

Depoe Bay Planning Commission  
Regular Meeting  
Wednesday, November 8, 2023 – 6:00 PM  
Depoe Bay City Hall

PRESENT: R. Moreland, E. Sherman, J. Faucett, G. Steinke

ABSENT: J. Imbrie

STAFF: City Recorder K. Wollenburg, City Planner K. Fox, Deputy City Recorder C. Duering

I. CALL MEETING TO ORDER

Faucett called the meeting to order and established a quorum at 6:00 PM.

II. ANNOUNCEMENTS

The City Planner announced 1) There are two (2) vacancies on the Planning Commission. We would love to have additional members of the community participate in the planning process with us.

The City Recorder announced 1) The City is seeking volunteers to help decorate Depoe Bay for the holidays (flyer attached to original of these minutes); We hope to continue traditions and create new ones; 2) In December the City will host an event to recognize and thank the volunteers at the Community Hall. Date to be determined.

III. APPROVAL OF MINUTES: August 9, 2023, Regular Meeting

Sherman recommended a correction to the minutes (page 9 of 10, line 48). *Not a fan of Spectrum as a **representative** of ~~an~~ organized **laborer**.*

**Motion:** Steinke moved to approve the minutes of the August 9, 2023, regular meeting as amended. Sherman seconded.

**Vote:** Motion passed.

**Ayes:** Sherman, Faucett, Steinke

**Abstain:** Moreland

IV. PUBLIC HEARINGS

There were none.

V. UNFINISHED BUSINESS

A. Quality of Life "Code Amendment: Exterior Lighting (continued from July 20, 2023)

The Commission thanked Sherman for his recommended changes to the draft regulations. Sherman noted that Yachats overall did a great job. He is proposing minimal revisions to their comprehensive standards. He offered to answer questions.

1 The City Planner summarized his memorandum (copy attached to original of these minutes). He  
2 noted that he would like to speak with the City Attorney regarding amortization of non-  
3 conforming lighting.

4  
5 Discussion followed regarding the time to be compliant: 1) Compliance will most likely be  
6 determined by complaints; 2) Enforcement will be an issue; 3) One year from the date of the  
7 Ordinance or one year from the date the property owner is made aware of the violation  
8 whichever is later is common code language; 4) Contractor availability/non-availability; 5) It is  
9 important to allow a reasonable amount of time to become compliant.

10  
11 Sherman recommended the addition of the following language to Subsection 152.078(E)  
12 Standards based on use: *If lumens exceed the thresholds, then approval shall be contingent*  
13 *upon review of the Planning Commission.*

14  
15 Discussion followed regarding marine lighting: 1) Applicable State and/or Federal regulations if  
16 any; 2) Subsection 152.078(G) Time to become compliant. *Marine lighting that has reached the*  
17 *end of its useful lifespan or has otherwise malfunctioned shall be safely decommissioned and*  
18 *removed. Repairing existing marine lighting to working order shall be prohibited;* 3) Subsection  
19 152.078(B) Definitions. *"Marine lighting" means light fixtures directed at the ocean and coastal*  
20 *tide pools, and illuminating the marine area;* 4) Adding language to the marine lighting  
21 definition that excludes the harbor area as depicted in the Depoe Bay Comprehensive Plan; 5)  
22 Subsection 152.078(G) Time to become compliant. *b. Marine lighting existing prior to the*  
23 *enactment of the ordinance codified in this chapter must be i. During April through September,*  
24 *turned off between 11:00 p.m. and sunrise each night, and ii. During October through March,*  
25 *turned off between 9:00 p.m. and sunrise each night;* 6) Navigational and safety lighting is  
26 essential.

27  
28 The City Recorder recommended that the Commission discuss seasonal lighting as referenced  
29 in Subsection 152.078(C) General lighting requirements. 3. Exemptions. The following are not  
30 regulated by this chapter: 3. f. *Temporary, seasonal lighting between October 31st and January*  
31 *31st, provided that individual lights are less than ten (10) lumens.*

32  
33 Discussion followed regarding seasonal lighting: 1) Subsection 152.078(B) Definitions. *"Seasonal*  
34 *lighting" means exterior lighting that is specifically directed at a holiday season such as*  
35 *Christmas, Halloween, and others. This will consist of small, low-wattage bulbs of less than ten*  
36 *(10) lumens each;* 2) Decorative string deck/patio "festoon" lighting; 3) Enforcement; 4)  
37 Amending the requirement by deleting the time limit restriction and adding decorative and/or  
38 accent lighting; 5) The Christmas light show (lights synced to music) on the hillside behind Troller's  
39 Lodge; 6) There is no limit to the number of bulbs. The wattage of the individual bulbs is  
40 restricted; 7) Sample code language: *"Holiday lighting" means festoon-type lights, limited to*  
41 *small individual bulbs on a string, where the output per bulb is no greater than fifteen lumens;* 8)  
42 Subsection 152.078(E) Standards based on use. 3. Commercial Uses. *b. Except for security*  
43 *lighting for pathways, building doors, and legally required safety lighting around ATM locations,*  
44 *outdoor lighting fixtures for commercial properties must be turned off when the business is not*  
45 *open. When businesses are closed, residential lighting requirements apply.*  
46

1 In conclusion, the City Planner offered to contact the City of Yachats regarding the adoption  
2 and implementation of their lighting ordinance. He will prepare a revised draft for  
3 review/discussion at a future Planning Commission meeting.  
4

5 B. "Quality of Life" Code Amendment: Noise (continued from September 9, 2023)  
6

7 The City Planner summarized his memorandum and draft regulations based upon the City of  
8 Newport Ordinance (copies attached to the original of these minutes). He noted that he had  
9 a conversation with the City Recorder earlier today and she has concerns with how this is being  
10 formatted.  
11

12 The City Recorder apologized for not reviewing the code amendment sooner. She stated the  
13 proposed standards and regulations are more municipal code-related than land use. She was  
14 anticipating the standards and regulations to be written to address conditional use, subdivision,  
15 planned development, and public utility facility uses. She specifically referred to the following  
16 sections: 1) Prohibition on Excessive Noises. *No person shall make, assist in making, permit,*  
17 *continue, or permit the continuance of, any noise within the City of Depoe Bay in violation of*  
18 *this chapter or Chapter 93. In the event of conflicts between the provisions of this chapter and*  
19 *Chapter 93, the more restrictive standard shall apply. No person shall cause or permit any noise*  
20 *to emanate from property under that person's control in violation of this section; 2) (C)*  
21 *Definitions. As used in this chapter: (2) Noise-Sensitive Unit shall include any building or portion of*  
22 *a building containing a residence, place of overnight accommodation, church, daycare*  
23 *center, hospital, school, or nursing care center.*  
24

25 In conclusion, she recommended simply adding language referring to Chapter 93 of the  
26 municipal code and/or adding land use code development and performance standards. For  
27 example, the City of Millersburg's development code includes language regarding not creating  
28 negative impacts on the surrounding area resulting from traffic flow, noise, dust, glare, and odor.  
29 She acknowledged that the City's existing noise regulations need to be updated. She offered  
30 to provide the Planning Commission with a copy of the City of Millersburg standards and  
31 regulations.  
32

33 Discussion followed regarding 1) The overlap of general and land use standards and regulations;  
34 2) Prohibited noises; 3) The Planning Commission making a recommendation to the City Council  
35 to revise Chapter 93: Noise Regulations incorporating applicable items in the draft regulation  
36 document prepared by the City Planner; 4) How to merge the noise standards into the building  
37 permit application process; 5) Decibel level thresholds.  
38

39 In conclusion, the City Planner suggested that the Commission discuss the matter further. The  
40 City needs to have clear standards and regulations. The public, development community,  
41 Planning Commission, and City Planner all need to understand what is allowed and what is  
42 prohibited.  
43

44 VI. NEW BUSINESS  
45

46 A. Quality of Life "Code Amendment: Definitions – Dwelling  
47

1 The City Planner summarized his memorandum and attachments (copies attached to the  
2 original of these minutes).

3  
4 The Commission did not have any revisions or objections to the proposed dwelling definitions.  
5  
6

7 VII. PUBLIC COMMENTS – ITEMS NOT ON TONIGHT'S AGENDA  
8

9 Stan Zitnik stated that he and his wife live at 170 SE Bayview. Their quality of life is being affected  
10 by the wires that span across their view of the harbor. When they purchased their home there  
11 were two (2) skinny wires in their view corridor but today the cable company added additional  
12 wires. His understanding is that per the franchise agreement, the provider of these services is  
13 supposed to be installing their new lines underground in existing utility easements. Utility lines for  
14 all new development projects should be installed underground.  
15

16 Hassie Zitnik stated that they had no idea that this was going to happen. She was told by  
17 Spectrum and Wave to voice their concerns to the City.  
18

19 Stan Zitnik noted that per the Depoe Bay Comprehensive Plan, the harbor is an exceptional  
20 aesthetic resource. He shared photographs taken before and after the wires were installed  
21 (copy attached to original of these minutes).  
22

23 A discussion followed regarding 1) Existing underground utility lines serving their property; 2) Utility  
24 service main lines and existing utility poles; and 3) The terms of the franchise agreement  
25 between Spectrum and the City should be discussed with the City Council.  
26

27 Faucett thanked them for coming and expressing their concerns.  
28

29 The City Recorder stated that she would follow up with the Public Works Director regarding the  
30 matter and invited the Zitniks to come in and talk with them.  
31

32 A Commissioner requested that the minutes reflect that the Planning Commission has offered  
33 guidance, supports their concerns, is expecting follow-up, and hopes that the City will help them  
34 in some way.  
35

36 VIII. CITY COUNCIL LIAISON REPORT  
37

38 Faucett reported on the October 17, 2023, City Council meeting: 1) 35 Cook Avenue – Order  
39 of Abatement – Resolution 549-23; 2) Tourism Promotions and Events Planning Committee.  
40

41 Faucett reported on the November 7, 2023, City Council meeting: 1) First Reading – Planning  
42 Commission Ordinance Amendment – Ordinance 343-23; 2) Guest Presentation: Lincoln County  
43 Homeless – Homeless Strategic Plan – Ernest Stephens, CEO, Morant McLeod; 3) Event Permit –  
44 Special Olympics Polar Plunge 2024; 4) Tree Ordinance (Discussion); 5) Recreational Immunity  
45 Challenge and City Response.  
46

47 Discussion followed regarding 1) Recreational immunity; 2) Alternate Planning Commission  
48 membership purpose and notification procedure; 3) 2024 liaison schedule.

1 IX. CITY PLANNER AND CITY RECORDER REPORTS

2  
3 The City Planner summarized the September and October 2023, Land Use and Building Permit  
4 Activity Reports (copies attached to the original of these minutes).

5  
6 Discussion followed regarding 1) The dismissal of *Petry v. Depoe Bay*, LUBA No. 2023-070; 2)  
7 Cancelling the December Planning Commission meeting if there are no public hearing items; 3)  
8 Distribution of the revised "Quality of Life" code amendments.  
9

10 X. PLANNING COMMISSION CONCERNS

11  
12 Moreland: I struggle with the software and accessing my email. I am getting a message  
13 regarding authentication.

14  
15 Staff advised the Commissioners to disregard the message. National Business Solutions has been  
16 made aware of the issue. The Commissioners can expect to be contacted by a National  
17 Business Solutions IT support representative.  
18

19 Moreland: I think Judy has done an outstanding job of pushing us to have a more expansive  
20 purpose.  
21

22 Sherman: I don't have any concerns. I likewise appreciate Greg and Judy's service and  
23 experience. Judy has done a fantastic job as chair. I am probably going to get nominated to  
24 the Oregon Electrical Board. The board oversees the electrical program for the entire State of  
25 Oregon. If confirmed by the Oregon Senate I think I can make some good headway in  
26 consumer protection and safety. I will fulfill my obligations on the Planning Commission however,  
27 we do need more Commissioners.  
28

29 Faucett: Do we turn in our computers at the end of the year?  
30

31 The City Recorder responded yes. She also requested that they turn in any documents, Zoning  
32 Code binders, etc. for retention or destruction per the State records retention schedule.  
33

34 Faucett: I would like to thank you all for everything. A lot has been asked of you this year.  
35 We've had more public hearings than I can remember ever having in a year. It has been a very  
36 demanding year. You have been prepared, asked good questions, and provided valuable  
37 input and I know that will continue. I wish you good luck finding new members.  
38

39 Steinke: Thank you. I appreciate it. I've enjoyed at least ten years of service on the Planning  
40 Commission. We are leaving the Commission with good people to carry on. As a point of  
41 interest since the recent election, the Little Whale Board consists of all new members except for  
42 me. We will be able to communicate more clearly with our community and will be approaching  
43 the City about the outdoor warning system in the near future.  
44

45 Steinke summarized some of his concerns regarding natural hazards and emergency  
46 notification.  
47

48 The City Planner thanked Faucett and Steinke for their willingness to step up as alternates.

1 XI. ADJOURN

2  
3 There being no further business, the meeting was adjourned at 8:10 PM.

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7   
8 \_\_\_\_\_  
9 Carla Duering, Deputy City Recorder



Eric Sherman, President