

1 Depoe Bay Planning Commission  
2 Regular Meeting  
3 Wednesday, August 11, 2010 – 6:00 P.M.  
4 Depoe Bay City Hall  
5

6 PRESENT: G. Steinke, R. Hageman, D. Goddard, J. Hayes, P. Leoni  
7 ABSENT: S. Scopelleti, B. Taunton  
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 6:00 P.M.  
12

13 II. APPROVAL OF MINUTES: May 10, 2010 Regular Meeting.  
14

15 Motion: Hageman moved to approve the Minutes of the May 10, 2010 Regular Meeting with the following  
16 change – Page 2, Line 38-41 MOTION: *Hageman moved to Reject (Deny) Case File #1-CS-PC-10 (Coastal*  
17 *Shorelands Development – Construction of a Third Floor Addition to a Commercial/Residential Building)*  
18 *because of Parking issues (non-compliance to DBZO Off-Street Parking Requirements) and the refusal of the*  
19 *Applicant to submit a Variance Application because of the refusal of the Applicant to submit a Variance*  
20 *regarding the non-conformance to DBZO Off-Street Parking Requirements.* Steinke seconded the Motion.  
21

22 Goddard said it was moved and seconded, and called for discussion. There was none.  
23

24 Vote: Motion passed.

25 Ayes: Steinke, Hageman, Leoni

26 Abstain: Goddard, Hayes  
27

28 III. ITEMS FROM THE AUDIENCE

29 There were no Items from the Audience.  
30

31 IV. UNFINISHED BUSINESS  
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33 V. PUBLIC HEARING ITEMS  
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35 VI. NEW BUSINESS  
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37 A. Case File: #3-PAR-PC-07

38 Applicant: Larry Tyler

39 Application: Extension to Maintain Accessory Structure until August 1, 2011

40 Zone, Map and Tax Lot: Residential R-2, 09-11-08-DB #1101

41 Location: Northwest Corner of S.E. Indian Trail Ave. and Douglas St.  
42

43 Lewis reviewed his Memo (copy attached to original of these Minutes). Larry Tyler (unable to attend the  
44 Meeting) sent a letter via e-mail dated August 10, 2010 (copy attached to original of these Minutes). The  
45 Complainant (unable to attend the Meeting) asked Lewis to reiterate his desire for the Accessory Structure to be  
46 removed in a phone call today.  
47

48 Recess: 6:10 p.m. – 6:14 p.m. (Car Alarm)  
49

50 The Commissioners and City Planner ensued in a discussion regarding the Findings, Conclusions, and Final  
51 Order; the date the Partition was finalized (2008); the Complainant has stressed the structure needs to be removed

1 because the Conditions of Approval need to be adhered to; removing the shop versus consolidating the two Lots  
2 at Lincoln County Assessor Office; Lincoln County's procedure for re-establishing Legal Lots of Record resulting  
3 from a Partition; enforcement through Conditions of Approval; consequences if the Applicant does not comply to  
4 Planning Commission's decision - Lewis cited Article 12. Remedies, Section 12.010. Penalty *A person violating*  
5 *a provision of this Ordinance shall, upon conviction, be punished by imprisonment for not more than thirty (30)*  
6 *days or by a fine of not more than \$500.00 dollars or both. A Violation of this Ordinance shall be considered a*  
7 *separate offense for each day the Violation continues. The convicted Violator shall be liable for all court costs.*  
8 He also cited Article 12. Remedies, Section 12.020. Remedies. *In case a Structure is, or is proposed to be,*  
9 *located, constructed, maintained, repaired, altered, or used, or Land is, or is proposed to be, used in Violation of*  
10 *this Ordinance, the Structure or Land thus in Violation shall constitute a Nuisance.;* Applicant/Complainant's  
11 recourse if they disagree with the Planning Commission's decision – appeal to City Council; consider a  
12 compromise - allow Property Owner 90-days to comply.

13  
14 Motion: Hayes moved to give Mr. Tyler 90-days to comply by tearing the Garage/Shop down to be in  
15 compliance that was set forth in 2007. Leoni seconded.

16  
17 Goddard said it was moved and seconded, and called for discussion. There was none.

18  
19 Vote: Motion passed.

20 Ayes: Hageman, Goddard, Hayes, Leoni, Steinke

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22 Lewis stated he will call the Property Owner and follow-up with a Letter emphasizing a limit of 90-days from  
23 August 11, 2010.

24  
25 VII. CITY COUNCIL LIAISON REPORT

26 Leoni reported that she forgot to attend the August 3, 2010 City Council Meeting, however she did talk to Staff  
27 and there weren't any items pertaining to the Planning Commission. There was brief discussion regarding the  
28 status of the updates to the City's System Development Charges.

29  
30 VIII. PLANNER'S REPORT

31 Lewis reviewed the 2010 Land Use and Building Permit Activity Report and a 2010 Grant Application Activity  
32 Report (copies attached to the original of these Minutes). Lewis mentioned: the City's overall goal to have  
33 Underground Utilities on Hwy. 101 from the Bridge south to Evans Street; the City has been awarded the Oregon  
34 Parks and Recreation Department (OPRD) Recreational Trails Grant to Replace the Pedestrian Bridge in Depoe  
35 Bay City Park and the Oregon Parks and Recreation Department (OPRD) Local Government Grant for Extension  
36 of the South Depoe Bay Creek Trail.

37  
38 IX. PLANNING COMMISSION CONCERNS

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40 A. Review Draft Letter of Recommendation to City Council regarding a Tsunami Warning  
41 System

42  
43 Hageman gave a brief synopsis of the three Draft Letters prepared by Commissioner Taunton, Hayes, and  
44 Hageman for the Planning Commission's review and comments (copies attached to original of these Minutes).  
45 The Commissioners discussed: Sources for potential funding - Federal Grant, percentage of City's Transient  
46 Room Tax allocated for the purpose of Financing Public Safety/Law Enforcement Efforts, perhaps redirect  
47 charitable contributions to Safety impacts/benefits more people; Tsunami Zone/Directional Signage;  
48 responsibility - City of Depoe Bay and/or Depoe Bay Rural Fire Protection District; NOAA, U.S. Coast Guard,  
49 and LinCom notification protocol; Lincoln County maintains a list of Boat Captains offering Emergency Services.  
50 After lengthy discussion the Commissioners agreed on the Letter prepared by Hageman with one modification -  
51 start the letter with the last paragraph in a bold/larger font.

1 Motion: Leoni moved that we do that. Steinke seconded the motion.

2  
3 Goddard said it was moved and seconded, and called for discussion. Goddard asked that the Letter be signed by  
4 the entire Planning Commission. The Commissioners directed Staff to prepare the Letter for signature (notify the  
5 Commissioners not in attendance). Leoni volunteered to present the Letter to City Council at their August 17<sup>th</sup>  
6 Meeting and extended the invitation to any one else who may wish to attend.

7  
8 Vote: Motion passed.

9 Ayes: Goddard, Hayes, Leoni, Steinke, Hageman

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11 IX. PLANNING COMMISSION CONCERNS

12 Goddard thanked Hageman and the entire Planning Commission for stepping up in her absence. Hageman  
13 reiterated the significance of the Planning Commission’s diligence in stipulating Conditions of Approval (save  
14 City time and money in the future). Steinke and Hayes asked Lewis to confirm that the Complainant will be  
15 notified of the Planning Commission decision. Lewis answered yes. Lewis and the Planning Commission talked  
16 further about Lincoln County’s (Surveyor and Assessor Departments) procedures for Property Line Adjustments  
17 and Re-establishing Property Lines and the potential for conflict with the City of Depoe Bay Zoning Ordinance.

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19 X. ADJOURN

20 There being no further business, the Meeting was adjourned at 7:21 p.m.

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26 Dorinda Goddard, President

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29 Carla Duering, Recording Secretary