

1 Depoe Bay Planning Commission  
2 Regular Meeting  
3 Wednesday, April 8, 2015 – 6:00 P.M.  
4 Depoe Bay City Hall  
5

6 PRESENT: B. Taunton, P. Leoni, R. Hageman, J. Hayes, B. Lewis  
7 ABSENT: G. Steinke, B. Blessinger  
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: March 11, 2015 Regular Meeting.  
14

15 Motion: Leoni moved to approve the Minutes of the March 11, 2015 Regular Meeting as written. Hayes  
16 seconded.  
17

18 Vote: Motion passed.

19 Ayes: Taunton, Leoni, Hageman, Hayes, B. Lewis  
20

21 III. ITEMS FROM THE AUDIENCE

22 There was none.  
23

24 IV. PUBLIC HEARING ITEMS

25 A. Case File: Case File: #1-CU-PC-15  
26 Applicant: Lawrence Ciuffo  
27 Application: Conditional Use – Craft Fair and Coffee Drive-Thru  
28 Zone, Map and Tax Lot: Light Industrial, L-I, 09-11-08-BD #8100 and #8201  
29 Location: 474 S.E. Hwy. 101  
30

31 Hageman explained the Public Hearing procedure: He will call for Planning Commissioner ex-parte contact,  
32 conflict of interest or bias to declare. There will be an opportunity to object to any Planning Commissioner  
33 hearing the Case. Applicants will have the opportunity to present information relevant to their Application,  
34 followed by Testimony in support of the Application, then Testimony in opposition, with the Applicant having the  
35 opportunity for rebuttal. Unless there is a request to hold the Record Open, Testimony will be closed and the  
36 Commission will enter into Deliberations on the Application.  
37

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

44 Hageman asked if any Commissioner had ex-parte contact, conflict of interest, or bias to declare. There was  
45 none. Hageman then asked if anyone had objection to any Planning Commissioner hearing the Case. There was  
46 no objection.  
47

48 L. Lewis summarized the Staff Report (copy attached to original of these Minutes). No Written Testimony was  
49 received. Hageman asked if the Commissioners had any questions to address to the City Planner. There was brief  
50 discussion regarding: (1) Site Plan illustrates Parking for the Craft Fair Vendors and Patrons (assume 20 Vendors  
51 only 5 spaces left for Patrons); (2) Consider increasing the ratio required from 1.25 Parking Spaces per Vending

1 Booth to 1.5; (3) Applicant could encourage Vendors to park further away; (4) Applicant's Narrative states there  
2 will be a Parking Attendant; (4) City of Depoe Bay Business License Requirements; (5) Oregon Department of  
3 Transportation comments provided in the Staff Report (copy attached to original of these Minutes).  
4

5 The Applicant was given an opportunity to testify and answer questions from Commissioners.  
6

7 Larry Ciuffo, 474 S.E. Hwy. 101 (mailing and street address) apologized that he did not bring a copy of his  
8 Vendor Handbook which identifies the Craft Fair Rules (i.e. activities, garbage disposal; booth standards; license  
9 and insurance requirements, etc.). He noted: (1) The existing insufficient number of Parking Spaces in the  
10 Downtown Corridor (store ratio to parking spaces); (2) During fishing season people park wherever they can  
11 legally park; (3) Proposed Off-Street Parking combined with allowed Parking along Hwy. 101 is more than  
12 adequate; (4) Growth situation (not anticipating opening with 20 booth spaces rented and hundreds of vehicles);  
13 (5) His desire to increase the activity/economy South of the Bridge; (6) Drive-Thru has not reached its capacity  
14 for number of vehicles stacked on-site.  
15

16 Applicant and Planning Commission discussed: (1) Applicant is proposing a Craft Fair as opposed to a Farmer's  
17 Market; (2) No food preparation/cooking allowed on-site; (3) City of Depoe Bay Business License Requirements;  
18 (4) Vendor Application, Rules, and Requirements; (5) Liability Insurance; (6) Parking Lot Spaces identified with  
19 stakes, rope, and ribbon and Parking Attendant will direct the flow of traffic; (7) Clean-up of the debris/junk on  
20 the Craft Fair Parking Location (adjacent lot to the north owned by Dick Cutler).  
21

22 Bill McCann, 425 S.E. Shell Avenue, Unit 1 stated his concern/issue with the debris/junk located near the semi-  
23 trailer on the proposed Craft Fair Parking Lot. He has submitted a Written Complaint to the City for  
24 investigation/enforcement.  
25

26 There was further discussion.  
27

28 There was no Testimony in support of the Application. There was no Testimony in opposition to the Application.  
29 There was no request to keep the Record Open. The Public Hearing was closed and Deliberations began.  
30

31 Hageman called for discussion.  
32

33 Applicant requested an opportunity for rebuttal. Hageman re-opened the Public Hearing.  
34

35 Larry Ciuffo stated he does not want Dick Cutler to be punished and required to remove the semi-trailer because  
36 of the proposed Craft Fair Parking Lot and described in detail the unfortunate situation Mr. Cutler is dealing with  
37 regarding removal of the debris/junk dumped on his Property.  
38

39 There was a brief discussion regarding the Applicant posting No Parking Signs at the entrance to the Parking Lot  
40 to prevent the early a.m. fishermen from utilizing the lot for truck and trailer parking.  
41

42 The Public Hearing was closed and Deliberations began. Hageman called for discussion.  
43

44 The Planning Commission discussed: (1) Coffee Shop Drive-Thru vehicle capacity (approximately 4-6 on-site);  
45 (2) Coffee Shop Drive-Thru has already been in operation; (3) Lincoln County Environmental Health Department  
46 and City of Depoe Bay Licensing Requirements; (4) O.D.O.T. is allowing temporary use in front of the Building  
47 (*future improvements to or along the highway may make their proposed operation not feasible*); (5) One-year  
48 approval for both the Coffee Shop Drive-Thru and Craft Fair (may be extended beyond one year following a  
49 review by the Planning Commission); (6) Allowing the Craft Fair to operate no more than two days per week  
50 with one exception, i.e. the Craft Fair is allowed to be open three days over a three day Holiday Weekend.  
51

1 The Planning Commission further discussed should they move to approve the Application the following  
2 amendments to the Conditions of Approval to include: Craft Fair shall not be allowed to have cooking facilities;  
3 Parking Attendant required; and Drive-thru will not be open during the Craft Fair hours.  
4

5 Motion: Hayes moved to approve the Conditional Use Application for a Craft Fair and Coffee Drive-Thru (Case  
6 File #1-CU-PC-15) and adopt the Conditions of Approval (Items 1. Thru 6.) as recommended by the City Planner  
7 and amended by the Planning Commission. B. Lewis seconded the Motion.  
8

9 L. Lewis reviewed the additions to the Conditions of Approval: Craft Fair Hours of Operation – No more than  
10 two days per week with one exception, i.e. the Craft Fair is allowed to be open three days over a three day  
11 Holiday Weekend; Parking Attendant will be present; No cooking facilities allowed; and Drive-thru will not be  
12 open during the Craft Fair hours.  
13

14 Vote: Motion passed.

15 Ayes: Leoni, Hageman, Hayes, B. Lewis, Taunton  
16

17 Hageman amended the Motion to include review by the Depoe Bay Fire District for adherence to standards and  
18 conditions i.e. fire extinguishers, emergency vehicle access, etc.; the Planning Commission will review the Coffee  
19 Drive-Thru and Craft Fair Conditional Uses in one-year; and direct Lewis to prepare the revised Findings,  
20 Conclusion and Final Order for his signature.  
21

22 Vote: Motion passed.

23 Ayes: Hageman, Hayes, B. Lewis, Taunton, Leoni  
24

25 The Applicant thanked the Planning Commission and invited them over for coffee.  
26

## 27 V. UNFINISHED BUSINESS

### 28 A. Proposed Amendment to Depoe Bay Zoning Ordinance (DBZO) Section 3.410 Planned Development 29 Zone (PD) 30

31  
32 Lewis summarized his Memo (copy attached to original of these Minutes) and the attached First Draft  
33 Amendments (copy attached to original of these Minutes). The Commission reviewed and discussed the First  
34 Draft Amendments prepared by Lewis.  
35

36 The Planning Commission identified the following items should be addressed/included: (1) If the Planned  
37 Development is proposed to be a Single Phase a Master Plan is not required; (2) The Applicant needs to  
38 acknowledge maintenance responsibility and determine who (utility/road district or homeowner's association) is  
39 responsible for Infrastructure (roads, utilities, etc.) and Open Space (common/public areas); (3) No work is  
40 allowed until Applicant is granted Preliminary Plan Approval; (4) Require Master Plan Approval prior to Phase 1  
41 Preliminary Plan Approval at the next meeting; (5) Language to negate the Partition loophole; (6) Require a  
42 Buffer/Transition Zone between Single-Family and Multi-Family Dwellings.  
43

44 After lengthy discussion Hageman directed L. Lewis to revise the First Draft Amendments based on their input  
45 and send the revised version via e-mail for review and discussion at the next Planning Commission Meeting. L.  
46 Lewis and Hageman reminded the Planning Commission to direct their comments to L. Lewis and he will  
47 distribute accordingly.  
48

## 49 VI. NEW BUSINESS

50 There was none.  
51  
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1 VII. CITY COUNCIL LIAISON SCHEDULE AND REPORT  
2 Hayes reported on the following items: (1) Joint City Council, Harbor Commission, and Harbor Advisory  
3 Meeting on Monday, April 13<sup>th</sup>; (2) Parks Commission recommendation for a Harbor History Sign; (3) Depoe  
4 Bay Rural Fire Protection District Measure 21-157 – Joshua Williams, Fire Chief; (4) City Legal Services  
5 Agreement; (5) Credit Card Fees – Harbor Fueling/Boat; (6) Bid Award – Garage Addition – Framing and Siding;  
6 (7) Interview/Appoint Applicants for City Commissions and Committees; (8) City Superintendent’s Report.  
7 Discussion ensued on several of the items. B. Lewis volunteered to attend the May 5<sup>th</sup> and 19<sup>th</sup> City Council  
8 Meetings on behalf of Blessinger. Hayes volunteered to attend the April 21<sup>st</sup> City Council Meeting on behalf of  
9 Steinke.

10 VIII. PLANNER'S REPORT  
11 L. Lewis reviewed the Planners Reports – Land Use Activity March 12, 2015 thru April 1, 2015 (copies attached  
12 to the original of these Minutes). Brief discussion followed.  
13

14 IX. PLANNING COMMISSION CONCERNS  
15 Hageman stated he would like to create a Flow Chart to assist in the Planned Development Text Amendment  
16 discussion.  
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18 X. ADJOURN  
19 There being no further business, the Meeting was adjourned at 8:07 p.m.  
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Roy Hageman, President

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Carla Duering, Recording Secretary