

1 Depoe Bay Planning Commission
2 Regular Meeting
3 Wednesday, June 10, 2015 – 6:00 P.M.
4 Depoe Bay City Hall
5

6 PRESENT: G. Steinke, B. Taunton, P. Leoni, R. Hageman
7 ABSENT: J. Hayes, B. Lewis
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: May 13, 2015 Regular Meeting.
14

15 Motion: Leoni moved to approve the Minutes of the May 13, 2015 Regular Meeting as written. Steinke
16 seconded.
17

18 Vote: Motion passed.

19 Ayes: Steinke, Taunton, Leoni, Hageman
20

21 III. ITEMS FROM THE AUDIENCE

22 There was none.
23

24 IV. PUBLIC HEARING ITEMS

25 A. Case File: #1-GEO-PC-15
26 Applicant: Shawn and Kathleen Carlton
27 Application: Geologic Hazards Permit
28 Zone, Map and Tax Lot: Residential R-1, 09-11-08-CA #06801
29 Location: 155 S.W. Cliff Street
30

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

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

44 Hageman asked if any Commissioner had ex-parte contact, conflict of interest, or bias to declare. Hageman
45 declared he walked over to look at the Subject Lot. Hageman then asked if anyone had objection to any Planning
46 Commissioner hearing the Case. There was no objection.
47

48 L. Lewis summarized the Staff Report (copy attached to original of these Minutes). There was no Written
49 Testimony. L. Lewis specifically referred to the letter from Oregon Geotechnical Services dated May 11, 2015
50 identifying the scope of services and general conclusions (copy attached to the Staff Report).

1 Hageman asked if the Commissioners had any questions to address to the City Planner. There was brief
2 discussion regarding: (1) The Engineering Geologist did not observe any impact/change due to erosion/recession
3 to the Lot Size (February 2007 Geotechnical Report to May 2015 Site Visit); and (2) What does Marine Terrace
4 Deposits (MTD) consist of and what is the depth per the Geotechnical Report.

5
6 The Applicant was given an opportunity to testify and answer questions from Commissioners.
7

8 Shawn and Kathleen Carlton, (mailing address 2831 Carlos Street, Napa, California 94558) stated she and her
9 husband are requesting approval of a Geologic Hazards Permit. They intend to build an aesthetically pleasing
10 home that meets the DBZO Standards in approximately 3-years and plan to be full-time, retired Depoe Bay
11 residents.
12

13 There was brief discussion regarding: (1) Geological Hazards and Geotechnical Evaluation *Existing Site*
14 *Conditions – General Geology and Soils*; (2) Condition of Approval Item 5. *Declaration of Covenants and*
15 *Conditions of Responsibility and Indemnity* and Item 3. *Geotechnical Construction Recommendations and*
16 *Inspections*; and (3) Tsunami Inundation Zone boundaries.
17

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

21 Motion: Leoni moved to approve Case File #1-GEO-PC-15 (Geologic Hazards Permit) and adopt the
22 Conditions of Approval (Items 1. Thru 5.) as recommended by the City Planner. Taunton seconded.
23

24 Vote: Motion passed.

25 Ayes: Taunton, Leoni, Hageman, Steinke
26

27 It was the consensus of the Commission to direct L. Lewis to prepare the Findings, Conclusion and Final Order
28 for Hageman's signature.
29

30 V. UNIFINISHED BUSINESS

31 32 A. Proposed Amendments to Depoe Bay Zoning Ordinance (DBZO) Section 3.410 Planned 33 Development Zone (PD) 34

35 Hageman gave a brief synopsis of his discussion with L. Lewis and the preparation of the June Draft Amendments
36 (copy attached to original of these Minutes). He specifically noted that they added one exception subsection with
37 Standards to the Planned Development General Requirements that allows the possible approval of Short-Term
38 Rentals (Tourist Accommodations). L. Lewis explained the Text Amendment Process. Hageman stated he hopes
39 the Planning Commission will be able to finalize the Draft Text Amendments at the next Planning Commission
40 Meeting.
41

42 The Commission reviewed and discussed the Draft June Amendments prepared by L. Lewis and Hageman.
43

44 The Planning Commission identified the following items should also be addressed/included: (1) Replace Biking
45 with Bicycling; (2) Insert an additional Standard that requires 5% of a Parking Lot be Landscaped; (3) Insert
46 Approval of a Master Plan does not mean approval to start work (construction/development); (4) Correct fort to
47 forth; (5) Insert an additional item under Purpose regarding the goal/reasons for allowing a limited amount of
48 Tourist Accommodations in a Planned Development under the jurisdiction of a single management entity; (5)
49 Parking enforcement within the Planned Development would be the responsibility of the management entity; (6)
50 Existing Planned Developments and Approved Planned Development Master Plans are required to apply for an
51 Amendment to their Approved Plans (Land Use Action – Planning Commission Meeting Public Hearing) in order
52 to allow Tourist Accommodations within their Planned Developments; (7) Amend Section 4.030 Off-Street

1 Parking and Off-Street Loading Requirements to include the Planned Development Tourist Accommodation
2 Standard; (8) Provisions for RV Parking should be addressed in the Covenants, Conditions, and Restrictions
3 (CC&Rs).
4

5 After lengthy discussion Hageman directed L. Lewis to revise the June Draft Amendments for final review and
6 discussion at the next Meeting.
7

8 The Planning Commission discussed the status of B. Lewis's health condition after his falling accident and the
9 recent losses of Planning Commission members. Hageman announced there is currently one application
10 submitted for Planning Commission Position #2 (closes June 25th). The City Council will be interviewing
11 Applicants at the July 7th Regular Council Meeting.
12

13 Hageman advised the Planning Commission to expect a lot of questions from residents in Little Whale Cove
14 regarding adding Tourist Accommodations as an Outright Use (¼ of the Total Land Area of the underlying R-1
15 through R-5 Zones) in a Planned Development versus their current Covenants, Conditions, and Restrictions
16 (CC&R's) which does not allow for Tourist Accommodations.
17

18 VI. NEW BUSINESS

19 There was none.
20

21 VII. CITY COUNCIL LIAISON SCHEDULE AND REPORT

22 Taunton and Hageman reported on the following item: Offer of Gift of Property to City – Kurt Grant, Depoe
23 Bay, Parking, L.L.C. Lengthy discussion followed.
24

25 Hageman called for a Recess.
26

27 Recess: 7:25 p.m. – 7:32 p.m.
28

29 Taunton volunteered to attend the July 7th and July 24th City Council Meetings on behalf of B. Lewis. Taunton
30 and Hageman also reported on the Public Relations Trip to Washington D.C. – Review and Prioritize Projects
31 List.
32

33 VIII. PLANNER'S REPORT

34 L. Lewis reviewed the Planner's Report – Land Use Activity May 7, 2015 thru June 3, 2015 (copy attached to the
35 original of these Minutes). Brief discussion followed.
36

37 IX. PLANNING COMMISSION CONCERNS

38 Leoni asked if a Building Permit was issued for the construction of the 2-Story Structure on Property owned by
39 Valerie Sovern (located on Elsie Street). L. Lewis replied a Building Permit was issued for a Garage several
40 months ago. Hageman thanked the Planning Commission for their participation in the proposed Text Amendment
41 discussions. He believes they have a good document to present to the Public and City Council.
42

43 X. ADJOURN

44 There being no further business, the Meeting was adjourned at 7:40 p.m.
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46
47

48 Roy Hageman, President
49
50
51

52 Carla Duering, Recording Secretary