

1 Depoe Bay Planning Commission
2 Regular Meeting
3 Wednesday, October 14, 2015 – 6:00 P.M.
4 Depoe Bay City Hall
5

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

10 I. CALL MEETING TO ORDER

11 Hageman called the Meeting to order and established a Quorum at 6:01 P.M.
12

13 II. APPROVAL OF MINUTES: September 9, 2015 Regular Meeting.
14

15 Motion: Speer moved to approve the Minutes of September 9, 2015 Regular Meeting as written. Giammanco
16 seconded.
17

18 Vote: Motion passed.

19 Ayes: Steinke, Giammanco, Taunton, Leoni, Hageman, Speer

20 Abstain: Hayes
21

22 III. ITEMS FROM THE AUDIENCE

23 There was none.
24

25 IV. UNFINISHED BUSINESS
26

27 A. Case File: #1-PD-PC-15 (Findings, Conclusions, and Final Order)

28 Applicant: Brian Plechaty, Plechaty Properties L.L.C.

29 Application: Amendment to Planned Development

30 Zone, Map and Tax Lot: Residential R-4 PD (Little Whale Cove Planned Development)
31 09-11-08-CD #00100

32 Location: West Side of Highway 101 between South Point Street and Singing Tree
33

34 The City Planner stated he hoped the Commissioners had a chance to review the Draft Findings, Conclusions, and
35 Final Order and any comments or questions that the Commissioners may have were certainly welcome. He
36 acknowledged that after the preparation of the Findings, Conclusions, and Final Order it was suggested to amend
37 page 7 of 7 – Add Item 8. *Additional Recommended Condition of Approval (Note: This Section would only apply*
38 *if the Application was approved.) Written Testimony provided prior to the September 9, 2015 Planning*
39 *Commission Meeting from the Little Whale Cove Homeowners Association (LWCHA) included twelve*
40 *Recommended Conditions if the request was approved. At the September 9, 2015 Planning Commission Meeting,*
41 *the Applicant stated that the twelve Recommended Conditions were acceptable to him upon approval of the*
42 *request. Hageman explained that the Conditions of Approval are only there in order to maintain the Conditions*
43 *that were already put forward and agreed to in case the Planning Commission’s determination to deny the request*
44 *is appealed and overturned by the City Council or LUBA.*
45

46 Hageman called for a Motion.
47

48 Motion: Leoni moved to accept the Findings, Conclusions, and Final Order (Case File #1-PD-15) as
49 recommended and amended by the City Planner. Hayes seconded.
50

51 Vote: Motion passed.

52 Ayes: Giammanco, Taunton, Leoni, Hageman, Hayes, Speer, Steinke

1 Hageman announced that he would sign the Findings, Conclusion and Final Order after the Meeting.

2
3 V. PUBLIC HEARING ITEMS

4
5 A. Proposed Amendments to Depoe Bay Zoning Ordinance Section 3.410 Planned Development
6 Zone (P-D)
7

8 Hageman and Lewis clarified for an Audience Member that the Proposed Text Amendments (copy attached to
9 original of these Minutes) would not be applicable to existing Planned Developments. In order to amend an
10 Existing Planned Development, especially if there are CC&Rs or deed restrictions, it would typically require at
11 least 75% of the Homeowners agreeing to a Planned Development Amendment prior to submitting an Application
12 to the City.

13
14 Lewis briefly summarized the Written Testimony received from Patricia Neal (submitted three letters), Katherine
15 Pyle (submitted two letters), Allan St. Clair, Gina Porto, Fran Recht (also addressed Section 4.030 Text
16 Amendments), and Michael Norris (copies attached to original of these Minutes). He specifically mentioned, for
17 the purpose of discussion, a number of items stated in the Written Testimony. He also at the request of
18 an Audience Member identified the existing Planned Developments in Depoe Bay – Little Whale Cove,
19 Stonebridge, and View of the Bay.

20
21 Hageman gave a lengthy synopsis of what prompted the Planning Commission to initiate Text Amendments to
22 add criteria/standards for Planned Development Master Plan Approval and the possible approval of Short-Term
23 Rentals (Tourist Accommodations in Residential Zones) to a subsection of the Planned Development. He
24 explained the process and how the Planning Commission’s comments/concerns (discussed over a year) were
25 addressed and implemented into the Final Draft document (copy attached to original of these Minutes). He
26 highlighted several of the standards that were added and expounded on each of them.

27
28 Hageman announced that comments and discussion regarding tourist accommodations would be addressed
29 separately.

30
31 John O’Brien, 270 Bensell Avenue, suggested on Page 4, Item 1. last sentence be revised to: *Invasive plant*
32 *materials shall be removed and not planted.*

33
34 The City Planner and Planning Commission discussed at length the concerns, questions, and suggested revisions
35 stated in the Written Testimony and expressed their appreciation of the editorial comments, spelling and
36 grammatical corrections.

37
38 There were additional comments (i.e. sustainability, energy efficient green development, defining landscaping,
39 cohesiveness, etc.) made from the Audience.

40
41 The Planning Commission agreed to make the following changes to the Section 3.410 Planned Development Zone
42 (P-D) Draft Text Amendments:

43
44 Item 2. General Requirements, 6. *Common Content of Master Plan and Preliminary Plan, c. ...including*
45 *detailed discussion of how the proposal conforms to the requirements of Subsection 3.410.7, proposed methods of*
46 *providing sewer, water, **storm drainage**, and other utility services, the method proposed for ownership, funding...*

47
48 Item 1. Purpose, i. *Allow logical, efficient development or redevelopment of adjacent properties **both within and***
49 *outside the Planned Development.*

50
51 Item 2. General Requirements, 1. *...Landscaped areas and open spaces shall be maintained. Invasive plant*
52 *materials as defined by the Lincoln County Extension Office shall be removed and not planted.*

1
2 Item 5. Preliminary Plan, g. *Time Limit of Preliminary Plan Approval: Approval of a Preliminary Plan in*
3 *accordance with this section is valid after the exhaustion of all appeals. (see Article 10. Administrative*
4 *Provisions Section 10.070)...*

5
6 Hageman called for Testimony regarding tourist accommodations.
7

8 John O'Brien, 270 Bensell Avenue, testified he is opposed to a tourist accommodation area within a Planned
9 Development Community being located next to/adjacent to single-family homes in Residential Zones outside the
10 Planned Development Community.

11
12 There were additional comments (i.e. CC&Rs, Time Shares, Fractional Ownership, etc.) made from several
13 members in the Audience.
14

15 The Planning Commission ensued in a lengthy discussion regarding: (1) Creating a mixed use (tourist
16 accommodations and residences) versus allowing the entire development to have the option of outright tourist
17 accommodation use (all or nothing instead of ¼ of the total land area); (2) Nuisance issues – Garbage, noise,
18 traffic, etc. impacting residences and the single management company's responsibilities; and (3) The proposed
19 option allows a developer flexibility.
20

21 The City Planner and Planning Commission continued to discuss at length the concerns, questions, and suggested
22 revisions stated in the Written Testimony and agreed to make the additional changes to Section 3.410 Planned
23 Development Zone (P-D) Text Amendments as listed below:
24

25 Item 2. General Requirements, c. 1) ...*The one exception to the aforementioned is the possible approval of short-*
26 *term rentals (tourist accommodations per Section 1.030 Definitions and including Time-Shares). ...The tourist*
27 *accommodations shall be **contiguous**, cohesive, compatible with the entire development (use, architectural,*
28 *traffic, etc.) and be buffered (space, sight, and sound buffered) from all adjacent uses other than commercial uses.*
29 ***The area devoted to tourist accommodations shall not be on the outer edge of the Planned Development.** ...The*
30 *management of these specific tourist accommodations shall be handled by a single management entity*
31 *(organization, HOA, or company) that is solely responsible for the management, enforcement, responding to*
32 *complaints, ensuring the City Transient Room Tax (TRT) and City Occupancy Tax (TOT) is collected, and for*
33 *transferring the City TRT and TOT to the City...*
34

35 Item 2. General Requirements, c. 1) c) *Off-Street Parking: For ~~vacation rental dwelling~~ **tourist accommodation***
36 *uses, off-street parking space requirements are: ...- if a dwelling unit is a residence plus a tourist*
37 *accommodation, two additional spaces are required on the same ~~lot~~ **property as the dwelling.***
38

39 Item 2. General Requirements, c. 1) f) *Occupancy: ~~Vacation rental~~ **Tourist accommodations dwellings** shall not*
40 *exceed...*
41

42 Item 2. General Requirements, c. 1) g) *Signage: The management entity shall only have one on-site sign **and one***
43 *sign inside each tourist accommodation, i.e. front door. The signs shall identify the site as a ~~vacation rental~~*
44 ***tourist accommodation** area, identify a local contact person and...*
45

46 Item 2. General Requirements, c. 1) h) *Business License: For ~~vacation rental dwelling~~ (tourist accommodation),*
47 *A City of Depoe Bay business license is required...*
48

49 Item 2. General Requirements, c 1) i) *Revocation: Any violation of the requirements or standards of this ~~Overlay~~*
50 ***Zone Section** or any other City Ordinance may result in revocation of the...*
51

1 In conclusion the Planning Commissioners decided to continue the Public Hearing to the November Meeting and
2 post the amended Text Amendments as discussed on the City's website.

3
4 Motion: Speer moved to continue the Public Hearing and post the updated/revised Text Amendments on the
5 City's website. Giammanco seconded.

6
7 Vote: Motion passed.

8 Ayes: Taunton, Leoni, Hageman, Hayes, Speer, Steinke, Giammanco
9

10 VIII. PLANNER'S REPORT

11 The Planning Commission agreed to discuss the complaint correspondence earlier in the Meeting regarding
12 Building Height at 625 S.W. Coast Avenue (copy attached to the Planner's Report) in order to accommodate
13 Steve Hand who was in the audience.

14
15 Discussion ensued between Hand, the Planning Commission, and the City Planner regarding: (1) the height of
16 the new foundation/basement wall and the stipulations (i.e. north roof line 14 feet, south roof line 18 feet 4 inches
17 – the north is 10 inches lower and the south is 11 inches higher than the existing house measured from the existing
18 grade) stated in the Findings, Conclusions, and Final Order (Case File #1-CS-PC-15 - Coastal Shorelands,
19 Geologic Hazards Permit and Variance Request); (2) Recourse the Planning Commission and Mr. Hand would
20 have if the new structure is not built in accordance to the Findings, Conclusions, and Final Order; (3) Lewis
21 explained that his review/approval of a Building Permit Application/Plans includes compliance with DBZO and
22 the Findings, Conclusions, and Final Order; and (4) Recollection that the Architect/Owner stated the floor joists
23 were going to be hung inside of the concrete foundation - flush with the top of the foundation versus on top.

24
25 After lengthy discussion the Planning Commission directed Lewis to further correspond with the Architect and
26 Property Owner reminding them of the following items: Building Height point of measurement is from existing
27 grade; the approved north and south roof line heights; and the proposed location of the floor joists versus what has
28 been constructed.

29 V. PUBLIC HEARING ITEMS

30 B. Proposed Amendment to Depoe Bay Zoning Ordinance Section 4.030 Off-Street Parking and 31 Off-Street Loading Requirements

32
33 Hageman gave a brief synopsis of the matter before the City Council (offer of Gift of Property – Kurt Granat,
34 Depoe Bay Parking, L.L.C.) that led to their consideration and his preparation of the Draft Amendments (copy
35 attached to original of these Minutes). He stated the proposed amendments create a process that allows for the
36 transfer of parking lot ownership to the City and the Property Owner/Business to have parking space credits.
37 Hageman stated why he focused on the City Downtown Core Area and the advantages to the City and the
38 Property/Business Owners.

39
40 There was lengthy discussion regarding: (1) Parking space credits versus actual physical parking spaces; (2)
41 Solving the downtown public parking issue with a parking structure; (3) How expansion of a structure/change of
42 use may require additional off-street parking; (4) Private parking lots with fees; (5) and employees/business
43 owners parking on Highway 101.

44
45 The Planning Commission agreed to make the following changes to the Section 4.030 Off-Street Parking and Off-
46 Street Loading Requirements Draft Text Amendments:

47
48 Item. 6. ...*Drainage shall conform to the City's Storm Water Master Plan. On-site storm water infiltration is*
49 *encouraged for storm water drainage...*
50
51
52

1 Item 21. d. e) *The property owner transferring the parking lot to the City shall be responsible for all costs*
2 *associated with the transfer.*

3
4 In conclusion the Planning Commissioners decided to continue the Public Hearing to the next Meeting and post
5 the amended Text Amendments as discussed on the City's website.

6
7 Motion: Leoni moved to continue the Public Hearing to the next Meeting and post the updated/revised Text
8 Amendments on the City's website. Speer seconded.

9
10 Vote: Motion passed.

11 Ayes: Leoni, Hageman, Hayes, Speer, Steinke, Giammanco, Taunton

12
13 VI. NEW BUSINESS

14 There was none.

15
16 VII. CITY COUNCIL LIAISON SCHEDULE AND REPORT

17 Hayes reported on the following items: (1) Washington D.C. Trip; (2) Loren Goddard's resignation from the
18 Harbor Commission; and (3) Sunset Street Parking Correspondence – Brook and Carolyn Douglas and Inn at
19 Arch Rock. There was brief discussion regarding the items.

20
21 VIII. PLANNER'S REPORT

22 Lewis reviewed the Planner's Report – Land Use Activity September 3, 2015 thru October 7, 2015 (copy attached
23 to the original of these Minutes).

24
25 IX. PLANNING COMMISSION CONCERNS

26 Hageman thanked the Planning Commission for their perseverance and comments throughout the
27 discussion/review of the proposed text amendments. He also mentioned he had anticipated more public written
28 and/or verbal testimony.

29
30 X. ADJOURN

31 There being no further business, the Meeting was adjourned at 9:35 p.m.

32
33
34
35
36 _____
37 Roy Hageman, President

38
39
40 _____
41 Carla Duering, Recording Secretary