

1 Depoe Bay Planning Commission
2 Regular Meeting
3 Wednesday, March 12, 2014 – 6:00 P.M. Depoe Bay City Hall
4

5 PRESENT: G. Steinke, B. Blessinger, B. Taunton, P. Leoni, R. Hageman, J. Hayes, M. Kiefer
6 STAFF: City Planner L. Lewis, City Recorder P. Murray
7

8 I. CALL MEETING TO ORDER

9 Hageman called the Meeting to order and established a Quorum at 6:00 P.M.
10

11 II. APPROVAL OF MINUTES: February 12, 2014 Regular Meeting.
12

13 Motion: Leoni moved to approve the Minutes of the February 12, 2014 Regular Meeting as written. Taunton
14 seconded.
15

16 Vote: Motion passed.
17 Ayes: Steinke, Blessinger, Taunton, Leoni, Hageman, Kiefer
18 Abstain: Hayes
19

20 III. ITEMS FROM THE AUDIENCE

21 There was none.
22

23 IV. PUBLIC HEARING ITEMS
24

25 A. Case File: #1-CU-PC-14
26 Property Owner: Roger and Brenda Glover
27 Applicant: Car Audio 101 – Karob Austin
28 Application: Conditional Use
29 Zone, Map and Tax Lot: Retail Commercial C-1
30 09-11-08-BD #2100, #2200, #2300, #2400, #2700
31 Location: 473 S.W. Hwy. 101
32

33 Hageman said Testimony and evidence given must be directed toward Criteria described by the City Planner, or
34 other Criteria in the Code that the Testifier believes apply to the request. Failure to raise an issue, accompanied
35 by statements or evidence sufficient to afford the Commission and the parties an opportunity to respond to the
36 issue precludes appeal to the State Land Use Board of Appeals on that issue. Application materials or other
37 evidence relied upon by the Applicant had been provided to the City and made available to the Public.
38

39 Lewis summarized the Staff Report (copy attached to original of these Minutes). Lewis specifically noted: the
40 Aerial Photograph, Street View Photograph, and Applicant Narrative were not attached to the Staff Report but
41 have been distributed. Written Testimony was received from Jim and Louise Hayes stating their concerns (copy
42 attached to original of these Minutes). Hageman recommended that the Planning Commission review page 4 of
43 the Staff Report, Section 6.020 Authorization to Grant or Deny Conditional Use Permit.
44

45 Hageman explained the Public Hearing procedure: He will call for Planning Commissioner ex-parte contact,
46 conflict of interest or bias to declare. There will be an opportunity to object to any Planning Commissioner
47 hearing the Case. Applicants will have the opportunity to present information relevant to their Application,
48 followed by Testimony in support of the Application, then Testimony in opposition, with the Applicant having the
49 opportunity for rebuttal. Unless there is a request to hold the Record Open, Testimony will be closed and the
50 Commission will enter into Deliberations on the Application.
51

52 Hageman asked if any Commissioner had ex-parte contact, conflict of interest, or bias to declare. Hayes declared
53 his home is within the notification parameter (within 250 ft.) of the Subject Property. He co-authored and
54 submitted Written Testimony which he summarized. Kiefer said he may have towed a vehicle to their previous

1 location. Leoni stated she lives nearby, knew previous owners/occupants, familiar with the Subject Building.
2 There was no objection to any Planning Commissioner hearing the Case.
3

4 The Applicant was given an opportunity to testify and answer questions from Commissioners. Karob Austin, 120
5 N. Riverton Ct., Otis, owner of a DJ company (school dances, weddings, and sports events) and Car Audio 101
6 (car audio/electronic/repair shop). He shared his history and answered questions regarding the components of his
7 business operations:
8

9 (1) 13 years in business; (2) current and former locations in Lincoln City; (3) customer base; (4) skills; (5) nature
10 of auto repairs and retail sales; (6) number of employees/subcontractors; (7) on-site inoperable vehicle storage
11 (less than 3 – not a salvage yard); (8) minimal painting (not an auto body painting shop); (9) compliance to the
12 Depoe Bay Noise Ordinance, Depoe Bay Zoning Ordinance, OSHA, DEQ, and EPA Regulations; (10) prepared
13 to address structural improvements for noise suppression and ventilation issues (diminish impact to surrounding
14 properties); (11) explanation/resolution of complaint filed with City of Lincoln City; (12) economic impact and
15 goal to be a AAA Auto Repair Facility negates limitation to electronic repair/retail only; (13) pollution prevention
16 – protection of Depoe Bay Harbor/Waterways.
17

18 There was no Testimony in support or opposition to the Application. There was no request to keep the Record
19 Open. The Public Hearing was closed and Deliberations began.
20

21 The Planning Commission discussed the following: (1) Proposed Hours of Operation (Applicant responded)
22 Mon. – Fri., 9 a.m. – 6 p.m., Sat. 9 a.m. – 5 p.m., closed Sun. (maybe 7 days/week in the summer); (2) reiterated
23 necessary compliance to the Depoe Bay Noise Ordinance, Depoe Bay Zoning Ordinance, OSHA, DEQ, and EPA
24 Regulations; (3) impose a no excessive noise limitation between 10 p.m. and 7 a.m.; (4) restriction stating all
25 vehicles shall be stored within the fenced area; (5) Public Hearing was Re-Opened to allow Applicant opportunity
26 to respond to recycling/proper disposal of waste (oil, antifreeze, brake fluid, etc.) environmental concerns.
27 Hageman called for further comments/questions. There was none. The Public Hearing was Closed.
28

29 Hageman asked Lewis to summarize amended Conditions of Approval based on the discussion:
30

31 Item 6. ^(Insert) *The business shall operate in accordance with noise, ventilation, and other environmental*
32 *standards, i.e. City of Depoe Bay Noise Ordinance Standards, EPA Standards, OSHA ventilation standards, and*
33 *proper disposal of liquids and other materials.*
34

35 Item 2. ^(Revise) *Outdoor Storage. Outside storage including vehicles shall be within the locked fenced area. The*
36 *fence shall be sight-obscuring, e.g. with slats, in order to ensure outdoor storage is screened*
37

38 There was brief discussion regarding the review/revocation of a Conditional Use Permit if unresolved complaints
39 are filed with the City.
40

41 Motion: Hayes moved to approve the Conditional Use Request (Case File #1-CU-PC-14) as recommended and
42 amended by the Planning Commission and City Planner. Kiefer seconded.
43

44 Lewis repeated the additional and revised Conditions of Approval. Applicant and Planning Commission
45 discussed if Applicant needed to contact Josh Williams, Fire Chief, Depoe Bay Rural Fire Protection District
46 regarding compliance/inspection.
47

48 Vote: Motion passed.

49 Ayes: Blessinger, Taunton, Leoni, Hageman, Hayes, Kiefer, Steinke
50

51 The Planning Commission agreed to direct Lewis to prepare the revised Findings, Conclusion and Final Order for
52 Hageman's signature. Applicant requested a copy of the City of Depoe Bay Noise Ordinance.
53

1 V. UNFINISHED BUSINESS

2
3 A. Training Session – Oregon Department of Land Conservation & Development (DLCD)

4
5 Lewis spoke with Matt Spangler, Senior Coastal Policy Analyst, Oregon Department of Land Conservation &
6 Development (DLCD) and he is available on Monday, April 7th, April 14th, or April 28th, at 3:00 p.m. The
7 Planning Commission agreed to schedule the Training Session on April 14th. Hageman and Hayes will not be
8 attending the Wednesday, May 14th Planning Commission Regular Meeting.
9

10 VI. NEW BUSINESS

11 There was none.
12

13 VII. CITY COUNCIL LIAISON SCHEDULE AND REPORT

14 Hayes reported on the following items: (1) Jim Carlson, Shearwater Research, L.L.C. – Presentation on
15 Economic Development Strategy for Marine Related Industries in Lincoln County; (2) Harbor Restroom Facility
16 Lease Agreement Renewal; (3) Offer of Gift of Property to City from the K. Henry and M. Louise Granat Living
17 Trust; (4) City Park Bridge Project; (5) Video Recording Council Meetings; (6) Depoe Bay Chamber of
18 Commerce Annual Crab Feed/Boat Show – Oregon Liquor Control Commission (OLCC) Temporary Sales
19 License; (7) March 20th Traffic Safety Commission City Street and Pothole Workshop Meeting, 3:00 p.m., Depoe
20 Bay Community Hall. Discussion ensued.
21

22 Hageman reported on the Community Advisory Committee (CAC) Meeting #2 – Transportation System Plan
23 Update. He encouraged Commissioners to request copies of Draft Memorandum #7, #8, and #9.
24

25 VIII. PLANNER'S REPORT

26 Lewis reviewed the Planners Report – Land Use Activity January 6th thru March 5th (copy attached to the original
27 of these Minutes).
28

29 IX. PLANNING COMMISSION CONCERNS

30 Taunton again expressed her continued concern regarding City of Depoe Bay Sign Regulations and Permit
31 Procedures. Kiefer asked at which City Council Meeting was the discussion (status/condition) of the Fish Plant
32 Facility. Discussion followed. Kiefer also mentioned he may file two complaints (signage on red truck directing
33 people out-of-town and blue building aesthetically unappealing and believes to be in violation of the Lincoln
34 County Building Code). There was brief discussion.
35

36 X. ADJOURN

37 There being no further business, the Meeting was adjourned at 7:07 p.m.
38
39
40

41 _____
42 Roy Hageman, President
43

44 _____
45 Carla Duering, Recording Secretary