

1 Depoe Bay Planning Commission  
2 Regular Meeting  
3 Wednesday, August 12, 2015 – 6:00 P.M.  
4 Depoe Bay City Hall  
5

6 PRESENT: G. Steinke, L. Giammanco, B. Taunton, R. Hageman, J. Hayes  
7 ABSENT: P. Leoni  
8 STAFF: City Planner L. Lewis, Recording Secretary C. Duering  
9

10  
11 I. CALL MEETING TO ORDER

12 Hageman called the Meeting to order and established a Quorum at 6:00 P.M.

13  
14 Hageman announced that the Planning Commission Vice-President was planning on attending tonight's meeting  
15 but was scheduled for surgery on her fractured right wrist earlier today.  
16

17 II. APPROVAL OF MINUTES: July 8, 2015 Regular Meeting.

18  
19 Motion: Hayes moved to approve the Minutes of July 8, 2015 Regular Meeting as written. Giammanco  
20 seconded.  
21

22 Vote: Motion passed.  
23 Ayes: Steinke, Taunton, Hageman, Hayes  
24 Abstain: Giammanco  
25

26 III. ITEMS FROM THE AUDIENCE

27 There was none.  
28

29 IV. PUBLIC HEARING ITEMS

30  
31 A. Case File: #1-PD-PC-15  
32 Applicant: Brian Plechaty, Plechaty Properties L.L.C.  
33 Application: Amendment to Planned Development  
34 Zone, Map and Tax Lot: Residential R-4 PD (Little Whale Cove Planned Development)  
35 09-11-08-CD #00100  
36 Location: West Side of Highway 101 between South Point Street and Singing Tree  
37

38 Hageman noted the following applies to all Public Hearing Items (Agenda Item A. and B.)  
39

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

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

1 Hageman asked if any Commissioner had ex-parte contact, conflict of interest, or bias to declare. Steinke  
2 declared he attended two Little Whale Cove Homeowner's Association Board Meetings that resulted in the  
3 approval of the Letter attached to the Staff Report. Hageman then asked if anyone had objection to any Planning  
4 Commissioner hearing the Case. There was no objection.

5  
6 Lewis summarized the Staff Report (copy attached to original of these Minutes). Lewis specifically noted: (1)  
7 City's current records reflect the Subject Site is Zoned Residential R-4 Planned Development and for this reason  
8 the Application is being considered an Amendment to the Existing Planned Development; (2) Public Agency  
9 Comments were received from the City of Depoe Bay Public Works Department, Depoe Bay Rural Fire  
10 Protection District, and Oregon Department of Transportation; (3) He distributed an aerial photo and four  
11 additional photographs prior to the Meeting in order to familiarize the Commissioners with the Subject Site (copy  
12 attached to original of these Minutes); (4) Written Testimony was received from the Little Whale Cove  
13 Homeowner's Association, Inc. and Katherine Pyle (copies attached to the Staff Report); (5) Written Testimony  
14 was received after preparation of the Staff Report from Rose Sagawa, Kristi Halvorson, Steve Keppler, and Henry  
15 George White (copies attached to original of these Minutes); (6) Correction to Item 4. Forest Corridor – *The*  
16 *enclosed parking units are proposed to be located along the ~~east~~ west edge of the designated forest corridor.*

17  
18 Hageman asked if the Commissioners had any questions to address to the City Planner. There was brief  
19 discussion regarding: (1) Location of Katherine Pyle's property in relationship to the Subject Lot; (2) Planning  
20 Commission has received all the information provided by the Applicant (Plot Plan and Statement); (3) Distance  
21 between Innisfree and Tract "D" is approximately 80 ft.; (4) Expectation for more detailed documentation  
22 demonstrating the changes in comparison to the original Little Whale Cove Planned Development Application.

23  
24 The Applicant was given an opportunity to testify and answer questions from Commissioners.

25  
26 Brian Plechaty, 58 N.E. East Devils Lake Road, Otis, testified they were trying to minimize the impact to the  
27 Little Whale Cove Community/Residents with the current Proposal. He noted apartments are an Outright Use  
28 and the proximity of Highway 101 was a deterrent for proposing homes; Common Area abuts the Subject Site.  
29 He briefly described the re-planted buffer and forested Common Area and his intention to paint the structures  
30 green (blend-in with the surroundings). He acknowledged he owns homes in Little Whale Cove and Little Whale  
31 Cove supports his proposed development of parking facilities for the storage of recreational vehicles (RVs) and  
32 boats. He explained that he had previously incurred significant costs for preliminary site/plans for potential  
33 development of apartments on the Subject Site and didn't want to incur additional costs until he got a read from  
34 the Planning Commission.

35  
36 There was lengthy discussion between the Applicant and the Planning Commission regarding: (1) Lack of  
37 documents i.e. structural and design features, elevations, etc. submitted by the Applicant and whether it was  
38 necessary; (2) Applicant agreed with the facts in the Staff Report prepared by the City Planner and apologized for  
39 not submitting elevations; (3) The proposed 40 enclosed units for RV and boat parking will not require a new  
40 O.D.O.T. Road Approach Application but any construction activity within State Highway Right-of-Way i.e. a  
41 driveway apron will require an O.D.O.T. Permit; (4) Planning Commission's traffic safety concerns regarding the  
42 20 ft. ingress/egress onto Hwy. 101 – Request O.D.O.T. to reconsider the necessity for a wider Access and  
43 possibly Turn-Lane(s); (5) Applicant's response – He anticipates minimal traffic flow; the electronic gate  
44 supplier/installer has stated a 20 ft. wide approach is standard for this type of Use; He has no objection to making  
45 the Access wider but will not proceed with the Project due to the increased costs if a Turn Lane is required by the  
46 Planning Commission (superseding O.D.O.T. comments); (6) Interpretation of the Depoe Bay Zoning Ordinance  
47 (DBZO) Standards – The Proposed Use could be considered as an Accessory to the Primary Use of the Little  
48 Whale Cove Development; Parking Areas are allowed as a Conditional Use in the underlying R-4 Residential  
49 Zone; and DBZO does not address/prevent someone from charging for parking; (7) Proposed signage.

1 Hageman asked the Planning Commission to hold further comments until deliberations so they could proceed  
2 with the Public Testimony portion of the Public Hearing. Hageman called for Testimony in support of the  
3 Application.

4  
5 Patricia Neal, resident of Little Whale Cove, P.O. Box 24, Depoe Bay, stated she was in favor of the Use for RV  
6 and boat storage because she thinks it will have the least impact on Little Whale Cove. She addressed the  
7 following: (1) Encouraged the Planning Commission to seriously look at the width of the Access; (2) Right and  
8 left Turn -Lanes may be an issue for Little Whale Cove and a requirement by O.D.O.T. in the future should the  
9 property across the street be developed (potential for 154-164 lots); (3) Little Whale Cove CC&Rs state Tract  
10 "D" would become a part of Little Whale Cove only if it was annexed and it never was; (4) Identified various  
11 areas within the Little Whale Cove Development and stated elevation issues prevent accessing Tract "D" from  
12 within Little Whale Cove; (5) Requested that Applicant install a fire hydrant and maintains the existing west side  
13 treed buffer; (6) Sanitary Sewer was installed without Easements from either Little Whale Cove Homeowner's  
14 Association (LWCHA) or Innisfree Patio Homes Condominium Homeowner's Association (IPHCA), however  
15 she believes both Boards are in favor of the Proposal and Easements would be granted.

16  
17 There was a short discussion regarding the Existing Little Whale Cove Pump Stations, Sanitary Sewer Lines, and  
18 the Proposed RV Dump Station.

19  
20 Bill Peck, resident of Little Whale Cove, Innisfree, stated he hasn't seen the Proposed Plan but recalls the  
21 Applicant's presentation to some of the Board. He believes the perimeter will be fenced for security (gated entry,  
22 6 ft. chain link). He expressed the following: (1) Concerned with having apartment buildings on the Subject Site,  
23 but doesn't like the threatening tone of if you don't approve this I'll put apartments in; (2) Believes apartments or  
24 some kind of residential development on the Subject Site would have far more traffic impact and the apartment  
25 residents would be accessing the ocean through the Little Whale Cove Development; (3) Assumes apartments are  
26 an Outright Use (Hageman and Lewis interjected that Tract "D" was original approved for twelve residential  
27 units – more units would require Planning Commission Approval); (4) As an owner of an RV he is familiar with  
28 RV storage and typically RV storage areas are often provided as an amenity to Community Associations as most  
29 communities do not allow RVs, boats, etc. to be parked in the driveways or near the homes because they are  
30 unsightly; (5) Proposal is a convenience for him as an RV owner as well as boat owners in the community; (6)  
31 Little Whale Cove Safety Committee could benefit from the self-contained RVs and generators in the event of a  
32 natural disaster/emergency situation.

33  
34 Skip White stated he didn't know if his comments fall in favor necessarily and noted that he had submitted  
35 Written Testimony prior to the Public Hearing. He reiterated a number of the concerns stated in his Written  
36 Testimony (copy attached to original of these Minutes). In addition, he recommended: Public restrooms be  
37 made available; a fire hydrant be required; facility lighting be less intrusive (Little Whale Cove does not have  
38 street lights) and to the extent possible the hours of operation be restricted. He asked the Planning Commission to  
39 clarify that RV owners would not be allowed to stay overnight/live in their RVs.

40  
41 Lewis assured him that the Depoe Bay Zoning Ordinance prohibits use of an RV for dwelling purposes.  
42 Hageman said that could be identified in the Planning Commission's Findings. The Applicant, from the Audience  
43 stated that would be specified in the Lease Agreement (due to liability issues). White thanked the Planning  
44 Commission for their attention.

45  
46 Hageman called for Testimony in opposition or Testimony requesting Conditions.

47  
48 Jerome Grant, 1048 S.W. Morning Walk, testified that his front door faces Tract "D" (separated only by the  
49 Innisfree Common Area/wooded buffer) and is most affected by the development with the exception of the  
50 property owned by the Applicant (absolutely adjacent to Tract "D"). He stated for the Record that he is on the  
51 Board of Innisfree and Little Whale Cove Homeowner's Associations and is not here on their behalf. He  
52 encouraged the Planning Commission to pay particular attention to the tone of the letter that was submitted by the

1 Board. He, like Bill Peck, resented the fact that the tone of the letter is, we saw the enclosed RV Storage as the  
2 least intrusive option. There was no option to leave Tract "D" as greenspace.  
3

4 Grant noted: (1) If RV Storage is approved it would be a business operating within an R-4 Residential Planned  
5 Development Zone; (2) Conditional Use Approval applies to the property not Mr. Plechaty, the Developer; (3) He  
6 has no reason to doubt that Mr. Plechaty is going to proceed with the Proposed Plan but Developers change their  
7 mind all the time; (4) Conditional Use Approval would make the property immediately more valuable and more  
8 marketable – It may not be Mr. Plechaty that develops the Subject Site.  
9

10 Grant asked the City Planner to clarify whether the DBZO requires Storage Units in a Residential Zone to have a  
11 residence. Lewis responded in the R-4 Zone a Parking Area is allowed as a Conditional Use, so in that event a  
12 residence would not be needed. Grant stated he owns R-4 Zoned property in Newport and doubts he could  
13 construct a Storage Unit/Pole Building without a residence in the Art Deco District. Lewis reiterated RV and  
14 boat parking can be considered as an Accessory to the Primary Residential Use of a Planned Development and  
15 Unenclosed/Enclosed Parking Areas are allowed as a Conditional Use in the underlying R-4 Residential Zone and  
16 does not require a residence and gave an example.  
17

18 Grant also noted: (1) He doesn't like the facility lighting; (2) Believes the City needs apartments and is not  
19 opposed to Tract "D" being developed as originally approved for twelve residential units; (3) The Sanitary Sewer  
20 matter would be up to the various Boards of Little Whale Cove and would only be decided/resolved after vigorous  
21 public debate; (4) He doesn't like fencing even though it would be more secure (enjoys the wildlife and fencing  
22 would change their paths).  
23

24 Giammanco thanked Grant for his comments and stated the following: (1) Upon review of the Residential R-4  
25 Zoning Code Outright Permitted Uses and Conditional Uses he is hard pressed to find something that leads him to  
26 believe that the Proposal at hand is not in accordance with the language that we have to work with; (2) Doesn't  
27 see that the Commission is constrained to avoid commercial use necessarily; (3) Understands as a resident of  
28 Little Whale Cove and this community, and in general notwithstanding, sitting on the Planning Commission there  
29 are a lot of issues at hand; (4) Some of the needs of necessity make sense logically and physically that have to do  
30 with lighting, buffer, and maintaining the ambiance of the community that backs up to the development of the  
31 Subject Lot; (5) Very cognizant of the flag issues that have been raised and from his perspective at least,  
32 something he wants to take into consideration.  
33

34 Hageman reminded the Commissioners this is the time that the Public gets to comment. You may ask specific  
35 questions but save general comments for the Deliberation portion of the Public Hearing.  
36

37 Grant expressed his appreciation of the composition of the Commission and concluded by saying the Planning  
38 Commission needs to take into consideration the expectations of the citizens of the town. He moved into a  
39 residential area with the intention not to move into an area where commercial development was going to take  
40 place around him and that area was Zoned R-4. He posed the question, is it fair to him, as a resident, with that  
41 expectation to have that changed now.  
42

43 Jennifer Puentes, 1272 S.W. Meadow Lane, expressed that this was difficult for her and proceeded to read into the  
44 record her written comments (submitted to the Recording Secretary and attached to original of these Minutes).  
45 She thanked the Planning Commission for their time.  
46

47 Hageman asked Lewis to address the Sanitary Sewer Connection issue. Lewis explained the Subject Property  
48 would not have operable Water or Sewer Services without approval by the City of Depoe Bay, final engineered  
49 plans, as well as approval by other applicable State Agencies.  
50

51 Plechaty asked to comment. Hageman replied yes, please do.  
52

1 Brian Plechaty, 58 N.E. East Devils Lake Road, Otis, stated the Sanitary Sewer was installed when Innisfree was  
2 developed. The Easements run with the land, so when Kristi Halvorson put the Sewer to the property it was done  
3 on that basis. The City has engineered plans in their office (Brady has seen them) and Dave Crimp, Project  
4 Engineer, has a copy too. He has no idea what Puentes is talking about in regards to illegal installation. It simply  
5 isn't true and furthermore is in the property now (from the manhole below all the way up). In the future a Water  
6 Line will be installed and will connect to the City's Main Line at Hwy. 101. At the request of a Planning  
7 Commissioner Plechaty approached the Commissioner and pointed where the Sanitary Sewer Line terminates on  
8 the Subject Site. Plechaty stated for the Record that Brady has been on-site and the question is, does it need a  
9 manhole, and that will be up to the Engineer.

10  
11 Hageman allowed an Audience Member, who is not opposed, to make a comment. She stated at the time the  
12 Sanitary Sewer was installed across Tract "B" he had to have permission from the Little Whale Cove Board and it  
13 was not asked for or given.

14  
15 Plechaty commented that his understanding is that all the Sewer lines through Little Whale Cove do not, to his  
16 knowledge, have specific Easements; it is part of the original approval of the Planned Development and asked  
17 Lewis to comment. Lewis said the City requires Easements prior to the City taking over responsibility for an  
18 operable Sewer System and he cannot speak in regards to private property owners. There was a discussion  
19 amongst the Audience regarding whether Easements would be granted. Plechaty announced he doesn't have to  
20 have Sewer, if they don't want to approve it, it won't be there.

21  
22 Lori Czerwinski, 1066 Morning Walk, testified that she is very concerned about the Sewer (if it backs up it will  
23 go down onto her property). She understands that development will occur – Apartments, storage, etc. Without  
24 an On-Site Property Manager there is no one to oversee/maintain the Dump Station. Even with security cameras  
25 it would be too late if a problem occurs. She stated she does not agree with Pat Neal and does not want the Sewer  
26 Line connected to Little Whale Cove or on her property. She is also concerned with RVs high centering at the  
27 entrance i.e. two incidents in the last six months at Car Audio 101 in Depoe Bay.

28  
29 Richard Salazar, Owner of two properties in Innisfree, noted that Mr. Plechaty presented three options. Salazar  
30 believes there is a fourth option, donate the property to Little Whale Cove (ideal for a dog park/community  
31 garden) or he could sell the property at a favorable price.

32  
33 He stated most of the Testimony this evening sheds some light and clarifies that this is a Plechaty Property, L.L.C.  
34 Proposal not Little Whale Cove (Tract "D" Parcel is Tax Lot 100). Tract "D" is language that was grandfathered  
35 in from Innisfree, Little Whale Cove historical perspective. The idea that Brian Plechaty is here on behalf of  
36 Little Whale Cove with full support is erroneous. He stated for the record that he was told that the Little Whale  
37 Cove Board would not be here to testify (because of the letter that was presented) and he does not think a Board  
38 Member should be in attendance. He announced the residents are not all in favor.

39  
40 He noted: (1) The beautiful, forested, residential Little Whale Cove Community (homes, condominiums, etc.) is  
41 not really conducive to commercial enterprise; (2) Tract "D" was originally approved for Residential Units and  
42 should not be amended to allow RV/Boat Storage; (3) Traffic and parking for a Residential Use is not an issue;  
43 (4) The Subject Property has been for sale for over two years to be developed as Residential, this is really a  
44 situation of what can Plechaty do next.

45  
46 He asked the Planning Commission to take into consideration if the Subject Site doesn't stay green it should be  
47 developed as Residential – People are going to serve this City better than an RV community. He added that there  
48 are 268 units in Little Whale Cove and only three RV's. He reiterated housing (12, 20, 30 apartments – whatever  
49 Brian could put together) would better serve our community. He thanked the Planning Commission for their time.

1 A Commissioner asked Salazar to clarify if the letter endorsing the Proposal received from the Little Whale Cove  
2 Homeowner's Association was representative of the Innisfree Board as well. Salazar was unable to speak on  
3 behalf of the Board, but believes the majority of the owners of the 48 units in Innisfree would not be in favor of  
4 the Proposal.

5  
6 Karen Steinke, 445 Spindrifft, said she is not really opposed, more middle ground. She testified there are two  
7 words that concern her, trespassing and storage. When there is water, dumping sites, and electricity on-site,  
8 different things happen to Storage Areas.

9  
10 Jerome Grant, 1048 S.W. Morning Walk, a member of the Innisfree Board, stated there has been no Meeting, no  
11 discussion/statement concerning the Proposal and would anticipate an opportunity for residents' input at an  
12 Innisfree Homeowner's Association Meeting. Grant also responded to the Applicant's comment with, if the  
13 Applicant submitted plans illustrating Sewer, he would expect that to be a Condition of Approval.

14  
15 Brian Plechaty, Applicant, provided additional comments on the Sanitary Sewer Line issue: An Engineer will  
16 determine the adequacy/sufficiency of the installed gravity fed line for the Proposed Use and offered another  
17 solution, installing a Dump Station with a 1,000 gallon holding tank.

18  
19 There was a brief heated discussion between the Applicant and Grant regarding his support for the RV/Boat  
20 Storage Use on Tract "D" and whether Little Whale Cove residents participated in a survey. Hageman  
21 interjected, the Planning Commission will determine if the Application meets the DBZO Standards/Criteria.

22  
23 Hageman asked if there was a request to keep the Record Open. At the request of an Audience Member  
24 Hageman defined keep the Record Open. Unidentified Audience Member(s) requested to keep the Record Open.

25  
26 The Planning Commission proceeded with Deliberations.

27  
28 Hageman started the discussion by saying he had intended to continue the Public Hearing and requested the  
29 Applicant submit additional plans illustrating: Landscaping; security i.e. lighting, fencing, buffer; storm  
30 drainage; elevations; and picture i.e. architectural design. He asked the Planning Commission to also take into  
31 consideration the hiking path (Oregon Coast Trail) along Highway 101. He understands the issue regarding the  
32 Sanitary Sewer and will rely on the City's Engineer to make a determination.

33  
34 Hageman declared that he personally would not be able to vote for approval and offered an explanation.

35  
36 Upon review of the DBZO: (1) A Storage Facility is an Outright Use in the Light Industrial Zone; (2) Boat  
37 Storage is a Conditional Use in the Marine Commercial Zone; (3) Parking is a Conditional Use in the R-4 Zone;  
38 (4) Parking is an Outright Use in the Commercial and Light Industrial Zones; (5) Nowhere in the Parking Section  
39 (4.030) does it mention RV/boat storage.

40  
41 He cited Section 3.040 Residential Zone R-4, Item 1. e. *Recreational vehicle (unoccupied) or boat storage, stored*  
42 *on a lot in combination with an approved building.*

43  
44 He feels that if the Planning Commission approves the Application they are determining that boat/RV storage is a  
45 Parking Area, so any Parking Lot could be used for long-term storage. Hageman reminded the Planning  
46 Commission of the recently approved Storage Facility which includes a phase for boat/RV storage. He suggested  
47 a Zone Change would allow for the type of Use being proposed. Discussion ensued regarding the lack of  
48 information and the inability to approve the Application as submitted at this time.

49  
50 Hageman announced the Public Hearing is continued to the next Planning Commission Meeting, September 9<sup>th</sup>.  
51 He thanked the Audience.

1 Recess: 7:35 – 7:45 p.m.  
2

3 B. Case File: #1-PAR-PC-15

4 Applicant: Diana Elroy

5 Application: Two-Lot Partition

6 Zone, Map and Tax Lot: Residential R-2, 09-11-08-DB #01300

7 Location: 774 S.W. Indian Trail Avenue  
8

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

12  
13 Lewis summarized the Staff Report (copy attached to original of these Minutes). No Written Testimony was  
14 received.

15  
16 The Applicant was given an opportunity to testify and answer questions from Commissioners.  
17

18 Diana Elroy, 1369 N.E. Indian Trail, Lincoln City, corrected the Staff Report (Subject Lot totals 1.41 acres not  
19 1.39 acres) and restated the reasons for her request, as written in her Narrative (copy attached to the Staff Report).  
20

21 The Applicant and Planning Commission discussed: (1) The request is for a Two-Lot Partition, not approval to  
22 build; (2) Renovation (2<sup>nd</sup> Story Addition) of the Non-Conforming Structure has been completed and is very nice  
23 (two Commissioners drove by); (3) Existing bank loan prohibits dividing the property into four tax lots (making  
24 the existing three structures conforming); (4) The proposed lot would be to the south, off Douglas Street; (5)  
25 Existing Driveways/Accesses would not be impacted; (5) According to the Lincoln County Assessors Map the  
26 south Property Line abuts a private tax lot owned by a timber company (not public right-of-way – Douglas  
27 Street); (6) Prior to Final Approval, Access Easements will need to be established/identified on a Surveyed Plat.  
28

29 There was no Testimony in favor and no Testimony in opposition. There was no request to Keep the Record  
30 Open. The Public Hearing was closed and Deliberations began. Hageman called for discussion.  
31

32 Hageman cited a portion of Depoe Bay Zoning Ordinance Article 7, Non-Conforming Uses, Section 7.040 *A Non-*  
33 *Conforming Use may be renovated if the Planning Commission determines that such use is not detrimental to the*  
34 *public health, safety and welfare...and renovations of non-conforming uses and structures may be allowed*  
35 *providing the work does not result in a greater adverse effect on the surrounding area considering factors such as*  
36 *parking, traffic, dust, noise, lighting or hazards.*  
37

38 Hageman cited a portion of the Staff Report (*first paragraph, page 6 of 7*). *Therefore, a key determination is*  
39 *whether or not three Single-family Dwellings on a 0.90 acre Lot results in a greater adverse effect on the*  
40 *surrounding area than three Single-Family Dwellings on a 1.39 acre lot.*  
41

42 He suggested: *Or is this a renovation of a Non-Conforming Use.* That is what the Planning Commission needs  
43 to determine. He would like to see a Plan as to how the Applicant would divide the Subject Property into four  
44 Tax Lots (in the future). The Applicant, from the Audience, stated her intention to eventually divide the property  
45 (Estate Planning – Identifying her parent’s four grandchildren as beneficiaries) when possible (15-year loan).  
46

47 There was further discussion regarding amending the Conditions of Approval to require the Applicant to submit a  
48 Plan to further divide the property in the future illustrating proposed Property Lines and Access to each Lot prior  
49 to the City approving the Final Partition Plat.  
50

51 Motion: Hayes moved to approve Case File #1-PAR-PC-15 (Two-Lot Partition) and adopt the  
52 Conditions of Approval (Items 1. Thru 4.) as recommended by the City Planner and amended by the

1 Planning Commission – *Prior to Final Approval the Applicant will ensure an Easement, off Douglas*  
2 *Street, to the Existing Mobile Home and the newly created Lot; and shall submit a Drawing*  
3 *illustrating the four Structures (three existing, and one proposed) on separate Tax Lots in order to*  
4 *bring them into compliance with the current DBZO (showing the intention to further divide the*  
5 *property in the future).* Steinke seconded.  
6

7 Vote: Motion passed.

8 Ayes: Hageman, Hayes, Steinke, Giammanco  
9

10 It was the consensus of the Commission to direct L. Lewis to prepare the amended Findings, Conclusion and  
11 Final Order for Hageman’s signature.  
12

### 13 V. UNIFINISHED BUSINESS

#### 14 A. Proposed Amendments to Depoe Bay Zoning Ordinance (DBZO) Section 3.410 Planned 15 Development Zone (PD) 16 17

18 The Planning Commission ensued in lengthy discussion and identified the following items should also be  
19 addressed/included:  
20

21 Section 4.030, Off-Street Parking and Off-Street Loading Requirements: (1) Item 6. Differentiating between  
22 Allowed Uses i.e. durable and dustless surfaces for residential (single-family dwelling) and paved/asphalt surfaces  
23 for residential (multi-family dwellings and condominiums), commercial, or light industrial development; (2) Item  
24 21. b. *The Planning Commission may recommend, and the City Council may approve, the transfer (insert) with no*  
25 *legal tender included...*; (3) Item 21. d. ...and for an existing building that the located business is changing to a  
26 business (insert in parenthesis) *Change of Use....*  
27

28 Section 3.410, Planned Development Zone (PD): (1) Item 2. d. *Overall residential density shall be as provided*  
29 *for in the ~~applicable use~~ underlying zone or zones;* (2) Inserting a Standard for an Application for an Amendment  
30 to a Planned Development – Require the Applicant to provide the original approved Planned Development  
31 documents (i.e. original constraints/conditions, etc.) that pertain to the Request for an Amendment.  
32

33 In conclusion the Planning Commission agreed to move forward with the Text Amendment process: (1) Lewis  
34 was directed to initiate the 45-Day Notice to Oregon Department of Land Conservation and Development  
35 (DLCD) as soon as possible; (2) Hageman will attend the next City Council Meeting (August 18<sup>th</sup>) and provide a  
36 status report on the proposed DBZO Text Amendments (Section 4.030 and Section 3.410).  
37

### 38 VI. NEW BUSINESS

39 There was none.  
40

### 41 VII. CITY COUNCIL LIAISON SCHEDULE AND REPORT

42 Hageman reported on the following items: (1) Public Comments – Larry Ciuffo, Applicant, Conditional Use –  
43 Craft Fair and Coffee Drive-Thru (Case File #1-CU-PC-15) approved at the April 18<sup>th</sup> Planning Commission  
44 Meeting; (2) Councilor Comments – Jerome Grant acknowledged Staff and the Planning Commission for their  
45 hard work in addressing Mr. Ciuffo’s concerns.  
46

### 47 VIII. PLANNER'S REPORT

48 Hageman reviewed the Planner’s Report – Land Use Activity July 3, 2015 thru August 5, 2015 (copy attached to  
49 the original of these Minutes). There was brief discussion regarding: (1) Potential for expansion of the  
50 Stonebridge Planned Development ; (2) Recent Depoe Bay Transportation System Plan Community Advisory  
51 Committee Meeting discussion regarding the Timber Conservation Zone (T-C) property within the City Limits  
52 and outside the Urban Growth Boundary; (3) Business License Applications.

1 IX. PLANNING COMMISSION CONCERNS  
2 Steinke would appreciate clarification on Residential versus Commercial Zoning and what is appropriate in each.  
3 Hageman welcomed new Commissioner, Giammanco. Giammanco is a proponent for having clear protocol,  
4 identifying the documents and what should be presented specified in the DBZO and explained the benefits to the  
5 Applicant and the Planning Commission. Taunton shared that the Urban Growth Boundary was initially proposed  
6 to include from Fogarty Creek to Miroco and the State reduced the area. There was brief discussion regarding  
7 each of the comments and also the Planning Commission Position #3 application deadline and interview date.

8  
9 X. ADJOURN  
10 There being no further business, the Meeting was adjourned at 8:50 p.m.

11  
12  
13  
14

15 

---

Roy Hageman, President

16  
17  
18  
19

20 

---

Carla Duering, Recording Secretary