

1 Depoe Bay Planning Commission
2 Regular Meeting
3 Wednesday, February 14, 2007 - 7:00 PM
4 Depoe Bay City Hall

5
6 PRESENT: President C. Connors, S. McGavock, D. Goddard, B. Taunton, V. Sovern, B. Bruce, E.
7 Hough

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9 STAFF: City Planner L. Lewis, Recording Secretary C. Duering

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11 I. CALL MEETING TO ORDER

12 Connors called the meeting to order and established a quorum at 7:01 PM.

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14 II. APPROVAL OF MINUTES: December 20, 2006 Regular Meeting.

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16 Motion: Goddard moved to approve the Minutes of the December 20, 2006 Regular Meeting as written.
17 Taunton seconded the Motion.

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19 Connors said it was moved and seconded, and called for discussion. There was none.

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21 Vote: Motion passed.

22 Ayes: Goddard, Taunton, Connors, Bruce, McGavock

23 Abstain: Sovern, Hough

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25 III ITEMS FROM THE AUDIENCE

26 There were no items from the Audience.

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28 IV. PUBLIC HEARING ITEMS

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30 A. Proposed Depoe Bay Zoning Ordinance Text Amendments Regarding Parking
31 Regulations

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33 Lewis summarized the proposed Draft Text Amendments and a Memo recommending two changes and
34 providing additional information regarding defining Eating and Drinking Establishments for Planning
35 Commissioners' consideration (copies attached to original of these Minutes). Written Testimony was
36 received from Dick Johnson and Kurt Granat (copies attached to original of these Minutes). Connors
37 asked if the Commissioners had any questions to address to the City Planner. There was none. Dick
38 Johnson, 1915 McDonald Ave., referred to his Memo written as the former Parking Study Co-Chair. He
39 indicated that his comments are based on the data prepared by the Parking Study Group (comprised of
40 14 Local Members) and the Consultants' Study (funded by the Oregon Downtown Development
41 Association (ODDA). He identified 4 recommendations as outlined in his Written Testimony. He
42 suggested after a brief discussion concerning the Parking Survey results with Commissioner Goddard (a
43 participant) that the Commission re-examine the statistics. Peggy Leoni, 355 S.W. Hwy. 101, speaking
44 as a Resident and a Business Owner (not as a Representative from the Depoe Bay Chamber of
45 Commerce) stated that she and her husband applaud the Commission for the positive changes they have
46 made to the DBZO. She disagrees with Johnson's proposed division of the C-1 Zone (Downtown Core

1 Area, Harbor, Evans to Bradford, etc.) and believes that regulations should be applied to the Commercial
2 Zone as a single unit (equality whenever circumstances permit). She suggested the following: Define
3 *Truck* (mentioned in Item 54. and Item 1413.). She asked for clarification regarding Item 98. *Parking*
4 *Spaces along the outer boundaries of a Lot shall contain a curb or bumper rail at least four inches high*
5 *and set back four (4) feet from the front of the Space.* Lewis replied it is a wheel stop (included in the
6 measurement of the Parking Space). She questioned the calculation of three (3) Spaces for each RV
7 Space. Lewis corrected Leoni (Item 19. b. *three (3) Spaces for each two (2) RV Spaces or 1½ per Space*)
8 and reiterated that is existing language and didn't recall discussion during the Workshop regarding
9 changing the requirement. She specified a need for consistency in the Code when referring to square
10 footage (i.e. Floor Area, Break Area, Office, Storage, etc. or entire Structure). She asked if the City of
11 Depoe Bay is in compliance with Item 19. x. *Marine or other Moorage Facility One (1) Space per Boat*
12 *Mooring Space.* She re-stated her appreciation of the Planning Commissioners' effort. Karl Granat,
13 (brother, Kurt Granat, provided Written Testimony) wanted to address some of the pertinent items in
14 person. He testified that his main concern is that there is a tremendous shortage of Parking in Depoe
15 Bay on the weekends and peak times during the summer (he has a residence above Lareisa Plaza and has
16 a clear view of the rear Parking Lots). The proposed Text Amendments (Item 18 a. *On-street Parking*
17 *Spaces that front the Lot and are adjacent (on the same side of the street) may be counted in the*
18 *required Parking. Over one-half of the Parking Space shall be directly within the street frontage of the*
19 *Lot in order to be counted in the required Parking.* Item 19. i. *Retail Store not handling bulky*
20 *merchandise One (1) Space for each 200 500 square feet of Floor Area.*) would create a tremendous
21 windfall for them and a negative impact on the existing Merchants, Restaurants, Charter Services, and
22 the City of Depoe Bay overall (adjacent Parking Lots as well as other comparable Private and Public
23 Lots would no longer be necessary and could be sold and/or developed). He believes allowing
24 Businesses an option to pay into a Public Parking Fund to improve City Parking would add to the
25 strength and viability of the Downtown Community. The City of Depoe Bay, Business and/or Property
26 Owners do not have jurisdiction over the existing Parking Spaces along Hwy. 101 (under the control of
27 O.D.O.T.). Positive plans need to be made for the future of Depoe Bay should O.D.O.T. decide to
28 reduce the number of current Spaces by enforcing Parallel Parking (due to Safety Precautions). He
29 asked what is the Coastal Community average Parking Requirement for Retail Uses. Connors replied
30 Waldport is one (1) per 1,500 sq. ft. (actual one (1) per 500 sq. ft.), DLCDC recommends two (2) Spaces
31 per 1,000 sq. ft. He posed the question if the Commercial population isn't going to be required to take
32 care of the Parking problem then who is going to. In closing he reiterated that taking the existing
33 Parking amenities out of the equation will have a very deleterious effect on Depoe Bay. Jerome Grant,
34 P.O. Box 411, 356 E. Logsdan Rd., Siletz, owner of 3 Lots (Gracie's Sea Hag Restaurant, Parking Lot,
35 and a House) in the Depoe Bay Commercial (C-1) Zone, acknowledged receipt of the City of Depoe Bay
36 Notice of Public Hearing but did not have a copy of the material the City Planner, Planning
37 Commissioners and others were making reference to (tonight's Public Hearing) - his notes are based
38 upon the Summary of Proposed Depoe Bay Zoning Ordinance (DBZO) Amendments to Parking
39 Regulations. He asked the Commission to stop him if some of the items no longer apply. Lewis
40 responded basically everything on the Notice is still on the table. His goal is equality - hold the same
41 Business Use to the same Standards (i.e. Restaurant to Restaurant, Warehouse to Warehouse, etc.). He
42 addressed each of the items mentioned in the Notice and expressed the following concerns for the
43 Planning Commission's consideration: *Parking Requirements would not apply when the use of a*
44 *building is changed* He offered the following scenario - If he owns a 2,000 sq. ft. Warehouse that is
45 less restrictive (1 Space for every 2,000 sq. ft.) and he wants to remodel it into a Restaurant that has a
46 higher Requirement for Parking (1 Space for every 100 sq. ft. of Serving Area) he wouldn't be required

1 to supply any additional Parking, in other words he would only need 1 Space instead of 20. Lewis
2 responded as drafted additional Parking would not be required. Grant asked how is that fair to me (an
3 existing Restaurant required to provide Parking). *The required locations of Parking Spaces for*
4 *Residential Dwellings, Hotels, Motels, Resorts and Time Shares shall be the same as other uses, i.e. 'on*
5 *the same Lot or within 500 feet' as opposed to 'on the same Lot or on a Lot immediately adjacent to the*
6 *Lot'.* Didn't fully understand and would like prior to adoption of the proposed Amendment to have it
7 presented in the format of a word picture. *On-street Parking Spaces that front the Lot and are adjacent*
8 *(on the same side of the street) may be counted in the required Parking. Over one-half of the Parking*
9 *Space shall be directly within the street frontage of the Lot in order to be counted in the required*
10 *Parking.* He doesn't believe that any Business has the right to claim On-Street Public Parking as their
11 Parking. Any one Business by providence and sometimes by investment may have multiple Spaces
12 available to be considered in the equation, while others may not – where is the equality. *When the*
13 *square footage of a Business or Structure is increased, only the required Parking Spaces associated*
14 *with the increased square footage must be provided.* He reiterated the Warehouse/Restaurant example
15 with the addition of another 1,000 sq. ft. and the injustice to established Businesses. *No person who*
16 *works or resides on properties fronting Highway 101 shall park a vehicle on Hwy. 101 while in his/her*
17 *place of employment, or in his/her residence between nine a.m. and five p.m. on any day.* Take into
18 account Work Schedules – some people work nights and sleep during the day. Enforcement issue –
19 would it be by subject (neighbor complaining against neighbor). *All Parking shall be General Purpose*
20 *Parking/Public Parking with the exception of Residential Uses which may have designated Off-Street*
21 *Parking Spaces.* No comment. *The Parking Requirement for Retail Stores is changed from 1 Space for*
22 *each 200 square feet to 1 Space for each 500 square feet of Floor Area. The Parking Requirement for*
23 *Service or Repair Shops is changed from 1 Space for each 600 square feet to 2 Spaces for each 1,000*
24 *square feet of Sales, Storage or Repair Area.* To make Retail Stores less restrictive (2½ times) and
25 Service or Repair Shop more restrictive seems to be a contradiction. If there is a plurality among the
26 Business Community that Parking Requirements should be less restrictive, then whatever changes that
27 are made should apply equally and be equitable to each Commercial Property Owner. He expressed
28 appreciation for the opportunity to comment and indicated that he would be happy to answer any
29 questions and volunteered his time to participate in future Workshops. John Woodmark, P.O. Box 89,
30 sympathized with the Commission (he has participated on many Parking Committees). As Owner of 12
31 pieces of Commercial Properties Downtown he has provided Parking as per DBZO. He has made
32 decisions to purchase or not purchase Real Estate based on the Ordinances. He recognizes the necessity
33 for Parking (He doesn't think Property Owners will construct Structures on the existing Parking Lots -
34 Tenants need Parking, so they can have Customers, so they can pay a decent Rent). He believes the
35 Town needs more Parking and to lessen the Parking Requirements isn't fair to those that have paid the
36 money to provide Parking. Parking on Hwy. 101 is not ours to count, it belongs to the State of Oregon
37 (subject to their whim). There has been discussion of eliminating Parking or turning it into Parallel
38 Parking. He voiced his concern regarding eliminating Change of Use as a requirement to provide
39 additional Parking. He stated the following circumstance would then apply – He could build a 3-Story
40 Structure as Storage Space and then convert the use to Residential or Commercial and only provide one
41 (1) Parking Space for every 2,000 sq. ft. to the detriment of surrounding Property Owners. He reminded
42 the Commission that the Granats, Joan-E Gifts, Spouting Horn Restaurant, Gracie's Sea Hag, and Dick
43 Welton have all provided parking at their expense (Variance Request for allowing Parking Lot in R-4
44 Zone, purchased and demolished homes). City needs to establish funding to accommodate additional
45 Parking if they are going to relax the Rules or protect the Property Owners that have invested the money.
46 Karl Granat, testified that 52-54 Spaces (Joan-E and Lareisa Plaza Parking) would vanish

1 (approximately 20-22% reduction in available Parking) under the proposed Text Amendments. He
2 reaffirmed Woodmark's Testimony concerning acquiring Lots at a great expense, making major
3 improvements, as well as financial decisions all based on the current DBZO. In regards to the financial
4 implications – wouldn't Commercial Property Owners be entitled to request reimbursement of lost
5 income or value of Commercial Property (significant 6-figure Measure 37 Claims) due to the change in
6 Zoning. Lewis answered when there is a change in Regulation that's when Measure 37 applies. Henry
7 Granat, stated he and Lou built Lareisa Plaza and he feels that Parking is very important to Depoe Bay
8 and in particular to the welfare of the Merchants. He offered the example – Given the increased
9 Property Values and reduced Parking Requirements (*1 Space for each 500 square feet of Floor Area*) he
10 could develop and/or sell a 100x100 Lot (currently used for Parking) and other Commercial Property
11 Owners could do the same. He stressed the importance of the Merchants to our Town and recommended
12 that the Planning Commission reconsider the harmful consequences to the Merchants if they were to
13 implement the proposed Text Amendments. Jerome Grant mentioned that the Parking Lot Lease
14 Agreement (more than a decade) between former Property Owner, Gracie Strom, and the City of Depoe
15 Bay was severed when they purchased the Property (lending institution would not lend money on
16 encumbered Property) in the core of the Business District. He reiterated that during the Peak Season all
17 the Parking Lots are full (over 95%) on Saturday & Sunday (attributed to the Charter Trips, on the other
18 hand people are attracted to a crowd). John Woodmark suggested that the Planning Commission
19 implement a 3-Hour Parking Limit on Hwy. 101 (Private Parking Lots could also enforce the limit). The
20 Fishing Industry is not required to be in compliance with the DBZO Parking Requirements (i.e. expand
21 from 1 to 100 boats without having to provide Parking) and in the summer the 12-hour Halibut Trips
22 have a definite impact on the Parking situation. There was no further Public Testimony. The Public
23 Hearing was closed and Deliberations began. Connors thanked those that testified and clarified that the
24 Planning Commission is preparing recommended proposed Text Amendments (comprised from the
25 Workshop discussions, Public Hearing Testimony and Deliberations) to the City Council who will also
26 be scheduling a Public Hearing and the City Council will make the final decision to adopt or not adopt
27 an Ordinance. Lewis noted that everyone that provided Testimony (Oral and Written) will receive
28 notification of the City Council Public Hearing. The Planning Commission ensued in discussing: (1)
29 The probability of O.D.O.T. changing the Hwy. 101 Parking from diagonal to parallel – Lewis stated
30 that O.D.O.T. (latest stance - could change in the future) made the decision at the time the Downtown
31 Refinement Plan process was proceeding is they will maintain the diagonal Parking along Hwy. 101. (2)
32 Lewis gave a brief history (early to mid-90's the Code was essentially written as it is now, Change of
33 Use was deleted, and re-inserted with the adoption of Ordinance 256 in April 2004) but did not know the
34 historical rationale. (3) Change of Use could impact Parking more than an increase of square footage
35 (both should be incorporated into the Code).

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37 Motion: McGavock moved to reinsert Change of Use. (*At the time a new Structure is erected or ~~an~~*
38 *existing Structure is enlarged the square footage of a Structure is increased, or the use of the Structure*
39 *is changed, Off-Street Parking Spaces, Loading Areas and Access thereto shall be provided as set forth*
40 *in this Section*). Sovern seconded the Motion.

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42 Connors said it was moved and seconded, and called for discussion. There was conversation concerning
43 why the consensus during the Workshop discussion was to delete Change of Use; Public Testimony was
44 not in favor of the deletion; tourism plays a large role in keeping our Commercial Community viable and
45 having sufficient parking is essential.

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1 Vote: Taunton stated she did not feel she could vote at this time and would like another Workshop.
2 Roll call ceased. Discussion continued regarding the extensive Testimony received tonight and needing
3 time for comprehension and consideration; scheduling another Workshop versus continuing the
4 Deliberation Procedure (concentrate on smaller matters); Taunton declared she may have a possible
5 conflict of interest.

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7 Motion Withdrawn: McGavock withdrew his Motion. Sovern withdrew her second.

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9 Motion: Sovern moved to retain *or the use of the Structure is changed* (Usage element is just one small
10 piece of the whole picture). There was no second.

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12 Connors understood that this is a big issue that merits further consideration and would like to proceed
13 with other less controversial issues. The Commission agreed and continued with Deliberations. (1)
14 Define *Truck* – the implied intent is clear; where do you draw the line; matter of enforcement; existing
15 areas in downtown are designated for loading and unloading; clarify *Commercially licensed*. The
16 Commission directed Lewis to bring additional information to the next Meeting. (2) Item 76. ~~Except~~
17 ~~for parking to serve dwelling uses, Parking and Loading Areas adjacent to or within Residential Uses~~
18 ~~or Zones, or adjacent to Highway 101, or residential uses shall be designed to minimize visual impacts~~
19 ~~by use of landscaping or by a fence screened by landscaping.~~ The Commission chose to reinsert
20 “Except for parking to serve dwelling uses” as recommended by Lewis. (3) Item 19. b. *Recreational*
21 *Vehicle Park, three (3) Spaces for each two (2) RV Spaces* - No amendments. (4) City conformance with
22 Item 19. x. *Moorage or Other Moorage Facility One (1) Space per Boat Mooring Space* – Determined
23 parking north and south side of the Harbor is sufficient (overflow is not a result of actual Moorage Use
24 Permit Holders). (5) Item 19 i. *Retail Store not handling bulky merchandise, One (1) Space for each*
25 ~~200~~ *500 square feet of Floor Area*. Connors recapped how the Commission derived at this recommended
26 change: Material provided by other Cities and the DLCDC (Oregon Department of Land Conservation
27 and Development); the intention was not to be unfair to those that were forced to provide Parking in the
28 past (by purchasing and/or renting other Properties) the consensus was that the requirement was unfair
29 and to eliminate it in the future); Ultimately it comes to the question as to whether there is adequate
30 Parking and whether it is being utilized. Lewis reiterated that Testimony (Business Owners who own
31 Substantial Properties Downtown) articulated a genuine concern of choking the Downtown Core Area if
32 requirements were relaxed to the extent being proposed. In the past each Use (Retail, Storage, and
33 Office Space) has been calculated individually when determining the number of required Parking
34 Spaces. The Commission concurred to insert *Gross Floor Area*. Connors recommended continuing
35 Deliberations to the next Regular Meeting starting at 6:00 p.m. The Commissioners agreed.

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37 Motion: Hough moved to continue Deliberations to the next Regular Meeting (March 14, 2006) at 6:00
38 p.m. McGavock seconded the Motion.

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40 Connors said it was moved and seconded, and called for discussion. There was none.

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42 Vote: Motion passed.

43 Ayes: Taunton, Sovern, Connors, Bruce, Hough, McGavock, Goddard

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45 V. UNFINISHED BUSINESS:

46 Connors noted the Commission needs to elect Officers for the year 2007.

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Motion: Goddard moved to elect Carol Connors as President. Hough seconded the Motion.

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

Vote: Motion passed.

Ayes: Sovern, Connors, Bruce, Hough, McGavock, Goddard, Taunton

Motion: Taunton moved to elect Goddard as Vice-Chair. Bruce seconded the Motion.

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

Vote: Motion passed.

Ayes: Sovern, Connors, Bruce, Hough, McGavock, Goddard, Taunton

VI. CITY COUNCIL LIAISON REPORT

Lewis distributed the 2007 City Council Liasion Rotation Schedule. Connors reported that the Council (1) Tabled the award of the Urban Renewal Feasibility Study Contract Award until additional information is received from Spencer & Kupper regarding why the City of Depoe Bay is on their Completed Projects List (2) Directed Staff to draft an Ordinance and bring it back for further review regarding the Amendments to Zoning Ordinance and Inventory Map Relating to Natural Resources Inventory (3) Scheduled the LUBA Final Opinion and Order (No. 2006-145): J. Grant v. City of Depoe Bay Remand Hearing as an Item on the March 6, 2007 Regular Meeting Agenda.

VII. PLANNER'S REPORT

Lewis reviewed his Report (copy attached to the original of these Minutes). He stated the March Meeting Agenda includes Applications for a Variance Request, Geological Hazards Permit, 3-Lot Partition, and very probable a fairly significant Planned Development.

VIII. PLANNING COMMISSION CONCERNS

There was none.

IX. ADJOURN

There being no further business, the meeting was adjourned at 9:05 PM.

Carol Connors, President

Carla Duering, Recording Secretary