

1 Depoe Bay Planning Commission
2 Regular Meeting
3 Wednesday, January 14, 2015 – 6:00 P.M. Depoe Bay City Hall
4

5 PRESENT: B. Taunton, P. Leoni, R. Hageman, J. Hayes, B. Lewis
6 ABSENT: G. Steinke, 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. APPROVAL OF MINUTES: November 12, 2014 Regular Meeting.
13

14 Motion: Leoni moved to approve the Minutes of the November 12, 2014 Regular Meeting as written. Hayes
15 seconded.
16

17 Vote: Motion passed.

18 Ayes: Taunton, Leoni, Hageman, Hayes, B. Lewis
19

20 III. ELECTION OF PRESIDENT AND VICE-PRESIDENT
21

22 Leoni nominated Hageman as President. Taunton seconded. Hayes nominated Leoni as Vice-President.
23 Hageman seconded.
24

25 Vote: Nominations passed.

26 Ayes: Leoni, Hageman, Hayes, B. Lewis, Taunton
27

28 IV. ITEMS FROM THE AUDIENCE

29 There was none.
30

31 V. PUBLIC HEARING ITEMS

32 A. Case File: #2-VAR-PC-14
33 Applicant: Ronald and Mary Gilliam
34 Application: Variance
35 Zone, Map and Tax Lot: Residential R-4, 09-11-05-CA #8101
36 Location: East of 125 S.E. Vista Street
37

38 Hageman explained the Public Hearing procedure, noting that this procedure applies to all Public Hearing Items
39 (Agenda Item A. and B.) that will be heard this evening.
40

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

47 Hageman explained the Public Hearing procedure: He will call for Planning Commissioner ex-parte contact,
48 conflict of interest or bias to declare. There will be an opportunity to object to any Planning Commissioner
49 hearing the Case. Applicants will have the opportunity to present information relevant to their Application,
50 followed by Testimony in support of the Application, then Testimony in opposition, with the Applicant having the
51 opportunity for rebuttal. Unless there is a request to hold the Record Open, Testimony will be closed and the
52 Commission will enter into Deliberations on the Application.
53

54 Hageman asked if any Commissioner had ex-parte contact, conflict of interest, or bias to declare. Hageman
55 declared he knows Ronald and Mary Gilliam as personal friends and as volunteers serving together on

1 Community Fundraising Events. Hayes and Taunton are also personal friends. Leoni stated she has worked with
2 the Applicants on many Events. Hageman then asked if anyone had objection to any Planning Commissioner
3 hearing the Case. There was no objection.
4

5 Lewis summarized the Staff Report (copy attached to original of these Minutes). No Written Testimony was
6 received. Lewis specifically noted: (1) the Engineering Geologists identified a No Build Zone 10 ft. from the
7 Top-of-the-Bluff (2010 Coastal Shorelands Development Approval); (2) The Plans submitted by the Applicant are
8 not quite in conformance to the 2010 Approval (i.e. Deck Posts) and recommended adding an additional sentence
9 to Conditions of Approval Item 7. Building Permit *The Plans submitted with the Building Permit Application*
10 *shall be in conformance with the above described Approval.*
11

12 The Applicant was given an opportunity to testify and answer questions from Commissioners. Ron Gilliam, 125
13 N.W. Vista Street (mailing address P.O. Box 314, Depoe Bay, OR) testified that the City Planner did a good job
14 summarizing the Application. He reiterated that basically it is the same Front Yard Setback Variance as requested
15 and approved in 2010 and requested approval again.
16

17 Applicant and Planning Commission discussed: (1) Subject Lot Topography and Development Constraints (90
18 ft. depth with 50-60 ft. of buildable area); (2) Depoe Bay Zoning Ordinance (DBZO) regarding maximizing
19 Variance Setbacks to minimize impact on Aesthetic Resources; (3) S.E. Vista Street platted width (40 ft.) versus
20 actual Pavement width and distance to Property Line/Proposed Structure; (4) Proposed Off-Street Parking (Two-
21 Car Garage and one Parking Space); (5) less impact to the Area of Visual Concern than Existing Home on the
22 north side of the Subject Lot.
23

24 There was no Testimony in support of the Application. There was no Testimony in opposition to the Application.
25 There was no request to keep the Record Open. The Public Hearing was closed and Deliberations began.
26

27 Hageman called for discussion.
28

29 Motion: Hayes moved to approve the Variance Application (Case File #2-VAR-PC-14) and adopt the Conditions
30 of Approval (Items 1. Thru 10.) as recommended and amended by the City Planner.
31

32 Hageman interjected and asked L. Lewis to cite the amendment. Lewis restated the sentence Item 7. *The Plans*
33 *submitted with the Building Permit Application shall be in conformance with the above described Approval.*
34 Leoni seconded the Motion.
35

36 Vote: Motion passed.

37 Ayes: Leoni, Hageman, Hayes, B. Lewis, Taunton
38

39 There was discussion regarding the literal interpretation of Footprint versus Shadow.
40

41 B. Case File: #1-NCU-PC-14

42 Applicant: Diana Elroy

43 Application: Renovation of a Nonconforming Use

44 Zone, Map and Tax Lot: Residential R-2, 09-11-08-DB #1300

45 Location: 774 Indian Trail Avenue
46

47 Hageman reminded the Audience that the same Public Hearing Procedure applies and asked if any Commissioner
48 had ex-parte contact, conflict of interest, or bias to declare. Hayes declared he is an acquaintance of the Applicant
49 and both have participated in a number of Breast Cancer Walks. Taunton declared she has known the Applicant
50 for a while and drove to the Subject Site today. Hageman then asked if anyone had objection to any Planning
51 Commissioner hearing the Case. There was no objection.
52

53 Lewis summarized the Staff Report (copy attached to original of these Minutes). Written Testimony was received
54 after preparation of the Staff Report from Larry Tyler in support of the Application (copy attached to Original of
55 these Minutes). Hageman asked if the Commissioners had any questions to address to the City Planner. There

1 was brief discussion regarding: (1) Existing Structures status with Local Utilities i.e. Water, Sewer, Electrical,
2 Gas, etc. (any connection/capacity issues); (2) L. Lewis November 12, 2013 Letter to the Property Owner (copy
3 attached to Staff Report) stating an option to request a 3-Lot Partition (conformance potential).
4

5 The Applicant was given an opportunity to testify and answer questions from Commissioners. Diana Elroy, 125
6 N.W. Vista Street (mailing address 1369 N.E. Indian Trail, Lincoln City, OR) stated her request is pretty well
7 spelled out, believes proposed addition is smaller, and offered to answer any questions.
8

9 Applicant and Planning Commission discussed: (1) Spacious area; proposed stick-built is an improvement;
10 reasonable request; (2) Applicant reiterated her desire to maintain the grandfathered status (four Structures on
11 Subject Lot) and gave a brief synopsis of her family's history in relationship to the Property; (3) Proposed
12 Structure is 1½ Bath rather than previously two Full Baths (less impact, no Sewer/Drainage Issues in the past).
13

14 Hageman called for Testimony in support of the Application.
15

16 A.J. Mattila, 130 S.E. Douglas Street, testified he is very familiar with the Property and the family members who
17 have resided there over the years (similar to the Wisniewski, Hunter, and Taunton families). He reiterated that the
18 rules that are being presented to the Applicant today did not apply when Ed Kosak developed the Subject Property
19 for his family. He referred to a Receipt (dated 1976) for three sewer hook-ups on the Subject Property. He also
20 noted that Mr. Kosak served on the Depoe Bay City Council 1975-1976 as an outstanding founder of our City and
21 Harbor. He requested that the Planning Commission give the Applicant the necessary latitude to build the
22 proposed addition and maintain the family cohesiveness after the loss of her husband and mother and encouraged
23 the Planning Commission to do the right thing.
24

25 There was no further Testimony in support of the Application and no Testimony in opposition to the Application.
26 There was no request to keep the Record Open. The Public Hearing was closed and Deliberations began.
27

28 Hageman called for discussion.
29

30 The Planning Commission discussed: (1) Visual Improvement; (2) Continuation of the Non-Conformance Status;
31 (3) Subject Lot is in a Rural Area within the City Limits; (4) Increase to Subject Lot and surrounding Property
32 Values; (5) Family Estate was established before current DBZO Standards – Difficult to deny the request.
33

34 Hageman called for a Motion.
35

36 Motion: Hayes moved to approve the Renovation of a Nonconforming Use Application (Case File #1-NCU-PC-
37 14) and adopt the Conditions of Approval (Items 1. and 2.) as recommended by the City Planner. Taunton
38 seconded.
39

40 Vote: Motion passed.

41 Ayes: Hageman, Hayes, B. Lewis, Taunton, Leoni
42

43 VI. UNFINISHED BUSINESS 44

- 45 A. Status of Depoe Bay Zoning Ordinance (DBZO) Section 3.410 Planned Development Zone (PD)
46 • Master Plan with Phases Review Procedure
47

48 At the November 18, 2014 City Council Meeting Hageman received authorization for the Planning Commission
49 to initiate Text Amendments to add criteria for Planned Development Master Plan Approval. L. Lewis is
50 researching other City's Zoning Codes and hopes to provide examples/templates for discussion of Master Plan
51 Text Amendments in the near future. Discussion followed regarding distribution of the examples/templates and
52 the Planning Commissioners preparing draft language prior to a Meeting. There was further discussion regarding
53 the process/timeline and the motivation for the Master Plan with Phases Review/Text Amendments.
54

55 VII. NEW BUSINESS

1 There was none.

2
3 VIII. CITY COUNCIL LIAISON SCHEDULE AND REPORT

4 Hageman reported on the following items: (1) Marijuana Regulations and Zoning (Schools); (2) Building Permit
5 #2012-79420 – 125 S.E. Bay Street. There was lengthy discussion concerning both items. Lewis distributed with
6 the Meeting Packets the 2015 City Council Liaison Schedule (copy attached to the original of these Minutes).

7
8 IX. PLANNER'S REPORT

9 L. Lewis reviewed the Planners Report – Land Use Activity November 6, 2014 thru December 31, 2014 (copy
10 attached to the original of these Minutes).

11
12 There was brief discussion regarding: (1) Stonebridge Planned Unit Development and the surrounding Property
13 currently Zoned Timberland Conservation (T-C); (2) Status of the Depoe Bay Zoning Ordinance (DBZO)
14 violation (operating a Coffee Drive-Thru without a Conditional Use Permit) at 474 S. Hwy. 101.

15
16 X. PLANNING COMMISSION CONCERNS

17 Taunton again expressed her continued concerns regarding City of Depoe Bay Sign Regulations and Permit
18 Procedures. Lewis reported on the status of the proposed Waldport Municipal Code Sign Code Amendments. He
19 reminded the Planning Commission he hopes to use the Waldport Sign Code as an example/template once
20 completed.

21
22 Taunton also reiterated the Downtown Parking situation is horrible during Fishing/Tourism Season. Discussion
23 ensued regarding possible solutions to the impacted area (2-Hour Parking Signs; Parking Meters; Enforcement
24 and Fines) and potential Funding Opportunities for Downtown and Waterfront Improvements including an e-mail
25 (follow-up from a recent OCWCOG Board Meeting) from Peggy Moretti regarding State Legislation that would
26 authorize a 25% Rebate for the Rehabilitation of Historic Commercial Buildings. Staff was directed to distribute
27 the E-Mail to the Planning Commission and City Planner.

28
29 B. Lewis asked about the Anchor recently donated to the City. Discussion ensued regarding the history of the
30 Anchor, the placement, and appreciation to the Taunton Family for the Gift to the City.

31
32 XI. ADJOURN

33 There being no further business, the Meeting was adjourned at 7:28 p.m.

34
35
36
37 _____
38 Roy Hageman, President

39
40 _____
41 Carla Duering, Recording Secretary