

1 Depoe Bay Planning Commission  
2 Regular Meeting  
3 Wednesday, January 11, 2017 – 6:00 P.M.  
4 Depoe Bay City Hall  
5

6 PRESENT: G. Steinke, J. Speer, R. Hageman, J. Hayes, B. Taunton  
7 STAFF: City Planner L. Lewis, Recording Secretary C. Duering  
8 VACANCY: Two Vacant Seats  
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: December 14, 2016 Regular Meeting.  
14

15 Motion: Speer moved to approve the Minutes of December 14, 2016 Regular Meeting as written. Steinke  
16 seconded.  
17

18 Vote: Motion passed.

19 Ayes: Steinke, Speer, Hageman, Hayes, Taunton  
20

21 III. ITEMS FROM THE AUDIENCE

22 There was none.  
23

24 IV. PUBLIC HEARING ITEMS  
25

26 A. Case File: #1-VAR-PC-16  
27 Applicant: Ron Walters  
28 Agent: Dustin Capri, Capri Architecture  
29 Application: Variance to Off-Street Parking Requirements  
30 Zone, Map and Tax Lot: C-1 Retail Commercial Zone, 09-11-05-CD #00200  
31 Location: 167 N. Hwy. 101  
32

33 Hageman stated he would not explain the Public Hearing procedure because the Agent was very familiar with the  
34 process.  
35

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

42 Hageman asked if any Commissioner had ex-parte contact, conflict of interest, or bias to declare. There was  
43 none.  
44

45 Hageman then asked if anyone had objection to any Planning Commissioner hearing the Case. There was no  
46 objection.  
47

48 Lewis announced that the Applicant, Ron Walters, was unable to attend tonight's meeting due to the inclement  
49 weather (12 plus inches of snow in the Portland Metro area), the Agent/Architect, Dustin Capri, is here on his  
50 behalf.  
51

1 Lewis summarized the Staff Report (copy attached to original of these Minutes). Lewis clarified at the request of  
2 a Planning Commissioner that the previous use (retail and the residence) relied on the parallel Hwy. 101 Parking.  
3 There was no Written Testimony.

4  
5 Hageman asked if the Commissioners had any questions to address to the City Planner. Brief discussion ensued  
6 regarding the Building Permit Application (renovation of an existing structure on the subject property) submitted  
7 for review by the Planning Commission at the November Meeting.

8  
9 The Agent, Dustin Capri, 747 S.W. 13<sup>th</sup>, Newport, came forward to answer questions from the Planning  
10 Commission. There was none.

11  
12 There was no Testimony in favor or opposition of the Application.

13  
14 There was no request to Keep the Record Open. The Public Hearing was closed and deliberations began.

15  
16 The Planning Commission and City Planner discussed the following: (1) Setting a precedent; (2) A prior Parking  
17 Variance granted (10-12 years ago) for a Change of Use (seafood market to a restaurant); (3) Ensuring that all  
18 alternative parking opportunities have been exhausted; (4) Parking is not an issue this time of year, unlike peak  
19 tourism season; (5) Retail businesses have failed in that location resulting in an empty storefront over the years;  
20 (6) Clearly identifying in the Findings – *The proposed tourist accommodation uses significantly reduces the*  
21 *number of required parking spaces (nine to two) as opposed to the existing retail and single-family dwelling non-*  
22 *conforming uses. The Applicant is not proposing to increase the size of the structure; (7) The City Planner’s*  
23 *recommended Condition of Approval Item 3. Any future change of use will require adherence to DBZO Section*  
24 *4.030 Parking Requirements.*

25  
26 Motion: Speer moved to approve Case File #1-VAR-PC-16 (Variance to Off-Street Parking Requirements) and  
27 adopt the Conditions of Approval (Items 1. Thru 3.) as recommended by the City Planner and the clarifications in  
28 the Findings as discussed by the Planning Commission. Taunton seconded.

29  
30 Hageman said it was moved and seconded, and called for discussion. There was none.

31  
32 Vote: Motion passed.

33 Ayes: Speer, Hageman, Hayes, Taunton, Steinke

34  
35 It was the consensus of the Commission to direct Lewis to prepare the Findings, Conclusion and Final Order for  
36 Hageman’s signature.

37  
38 V. NEW BUSINESS

39 There was none.

40  
41 VI. UNFINISHED BUSINESS

42  
43 A. Sign Ordinance – Proposed Amendments

44  
45 Lewis summarized his Memorandum dated January 5, 2017 (copy attached to original of these Minutes).

46  
47 Hageman referred to his January 9, 2017 e-mail (copy attached to original of these Minutes) providing additional  
48 suggestions/comments for review and discussion.

49  
50 The City Planner and Planning Commission ensued in a lengthy discussion and agreed to make additional  
51 changes to the Draft Sign Ordinance (copy attached to original of these Minutes) as listed below in italics:

1 **Section X.020 Nonconforming Signs.**

2  
3 Item 2. a. (2<sup>nd</sup> Paragraph)

4  
5 Exception: When a nonconforming sign is damaged by ~~causes~~ *a single natural event* beyond the control of  
6 the owner, *i.e. a wind storm*, the sign may be rebuilt to the same size and height, using the same types of  
7 original material. *This exception does not include a sign that is damaged by lack of maintenance, e.g. dry rot,*  
8 *rust, or similar types of damage.*  
9

10 **Section X.040 Definitions.**

11 <sup>(Insert)</sup> *Digital signs: For purposes of this Ordinance, digital signs that display text that is updated, and signs that*  
12 *have discrete lights or elements to display text, a symbol or an object.*  
13

14 **Section X.070 C-1, L-I, and M-P Zone requirements.**

15  
16 Item 1. General sign requirements:

17  
18 <sup>(Insert)</sup> *Signs may be illuminated internally or externally (includes neon).*  
19

20 <sup>(Moved from free-standing signs)</sup> *Moveable planters are encouraged in front of businesses. Planters shall not slow*  
21 *pedestrian or bicycle flow traffic or impede visibility and they shall not interfere with vehicle traffic flow or*  
22 *visibility. They shall not include business, company or commodity advertising other than allowed in this section.*  
23

24 Item 2. Sign types.

25  
26 d. Permanent free-standing *and monument* signs.

- 27  
28 1) No more than one free-standing *or monument* sign is permitted per street frontage per property.  
29 6) *Free-standing* and monument signs shall have a maximum 8 foot height, maximum 10 foot width, and  
30 maximum 50 square feet.  
31 7) Electrical service to free-standing *and monument* signs shall be underground.  
32 8) Prior to free-standing or *monument* sign placement, construction, or alteration, a building permit shall be  
33 obtained if free-standing or *monument* signs are required by the Lincoln County Building Official.  
34

35 g. Digital signs.

- 36  
37 7) If the digital sign is a free standing or *monument* sign, no other free standing *or monument* sign is  
38 permitted per street frontage per property.  
39

40 <sup>(Insert)</sup> *Digital signs that have dynamically moving content, video, streaming, or scrolling text are not*  
41 *allowed.*  
42

43 In conclusion the Planning Commission also agreed to: (1) *Prohibit roof signage;* (2) *Regulate wall and*  
44 *window signs to a maximum 20% of a building façade and projecting signs to a 3 ft. x 3 ft. maximum;*  
45 *and (4) Specify that multiple facades may not be aggregated for purposes of determining sign size.*  
46

47 It was also noted that several sections needed to be reformatted (correct paragraph indentation and  
48 numbering).  
49

1 B. Depoe Bay Transportation System Plan Update

2  
3 Lewis summarized his Memorandum dated January 11, 2017 (copy attached to original of these Minutes).

4  
5 Discussion ensued regarding: (1) Enclosing the Transportation System Plan Update Notice of Public Hearing in  
6 the DBZO Signage Text Amendment Notice of Public Hearing Measure 56 mailing; (2) Schedule – The  
7 Transportation System Plan Public Hearing as a March Meeting Agenda Item and the DBZO Ordinance Text  
8 Amendment (Sign Ordinance) Public Hearing as a May Meeting Agenda Item; (3) Once the draft document and  
9 35-day Public Hearing Notice is forwarded to the Oregon Department of Land Conservation and Development  
10 (DLCD) the Planning Commission can agree to make changes at a Meeting prior to the Public Hearing, however  
11 they need to formalize the changes at the beginning of the Public Hearing; and (4) Lack of input from the Depoe  
12 Bay business community.

13  
14 VII. CITY COUNCIL LIAISON SCHEDULE AND REPORT

15 Hageman reported on (1) City Recorder Recruitment – Next Steps; (2) Interview/Appoint Applicants for City  
16 Commissions and Committees; and (3) Councilor Assignments. There was brief discussion.

17  
18 Lewis revised his Memo proposing the 2017 City Council Liaison Schedule presented at the January Meeting  
19 (copy of revised Memo attached to original of these Minutes). Hageman announced that Hayes (February  
20 Liaison) will not be able to attend the 21<sup>st</sup> City Council Meeting.

21  
22 VIII. PLANNER'S REPORT

23 Lewis noted that election of President and Vice-President will be Agenda Items at the next Meeting. There was  
24 no Land Use Activity Report.

25  
26 IX. PLANNING COMMISSION CONCERNS

27 The Planning Commission discussed the importance of recruiting Applicants to fill the two vacancies.

28  
29 X. ADJOURN

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

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35 \_\_\_\_\_  
36 Roy Hageman, President

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38 \_\_\_\_\_  
39 Carla Duering, Recording Secretary