homeowner's Association and Architectural  
7 Committee (preferred sequence would have been that the Applicant's Proposal would have been  
8 approved prior to submittal to the City); cooperation between entities; City Superintendent's review and  
9 approval of the Access Road and Rock Wall (Applicant to submit Engineered Drawings); and revisions  
10 to the Driveway Location may affect the Plot Plan. After lengthy discussion Lewis explained the  
11 procedure in the event the Public Hearing were to be continued. Marie Gargano (provided additional  
12 Testimony) read from the latest Drawing (dated May 28, 2009) submitted to Little Whale Cove (handed  
13 to her by Diane Summers at the Planning Commission Meeting) 10' minimum Rear Setback on the west  
14 side of the Subject Property (assume then the east side would be the Front Yard). She mentioned that  
15 the Architectural Committee has encountered discrepancies in the Application material submitted by the  
16 Property Owner/Representative (i.e. 3 different Site Plans with different scales and references, Lot size  
17 dimensions) and expressed her desire to approve an accurate Application. Hageman and Gargano  
18 discussed the matter of the location of the Front Door being a factor in establishing Front Yard Setbacks.  
19 Hageman recapped that the Planning Commission needs the Applicant to submit a Final Plan that  
20 defines the Front, Rear, and location of the House; Applicant may need to submit a waiver (Variance  
21 Request) if the east Property Line is identified as the Front. Lewis asked if the Little Whale Cove  
22 Homeowner's Association and Architectural Committee felt that they will be able to resolve the issues  
23 prior to the next Planning Commission Meeting. Bob Anderson assured him that the Homeowner's  
24 Association would be meeting with the Applicant/Representative on Saturday. Marie Gargano  
25 confirmed that consideration by the Architectural Committee would occur after resolution of the Access  
26 issue.

27  
28 MOTION: Leoni moved to defer (continue) the Public Hearing to the July Planning Commission  
29 Meeting (hopefully to get those questions answered). McGavock seconded the motion.

30  
31 Hageman said it was moved and seconded, and called for discussion. There was none.

32  
33 Vote: Motion passed.

34 Ayes: Hageman, Leoni, McGavock, Scopelleti

35  
36 Lewis announced the July Meeting will be Wednesday, July 8, 2009, at 6:00 p.m.

## 37 38 VI. UNFINISHED BUSINESS

### 39 A. Discuss Possible Zoning Ordinance Amendments

40  
41 It was the consensus of the Planning Commission to postpone the discussion to the next Planning  
42 Commission Meeting.

## 43 44 VII. CITY COUNCIL LIAISON REPORT

45 Hageman reported that City Council moved to accept Ed Hough's resignation (related to the Oregon  
46 Government Ethics Commission Quarterly Public Official Disclosure Form).

1 VIII. PLANNER'S REPORT

2 Lewis reviewed his Report (copy attached to the original of these Minutes). There was a brief  
3 conversation regarding construction in Little Whale Cove, and how to define the Front Yard line of  
4 measurement on parcels in Depoe Bay.

5

6 IX. PLANNING COMMISSION CONCERNS

7 Leoni expressed that she has concerns with a neighbor's impending Application for Development on  
8 Coast Avenue.

9

10 X. ADJOURN

11 There being no further business, the Meeting was adjourned at 8:10 P.M.

12

13

14

15

16

---

Roy Hageman, Vice-President

17

18

19

20

---

21 Carla Duering, Recording Secretary