

1 Depoe Bay Planning Commission
2 Regular Meeting
3 Wednesday, August 12, 2009 – 6:00 P.M.
4 Depoe Bay City Hall

5
6 PRESENT: S. McGavock, B. Taunton, R. Hageman, D. Goddard, P. Leoni, S. Scopelleti (arrived 6:10
7 p.m.)
8 STAFF: City Planner L. Lewis, Recording Secretary C. Duering
9

10 I. CALL MEETING TO ORDER

11 Goddard called the Meeting to order and established a Quorum at 6:05 P.M.

12

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

14

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

17

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

19

20 Vote: Motion passed.

21 Ayes: McGavock, Hageman, Leoni

22 Abstain: Taunton, Goddard
23

24

24 III. ITEMS FROM THE AUDIENCE

25 There were no Items from the Audience.

26

27 IV. NEW BUSINESS

28

29 V. PUBLIC HEARING ITEMS

30

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

44

45 A. Case File: #1-PAR-PC-09

46 Applicant: Steven J. Taylor, C. Gene Whisnant and Josie C. Whisnant

1 Application: Request for Partition and Variance
2 Map and Tax Lot: 09-11-08-BD #90000, #90001, and #90002
3 Location: 420 and 422 S.W. Coast Avenue
4

5 Goddard asked if there was exparte contact, conflict of interest, or bias to declare. Hageman declared he
6 lives a block down the street, walks by the Subject Property a couple times a week, knows the Applicants
7 (talks to the Applicants several times in a week but has not discussed this issue and does not consider it a
8 conflict); Leoni stated she lives up the street and knows Mr. Taylor, and Joan Chambers, Applicant's
9 Attorney, has represented her and her husband on personal matters (doesn't anticipate any issues); Taunton
10 acknowledged Mr. Taylor is a friend of hers and possibly a relative (doesn't feel she will have any
11 problems). Goddard then asked if anyone had objection to any Planning Commissioner Hearing the Case.
12 There was no objection. Lewis summarized the Staff Report (copy attached to original of these Minutes).
13 Goddard asked if the Commissioners had any questions to address to the City Planner. There was brief
14 discussion regarding the request for approval of a Two-Lot Partition: Subject Property currently exists as
15 three Tax Lots - Two Dwellings (Condominiums) and one Land Parcel (owned by the Homeowner's
16 Association) the request is to have two Tax Lots – Two Land Parcels each with a Dwelling (Townhome),
17 each Owner would own Land with a Dwelling Unit (eliminating the necessity of a Homeowner's
18 Association). The Applicant was given an opportunity to testify and answer questions from Commissioners.
19 Joan Chambers, Attorney, representing the Applicants, acknowledged that Mr. Taylor was in attendance;
20 the Whisnents were unable to attend (very much in support of the Application and ask you to grant this
21 Application). Chambers further explained the Applicant's Proposal (using the illustrations provided in the
22 Applicant's Submittal): Currently each Owner owns one half of the Improvement with an undivided
23 interest in the Land; Land including the Property under the two Condominium Units is owned by the
24 Homeowner's Association; each Unit and the Property are platted with assigned Tax Lot Numbers;
25 proposing two Tax Lots; each Unit Owner would own the Unit and the Lot on which the Unit is Located.
26 She concurred with the Staff Report prepared by Lewis. She reiterated segments of her Written Narrative
27 (attached to the Staff Report). She noted: the Criteria for granting a Variance have been addressed (per the
28 Ordinance); intend to eliminate the detailed Condominium Agreement and prepare a Common Wall
29 Agreement (between the two Property Owners); Single-Family Home/Property Ownership (Owner
30 Occupied) generally encourages a greater pride of ownership; furthers the objectives of the City; the
31 Property has always been fully compliant with the Zoning Ordinance (adequate Parking). She requested
32 that the Planning Commission address any concerns/and or questions while the Record is still Open (allow
33 her the opportunity to respond). A Commissioner clarified that the Units were originally built as a Duplex
34 and the Owner at the time converted them to Condominiums and asked about the existing Easement behind
35 the Units. Chambers assured her that would be an issue between the two Property Owners not the Planning
36 Commission. Goddard asked if there are separate Driveways. Chambers replied yes in the front and then
37 there is an Access Turn-Around 14 ft. Easement in the Rear. Steve Taylor, 410 S.W. Coast Avenue, stated
38 upon tentative approval he would grant the adjacent Owner an Easement (across a small corner of his
39 Parking Pad – approximately 6x6). The existing recorded 14 ft. Easement allows both Property Owners to
40 park and access the width of the Lot. Goddard called for Testimony in favor of the Application. There was
41 none. Goddard called for Testimony in opposition to the Application. There was none. There was no
42 request to keep the Record Open. The Public Hearing was closed and deliberations began. A
43 Commissioner stated his difficulty with the Proposal (doesn't fit the standard Condominium/Townhome
44 definition). His stated his understanding of Townhome Developments (Property Owner owns the Interior of
45 the Dwelling and the Land underneath, the Exterior and the Land is Common Area). The Request is to split
46 a 5,000 sq. ft. Lot into two 2,500 sq. ft. Lots (just so happens the Improvement is architecturally a

1 Townhome). There was lengthy discussion regarding: Setting the precedence of allowing 2,500 sq. ft.
2 Lots; in the future amending the DBZO - Provision to allow for attached Single-Family
3 Dwellings/Townhomes as an Outright Use; previous approval of a similar request (Case File #1-S-PC-06) a
4 3-Unit former Condominium received a Variance to convert 3 attached Multi-Family Dwellings into a 3-Lot
5 Townhouse Development, fourth Lot held as a Common Area (mentioned in the Written Narrative). The
6 Commission also considered Case File #1-S-PC-06 Findings, Conclusions, and Final Order and Applicant's
7 Written Narrative (copies attached to original of these Minutes) - Hageman had requested a copy prior to
8 the Meeting and shared the information with the Commissioners; number of existing attached
9 Condominiums/Duplexes that could be candidates for potential conversions and the likelihood of new
10 construction; already a number of Substandard Lots in Depoe Bay. Joan Chambers reminded the Planning
11 Commission of her request earlier in the Meeting to discuss questions or issues while the Record was Open
12 so she could address them. She emphasized that the example referenced in her Narrative established four
13 Lots (three were Substandard) the City of Depoe Bay has already set the precedence and this is a less
14 intense situation (less of an impact); agreed there definitely needs to be an Ordinance change (as discussed
15 three years ago). A Townhome Development is entirely appropriate for a Multi-Family
16 Neighborhood/Zone. She welcomed the opportunity to answer other questions and/or issues and asked that
17 the Record be Reopened so her comments could be considered part of the Record. Goddard permitted the
18 Public Hearing to be Reopened. A Commissioner stated he feels that the Prior Case met the classical
19 definitions of a Townhome/Condominium (Ownership of a small portion of Land directly under the
20 Footprint of a Dwelling with the remainder of the Land being Common Area versus splitting a 5,000 sq. ft.
21 Lot with no Common Area). Joan Chambers responded Townhomes and Condominiums are two separate
22 entities; believes this is a typical Two-Unit Townhome Common Wall Situation. The Planning Commission
23 spent considerable time comparing the prior Application, the current Application, and the Inisfree Patio
24 Home Condominiums in the Little Whale Cove Planned Development. Lewis stated if in the near future we
25 look at a mechanism to allow Townhomes in our Multi-Family Zones minimum Lot Size would be modified
26 too (typically in a R-1 Zone 6,000 or 7,500 sq. ft.; R-3 Zone 3,500 sq. ft.; and R-4 Zone 2,500 sq. ft.).
27 There was extensive discussion between the Applicant's Attorney and the Planning Commission regarding:
28 has either Property Owner considered buying the other Unit (financially not feasible); distinction between
29 Townhome Ownership (5,000 sq. ft. Lot divided between two Single-Family Homes) versus Duplex Rental
30 situation (minimum Lot Area 2,500 sq. ft. per Unit); definition of Two-Family Dwelling (Duplex);
31 Common Wall Agreement and Condominium By-Laws, Declaration, etc. deal with damage/insurance
32 issues; Lincoln County Building Department issues (upgrades to Fire Wall not required – built in 1994).
33 Debbie Davilla, 35 S.W. South Point St., testified that she served on the Planning Commission at the time
34 the Case referred to as setting the precedence was reviewed. She was fascinated by that particular
35 Application. Those Properties legally existed as separate Units while they were under the Harbor at Depoe
36 Bay Homeowner's Association, when that Property was removed from the Association the Condominium
37 Plat designation that defined them as separate Properties no longer existed, and that is why that specific
38 Application came before the Planning Commission. She does not believe the reference to precedence is
39 applicable. There was further discussion concerning creating two Substandard Lots; nothing in place to
40 provide guidance in the DBZO for attached Multi-Family Single Dwellings (Townhomes); what is better for
41 the Neighborhood, Community, City, etc.; Planned Developments allows for exceptions (i.e. Lot Sizes, Lot
42 Widths, Setbacks, etc.) to the underlying Zone Standards, setting precedence; Multi-Family and Single-
43 Family minimum Lot Area Density Standards; Inisfree Patio Home Condominiums in the Little Whale
44 Cove Planned Development; likelihood of allowing Attached Single-Family Dwelling Units with Common
45 Area as opposed to No Common Area. A Commissioner asked the Applicant why they were seeking the
46 Change of Use. Steve Taylor, answered, when The Whisnants were considering purchasing their Unit, they

1 thought they were looking at a Townhome; the Taylors have their Unit for sale and this Two-Unit Complex
2 doesn't fit the consumer's impression of a Condominium Complex; cumbersome and restrictive Oregon
3 Law (detailed recordkeeping, voting requirements, meetings, budgets, elections, and accounting);
4 willingness to follow the suggestion of maintaining Common Ground (similar to Case File #1-S-PC-06); if
5 the Planning Commission had amended the DBZO there wouldn't be a need for a Variance. The Public
6 Hearing was closed.

7
8 MOTION: McGavock moved to approve the Applicants request (Case File #1-PAR-PC-09) for a Two-Lot
9 Partition and Variance to convert two existing Condominium Dwellings into attached Single-Family
10 Dwellings. The Variance Request is for Substandard Lot areas, Lot widths, and Side Yard Setbacks. Leoni
11 seconded the Motion.

12
13 Goddard said it was moved and seconded, and called for discussion. Lewis confirmed that the Motion
14 included adoption of the Conditions of Approval, Items 1. thru 3., as recommended in the Staff Report.

15
16 Vote: Motion failed.

17 Ayes: Goddard, Leoni, McGavock

18 Noes: Scopelleti, Taunton, Hageman

19
20 Goddard reiterated that the Planning Commission seems to agree that we need to amend the DBZO to
21 clearly address this issue, dislikes the idea of creating Substandard Lots, understands why the Property
22 Owner made the request. A Commissioner stated except for creating Substandard Lots she can't think of a
23 reason not to approve the Application; agreed that Owners are usually better Neighbors than Renters. There
24 was a short discussion regarding procedure when there is a split vote.

25
26 MOTION: Hageman moved to deny the Application. Taunton seconded.

27
28 There was no discussion.

29
30 Vote: Motion passed.

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

32 Noes: McGavock

33
34 There was additional discussion about Text Amendment guidelines/process.

35
36 A. Case File: #3-CS-PC-09

37 Applicant: Jerry Hogevoll

38 Application: Request for Development in the Coastal Shorelands

39 Map and Tax Lot: 09-11-08-BD #06900

40 Location: 335 S.W. Coast Avenue

41
42 Goddard asked if there was exparte contact, conflict of interest, or bias to declare. Hageman declared
43 exparte contact – obviously lives next door to the Subject Property (walked the land, talked to Jerry, etc.)
44 and recused himself from the Hearing (not because he would be unfair but because his decision would be
45 judged). Leoni declared a potential for conflict of interest – lives behind the Subject Property and Mr.
46 Hogevoll approached her regarding the possibility of managing the Home (upon completion) as a nightly

1 rental (she provided him with a sample of her Agreement, specifically withheld pricing until Home is built);
2 discussed with him that as a Planning Commissioner she would need to voice this contact; and as she told
3 him she has no problem with him building on the Subject Property as long as it is according to the Rules.
4 Goddard then asked if anyone had objection to any Planning Commissioner Hearing the Case. There was
5 no objection. Lewis summarized the Staff Report (copy attached to original of these Minutes). He noted
6 the Applicant submitted updated Plans today (minor change - primarily the Structural Calculations were
7 added). The City Superintendent has reviewed the updated Plans and made the following comments:
8 Requested clarification on the Sewer Line (running diagonally through the Subject Property); (in 2003 the
9 Planning Commission approved construction of a Retaining Wall on the Subject Lot, the Plans illustrated a
10 Storm Drain Line running down the south edge of the Property and then turning along the west side of the
11 Property as well as a 10 ft. Storm Drain Easement on the south side) City of Depoe Bay needs a full 10 ft.
12 width easement in order to maintain the Storm Drain; the Retaining Wall can not obstruct the ability to
13 maintain the Storm Drain. Updated Plans illustrates four bedrooms – still meets the Parking Requirements
14 for Vacation Rentals in the C-1 NCA Zone (One Parking Space for each Bedroom). Lewis recommended
15 amending the Conditions of Approval Item 3. Coastal Shoreland Setback and Area of Visual Concern.
16 *Development shall be accomplished in conformance with the approved Plan. The Building shall not*
17 *protrude further westward or closer to the Top of the Bluff than the existing Buildings on adjacent*
18 *Properties to the north and south. There shall be no grading, no excavation, or Fill occur in the Area of*
19 *Visual Concern. No Decks shall extend into the 12 ft. Rear Yard Setback. 5. Erosion Control and Drainage.*
20 *Prior to obtaining a Building Permit, the Applicant shall submit an Erosion Control, Storm Drainage, and*
21 *Water and Sewer Plans for review and approval by the City Field Superintendent. A 10 ft. Storm Drain*
22 *Easement shall be maintained along the south edge and majority of the west edge where the Storm*
23 *Drainage Line is constructed.* Goddard asked if the Commissioners had any questions to address to the City
24 Planner. A Commissioner asked if the recent construction on the Subject Site was installation of a Storm
25 Drainage Line. Lewis and Applicant (from the Audience) answered Sanitary Sewer Line. A Commissioner
26 asked Lewis to clarify the amendments to Conditions of Approval Item 3. and verify that the Area of Visual
27 Concern Coastal Setback Standard for the Subject Site is 25 ft. landward from the Top of the Coastal Bluff.
28 Lewis reiterated that the submitted Plans show no Building or Decks will go beyond the 12 ft. Rear Yard
29 Setback and verified that 25 ft. is correct. If it is not 25 ft. then the Planning Commission needs to
30 determine whether those Exceptions exist. A Commissioner asked if the surrounding Buildings are
31 encroaching into the 25 ft. Area of Visual Concern Coastal Setback. Lewis replied yes and both of those
32 Homes were constructed prior to the Area of Visual Concern Standard – He distributed an Aerial (copy
33 attached to original of these Minutes) that portrays the Setback. He mentioned that the Applicant’s
34 narrative has stated that they would not protrude westward or closer to the Top of the Bluff than the existing
35 Buildings on nearby Properties. The Applicant was given an opportunity to testify and answer questions
36 from Commissioners. Jerry Hogevoll, 2517 River Rd. S., Salem, stated basically he has followed Roy’s
37 (Commissioner Hageman) advice and has revised his Plans accordingly. Elevation and Coastal Setback will
38 be aligned with his neighbor’s Home. He stated: an issue with treating the Railings as part of the Building
39 Height; Safety Railings allow him to be able to wash his Custom Windows; he reiterated that the Deck
40 doesn’t go out any further than the House and he does not intend to add any additional Decks; City did not
41 inform him of the 10 ft. Easement (will have to revise his Plans for the 3rd time); explained the location of
42 the Sewer Line is due to Elevation constraints (sewage will need to be pumped); Engineering information
43 will hopefully be in your hands within a week; will be using Pin Pilings. There was brief discussion with
44 the Applicant regarding: the necessity of an 8 ft. Retaining Wall on the south side; location of the Storm
45 Drain Line; Block versus poured Retaining Wall; Stairway to the Roof and the lack of Railing (Lincoln
46 County Building Code), Applicant’s Attorney will address the issue later; interpretation of the DBZO

1 Building Height Exceptions; installing a Stairway to the Roof makes the Roof inhabitable space; in the
2 matter of access for maintenance installing brackets on an outside wall for a Ladder as an alternative to the
3 Stairway (deferred to Lincoln County Building Official); adjacent Homes were built prior to the Area of
4 Visual Concern Standard – Applicant is requesting a 13 ft. Exception (if the Retaining Wall is considered to
5 be the Top of the Coastal Bluff); emphasized that there is no grading, no excavation, or Fill allowed in the
6 Area of Visual Concern. Hogevoll reiterated: His Attorney had noted in a Letter dated July 13, 2009 (copy
7 attached to the Staff Report) that two Planning Commissioners (Peggy Leoni and Roy Hageman) are direct
8 Neighbors; confirmed that he would be constructing his Home on the existing Fill with similar Setbacks as
9 his Neighbor; Neighbor amenable. Lewis and Applicant discussed: Building Height and the point of
10 measurement (top of the Retaining Wall if it is level with the Existing Grade); Building Height Definition
11 (*vertical distance above the lowest finished grade measured to the highest point of the Building*); and the
12 Setback Standards (*minimum of 5 ft. or one foot for each 3 ft. of Building Height, whichever requirement is*
13 *the greater*); Footings need to be set down so the lowest Finished Grade is the Existing Grade in order to
14 comply with the Area of Visual Concern Standard. There was no Testimony in favor of the Application.
15 Goddard called for Testimony in opposition to the Application. Rick Davilla 35 S.W. South Point St.,
16 stated he is not necessarily opposed to the Application (mostly clarification). He testified that any area 30”
17 or above would require a Safety Rail and advised Lewis to verify with the Lincoln County Building
18 Department the Code in regards to Railing (believes minimum height is 36” for Interior and minimum 38”
19 for Exterior); he recommended that the Applicant and/or Designer/Architect meet with Lewis to discuss
20 Building Height in order to save time and dollars on Plan Revisions; warned the Applicant that he would
21 have concerns (although not an Engineer, he observed the Fill being placed on the Subject Lot) if he were to
22 just put a Footing and Foundation (could be some movement) an Engineer may recommend Pin Pilings.
23 Davilla stated he was the Builder of the adjacent Home (owned by Hageman) and explained that the
24 Footings go down to the rock (Foundation was poured prior to backfilling). A Commissioner stated that
25 prior to the backfilling (large amounts of Fill) the Subject and the Adjacent Lot were very steep. Lewis
26 cited from the Geologic Hazards Analysis and Geotechnical Report prepared September 16, 2002 by
27 Oregon Geotechnical Services Page 15 first Paragraph *Fill Materials in the areas of new Building and*
28 *Pavement Areas should be moistened or dried to achieve near optimum moisture conditions and then*
29 *compacted by mechanical means to a minimum of 95 percent of the maximum dry density determined from*
30 *ASTM D557 modified Proctor Laboratory Test, or alternative determined by the Geotechnical Engineer or*
31 *Engineering Geologist during construction* and Paragraph 3 *If the Fill constructed behind the proposed*
32 *Retaining Wall can meet all the requirements and pass testing as structural Fill (as defined above) then*
33 *Residential Structures can be placed on the Fill, and can be constructed assuming a minimum bearing*
34 *capacity of approximately 1500 psf. If the Fill is built without meeting the requirements of Structural Fill,*
35 *then conventional Foundations will need to be underpinned to achieve the adequate bearing capacity and*
36 *protection from settlement...* which is the motive for the recommended Condition of Approval Item 4.
37 Geologist’s General Construction Recommendations. *Prior to issuance of a Building Permit an Oregon*
38 *registered Engineering Geologist shall provide a letter to the City stating that all Site Development,*
39 *Foundation, Drainage, and Grading Plans are in conformance with the recommendations described in the*
40 *September 16, 2002 Geologic Hazards Analysis and Geotechnical Report.* The Planning Commission
41 reviewed the items that need to be revised and/or addressed: Plans illustrating a 10 ft. Setback on the south
42 side, the Ladder/Stair/Rail issue; Foundation; placement of the Sewer Line; Area of Visual Concern,
43 Geological matter. There was no Request to keep the Record Open. Goddard stated that she would like to
44 keep the Record Open (continue the Public Hearing) in order for the Applicant to provide additional
45 information.

46

1 MOTION: Leoni moved to Continue the Public Hearing (Case File #3-CS-PC-09) to next month to allow
2 the Applicant to provide additional information. McGavock seconded the Motion. Lewis clarified that the
3 Record would remain open for additional Applicant and Public Testimony. There was brief discussion
4 regarding continuing the Public Hearing or making a decision, Staff drafting the Findings for review at the
5 next Planning Commission Meeting (September 9, 2009). The Applicant (from the Audience) referred to a
6 letter Lewis sent him saying that he did not need to have the Geologist Review and Foundation Engineering
7 submitted prior to Planning Commission Approval; already been delayed 90 days – Construction Crew
8 standing by; he has followed Lewis’s instructions; would hate to see his Application be postponed (would
9 like the opportunity to start footing construction prior to Winter Storms). A Commissioner stated their
10 concern regarding approving the Application with a lot of “if” conditions. The Applicant (from the
11 Audience) responded that the Railings are not on the revised Plans. Lewis stated if the Planning
12 Commission proceeds with the Motion he recommends that the Planning Commission specify exactly what
13 needs to be submitted prior to the next Meeting (it is typical that the Geologist Letter is a Condition of
14 Approval). There was further discussion concerning close the Public Hearing and begin deliberations, keep
15 the Record Open, or Continue the Public Hearing.

16
17 Motion Amended: Leoni modified her Motion to request a revised Plan, compaction and Geologist’s
18 Report (she feels it is critical that the Fill be proper as expressed in Public Testimony , and determining the
19 type of Foundation; Goddard and Lewis reminded her that is and is typically listed as a Condition of
20 Approval). She expressed her concern regarding the Exception to the Area of Visual Concern Standard.
21 Hogevoll (from the Audience stated for the Record) addressing P. Leoni that he has a real problem with her
22 being on the Planning Commission because she is a Neighbor directly behind him and should be excused,
23 this is not fair. Goddard reminded him that there was a point before the Public Hearing started for anyone
24 to voice any concern over anyone on the Commission hearing the Case – no one spoke up. Hogevoll and
25 Leoni discussed the matter. Leoni stated for the Record that they had discussed her managing the House
26 and she did state that at the beginning. Lewis suggested that the Applicant come back with revised Plans
27 illustrating the 10 ft. Setback on the south side, north side Setback in accordance with the Building Height
28 (i.e. Building Height of 27 ft. then 9 ft. Setback; 30 ft. needs a 10 ft. Setback); Building Height measured
29 from the existing grade on the west end to the top of the Building; Stairs be eliminated or something that
30 satisfies the Building Official that Railing is not needed; or leave the Railing and lower the Building Height
31 to meet the Setback requirements. The Planning Commission agreed to make the Geologist Letter a
32 Condition of Approval. Lewis will meet with the City Field Superintendent regarding approval of the
33 location of the Retaining Wall on the south side (proximity to the Storm Drain).

34
35 Vote: Motion as amended passed

36 Ayes: Goddard, Leoni, McGavock, Scopelleti, Taunton

37
38 Lewis specified the Public Hearing will be continued to the next Planning Commission Meeting, September
39 9, 2009.

40
41 Hageman returned to his seat.

42
43 UNFINISHED BUSINESS

44 A. Discuss Possible Zoning Ordinance Amendments

45 Lewis noted that he has distributed the Draft Amendments (derived from the Planning Commission
46 recommendations) and the Oregon Model Format of the Depoe Bay Flood Damage Prevention Ordinance

1 (prepared by DLCD) for their review (copies attached to original of these Minutes). The Planning
2 Commission agreed to allow Lewis to replace the DBZO existing Flood Hazard Overlay Zone with the
3 Model Format prepared by DLCD. Lewis will compare the two and if he comes to the conclusion that the
4 existing Code would significantly increase in size then he will consider replacing it with the Model
5 Ordinance (complies with the revised Federal and State Regulations). The Public Hearing will be
6 September 9, 2009, opportunity for the Planning Commission to make changes to the Draft (not introduce
7 new sections of the DBZO to amend) and for Public input; make a recommendation to City Council. There
8 was a short discussion regarding regulating the ability to artificially increase (i.e. Retaining Walls,
9 Backfilling, etc.) the Lot Grade in order to increase the Building Height.

10
11 VII. CITY COUNCIL LIAISON REPORT

12 There was none.

13
14 VIII. PLANNER'S REPORT

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

16
17 IX. PLANNING COMMISSION CONCERNS

18 McGavock announced his intention to resign after the September Meeting (willing to continue until the
19 position is filled). He has served as a Planning Commissioner for 14 years. Leoni stated her willingness to
20 attend the City Council Meeting on August 18th. Lewis will check the 2009 City Council Liaison Schedule
21 to see who is assigned to September. Leoni apologized if she caused anyone any grief over the situation
22 that transpired during the Public Hearing (Case File #3-CS-PC-09); did want to discuss the Variance
23 (Exceptions to the Area of Visual Concern); sorry the Applicant got so upset (even though she had talked
24 with him prior to the Meeting).

25
26 X. ADJOURN

27 There being no further business, the Meeting was adjourned at 8:45 P.M.

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Dorinda Goddard, President

Carla Duering, Recording Secretary