

1 Depoe Bay Planning Commission
2 Regular Meeting
3 Wednesday, July 9, 2014 – 6:00 P.M. Depoe Bay City Hall
4

5 PRESENT: G. Steinke, P. Leoni, R. Hageman, J. Hayes, B. Taunton (arrived 6:07 P.M.)
6 ABSENT: B. Blessinger
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 6:01 P.M.
11

12 II. APPROVAL OF MINUTES: May 14, 2014 Regular Meeting.

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

16
17 Vote: Motion failed.
18 Ayes: Steinke, Leoni
19 Abstain: Hageman, Hayes
20

21 III. ITEMS FROM THE AUDIENCE

22 There was none.
23

24 IV. PUBLIC HEARING ITEMS

25
26 A. Case File: #1-CS-PC-14
27 Applicant: Jon Hamlin
28 Agent: Tom Golden
29 Application: Coastal Shorelands Development
30 Zone, Map and Tax Lot: Commercial C-1, 09-11-05-CD-01101
31 Location: 279 N. Hwy. 101
32 Tidal Raves Restaurant
33

34 Hageman said Testimony and evidence given must be directed toward Criteria described by the City Planner, or
35 other Criteria in the Code that the Testifier believes apply to the request. Failure to raise an issue, accompanied
36 by statements or evidence sufficient to afford the Commission and the parties an opportunity to respond to the
37 issue precludes appeal to the State Land Use Board of Appeals on that issue. Application materials or other
38 evidence relied upon by the Applicant had been provided to the City and made available to the Public.
39

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

47 There was no ex-parte contact, conflict of interest, or bias declared. There was no objection to any Planning
48 Commissioner hearing the Case. Lewis summarized the Staff Report (copy attached to original of these Minutes).
49 No Written Testimony was received.
50

51 Hageman asked that anyone providing Testimony provide their name, mailing and street address on the Sign-In
52 Sheet (copy attached to original of these Minutes).
53

54 The Applicant was given an opportunity to testify and answer questions from Commissioners.
55

1 Tom Golden stated that Larry did an excellent job explaining the Application. The Proposed Development fits
2 within the existing Encroachment Lines of the Present Building (no increase in Height, no closer to the Coastal
3 Bluff, and no closer to the south Property Line) and no increase to the existing Storm Drainage System is
4 necessary. A Commissioner confirmed that the Parking Spaces as seen in the Photograph (Staff Report - Page 3
5 of 6) would remain.
6

7 Hageman called for Testimony in support of the Application. There was none. Hageman called for Testimony in
8 opposition.
9

10 Fran Recht, a long-term (25 years) Depoe Bay Resident, said she walks throughout Town including the Public
11 Park Areas on each side of Tidal Raves and is not opposed to the Development as proposed. She did want to
12 express a concern in regards to the Area of Visual Concern. The existing Tidal Raves has an exterior light that is
13 angled to illuminate the waves, an intrusion into the Area of Visual Concern and further beyond. She is very
14 concerned with light pollution and the impacts on wildlife. She understands why people illuminate the waves but
15 feels there is beautiful ambient light (moonlight, starlight, and sunset light) and requested that if the Planning
16 Commission finds the request satisfies the applicable Criteria, and moves to approve the request that they include
17 as a Condition of Approval: *The Existing Lighting that intrudes beyond the Property Line be removed and that no*
18 *additional Lighting be allowed.* There was no further Testimony in opposition.
19

20 Hageman called for rebuttal.
21

22 Jon Hamlin, co-owns Tidal Raves Restaurant with his wife, was unsure how to address the light concerns. He
23 explained there were three (3) 1500 watt halogen lights when they purchased the building in 1990; replaced with a
24 single light in 2006; since then shields were placed to resolve a complaint by the Owner of Inn at Arch Rock
25 who's guests now also enjoy the illumination; no additional lights are being proposed; the existing small porch
26 light in the southwest corner will be covered by the proposed overhang.
27

28 There was no request to keep the Record Open. The Public Hearing was closed and Deliberations began.
29

30 Motion: Leoni moved to approve the Coastal Shorelands Overlay Application (Case File #1-CS-PC-14) and
31 adopt the Conditions of Approval (Items. 1. Thru 3.) as recommended by the City Planner. Hayes seconded.
32

33 Vote: Motion passed.

34 Ayes: Taunton, Leoni, Hageman, Hayes, Steinke
35

36 B. Case File: #2-CS-PC-14

37 Applicant: Monte and Tanya Belsham

38 Agent: Jon Holbrook

39 Application: Coastal Shorelands Development and Variance to Setback Standard

40 Zone, Map and Tax Lot: Residential R-1, 09-11-08-BD-05700

41 Location: 405 S.W. Coast Avenue
42

43 Hageman said Testimony and evidence given must be directed toward Criteria described by the City Planner, or
44 other Criteria in the Code that the Testifier believes apply to the request. Failure to raise an issue, accompanied
45 by statements or evidence sufficient to afford the Commission and the parties an opportunity to respond to the
46 issue precludes appeal to the State Land Use Board of Appeals on that issue. Application materials or other
47 evidence relied upon by the Applicant had been provided to the City and made available to the Public.
48

49 Hageman asked if any Commissioner had ex-parte contact, conflict of interest, or bias to declare. Leoni stated she
50 has an interest in the Subject Property and recused herself. Hageman declared he lives 5 or 6 doors to the north of
51 the Subject Property and walked the Graham Street Pocket Park to view the Coastal Shorelands. There was no
52 objection to any Planning Commissioner hearing the Case.
53

54 Lewis summarized the Staff Report (copy attached to original of these Minutes). Written Testimony (copies
55 attached to original of these Minutes) was received after completion of the Staff Report in support of the

1 Application from Harry Cummings; and Ray Leoni and Bill Spores. Written Testimony (copies attached to
2 original of these Minutes) was received after completion of the Staff Report in opposition of the Application
3 from Lori Brown; Ruth Moreland; Linda L. Phillips; Steven and Traci Taylor; John Kennedy; Gene and Josie
4 Whisnant; Joan James and Gilbert Sober; and Mary Hardy.

5
6 Hageman clarified that the Applicant is not asking for a Height Variance. Per DBZO in the R-1 Residential Zone
7 - No Building shall exceed a height of 30 feet. Hageman asked that anyone providing Testimony provide their
8 name, mailing and street address on the Sign-In Sheet (copy attached to original of these Minutes).

9
10 The Applicant was given an opportunity to testify and answer questions from Commissioners.

11
12 Jon Holbrook, Owner's Representative, reiterated the following items on behalf of the Applicant: A desire to
13 improve the Property; size of Subject Lot is substandard; maintain the Current Residence Setbacks; improve the
14 Garage Front-Yard Setback (Existing 1 ft. - Proposed 5 Ft.) and adding an additional Off-Street Parking Space;
15 proposed upscale new construction will blend in well with the Neighborhood; 5½ Ft. South Side Yard Setback is
16 adequate for fire and rescue access. The Planning Commission and Applicant discussed: Reason for 2-Story
17 versus 1-Story on a narrow Lot; today's Standard Home averages 2,200 to 2,400 sq. ft.; DBZO point of
18 measurement and Applicant's point of measurement in determining height.

19
20 Hageman called for Testimony in support of the Application. There was none.

21
22 Hageman called for Testimony in opposition.

23
24 Steven Taylor, stated he and his wife Traci live at 410 S.W. Coast Ave., and proceeded to read into the Record his
25 Written Testimony (copy attached to original of these Minutes) in opposition of the Application. He noted an
26 error in his calculations (DBZO allows Decks to encroach no further than one third (1/3) of the required Setback
27 Distance) a House with Rear Decks would fit legally on a 100 ft. depth Lot.

28
29 Josie Whisnant, 420 S.W. Coast Avenue, thanked the Planning Commission for volunteering their time. She
30 testified she is a 4th generation Oregonian who has enjoyed the Oregon Coast her whole life; husband served 27
31 years in the U.S. Air Force including a Tour in Vietnam; they came here with the idea to enjoy. She read into the
32 Record their Written Testimony and referred to the attached Photographs (copies attached to original of these
33 Minutes). She briefly summarized her Written Testimony and stated as proud Depoe Bay Homeowners and
34 Community Volunteers her and her husband urge disapproval of the Application. The Planning Commission
35 confirmed that State approval is not required.

36
37 Ruth Moreland, 445 S.W. Coast Avenue, voiced her opposition to the Application and referred to the reasons
38 stated in her Written Testimony (copy attached to original of these Minutes). She distributed a Photograph of the
39 southern view from the Graham Street Lookout (copy attached to original of these Minutes). In closing she noted
40 the Existing Structures Setbacks are immaterial; once the Existing Structure is demolished the Current DBZO
41 Standards apply.

42
43 Fran Recht restated she is a long-term (25 years) Depoe Bay Resident and walks throughout Neighborhoods and
44 Public Access Points including the Graham Street Lookout. As a former member of the Planning Commission
45 when the Area of Visual Concern Standard was enacted she shared the intent of the 25 ft. Setback (to have what is
46 so incredible about Depoe Bay, the Ocean Front, becoming more and more that special place like nowhere else
47 that brought us all here) ensuring that over time as old Houses were replaced, new Homes would be brought into
48 conformance not to exacerbate the disconformity such as the Proposed Application. She endorsed the concerns
49 addressed in the Testimony provided by the Taylors, Whisnants, and Moreland. She stressed: Applicants are
50 intending to remove the Existing Structure creating a clean slate without restrictions; Applicants are choosing to
51 construct a 24 ft. high Home; Buyers should purchase a Lot appropriate for the intended size of Development
52 without consequences to the Public and the Neighbors; maintaining the charm and character of our Small Coastal
53 Community Neighborhoods and preserving Property Values through Code Conformance.

54
55 Hageman called for rebuttal.

1 Jon Holbrook stated there has been much discussion about Square Footage, Lot Coverage, and Building Height.
2 The Proposed Application conforms to DBZO requirements in those respects and should not be considered an
3 issue. There is no minimum Lot Coverage and the Proposed Home is under the 30 ft. maximum Height
4 Restriction. The Planning Commission verified that the additional 18” Encroachment into the south Side Yard
5 Setback (illustrated on the Plans) is strictly for a fireplace.
6

7 There was no request to keep the Record Open. The Public Hearing was closed and Deliberations began.
8

9 The Planning Commission discussed the following items: (1) appreciated that the Proposed Garage is further from
10 Coast Avenue than the Existing Garage; (2) the 5 ft. 6 in. south Side Yard Setback does not meet the
11 Circumstances for Granting a Variance; (3) the 8 ft. Upper and Lower Deck Encroachment into the Area of Visual
12 Concern does not meet the Exception Criteria; (4) Subject Lot is not substandard to other Lots in the vicinity; (5)
13 acknowledged the odd Lot Dimensions – Ocean View Portion (Rear Property Line) narrows to a 40 ft. width; (6)
14 very nice looking House, however it is designed too large for the Lot; (7) support/sympathetic to the concerns
15 brought forth in the Testimony in opposition to the Application.
16

17 Motion: Hayes moved to deny the Coastal Shorelands Overlay Application (Case File #2-CS-PC-14). Steinke
18 seconded.
19

20 Vote: Motion passed.

21 Ayes: Hageman, Hayes, Steinke, Taunton
22

23 Hageman called for a five Minute Recess. Leoni returned to the Meeting. Meeting resumed at 7:10 p.m.
24

25 V. UNFINISHED BUSINESS 26

27 A. Training Session – Oregon Department of Land Conservation & Development (DLCD) 28

29 Hageman asked the Planning Commission to provide discussion items/topics to Larry. He suggested a discussion
30 regarding the City’s relationship/coordination with Lincoln County and mentioned several examples of
31 conflicting issues that have occurred in the past. Lewis will review the Contract with the Lincoln County
32 Building and Planning Department and coordinate/schedule a date with Matt Spangler for the next Training
33 Session.
34

35 Hageman encouraged the Commissioners to recruit candidates to fill the Planning Commission Vacancy.
36

37 VI. NEW BUSINESS

38 There was none.
39

40 VII. CITY COUNCIL LIAISON SCHEDULE AND REPORT

41 Hageman reported on the following items: (1) Oregon Department of Transportation (ODOT) Special City
42 Allotment Grant – Schoolhouse Street from Highway 101 to Shell Avenue, and Shell Avenue Improvements; (2)
43 Fish Plant Lease – Request for Proposals; (3) Street Light Request – Hour Lane; (4) Land Acquisition – Highway
44 101 Parcels; (5) Request Authorization – Employee COLA Fiscal Year 2014-15; (6) Parks Commission
45 Recommendation – Approve Request to Place Memorial Bench in Whale Park; (7) Tina French, North Lincoln
46 Sanitary Service – 2013 Rate Review Report. Lengthy discussion ensued.
47

48 VIII. PLANNER'S REPORT

49 Lewis reviewed the Planners Report – Land Use Activity May 8th thru June 25th (copy attached to the original of
50 these Minutes). There was brief discussion regarding the recent News-Times Article and the Planned
51 Development (north of Lillian Lane, east of Hwy. 101) Public Hearing scheduled for the August 13th Meeting.
52

1 IX. PLANNING COMMISSION CONCERNS

2 Taunton again expressed her continued concern regarding City of Depoe Bay Sign Regulations and Permit
3 Procedures. She also questioned the status/operation protocol of the Outdoor Warning and Public Alert System.
4 Lengthy discussion followed. Hageman read the Memo from Larry Lewis, City Planner to City Council dated
5 June 26, 2014 regarding the Whale Watch Planned Development Application (copy attached to original of these
6 Minutes).

7
8 X. ADJOURN

9 There being no further business, the Meeting was adjourned at 7:45 p.m.

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Roy Hageman, President
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18

Carla Duering, Recording Secretary
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