

1 Depoe Bay Planning Commission  
2 Regular Meeting  
3 Wednesday, November 18, 2015 – 6:30 P.M.  
4 Depoe Bay City Hall  
5

6 PRESENT: L. Giammanco, B. Taunton, P. Leoni, R. Hageman, J. Speer  
7 ABSENT: G. Steinke, J. Hayes  
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 6:31 P.M.  
12

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

15 Motion: Leoni moved to approve the Minutes of October 14, 2015 Regular Meeting as written. Speer seconded.  
16

17 Vote: Motion passed.

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

20 III. ITEMS FROM THE AUDIENCE

21 There was none.  
22

23 IV. UNFINISHED BUSINESS

24 There was none.  
25

26 V. PUBLIC HEARING ITEMS  
27

28 A. Case File: #2-CS-PC-15

29 Applicant: George Richert

30 Application: Coastal Shorelands Development

31 Zone, Map and Tax Lot: Residential R-1, 09-11-08-CA #06800

32 Location: 165 S.W. Cliff St.  
33

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

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

47 Hageman announced that the Applicant was unable to attend and there was no representative present to speak on  
48 their behalf. A Commissioner noted the Applicant's e-mail stated he was available by phone if there were any  
49 questions (copy attached to original of these Minutes).  
50

51 Hageman asked if any Commissioner had ex-parte contact, conflict of interest, or bias to declare. Hageman  
52 declared that he went by the Subject Property. Hageman then asked if anyone had objection to any Planning  
53 Commissioner hearing the Case. There was no objection.

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

1  
2 The City Planner asked if there were any questions. There was brief discussion regarding DBZO Standards in  
3 regards to Protection of Historic and Archaeological Sites.  
4

5 There was no Testimony in support of the Application. There was no Testimony in opposition to the Application.  
6 There was no request to keep the Record Open. The Public Hearing was closed and Deliberations began.  
7

8 Several Planning Commissioners stated that they could find no reason to deny the Application.  
9

10 Motion: Leoni moved to approve the Coastal Shorelands Development Application (Case File #2-CS-PC-15) and  
11 adopt the Conditions of Approval (Items 1. thru 4.) as recommended by the City Planner. Speer seconded the  
12 Motion.  
13

14 Vote: Motion passed.

15 Ayes: Leoni, Hageman, Speer, Giammanco

16 Nayes: Taunton  
17

18 It was the consensus of the Commission to direct L. Lewis to prepare the Findings, Conclusion and Final Order  
19 for Hageman's signature.  
20

21 B. Proposed Amendments to Depoe Bay Zoning Ordinance Section 3.410 Planned Development  
22 Zone (P-D) – (Continued)  
23

24 Hageman declared that he received an e-mail from Jack O'Brien who provided Oral Testimony at the last Meeting  
25 stating that he agrees with the Proposed Text Amendments as revised and posted on the City's Website and  
26 recommended that the Planning Commission move forward with the next steps.  
27

28 Lewis noted that the updated/revised (as per their discussion at the last Meeting) Draft Amendments had been  
29 distributed (copies attached to original of these Minutes) and briefly summarized his Memorandum dated  
30 November 12, 2015 (copy attached to original of these Minutes). Written Testimony was received from Michael  
31 Johnson, Patricia Neal, and Rich Mumm (copies attached to the Memorandum). Written Testimony was received  
32 after preparation of the Memorandum from Fran Recht and Larry Tyler (copies attached to original of these  
33 Minutes).  
34

35 Lewis also mentioned Written Testimony was received regarding the Draft Parking Text Amendments from Kurt  
36 Granat (copy attached to the Memorandum). Written Testimony was received after preparation of the  
37 Memorandum from Fran Recht and Karl Granat (copies attached to original of these Minutes).  
38

39 There was discussion regarding: (1) Allowing Tourist Accommodations in Residential Zones; (2) The percentage  
40 of total land area in a Planned Development (up to 25%) that may be allocated for Tourist Accommodations; (3)  
41 The two acre minimum for a Planned Development; and (4) SDC's and Room Tax comprise a high percentage of  
42 the City's income.  
43

44 Hageman called for Testimony in favor. There was none.  
45

46 Hageman called for Testimony in opposition.  
47

48 Bruce Silver, 420 S.W. Cardinal Street, cited his Written Testimony (submitted to the Recording Secretary and  
49 attached to original of these Minutes).  
50

51 He reiterated his concerns regarding: (1) A specific 2.2 acre parcel and a 1 acre parcel just north in the middle of  
52 a R-1 Zone having the potential of a 3 acre Planned Development; (2) The minimum 2 acre Standard for a  
53 Planned Development; and (3) More importantly that a lot in the middle of an R-1 Zone surrounded by  
54 Residential Dwellings be considered for Tourist Accommodations.  
55

1 Hageman agreed with his Testimony and suggested the Planning Commission consider increasing the minimum  
2 acres required for a Planned Development and/or the minimum acres required in a Planned Development to allow  
3 Tourist Accommodations.  
4

5 Silver interjected that he would rather the City implement a Street and Storm Drain Taxing District instead of  
6 increasing the City's revenue by allowing Tourist Accommodations in Residential Zones.  
7

8 Discussion ensued regarding DBZO Planned Development existing Standard regarding *compatible with each*  
9 *other and harmonious with adjacent Uses* and increasing the minimum acreage for a Planned Development.  
10

11 Claudia Crum, 430 S.W. Pine Court, read into the Record her Written Testimony (submitted to the Recording  
12 Secretary and attached to original of these Minutes). She explained: (1) Bought her house 10+ years ago with the  
13 intention to retire and spend the rest of her life in Depoe Bay; (2) Specifically purchased a home in an R-1 Zone,  
14 which is written to protect/maintain her rural South Point neighborhood (Does not allow for 2-Family, Multi-  
15 Family, Commercial, or Tourist Accommodation Uses); and (3) Recommended the Planning Commission start  
16 with larger parcels i.e. property on the other side of Hwy. 101 just north of WorldMark.  
17

18 Patricia Neal, 1075 Walking Wood, noted that page 7. Item 2) had not been revised. The word "lots" is still there.  
19 She would like the Standards to specifically address a Condominium Use.  
20

21 She expressed the following: (1) Concern regarding a Master Plan and the City's ability to require the  
22 Applicant/Developer to adhere to the approved Master Plan – Using Little Whale Cove as an example she stated  
23 the multiple changes that occurred throughout the phased development; (2) Concern for pedestrian access/safety  
24 to downtown if you allow Tourist Accommodations and restrict paved concrete sidewalks in the forest corridor;  
25 (3) Anticipates that people will likely drive from their Tourist Accommodation to downtown which will  
26 negatively impact public parking; (4) In favor of raising the minimum 2-acre Standard for a Planned  
27 Development; (5) Believes allowing 25% of a Planned Development for Tourist Accommodations is too much.  
28

29 She submitted into the record Lane County's Health Implications Checklist (copy attached to original of these  
30 Minutes) for the Planning Commission's review and future consideration.  
31

32 Fran Recht, 66 N.E. Williams Street, (mailing address P.O. Box 221, Depoe Bay), asked for clarification on a  
33 previous statement regarding: Item 2. General Requirements c. *...where the underlying Zone is Residential, any*  
34 *Uses permitted in the R-1 through R-5 Zones may be permitted when compatible with each other and harmonious*  
35 *with adjacent Uses.*  
36

37 Discussion ensued regarding: (1) A Planned Development allows for clustering Residential Uses and Exceptions  
38 to Building Height and Setbacks, but not Uses; and (2) A Multi-Family Use is permitted in an R-1 Zoned Planned  
39 Development per the existing DBZO.  
40

41 She stated her opposition to allowing Tourist Accommodations in any Residential Zone and reiterated her reasons  
42 as stated in her Written Testimony (copy attached to original of these Minutes). She also believes: (1) The  
43 general public has no concept that allowing Tourist Accommodations (i.e. Bed & Breakfast, Hotel, Motel, etc.)  
44 would significantly impact their neighborhoods (not just limited to vacation homes or the large parcels located at  
45 the north end of town); (2) There is a lot of existing vacant property Zoned Commercial C-1 that has the potential  
46 of being developed as Tourist Accommodations (an existing Outright Allowed Use).  
47

48 In conclusion she requested a postponement of amending the Planned Development Zone to allow for Tourist  
49 Accommodations until the Planning Commission does further analysis/considerations i.e. (1) Loss of sense of  
50 community and the essence of Depoe Bay; (2) How to increase year-round tourism and extending tourist's stays  
51 versus allowing Tourist Accommodations in Residential Zones; (3) Identify if there is a need that needs to be met;  
52 (4) Determine the number of existing, undeveloped property Zoned C-1 Commercial available to accommodate  
53 Tourist Accommodations before compromising the residential neighborhoods; and (5) Housing and traffic  
54 impacts.  
55

1 She urged the Planning Commission to move forward/proceed with the other proposed Planned Development  
2 Text Amendments. She also stated her suggested changes to Section 3.410 (page 4 of 6) in her Written  
3 Testimony.

4  
5 Hageman closed the Public Hearing and deliberations began.

6  
7 The Planning Commission further discussed the following: (1) Identified the benefits/advantages to both the  
8 Property Owner/Developer and the City of a Planned Development (flexibility of the land use); (2) City Council's  
9 stance in regards to Tourist Accommodations/Transient Room Tax Revenue; (3) Proposed percentage allowed for  
10 Tourist Accommodations in a Residential Zone; (4) Minimum acreage Standard for a Planned Development and  
11 minimum acreage for a Planned Development with Tourist Accommodations; (5) Distinguishing/limiting the type  
12 of Tourist Accommodation to Single and Two-Family Dwellings (excludes Multi-Family, Hotel, etc.).

13  
14 After lengthy discussion the Planning Commission agreed to make the following changes to Section 3.410  
15 Planned Development Zone (P-D) Draft Text Amendments:

16  
17 Item 2. General Requirements, c. 1) *The one exception to Subsection c. above is the possible approval of Short-*  
18 *Term Rentals (Tourist Accommodations per DBZO Section 1.030 Definitions and including time shares) to a*  
19 *subsection of the Planned Development. The total area of the development that may be allocated to Tourist*  
20 *Accommodations in Residential zoned areas shall be equal to or less than  $\frac{1}{4}$  15% of the total land area of the*  
21 *underlying R-1 through R5 Zones. A **Planned Development with Tourist Accommodations in Residential Zones***  
22 *shall have a minimum of five (5) contiguous acres. **Tourist Accommodations in a Residential Zone shall be***  
23 *limited to Single-Family and Two-Family Dwellings.*

24  
25 Item 6. Common Content of Master Plan and Preliminary Plan, a. *A Site Plan Map or Maps depicting: - All*  
26 *Proposed Residential and Non-Residential Land Uses, - **Any proposed Tourist Accommodation Area in a***  
27 *Residential Zoned Area, describing the type, location and number of each type of Tourist Accommodation*  
28 *(House, Apartment, Hotel, Condo, Time-Share, etc.), also showing and describing the buffering from adjacent*  
29 *Uses, - Parking Areas and Lots, showing number of spaces,...*

30  
31 Item 2. General Requirements, c., 1) c) *Off-Street Parking: For Tourist Accommodation Dwelling Uses, Off-Street*  
32 *Parking Space Requirements are: The Planning Commission directed Lewis to rewrite this Item and Section*  
33 *4.030 Off-Street Parking and Off-Street Loading Requirements Item 19. (Reflect the Planning Commissions'*  
34 *decision to limit Tourist Accommodations in a Planned Development Residential Zone to Single-Family and*  
35 *Two-Family Dwellings).*

36  
37 Item 2. General Requirements, c., 1) g) *Signage: ...The sign shall identify the site as a Tourist Accommodation*  
38 *Area, identify a local contact person and state that the local contact person is available 24 hours each day, 7 days*  
39 *a week to handle rentals and complaints, and the **management entity's Business License Number**...*

40  
41 Item 6. Common Content of Master Plan and Preliminary Plan, c. *A written narrative describing the character of*  
42 *the proposed development, the manner in which it has been designed to conform to Subsections 3.410.1 and*  
43 *3.410.2, including detailed discussion of how the Proposal conforms to the requirements of Subsection 3.410.7,*  
44 ***how the Development meets the Parking Requirements of the DBZO Section 4.030...***

45  
46 Item 1. Purpose, c. *Provide ~~useable~~ Open Space;*

47  
48 In conclusion Lewis stated he would update/amend the Text Amendments (based on tonight's discussion) and  
49 provide via e-mail copies to the Planning Commission for their final review and approval. He advised the  
50 Commissioners to submit any comments/corrections to Staff and not get into a discussion amongst each other.

51 Motion: Leoni moved to direct Lewis to update/revise the Text Amendments (based on tonight's discussion) and  
52 provide copies to the Commissioner's for their review and final approval. Speer seconded.

53  
54 Vote: Motion passed.

55 Ayes: Leoni, Hageman, Speer, Giammanco, Taunton

1  
2 Recess: 8:30 – 8:40 p.m.  
3

4 C. Proposed Amendment to Depoe Bay Zoning Ordinance Section 4.030 Off-Street Parking and  
5 Off-Street Loading Requirements – (Continued)  
6

7 Hageman called for Testimony in favor and Testimony in opposition.  
8

9 Patricia Neal, 1075 Walking Wood, stated upon review of the Proposed Amendments she calculated a minimum  
10 of six Parking Spaces would be required for a three-bedroom Dwelling/Tourist Accommodation and advised  
11 Lewis to review the Standard.  
12

13 She also asked the Planning Commission to clarify: (1) If a gravel driveway meets the requirement for a durable  
14 and dustless surface (used as an example several homes in Little Whale Cove with gravel driveways –solves  
15 drainage issues) – Hageman answered yes; (2) Multi-Family Definition – Lewis cited DBZO *A Building*  
16 *consisting of two separate Dwelling Units with a common roof, a common wall or a common foundation...*  
17

18 Fran Recht, 66 N.E. Williams Street, (mailing address P.O. Box 221, Depoe Bay), reminded the Commissioners  
19 that she submitted Written Testimony prior to the last Meeting and additional Testimony for tonight’s Meeting  
20 (copy attached to original of these Minutes). She noted that the Planning Commission had not made any changes  
21 based on her previous Testimony. She summarized her Written Testimony.  
22

23 She also provided the following comments: (1) Brief synopsis of the intent of the Parking Requirements  
24 established by the Planning Commission on which she served; (2) Businesses that benefit from the parking should  
25 share the cost; (3) Stressed it is in the best interest of all businesses to have Public Parking that allows customers  
26 the ability to park and patronize numerous businesses in the downtown district (creates a walkable community);  
27 and (4) No employees of the businesses should be permitted to park on Highway 101 during business hours.  
28

29 Hageman recapped the number of Parking Lots that have Private Parking Signage and Private Parking Lots with a  
30 fee. He compared requiring private property owners to provide Public Parking to being effectively eminent  
31 domain. There was a lengthy exchange between Recht and the Planning Commission regarding the matter. Recht  
32 concluded with recommending the City seek the advice/opinion of the City Attorney.  
33

34 Claudia Crum, 430 S.W. Pine Court, provided testimony regarding her daughter’s experience in a multi-family  
35 condominium rural area in Damascus where Parking is a nightmare (90% of the people have two or more cars,  
36 use their garage as storage, only able to park one car in a single-wide driveway, and are parking additional cars up  
37 to three blocks away). She wanted the Planning Commission to be aware that a garage isn’t necessarily used for  
38 parking (typically used for storage) especially in multi-family complexes and the potential impact to Depoe Bay.  
39

40 Hageman stated there have been approximately five Parking Plans and no action by past City Councils.  
41 Discussion ensued regarding time-limit parking on Hwy. 101.  
42

43 Hageman gave a brief synopsis of the matter before the City Council (offer of Gift of Property – Kurt Granat,  
44 Depoe Bay Parking, L.L.C.) that led to their consideration and his preparation of the Draft Amendments. He  
45 stated the proposed amendments create a process that allows for the transfer of parking lot ownership to the City  
46 and the Property Owner/Business to have parking space credits. Hageman stated why he focused on the City  
47 Downtown Core Area and the advantages to the City and the Property/Business Owners.  
48

49 There was lengthy discussion regarding: (1) Solving the downtown public parking issue with a parking structure;  
50 (2) Parking issues are not specific to Depoe Bay; (3) City should seek financial and legal advice; (4) Creating a  
51 comprehensive Parking Plan with a realistic time-line; (5) Proposed Amendments won’t solve the parking issues,  
52 but will allow for a mechanism for City Council to accept the transfer of parking lot ownership and adhere to the  
53 DBZO Off-Street Parking Standards; (6) General purpose public parking works in many communities (i.e.  
54 Waldport) and directing Lewis to seek the advice of the City Attorney (for consideration in the future); (7)  
55 Granat’s concern regarding *parking space credits cannot be bought, sold, or transferred*.

1  
2 The Planning Commission agreed to make the following change to Section 4.030 Off-Street Parking and Off-  
3 Street Loading Requirements Draft Text Amendments:

4  
5 Item 21. c. ~~6) Parking space credits cannot be bought, sold, or transferred;~~

6  
7 Motion: Speer moved to direct Lewis to update/revise the Text Amendments (based on tonight's discussion) and  
8 provide copies to the Commissioner's for their review and final approval. Leoni seconded.

9  
10 Vote: Motion passed.

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

12  
13 VI. NEW BUSINESS

14  
15 A. City Council Directive: Sign Ordinance Revisions

16  
17 Lewis summarized the matter of a complaint filed with the City relating to sandwich board signs that led to City  
18 Council's Motion (copy of Pery's Memo dated November 12, 2015 attached to original of these Minutes).  
19 Discussion ensued. Hageman said he would attend the next City Council Meeting and ask for clearer direction on  
20 how to proceed.

21  
22 B. December Meeting

23  
24 The Planning Commission agreed to cancel the December Meeting and requested Staff to provide them with the  
25 City's Sign Ordinance(s) for their discussion at the January Meeting.

26  
27 VII. CITY COUNCIL LIAISON SCHEDULE AND REPORT

28 There was none.

29  
30 VIII. PLANNER'S REPORT

31 Lewis reviewed the Planner's Report – Land Use Activity October 7, 2015 thru November 4, 2015 (copy attached  
32 to the original of these Minutes).

33  
34 IX. PLANNING COMMISSION CONCERNS

35 Hageman congratulated Giammanco on his recent appointment in Little Whale Cove.

36  
37 X. ADJOURN

38 There being no further business, the Meeting was adjourned at 9:40 p.m.

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Roy Hageman, President

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Carla Duering, Recording Secretary