

1 Depoe Bay Planning Commission  
2 Regular Meeting  
3 Wednesday, August 13, 2014 – 6:00 P.M. Depoe Bay City Hall  
4

5 PRESENT: G. Steinke, B. Blessinger, B. Taunton, P. Leoni, R. Hageman, J. Hayes  
6 STAFF: City Planner L. Lewis, Recording Secretary C. Duering  
7

8 I. CALL MEETING TO ORDER

9 Hageman called the Meeting to order and established a Quorum at 6:01 P.M.  
10

11 II. APPROVAL OF MINUTES: July 9, 2014 Regular Meeting.  
12

13 Motion: Hayes moved to approve the Minutes of the July 9, 2014 Regular Meeting as written. Steinke seconded.  
14

15 Vote: Motion passed.

16 Ayes: Steinke, Blessinger, Taunton, Leoni, Hageman, Hayes

17 Abstain: Leoni – Monte and Tanya Belsham (Case File #2-CS-PC-14)  
18

19 APPROVAL OF MINUTES: May 14, 2014 Regular Meeting.  
20

21 Hageman explained the Motion failed at the July 9, 2014 Meeting (Lack of Majority – 2 Ayes, 2 Abstain)  
22

23 Motion: Blessinger moved to approve the Minutes of the May 14, 2014 Regular Meeting as written. Steinke  
24 seconded.  
25

26 Vote: Motion passed.

27 Ayes: Blessinger, Taunton, Leoni, Steinke

28 Abstain: Hageman, Hayes  
29

30 III. ITEMS FROM THE AUDIENCE

31 Fran Recht, P.O. Box 221, 66 N.E. Williams Ave., commented that the Notice of tonight's Meeting (Agenda)  
32 usually posted at the Post Office was seen by her briefly on Monday, was not there on Tuesday, and was not re-  
33 posted when she looked today. People other than those that are within the Notice Requirements for the Land Use  
34 Application would have no knowledge or awareness of tonight's Public Hearing (Whale Watch Planned  
35 Development). She noted this Application is a big deal for the City and it is really disturbing that there was no  
36 way of the Public knowing about it. Hageman agreed and stated that he is requesting the Public Hearing be  
37 continued to the next Meeting for the following reasons: (1) He was sure there would be questions for the  
38 Applicant; (2) the Planning Commissioners Packets were not available until Friday; (3) lack of notification (issue  
39 with the Agenda at the Post Office) and a joint desire by the Public, Applicant, and Planning Commission for  
40 Public awareness/input. There was no objection to continuing the Public Hearing.  
41

42 IV. UNFINISHED BUSINESS  
43

44 A. Case File: #2-CS-PC-14 (Findings, Conclusions, and Final Order)

45 Applicant: Monte and Tanya Belsham

46 Agent: Jon Holbrook

47 Application: Coastal Shorelands Development and Variance to Setback Standard

48 Zone, Map and Tax Lot: Residential R-1, 09-11-08-BD #05700

49 Location: 405 S.W. Coast Avenue  
50

51 Hageman clarified the Agenda Item (Planning Commission did not address/authorize the signing of the Findings,  
52 Conclusions, and Final Order at the July 9<sup>th</sup> Meeting). Hageman asked for comments. There was none.  
53 Hageman called for a Motion.  
54

1 Motion: Steinke moved to approve the Findings, Conclusions, and Final Order for Coastal Shorelands Overlay  
2 Application (Case File #2-CS-PC-14) as prepared by the City Planner. Blessinger seconded.  
3

4 Vote: Motion passed.

5 Ayes: Blessinger, Taunton, Hageman, Hayes, Steinke

6 Abstain: Leoni  
7

8 B. Training Session – Oregon Department of Land Conservation & Development (DLCD)  
9

10 Lewis spoke with Matt Spangler, Senior Coastal Policy Analyst, Oregon Department of Land Conservation and  
11 Development (DLCD) and he would like the Planning Commission to identify alternative Session Dates/Times  
12 and outline Topics. Hageman postponed the discussion to later in the Meeting.  
13

14 V. PUBLIC HEARING ITEMS  
15

16 A. Case File: #1-PD-PC-14

17 Applicant: Martin Boone, Member - Orbis and Omni Financial, L.L.C.

18 Agent: Reece & Associates, Inc.

19 Application: Whale Watch Planned Development

20 Zone, Map and Tax Lot: Commercial C-1 and Residential R-1, 09-11-05-B #1109

21 Location: North end of Depoe Bay City Limits on the east side of Highway 101  
22

23 Hageman said Testimony and evidence given must be directed toward Criteria described by the City Planner, or  
24 other Criteria in the Code that the Testifier believes apply to the request. Failure to raise an issue, accompanied  
25 by statements or evidence sufficient to afford the Commission and the parties an opportunity to respond to the  
26 issue precludes appeal to the State Land Use Board of Appeals on that issue. Application materials or other  
27 evidence relied upon by the Applicant had been provided to the City and made available to the Public.  
28

29 Hageman explained the Public Hearing procedure: He will call for Planning Commissioner ex-parte contact,  
30 conflict of interest or bias to declare. There will be an opportunity to object to any Planning Commissioner  
31 hearing the Case. Applicants will have the opportunity to present information relevant to their Application,  
32 followed by Testimony in support of the Application, then Testimony in opposition, with the Applicant having the  
33 opportunity for rebuttal. Unless there is a request to hold the Record Open, Testimony will be closed and the  
34 Commission will enter into Deliberations on the Application.  
35

36 Hageman asked if any Commissioner had ex-parte contact, conflict of interest, or bias to declare. There was  
37 none. There was no objection to any Planning Commissioner hearing the Case.  
38

39 Hageman gave a detailed explanation of the DBZO Planned Development Application Preliminary and Final  
40 Approval Procedures versus the Approval Procedure for a Planned Development Master Plan with Phases and the  
41 advantages of a Master Plan/Phased Planned Development. The Whale Watch Planned Development Application  
42 is a request for Master Plan Approval. Each Phase identified in the Master Plan will be required prior to  
43 development to obtain separate Preliminary and Final Approval by the Planning Commission.  
44

45 Lewis summarized the Staff Report (copy attached to original of these Minutes). He specifically identified the  
46 locations of the Mixed Uses; Open Space; Wetlands; and Pedestrian Network (open to the Public) as illustrated on  
47 the Drawings submitted by the Applicant (posted on the wall – reduced copies attached to the Staff Report).  
48 Agency comments (copies attached to original of these Minutes) were received from Oregon Department of  
49 Transportation; Depoe Bay Rural Fire Protection District; and Lincoln County Transportation Service District.  
50 Written Testimony (copies attached to original of these Minutes) was received from Hancock Forest Management  
51 stating several concerns (not in opposition to the Application). Written Testimony (copy attached to original of  
52 these Minutes) was received after completion of the Staff Report in opposition of the Application from John  
53 Harmson on behalf of Ronald Harmson, Valerie Harmson, and himself. John Harmson later submitted prior to  
54 the Meeting a copy of a signed Easement Agreement (copy attached to original of these Minutes) between the

1 interested parties which negates their opposition. Lewis advised the Planning Commission if they continue the  
2 Public Hearing to provide direction to the Applicant on the additional or revised information requested.  
3

4 The Planning Commission and Lewis discussed: (1) Oregon Department of Transportation's recommended three  
5 alternatives regarding the timing of an Approved Traffic Impact Study and City Planner's recommended  
6 Condition of Approval that requires a TIA for the entire Master Plan be submitted at the time any Preliminary  
7 Plan is submitted for a future Phase(s); (2) Traffic Circulation Plan currently illustrates three Hotel Highway 101  
8 Accesses (subject to ODOT Approval); (3) Need to identify Who/Phase is responsible for Street Construction  
9 and Timeline (possible Scoping Item in the Transportation Impact Analysis).  
10

11 Rich Catlin, Land Use Planner, Reece and Associates, Inc., 321 1st Avenue E., Suite 3A, Albany, stated he is here  
12 to answer questions and present the Project Design. He introduced Martin Boone, Property Owner, who is  
13 available to answer any questions relating to the Development Plans. He thanked the Planning Commission for  
14 the opportunity to speak and acknowledged that Lewis touched on a number of the elements in the written Staff  
15 Report and his Verbal Summary which he would try to expound on. He indicated that he would be speaking from  
16 the perspective of the thought process that formulated the Master Plan. The Master Plan is a Land Use Plan with  
17 two major goals (1) Allocate where the Land Use is designated (i.e. different types of Residential and  
18 Commercial; Open Space; Protected Natural Resources, etc.) and (2) To the extent possible  
19 coordination/framework of services (i.e. Access, Sewer, Water, Storm Drainage, Pedestrian Network, etc.) to  
20 those Land Uses.  
21

22 Using the Drawings (posted on the wall – reduced copies attached to the Staff Report) he characterized the  
23 Topography (portions below Highway 101, gentle slope 5-7% at Base of Hill becoming increasingly steeper) of  
24 the Subject Lot with the identified Land Uses (i.e. Natural Knob determined Ocean View Hotel Site Location;  
25 Wetlands delineated as Open Space and Storm Water Retention; number of Pedestrian Corridors within the Public  
26 Eye; range of Detached and Attached Dwellings; variety of Highway 101 Visibility Commercial Opportunities in  
27 the Lower Elevations with No Ocean Views, etc.).  
28

29 He gave a brief history of the Existing two O.D.O.T. Access Permits – one for the former House (identified as  
30 Baleen Drive meets O.D.O.T. Spacing Standards for an Arterial Highway – Minimum 740 ft. for the posted Speed  
31 Limit), and one for the recently improved Lillian Lane permitted for the seven or eight Residences to the south  
32 (identified by Tax Lot and Ownership). The Applicant recognizes the Access Permits will need to be updated to  
33 accommodate the Whale Watch Development (preceded by the TIA) and the eighty acre Parcel to the east  
34 (identified as Lands of Hills of Depoe Bay Limited Partnership). O.D.O.T. has raised concerns that the third  
35 Access (identified as Laguna Loop) may have sight distance issues (approval preceded by the TIA). Shoreline  
36 Drive provides an alternative Access to the Proposed Hotel on Laguna Loop (via Lillian Lane or Baleen Drive)  
37 and serves as the Main Street for the Project.  
38

39 He spoke briefly regarding Utilities – Water, Sewer, and Storm Drainage. Emphasizing the items stated in the  
40 Applicant's Narrative and Drawings (as noted in the attached Staff Report).  
41

42 He reiterated Lewis's summary in regards to anticipated in the future (as each Phase Preliminary Plan is submitted  
43 for Approval by the Planning Commission) requests for Zone Changes (i.e. R-1 to C-1; Planned Development  
44 Zone Change; and Limited Land Use Overlay Zone to allow marketing Vacation Rental Dwellings) and  
45 Exceptions (Live Work Units; Shared Parking; reduced Lot Size and Yard Setbacks; and Building Height  
46 Restrictions; Retirement Center).  
47

48 He concluded they have spent a lot of time working out many of the details to a further extent than needed  
49 normally for a Master Plan to make sure it will work, so when they get to the point of marketing and developing  
50 the Phase(s) they have a high degree of confidence that it will work as well as meet the DBZO Code and  
51 Regulations. He requested approval of the Plan as presented and agreed with the Conditions of Approval except  
52 Item 2. Approval and Timing. He requested the three year increments be rewritten to start *from the Date of*  
53 *Approval*. He acknowledged and understands that approval of the Master Plan doesn't guaranty approval of any  
54 future Phase or Development; Subsequent Applications are required for a Zone Change, Preliminary Plan,

1 Exceptions, etc.; impact issues regarding Highway Access, Wetlands, and Archeological Resources and pledged  
2 to work with the Applicable Agencies, and will continue coordination with the City, O.D.O.T., and Fire Marshall.

3  
4 There was discussion between Catlin and the Planning Commission regarding: (1) Hancock Forest Management  
5 concerns; (2) Home Owner Association CC&Rs; (3) Ability/challenge to build on the proposed Single Detached  
6 Home Sites (determined by Site Specific Geological Reports); (4) Residential Density is about half of what is  
7 allowed; (5) Economics will dictate progression of the Development (realistically from Lillian Lane, then proceed  
8 north and east); (6) Planning Commission Conditions of Approval for Lillian Lane Improvements (Case File #1-  
9 GEO-PC-1) designated it as a Public Street, not City Street with the Applicant responsible for maintenance; (7)  
10 Congestion concerns were also raised regarding Lillian Lane (approved for the purpose of Access not as  
11 Residential Street). Hageman asked that any further questions be discussed after everyone has an opportunity to  
12 testify.

13  
14 Martin Boone, one of the Property Owners, 1235 Odyssey Court, Santa Cruz, CA, explained Omni & Orbis  
15 Financial is a loaning pool who funded the previously Proposed Development. The company took it back in the  
16 2008 debacle in a quandary, fortunately he is a Developer. He felt that a Planned Development Master Plan was  
17 beneficial for the City and the Owners (needed to recoup their investment). A method that provided as much  
18 flexibility as possible as the market changed; cohesiveness to have control with CC&Rs; and possibly  
19 develop/kick start a portion of the Development. He understands that when it gets down to the specifics they will  
20 have to conceptually come back with justification. He spoke to meeting the O.D.O.T. requirements for Sight  
21 Distance/Turn Lanes for the last Street; and the Driveways off Lillian Lane are clusters (one Driveway for four  
22 Houses). He restated they may do some Development but are trying to be as flexible as possible.

23  
24 Hageman called for Testimony in support of the Application. There was none.

25  
26 Hageman called for Testimony in opposition.

27  
28 Fran Recht, testified the whole Master Plan Approach blew her mind – She has never come across one in all the  
29 years she served on the Planning Commission. She understands needing the big picture in regards to Circulation,  
30 Utilities, Significant Natural Resource and the Owner wanting to make his Investor's whole but her  
31 interest/prospective is different as a Resident of the Community. She moved to Depoe Bay with the  
32 understanding that the future of the Community was outlined in the DBZO and Comprehensive Plan. She  
33 emphasized the Proposed Master Plan doesn't honor those Standards; difficult to know the impacts to the  
34 Community with numerous Phased Requests and Exceptions including controversial Vacation Rentals; Zone  
35 Changes; etc. She believes a Master Plan should honor our Existing Zoning Code (Commercial Uses in the  
36 Commercial Zone, Residential Uses in the Residential Zones); illustrate Significant Natural Resources and Open  
37 Space; and provide a Transportation Impact Analysis that supports the Infrastructure/Development Design/Plan.  
38 Hageman interjected that he shared a lot of her anxiety and suggested looking at the Planned Development Master  
39 Plan Application as a top-level concept. He proposed alternative scenarios the Applicant could have pursued.  
40 Discussion ensued between Hageman and Recht. Recht continued with her Testimony. She reiterated her  
41 concerns regarding a Master Plan Approach Approved through the Year 2040 with no uniformity (a mish mosh of  
42 attractive Home Styles, Elevations, etc.) noting items that don't meet the Zoning Ordinance Standards, and  
43 creating expectations. She asked to please keep the Record Open and mentioned a continuance would be  
44 wonderful.

45  
46 There was no further testimony in opposition.

47  
48 Hageman called for rebuttal.

49  
50 Rich Catlin offered there is nothing proposed in the Master Plan that isn't already located somewhere in this  
51 Town i.e. Commercial Uses and Residential Uses and offered to answer questions.

52  
53 There was further direction/comments from the Planning Commission regarding: (1) Lillian Lane Safety Issues  
54 (i.e. only 2 Lanes 28 ft. width, steep grade, congestion – number of vehicles with multiple ingress/egress Access

1 points, curve, inclement weather issues; one Driveway for four Units (potential for eight vehicles – may impede  
2 emergency vehicle access) possibly solved with a One-Way Frontage Road; (2) Seriously need two Turning  
3 Lanes; (3) Shared Parking is difficult to justify (DBZO Parking Requirements are already minimal); (4)  
4 Developer intends to provide Two Off-Street Parking Spaces per Single-Family Dwelling in addition to the  
5 Shared Parking Concept (Retail/Commercial Facilities during Closure may provide/allow Residential Guest  
6 Parking; (5) Architectural Design/Concept – Not a requirement in a Master Plan (typically managed through  
7 Homeowner Association Covenants, Conditions and Restrictions (CCR's) and/or Commercial District  
8 Associations Design Standards and Guidelines) – Expressed a desire to see a cohesive Development that is  
9 designed, fits, and reflects the Spirit of the Community; (6) Growth is critical to our Community and appreciation  
10 of the effort/thought put into the Application and the concept is an excellent use of the Subject Property; (7)  
11 Suggested Applicant design Customer Parking Spaces to accommodate larger vehicles.

12  
13 Rich Catlin responded that they recognize the location of the Subject Property is the Northern Gateway to Depoe  
14 Bay and doing it right is of the utmost importance.

15  
16 Martin Boone agreed with the desire for continuity (enhances value and is good for the Community). He  
17 considered providing an Architectural Concept but chose to wait (everyone has an opinion on Architecture) and  
18 proceeded with the Development Framework. He anticipates the probability that an upscale Hotel would most  
19 likely have a vision and the remainder of the Development would be built around it. He reiterated his sensitivity  
20 to the issue.

21  
22 The Planning Commission specifically asked the Applicant to consider concerns/solutions regarding Lillian Lane  
23 and Parking Requirements, etc. Rich Catlin apologized that the Civil Engineer was not at the Meeting to address  
24 the Sight Distance and Speed issues on Lillian Lane. Lewis will look into whether a Request for a 120-Day  
25 Extension is needed. Hageman thanked the Applicant for providing such extensive information/data for the  
26 Planning Commission's and Public's consideration and suggested they talk to Lewis if they have any questions.

27  
28 There was no objection to continuing the Public Hearing to Wednesday, September 10<sup>th</sup> (The Record will remain  
29 Open for additional Applicant and Public Testimony).

30  
31 Hageman closed the discussion and continued the Public Hearing to the next Meeting.

32  
33 VI. NEW BUSINESS

34  
35 A. Planning Commission Training Thursday, September 25<sup>th</sup> – Oregon City Planning Directors  
36 Association (OCPDA)

37  
38 Steinke, Hayes, and Hageman indicated they may be able to attend. After brief discussion it was agreed to  
39 request City Council to authorize expenses for no more than three Commissioners to attend the Training (copy of  
40 Flyer attached to original of these Minutes).

41  
42 VII. CITY COUNCIL LIAISON SCHEDULE AND REPORT

43 Leoni reported on the following item: (1) Correspondence from Mark Faye, Property Owner of the former  
44 Imperial Marine.

45  
46 VIII. PLANNER'S REPORT

47 Lewis reviewed the Planners Report – Land Use Activity May 26<sup>th</sup> thru August 6<sup>th</sup> (copy attached to the original  
48 of these Minutes). Discussion ensued regarding the Building Permit at 115 N.E. Spring Ave.

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1 IV. UNFINISHED BUSINESS

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4

A. Training Session – Oregon Department of Land Conservation & Development (DLCD)

5 The Planning Commission discussed possible dates and agreed to Monday, September 8<sup>th</sup> or Monday, September  
6 15<sup>th</sup>.

7

8 IX. PLANNING COMMISSION CONCERNS

9 Taunton again expressed her continued concern regarding City of Depoe Bay Sign Regulations and Permit  
10 Procedures and Parking Requirements. Hayes announced he may not be able to attend the October Planning  
11 Commission Meeting or serve as the October City Council Liaison for one Meeting. Hageman encouraged the  
12 Commissioners to recruit candidates to fill the Planning Commission Vacancy. He has been unsuccessful. He  
13 has also been suggesting to City Council Candidates to attend/serve on other City Committees and Commissions  
14 and encouraged the Planning Commission to do the same.

15

16 X. ADJOURN

17 There being no further business, the Meeting was adjourned at 7:57 p.m.

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Roy Hageman, President

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Carla Duering, Recording Secretary