

1 Depoe Bay Planning Commission
2 Regular Meeting
3 Wednesday, September 10, 2014 – 6:00 P.M. Depoe Bay City Hall
4

5 PRESENT: G. Steinke, P. Leoni, R. Hageman, J. Hayes, B. Blessinger (arrived 6:02 p.m.)
6 ABSENT: B. Taunton
7 STAFF: City Planner L. Lewis, Recording Secretary C. Duering
8

9 I. CALL MEETING TO ORDER

10 Hageman called the Meeting to order and established a Quorum at 6:01 P.M.
11

12 II. APPROVAL OF MINUTES: August 13, 2014 Regular Meeting.
13

14 Motion: Leoni moved to approve the Minutes of the August 13, 2014 Regular Meeting as written. Steinke
15 seconded.
16

17 Vote: Motion passed.

18 Ayes: Steinke, Blessinger, Leoni, Hageman, Hayes
19

20 III. ITEMS FROM THE AUDIENCE

21 There was none.
22

23 IV. PUBLIC HEARING ITEMS
24

25 A. Case File: #1-PD-PC-14 (Continued)

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

27 Agent: Reece & Associates, Inc.

28 Application: Whale Watch Planned Development

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

30 Location: North end of Depoe Bay City Limits on the east side of Highway 101
31

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

38 Hageman explained the Public Hearing procedure: He will call for Planning Commissioner ex-parte contact,
39 conflict of interest or bias to declare. There will be an opportunity to object to any Planning Commissioner
40 hearing the Case. Applicants will have the opportunity to present information relevant to their Application,
41 followed by Testimony in support of the Application, then Testimony in opposition, with the Applicant having the
42 opportunity for rebuttal. Unless there is a request to hold the Record Open, Testimony will be closed and the
43 Commission will enter into Deliberations on the Application.
44

45 Lewis noted that since the last Planning Commission Meeting Written Testimony (copy attached to original of
46 these Minutes) was received from the Applicant addressing the primary issues that were discussed at the last
47 Meeting – Parking, Transportation Impact Analysis (TIA), Lillian Lane, Architecture, and Archeology. Also
48 Written Testimony (copy attached to original of these Minutes) in opposition to the Application was received
49 from Fran Recht. Lewis summarized his recent conference telephone call with Oregon Department of
50 Transportation (Valerie Grigg Devis, Region II Senior Regional Transportation Planner and Gerry Juster,
51 Development Review Coordinator) regarding the timing and scope of the Transportation Impact Analysis (TIA).
52 Lewis noted he has drafted a revised Condition of Approval (not finalized and therefore not distributed) to
53 address/resolve those issues.
54

1 Hageman advised the Planning Commission that making a determination on the three O.D.O.T. Master Plan
2 Transportation Impact Analysis (TIA) completion alternatives is one of the most important decisions they will
3 make for both the City and the Applicant. He also stated he will be recommending that Lewis prepare the
4 Findings, Conclusions and Final Order for the Planning Commission review and approval at the next Planning
5 Commission Meeting.
6

7 Rich Catlin, Senior Land Use Planner, Reece and Associates, Inc., 321 1st Avenue E., Suite 3A, Albany, stated he
8 is representing Martin Boone, Property Owner (Whale Watch Planned Development Application). He thanked
9 the Planning Commission for the opportunity to speak and referred to his Written Testimony. He specifically
10 noted (1) Applicant is requesting completion of the Traffic Impact Analysis (TIA) for the entire Master Plan and
11 the adjacent 81 acres at the time the 1st Phase Application is submitted for Preliminary Approval; (2) He reiterated
12 at the previous Meeting his request to amend the Conditions of Approval Item 2. Approval and Timing. (three-
13 year increments is rewritten to start *from the Date of Approval*). He concluded they have spent a lot of time
14 working out many of the details to a further extent than needed normally for a Master Plan to make sure it will
15 work, so when they get to the point of marketing and developing the Phase(s) they have a high degree of
16 confidence that it will work. He agreed with the Conditions of Approval as amended.
17

18 Lewis responded that in his Re-Draft Findings, Conclusions and Final Order he has revised the Conditions of
19 Approval Item 2. Approval and Timing. *...beginning on the date the Master Plan is deemed final.* Catlin
20 mentioned the prospective benefits to the Applicant (keeps the plan flexible – respond to market changes) and the
21 City (option to amend the DBZO to address any issues with the Master Plan).
22

23 Lengthy discussion followed between the Applicant and the Planning Commission regarding: (1) Parking; (2)
24 Lillian Lane is designated as a Public Street, not City Street - Developer(s) need to acknowledge maintenance
25 responsibility and determine who is responsible; (3) Maintenance of Common/Public Area(s) needs to be
26 identified; (4) Subject Property is located within the Depoe Bay Urban Renewal District - Development will
27 increase the value of the Property resulting in increased Urban Renewal Funds; (5) City Wastewater and Water
28 Master Plans are intended to accommodate future growth; (6) The Applicant is responsible for all costs the City
29 may incur by hiring a professional Engineer to review and comment on Final Engineering Plans for Water, Sewer,
30 Storm Drain, and Streets; (7) Lillian Lane is a designated Tsunami Evacuation Route and Assembly Area and
31 allowances will need to be made (no known specifications/guidelines for Tsunami Evacuation Assembly Areas);
32 (8) Portion of Subject Property is in the Local Tsunami Evacuation Zone - Flood Hazard Zone
33 Standards/Provisions do not apply; (9) Detailed synopsis of the Transportation Impact Analysis (TIA)
34 Process/Timeline i.e. scope, data collection, preparation of draft, opportunity for review and comments, etc.; (10)
35 Reiterated Lillian Lane Safety Issues i.e. only 2 Lanes 28 ft. width, steep grade, congestion – number of vehicles
36 with multiple ingress/egress Access points, curve, inclement weather issues; one Driveway for four Units
37 (potential for eight vehicles – may impede emergency vehicle access); (11) Architectural Style –
38 Continuity/compatibility amongst each Phase of Development; (12) Example of Draft Conditions of Approval
39 that clarifies the Planning Commission’s objective in regards to Variances and/or Exceptions that may be
40 requested in the future (Master Plan is just a concept) *...At the time the Limited Land Use Overlay Zone is*
41 *requested the Planning Commission will determine whether or not Relevant Criteria for a Zone Change and/or*
42 *Limited Land Use Overlay has been satisfied to allow the Live-Work Units;* (13) Important that City Officials and
43 Public are aware and understand that Approval of the Master Plan does not guarantee Preliminary Plan Approval.
44

45 There was no Testimony in favor of the Application and no Testimony in opposition of the Application. There
46 was no request to keep the Record Open. The Public Hearing was closed and Deliberations began.
47

48 Lewis summarized/explained revised/amended Items from the Draft Findings, Conclusions, and Final Order
49 (based on discussions/deliberations - not finalized and therefore not distributed). Subjects included: Approval
50 and Timing; Transportation Impact Analysis (TIA); Easement Agreement; Architectural Style. He specifically
51 cited from the Findings *...The Planning Commission expressed concern about Driveways and Streets intersecting*
52 *with Lillian Lane. Lillian Lane is proposed to be a Collector Street that will generate a significant amount of*
53 *traffic with development of the Whale Watch Planned Development and development of the adjacent 80 acre*
54 *parcel to the east. In order to provide for adequate and safe access, the TIA and subsequent Preliminary Plans*

1 *need to address issues related to Lillian Lane Side Street and Driveway Accesses, i.e. Traffic, Street Grade, and*
2 *Sight Distances.*
3

4 Further discussion ensued regarding: (1) Lillian Lane safety concerns; (2) Urban Growth Boundary and City
5 Limits; (3) Planning Commission's responsibility to consider potential Development and the impacts to Lillian
6 Lane in the future (at least 30 years); (4) Reiterated the history of Lillian Lane i.e. Way of Necessity, Planning
7 Commission Conditions of Approval for Lillian Lane Improvements (Case File #1-GEO-PC-1); (5) Applicant
8 requesting a 120-Day Extension.
9

10 Hageman called for a Motion to approve.

11
12 Motion: Blessinger moved to approve the Findings, Conclusions, and Final Order for the Whale Watch Planned
13 Development Master Plan Application (Case File #1-PD-PC-14) as outlined by the City Planner including
14 tonight's discussed modifications. Lewis is directed to prepare the Findings, Conclusions and Final Order for the
15 Planning Commission review and approval at the next Planning Commission Meeting. Hayes seconded.
16

17 Vote: Motion passed.

18 Ayes: Blessinger, Leoni, Hageman, Hayes, Steinke
19

20 V. UNFINISHED BUSINESS

21 22 A. Training Session Monday, September 15th – Oregon Department of Land Conservation & 23 Development (DLCD) 24

25 Hageman reminded everyone to plan on attending and mentioned the Session Topics will include: DBZO Master
26 Plan Standards; a discussion regarding the City's relationship/coordination with Lincoln County and mentioned
27 several examples of conflicting issues that have occurred in the past.
28

29 B. Planning Commission Training Thursday, September 25th – Oregon City Planning Directors 30 Association (OCPDA) 31

32 Hayes and Hageman are unable to attend. Steinke plans on attending.
33

34 VI. NEW BUSINESS

35 There was none.
36

37 VII. CITY COUNCIL LIAISON SCHEDULE AND REPORT

38 Hayes reported on the following items: (1) Offer of Gift of Property to City from K. Henry and M. Louise Granat
39 Living Trust; (2) Status of the Fish Plant Improvements; Jib Crane Replacement, and Lease Negotiations; (3)
40 Oregon Department of Transportation (ODOT) Letter of Understanding 2015-18 Statewide Transportation
41 Improvement Program (STIP) Enhance Project – U.S. 101 South of Bridge Streetscape Project. Discussion
42 followed.
43

44 VIII. PLANNER'S REPORT

45 Lewis reviewed the Planners Report – Land Use Activity August 4th thru September 3rd (copy attached to the
46 original of these Minutes). There was brief discussion.
47

48 IX. PLANNING COMMISSION CONCERNS

49 Hayes expressed his appreciation for the Whale Watch Planned Development Applicant/Representative and hopes
50 they are as easy to work with in the future. Hageman agreed and stated he would like to amend the Master Plan
51 with Phases Review Procedure to require the Applicant to address Architectural Concept. Discussion ensued.
52 Leoni stated she has had people comment about the driftwood business (482 S.E Hwy. 101) looking junky, using
53 Highway 101 Right-of-Way, what appears to be a weekend vendor (selling furniture) and someone living in a
54 parked RV. There was further discussion. The adjacent coffee shop/model T business (474 S.E. Hwy. 101)

1 DBZO infractions (refused to get a Conditional Use Permit for their Drive-Thru) and Drive-Thru Access seems to
2 be in O.D.O.T. Right-Of-Way. Lewis noted that complaints are required to be submitted in written form in order
3 to initiate enforcement. Steinke sympathized with Leoni's point of view and mentioned it is not a positive
4 entrance into Depoe Bay and tends to reflect on our Community and offered to sign the Written Complaint. There
5 was further discussion regarding the significant impact on Traffic that New Development(s) have made in other
6 Communities and the future of Depoe Bay.

7
8 X. ADJOURN

9 There being no further business, the Meeting was adjourned at 7:55 p.m.

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14 _____
15 Roy Hageman, President
16

17
18 _____
19 Carla Duering, Recording Secretary