

1 Depoe Bay Planning Commission
2 Regular Meeting
3 Wednesday, December 14, 2011 – 6:00 P.M.
4 Depoe Bay City Hall
5

6 PRESENT: G. Steinke, T. Chavez, B. Taunton, S. Scopelleti, R. Hageman, J. Hayes, P. Leoni
7 STAFF: City Planner L. Lewis, Recording Secretary C. Duering
8

9 I. CALL MEETING TO ORDER

10 Hageman called the Meeting to order and established a Quorum at 6:00 P.M.
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12 II. APPROVAL OF MINUTES: September 14, 2011 Regular Meeting.
13

14 Motion: Hayes moved to approve the Minutes of the September 14, 2011 Regular Meeting as written. Steinke
15 seconded the Motion.
16

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

19 Vote: Motion passed.

20 Ayes: Steinke, Chavez, Taunton, Scopelleti, Hageman, Hayes, Leoni
21

22 III. ITEMS FROM THE AUDIENCE

23 There were no Items from the Audience.
24

25 IV. PUBLIC HEARING ITEMS

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

39 A. Case File: #2-PAR-PC-11

40 Applicant: Neighbors for Kids

41 Property Owner: Knott Family

42 Application: 2-Lot Partition

43 Zone, Map and Tax Lot: Light Industrial L-1, 09-11-08-CA #07901

44 Location: 628 S.E. Painter 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 from Hershell Jack Conklin (copy attached to original of these Minutes). Lewis noted
50 his letter stated, “Disapproval for the change of Zoning and the Proposed Use,” and there is no request for a Zone

1 Change. Lewis asked the Commissioners if they had any questions. Brief discussion ensued regarding: Proposed
2 Use and Parking Requirements would be applicable at the time of development (any of the Land Uses allowed in
3 the L-1 Zone in accordance with DBZO provisions); clearing, grading, filling, or excavation of more than 5,000
4 sq. ft. of surface area is processed by City Staff, new construction in the Light Industrial Zone is reviewed by the
5 Planning Commission; upon Final Approval of the 2-Lot Partition, the Phase 1 Application for a Mini-Storage
6 Facility (approved in April 2010) would be required to submit a new Application prior to any development that
7 requires a Permit; Standards a. *All Yards abutting a Lot in a Residential Zone shall be a minimum of 20 feet,*
8 seems ambiguous to apply to Parking Lot Development; proposed sale to Neighbors for Kids of the northeast
9 section (smaller Parcel - 6,656 sq. ft.) after a copy of the Partition Plat has been recorded with the Lincoln County
10 Surveyor. The Applicant was given an opportunity to testify and answer questions from Commissioners. Bob
11 Houston, Neighbors for Kids (NFK), Board of Directors Chair, 215 Tillicum St., Lincoln Beach (mailing address:
12 Depoe Bay, OR 97341) thanked the Planning Commission and stressed the importance of this acquisition for
13 NFK; gave a history of Neighbors for Kids; received support from federal, state, and local government (grant
14 funding); 152 registered kids in the after-school program (approximately 45 kids daily, 3:00-6:00 p.m.); Building
15 has potential for so much more value to the Community if adequate Parking (proposing 26 Spaces) is acquired to
16 support the other Uses; reiterated circumstances pertaining to Conditional Use Application (#1-CU-PC-11); Ryan
17 and Nathan Knott saw the greater good (community minded, thought enough of the NFK organization) and agreed
18 to the 2-lot Partition; anticipate 25 ft. wide Access Easement will adequately serve both Lots (future development
19 may necessitate a revision to the proposed Access in order to comply with DBZO). The Planning Commission
20 and Applicant discussed: Section 4.030 Off-Street Loading and Off-Street Loading Requirements Parking
21 Standards would apply if the proposed Use is Parking - Cited Item 7. *Except for Parking to serve Dwelling Uses,*
22 *Parking and Loading Areas adjacent to or within Residential Zones, or adjacent to Highway 101, or Residential*
23 *Uses shall be designed to minimize visual impacts by use of landscaping or by a fence screened by landscaping;*
24 concern that the proposed 26 Parking Spaces will be adequate (Case File #1-CU-PC-11 which identified 26
25 Parking Spaces was predicated on the size of the gymnasium only - not inclusive of the kitchen, entryway, etc.); if
26 one half of the square footage of the Existing Building is used to calculate the number of Off-Street Parking
27 Spaces for a Community Center type Use the DBZO Requirement would be approximately 40 Spaces; Houston
28 clarified that the Assembly Use may or may not occur and if they do they will make special consideration with the
29 Hong's (Owners of Whistle Stop Shell Station), however, there are other Uses being considered that may include
30 an Elementary Charter School and an Adult/Continuing Education (i.e. GED) Program (DBZO Parking
31 Requirement - 8 Spaces per Classroom); Pedestrian Safety from proposed Parking to the Facility given the
32 proximity to Highway 101 (potential Public Access/Pedestrian Pathway across adjoining Property, less traffic on
33 Painter Ln., well-lite); once the Subject Lot is graded and compacted the top of the cars will be significantly
34 below the adjacent Properties View Corridor. There was no Testimony in support of the Application and no
35 Testimony in opposition. There was no request to keep the Record Open. The Public Hearing was closed and
36 Deliberations began. The Planning Commission identified the Property owned by Conklin (illustrated on the
37 Vicinity Map) and considered deterioration of a fence in this environment versus landscaping (i.e. rhododendrons,
38 other coastal vegetation). Hageman called for a Motion.

39
40 Motion: Hayes moved to approve Case File #2-PAR-PC-11 (2-Lot Partition) and adopt the Conditions of
41 Approval Items. 1. Thru 6. as recommended by the City Planner. Chavez seconded.

42
43 Hageman said it was moved and seconded, and called for discussion. Lewis suggested (based on Planning
44 Commission discussion) revising the Conditions of Approval. He recommended deleting Item. 6. *At the time of*
45 *development a six foot high sight-obscuring fence shall be constructed along the east Property Line where the*
46 *Subject Site abuts a Residential Zone* (referred to Item 5.) Discussion ensued.

47
48 Motion Amendment: Hayes amended the Motion to delete Condition of Approval Item 6. Chavez seconded the
49 Motion.

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1 Vote: Motion passed.

2 Ayes: Chavez, Taunton, Scopelleti, Hageman, Hayes, Leoni, Steinke

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4 It was the consensus of the Commission to direct Lewis to prepare the Findings, Conclusion and Final Order for
5 Hageman's signature. Lewis confirmed Conklin would be notified of the Decision (enclosure – Findings,
6 Conclusions, and Final Order).

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8 V. NEW BUSINESS

9 There was none.

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11 VI. UNFINISHED BUSINESS

12 Hageman noted the Outdoor Warning and Public Alert System Evaluation Committee are still reviewing the
13 Proposals.

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15 VII. CITY COUNCIL LIAISON REPORT

16 There was none. Lewis prepared a Memo proposing a 2012 Liaison Rotation Schedule (copy attached to
17 original of these Minutes). Lewis stated that if anyone has a conflict to make arrangements with another
18 Member to attend the City Council Meeting on their behalf.

19
20 VIII. PLANNER'S REPORT

21 Lewis reviewed the Planners Report (copy attached to the original of these Minutes).

22
23 IX. PLANNING COMMISSION CONCERNS

24 Leoni thanked Staff for the wonderful Zoning Code, Comprehensive Plan, and Estuarine Plan and Inventory
25 binders. Hayes wished everyone a Happy Holidays, Merry Christmas, and be safe on the road. He thanked
26 Houston for representing Neighbors for Kids tonight. Houston thanked the Planning Commission for their
27 consideration. Taunton, Scopelleti, and Hageman wished everyone a Merry Christmas. Hageman also thanked
28 Staff for the much needed codified binders and noted his pink slip.

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30 X. ADJOURN

31 There being no further business, the Meeting was adjourned at 7:25 P.M.

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36 _____
37 Roy Hageman, President

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41 Carla Duering, Recording Secretary