

1 Depoe Bay Planning Commission
2 Regular Meeting
3 Wednesday, September 14, 2016 – 6:00 P.M.
4 Depoe Bay City Hall
5

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

10 I. CALL MEETING TO ORDER

11 Hageman called the Meeting to order and established a Quorum at 6:05 P.M.
12

13 II. APPROVAL OF MINUTES: August 10, 2016 Regular Meeting.
14

15 Motion: Speer moved to approve the Minutes of August 10, 2016 Regular Meeting as written. Hayes seconded.
16

17 Vote: Motion passed.

18 Ayes: Speer, Leoni, Hageman, Hayes, Taunton

19 Abstain: Steinke
20

21 III. ITEMS FROM THE AUDIENCE

22 There was none.
23

24 IV. PUBLIC HEARING ITEMS
25

26 A. Case File: #1-CU-PC-16
27 Applicant: Anita Peterson
28 Application: Conditional Use – Home Occupation
29 Zone, Map and Tax Lot: Residential R-4, 09-11-05-CD #06800
30 Location: 23 N.E. Williams Avenue
31

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

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

45 Hageman asked if any Commissioner had ex-parte contact, conflict of interest, or bias to declare. There was
46 none.
47

48 Hageman then asked if anyone had objection to any Planning Commissioner hearing the Case. There was no
49 objection.
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1 Lewis summarized the Staff Report (copy attached to original of these Minutes). Written Testimony was received
2 from Fran Recht in favor of the Application and Rich Mumm in opposition of the Application (copies attached to
3 original of these Minutes).

4
5 Hageman asked if the Commissioners had any questions to address to the City Planner. There was brief
6 discussion regarding the zoning of adjacent and surrounding properties.

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8 The Applicant, Anita Peterson, 23 N.E. Williams, came forward to answer questions from the Planning
9 Commission.

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11 The Applicant answered/distributed the following: (1) She has been a Depoe Bay resident for 2 years and on the
12 Oregon Coast for 12 years; (2) A copy of her Certificate of Insurance and State of Oregon Board of Massage
13 Therapists License (copies attached to original of these Minutes); (3) Is a full-time Massage Therapist at the
14 Salishan Spa and the Home Occupation will be a part-time endeavor; (4) Anticipates her clients will be friends,
15 acquaintances from the gym; and referrals (no intention to advertise).

16
17 Hageman called for Testimony in favor of the Application. There was none. Hageman called for Testimony in
18 opposition of the Application. There was none.

19
20 There was no request to Keep the Record Open. The Public Hearing was closed and deliberations began.

21
22 The Planning Commission discussed the following: (1) Revision to the Conditions of Approval Item 1. *The*
23 *Applicant shall carry out the massage therapy business in ~~substantial~~ conformance with the proposal as*
24 *determined by the Planning Commission. Any ~~substantial~~ change in the operating characteristics of the use shall*
25 *require a new application for a conditional use permit;* (2) Written Testimony received from Rich Mumm in
26 relationship to the DBZO Residential Zone Regulations and Standards; (3) Compliance to DBZO would require a
27 music teacher working out of their home to apply for a Conditional Use Permit; (4) Examples of Home
28 Occupations granted within Depoe Bay i.e. hair salon; optometry, massage therapy, etc.

29
30 Motion: Leoni moved to approve Case File #1-CU-PC-16 (Conditional Use – Home Occupation) and adopt the
31 Conditions of Approval (Items 1. Thru 8.) as recommended by the City Planner and amended by the Planning
32 Commission (delete substantial). Hayes seconded.

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34 Hageman said it was moved and seconded, and called for discussion. There was none.

35
36 Vote: Motion passed.

37 Ayes: Speer, Leoni, Hageman, Hayes, Taunton, Steinke

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39 It was the consensus of the Commission to direct Lewis to prepare the Findings, Conclusion and Final Order for
40 Hageman's signature.

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42 V. UNFINISHED BUSINESS

43 There was none.

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45 VI. NEW BUSINESS

46 There was none.

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48 VII. CITY COUNCIL LIAISON SCHEDULE AND REPORT

49 Leoni attended the August 16, 2016 Meeting and reported on the Pacific Sea Lions Presentation – Lions Club
50 International 101 on 101: The Ride for Sight and Sound – Pat Dunlop.

1 Hageman attended the September 6, 2016 Meeting and reported on the following: (1) Jenny Demaris, Emergency
2 Manager, Lincoln County Sheriff's Office – Everbridge Mass Notification Presentation; (2) Caregiver for
3 recently-passed Mary B. Phillips piano donation; (3) Reconsideration of the decision to remove the glass
4 recycling bin; (4) Second Reading - Proposed Ordinance No. 308 – An Ordinance Providing Consent and
5 Approval of the Assignment and Transfer of Telecommunications Franchise from CoastCom, Inc. to Astound
6 Broadband, L.L.C., a Wholly Owned Direct Subsidiary of Wave Division Holdings, L.L.C.; and Declaring an
7 Emergency; (5) Request to Waive Requirement to Connect to City Sewer System – 900 S.E. Highway 101. There
8 was brief discussion regarding several of the items.

9
10 VIII. PLANNER'S REPORT

11 Lewis reviewed the Planner's Report – Land Use Activity July 29, 2016 thru September 7, 2016 (copy attached to
12 the original of these Minutes).

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14 Per Hageman's request Lewis gave a brief synopsis on the status of the: (1) Transportation System Plan Update;
15 (2) The Ordinance amending DBZO Section 3.410 Planned Development (PD); and (3) The proposed revisions to
16 the Depoe Bay Sign Ordinance.

17
18 Lengthy discussion ensued regarding: (1) The Planning Commission agreed that they would like at least two
19 weeks to review the Transportation System Plan Update prior to discussion/review at a Meeting and then move
20 forward with the Public Hearing process; (2) Hageman's request that the City Planner compose a Memorandum
21 summarizing the proposed Sign Ordinance Amendments and the Planning Commission's recommendation to
22 incorporate the Sign Ordinance into the Zoning Ordinance; (3) Whale Watch Planned Development is moving
23 forward with a Traffic Impact Analysis and possibly a revised Master Plan and Phase 1 Preliminary Plan; (4)
24 Lillian Lane improvements/extension; (5) City Council's motion to remove the single management entity
25 (organization, HOA, or company) from the Planned Development amendments; and (6) The recommended
26 amendments to Section 4.030 Off-Street Parking and Off-Street Loading Requirements relating to Planned
27 Developments.

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29 IX. PLANNING COMMISSION CONCERNS

30 Leoni announced that the eyesore next to Trollers Lodge is being repaired/renovated and the person doing the
31 construction/clean-up has made an offer to purchase the property. Steinke mentioned the upcoming training
32 sponsored by Oregon City Planning Directors Association and will follow-up with those registered regarding
33 transportation, etc. Taunton declared the time is approaching when she won't be legal on the Planning
34 Commission. Hayes questioned if the City will ever be performing audible testing of the Outdoor Warning and
35 Public Alert System. Hageman and City Staff responded. Hayes expressed his concern regarding the extensive
36 remodel/construction at 211 SW Highway 101. Lewis noted a Building Permit Application was submitted and he
37 will review the Application to determine if it included the amount of work that is being performed. Hageman
38 announced that he will not be able to attend the September 20, 2016 City Council Meeting. Hayes volunteered to
39 attend on his behalf if he doesn't have a conflict.

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41 X. ADJOURN

42 There being no further business, the Meeting was adjourned at 6:50 p.m.
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Roy Hageman, President

Carla Duering, Recording Secretary