

1 Depoe Bay Planning Commission
2 Regular Meeting
3 Wednesday, April 10, 2013 – 6:00 P.M.
4 Depoe Bay City Hall

5
6 PRESENT: B. Blessinger, B. Taunton, P. Leoni, R. Hageman, J. Hayes, M. Kiefer
7 ABSENT: G. Steinke
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 6:00 P.M.
12

13 II. APPROVAL OF MINUTES: February 13, 2013 Regular Meeting.
14

15 Motion: Leoni moved to approve the Minutes of the February 13, 2013 Regular Meeting. Blessinger
16 seconded the Motion.
17

18 Hageman said it was moved and seconded, and called for discussion. There was no further discussion.
19

20 Vote: Motion passed.

21 Ayes: Blessinger, Taunton, Leoni, Hageman, Hayes

22 Abstain: Kiefer
23

24 III. ITEMS FROM THE AUDIENCE

25 There was none.
26

27 IV. PUBLIC HEARING ITEMS
28

29 A. Case File: #1-CU-PC-13

30 Applicant: Dos Brothers, L.L.C. – Coastcom, Inc.

31 Application: Conditional Use – Communications Building

32 Zone, Map and Tax Lot: Residential R-4, 09-11-05-DC #02000

33 Location: North Side of Collins Street, East of Sand Avenue
34

35 Hageman urged the Audience to listen to the Criteria and comment only to the Criteria. Only Testimony
36 pertaining to the Criteria can be considered in the determination to grant or deny the Request for
37 Approval. At the request of Hageman, Lewis summarized the Applicable Criteria: Depoe Bay Zoning
38 Ordinance *Section 3.040 Residential Zone R-4 – Item 2. Conditional Uses Permitted k. Public or Private*
39 *Utility Facility, Item 3. Standards b. Yards and c. Building Height; Section 4.030 Off-Street Parking and*
40 *Off-Street Loading Requirements; Section 4.060 General Provisions Regarding Accessory Uses, Fences,*
41 *Retaining Walls, Hedges and Decks; Article 6. Conditional Uses – Section 6.010 Purpose, Section 6.020*
42 *Authorization to Grant or Deny Conditional Use Permit; Section 6.070 Standards Governing*
43 *Conditional Uses. Hageman reiterated Section 6.070 Item 1. d. The Proposed Use is compatible with*
44 *Existing and Permitted Uses on adjacent lands, considering the factors in paragraph (a) of this*
45 *Subsection, a. The size, design, and operating characteristics of Use.*

1 Hageman explained the Public Hearing procedure. Hageman said Testimony and evidence given must
2 be directed toward Criteria described by the City Planner, or other Criteria in the Code that the Testifier
3 believes apply to the request. Failure to raise an issue, accompanied by statements or evidence sufficient
4 to afford the Commission and the parties an opportunity to respond to the issue precludes appeal to the
5 State Land Use Board of Appeals on that issue. Application materials or other evidence relied upon by
6 the Applicant had been provided to the City and made available to the Public.

7
8 Hageman asked if any Commissioner had ex-parte contact, conflict of interest, or bias to declare. Leoni
9 declared she heard CoastCom's Presentation(s) to City Council. She also drove to the location of the
10 Subject Site and surrounding Neighborhood. Hageman stated likewise. There was no objection to any
11 Planning Commissioner hearing the Case.

12
13 Hageman further explained the Public Hearing procedure. The City Planner will review the Staff
14 Report. Applicants will have the opportunity to present information relevant to their Application,
15 followed by Testimony in support of the Application, then Testimony in opposition, with the Applicant
16 having the opportunity for rebuttal. Unless there is a request to hold the Record Open, Testimony will
17 be closed and the Commission will enter into Deliberations on the Application.

18
19 Lewis summarized the Staff Report (copy attached to original of these Minutes). Written Testimony in
20 support of the Application was received from Patricia Neal, Mike and Linda Levitt, Jennifer Puentes,
21 Kate Madison and Don Stein, Earl and Sandra Gjelde, Eugene Grant, Sheila Miller, and Mike and Lynda
22 Johnson (copies attached to original of these Minutes). Lewis reiterated that we encourage and
23 appreciate Public Testimony, however, the Planning Commission only considers the Relevant Criteria in
24 making their decision regarding the Conditional Use Application for a Utility Facility (the Franchise
25 Agreement is a City Council decision). There was no Written Testimony in opposition.

26
27 Hageman asked the Commissioners if they had any questions. Brief discussion ensued regarding the
28 following: Future trailer for housing fiber optic related equipment (accessory structure – modular versus
29 stick-built structure); exterior lighting; facility location (Residential Zone R-4 versus Light Industrial
30 Zone L-I or Retail Commercial Zone C-1); natural gas powered generator weekly cycling and use during
31 power outages; mitigating noise and visual impacts; verification that Trailer Pad illustrated on Plat Map
32 provided by the Applicant meets the minimum 20 ft. Front Yard Setback Standard.

33
34 The Applicant was given an opportunity to testify and answer questions from Commissioners. Matt
35 Updenkelder, Director of Network Operations, CoastCom, 151 E. Olive St., Newport, explained: the
36 Subject Property was chosen due to the proximity to the two "meet me points," CenturyLink and Coast
37 Guard Station, (provides for the least amount of fiber construction) and gave further details of the
38 installation route; long term plan for semi-trailer (square, prefabricated metal portable structure set on a
39 concrete pad); Generator – adhering to electrician's installation recommendations, testing once a week
40 for 15 minutes (loud noise, but not obnoxious – minimal impact to Neighborhood); spoke with Neighbor
41 and she did not have any nuisance concerns; lighting unnecessary, 100% unmanned building, perhaps
42 illuminate building entry with porch light when entering the premises. Applicant assured the Planning
43 Commission their intention is to be a good Neighbor. There was further discussion regarding the
44 following: cedar fencing versus cyclone fence with metal slats; landscaping (arbor vita, small trees) in
45 front of fence.

1 There was no Testimony in support of the Application and no Testimony in opposition (Sign-In Sheet
2 attached to original of these Minutes). There was no request to keep the Record Open. The Public
3 Hearing was closed and Deliberations began.

4
5 The Planning Commission discussed the fence and a desire to improve the aesthetics of the
6 Neighborhood rather than be detrimental. (Hageman re-opened Public Testimony). The Applicant and
7 Planning Commission further discussed the fence; the future accessory structure (storage/shipping
8 container versus stick-built structure); and the television/cable company seems to be compatible with the
9 Subject Neighborhood. After lengthy discussion the Planning Commission agreed to amend the
10 Conditions of Approval.

11
12 Lewis summarized the proposed amendments to the Conditions of Approval:

13
14 Item 1. ^(Revise) Proposed Development. *Development shall be accomplished in general conformance with*
15 *the Approved Plan. This includes but is not limited to a Communications Building that will be used to*
16 *house telecommunication equipment required to bring advanced fiber optic services to Depoe Bay.*
17 *Additional improvements include a natural gas powered generator and future ~~trailer~~ Accessory Building*
18 *for housing fiber optic related equipment. All equipment storage shall be within an Enclosed Building*
19 *not to exceed the size of the Proposed Slab. Development shall adhere to all R-4 Standards, i.e.*
20 *Setbacks and Building Height.*

21
22 Item 4. ^(Revise) Fencing and Landscaping. *A 6 foot high ~~chain-link cyclone fence with privacy slats~~ shall*
23 *be installed completely around the Building and Generator Pad as shown on the Plot Plan. The fence*
24 *shall not be chain-link cyclone. The fence shall be a material that will be more attractive and more*
25 *compatible with a Residential Neighborhood, i.e. wood, vinyl, etc. City Staff will review the proposed*
26 *fencing for approval at the time the Building Permit is submitted. If an equipment ~~trailer~~ Accessory*
27 *Building is placed on the Property in the future, the 6 foot high sight-obscuring fence shall extend along*
28 *the sides of the Property and in front of the Building. No fence shall be higher than 3½ feet in the*
29 *required 20 foot Front Yard. The Property Frontage (outside the driveway) shall be landscaped to*
30 *further screen the Non-Residential Use and make the Property look like and be more compatible with*
31 *surrounding Residential Uses. A Landscape Plan shall be submitted for City approval with the Building*
32 *Permit Application. The landscaping shall be maintained.*

33
34 Item 7. ^(Insert) Outdoor Lighting. *The Applicant shall provide a Lighting Plan at the time a Building*
35 *Permit is submitted for review and approval by City Staff.*

36
37 Item 8. ^(Insert) Generator. *The Applicant shall coordinate with the adjacent Neighbor (west of the*
38 *Property) to determine a day and time for testing (once a week for 15 minutes) the generator that is*
39 *satisfactory to the Neighbor.*

40
41 Motion: Hayes moved to approve Case File #1-CU-PC-13 (Conditional Use – Communications
42 Building) and adopt the Conditions of Approval (Items. 1. Thru 8.) as amended and recommended by
43 the City Planner. Blessinger seconded.

44
45 Hageman said it was moved and seconded, and called for discussion. There was none.

