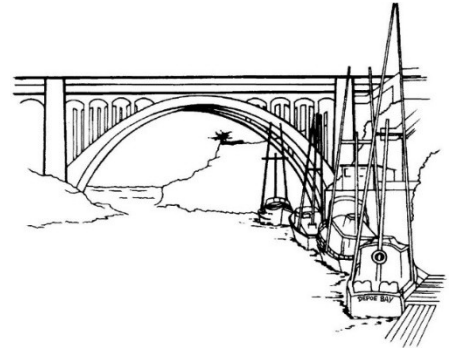


City of Depoe Bay

Planning Commission
Regular and Public Hearing Meeting
July 8, 2026 – Wednesday, 6:00 PM
Depoe Bay City Hall – 570 SE Shell Avenue



The Meeting Location is Accessible to the Public

To Join from Your Computer, Tablet, or Smartphone:

<https://us02web.zoom.us/j/84765413637?pwd=rtOe4TKe46jc4IXDGniY9fe9IHvMGy.1>

Meeting ID: 847 6541 3637

Passcode: 729659

To Join from Your Phone:

Phone: (253) 215-8782

Meeting ID: 847 6541 3637

Passcode: 729659

Public comments may be made via email up to two hours before the meeting start time at info@cityofdepoebay.org

AGENDA

- I. Call Meeting to Order and Establish a Quorum
- II. Announcements
- III. Approval of Minutes: April 8, 2026, Regular Meeting
- IV. Public Hearings
 - A. Case File: #3-CSD-PC-26
Applicant/Property Owner: Michelle and Levi Andrews
Application: Coastal Shorelands Development to Construct a 90 Sq. Ft. Storage Building
Zone: Commercial C-1 and Coastal Shorelands C-S Overlay Zone
Map and Tax Lot: 09-11-05-CA #05800
Location: 15 NW Harney Street
- V. Unfinished Business
- VI. New Business
- VII. Public Comments – Items Not on Tonight's Agenda
- VIII. City Council Liaison Report
- IX. City Planner and City Administrator/Recorder Reports
- X. Planning Commission Concerns
- XI. Adjourn

Depoe Bay City Hall is accessible to the disabled. If special accommodations are needed, please notify City Recorder/Administrator at 765-2361 48 Hours in advance of the meeting so that appropriate assistance can be provided.

TTY# 1-800-735-2900

"This institution is an equal opportunity provider"

Case File: #3-CSD-PC-26
Date Received: June 2, 2026
Deemed Complete: June 17, 2026
120-day Decision Date: October 15, 2026
Public Hearing Date: July 8, 2026

STAFF REPORT

Depoe Bay Planning Commission Action

APPLICANT &

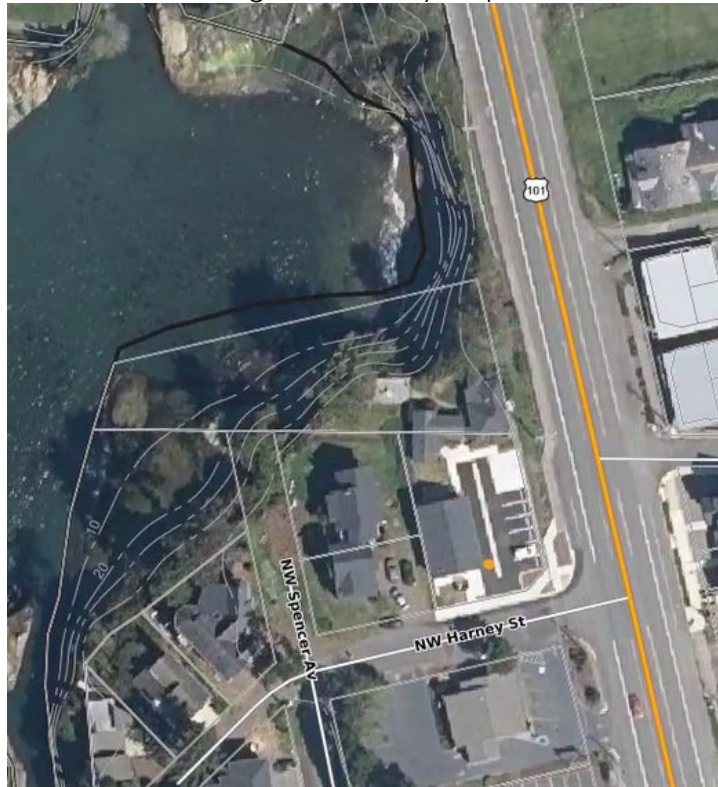
PROPERTY OWNER: Michelle and Levi Andrews

SUMMARY OF REQUEST: The applicant requests Planning Commission approval of a Coastal Shorelands Development Permit to construct a new, 90 square foot storage building, with its roof connected to the existing primary structure, and cover an existing walkway, at the above referenced property in the City's Commercial C-1 Zone. The subject property is located within the City's Coastal Shorelands Overlay – CSO - Zone, where any development requires Planning Commission approval of a Coastal Shorelands Development – CSD – Permit. In this location, the CSO Zone is implemented in conjunction with the underlying C-1 Zone. Existing site development includes a 4-unit residential structure used for short term rentals, or tourist accommodations, an associated parking lot, and landscaping. The project is not located on significant slopes as identified by the Depoe Bay Comprehensive Plan Inventory or Lincoln County geographic information system, and is outside of coastal setbacks required by the Depoe Bay Zoning Ordinance. The proposal conforms with applicable development standards of the C-1 and CSO Zones.

Figure 1, Location Map

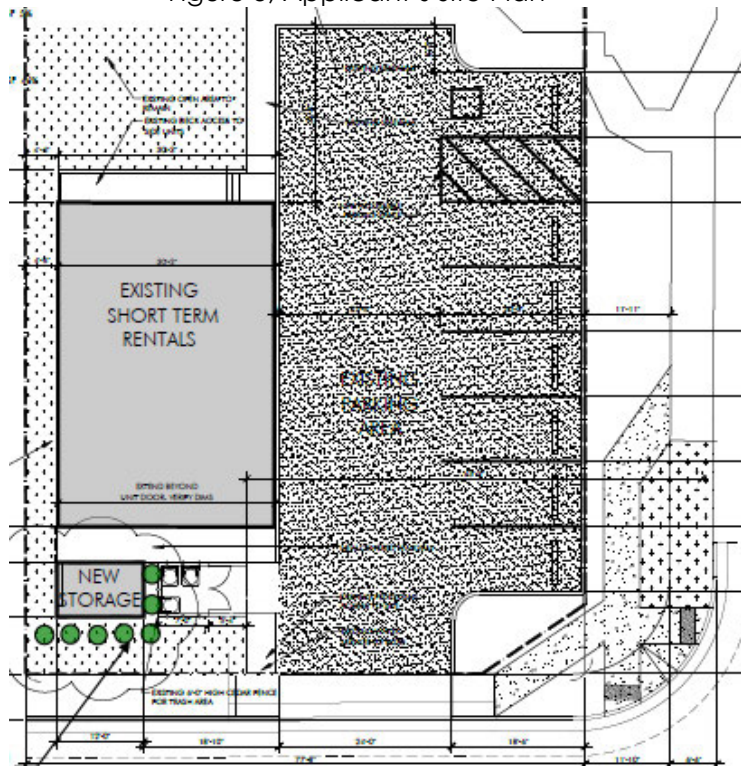


Figure 2, Vicinity Map



(Orange dot indicates subject property)

Figure 3, Applicant's Site Plan



The applicant's attached narrative states: "Per the site summary on architect Gene Bolante's A1 sheet (GCB-Arch, dated April 2026), the project site already contains existing short-term rental buildings (627 SF + 777 SF cottages and the existing 4-plex), an existing parking area (4,966 SF / 18% of site), and 4,734 SF of existing landscaped area (20%). The new storage building represents only ~94 SF of new footprint (<1% of site area), and the covered walkway adds roof coverage above existing doorways without expanding building footprint."

In order to maintain a required 8' wide planter strip along NW Harney Street, the application was amended subsequent to the above narrative, to propose a 90 square foot new building rather than 94 square feet.

A. RELEVANT FACTS

1. **Property Location:** The subject property is located at 15 NW Harney Street, and further identified on Lincoln County Tax Assessor's Map 09-11-05-CA as tax lot 05800. It is at the northwest corner of the intersection of NW Harney Street and U.S. Route 101 (Hwy. 101). There is a contiguously-owned parcel abutting on the north, Map 09-11-05-BD-01300-00.
2. **Lot Size and Dimensions:** The subject property is approximately 8,023 square feet in area, according to Assessor's records. The property is irregularly shaped, with an average length (north to south) of approximately 111', and approximate depth (east to west) of 75'.
3. **Comprehensive Plan Designation:** Commercial
4. **Zoning Designation:** Commercial C-1, with a Coastal Shorelands Overlay.
5. **Surrounding Land Use:** Located north of the subject property is a contiguously-owned parcel that fronts on Pirate's Cove and is also used for tourist accommodations. To the south is NW Harney Street, across which is Columbia State Bank. The property abuts Hwy. 101 on the east, across which is a mixed-use structure featuring Gray Coast Tax Service on the ground floor level, and tourist accommodations on the second floor. A single-unit dwelling is located immediately west of the subject property, at the northwest corner of the intersection of NW Spencer Avenue with NW Harney Street.
6. **Topography and Vegetation:** The subject property is flat, and no significant slopes are present. The property is landscaped to standards of the C-1 Zone, including and not limited to an 8' wide landscape area at the southwest corner, fronting on SW Harney Street. The new structure would be buffered and eventually screened from view by installation of seven (7) new arbor vitae shrubs on the south and east elevations of the building, intended to grow to match or exceed the height of the new structure.
7. **Existing Structure(s):** The site is developed with an existing structure and parking area, first approved by the City in 2005 as City file #7-CS-PC-05. The parking area is shared with the adjacent *Pirate Cove Cottages* (tourist accommodations), which are owned and operated by the applicant. A portion of one of the two cottages encroaches upon the subject property. A recommended condition of approval would require the applicant to consolidate the existing two lots into one parcel prior to construction of the new building.

8. **Utilities:** The following utilities currently serve the subject property:
 - a. Sewer: City sewer service.
 - b. Water: City water service.
 - c. Electricity: Central Lincoln P.U.D.
9. **Development Constraints:** The property is flat. There are no wetlands, riparian areas, flood zones or other identified development constraints inventoried on site.
10. **Notice, Public and Agency Comments:** Notice of the application was published in a newspaper of local circulation and mailed to property owners within 250' of the subject property on June 23, 2026. No other comments were received as of this writing.
11. **Land Use History:** Following construction of the existing building and parking lot under City planning approval #7-CS-PC-05, the applicant obtained approval in 2022 of a Coastal Shorelands Development Permit and Variance to parking standards, #4-CS-PC-22. This decision allowed converting the structure to 4 tourist accommodations; reducing the width of the drive aisle of the improved parking lot (lot was not paved or striped prior to 2022) from the required 24' to 22' 6"; and placing parking between the building and Hwy.101. In May 2025, the City informed the applicant/property owner of a citizen complaint, file #COM-25-08, indicating non-compliance with a condition of the 2022 approval pertaining to required C-1 landscaping standards. The applicant subsequently brought the site to compliance, verified by staff in July 2025.

B. EVALUATION OF THE REQUEST

1. Depoe Bay Zoning Ordinance Applicable Standards and Criteria:

§ 152.030 RETAIL COMMERCIAL ZONE C-1

§ 152.031 COMMERCIAL ZONE C-1 (Additional Development Standards)

§ 152.039 COASTAL SHORELANDS OVERLAY ZONE C-S

2. Discussion of Review Criteria & Findings:

a. *§ 152.030 Retail Commercial Zone C-1*

The section permits the applicant's existing tourist accommodations as an outright permitted use in the C-1 Zone. The proposed project is accessory to the permitted tourist accommodations, and, due to its size, does not require issuance of a building permit. With the exception of the Variance to parking standards which was approved by the Planning Commission in 2022, existing and proposed development conforms with the development standards of the Depoe Bay Zoning Code.

b. *§ 152.031 Retail Commercial Zone C-1* (Additional Development Standards)

(A) Applicability.

- (1) The provisions of this section shall be applicable to § [152.030](#) of this subchapter. The provisions of this section shall override any conflicts between provisions of this section and § [152.030](#) of this subchapter.***

(2) Any structure lawfully permitted which is made non-conforming by adoption or amendment of this chapter is a non-conforming structure.

Existing structure non-conformities may continue indefinitely (grandfathered). Normal maintenance and repairs are permitted that do not result in the alteration of the footprint, volume, or height of the structure.

There are no non-conforming structures on site.

(B) General information.

(1) In the Commercial Zone C-1 on arterials (specifically Highway 101), these commercial guidelines help create a vibrant pedestrian environment by slowing traffic down, providing a storefront business friendly character to the street, and especially by encouraging walking for the enjoyment of residents and visitors. To create a social and approachable streetscape, the setback standards are flexible to encourage public spaces between sidewalks and building entrances (such as, extra-wide sidewalks, plazas, squares, outdoor dining areas, and pocket parks). The addition of these pedestrian amenities serves as informal gathering places for socializing, resting, and enhanced enjoyment of the city commercial district.

(2) The standards encourage the formation of solid blocks of commercial and mixed-use buildings for individual walkable districts that are tied to the overall business district.

(3) Along Highway 101, frontage, landscaping, building setbacks, and other pedestrian amenities sustain the feel of a small community located between two state parks and vegetated corridors. These amenities will distinguish the city from many cities and towns that have arterial development dominated by pavement, parking lots, and stark building facades immediately adjacent to narrow sidewalks.

(4) Higher density residential uses, such as multi-family buildings and attached townhomes, are permitted to encourage permanent housing near employment, shopping, and services, and to encourage affordable, amiable housing for families that desire to play and live in the city.

In their 2005 and 2022 Coastal Shorelands Development permit approvals for this property, the Depoe Bay Planning Commission found that the site improvements existing today are consistent with the standards of Section 152.031. It is noted that the bulk of standards in this section are directed at structures with direct frontage on Hwy. 101, and, according to Subsection (B), above, are specifically intended to “*create a vibrant pedestrian environment by slowing traffic down, providing a storefront business friendly character to the street, and especially by encouraging walking for the enjoyment of residents and visitors*” in highway frontages. The subject property is a large (8,000+ square foot) corner lot with two public street frontages. The proposed storage building does not front on Highway 101. It is located at the extreme southwest corner of the parcel, 60' away from the highway, and fronts instead on NW Harney Street. For this reason, a number of standards from Section 152.031 do not apply to this application. The project is nonetheless subject to numerous other subsections of 152.031 that are not directed toward highway fronting structures, such as 152.031(C)(4), *Side yard setbacks*:

(C) Building setbacks.

(1) Generally. These setback standards shall apply to primary structures, as well as accessory structures on arterials (Highway 101). The standards may be modified only by approval of a variance in accordance with §§ [152.170](#) through [152.173](#) of this chapter.

(2) Front yard setbacks.

(a) Minimum setback. There is no minimum front yard setback required.

(b) Maximum setback. There is no maximum front yard setback required, but a usable public space with pedestrian amenities (such as, plaza, pocket park, managed landscaping, outdoor dining area, or town square with seating) shall be provided in the entire area between the building and front property line (see also divisions (G) and (H) below).

(3) Rear yard setbacks. There is no minimum rear yard setback.

(4) Side yard setbacks. There is no minimum side yard setback required but in the case of a side yard on a corner lot, a usable public space with pedestrian amenities (such as, extra-wide sidewalk, plaza, pocket park, managed landscaping, outdoor dining area, or town square with seating) shall be provided in the entire area between the building and side property line (see also divisions (G) and (H) below).

The applicant's 2022-approved Variance waived Subsection (C)(2)(b) for the subject property, to permit parking between the building and front property line, in lieu of pedestrian amenities and public space. Managed landscaping was required and remains in place and in good health in the highway frontage. The applicant proposes to maintain all existing managed landscaped areas, including between the proposed new building and side property line on NW Harney Street, consistent with Subsection (C)(4).

(5) Clear vision standards. All buildings shall conform to the clear vision standards in § [152.055](#) of this chapter and the applicable fire and building codes for attached structures, fire walls, and related requirements.

(D) Lot coverage of buildings on arterials (Highway 101).

(1) There is no maximum or minimum lot coverage requirement.

(2) All buildings on arterials (Highway 101) shall have a minimum 1,000 square feet.

(E) Building orientation on arterials (Highway 101).

(1) Buildings shall have their primary entrance(s) oriented to (facing) Highway 101, except as noted below.

(a) Building entrances may include entrances to individual units, lobby entrances, entrances oriented to pedestrian plazas, or breezeway/courtyard entrances (such as, to a cluster of units or commercial spaces).

(b) Alternatively, a building may have its entrance facing a side yard when a direct pedestrian walkway not exceeding 20 feet in length is provided between the building entrance and the street right-of-way.

(c) On corner lots, buildings entrances may be oriented to the street corner.

(2) Developments may be configured to provide a driveway or interior parking court. If interior parking courts are created, then pedestrian pathways shall be provided between buildings from the street right-of-way to interior parking courts, to ensure reasonably safe, direct, and convenient access to building entrances and off-street parking.

(3) Off-street parking, driveways, or other vehicular circulation shall not be placed between a building and Highway 101.

(F) Building height on arterials (Highway 101)

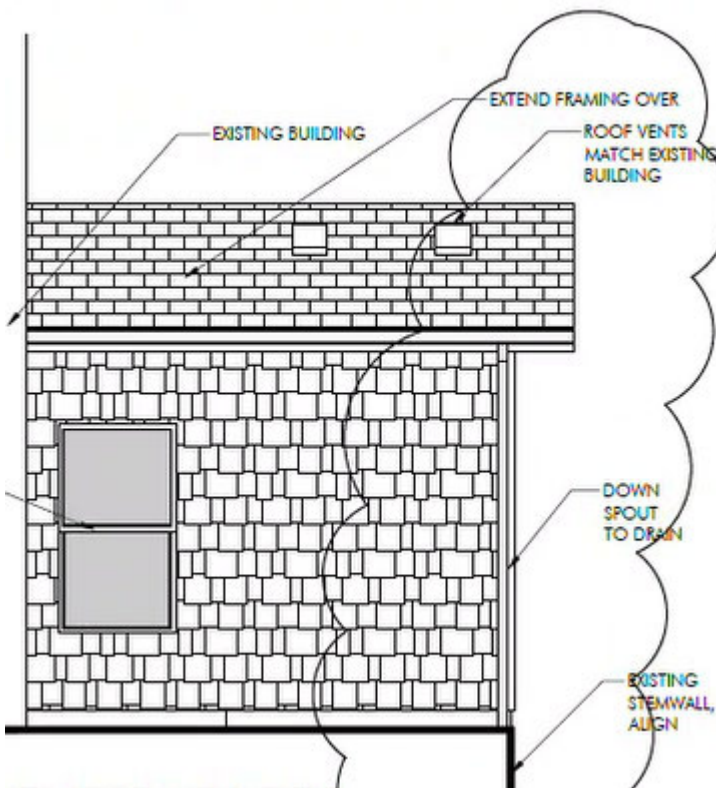
The project does not conflict with clear vision requirements of the zoning code. Subsections (C)(5)(D), (E) and (F) do not apply, as the project area does not front on Hwy. 101 or any other arterial street; rather, on NW Harney Street, which is classified as a local street.

(G) Building architectural standards.

(1) This section applies to all building types on arterials (Highway 101).

Section (G) does not apply as the project area does not front on Hwy. 101 or any other arterial street. The applicant proposes to match the façade of the new building to the existing structure on site, with wood shake siding and roofing, and to tie in to the existing roof structure with matching architecture.

Figure 4, Architectural Elevation



As stated, the Planning Commission previously adopted findings of fact concluding that existing development complies with all elements of Section 152.031. This proposal does not impact that compliance. Upon approval of the requested CSD permit, the subject property would maintain compliance with all applicable standards of 152.031, including and not limited to (G)(3) and (4), below:

(3) Other than receptacles for the public use, trash containers (including recyclables and garbage) shall not be located along Highway 101, unless they are non-conforming ("grandfathered"), and shall be obscured by a fence or similar, or otherwise hidden from view.

(4) A minimum 15% of C-1 properties with Highway 101 frontage north of Bradford Street and south of Evans Street shall be landscaped with native vegetation including a mix of trees, shrubs, and ground cover. Properties shall contain at least one tree indigenous to the northwest.

Staff inquired with the applicant whether the existing native tree, which was required as part of the site's C-1 Zone compliant landscaping plan, will be impacted by the proposal. The applicant responded with the following information via email:

“Hi Creed,

The cascara will stay. If needed we will just move it closer to Harney St. We’re keeping an eye on one of the hydrangeas that may be struggling and if it doesn’t pull through we will replace it with a new one. Everything else will stay as is since those current plants will grow into that space nicely along with the arbor vitae.”

Approval of the application would not affect the property's current compliance with C-1 Zone landscaping standards.

(H) Pedestrian amenities in the C-1 Zone.

(1) Pedestrian sidewalks shall be provided on all street sides of buildings, parking areas, and the like in the entire C-1 zoned area. These sidewalks shall have a minimum eight-foot width along Highway 101, and minimum five-foot width elsewhere.

Sidewalks shall be concrete with a city-approved surface material that is consistent with adjacent and nearby sidewalks. All sidewalks shall be ADA compliant to meet current laws.

(2) Every building and development on arterials (Highway 101) shall provide one or more of the “pedestrian amenities” listed below:

(a) A managed landscaped plaza, courtyard, square, or recessed area next to the building;

(b) Sitting space, such as dining area, benches, or sitting ledges (minimum of 16 inches in height and 30 inches in width) between the building and sidewalk;

(c) Building canopy, awning, pergola, or similar weather protection (minimum projection of four feet over a sidewalk or other pedestrian space, and minimum eight-foot above the sidewalk or other pedestrian space); or

(d) Multi-family housing and tourist accommodations that do not have a majority (greater than 75%) of retail on the ground floor shall have a minimum of eight feet of landscaped grounds between the building(s) and sidewalk.

There is an existing sidewalk in the NW Harney Street right-of-way fronting the project area, consistent with Subsection (H)(1), above. Subsection (H)(2) is not applicable.

(I) Special standards for certain uses in the C-1 Zone.

(1) Common areas. All common areas (such as, walkways, drives, courtyards, private alleys, parking courts, landscaped areas, and any otherwise unused right-of-way areas between the property line and developed road, and the like) and building exteriors shall be maintained by the property owner. Copies of any applicable covenants, restrictions, and conditions shall be recorded by the applicable agency and provided to the city prior to building permit approval.

(2) Accessory uses and structures.

(a) An accessory structure shall not be allowed before or without a primary use.

(b) Accessory structures on arterial (Highway 101) property shall comply with the setback standards herein, except that the maximum setback provisions shall not apply.

(c) Accessory structures on arterial (Highway 101) property shall comply with division (G) above.

(d) A structure shall not be placed over an easement that prohibits such placement. No structure shall encroach into the public right-of-way without prior written approval by the applicable agency.

- (e) The owner may be required to remove an accessory structure as a condition of land division approval when removal of the structure is necessary to comply with setback standards.*
(f) No accessory use structure shall be viewable from Highway 101.

The proposed attached accessory structure is accessory to an existing, approved primary use on the subject property. The proposed structure would not be placed over any existing easements prohibiting such placement, and does not encroach into a public right-of-way. The proposed structure complies with setback standards of the C-1 Zone.

To address Subsection (f), above, the applicant proposes planting seven (7) arbor vitae shrubs, at approximately 6' in height at planting, to grow within 2 to 3 years to form a continuous hedge sufficient to screen the new building from view from Hwy. 101. Following is an email sent by the applicant to staff on June 17, 2026:

6.17.26
Hi Creed,

Thanks for the call yesterday! Appreciate you walking through the options with us. The attached revised plans show a row of arborvitae along the south and east sides of the storage space, screening it from Highway 101.

Our plan:

- Install nursery stock at or near 6' in height at planting
- Arborvitae of this type typically grows 3-5 feet per year, reaching full screening height within roughly 2-3 growing seasons
- Spacing for a continuous, solid hedge along both exposed faces
- We'll maintain the screen in healthy condition and replace any plant that fails, so the screening is continuous over time

We believe this meets the intent of 152.031(I)(2)(f) - keeping accessory storage from being a visible feature along Highway 101. With the planting established, the structure will not be viewable from the highway.

Please let me know if you need anything further to deem the application complete.

Thank you,
Michelle Andrews

The proposed building is 13' 5" in height. A recommended condition of approval would require adherence to the above specifications; require specimens to be a minimum of 6' in height at planting; and provide for City monitoring of the vegetative screen's growth and progress toward establishing a consistent visual screen as portrayed above. If the building is not adequately screened from view from the highway by a date to be determined by the Planning Commission, the City could require alternative means to establish the screening, e.g., a fence or wall or additional plantings. A recommended condition of approval suggests a Planning Commission evaluation be conducted two years after any approval of the application.

c. § 152.039 COASTAL SHORELANDS OVERLAY ZONE C-S

(A) Purpose.

(1) The purpose of the Coastal Shorelands Overlay Zone is to recognize the value of coastal shorelands for protection and maintenance of water quality, fish and wildlife habitat, water-dependent uses, economic resources, recreation, and aesthetics.

(2) The C-S Zone, in conjunction with various underlying zones, implements the coastal shorelands policies contained in the Comprehensive Plan.

(B) Application. The provisions of the C-S Zone shall apply to all areas identified as within the coastal shorelands boundary on the shorelands boundary map. The provisions of the C-S Zone are to be applied in conjunction with the provisions of the underlying zone.

Where the provisions of the C-S Zone and the underlying zone conflict, the more restrictive provisions shall apply. For the purposes of this section, coastal shorelands are those areas identified on the shorelands boundary map and identified on the zoning map overlays located at city hall. Coastal shorelands areas generally include one or more of the following characteristics:

(1) Subject to ocean flooding and lands within 100 feet of the ocean shore, or within 50 feet of the estuary;

(2) Where the geologic instability is related to or will impact a coastal waterbody;

(3) Natural or human-made riparian resources, especially vegetation necessary to stabilize the shoreline and to maintain water quality and temperature necessary for the maintenance of fish and wildlife habitat;

(4) Areas of significant shoreland and wetland biological habitats whose habitat quality is primarily derived from or related to the association with coastal water areas;

(5) Areas necessary for water-dependent and water-related uses, including areas of recreational importance which utilize coastal water or riparian resources, areas appropriate for navigation and port facilities, dredge material disposal and mitigation sites, and areas having characteristics suitable for aquaculture;

(6) Areas of exceptional aesthetic or scenic quality, where the quality is primarily derived from or related to the association with coastal water areas; and

(7) Coastal headlands.

(C) Permitted uses. In a C-S Overlay Zone, any of the outright or conditional uses authorized in the underlying zone may be permitted, subject to the applicable provisions of §§ [152.040](#), [152.055](#) through [152.076](#), [152.115](#) through [152.117](#), [152.130](#) through [152.136](#), [152.225](#) through [152.235](#) of this chapter, and the additional provisions of this section.

(D) Procedure. Applicants requesting approval for any development action within the areas subject to the provisions of the C-S Zone shall submit, along with any application, a detailed site plan and/or written statement demonstrating how the proposed activities will conform to each of the applicable standards contained in the C-S Zone. The Planning Commission shall review the application to determine if each of the applicable criteria are met. Planning Commission review of such applications shall proceed in accordance with the applicable provisions of §§ [152.130](#) through [152.136](#), [152.150](#) through [152.158](#), [152.170](#) through [152.173](#), [152.185](#) through [152.188](#), [152.200](#) through [152.210](#), and [152.225](#) through [152.235](#) of this chapter. Building permit applications that do not enlarge or extend existing structures nor have any ground disturbing activities are exempt from Planning Commission review.

In support of the Coastal Shorelands Development permit request, the applicant submitted the completed City application form and fee, along with site and architectural plans and a written narrative as required by Subsection (D), above. Application materials are attached to this staff report. The proposal is consistent with the other code sections cited in Subsection (D), including and not limited to Sections 152.225-235, as detailed below:

§ 152.225 PURPOSE.

Some areas of the city are located on steep slopes, have erosion or landslide potential, or are otherwise of concern. The purpose of this section is to minimize hazards and threats to life and property by regulating building, grading, land clearing, and other human activities in areas identified with landslide topography, steep slopes, areas subject to erosion, high groundwater table, and other hazards.

It is also the intent of this subchapter to protect life and property by reducing building density in these areas, by requiring special construction techniques, and by requiring the study of such areas by a state-registered engineering geologist prior to any activity.

The subject property does not exhibit erosion or landslide potential or represent other natural hazard concerns such as steep slopes; areas subject to erosion; high groundwater table, etc.

§ 152.226 WEAK FOUNDATION SOILS.

(A) Many areas within the city are located on areas described by the soil conservation service as containing “weak foundation soils” or other soils limitations.

(B) Construction techniques, through the Building Code, require the effect of weak foundation soils or other soil limitations to be considered in the construction process.

(C) Construction of structures on areas of weak foundation soils or other soils limitations is not deemed to pose a significant hazard to life or property outside the property boundaries. The manner provided in the Building Code to address problems arising from weak foundation soils or other soils limitations is deemed to be an adequate means of protection of life and property. This statement serves as a warning for development on weak foundation soils.

The property is not identified in any City inventory as having weak foundation soils. As described in the above section, when proposed, development on weak foundation soils is subject to special regulation under the building code.

§ 152.227 DISCHARGE OF SEDIMENT OR WATER.

(A) Property owners or other persons in charge of property shall not cause, or permit to be caused, the discharge of sediment or water onto adjoining property or the public right-of-way unless the permit application is accompanied by a drainage plan accepted by the affected property owners, or the applicant has demonstrated compliance with state laws regarding discharge of sediment or water.

(B) The following measures are suggested as possible means to prevent such discharges:

- (1) Minimal removal of vegetative cover, particularly trees;*
- (2) Temporary measures for controlling run-off, such as berms or holding ponds;*
- (3) The planting of vegetative cover as soon as possible after each phase of construction, including excavation, grading, and/or land clearing; and*

(4) Design of the site to avoid steep areas or other hazards.

The new building is proposed in a location where impervious concrete cover is already in place. Gutters and roof drains will discharge to existing stormwater drainage facilities. No impacts under 152.227 are anticipated in the event of approval of the application.

§ 152.228 AFFECTED AREAS.

The following areas and activities shall be subject to the requirements of this subchapter:

(A) Areas identified as being geologically hazardous by Environmental Geology of Lincoln County, Oregon, 1973, Oregon Department of Geology and Mineral Industries, or Environmental Hazard Inventory, Coastal Lincoln County Oregon, RNKR Associates, 1978. These documents are referenced as part of the Comprehensive Plan and are available in the office of the City Recorder;

(B) Areas identified by the Natural Resource Conservation Service as having high groundwater;

(C) Areas containing slopes in excess of 20%. (Areas generally containing significant slopes are identified on the attached map. Sites in this area are “affected” unless shown otherwise per § 152.233 of this subchapter); and

(D) Areas fronting the ocean or coastal bluff that are seaward from the line set by the coastal setback requirements of § [152.234](#) of this subchapter.

The above section describes characteristics of lands that require Planning Commission approval of a geologic permit under Section 152.229, *Geologic Permit*, prior to any development occurring. The subject property is not specifically identified in the 2 studies cited in Subsection (A) above as being geologically hazardous; is not identified by the Natural Resource Conservation Service as having high groundwater; does not contain slopes in excess of 20%; and does not front on the ocean or coastal bluff. Regarding coastal setbacks, the adopted findings of fact from the 2005 CSD permit state the following:

“...the applicable area of coastal erosion is the Slight 45° standard which requires a 1-foot setback for every 1 foot of bank height from the mean higher high-water line (MHHW) and/or the base of the bank, whichever is greater.

Based on information provided by the applicant and city staff visual verification, the top of bluff is approximately 50 feet above the mean higher high-water line (MHHW) and the base of bank. Therefore, the required coastal setback is 50 feet setback from the MHHW and from the base of bank.”

The Area of Visual Concern as defined by Section 152.234, *Calculation of Coastal Setbacks*, is 40' from the top of the bluff along Pirate's Cove. The project is located approximately 135' south of the coastal bluff abutting Pirate's Cove, and does not encroach on the identified coastal erosion setback described above. For these reasons, Sections 152.229-.235 are not applicable.

(E) Standards. The following standards will be applied in reviewing an application for a development action in the C-S Zone.

(1) Riparian vegetation.

The project is located approximately 135' from the ocean bluff of Pirate's Cove. The subject property and its immediate environs are previously developed, and there is no riparian vegetation affected by the proposal. Subsection (E)(1) is not applicable.

(2) Historic and archaeological sites. Sites subject to this section are identified in the Comprehensive Plan inventory “open spaces, scenic and historic areas, and natural resources.” Development in these areas shall not diminish the values of such sites as historic or archaeological resources. These sites are protected subject to requirements found in § [152.075](#) of this chapter.

All the Depoe Bay planning area falls within the “high density” archaeological site density classification shown in the 1976 Lincoln County Statewide Inventory Historical Sites and Buildings, published by the Oregon State Historic Preservation Office, Parks and Recreation Branch, Department of Transportation. Although the property is not specifically identified as an archaeological site, and the site is considered fully developed, the applicant needs to be aware of potential archaeological resources and take feasible action to minimize site disturbance and prevent irreversible loss of archaeological resources. DBZO Section 152.075(B)(1) states that development on identified archaeological sites shall be conducted in a manner so as to minimize site disturbance and prevent irreversible loss of archaeological resources. This does not require the property owner to hire an archaeologist; however, it does require the property owner to be cognizant of archaeological resources when developing the site. No inventoried or suspected historic or archaeological sites or resources are affected by the proposal.

(3) Exceptional aesthetic resources. Development in areas of exceptional aesthetic resources or coastal headlands shall not substantially alter the existing visual character of the area. Sites subject to this section are identified in the Comprehensive Plan inventory “open spaces, scenic and historic areas, and natural resources.” Standards for protecting such resources are found in § 152.074 of this chapter.

The coastline adjacent to Pirate's Cove is considered a Coastal Scenic Area and Area of Exceptional Aesthetic Value per the Comprehensive Plan Inventory. The project is located 135 feet south of the coastal bluff, and would not impact that important resource. The proposal does not conflict with Section 152.074.

(4) Protection of coastal access.

(a) Application. This section applies to public access sites identified in the “Comprehensive Plan inventory” open spaces, scenic and historic areas, and natural resources” and to others that become established and added to the inventory (such as, under division (E)(4)(b) below).

These access sites provide physical or visual access to the ocean or bay. Other public rights-of-way, easements, and ownerships may be discovered over time, and/or legally obtained, or become a part of the city through annexation.

(b) Standards. Existing public ownerships, rights-of-way, and similar public easements within the coastal shorelands which provide visual or physical access to or along coastal waters shall be retained or replaced if sold, exchanged, or transferred. Rights-of-way may be vacated to permit redevelopment of shoreland areas provided public access across the affected site of at least equivalent access value is retained.

There are no existing points of visual or physical coastal access or scenic view corridors abutting the subject property or affected by the proposed project.

In summary, the record contains substantial evidence that the application complies with all applicable review criteria and standards of the Depoe Bay Zoning Ordinance for Coastal Shorelands Development permit approval.

C. CONCLUSION & RECOMMENDED CONDITIONS OF APPROVAL

Staff recommends the Planning Commission find that the application satisfies the identified applicable review criteria and standards for approval of a Coastal Shorelands Development Permit. In considering the request, the Planning Commission must base their decision on an evaluation of the application's compliance with applicable code standards as identified in this report and other City regulations believed to apply. If the Planning Commission finds the request satisfies the applicable criteria, it can move to approve the request with conditions, and direct staff to prepare findings for adoption, or may simply adopt the findings of fact contained in this staff report. Conversely, if the Planning Commission concludes that the applicable criteria have not been satisfied, it can move to deny the request, and direct staff to prepare the pertinent findings as identified by the Planning Commission.

In the event of approval of the application, staff suggests the following conditions of approval be attached:

1. The project shall be completed in a manner consistent with the approved site plan and adopted findings of fact. The project does not require a building permit.
2. Prior to occupying or making use of the new building, a minimum of 7 arbor vitae shrubs shall be placed as shown on the approved plans. Shrubs shall be a minimum of 6' in height at planting, and of a variety that typically grows at least 3' in height per year, to eventually form a sight-obscuring hedge on the south and east sides of the new building.
3. The City will monitor the status of the screening. In July 2028, the Planning Commission shall review the status of the vegetative screen and determine whether sufficient progress/growth has occurred toward establishing the required screen, or if additional or alternate means of compliance is required, e.g., more plantings, or erection of a wall or fence. It is not necessary that the building be fully screened by this date, provided the Planning Commission finds that it is anticipated to be screened within a reasonable time in the future. No public hearing is required for this review and determination.
4. Prior to commencing construction, the applicant shall record with the Lincoln County Clerk and County Surveyor a replat or property line adjustment to consolidate the two contiguously-owned properties (Lincoln County Tax Assessor's Map 09-11-05-CA, tax lot 05800, and 09-11-05-BD, tax lot 01300) into one parcel, and provide the recorded documentation to the City of Depoe Bay.

5. Development shall be conducted in a manner so as to minimize site disturbance and prevent irreversible loss of archaeological resources. Before and during construction, any discovery of archaeological resources shall require that the applicant cease construction activities, notify the State Historic Preservation Office and Confederated Tribe of Siletz Indians, and meet State statutes before proceeding.

D. MOTIONS

The following sample motions are provided for the Planning Commission's use, and may be modified at your discretion:

MOTION IN FAVOR

I move to approve the application, with the recommended conditions of approval (as amended - *if applicable, specify any amendments*), based upon findings of fact contained in the record demonstrating that the proposal conforms with the review criteria for Coastal Shorelands Development, as contained in the Depoe Bay Zoning Ordinance.

OR

MOTION IN OPPOSITION

I move to deny the application based upon findings of fact demonstrating that the application does not conform with the review criteria for Coastal Shorelands Development, as contained in the Depoe Bay Zoning Ordinance. Specifically, (*cite unsatisfied criterion/criteria, and specify how the applicant fails to meet the standard(s)*):

(notes re: Findings for Denial)

ATTACHMENTS:

Application Materials

Relevant DBZO criteria:

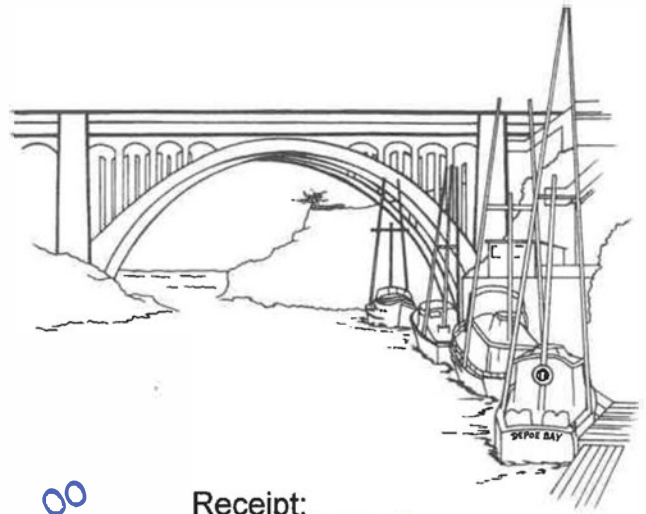
§ 152.030 COMMERCIAL C-1 ZONE

§ 152.031 COMMERCIAL C-1 ZONE *(Additional Development Standards)*

§ 152.039 COASTAL SHORELANDS OVERLAY ZONE C-S

CITY of DEPOE BAY

Post Office Box 8 + Depoe Bay, Oregon 97341
Phone (541) 765-2361 + Fax (541) 765-2129
TDD# 1-800-735-2900



Zoning Action Application

TO BE COMPLETED BY OFFICE:

Deposit: \$575⁰⁰

Receipt: _____

Fee: \$2716⁰⁰
(Non-Refundable)

1. Date Received _____	Staff Initials _____
1. Case File Number _____	Action: _____ Planning Commission _____
2. Action Requested C.U. _____ N.C.U. _____ Variance _____ Zone Change _____	Geotechnical Report _____ Other <u>Coastal Shorelands Development</u>
3. Current Zoning <u>C1</u> Current Plan Designation _____ Lot Size _____	
4. Previous Planning Actions on Property _____	Prior building permit ~2024 (4-unit STR buildout)
5. Existing Code Violation(s) _____	None known

TO BE COMPLETED BY APPLICANT:

Reason For Request _____ Covered walkway to remediate water intrusion; add ~94 SF storage

Property Description T 9 S, R 11 W, W.M., Section 29 Tax Lot(s) R453223 / R186710
Levi and Michelle Andrews

Applicant's Name _____ OR _____

Address _____ City _____

Zip Code _____ Daytime Phone Number _____ Owner _____

Relationship to Property _____
(Owner, Contract Purchaser, etc.)

Agent (if any) _____ Gene Bolante, Architect, GCB-Arch LLC, PO Box 5456, Salem OR 97304

Directions to Property _____ Hwy 101 N to Harney St NE; site is at NE corner of Hwy 101 and Harney St

Existing Structures _____ Two existing cottages (627 SF + 777 SF) and existing 4-plex; all operated as STRs

Current/Proposed Utilities: Sewage _____ Existing - City Water _____ Existing - City

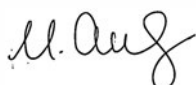
Anticipated Date of Development _____ June/July 2026

INFORMATION REQUIRED
For
SUBSTANTIAL DEVELOPMENT IN THE COASTAL SHORELANDS ZONE

For all applications requesting substantial development in the Coastal Shorelands zone, the following minimum information must be submitted for the application to be considered complete:

1. Plot plan, drawn to scale, of the subject property showing:
 - A. all property lines
 - B. all existing and proposed buildings, including floor area, height, use and setbacks from all property lines
 - C. general description of the topography and vegetation
 - D. all wetland areas, streams and waterways, and areas subject to flood hazard.
 - E. location of Mean Higher High Water of the Pacific Ocean and extent of riparian vegetation measured on existing grade, in relation to proposed development
 - F. location of Geologic Hazard setback for erosion in relation to proposed development.
 - G. location of any known or suspected archaeological resources, and methods proposed to minimize to minimize site disturbances and irreversible loss of the resource.
 - H. efforts made to preserve the existing visual character of the area.

**NOTE: ALL APPLICATIONS MUST BE COMPLETE.
FAILURE TO SUBMIT A COMPLETE APPLICATION
WILL DELAY THE ACCEPTANCE AND PROCESSING
OF YOUR APPLICATION.**

  05/29/2026

Signature of Property Owner Date

Signature of Applicant (if other than property owner) Date

COASTAL SETBACKS - FOR EROSION

◆ SEVERE 20°

Bank Height / TAN 20°

2.75' to 1' of Bank Height

Bank Height / .36397

◆ MODERATE 25°

Bank Height / TAN 25°

2.15' to 1' of Bank Height

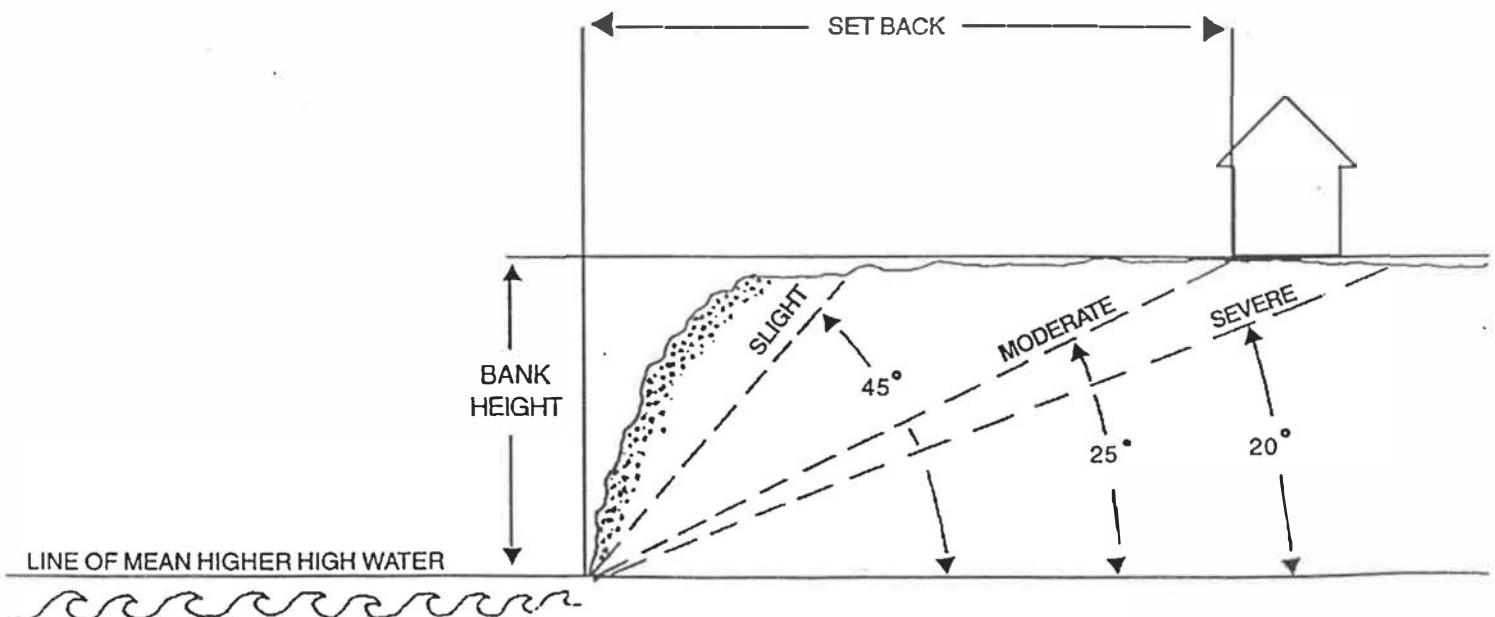
Bank Height / .46631

◆ SLIGHT 45°

Bank Height / TAN 45°

1' to 1' of Bank Height

Bank Height / 1



Coastal Shorelands Development Application — Written Narrative

Property: NE corner of Hwy 101 and Harney St, Depoe Bay, OR

Lincoln County Accounts: R453223 / R186710

Applicants: Levi and Michelle Andrews

Project: Construction of a covered walkway over south-facing exterior doors of the existing short-term rental building, plus a new ~94 SF storage building.

152.039 — Coastal Shorelands Overlay

The proposed development is consistent with the purpose of the Coastal Shorelands Overlay, which is to protect shoreline resources, water quality, riparian vegetation, public access, and the visual character of the coastal area.

The project consists of two minor additions to an already-developed site:

- A covered walkway over the south-facing exterior doors of the existing short-term rental building, intended solely to remediate ongoing water intrusion at those doors. The walkway adds a roof and structural columns over an existing entry; it does not expand the building footprint into any previously undisturbed area.
- A new storage building of approximately 94 square feet, sited within the existing developed/paved portion of the property to address inadequate on-site storage for the short-term rental operation.

Per the site summary on architect Gene Bolante's A1 sheet (GCB-Arch, dated April 2026), the project site already contains existing short-term rental buildings (627 SF + 777 SF cottages and the existing 4-plex), an existing parking area (4,966 SF / 18% of site), and 4,734 SF of existing landscaped area (20%). The new storage building represents only ~94 SF of new footprint (<1% of site area), and the covered walkway adds roof coverage above existing doorways without expanding building footprint.

The development does not:

- Reduce or impair public access to the shoreline
- Disturb riparian vegetation along the bank
- Alter the topography of the unusable ocean bank area (12,178 SF, identified separately on the A1 sheet)
- Impair water quality (no new impervious surface beyond the small storage footprint; existing stormwater patterns preserved)
- Alter the visual character of the area (shake siding and roofing to match existing buildings; modest scale and height)

152.228 — Affected Areas

The applicants have reviewed the project area for the resources protected under this section:

Wetlands, streams, and waterways: No wetlands, streams, or waterways are present on the developed portion of the site where work will occur.

Riparian vegetation: The Pacific Ocean shoreline and ocean bank area (12,178 SF) are identified on the site plan as unusable area; no work is proposed within this area, and riparian/bank vegetation will be left undisturbed.

Significant wildlife habitat: No known significant wildlife habitat areas are identified on or adjacent to the developed portion of the site.

Archaeological resources: The applicants have no knowledge of archaeological resources on the property. The project work occurs within the previously developed building footprint and existing impervious areas; site disturbance is minimal and limited to footing excavation for the storage building and walkway columns. Should any archaeological resources be uncovered during construction, work will stop and the State Historic Preservation Office will be notified per ORS 97.745.

Flood hazard: The work area is not within a mapped flood hazard zone applicable to this site.

152.229–235 — Geologic Permit Procedures, Requirements, Compliance, and Coastal Setbacks

Coastal Erosion Setback Compliance

Per the bank-height-based setback formula on the application packet (severe 20°, moderate 25°, slight 45°), the property has been classified by Gene Bolante / GCB-Arch as Slight, consistent with the RNKR Study classification established in the prior Coastal Shorelands approval for this same property (Case File #7-CS-PC-05, October 2005). The bank height is approximately 50 feet above Mean Higher High Water (MHHW), yielding a required setback of 50 feet from the line of MHHW (1 foot of setback per 1 foot of bank height under the Slight erosion standard).

Both proposed structures — the covered walkway over the existing south-facing doors and the new ~94 SF storage building — are located within the existing developed footprint of the property, well landward of the required 50-foot coastal erosion setback line. The 2005 Final Order confirmed the existing shop building was a minimum of 100 feet from the MHHW and base of bank, well exceeding the required setback. Neither proposed structure encroaches into the unusable ocean bank area (12,178 SF) identified on the site plan.

Procedural compliance (152.229–230)

This application is submitted on the City of Depoe Bay Zoning Action Application form, accompanied by:

- Architectural plans (A1 sheet) prepared by Gene Bolante, Registered Architect (Oregon), GCB-Arch LLC, dated April 2026
- This written narrative
- \$851 application fee
- Scaled site plan showing existing and proposed structures, property lines, parking, landscaped areas, and the ocean bank area

Requirements compliance (152.231–233)

The project meets the structural and siting requirements of the Geologic Permit provisions:

- No alteration of the bluff face, ocean bank, or natural drainage
- No removal of existing vegetation stabilizing the bank
- New construction confined to the existing developed area, landward of the coastal erosion setback
- Foundation design per architect's specifications (4x4 columns on concrete footings; standard footing depths)

Coastal Setbacks (152.234–235)

As stated above, all new construction is sited landward of the applicable 50-foot coastal erosion setback (Slight classification, 50-foot bank height). A geotechnical report has not been deemed necessary given that (a) no work occurs within the bank area, (b) the structures are located in the existing developed/paved portion of the site, and (c) the Slight classification and setback were confirmed for this same property in the 2005 Coastal Shorelands approval (Case File #7-CS-PC-05).

Summary

The project consists of minor improvements to an existing short-term rental property: a covered walkway to address water intrusion and a small storage building to address inadequate on-site storage. Both improvements are confined to the previously developed portion of the site, well landward of the 50-foot coastal erosion setback, and have no impact on shoreline resources, riparian vegetation, public access, water quality, or the visual character of the area. The applicants respectfully request approval of this Coastal Shorelands Zone Development Application.

Submitted by:

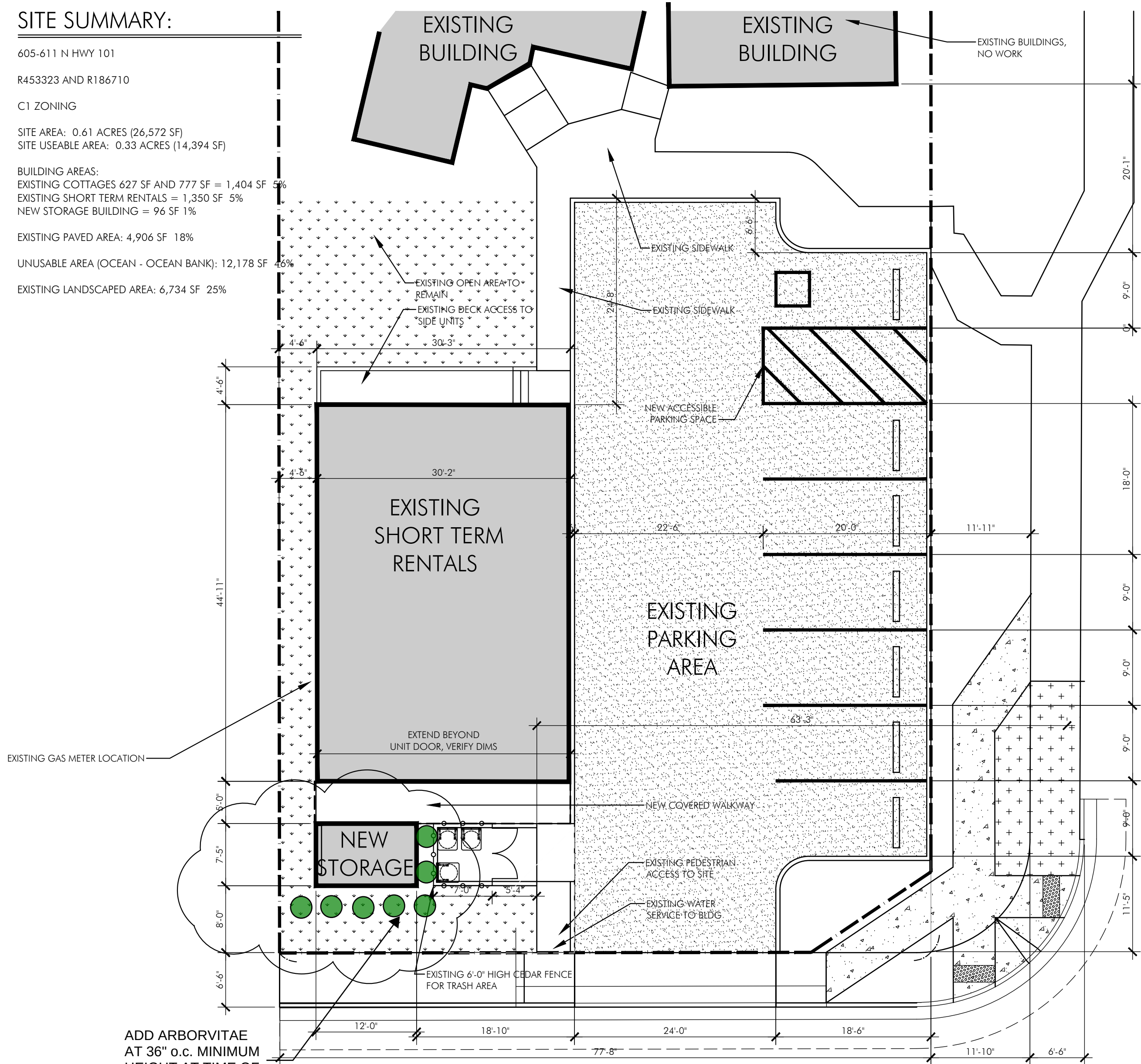
Levi and Michelle Andrews

[REDACTED]

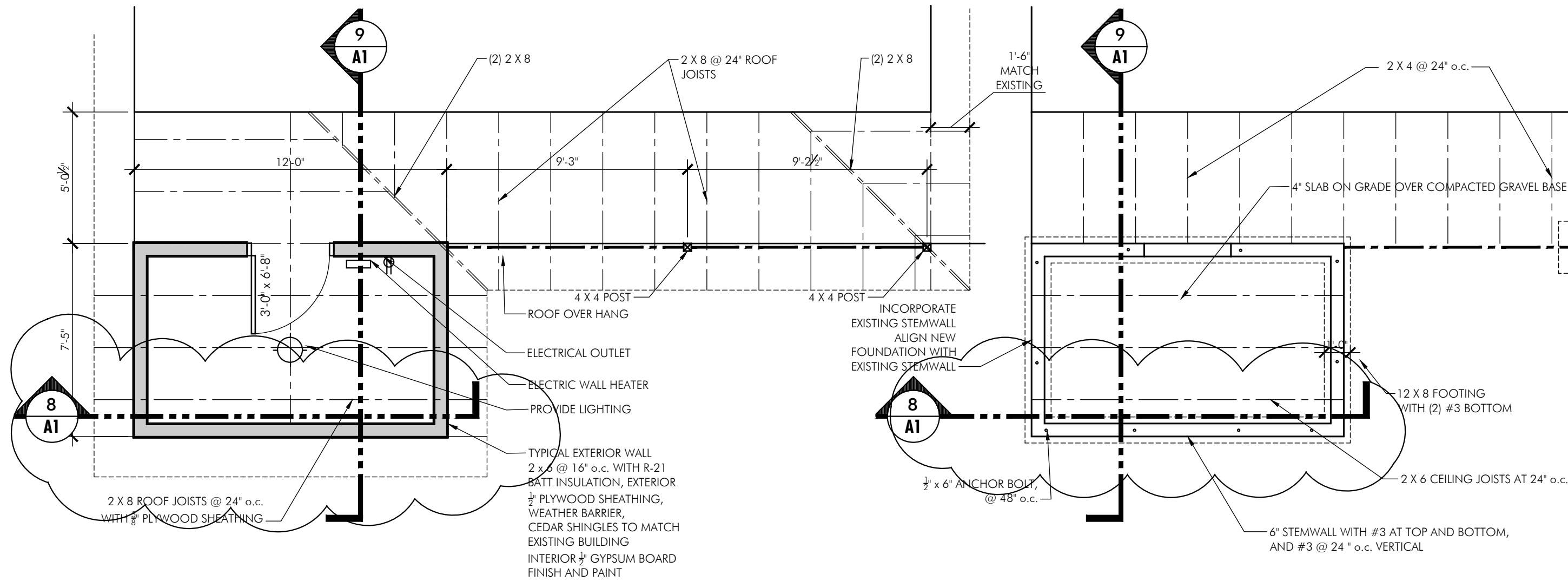
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SITE SUMMARY:

605-611 N HWY 101
R453323 AND R186710
C1 ZONING
SITE AREA: 0.61 ACRES (26,572 SF)
SITE USEABLE AREA: 0.33 ACRES (14,394 SF)
BUILDING AREAS:
EXISTING COTTAGES 627 SF AND 777 SF = 1,404 SF 5%
EXISTING SHORT TERM RENTALS = 1,350 SF 5%
NEW STORAGE BUILDING = 96 SF 1%
EXISTING PAVED AREA: 4,906 SF 18%
UNUSABLE AREA (OCEAN - OCEAN BANK): 12,178 SF 46%
EXISTING LANDSCAPED AREA: 6,734 SF 25%

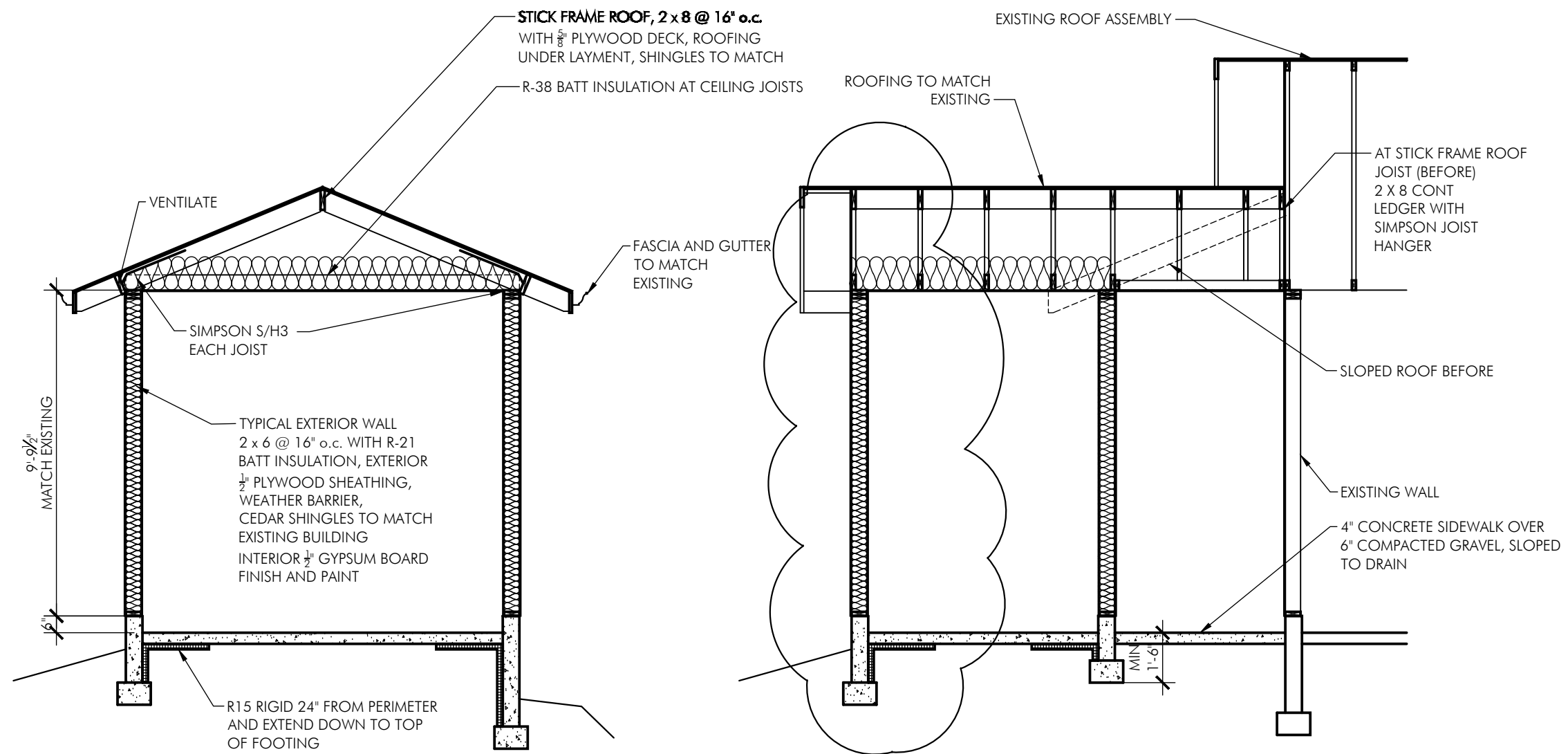
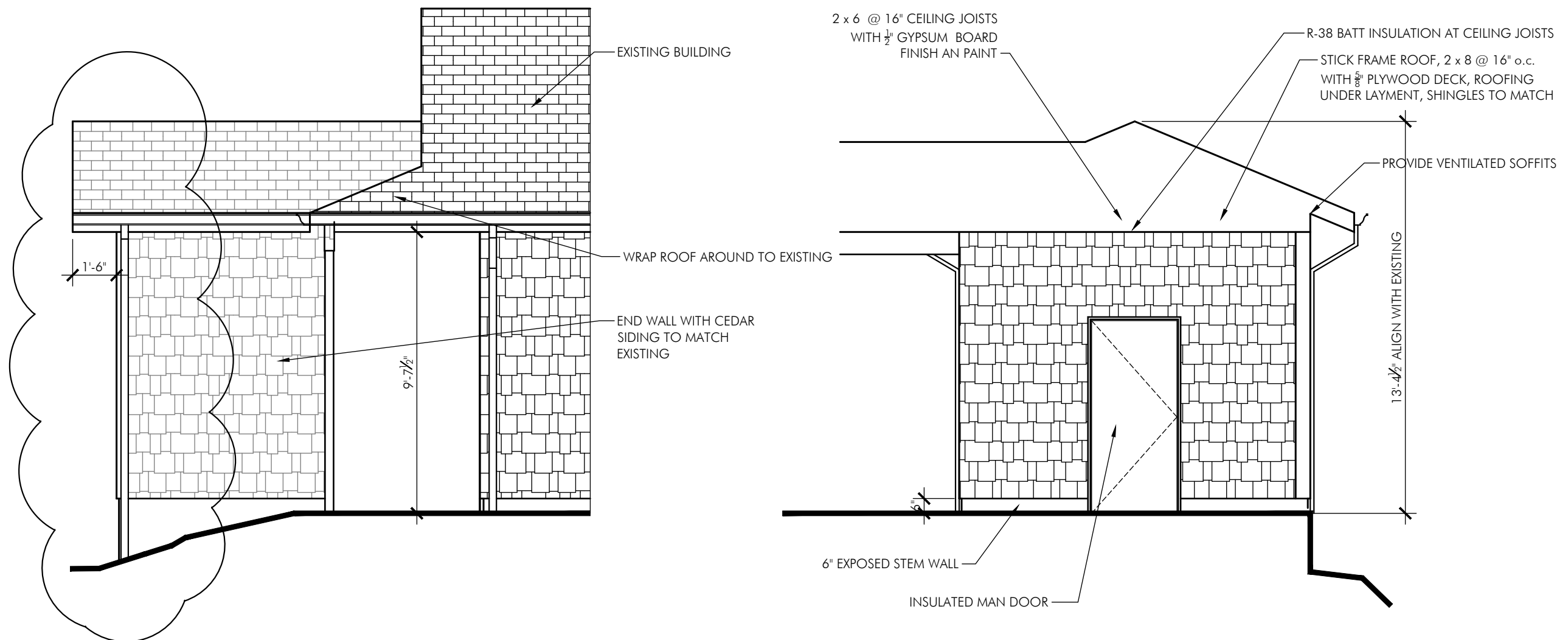
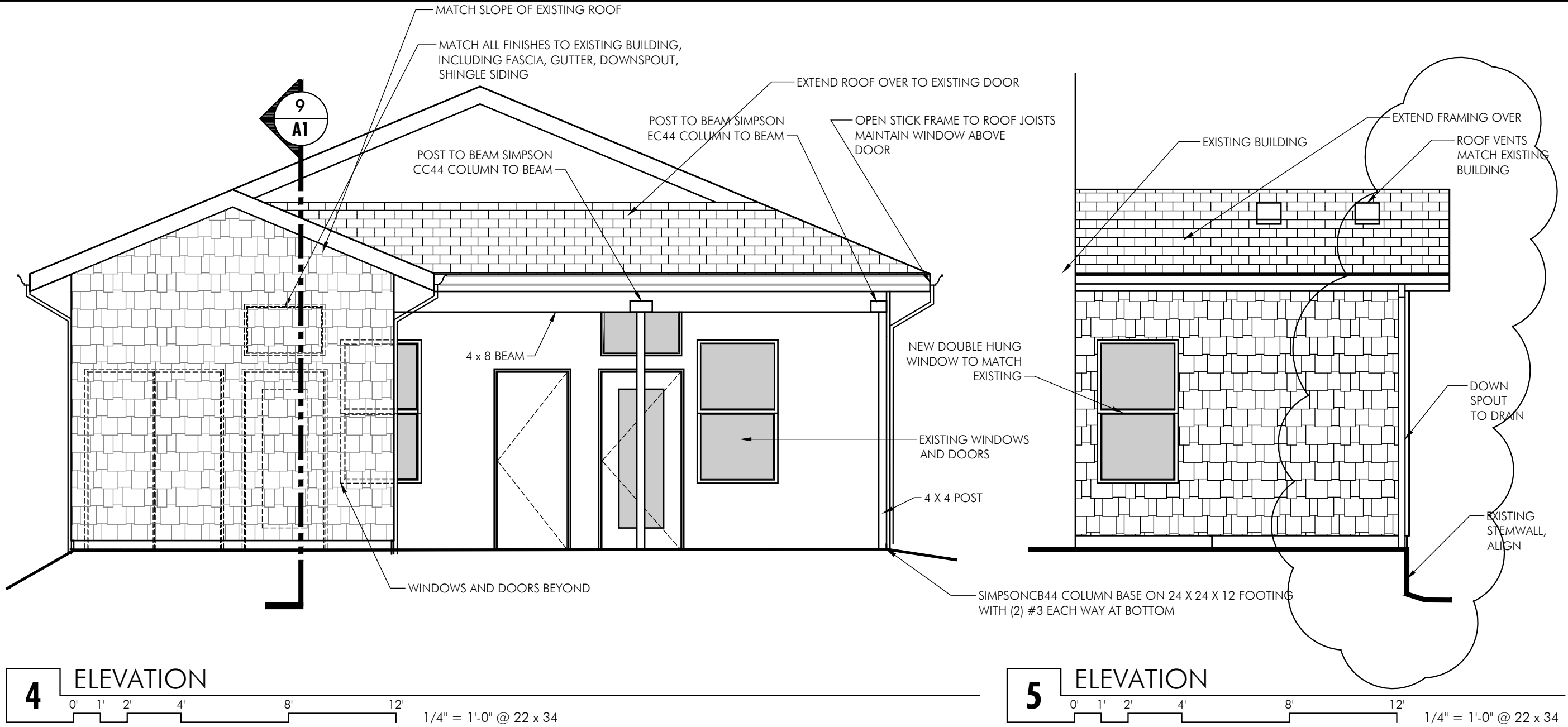


1 SITE PLAN
1 : 10 @ 22 x 34



2 STORAGE FLOOR PLAN
1/4" = 1'-0" @ 22 x 34

3 FOUNDATION PLAN
1/4" = 1'-0" @ 22 x 34





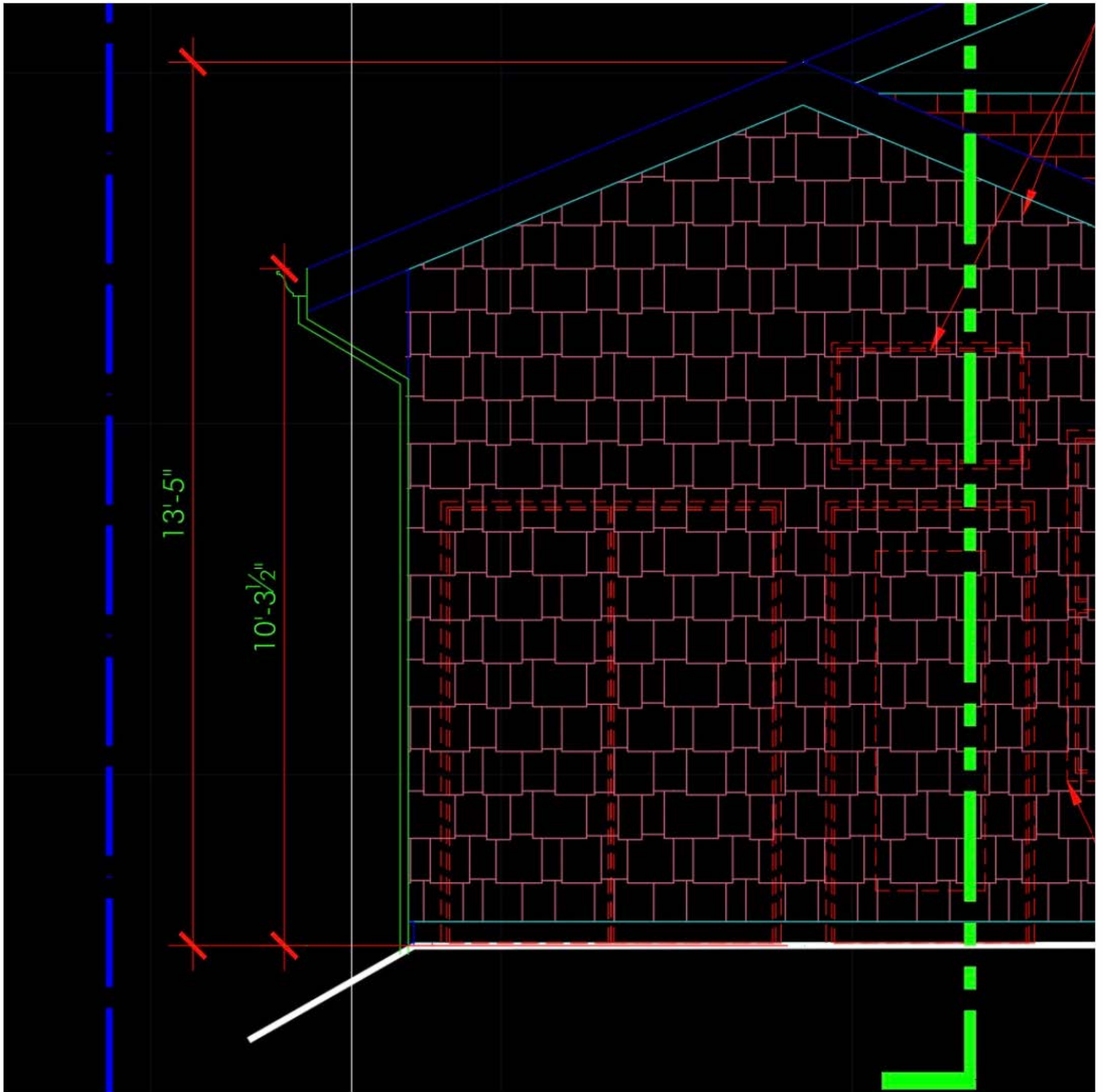
Gene Bolante 9:15 AM



to me, Sarah ▾

Sure it is 13'-5" to the peak, from the
finish floor, it is 10'-3 ½ to the eave

...



Gene Bolante, Architect

GCB Arch, LLC

PO Box 5456

§ 152.030 RETAIL COMMERCIAL ZONE C-1.

In a C-1 Zone, the following regulations shall apply.

(A) *Uses permitted outright.* In a C-1 Zone, the following uses and their accessory uses are permitted, subject to the provisions of §§ [152.055](#) through [152.076](#), [152.115](#) through [152.117](#), and [152.225](#) through [152.235](#) where applicable:

- (1) A single-family dwelling built on the site;
- (2) Manufactured dwelling;
- (3) A temporary manufactured dwelling or recreational vehicle used for dwelling purposes during the construction of a permitted use for which a building permit has been issued, provided the temporary manufactured dwelling or recreational vehicle:
 - (a) Is located during the time the construction is underway; and
 - (b) Will not remain more than one year from date of placement or 30 days following substantial completion, whichever is earlier.
- (4) Agricultural use of land provided that no livestock shall be raised or kept on the premises;
- (5) Recreational vehicle (unoccupied) or boat, stored on a lot in combination with an approved building;
- (6) Pre-fabricated or modular dwelling;
- (7) Two-family dwelling;
- (8) Multi-family dwelling;
- (9) Retail store or shop, such as food store, gift shop, drug store, apparel store, hardware store, furniture store, or similar establishment;
- (10) Repair shop for the type of goods offered for sale in those retail trade establishments permitted in a C-1 Zone provided all repair shall occur entirely within an enclosed building;
- (11) The manufacture, fabrication, and/or assembly of those goods offered for sale on the premises, provided all manufacturing, fabricating, assembling, and storage not exceed 50% of the total floor area of the establishment, and provided further that it shall occur within an enclosed building;
- (12) Personal or business service establishment, such as barber or beauty shop, laundry or dry cleaning establishment, tailor shop, or similar establishment;
- (13) Clinic;
- (14) Club, lodge, or fraternal organization;
- (15) Financial institution;
- (16) Indoor commercial amusement or recreation establishment, such as a bowling alley, theater, pool hall, or aquarium;

- (17) Mortuary;
- (18) Newspaper office or print shop;
- (19) Office;
- (20) Private museum, art gallery, or similar facility;
- (21) Restaurant, bar, or tavern;
- (22) Home occupation;
- (23) Automobile service station, including minor repair, provided it is conducted entirely within an enclosed building;
- (24) Laundromat;
- (25) Retail sale of sporting goods or bait;
- (26) Condominiums;
- (27) Public or private parking lots;
- (28) Residential facility;
- (29) Time share project;
- (30) Tourist accommodation or resort; and
- (31) Commercial fishing gear storage in the part of the zone adjacent to the harbor (Tax Map 09-11-08 AB, tax lots 600, 700, 800, 900, 1000, 1100, 1101, 1200, 1201, 7900, 8000, 8100, 8200, 90000, 90001, 90002, and 90003).

(B) *Conditional uses permitted.* In a C-1 Zone, the following uses and their accessory uses are permitted, subject to the provisions of §§ [152.055](#) through [152.076](#), [152.115](#) through [152.117](#), [152.130](#) through [152.136](#), and [152.225](#) through [152.235](#), where applicable:

- (1) Church, non-profit religious, or philanthropic institution;
- (2) Community center;
- (3) Day nursery, nursery school, kindergarten, or similar activity;
- (4) Governmental structure or use of land;
- (5) Mobile vending stand;
- (6) Private non-commercial recreation club, such as tennis, swimming, or archery club;
- (7) Public park, playground, or swimming pool;
- (8) Public school or private school offering curricula similar to public school;
- (9) Public or private utility facility;
- (10) Radio or television transmitter or tower;

- (11) Solid waste disposal transfer station;
- (12) Recreational vehicle park;
- (13) Outdoor commercial amusement or recreation establishment, such as miniature golf course or drive-in theater, but not including uses, such as race track or automobile speedway;
- (14) Hospital and/or nursing home;
- (15) Drive-in services, such as a drive-in restaurant;
- (16) Billboards;
- (17) Kennel;
- (18) Animal hospital;
- (19) Automobile repair garage, provided all repair shall be conducted entirely within an enclosed building;
- (20) Boat or marine equipment sales, service, storage, or rental; boat or marine equipment minor repair, provided all such repair be conducted entirely within an enclosed building;
- (21) Lumber or building materials, sales, and storage;
- (22) Warehouse or storage area; and
- (23) Child care.

(C) *Standards.* Except as provided in §§ [152.055](#) through [152.076](#), [152.115](#) through [152.117](#), and [152.130](#) through [152.136](#), in any C-1 Zone, the following standards shall apply:

- (1) All yards abutting a lot in a residential zone shall be a minimum of ten feet;
- (2) No building in the C-1 Zone shall exceed a height of 35 feet;
- (3) Outdoor storage shall be screened with a sight-obscuring fence; and
- (4) Kennels shall be located:
 - (a) No closer than 75 feet from a residential zone; and
 - (b) No closer than 20 feet from a property line.

(Ord. 24, passed 4-5-1976; Ord. 71, passed 8-19-1980; Ord. 92, passed 7-7-1982; Ord. 130, passed 4-6-1987; Ord. 154, passed 9-17-1990; Ord. 172, passed 10-7-1991; Ord. 173, passed 12-2-1991; Ord. 186, passed 12-22-1992; Ord. 187, passed 2-16-1993; Ord. 217, passed 4-17-1995; Ord. 234, passed 12-16-1996; Ord. 268, passed 11-2-2004; Ord. 279, passed - -2007; Ord. 327-21, passed 4-20-2021) Penalty, see § [152.999](#)

§ 152.031 COMMERCIAL ZONE C-1.

- (A) *Applicability.*

(1) The provisions of this section shall be applicable to § [152.030](#) of this subchapter. The provisions of this section shall override any conflicts between provisions of this section and § [152.030](#) of this subchapter.

(2) Any structure lawfully permitted which is made non-conforming by adoption or amendment of this chapter is a non-conforming structure. Existing structure non-conformities may continue indefinitely (grandfathered). Normal maintenance and repairs are permitted that do not result in the alteration of the footprint, volume, or height of the structure.

(B) *General information.*

(1) In the Commercial Zone C-1 on arterials (specifically Highway 101), these commercial guidelines help create a vibrant pedestrian environment by slowing traffic down, providing a storefront business friendly character to the street, and especially by encouraging walking for the enjoyment of residents and visitors. To create a social and approachable streetscape, the setback standards are flexible to encourage public spaces between sidewalks and building entrances (such as, extra-wide sidewalks, plazas, squares, outdoor dining areas, and pocket parks). The addition of these pedestrian amenities serves as informal gathering places for socializing, resting, and enhanced enjoyment of the city commercial district.

(2) The standards encourage the formation of solid blocks of commercial and mixed-use buildings for individual walkable districts that are tied to the overall business district.

(3) Along Highway 101, frontage, landscaping, building setbacks, and other pedestrian amenities sustain the feel of a small community located between two state parks and vegetated corridors. These amenities will distinguish the city from many cities and towns that have arterial development dominated by pavement, parking lots, and stark building facades immediately adjacent to narrow sidewalks.

(4) Higher density residential uses, such as multi-family buildings and attached townhomes, are permitted to encourage permanent housing near employment, shopping, and services, and to encourage affordable, amiable housing for families that desire to play and live in the city.

(C) *Building setbacks.*

(1) *Generally.* These setback standards shall apply to primary structures, as well as accessory structures on arterials (Highway 101). The standards may be modified only by approval of a variance in accordance with §§ [152.170](#) through [152.173](#) of this chapter.

(2) *Front yard setbacks.*

(a) *Minimum setback.* There is no minimum front yard setback required.

(b) *Maximum setback.* There is no maximum front yard setback required, but a usable public space with pedestrian amenities (such as, plaza, pocket park, managed landscaping, outdoor dining area, or town square with seating) shall be provided in the entire area between the building and front property line (see also divisions (G) and (H) below).

(3) *Rear yard setbacks.* There is no minimum rear yard setback.

(4) *Side yard setbacks.* There is no minimum side yard setback required but in the case of a side yard on a corner lot, a usable public space with pedestrian amenities (such as, extra-wide

sidewalk, plaza, pocket park, managed landscaping, outdoor dining area, or town square with seating) shall be provided in the entire area between the building and side property line (see also divisions (G) and (H) below).

(5) *Clear vision standards.* All buildings shall conform to the clear vision standards in § [152.055](#) of this chapter and the applicable fire and building codes for attached structures, fire walls, and related requirements.

(D) *Lot coverage of buildings on arterials (Highway 101).*

(1) There is no maximum or minimum lot coverage requirement.

(2) All buildings on arterials (Highway 101) shall have a minimum 1,000 square feet.

(E) *Building orientation on arterials (Highway 101).*

(1) Buildings shall have their primary entrance(s) oriented to (facing) Highway 101, except as noted below.

(a) Building entrances may include entrances to individual units, lobby entrances, entrances oriented to pedestrian plazas, or breezeway/courtyard entrances (such as, to a cluster of units or commercial spaces).

(b) Alternatively, a building may have its entrance facing a side yard when a direct pedestrian walkway not exceeding 20 feet in length is provided between the building entrance and the street right-of-way.

(c) On corner lots, buildings entrances may be oriented to the street corner.

(2) Developments may be configured to provide a driveway or interior parking court. If interior parking courts are created, then pedestrian pathways shall be provided between buildings from the street right-of-way to interior parking courts, to ensure reasonably safe, direct, and convenient access to building entrances and off-street parking.

(3) Off-street parking, driveways, or other vehicular circulation shall not be placed between a building and Highway 101.

(F) *Building height on arterials (Highway 101).*

(1) Maximum height of buildings shall not exceed a height of 35 feet.

(2) (a) Building height shall be measured at the front of the building from the lowest point from the adjacent sidewalk, or the existing paved street elevation where a sidewalk does not currently exist. For corner lots and through lots, the front shall be along the major street.

(b) The one exception to the above is on the west side of Highway 101 from Sunset Street to the bridge where building height is measured in accordance with § [152.003](#) of this chapter.

(G) *Building architectural standards.*

(1) This section applies to all building types on arterials (Highway 101).

(2) All buildings along Highway 101 shall contribute to the storefront character and visual relatedness of the city's C-1 Zone buildings. This criterion shall be met by providing

architectural features as listed in divisions (G)(2)(a) through (G)(2)(d) below, in the front or “main street” facade or elevation, as applicable. Buildings situated on corners shall include the stated criteria in the side street elevation or facade as well. Buildings on through-lots (lots that face a street along the front and rear of the property) shall treat the secondary street facade in a manner similar to that as the main street facade is treated. Additionally, if the architectural character along the secondary street is other than commercial, that facade should be compatible with the architectural character of that neighborhood as much as possible while maintaining the architectural integrity of the main building.

(a) *Fenestration and decoration.* Appropriately spaced and/or shaped windows with window hoods, cornices, and/or canopies or special trim at all windows on all building stories. Windows shall be of a design that is consistent with the architectural character of the building and as described in this section.

(b) *Display windows.* Large display windows shall be provided on the ground floor and shall be set off by extended mullions, applied columns, or a storefront cornice to separate the ground floor from upper stories. Street ground floor exterior walls shall contain a minimum of 50% of either display windows or entrance area measured across the length of the exterior wall. Display windows are not required for residential or tourist accommodation uses. For all building types and uses, floors facing streets shall not have less than 25% window area measured across the length of the exterior wall. Proportion of windows shall conform to general architectural standards.

(c) *Decoration.* Decorative cornices and/or fascias on street facades at top of building (flat roof), or eaves on buildings with pitched roofs and/or expressions of roof structure, such as projected roof trusses or decorative roof overhangs.

(d) *Additional design features.* A minimum of two of the following design features are required:

1. Cedar shake shingle appearance for the roof and siding;
2. A steeply pitched roof with gable ends;
3. Multiple dormers;
4. Shutters by windows;
5. Window boxes;
6. Pilasters surrounding doors; and
7. Bright white trim.

(3) Other than receptacles for the public use, trash containers (including recyclables and garbage) shall not be located along Highway 101, unless they are non-conforming (“grandfathered”), and shall be obscured by a fence or similar, or otherwise hidden from view.

(4) A minimum 15% of C-1 properties with Highway 101 frontage north of Bradford Street and south of Evans Street shall be landscaped with native vegetation including a mix of trees, shrubs, and ground cover. Properties shall contain at least one tree indigenous to the northwest.

(H) *Pedestrian amenities in the C-1 Zone.*

(1) Pedestrian sidewalks shall be provided on all street sides of buildings, parking areas, and the like in the entire C-1 zoned area. These sidewalks shall have a minimum eight-foot width along Highway 101, and minimum five-foot width elsewhere. Sidewalks shall be concrete with a city-approved surface material that is consistent with adjacent and nearby sidewalks. All sidewalks shall be ADA compliant to meet current laws.

(2) Every building and development on arterials (Highway 101) shall provide one or more of the “pedestrian amenities” listed below:

- (a) A managed landscaped plaza, courtyard, square, or recessed area next to the building;
- (b) Sitting space, such as dining area, benches, or sitting ledges (minimum of 16 inches in height and 30 inches in width) between the building and sidewalk;
- (c) Building canopy, awning, pergola, or similar weather protection (minimum projection of four feet over a sidewalk or other pedestrian space, and minimum eight-foot above the sidewalk or other pedestrian space); or
- (d) Multi-family housing and tourist accommodations that do not have a majority (greater than 75%) of retail on the ground floor shall have a minimum of eight feet of landscaped grounds between the building(s) and sidewalk.

(I) *Special standards for certain uses in the C-1 Zone.*

(1) *Common areas.* All common areas (such as, walkways, drives, courtyards, private alleys, parking courts, landscaped areas, and any otherwise unused right-of-way areas between the property line and developed road, and the like) and building exteriors shall be maintained by the property owner. Copies of any applicable covenants, restrictions, and conditions shall be recorded by the applicable agency and provided to the city prior to building permit approval.

(2) *Accessory uses and structures.*

- (a) An accessory structure shall not be allowed before or without a primary use.
- (b) Accessory structures on arterial (Highway 101) property shall comply with the setback standards herein, except that the maximum setback provisions shall not apply.
- (c) Accessory structures on arterial (Highway 101) property shall comply with division (G) above.
- (d) A structure shall not be placed over an easement that prohibits such placement. No structure shall encroach into the public right-of-way without prior written approval by the applicable agency.
- (e) The owner may be required to remove an accessory structure as a condition of land division approval when removal of the structure is necessary to comply with setback standards.
- (f) No accessory use structure shall be viewable from Highway 101.

(J) *Parking, garages, and driveways in the C-1 Zone.*

(1) Parking requirements within the C-1 Zone shall conform to § [152.058](#) of this chapter. Parking-related provisions of this section shall supersede provisions of § [152.058](#) of this chapter that are expressly contrary to this section. The required size of parking spaces, aisles, driveways, and similar design features are set forth in Diagram A below. Due to the increased length of vehicles, longer parking spaces are highly recommended. No “compact” sized spaces are allowed.

(2) If an existing commercial building is presently non-conforming in regards to parking (“grandfathered”), increasing the square footage of the building will not require the building owner/developer to fulfill the existing non-conforming portion of the parking space requirement. The owner/developer will be required to fulfill any additional parking requirement relating to the increased square footage.

(3) (a) All off-street paved vehicle areas along arterials (Highway 101), including surface lots, driveways, parking areas, and garages, shall be accessed from alleys or a side or back street, and shall be located in areas located behind or to the side of a building.

(b) They may be placed in structures above the ground floor.

(c) Side yards on corner lots shall not be used for surface parking.

(d) Parking areas on the side of a building shall be limited to one row of diagonal parking maximum.

(e) All garage entrances facing a street (such as, structured parking) shall be recessed behind the front elevation by a minimum of four feet.

(f) On corner lots, garage entrances and driveways shall be oriented to a side street (such as, away from Highway 101 when vehicle access cannot be provided from an alley).

(g) Parking areas or parking spaces shall not be placed in front of a building on arterials (Highway 101), other than the public parking spaces provided within the public right-of-way.

(4) Between 9:00 a.m. and 5:00 p.m. on any day, no individual who works or resides in the C-1 Zone shall park a vehicle on Highway 101 north of the Depoe Bay Bridge while in their place of employment or in their place of residence, except for vehicles with authorized disabled placards. One exception is on the west side of Highway 101 from Sunset Street south to Whale Park Memorial Wall (Bradford Street). Tourist transients are also excluded. No structure in the applicable area shall be considered non-conforming or (“grandfathered”) from this specific standard.

(5) Driveways, alleyways, and any other vehicle access shall be hard-surface paved and shall be at the existing road grade level at the point the driveway meets the public right-of-way. In cases where the current developed road is not the full width of the public right-of-way, the vehicle access shall be at the elevation the road grade level would be as if the road were expanded to the edge of the public right-of-way.

(6) Regardless of use, all parking lots, parking areas, parking courts, and parking spaces shall be hard-surface paved and striped for individual parking spaces. The parking spaces along the outer boundaries of a lot or parking area shall contain a curb or bumper rail at least four

inches high and set back four feet from the front of the space. At least 5% of parking areas over six stalls shall be landscaped.

(Ord. 319, passed 10-1-2019) Penalty, see § [152.999](#)

§ 152.028 RESIDENTIAL ZONE R-4.

In an R-4 Zone, the following regulations shall apply.

(A) *Uses permitted outright.* In an R-4 Zone, the following uses and their accessory uses are permitted, subject to the provisions of §§ 152.055 through 152.076, 152.115 through 152.117, and 152.225 through 152.235 where applicable:

- (1) A single-family dwelling built on the site;
- (2) Manufactured home;
- (3) A temporary manufactured dwelling or recreational vehicle used for dwelling purposes during the construction of a permitted use for which a building permit has been issued, provided the temporary manufactured dwelling or recreational vehicle:
 - (a) Is located during the time the construction is underway; and
 - (b) Will not remain more than one year from date of placement or 30 days following substantial completion, whichever is earlier.
- (4) Agricultural use of land provided that no livestock shall be raised or kept on the premises and provided further than no commercial structure shall be constructed or maintained on the premises;
- (5) Recreational vehicle (unoccupied) or boat, stored on a lot in combination with an approved building;
- (6) Pre-fabricated or modular dwelling;
- (7) Two-family dwelling;
- (8) Multi-family dwelling;
- (9) Condominiums;
- (10) Residential facility;
- (11) Residential homes;
- (12) Family day care provider;
- (13) Transparent occupation; and
- (14) (a) Commercial fishing gear storage at the gear owner's dwelling or adjacent lot under the same ownership.
(b) The gear must be stored in a neat and orderly manner and must be non-toxic, non-hazardous, and cause no odor off-site.

(B) *Conditional uses permitted.* In an R-4 Zone, the following uses and their accessory uses are permitted, subject to the provisions of §§ 152.055 through 152.076, 152.115 through 152.117, 152.130 through 152.136, and 152.225 through 152.235 where applicable:

- (1) Cemetery;
- (2) Church, non-profit religious, or philanthropic institution;
- (3) Community center;
- (4) Day nursery, nursery school, kindergarten, or similar facility;
- (5) Governmental structure or use of land;
- (6) Home occupation;
- (7) Golf course or country club, but excluding golf driving range miniature golf course, or similar facility;
- (8) Private non-commercial recreation club, such as tennis, swimming, or archery club, but excluding commercial amusement or recreation enterprises;
- (9) Public park, playground, or swimming pool;
- (10) Public school or private school offering curricula similar to public school;
- (11) Public or private utility facility;
- (12) Radio or television transmitter or tower;
- (13) Solid waste disposal transfer station;
- (14) Mobile home park/manufactured dwelling park;
- (15) Retirement home; and

(16) Parking area, meeting the requirements of § 152.058 of this chapter.

(C) *Standards.* Except as provided in §§ 152.055 through 152.076, 152.115 through 152.117, and 152.130 through 152.136 in an R-4 Zone, the following standards shall apply.

(1) *Lot size and dimensions.* The minimum lot size and dimensions in an R-4 Zone shall be as follows:

(a) The lot area shall be 5,000 square feet for a one-family dwelling. The minimum lot area for dwelling unit shall be 2,500 square feet for multi-family dwellings;

(b) The minimum lot width at the front lot line shall be 50 feet for an interior lot and 55 feet for a corner lot, except flag lots. The staff of a flag lot shall have a minimum width and frontage of not less than 25 feet;

(c) The minimum lot depth shall be 80 feet; and

(d) Lot area for ocean front lots or lots with intervening ownership which does not prevent coastal erosion from progressive deterioration of the property shall be determined by the amount of area from the line of mean high water to the landward extent of the property.

(2) *Yards.* The minimum yard requirements in the R-4 Zone shall be as follows:

(a) The front yard shall be a minimum of 20 feet;

(b) Each side yard shall be a minimum of either five feet or one foot for each three feet of building height, whichever requirement is the greater;

(c) The street side yard shall be a minimum of 20 feet, except this may be reduced by one foot for each foot the average lot width is less than 60 feet, however, no street side yard shall be less than ten feet (see **LOT WIDTH** in § 152.003 of this chapter for method of calculation);

(d) The rear yard shall be a minimum of ten feet, except that on a corner lot, it shall be a minimum of either five feet or one foot for each three feet of building height, whichever requirement is the greater; and

(e) No structure shall be located closer than 60 feet from the center line of any state highway.

(3) *Building height.* No building in the R-4 Zone shall exceed a height of 35 feet.

(Ord. 24, passed 4-5-1976; Ord. 71, passed 8-19-1980; Ord. 130, passed 4-6-1987; Ord. 145, passed 1-3-1989; Ord. 154, passed 9-17-1990; Ord. 172, passed 10-7-1991; Ord. 173, passed 12-2-1991; Ord. 186, passed 12-22-1992; Ord. 187, passed 2-16-1993; Ord. 236, passed 12-16-1996; Ord. 256, passed 4-6-2004; Ord. 268, passed 11-2-2004; Ord. 287, passed 5-4-2010) Penalty, see § 152.999

City Planner's Report

Staff: Creed A. Eckert

7.2.26

- **Harbor View Restrooms Coastal Shorelands Development, Conditional Use**
 - Hearing June 24, record remained open till July 20
 - To be considered at Planning Commission meeting July 22

- **Andrews Coastal Shorelands Development Permit**
 - 15 NW Harney Street
 - Storage Shed
 - Hearing scheduled for July 8, 2026

- **Kimberly Johns Change in Use**
 - 674 N. Hwy 101
 - Add retail gift shop to existing long term and short-term rental
 - To be heard by the Planning Commission July 22

- **Ropp Conditional Use to Occupy an RV in the Residential R-3 Zone**
 - 730 E. Collins
 - Hearing August 12

- **Kimbrough Coastal Shorelands Development and GEO Report**
 - 09-11-05-DD-01300
 - New single-unit dwelling on vacant land in View of the Bay
 - Not yet complete, possible hearing August 12

- **Copeland Coastal Shorelands Development and GEO Report**
 - 09-08-11-CB-01200
 - New single-unit dwelling on vacant land on South Point
 - Not yet complete

- **Building Permit Applications**
 - Sadler Deck 335 NE Spring Avenue
 - Depoe Hills Lot 2
 - Depoe Hills Lots 25-29
 - Awaiting County assignment of tax lot #'s

- **1 Anticipated Property Line Adjustment**
 - File No. Not Yet Assigned Paul Carver
 - 750 NE Collins
 - Required to submit application as condition of building permit
 - Not yet received

- **Planning Maps Modernization**
 - Working with AKS to refine planning map GIS application
 - Up and running now – a very helpful planning tool
 - Drastic improvement over old paper and PDF maps

- **Working with Community Liaison Officer to Incorporate Dark Sky Standards into Draft Exterior Lighting Ordinance**
 - Per direction from City Council

- **Working With Consultant, DLCDC Regarding Code Amendment Projects**
 - One housing related project under approved DLCDC Grant
 - One non-housing related, City funded
 - Both projects in progress
 - Public Open House tentatively scheduled for August 20
 - Housing related code audit PC Work Session date TBD
 - Supplemental code audit PC Work Session date TBD

- **Revising City's Land Use and Building Permit Application Forms**
 - In progress

- **Process Sign Permits**
- **Business License Reviews for Tourist Accommodations, etc.**
- **Respond to Various Potential Violations, Complaints, Concerns**
 - Retaining walls, short term rentals, duplex conversion, etc.
- **Answer Planning Department Inquiries, including pre-application meetings**
- **Administer requests for Certificates of Occupancy of completed developments**
- **Weekly Staff Coordination Meetings w/City Engineer**
- **Attend Various Seminars**

Little or No Change in Long Term Priorities, Goals and Objectives:

Amend Quasi-Judicial Public Hearings Script

Schedule Planning Commissioner Training