

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

5 PRESENT: G. Steinke, B. Taunton, P. Leoni, R. Hageman, J. Hayes, B. Lewis  
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 6:00 P.M.  
11

12 II. INTRODUCTION OF NEW MEMBER – BOB LEWIS

13 Hageman welcomed Bob. B. Lewis noted this is the first time he has been on this side of an issue, usually he is  
14 providing testimony. Brief discussion followed.  
15

16 III. APPROVAL OF MINUTES: October 8, 2014 Regular Meeting.  
17

18 Motion: Steinke moved to approve the Minutes of the October 8, 2014 Regular Meeting as written. Hayes  
19 seconded.  
20

21 Vote: Motion passed.

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

23 Abstain: B. Lewis  
24

25 IV. ITEMS FROM THE AUDIENCE

26 There was none.  
27

28 V. PUBLIC HEARING ITEMS

29 A. Case File: #1-VAR-PC-14 (Continued)

30 Applicant: Matthew Tueth

31 Application: Variance to Setback Standard

32 Zone, Map and Tax Lot: Residential R-4, 09-11-05-CA #6200

33 Location: 45 N.W. Harney Street  
34

35 Hageman said Testimony and evidence given must be directed toward Criteria described by the City Planner, or  
36 other Criteria in the Code that the Testifier believes apply to the request. Failure to raise an issue, accompanied  
37 by statements or evidence sufficient to afford the Commission and the parties an opportunity to respond to the  
38 issue precludes appeal to the State Land Use Board of Appeals on that issue. Application materials or other  
39 evidence relied upon by the Applicant had been provided to the City and made available to the Public.  
40

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

48 Hageman asked if any Commissioner had ex-parte contact, conflict of interest, or bias to declare. There was  
49 none. Hageman then asked if anyone had objection to any Planning Commissioner hearing the Case. There was  
50 no objection.  
51

52 L. Lewis summarized his November 6, 2014 Memo (copy attached to original of these Minutes). Written  
53 Testimony in opposition to the Application was received reiterating opposition to the Application from John A.  
54 Dixon, on behalf of the John A. Dixon and Frances M. Smithwaite Trust (copy attached to original of these  
55 Minutes). Hageman asked if the Commissioners had any questions to address to the City Planner. There was

1 brief discussion regarding: (1) the two additional Parking Spaces parallel to Harney Street; (2) Adjacent  
2 Properties Parking; (3) 12 ft. Front Yard Variance point of measurement; (4) No opposition from the adjacent  
3 Property Owner (appears to be the most impacted by the 3 ft. 4 in. northeast Side Yard Variance); (5) Peter  
4 Dixon's opposition to the Application.

5  
6 The Applicant was given an opportunity to testify and answer questions from Commissioners. Matthew Tueth, 45  
7 Harney Street (mailing address 1468 Hamily Court N.E., Grand Rapids, MI 49505) explained the Variance point  
8 of measurement is from the front of the Porch which extends 5 ft. further than the Garage. He noted: (1) the City  
9 Planner did a good job summarizing the Application; (2) Reiterated his Variance Requests - 12 ft. Front Yard  
10 versus Depoe Bay Zoning Ordinance (DBZO) Standard 20 ft.; 8 ft. side northeast Side Yard versus Depoe Bay  
11 Zoning Ordinance (DBZO) Standard 11 ft. 4 in. for a 34 ft. Height Structure; (3) He and his wife were aware of  
12 the Depoe Bay Zoning Ordinance (DBZO) Standards and chose the smallest footprint yet still adequate to meet  
13 their needs; (4) Referred to the Previous Owner's 2006 Variance Application (Case File #3-CS-PC-06) Parking  
14 issues.

15  
16 Applicant and Planning Commission discussed: (1) Southwest Stairs; (2) No Living Quarters at Ground-Level -  
17 Stairs and Garage only; (3) Ceiling Heights unknown - Applicant is waiting to purchase Full Plans contingent on  
18 Variance decision; (4) Depth of 2<sup>nd</sup> Floor versus 3<sup>rd</sup> Floor; (5) 515 sq. ft. Garage; (6) Rear Concrete Patio Area -  
19 No Deck; (7) Applicant intends to be a Depoe Bay resident.

20  
21 There was no Testimony in support of the Application. There was no Testimony in opposition to the Application.  
22 There was no request to keep the Record Open. The Public Hearing was closed and Deliberations began.

23  
24 The Planning Commission discussed (1) Depoe Bay Zoning Ordinance (DBZO) regarding maximizing Variance  
25 Setbacks to minimize impact on Aesthetic Resources; (2) Parking and Stairs meet Depoe Bay Zoning Ordinance  
26 (DBZO) Standards; (3) Applicant and City Planner had discussions concerning shifting the House to the  
27 southwest and the impact to adjacent Neighbors.

28  
29 Hageman called for a Motion.

30  
31 Motion: Leoni moved to approve the Variance Application (Case File #1-VAR-PC-14) and adopt the Conditions  
32 of Approval (Items 1. Thru 11.) as recommended by the City Planner. Hageman interjected – Also the  
33 Steps/Landing shall be a minimum 12 ft. Front Yard Setback and the Garage shall be a minimum 17 ft. Front  
34 Yard Setback. Hayes seconded.

35  
36 Vote: Motion passed.

37 Ayes: Taunton, Leoni, Hageman, Hayes, B. Lewis, Steinke

38  
39 The Planning Commission agreed to direct L. Lewis to prepare the Findings, Conclusion and Final Order for  
40 Hageman's signature.

## 41 42 VI. UNFINISHED BUSINESS

- 43  
44 A. Depoe Bay Zoning Ordinance (DBZO) Section 3.410 Planned Development Zone (PD)  
45 • Master Plan with Phases Review Procedure

46  
47 Hageman explained the motivation for discussing the Master Plan with Phases Review Procedure. He  
48 summarized the Public Hearings for the Whale Watch Planned Development Master Plan (Case File #1-PD-PC-  
49 14), and the Geologic Hazards Permit for improvements to Lillian Lane, Water, Sewer, and Storm Drain (#1-  
50 GEO-PC-12). He noted the benefits to a Developer to submit a Master Plan Application and the advantages to the  
51 City. After lengthy discussion the Planning Commission agreed to have Hageman request City Council's  
52 authorization to initiate Text Amendments to add criteria for Planned Development Master Plan Approval. L.  
53 Lewis will research other City's Zoning Codes for examples/template for future discussions of Master Plan Text  
54 Amendments. Discussion followed regarding the Text Amendment Timeline.

1 VII. NEW BUSINESS

2 Discussion ensued regarding the Deck in violation of the Depoe Bay Zoning Ordinance (DBZO) at 125 S.E. Bay  
3 Street and the City's enforcement regulations and the status of enforcement.  
4

5 VIII. CITY COUNCIL LIAISON SCHEDULE AND REPORT

6 Steinke reported on the following items: (1) ODFW, Stacy Galleher - Placement of Marine Reserve Harvest  
7 Restriction Signs in Depoe Bay - Hageman elaborated; (2) Commemorating the death of London McCabe; (3)  
8 Purchase of Highway 101 Property; (4) Engineering Services – Water Rights; (5) News-Times – Save Our  
9 Helicopter Ad; (6) Credit Card Surcharge; (7) Harbor Commission Concern – Contact U.S. Army Corps of  
10 Engineers for Remedy at Harbor Seawall. There was discussion on several of the items. B. Lewis volunteered to  
11 attend the City Council Meetings on behalf of Blessinger (December Liaison).  
12

13 IX. PLANNER'S REPORT

14 L. Lewis reviewed the Planners Report – Land Use Activity October 2, 2014 thru November 4, 2014 (copy  
15 attached to the original of these Minutes).  
16

17 Discussion ensued regarding the Building Permit (Addition to the Existing Garage) and the Depoe Bay Zoning  
18 Ordinance (DBZO) violation (operating a Coffee Drive-Thru without a Conditional Use Permit) at 474 S. Hwy.  
19 101.  
20

21 Motion: Hageman moved that the Planning Commission is in disagreement that they (Property Owner - 474 S.  
22 Hwy. 101) have not filed for a Conditional Use Permit. If a written Letter/Complaint Form is necessary, he has  
23 permission to sign as the representative of the Planning Commission. There was further discussion. Steinke  
24 seconded.  
25

26 Vote: Motion passed.

27 Ayes: Taunton, Hageman, Hayes, B. Lewis, Steinke

28 Abstain: Leoni  
29

30 L. Lewis announced that he would not be available for the next Planning Commission Meeting. After brief  
31 discussion the Planning Commission agreed to cancel the December 10, 2014 Meeting provided that no Land Use  
32 Applications are received.  
33

34 X. PLANNING COMMISSION CONCERNS

35 The Planning Commission discussed the flyer "Something Big is Happening in Depoe Bay!" The total solar  
36 eclipse is anticipated to be a boost to our local economy (increase in tourism dollars). Steinke reported on the  
37 League of Oregon Cities Planning Commissioner Training in Eugene and highly recommended the  
38 Commissioners attend future sessions. Hageman encouraged the Planning Commissioners to attend Oregon  
39 Government Ethics Commission Training as well. Hayes mentioned the accumulation of junk/debris on the  
40 Cutler property on Highway 101. There was brief discussion. Hageman welcomed aboard B. Lewis.  
41

42 XI. ADJOURN

43 There being no further business, the Meeting was adjourned at 7:40 p.m.  
44  
45  
46

47 \_\_\_\_\_  
48 Roy Hageman, President  
49

50 \_\_\_\_\_  
51 Carla Duering, Recording Secretary