

1 Depoe Bay Planning Commission
2 Regular Meeting
3 Wednesday, March 9, 2011 – 6:00 P.M.
4 Depoe Bay City Hall
5

6 PRESENT: G. Steinke, B. Taunton, R. Hageman, J. Hayes, P. Leoni
7 ABSENT: S. Scopelleti
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: February 9, 2011 Regular Meeting.
14

15 Motion: Hayes moved to approve the Minutes of the February 9, 2011 Regular Meeting as written. Leoni
16 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: Taunton, Hageman, Hayes, Leoni, Steinke
22

23 III. ITEMS FROM THE AUDIENCE

24 There were no Items from the Audience.
25

26 IV. PUBLIC HEARING ITEMS

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

40 A. Case File: #2-VAR-PC-11

41 Applicant: Rod and Cheri Bylund

42 Application: Variance Request

43 Map and Tax Lot: 09-11-08-AC #00913 and #00914

44 Location: 184 and 188 South Forty Lane
45

46 Hageman asked if any Commissioner had ex-parte contact, conflict of interest, or bias to declare. There was
47 none. Hageman then asked if anyone had objection to any Planning Commissioner hearing the Case. There was
48 no objection. Lewis summarized the Staff Report (copy attached to original of these Minutes). Written
49 Testimony was received in support of the Application from Brook and Carolyn Davis (copy attached to original of
50 these Minutes). Written Testimony was received after preparation of the Staff Report in support of the
51 Application from Garry and Kathy Schuman, Dawn M. Smith, and Bari Sorenson (copies attached to original of

1 these Minutes). The Applicant was given an opportunity to testify and answer questions from Commissioners.
2 Cheri Bylund, 148 N. 4th Street, Lebanon, reiterated that the existing Single-Wide Manufactured Home
3 encroaches into the 20 ft. Front Yard Setback; unique circumstances of Non-Conforming Lot sizes and irregular
4 angles and shapes; it is necessary to request the Variance for the southwest front corner of the Lot (10 ft.
5 encroachment) to allow sufficient space between Carport Structure and proposed Double-Wide Manufactured
6 Home, owned the Parcels for 12 years and are now able and ready to move forward with improvements.
7 Discussion between the Applicant and Commissioners included: Contractor will dispose of the Existing Home
8 (although still inhabitable); RV Carport and 2 Storage Buildings do not conform to the Setback Standards – an
9 opportunity exists to resolve the Non-Conformance; per DBZO Section 7.030, *Existing Non-Conforming*
10 *Structures may continue indefinitely until such time there is a Change In Use, alterations of Structures, or new or*
11 *expanded Uses/Structures.* Hageman called for Testimony in favor of the Application. There was none.
12 Hageman called for Testimony in opposition to the Application. There was none. There was no request to keep
13 the Record Open. Discussion included: Synopsis of the recently approved Variance Request in the South Forty
14 Neighborhood; Neighbors are in support of positive enhancements to the South Forty Neighborhood; suggest
15 amending the Conditions of Approval to include the front corner of the Manufactured Home (near adjacent Tax
16 Lot 912) shall be a minimum 20 feet from the front Property Line.

17
18 MOTION: Leoni moved to approve Case File #2-VAR-PC-11 and adopt the Conditions of Approval Items 1.
19 Thru 5. as recommended by the City Planner and amended to include *the front corner of the Manufactured Home*
20 *(near adjacent Tax Lot 912) shall be a minimum 20 feet from the front Property Line.* Hayes seconded the
21 Motion.

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

24
25 Vote: Motion passed.

26 Ayes: Hageman, Hayes, Leoni, Steinke, Taunton

27
28 The Planning Commission directed Lewis to prepare the Findings, Conclusions, and Final Order for Hageman's
29 signature.

30
31 B. Case File: #1-CU-PC-11

32 Applicant: Neighbors for Kids

33 Application: Request for Conditional Use

34 Map and Tax Lot: 09-11-08-CA #07400

35 Location: 630 S.E. Highway 101
36

37 Hageman asked if any Commissioner had ex-parte contact, conflict of interest, or bias to declare. There was
38 none. Hageman then asked if anyone had objection to any Planning Commissioner hearing the Case. There was
39 no objection. Lewis summarized the Staff Report (copy attached to original of these Minutes). Lewis asked the
40 Commissioners if they had any questions. Brief discussion ensued regarding: Traffic Flow between adjacent
41 Lots would not occur; identifying Public and Private Parking; Oregon Department of Transportation (O.D.O.T.)
42 has not reviewed the Conditional Use Application specific to increased Traffic Flow and increased activity along
43 Hwy. 101 (local jurisdiction is required to determine how much Parking is necessary and where that Parking
44 occurs; Parking along Hwy. 101 is available for Public Parking unless explicitly prohibited); Event Parking
45 Attendants and/or temporary marking of Parking Spaces. The Applicant was given an opportunity to testify and
46 answer questions from Commissioners. Dick Johnson, Neighbors for Kids (NFK) Board Member, briefly
47 explained Neighbors for Kids on-going relationship and Verbal Agreement with the Owners of the Whistle Stop-
48 Shell Gas Station (agreed to allow Parking on the south and east side of their Lot, however Attorney has advised
49 them to not sign a Written Agreement). He paused to allow the Whistle Stop-Shell Gas Station Property Owner
50 the opportunity to make the oral statement that they are in agreement with Neighbors for Kids. Heekyong Hong,
51 Owner of Whistle Stop-Shell Gas Station, 20 S.E. Schoolhouse Road, asked how many times per year (Events

1 would occur). Johnson replied (from the Audience) a limited number of times with a one week notice (i.e. twice
2 for the Mobile Vending Stand Events, approximately a half dozen Community Center Events). Hong expressed
3 concern regarding: Liability (did not want to be held responsible if something were to happen in their Parking
4 Lot); only in favor of allowing Parking Lot Use for Neighbors for Kids and Community Events (not private
5 parties). Johnson further explained the potential uses of the Facility and stated it is unpractical to have a Booth
6 Type Outdoor Activity and Community Center Use in the Gymnasium simultaneously (eliminates the 55
7 Required Spaces). He closed by emphasizing the Hong's past cooperation with Neighbors for Kids and Chamber
8 of Commerce Events. He agreed that Neighbors for Kids should provide Attendants and offer to clean-up the
9 Parking Lot. Discussion ensued between the Commissioners and Applicant: Parking is limited to the south and
10 east side (27 Parking Spaces); the matter of Liability Insurance; coordination between Property Owners (schedule
11 Events during non-business hours). There was no further Testimony in support of the Application and no
12 Testimony in opposition. There was no request to keep the Record Open. The Public Hearing was closed and
13 Deliberations began. The Commission discussed: Verbal Agreements are not enforceable by law; number of
14 Events is very vague (needs to be clearly defined); Traffic Flow is a concern especially during Fishing Season –
15 may not be the best location for a Mobile Vending Event; Parking Plan illustrates undesirable parallel parking;
16 Vendors need to comply with all State Law and County Ordinances and Regulations; effect on Downtown
17 Merchants; legitimate concerns stated by Hong; appreciation of the Hong's kindness and Community Spirit;
18 acknowledgement and support for NFK's effort to find alternative revenue sources; the significant impact to a
19 Private Business Owner and their ability to generate income (inhibits ability to operate normal business);
20 Pedestrian Safety and Traffic Considerations (extremely high volume of Traffic on Highway 101 – increased risk
21 of accidents); change of ownership; City of Depoe Bay Community Hall is available for Private Events (i.e.
22 birthday parties, weddings, etc.). Hageman quoted DBZO Section 4.030 Off-Street Parking and Off-Street
23 Loading Requirements, Item 3. *Owners of two or more Uses, Structures, or Parcels of Land may agree to jointly*
24 *utilize the same Parking and Loading Spaces when the hours of operation do not overlap, provided that*
25 *satisfactory legal evidence is presented to the Planning Commission in the form of Deeds, Leases, or Contracts to*
26 *establish the joint use and hours of operation.* Hageman re-opened the Public Hearing to allow the Applicant an
27 opportunity for rebuttal. Johnson clarified that certain fund raising activities by definition of the DBZO are
28 considered a Community Center Conditional Use; Steve Scopelleti has addressed access issues with O.D.O.T.
29 (granted approvals); Oral Agreement was a suggestion by City Staff as an alternative to a Written Agreement
30 (presenting it into the Record); an upcoming event is a Chamber of Commerce/Pro Net Activity (proceeds to
31 benefit Neighbors for Kids and the "Backpack for Kids" Program). Hageman closed Public Comment. There
32 was discussion regarding whether to continue the Public Hearing to the April Meeting as Additional Written
33 Information needed to be provided by the Applicant. Lewis addressed a request to keep the Record Open versus
34 a request to Continue the Public Hearing. The Planning Commission decided to set a deadline for Written
35 Testimony of Tuesday, April 5th, and to allow Oral Testimony at the next scheduled Meeting (April 13th). The
36 Planning Commission requested the Applicant submit the following: a Written Parking Agreement, number of
37 Events per year, a resolution to the Liability Insurance issue, and Traffic Flow Plan. Johnson stated he could go
38 to City Council and ask about the Parking for an early Event. He acknowledged in retrospect NFK was negligent
39 when they recently hosted the Senator Jeff Merkley Town Hall Meeting at their Facility. Hageman responded in
40 hindsight the Planning Commission should have realized that the Facility would be used beyond an After School
41 Program when stipulating the required number of Parking Spaces when they reviewed the Building Permit and
42 Request for Variance Application (Case File #1-VAR-PC-08). Johnson stated that NFK has been issued a
43 Business License that allows them to commence with fund raising activities (not requiring a Conditional Use
44 Permit). Johnson thanked the Planning Commission for their time and stated his appreciation of the Planning
45 Commission's input.

46
47 V. NEW BUSINESS

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49 VI. UNFINISHED BUSINESS

50 A. Depoe Bay Disaster Warning System

1 Hageman announced the Planning Commission's Recommendation is an Agenda Item on the City Council
2 Tuesday, March 15th Meeting and on Monday, March 21st, a representative from American Signal Corporation
3 will be giving an oral presentation and demonstrating 2 Sirens (mid-range rotating Siren and a mid-range
4 electronic Siren with audible capability) and requested that the Planning Commissioners attend. The Planning
5 Commission directed Staff to reserve the Community Hall and prepare a Press Release in an attempt to notify the
6 Public, U.S. Coast Guard, Lincoln County Sheriff's Department, and the Depoe Bay Rural Fire Protection District
7 of the demonstration (not an actual incident). Hageman presented the Draft PowerPoint Presentation "Depoe Bay
8 Disaster Siren Warning System - Planning Commission Findings, Possibilities and Recommendations" (copy
9 attached to original of these Minutes). A few minor suggestions/changes to the Draft Presentation were given.
10 After brief discussion there was a consensus - of the four options presented, the Planning Commission preferred
11 "Possibility #4".

12
13 VII. CITY COUNCIL LIAISON REPORT
14 Hageman reported the City Facilities Tour was very interesting and suggested Commissioners attend if it is
15 offered again in the future; it was the consensus of the Council to not submit any Oregon Parks and Recreation
16 Government Grant Applications at this time; there was no action taken on Neighbors for Kids Request for Waiver
17 of Land Use Action Fees; moved to approve the Neighbors for Kids Application to schedule the Easter Egg Hunt
18 in the City Park; the Harbor Commission recommended implementing Insurance Requirements for Moorage
19 Holders; Lincoln County District Attorney, Rob Bovett, gave a PowerPoint Presentation of the 2010 Annual
20 Report. Steinke has a conflict in April and will make arrangements with another Member to attend the City
21 Council Meetings on his behalf.

22
23 VIII. PLANNER'S REPORT
24 Lewis reviewed the Planners Report (copy attached to the original of these Minutes). He summarized the Memo
25 from Terry Owings (copy attached to original of these Minutes) regarding the City's capacity for Water, Sewer,
26 and Storm Water. Hageman requested a copy of the Executive Summary from each of the Master Plans and an
27 updated status of the DBZO Amendments. There was brief discussion concerning a recent determination to issue
28 a Business License and the North Coast Limited Land Use Overlay Zone (NCA) Standards.

29
30 IX. PLANNING COMMISSION CONCERNS
31 Leoni and Hayes will make an effort to meet with Sheridan Jones and Doug Kerr prior to the next Meeting.
32 Hageman encouraged the Commissioners to recruit candidates to fill the Planning Commission Position #3
33 Vacancy.

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35 X. ADJOURN
36 There being no further business, the Meeting was adjourned at 8:45 P.M.

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42 Roy Hageman, President

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46 Carla Duering, Recording Secretary