The meeting location will be accessible to the public. Masks are required as per State of Oregon Office of the Governor effective August 13, 2021. Public comments may be made via email up to two hours before the meeting start time at <u>info@cityofdepoebay.org</u> or you can also dial in to attend using your telephone (888) 204-5987, access code 9599444.

AGENDA

- I. Call Meeting to Order and Establish a Quorum
- II. Approval of Minutes: October 13, 2021, Regular Meeting
- III. Public Hearings
 - A. Case File: #3-CS-PC-21 (Continued) Applicant: Better Way, LLC Application: Coastal Shorelands Development, Variance Request: Setback for Coastal Erosion, Setback for Visual, Front Yard Setback, Deck Encroachment into Back Yard Zone, Map, and Tax Lot: Residential R-4, 09-11-05-CA #13500 Location: Approximately 130 NW Sunset Street
 - B. Case File: #2-VAR-PC-21 (Continued) Applicant: Mark Lisac Application: Development in Retail Commercial C-1 Zone. Variance Request: Sidewalks, Pedestrian Amenities, Building Main Entrance Orientation Zone, Map, and Tax Lot: Retail Commercial C-1 09-11-05-CD #02800, #03100, #03200, #03300, #03301, #03400 Location: NW corner intersection HWY 101 and Bradley
 - C. Case File: #2-CU-PC-21
 Applicant: City of Depoe Bay
 Application: Conditional Use for Governmental Use of Land Oregon Department of Fish and Wildlife Salmon and Trout Enhancement Program
 Zone, Map, and Tax Lot: Residential R-5, 09-11-05-DD #00105
 Location: North Depoe Bay Creek Reservoir
 - D. Case File: #3-VAR-PC-21
 Applicant: Pacific View Lodging (Troller's Lodge)
 Application: Variance Request: Sign Permit Height Requirement
 Zone, Map, and Tax Lot: Retail Commercial C-1 Zone, 09-11-08-BD #00500
 Location: 355 SW HWY 101
- IV. Unfinished Business
- V. New Business
- VI. Public Comments Items Not on Tonight's Agenda
- VII. City Council Liaison Report (November: Phillips; December: Moreland)
- VIII. Planner's Report
- IX. Planning Commission Concerns
- X. Adjourn

November 2, 2020To:Depoe Bay Planning CommissionFrom:Jaime White, City PlannerRe:Update to Staff Report

UPDATE: A request for Variance Public Hearing was held at the October 13, 2021 Planning Commission meeting for Case File #2-VAR-PC-21. The Planning Commission decided to continue the hearing until the next regularly scheduled Planning Commission meeting (November 10, 2021) in order to allow the city planner and applicant to gather additional items requested by the Planning Commission.

The following additional items have been provided by the applicant:

- Site rendering from southwest corner (intersection of Bradford Street and HWY 101) looking to the northeast. Rendering includes buildings, sidewalk on Bradford, pedestrian amenities on corner (landscaping and bench), and roadway improvements on Bradford.
- Site Plans, Floor Plans, and Building Elevations dated 10/26/2021.
- Traffic Impact Study letter dated 10/27/2021.

The applicant had requested variances for pedestrian amenities, location of main entrances, and sidewalks. A total of five (5) variances had been requested:

- 1. Exception to pedestrian amenities along US HWY 101 or at corner of US HWY 101 and Bradford Street.
- 2. Exception to orientation of building main entrances so as to not face US HWY 101.
- 3. Exception to sidewalk requirements:
 - a. Exception to sidewalk requirement along US HWY 101.
 - b. Exception to sidewalk requirement along Bradford Street.
 - c. Exception to sidewalk requirement along Williams Avenue.

The applicant has amended his request for variances to the following:

- 1. Exception to pedestrian amenities along US HWY 101.
- 2. Exception to orientation of building main entrances so as to not face US HWY 101.
- 3. Exception to sidewalk requirements:
 - a. Exception to sidewalk requirement along US HWY 101.
 - b. Exception to sidewalk requirement along Williams Avenue.

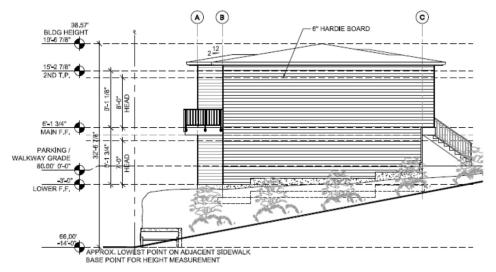
The Staff Report for the October 13 Planning Commission meeting and Public Hearing is still valid and is amended to include the additional items provided by the applicant. Where applicable, Staff Report text will be replaced as indicated below.



Rendering – From Southwest corner looking Northeast.

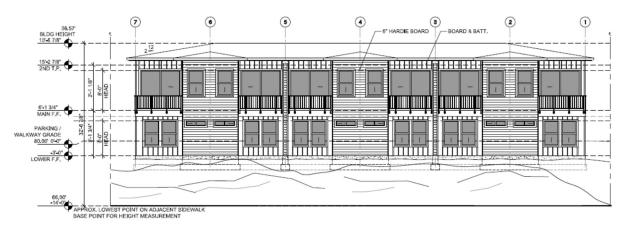
- 5' sidewalk on north side of Bradford Street.
- Widen Bradford to 20' asphalt, 5' sidewalk.
- Pedestrian amenities at corner bench, landscaping.

BUILDING ELEVATIONS

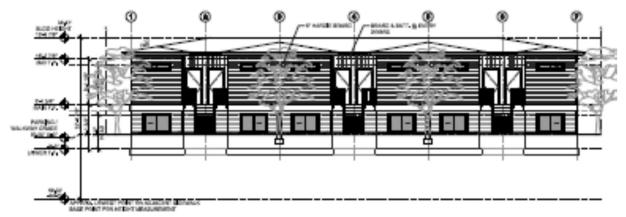


South Elevation for Buildings Along US HWY 101. Elevations are measured from HWY 101 sidewalk (66') to top of building (98.57'). Total building height is 32.57'.

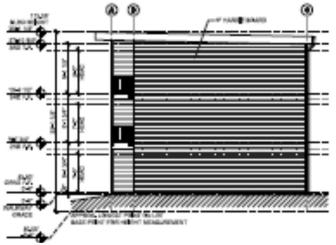
#2-VAR-PC-21 Lisac October 13 & November 10, 2021 Planning Commission Meetings



West Elevation for Buildings Along US HWY 101.

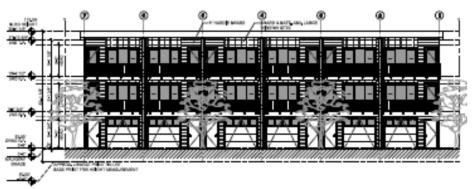


East Elevation for Buildings Along US HWY 101.

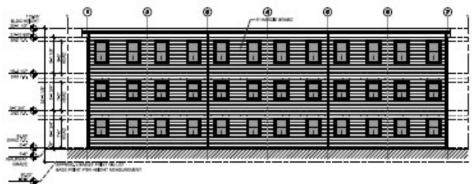


South Elevation for Buildings along Williams Avenue. Elevations are measured from lowest point on Bradford Street (80') to top of building (113.09'). Total building height is 33.09'. Elevations of Williams Avenue range from 100' to 110' (County Assessor maps).

#2-VAR-PC-21 Lisac October 13 & November 10, 2021 Planning Commission Meetings



West Elevation for Buildings along Williams Street.



East Elevation for Buildings along Williams Street.

PUBLIC TESTIMONY

No additional testimony had been received at the time of the writing of this memo.

PUBLIC AGENCY COMMENTS

No additional agency comments had been received at the time of the writing of this memo.

SUMMARY AND STAFF ANALYSIS

- 1. Application. The applicant has amended his request for variances to the following:
 - 1) Exception to pedestrian amenities along US HWY 101.
 - 2) Exception to orientation of building main entrances so as to not face US HWY 101.
 - 3) Exception to sidewalk requirements:
 - a. Exception to sidewalk requirement along US HWY 101.
 - b. Exception to sidewalk requirement along Williams Avenue.
- 2. C-1 Retail Commercial Zone Standards. DBZO Section 3.110 does not specify a minimum required lot area, lot width, lot depth, or yards (building setbacks). The C-1 zone has a maximum building height of 35 feet.
 - Buildings Along US HWY 101. Elevations are measured from HWY 101 sidewalk (66') to top of building (98.57'). Total building height is 32.57'.

- Buildings along Williams Avenue. Elevations are measured from lowest point on Bradford Street (80') to top of building (113.09'). Total building height is 33.09'.
- **3.** C-1 Retail Commercial Standards Pedestrian Amenities. Ordinance No. 319 added Section 3.115 Commercial Zone C-1 Design Standards and Guidelines to the DBZO. Part of the intent of these new guidelines is to "help create a vibrant pedestrian environment" and "encourage walking for the enjoyment of residents and visitors."

DBZO Section 3.115 (3)(D) states... "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 (e.g., 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".

This applies to:

a. the area along the front property line (US HWY 101);

b. the area along Bradford Street – corner lot.

DBZO Section 3.115 (8)(B) states... "Every building and development on arterials (Hwy. 101) shall provide one or more of the "pedestrian amenities" listed in subsection below.

- 1) A managed landscaped plaza, courtyard, square or recessed area next to the building;
- 2) 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
- 3) Building canopy, awning, pergola, or similar weather protection (minimum projection of 4 feet over a sidewalk or other pedestrian space, and minimum 8 foot above the sidewalk or other pedestrian space).
- 4) 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 8 feet of landscaped grounds between the building(s) and sidewalk."

Proposed site plans show a ten (10) foot setback from the edge of the US HWY 101 right-of-way. This area is the ODOT slope easement and will be landscaped.

The applicant is proposing a five (5) foot sidewalk along the north side of Bradford Street. The applicant is also proposing a bench and landscaping for the corner of Bradford and HWY 101. Sidewalk and corner amenities are shown on the rendering.

- 4. C-1 Retail Commercial Standards Building Orientation. No change from staff report.
- 5. C-1 Retail Commercial Standards Sidewalks. The applicant is proposing a five (5) foot sidewalk along the north side of Bradford Street.
- 6. **Parking.** No change from staff report.

#2-VAR-PC-21 Lisac October 13 & November 10, 2021 Planning Commission Meetings

7. Traffic. DBZO Section 14.045 requires a Traffic Impact Study (TIS) for a proposed development or land use action that the road authority states may contribute to operational or safety concerns on its facility(ies). A TIS Letter is required if the proposed development is expected to generate 10 to 30 peak hour trips or 100 to 300 daily trips. A TIS Report is required if the proposed development would generate more than 30 peak hour trips or more than 300 daily trips.

A TIS Letter was prepared dated October 27, 2021 and is attached to this memo. Below is a brief summary of the findings and conclusions from the TIS Letter.

	I III III		Morning Peak Hour			Evening Peak Hour			Weekday
Land Use	ITE Code	Size	In	Out	Total	In	Out	ıt Total	Total
Single-Family Attached Housing	215	18 DU	3	6	9	6	4	10	130

Table 1: Trip Generation Summary

Although the trip modeling was based on single-family attached housing, the traffic engineer stated that the expected peak hour trip generation for vacation traffic would be lower.

No more than three (3) new trips are expected for any movement during any hour of a typical day. This equates to one (1) vehicle every 20 minutes, which is extremely low and is not expected to add significant delay at the intersection. Additionally, it is expected that the peak hour trip generation will realistically be lower, as the proposed use will be primarily vacation traffic staying locally in Depoe Bay, rather than functioning as a typical multi-unit residential building.

Conclusions

The analysis presented in this memorandum concludes:

- The trip generation calculations show that the proposed 18-unit development is projected to generate 9 new morning peak hour trips, 10 new evening peak hour trips, and 130 new average weekday trips.
- No significant trends or crash patterns were identified at any of the site access study intersections. Accordingly, no specific safety mitigation is recommended.
- Based on the access evaluation, the most direct access links on US 101 are expected to operate safely.
- No further transportation-related mitigation is necessary or recommended for the proposed development. The proposed improvements to be constructed by the project applicant are anticipated to be sufficient in providing safe and efficient movement around the site in a manner that is proportionate to the development and consistent with the surrounding transportation environment.

The TIS Letter states..."No further transportation-related mitigation is necessary or recommended for the proposed development. The proposed improvements to be constructed by the project applicant are anticipated to be sufficient in providing safe and efficient movement around the site in a manner that is proportionate to the development and consistent with the surrounding transportation environment."

Bradford Street. The proposed improvements mentioned in the TIS Letter include:

- 1) Five-foot sidewalk along the north side of Bradford Street from the intersection with HWY 101 to the driveway entrance of the proposed development.
- 2) Bradford Street will be widened to 20 feet to be consistent with other streets in the vicinity. Within Depoe Bay City Limits, all streets connecting to US HWY 101 from the east, with the exception of Bay Street, Allen Street (Center Market), and Lillian Lane, are 20 feet <u>+</u> in width.
- 3) ADA ramps and curb returns at the intersection of HWY 101 and Bradford Street will adhere to ODOT standards.
- 8. Archaeological Resources. No change from staff report.

CONCLUSIONS: In evaluating the request, the Planning Commission bases its decision on

compliance with the applicable code standards. If the Planning Commission finds the request fails to satisfy the ordinance standards, it can move to deny the request, articulating the basic conclusions and rationale for the decision and directing staff to prepare findings for adoption.

If the Planning Commission finds the request satisfies the applicable criteria, it can move to approve the request and direct staff to prepare findings for adoption. In the event of an approval, staff suggests the following conditions of approval be attached.

- 1. Building Permit. Development shall be accomplished in conformance with the approved plan. The applicant shall obtain a valid building permit prior to commencement of construction.
- 2. Variances. The following variances will be granted with conditions (if applicable):
 - a. Exception to pedestrian amenities along US HWY 101.
 - Landscaped grounds shall be provided between the buildings and the sidewalks.
 - Topography and geology of the site will be taken into account during landscape design.
 - b. Exception to orientation of building main entrances so as to not face US HWY 101.
 - Buildings will orient to an interior shared drive and parking area. Concrete walkways will connect the parking area to each unit.
 - c. Exception to sidewalk requirements:
 - 1) Exception to sidewalk requirement along US HWY 101.
 - Improvements to the existing sidewalk, e.g., widening sidewalk, along US HW 101 will not be required.
 - 2) Exception to sidewalk requirement along Williams Avenue.
 - A sidewalk along Williams Avenue will not be required.
- 3. Bradford Street.
 - a. Sidewalk. A 5-foot sidewalk (including cub and gutter) will be provided along the north side of Bradford Street from US HWY 101 to the driveway entrance of the development parking area. The sidewalk will require coordinating and permitting

with ODOT for tie-in to the existing sidewalk along the highway, including required ADA ramps and curb and gutter improvements.

- b. Roadway. Bradford Street will be widened to 20 feet.
- 4. Retail Commercial Zone C-1 Standards. Except for the variances identified in Condition of Approval #2 above, the proposed development shall meet all other DBZO Retail Commercial Zone C-1 Standards.
- 5. ODOT. The applicant will coordinate (permit) with ODOT for the following:
 - a. Bradford Street sidewalk tie-in at US HWY 101 including ADA ramps, curb and gutter, roadway widening.
 - b. Storm Drainage capacity from Bradford to HWY 101.
- 6. Review and approval from the Depoe Bay Fire District Chief.
- 7. Parking. Parking shall be provided at one parking spot per tourist accommodation (12 units) and 2 spots per residential unit (6 units), for a total of 24 parking spots.
- 8. Drainage and Erosion Control. The City Public Works Director shall review and approve plans for erosion control and storm drainage prior to issuance of a building permit.
- 9. Archaeological Resources. Development shall be conducted in a manner so as to minimize site disturbance and prevent irreversible loss of archaeological resources. Before and during excavation, any discovery of archaeological resources shall mean that the applicant shall cease excavation activities, notify the State Historic Preservation Office and Confederated Tribe of Siletz Indians, and meet State statutes before proceeding.
- 10. Tourist Accommodations. Prior to completion of construction the applicant will obtain a City Business License and register for Transient Room Taxes as per City codes.

Any future change of use not identified in this approval will require adherence to DBZO Section 4.030 parking requirements.

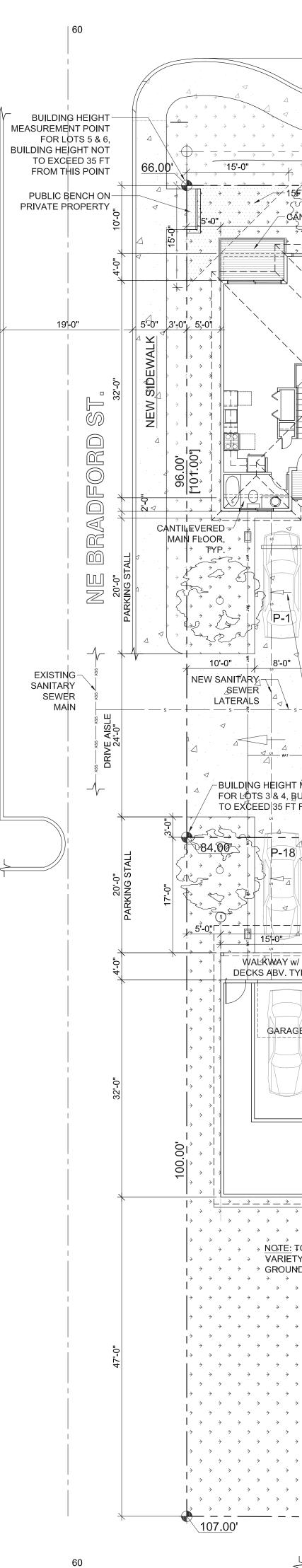
11. Time Limit. The variance shall be void after one year unless substantial construction has taken place. The Planning Commission may extend the variance for an additional one year, upon request.

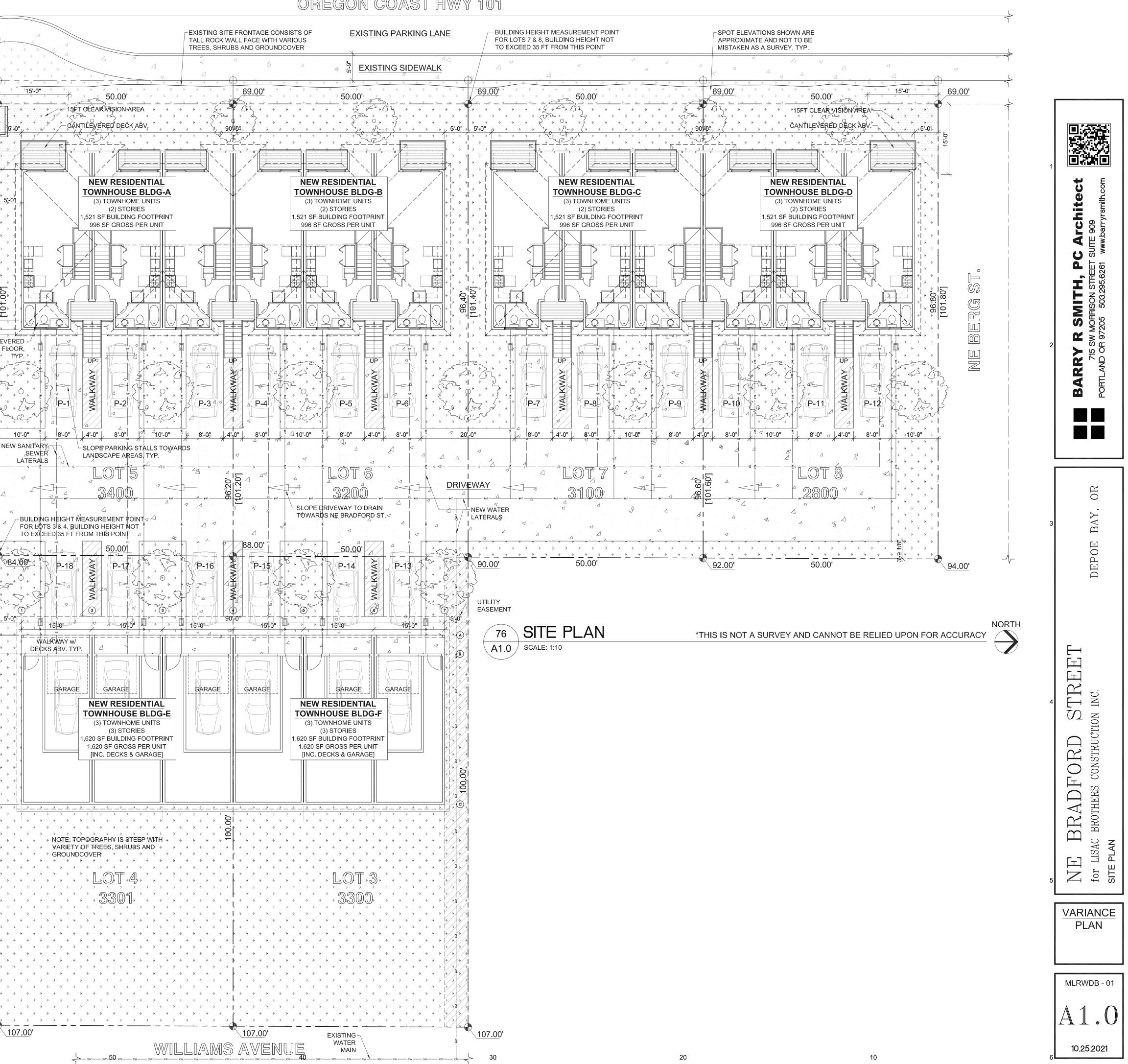
Submitted by,

Jaime White, City Planner

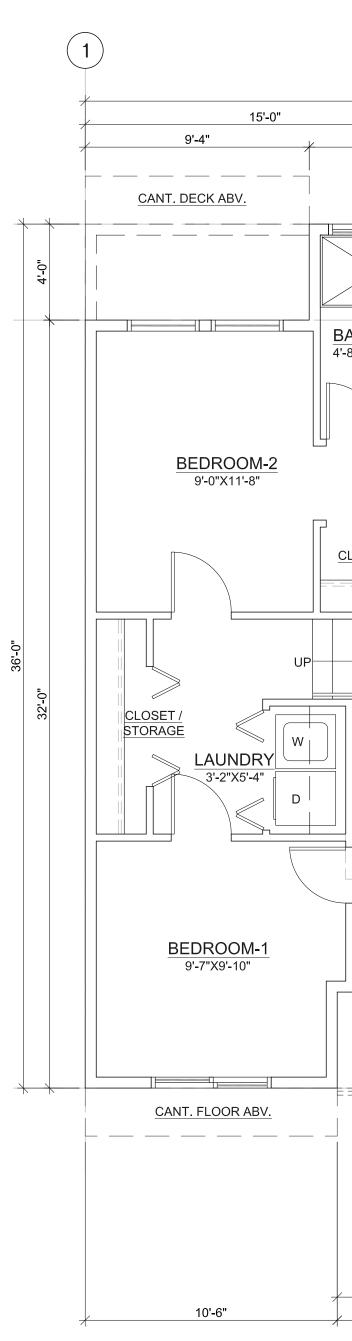
Enclosure: Rendering Site Plan Building Elevations TIS Letter

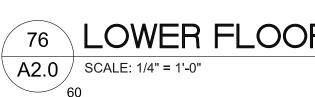


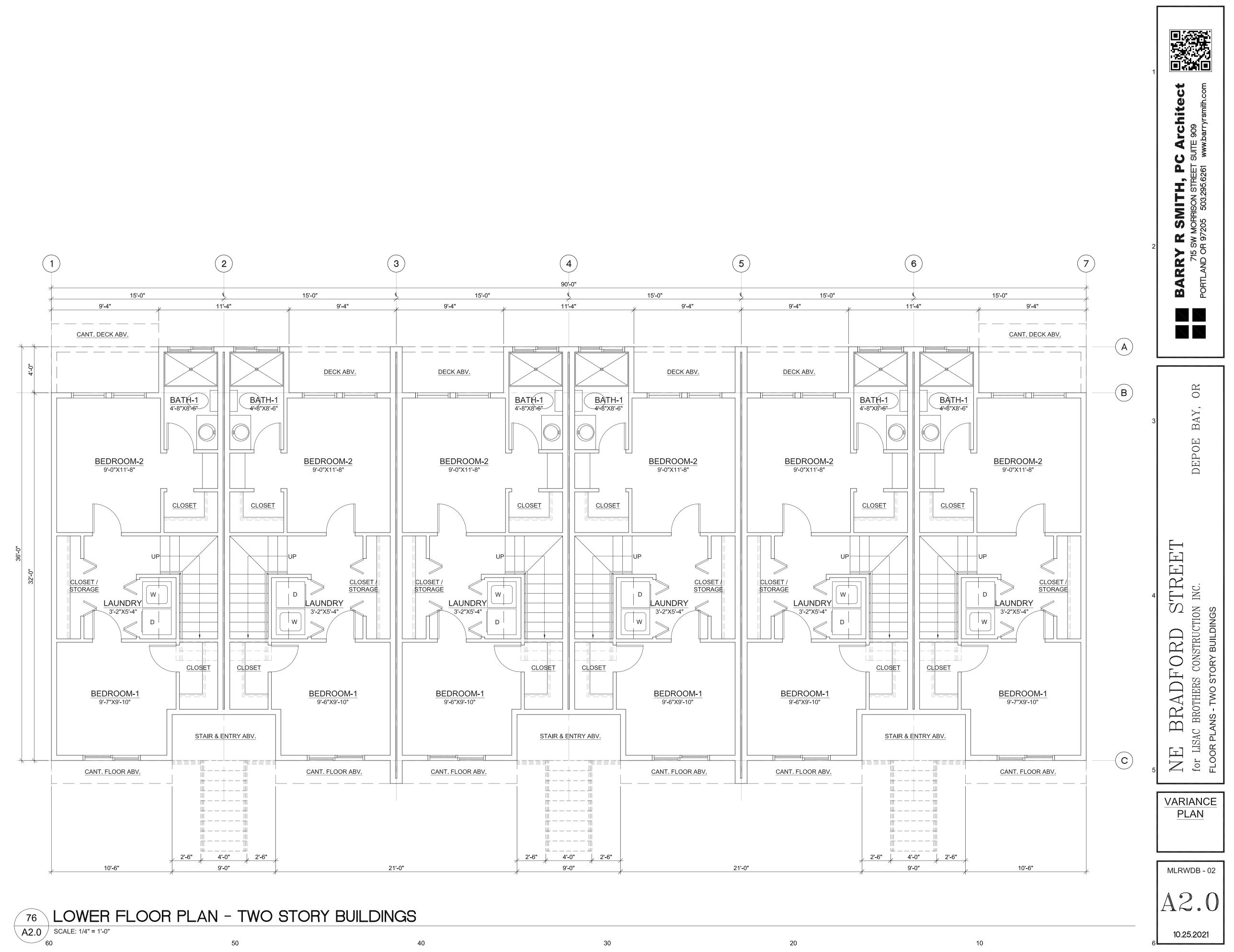




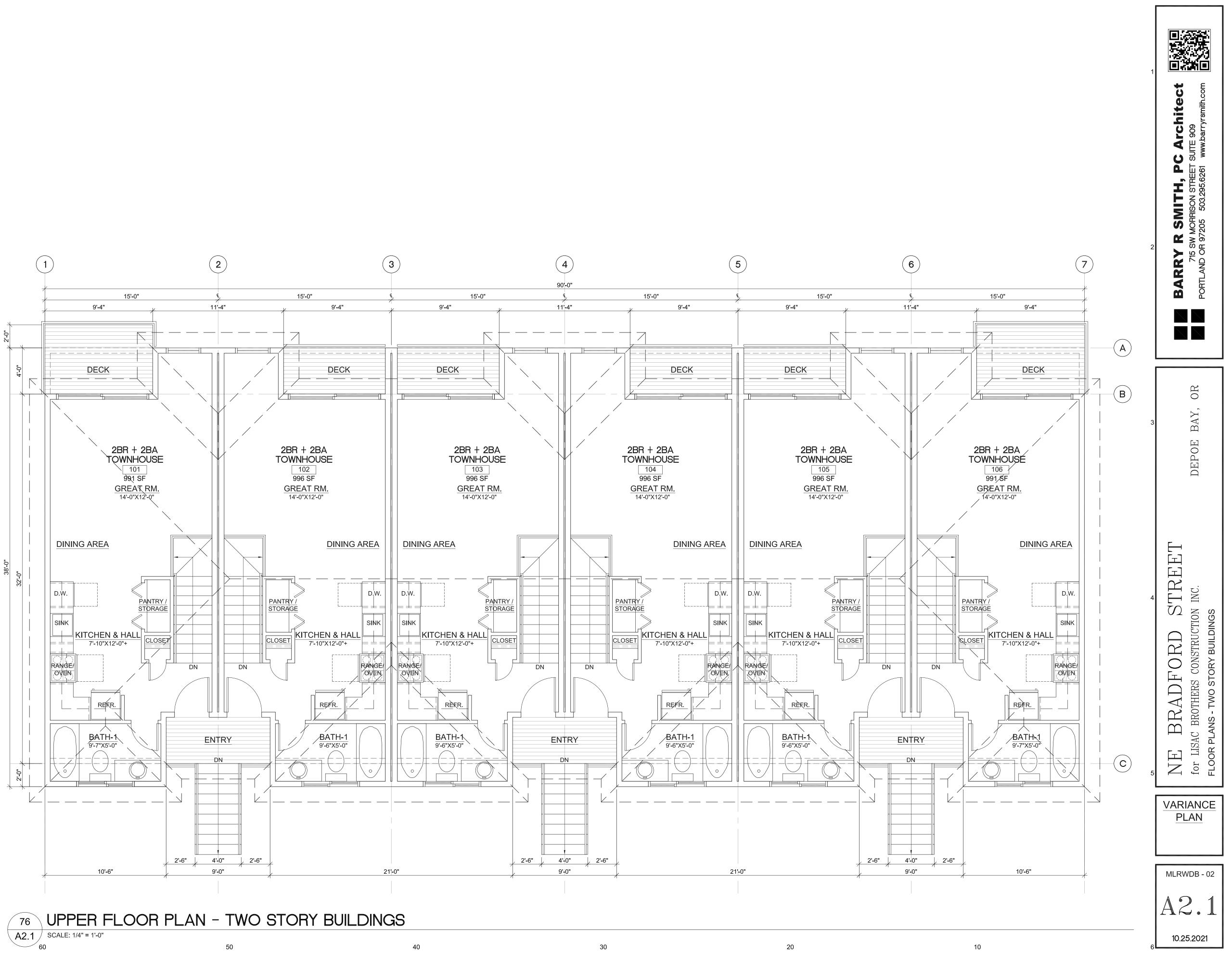
ÖREGON COAST HWY 10°1

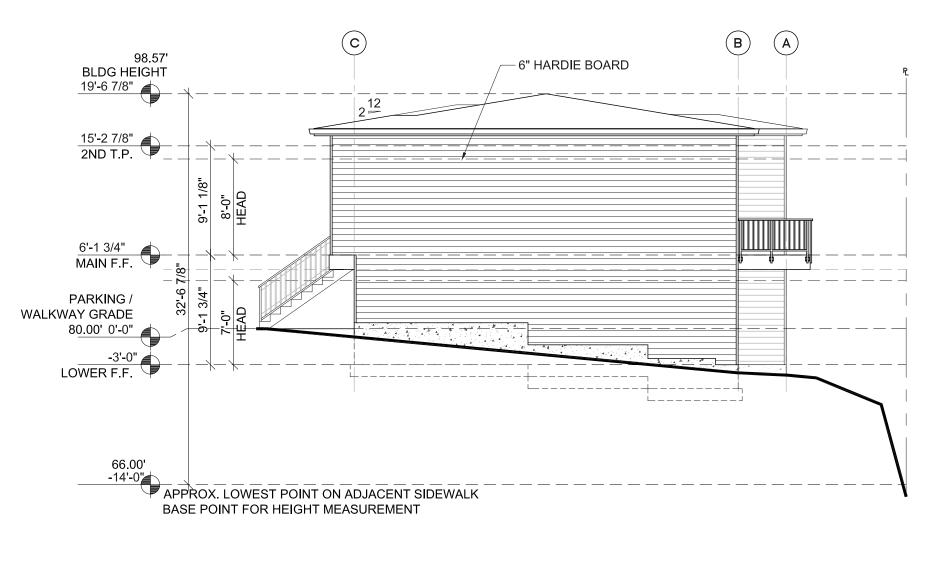




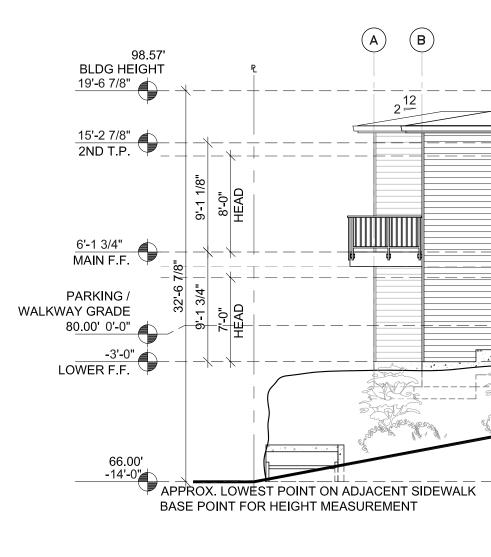


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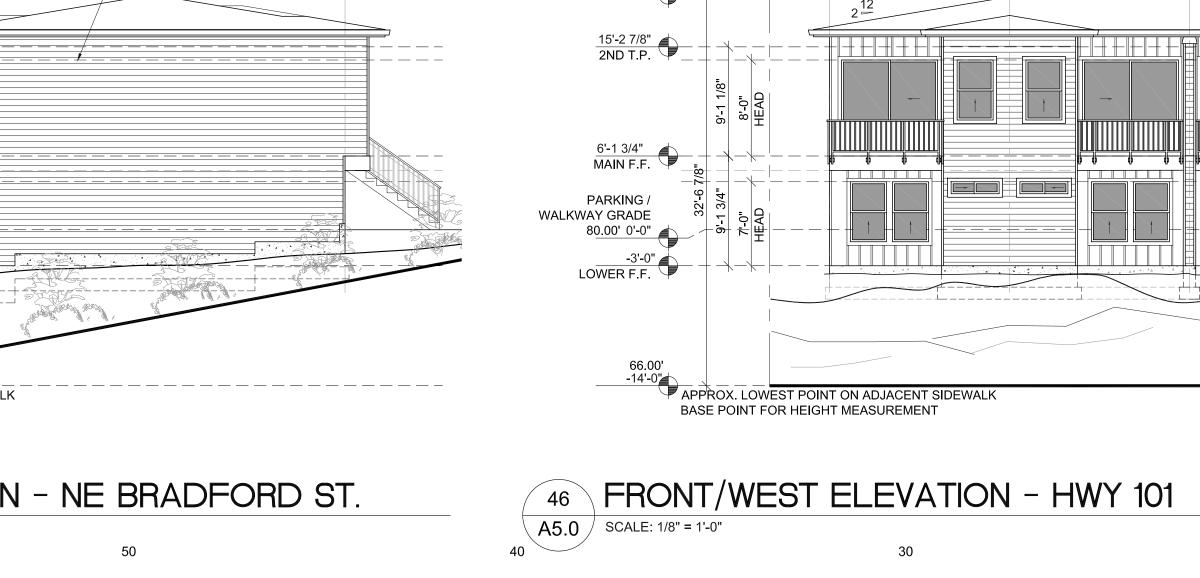










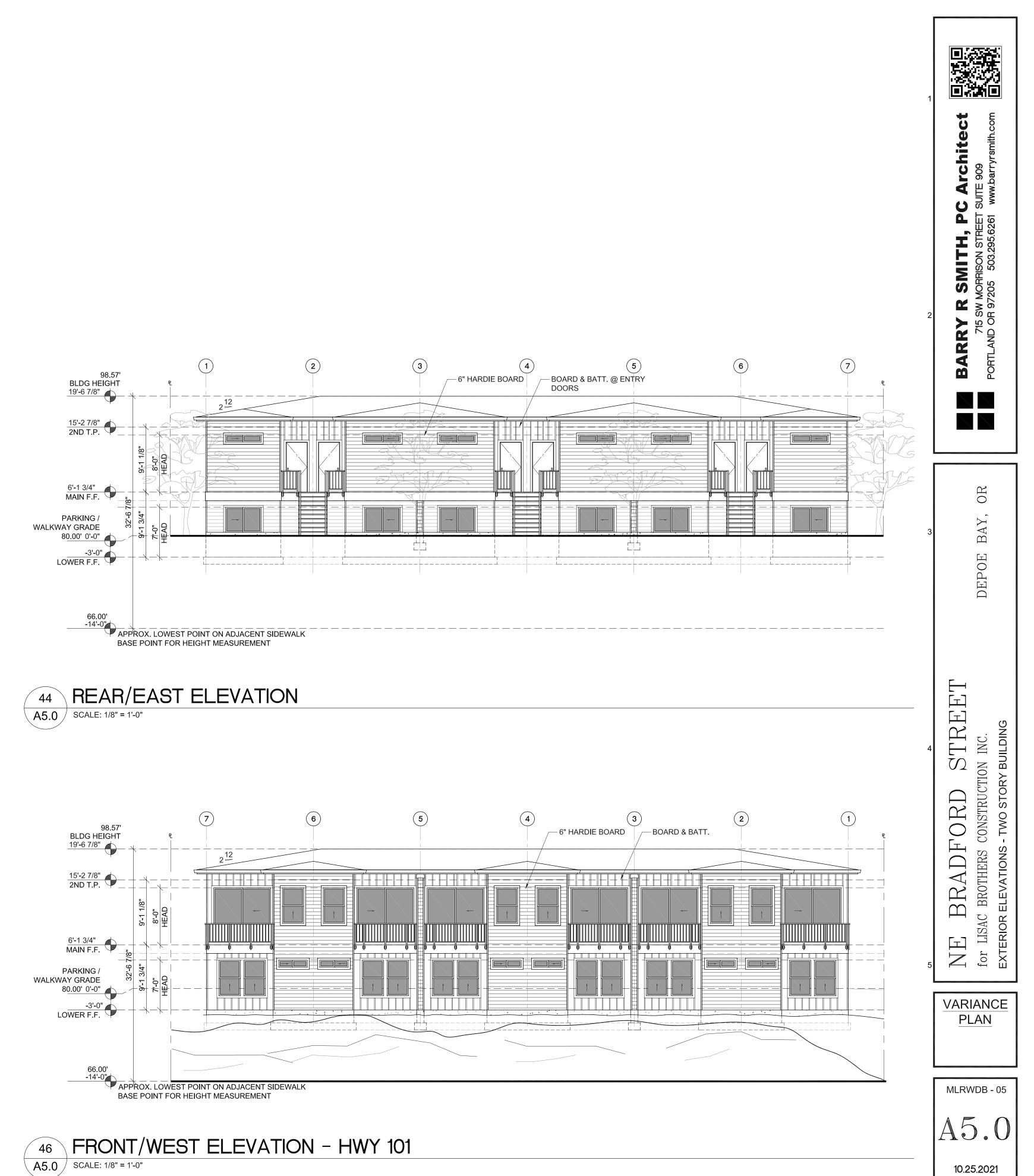


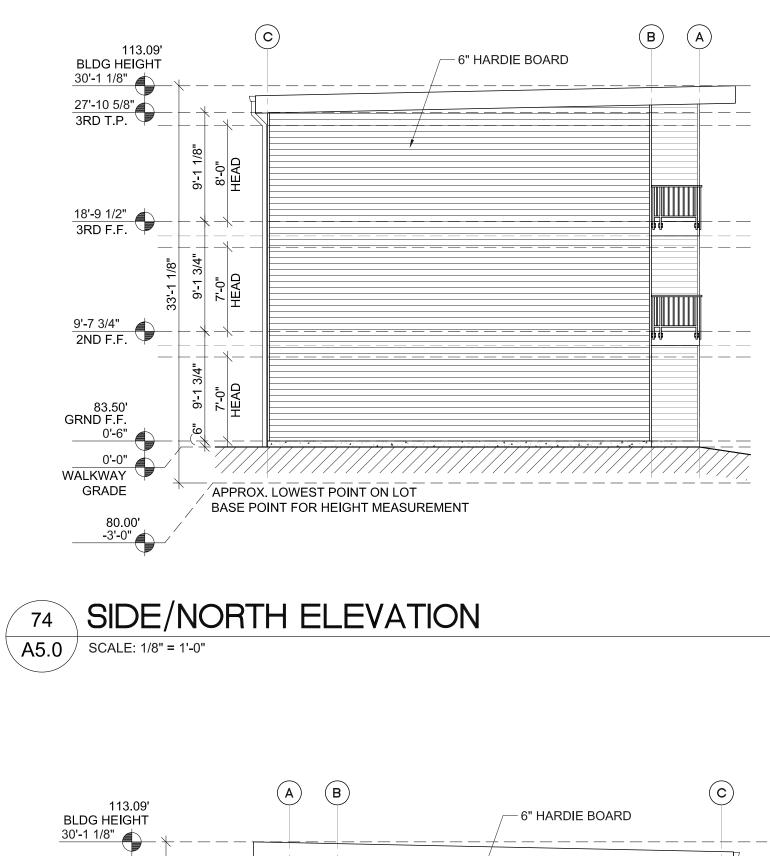
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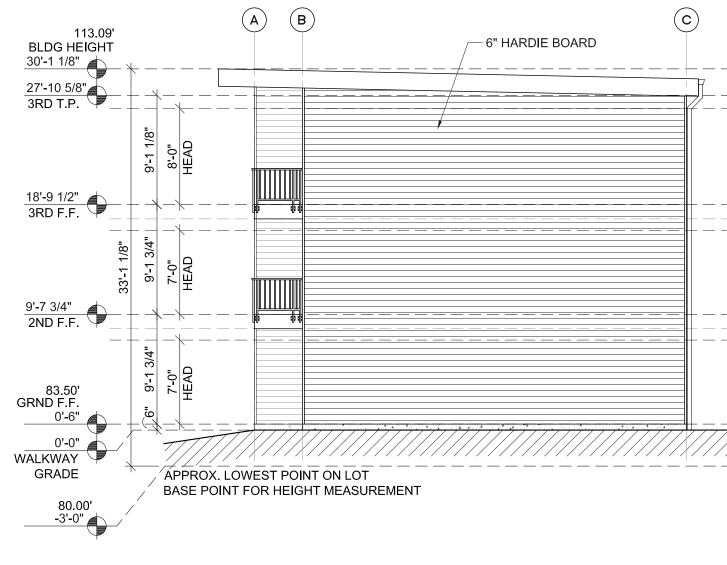
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— 6" HARDIE BOARD



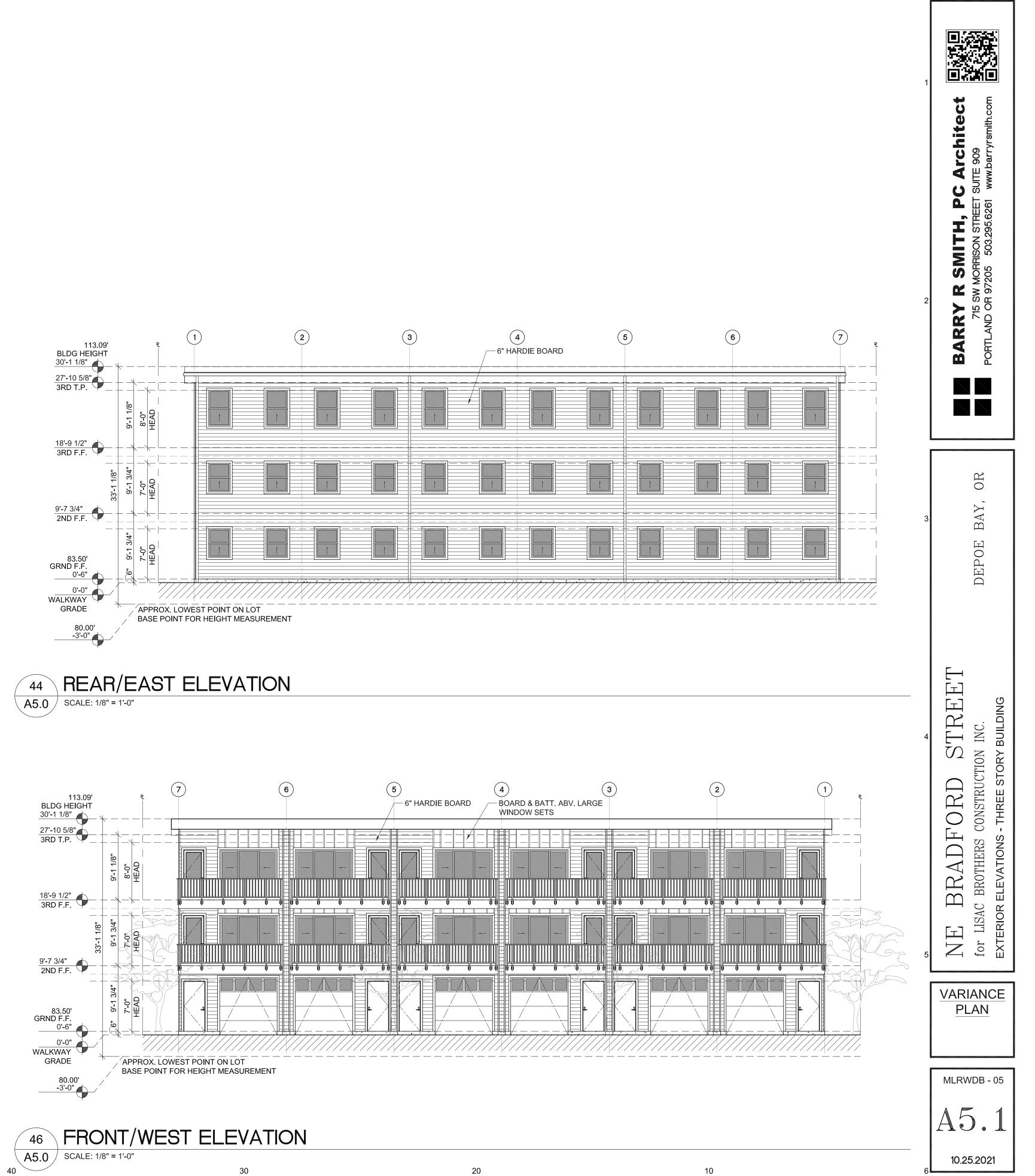


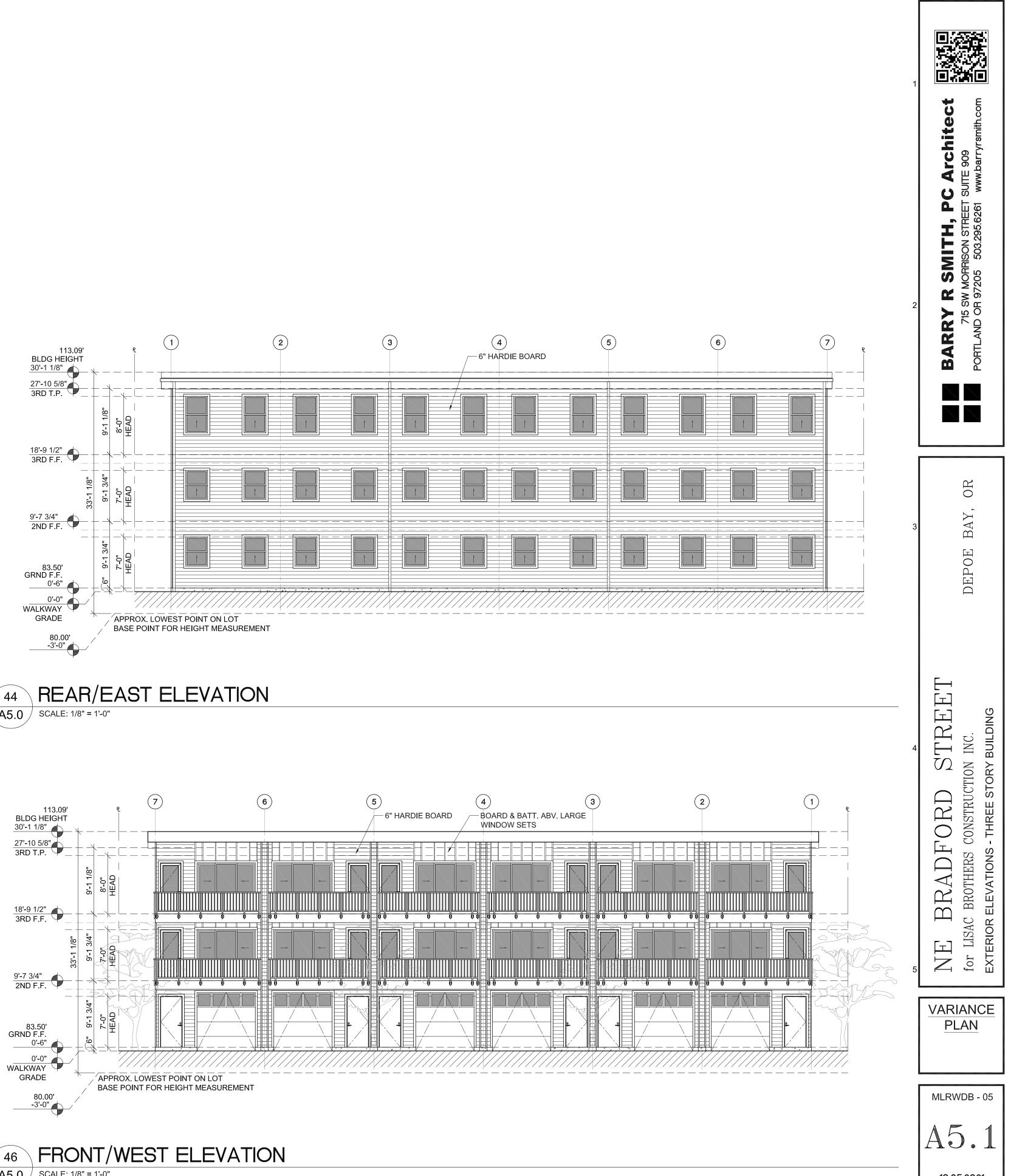




A5.0 SCALE: 1/8" = 1'-0"









321 SW 4th Ave., Suite 400 Portland, OR 97204 503.248.0313 lancastermobley.com

Memorandum

To: Mark Lisac Lisac Brothers Construction, Inc.

From: Myla Cross Nick Mesler, EIT Jennifer Danziger, PE

Date: October 27, 2021

Subject: NE Bradford Street Townhomes Traffic Impact Study Letter





RENEWS: 12/31/21

Introduction

This memorandum addresses transportation-related concerns that have been raised in relation to the proposed 18-unit, single-family attached housing development north of NE Bradford Street and east of Oregon Coast Highway (US 101). This memorandum demonstrates that a full Traffic Impact Study (TIS) is not required per Depoe Bay Municipal Code section 14.045. Additionally, this memorandum addresses transportation-related issues raised at the Planning Commission hearing held on October 13, 2021.

All supporting material, including the site plans for the proposed development, can be found in the technical appendix attached to this memorandum.

Project & Location Description

The proposed project intends to develop the currently undeveloped, approximately 0.7-acre site which includes six tax lots, Lincoln County Assessor's Map 09-11-05-CD tax lot no. 02800, 03100, 03200, 03300, 03301, and 03400. The site is currently vacant and is designated with Retail Commercial (C-1) zoning. This site is in an area that has surrounding mixed uses including single-family residences and commercial.

US 101 is an ODOT facility designated has a highway of statewide significance. This roadway is classified as a principal arterial by the City. The highway has a three-lane cross section transitioning to a four-lane cross section north of the site, a posted speed of 35 mph, and intermittent curb, gutter, and sidewalks. Parking is generally permitted on both sides of the street with parallel parking provided near NE Branford Street and diagonal parking provided further to the south.

NE Bradford is a City of Depoe Bay facility. This roadway is classified as a local road with a two-lane cross section and a statutory speed limit of 25 mph. It is unimproved and does not have continuous curb, gutter, and sidewalk.

Figure 1 depicts the project site location and vicinity over an aerial image, with the proposed project site in yellow. A site plan depicting the proposed project is provided as an attachment.



Figure 1 - Project Vicinity Map

Trip Generation

The proposed development will include the construction of an 18-unit single-family attached housing subdivision. To estimate the number of trips that are projected to be generated by the proposed development, trip rates from the *Trip Generation Manual*¹ were used. Specifically, data from land use code 215. Single-Family Attached Housing, was used to estimate the proposed development's trip generation based on the number of dwelling units to be constructed. This land use code is consistent with the character of the project development and the allowable use of the site zoning, "Retail Commercial" (C-1), as identified in the City of Depoe Bay City Zoning Code Article 3.110 *Retail Commercial (C-1) Zone*.

The trip generation calculations show that the proposed development is projected to generate 9 new morning peak hour trips, 10 new evening peak hour trips, and 130 new average weekday trips. The trip generation estimates are summarized in Table 1. Detailed trip generation calculations are included as an attachment to this memorandum.

		,, j								
Landling	ITE Code Size		Morning Peak Hour			Evening Peak Hour			Weekda	
	Land Use	TTE Code	Size	In	Out	Total	In	Out	Total	Total
	Single-Family Attached Housing	215	18 DU	3	6	9	6	4	10	130

Table 1: Trip Generation Summary

¹ Institute of Transportation Engineers (ITE), *Trip Generation Manual*, 11th Edition, 2021.



Trip Distribution

The project trip distribution was developed based on the geographical location of the project, US residential/ employment census data (<u>https://onthemap.ces.census.gov/</u>), and the existing roadway network facilities. The following trip distribution is projected:

- Approximately 55 percent of trips will travel to/from the north along US 101. This traffic will use NE Bradford Street to access the highway north of the site; and
- Approximately 45 percent of trips will travel to/from the south along US 101. This traffic will use NE Bradford Street to access the highway south of the site.

A figure depicting the site trip distribution over an aerial image is provided below.

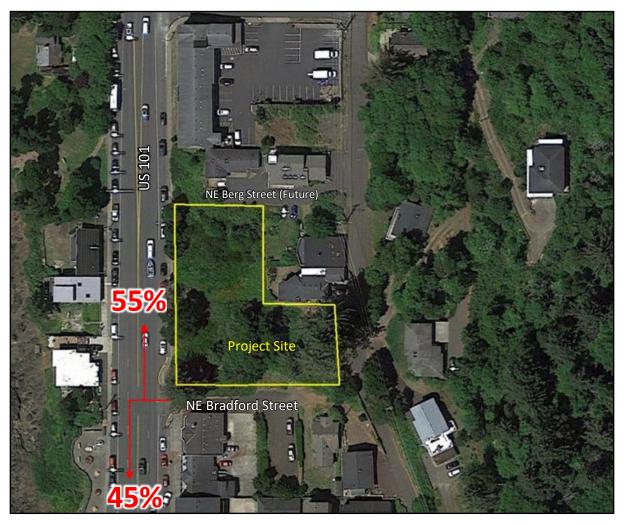


Figure 2 – Trip Distribution Map (© Google Earth)



Safety Analysis

Crash Data Analysis

Using data obtained from ODOT's Crash Analysis and Reporting Unit, a review was performed of the most recent five years of available crash data at the site access point at the intersection of US 101 & NE Bradford Street (January 2015 through December 2019). However, upon reviewing the crash data there were no reported crashes at this intersection during the analysis period. Accordingly, no safety mitigation is recommended per the crash data analysis.

US 101 Operational Safety Evaluation

All of the site-generated vehicular traffic will travel to and from US 101. The intersection of NE Bradford Street & US 101 is unsignalized. An assessment of the operations and safety aspects of the intersection along US 101 is presented below.

The only movement with potential to add delay to the highway is inbound site traffic coming from the north on US 101, which is expected to turn left onto NE Bradford Street. Because US 101 is four lanes with no center refuge lane, vehicles will make the left-turn movement from the inner shared left-through lane. Left-turning vehicles will need to cross two lanes of northbound traffic. Through vehicles will have the opportunity to go around vehicles waiting to make a left turn, thereby reducing the impact of obstructing the flow of traffic. The signalized intersection at Bay Street is expected to create regular gaps in the northbound traffic stream for sufficient ingress, even during the most congested conditions. No northbound queues are likely block this movement are no traffic signals within serval miles north of the site that would otherwise create significant northbound congestion. It should also be noted that this intersection configuration is consistent with many intersections throughout the corridor, matching the character of the existing roadway environment.

Additionally, as identified in the Crash Data Analysis Section, the crash history review identifies no existing collision history patterns of significance. This intersection currently exists and is not experiencing collisions. The eastern leg of the intersection is expected to be widened by the project, creating an easier environment for turning vehicles, and thereby reducing the potential for turning movement collisions.

No more than three (3) new trips are expected for any movement during any hour of a typical day. This equates to one (1) vehicle every 20 minutes, which is extremely low and is not expected to add significant delay at the intersection. Additionally, it is expected that the peak hour trip generation will realistically be lower, as the proposed use will be primarily vacation traffic staying locally in Depoe Bay, rather than functioning as a typical multi-unit residential building.



Project Pedestrian and Roadways Improvements

Project Improvements

As part of the development project, the applicant will make the following improvements to the surrounding property:

- A managed landscaped strip will be constructed that will encompass the front of the property line and will be considered a pedestrian amenity;
- A five-foot-wide sidewalk, including an ADA compliant curb and gutter will be constructed along the north side of NE Bradford Street from US 101 to the development driveway;
- NE Bradford Street will be widened to the City's standards.

Requested Variances

In order to have a variance granted by the City of Depoe Bay, the following (5) five circumstances must be met:

- 1. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot size or shape, legally existing prior to the date of this ordinance, or other circumstances over which the applicant has not control.
- 2. The variance is necessary for the reservation of property right of the applicant substantially the same as owners of other property in the same zone or vicinity possess.
- 3. The variance would not be materially detrimental to the purposes of this ordinance, or to property in the zone or vicinity in which the property is located, or otherwise conflict with the objectives of any City plan or policy.
- 4. The hardship is not self-imposed and the variance requested is the minimum variance which would alleviate the hardship.
- 5. The hardship asserted as a basis for the variance does not arise form a violation of the Zoning Ordinance.

The applicant requests a total of five (5) variances. The variances and their respective circumstances supporting the acceptability of the variance, as identified in the City of Depoe Bay Staff Report (dated October 13, 2021) are provided below:

• Exception to the pedestrian amenities along US 101 or at corner of US 101 and NE Bradford Street Summary of City Staff Response:

Per section 3.115 Commercial Zone C-1 – Design Standards & Guidelines, Subsection 3.B.2 Maximum Front Yard Setback; There is no maximum front yard setback required, but a usable public space with pedestrian amenities (e.g., plaza, pocket park, managed landscaping, outdoor dining area or towns quare with seating) shall be provided in the entire area between the building and the front property line.



The applicant requests variance given topography circumstances under which the applicant has no control. The existing topography of the site includes a natural rock wall formation that spans between the front of property line along US 101 and the proposed housing development, and a ten-foot-deep slope easement along the entire frontage of US 101 owned by ODOT. Excavating the existing rock wall will pose construction difficulties and hardships that are not self-imposed by the applicant. Similarly, the rock wall extends to the north of the project site in front of the Travelodge Hotel, where no public or pedestrian amenities are provided.

Per Section 3.115 Commercial Zone C-1 – Design Standards & Guidelines, Subsection 3.D – Side Yard Setbacks; There is no minimum side yard setback required but in the case of a side yard on a corner lot, a useable public space with pedestrian amenities (e.g. 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.

The proposed development will be considered a corner lot, located on the corner of US 101 with both NE Bradford Street, and NE Berg Street. The applicant requests variance given topography circumstances under which the applicant has no control. A ten-foot-deep slope easement along the entire frontage of US 101 owned by ODOT, a steep slope on NE Bradford Street and the vertical rock wall which prevents NE Berg Street from connecting to US 101 make the construction of pedestrian amenities extremely challenging. Compliance with ADA requirements are not feasible given the existing topography.

• Exception to orientation of building main entrances so as to not face US 101.

Summary of City Staff Response:

Per section 3.115 Commercial Zone C-1 – Design Standards and Guidelines, Subsection 5 – Building Orientation on arterials (US 101);

- A. Buildings should have their primary entrance(s) oriented to (facing US 101, excepted as noted below:
 - i. Building entrances may include entrances to individual units, lobby entrances, entrances oriented pedestrian plazas, or breezeway/courtyard entrances (i.e., to a cluster of units or commercial spaces
 - ii. 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.
 - iii. On corner lots, building entrances may be oriented to the street corner.
- B. Developments may be configured to provide a driveway or interior parking court. If the 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 streets and off-street parking.

The proposed entrance to the housing development is facing east, opposite of US 101, towards a shared parking lot and driveway due to the existing topographical conditions of the site as mentioned above. Similarly, the Travelodge Hotel utilizes the proposed design. The applicant requests variance given topography circumstances under which the applicant has no control.



- Exception to sidewalk requirements
 - a. Exception to sidewalks requirements along US 101.
 - b. Exception to sidewalk requirement along NE Bradford Street.
 - c. Exception to sidewalk requirement along NE Williams Avenue

Summary of City Staff Response:

Per Section 3.1115 Commercial Zone C-1 - Design Standard & Guidelines, Subsection 8.A – Pedestrian amenities in the C-1 Zone; Pedestrian sidewalk shall be provided on all street sides of the buildings, parking areas, etc. in the entire C-1 zoned area. These sidewalks shall have a minimum 8-foot width along US 101, and minimum 5-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.

The applicant request variance from the City's sidewalk requirements due to existing topography and geologic conditions on the project site. US 101 has an existing sidewalk in front of the project site, that is approximately 4 feet wide and extends north of the project site to the Travelodge Hotel. The widening of this sidewalk by removing the existing rock wall would be extremely difficult and likely very disruptive to the community, leaving the other option for widening to be 4 feet to the west which would remove 8 to 10 existing on-street parking spots. The reduction of existing parking supply along US 101 is not a viable option according to ODOT, as this is a high demand parking area. The existing steep slope on NE Bradford Street will prevent the sidewalk from being ADA compliant. With the proposed entrance to the housing development on NE Bradford Street, there will be no direct impact to Williams Avenue.

Traffic Study Requirement Evaluation

As stipulated in Depoe Bay Municipal Code section 14.045 *Traffic impact study (TIS) requirements*, a TIS is required if the development involves one of more of the following criteria. An evaluation of each criterion is made concurrently below:

a. The proposed development would generate more than 30 peak hour trips or more than 300 daily trips;

As shown in Table 1, the proposed project is not anticipated to generate more than 10 peak hour trips, which is below the 30-vehicle minimum needed to trigger a TIS. Additionally, the proposed project is not anticipated to generate more than 130 weekday daily trips, which is below the 300-vehicle minimum to trigger a TIS.

b. The proposal is immediately adjacent to an intersection that is functioning at a poor level of service, as determined by the City;

The project site is not adjacent to an intersection that has been identified as functioning at a poor level of service. The existing traffic entering and exiting NE Bradford Street from US 101 is minimal, as only a few existing uses take access to NE Bradford Street. The proposed project will be adding an expected maximum of 10 additional trips during the peak hour, which equates to one (1) vehicle entering or exiting the street every 6 minutes.



c. An increase in use of any direct property approach road to US 101 by 10 vehicles or more per day that exceed 20,000 pounds gross vehicle weight;

Large trucks of high gross weight are not expected to access the proposed project after construction. The project is residential in nature and expects passenger vehicle traffic.

d. A new direct approach to US 101 is proposed;

No new direct accesses will be made to US 101. All project traffic will access the site via the existing street of NE Bradford Street.

e. A proposed development or land use action that the road authority states may contribute to operational or safety concerns on its facitilty(ies);

As shown in the US 101 Operational Safety Evaluation and Crash Analysis Sections of this memorandum, no operational or safety concerns are expected to arise due to the proposed development.

f. An amendment to the Depoe Bay Comprehensive Plan or Zoning Map is proposed

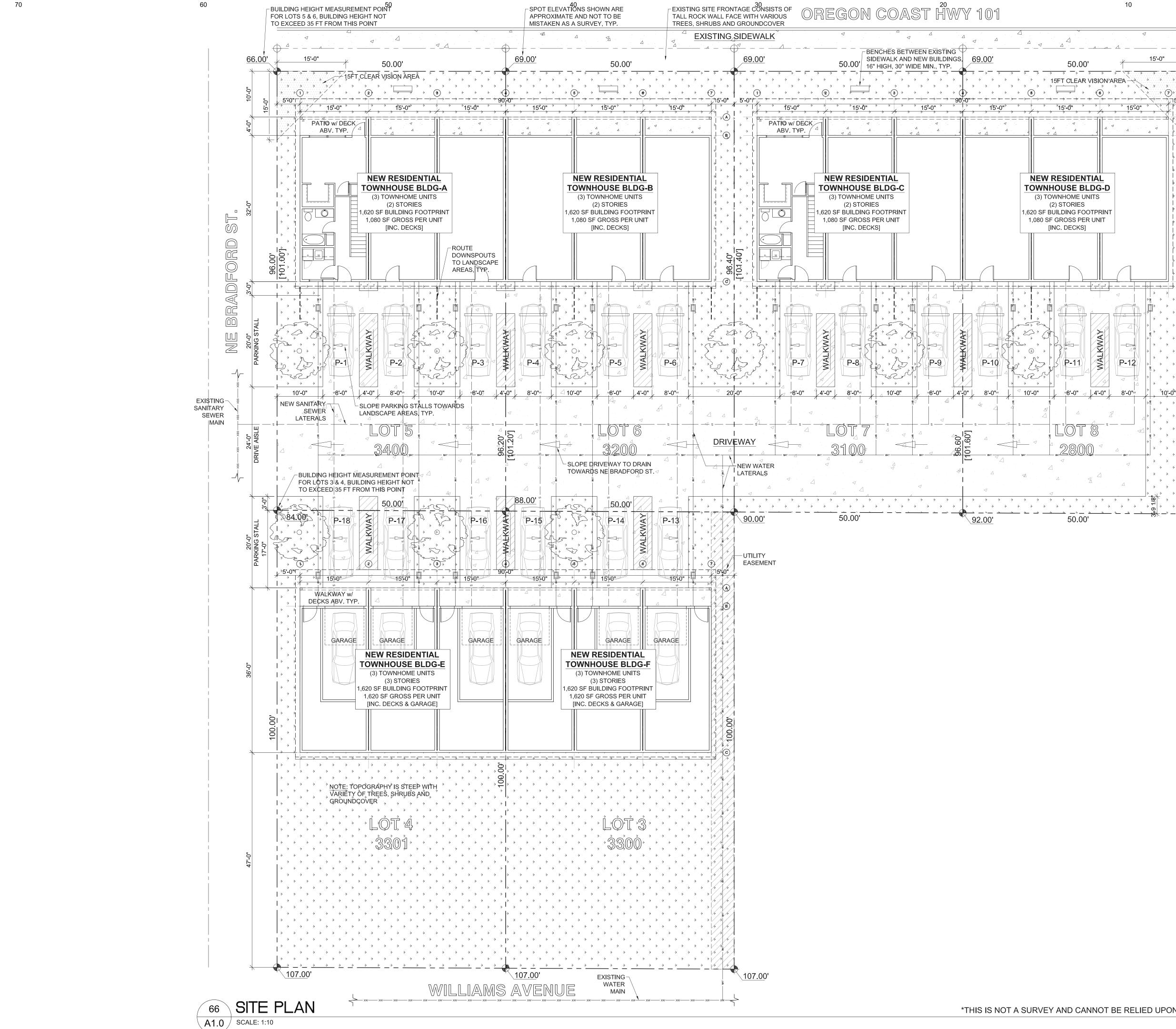
The proposed development is compliant with both the comprehensive plan and zoning map. No amendment is necessary or recommended.

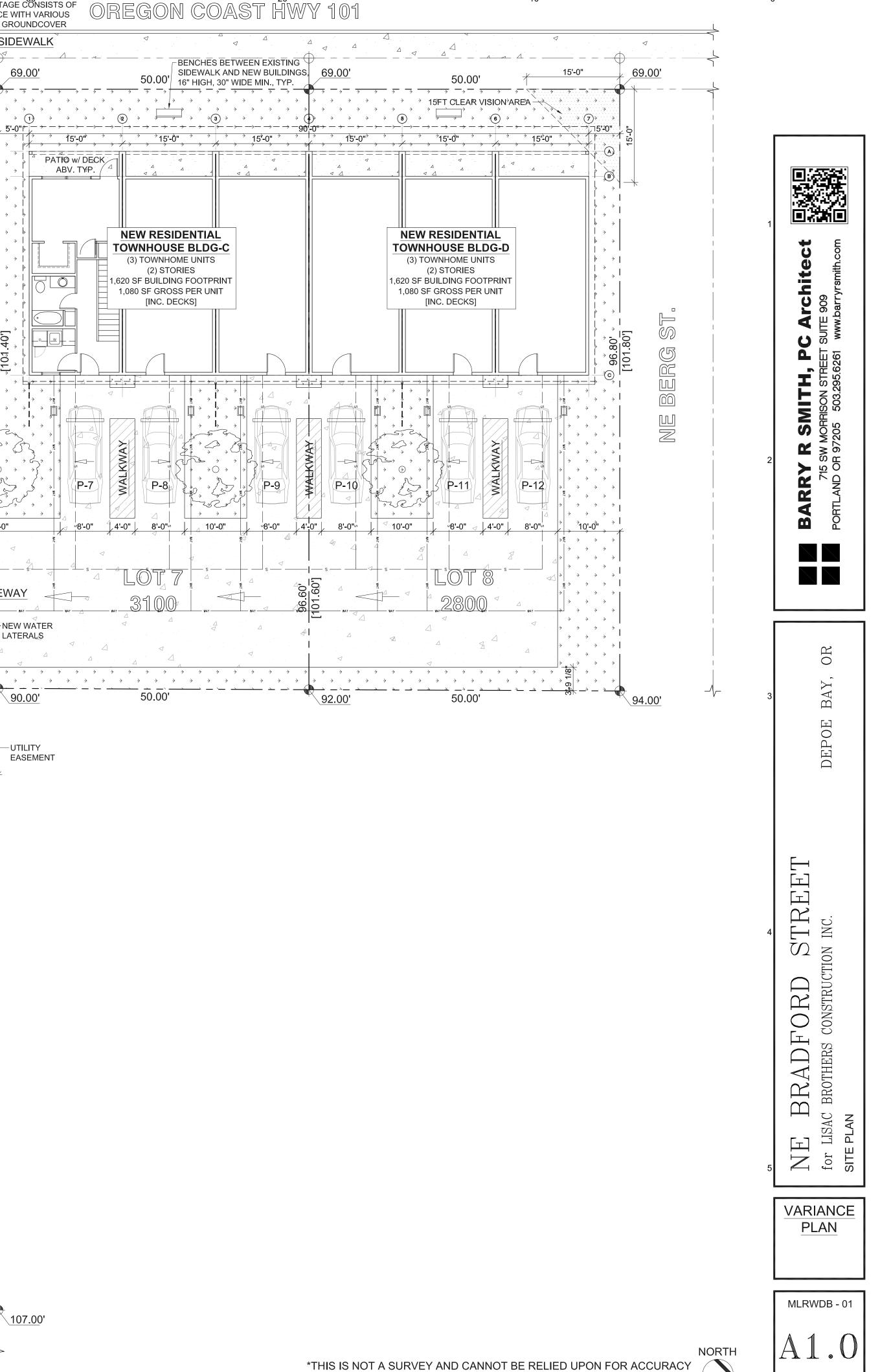
Conclusions

The analysis presented in this memorandum concludes:

- The trip generation calculations show that the proposed 18-unit development is projected to generate 9 new morning peak hour trips, 10 new evening peak hour trips, and 130 new average weekday trips.
- No significant trends or crash patterns were identified at any of the site access study intersections. Accordingly, no specific safety mitigation is recommended.
- Based on the access evaluation, the most direct access links on US 101 are expected to operate safely.
- No further transportation-related mitigation is necessary or recommended for the proposed development. The proposed improvements to be constructed by the project applicant are anticipated to be sufficient in providing safe and efficient movement around the site in a manner that is proportionate to the development and consistent with the surrounding transportation environment.







09.10.2021

Single-Family Attached Housing (215)

Vehicle Trip Ends vs: Dwelling Units On a: Weekday

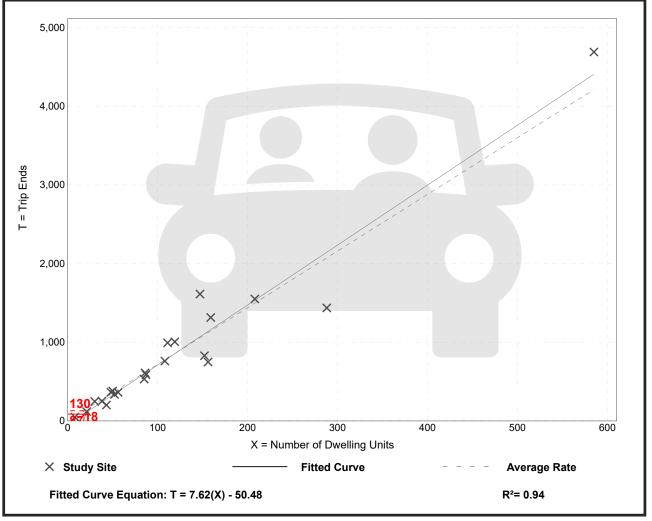
Setting/Location: General Urban/Suburban

Number of Studies:	22
Avg. Num. of Dwelling Units:	120
Directional Distribution:	50% entering, 50% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
7.20	4.70 - 10.97	1.61

Data Plot and Equation



Trip Gen Manual, 11th Edition

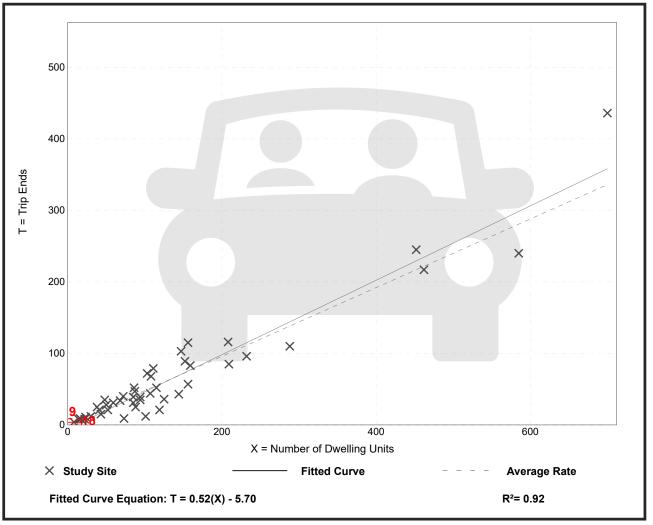
• Institute of Transportation Engineers

Single-Family Attached Housing (215)			
Vehicle Trip Ends vs:	Dwelling Units		
On a:	Weekday,		
	Peak Hour of Adjacent Street Traffic,		
	One Hour Between 7 and 9 a.m.		
Setting/Location:	General Urban/Suburban		
Number of Studies:	46		
Avg. Num. of Dwelling Units:	135		
Directional Distribution:	31% entering, 69% exiting		

Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
0.48	0.12 - 0.74	0.14

Data Plot and Equation



Trip Gen Manual, 11th Edition

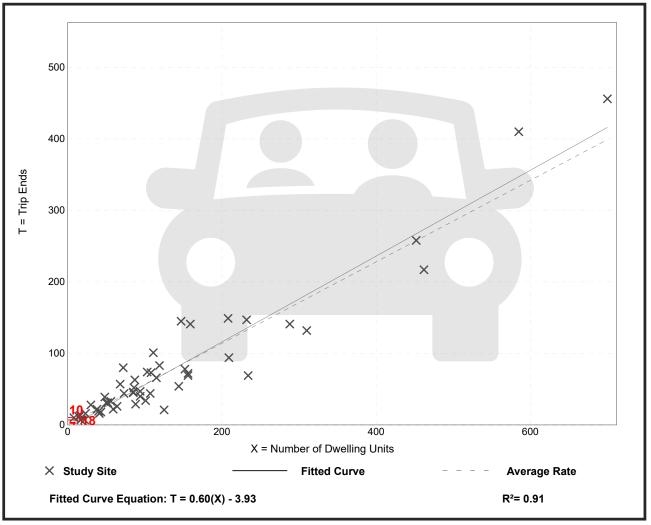
• Institute of Transportation Engineers

Single-Family Attached Housing (215)			
Vehicle Trip Ends vs: On a:			
Peak Hour of Adjacent Street Traffic,			
	One Hour Between 4 and 6 p.m.		
Setting/Location:	General Urban/Suburban		
Number of Studies:	51		
Avg. Num. of Dwelling Units:	136		
Directional Distribution:	57% entering, 43% exiting		

Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
0.57	0.17 - 1.25	0.18

Data Plot and Equation



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• Institute of Transportation Engineers

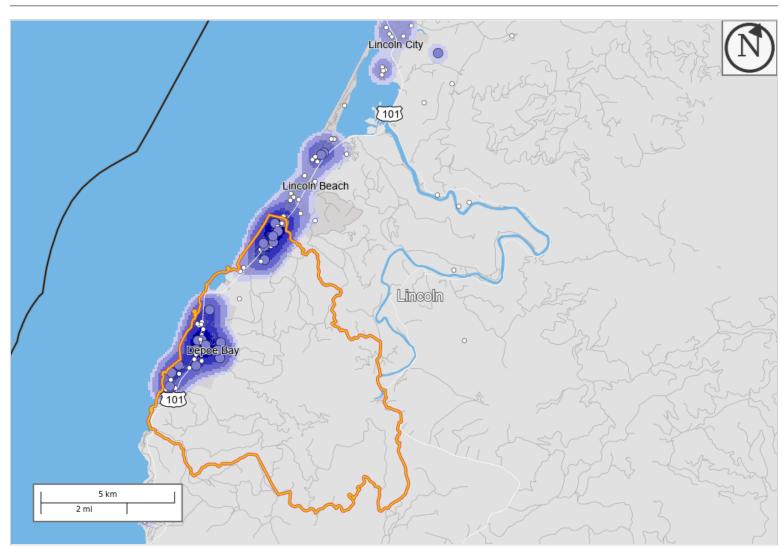
Census OnTheMap

Distance/Direction Report - Work to Home

All Jobs for All Workers in 2018

Created by the U.S. Census Bureau's OnTheMap https://onthemap.ces.census.gov on 10/19/2021

Counts and Density of Home Locations for All Jobs in Work Selection Area in 2018 All Workers



Map Legend

Job Density [Jobs/Sq. Mile]

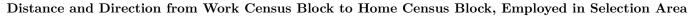
- 5 7
- 8 13
- **14 24**
- **25 39**
- **4**0 59

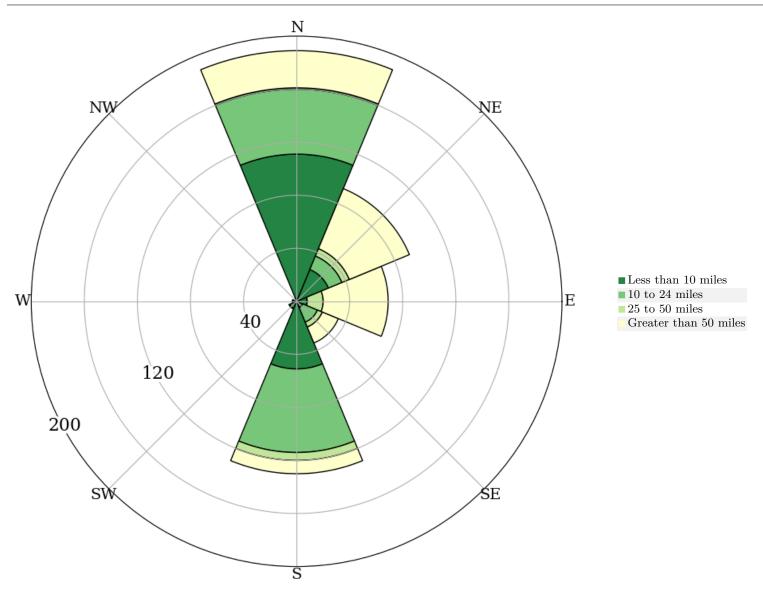
Job Count [Jobs/Census Block] • 1 - 2 • 3 - 10 Selection Areas M Analysis Selection











All Jobs for All Workers in 2018 Distance from Work Census Block to Home Census Block, Employed in Selection Area

	2018		
Distance	Count	Share	
Total All Jobs	523	100.0	
Less than 10 miles	210	40.2	
10 to 24 miles	135	25.8	
25 to 50 miles	29	5.5	
Greater than 50 miles	149	28.5	



Additional Information

Analysis Settings

Analysis Type	Distance/Direction
Selection area as	Work
Year(s)	2018
Job Type	All Jobs
Selection Area	9506.02 (Lincoln, OR) from Census Tracts
Selected Census Blocks	184
Analysis Generation Date	10/19/2021 23:04 - On The Map 6.8
Code Revision	5 dc 8e 60 ec 2609 d7 8 eb fa 7 d4 b 188 db 13 a a cb b 1 b a 6
LODES Data Version	20201117_1559

Data Sources

Source: U.S. Census Bureau, OnTheMap Application and LEHD Origin-Destination Employment Statistics (Beginning of Quarter Employment, 2nd Quarter of 2002-2018).

Notes

1. Race, Ethnicity, Educational Attainment, and Sex statistics are beta release results and are not available before 2009.

2. Educational Attainment is only produced for workers aged 30 and over.

3. Firm Age and Firm Size statistics are beta release results for All Private jobs and are not available before 2011 and in 2018.



Distance/Direction Report - Work Census Block to Home Census Block

Job Counts in Home Blocks by Distance Only

	2010		
	Count	Share	
Total All Jobs	523	100.0%	
Less than 10 miles	210	40.2%	
10 to 24 miles	135	25.8%	
25 to 50 miles	29	5.5%	
Greater than 50 miles	149	28.5%	

<u>O</u> Job Counts in Home Blocks to the North of Work Blocks by Distance

2018

2018

2018

	Count	Share
Total All Jobs	189	100.0%
Less than 10 miles	111	58.7%
10 to 24 miles	49	25.9%
25 to 50 miles	1	0.5%
Greater than 50 miles	28	14.8%

Job Counts in Home Blocks to <u>the Northeast of Work Blocks by</u> <u>Distance</u>

	Count	Share
Total All Jobs	92	100.0%
Less than 10 miles	26	28.3%
10 to 24 miles	11	12.0%
25 to 50 miles	6	6.5%
Greater than 50 miles	49	53.3%

Page: 1

Source: U.S. Census Bureau, OnTheMap Application, https://onthemap.ces.census.gov

Solution Job Counts in Home Blocks to the East of Work Blocks by Distance

2018

	Count	Share
Total All Jobs	69	100.0%
Less than 10 miles	8	11.6%
10 to 24 miles	-	-
25 to 50 miles	12	17.4%
Greater than 50 miles	49	71.0%

Job Counts in Home Blocks to the Southeast of Work Blocks by <u>Distance</u>

2018

	Count	Share
Total All Jobs	34	100.0%
Less than 10 miles	5	14.7%
10 to 24 miles	12	35.3%
25 to 50 miles	4	11.8%
Greater than 50 miles	13	38.2%

Job Counts in Home Blocks to the South of Work Blocks by <u>Distance</u>

	2018	
	Count	Share
Total All Jobs	130	100.0%
Less than 10 miles	51	39.2%
10 to 24 miles	63	48.5%
25 to 50 miles	6	4.6%
Greater than 50 miles	10	7.7%

Job Counts in Home Blocks to the Southwest of Work Blocks by Distance

2018

	Count	Share
Total All Jobs	6	100.0%
Less than 10 miles	6	100.0%
10 to 24 miles	-	-
25 to 50 miles	-	-
Greater than 50 miles	-	-

Solution Job Counts in Home Blocks to the West of Work Blocks by Distance

2010	
2018	
2018	

2018

	Count	Share
Total All Jobs	3	100.0%
Less than 10 miles	3	100.0%
10 to 24 miles	-	-
25 to 50 miles	-	-
Greater than 50 miles	-	-

Solution Job Counts in Home Blocks to the Northwest of Work Blocks by Distance

	Count	Share
Total All Jobs	0	100.0%
Less than 10 miles	-	-
10 to 24 miles	-	-
25 to 50 miles	-	-
Greater than 50 miles	-	-

Report Settings	
Analysis Type	Distance/Direction
Selection area as	Work
Year(s)	2018
Job Type	All Jobs
Selection Area	9506.02 (Lincoln, OR) from Census Tracts
Selected Census Blocks	184
Analysis Generation Date	10/19/2021 23:11 - OnTheMap 6.8
Code Revision	5dc8e60ec2609d78ebfa7d4b188db13aacbb1ba6
LODES Data Version	20201117_1559

Source: U.S. Census Bureau, OnTheMap Application and LEHD Origin-Destination Employment Statistics (Beginning of Quarter Employment, 2nd Quarter of 2002-2018).

Notes:

1. Race, Ethnicity, Educational Attainment, and Sex statistics are beta release results and are not available before 2009.

2. Educational Attainment is only produced for workers aged 30 and over.

3. Firm Age and Firm Size statistics are beta release results for All Private jobs and are not available before 2011 and in 2018.

ARTICLE 14. LAND DIVISION

(4/6/76-ORD 24-EFFECTIVE DATE, amended 4/6/04-ORD 256-LAND DIVISION, formerly PARTITION & SUBDIVISION ORD 57-6/4/79, ORD 87-3/15/82, ORD 111-5/21/84, ORD 153-7/16/90, ORD 155-9/17/90, 5/4/10-ORD 287)

Section 14.010. <u>Purpose</u>: As authorized by law, including ORS Chapter 92, the following requirements and standards relating to the division of land apply to all land within the City of Depoe Bay. This Article is necessary for the protection of the health, safety and welfare of the city's citizens, and is designed to promote coordinated and appropriate development of land and to carry out the City's comprehensive plan. These regulations have the following objectives:

- 1. To allow for the proper location of utilities.
- 2. To specify the width, location and improvement of streets.
- 3. To provide for adequate sewage disposal facilities.
- 4. To provide for adequate water supplies.
- 5. To provide for adequate drainage facilities.
- 6. To reduce danger from geologic hazards, floods, fire and pollution.
- 7. To provide for adequate open space.

Section 14.011. <u>Exceptions for Section 3.410 - Planned Developments</u>: The provisions of Article 14, Sections 14.010 through 14.080, shall be applicable to Section 3.410, Planned Developments, unless expressly contrary to a specific provision of Section 3.410.

Section 14.020. Approval Of Partitions:

- A partition of land shall not be valid until it has been approved and recorded as provided for in this Article. No person shall convey any interest in a parcel in any partition, or replat of a partition, until the plat of the partition has been recorded as provided for in this chapter. A person may negotiate to sell any parcel in a partition or replat of a partition upon approval of the tentative plan of the partition.
- 2. A person may negotiate to sell any parcel in a partition prior to the approval of the <u>tentative</u> plan for such partition, however, no person may sell any parcel in a partition prior to <u>tentative</u> approval
- 3. No building permits shall be approved for any parcel in a partition until the partition has been recorded.
- 4. Partitions shall not be approved that will create a lot smaller than the minimum lot dimensions for the zone in which the partition occurs. If a road divides a parcel, the land on each side of the road shall be considered separately for purposes of calculating minimum lot sizes.

Section 14.030. Approval of Subdivisions:

- 1. No plat or replat of a subdivision of land shall be recorded or have any validity unless and until it has the approval of the City, as provided for in this article.
- 2. No person shall negotiate to sell any lot in a subdivision until a tentative plan of that subdivision has been approved, however, no person shall sell any lot in the subdivision prior to final subdivision approval.
- 3. No person shall dispose of, transfer, or sell any lot in any subdivision until <u>final</u> approval is obtained and the plat of that subdivision recorded.
- 4. <u>Approval of Property Line Adjustments:</u> No person shall accomplish a property line adjustment without having first secured the approval of the city as provided for in this chapter.
- 5. Approval of Street or Road Creations.
 - a. No person shall create a street or road for the purpose of partitioning an area or tract of land without the approval of the City as provided for in this chapter.
 - b. No instrument dedicating land to public use shall have any validity unless such instrument bears the approval of the City as accepting such dedication.

Section 14.040. General Requirements and Minimum Standards of Development Design: The following are the minimum requirements and standards to which subdivisions and partitions must conform:

- 1. <u>Conformity to the Comprehensive Plan</u>: All subdivisions and partitions shall conform to applicable portions of Article 13, the City's Development Guidelines, and the purposes of the goals and policies of the Comprehensive Plan.
- 2. Performance Agreement: (deleted 5/4/10-ORD 287)
- 2. <u>Relation to Adjoining Street System</u>: If development of a subdivision or partition would otherwise impede or interfere with access to or through existing streets and rights of way, a subdivision or partition shall provide for the continuation of said streets and rights-of-way. If physical conditions make such continuation impractical, exceptions may be made.
 - a. If the City finds that the off-site effects of a subdivision warrant the necessity of improved streets or rights-of-way, the City may require that the subdivision or partition provide for them. If no such off-site effects are found, the City may require that the lay-out of the subdivision or partition take into account the future development of streets and rights-of-way with regard to setback, access, parks and open spaces, as well as other requirements of this Article.
 - b. When a tract is divided into lots or parcels of a size which could allow for further redivision under current zoning, the City may require an arrangements of lots and streets such as to permit a later redivision in conformance with the street requirements and other requirements contained in this Article.

- 3. <u>Access</u>:
 - a. A subdivision, partition or replat shall provide each lot or parcel with not less than 25 feet of frontage on a public or private road or street, except that where necessitated by adverse sight distances or other factors, greater frontage may be required.
 - b. A subdivision or partition shall consider vehicular access to the parcel off existing or proposed roads that addresses traffic congestion, speed, stop signs and turn lanes for the orderly development of traffic accessing the area.
- 4. Private Streets:
 - a. No street or road which would serve as a collector from existing public streets shall be approved as a private street.
 - b. The establishment of a private street shall not be allowed if it will deny the public access to public areas such as beaches or parks.
 - c. No road or street shall be approved as a private road in a case where such a road or street presently is or will in the future be needed to provide access to development on adjacent properties or to serve as a collector for other subdivisions or partitions in the area.
 - d. All private streets or roads established for the purpose of subdividing, partitioning or replatting land shall be surveyed and monumented.
 - e. Yard setbacks shall be determined from the road right-of-way or access easement line in instances where private roads are considered.
 - f. Private road rights-of-way may be approved of less than 50 feet in width but in no instance shall the road right-of-way be less than 30 feet, except that a private road to two lots may be 20 feet in width. In instances where the road access to more than three lots is less than 50 feet in width, utility/slope easements may be required.
 - g. Private road standards shall be the same as those for public streets. No more than three lots shall be exempt from standards for improvements.

5. Public Streets:

- a. Right-of-way and improvement requirements for public streets shall conform to the widths as specified in Sections 14.070 and 14.080 of this Article.
- b. If topographical requirements necessitate either cuts or fills for the proper grading of roads, additional right-of-way or slope easements shall be provided.
- c. The layout of streets shall give suitable recognition to surrounding topographical conditions in accordance with the purpose of this ordinance.
- d. Street improvements, street grades and center line radii on curves shall meet the minimum requirements as specified in Sections 14.070 and 14.080 of this Article.

- e. The City of Depoe Bay shall only be responsible for maintenance of a public street when the street is accepted by the City Council through dedication. A street that is accepted by the City Council through dedication shall be referred to as a "City Street." *(added 5/4/10-ORD 287)*
- 6. Street Intersections.
 - a. Streets shall intersect one another at an angle as near to a right angle as is practical considering the topography of the area and previous adjacent layout.
 - b. Intersections shall be designed so that no danger to the traveling public is created as a result of staggered intersections.
- 7. Cul-de-Sacs and Turnarounds.
 - a. Dead-end (cul-de-sac) streets in partitions and subdivisions shall terminate in a turnaround with a minimum property line radius of forty (40) feet, or other type of turnaround approved by the City.
 - b. Approved turnarounds shall be provided on all dead-end streets.
 - c. No dead-end street may be established without Fire Marshall approval.
- 8. <u>Easements</u>. Where alleys are not provided, easements of not less than six (6) feet in width may be required on each side of the rear line or side line for necessary utility lines, wires, conduits, storm and sanitary sewers, gas and water. Easements of the same or greater widths may be required along boundary lines or across lots or parcels where necessary for the extension of utility lines, waterways, and walkways, and to provide necessary drainage ways or channels.
- 9. <u>Blocks</u>. Normally no block shall be longer than six hundred (600) feet between street lines. Approval for longer blocks can be given where topographical conditions constrain development.
- 10. <u>Public Access Ways.</u> When necessary for public convenience and safety, the Planning Commission may require the developer to dedicate to the public reasonable access ways to connect to cul-de-sacs, pass through oddly shaped blocks, provide for networks of public paths according to adopted plans, or to provide access to schools, parks, beaches or other public areas, or for other such design and location as reasonably required to facilitate public use. A subdivision, partition or replat shall maintain existing public access points to shore lands as required by Section 3.360.5.d. Such access points shall be ascertained as follows:
 - a. By examination of a standard title report;
 - b. By consulting City inventory of such points; or
 - c. Through presentation of other lawful information.
- 11. Lots and Parcels.
 - a. Every lot/parcel shall abut a public street or private road. A flag lot with the staff that does not comply with the required minimum lot widths for the zone it is located in is permitted, but the staff measurement shall not be less than 25 feet minimum frontage.

- b. Each side line shall be as close to perpendicular to the adjacent street/road or radial to a curved street/road as possible.
- c. Lots/parcels with double frontage shall not be permitted unless, in the opinion of the City, the physical characteristics of the land prohibit any other plan for a subdivision.
- d. The staff portion of a flag lot shall not be used in computing lot size for zoning and building purposes.
- 12. Utility Easements.
 - a. Where alleys are not provided, easements of not less than ten (10) feet in width may be required on side or rear lines if determined to be necessary for utility lines, wires, conduits, storm and sanitary sewers, gas and water.
 - b. Easements of the same or greater widths may be required along boundary lines or across lots where necessary for the extension of utility lines, waterways, and walkways, and to provide necessary drainage ways or channels.
- 13. <u>Water</u>. No partition or subdivision shall receive final approval unless the City has received and accepted:
 - a. A certification by the City Superintendent, or such other City official as the City may designate, that water will be available to the boundary line of each and every lot or parcel depicted in the proposed Subdivision or partition; or
 - b. A performance agreement, bond, contract or other assurance that a water supply system will be installed to the boundary line of each and every lot or parcel depicted in the proposed subdivision or partition.
- 14. <u>Sewer</u>. No partition or subdivision shall receive final approval unless the City has received and accepted:
 - a. A certification by the City Superintendent, or other officials as the City may designate, that sewer will be available to the boundary line of each and every lot or parcel depicted in the proposed subdivision or partition; or
 - b. A performance agreement, bond, contract or other assurance that sewage disposal lines will be installed by or on behalf of the developer to the boundary line of each and every lot or parcel depicted in the proposed subdivision or partition.
- 15. Surface Drainage and Storm Sewer.
 - a. Drainage facilities shall be provided within subdivisions and partitions, and to connect the subdivision or partition drainage to drainage ways or storm sewer outside the subdivision or partition. The connection to the city system shall be engineered using standard practices and shall be approved by the city.
 - b. Design of drainage within subdivisions and partitions shall consider the capacity and grade necessary to maintain unrestricted flow from areas draining through the development as well as to allow extension of the system to serve those areas.

- 16. <u>Phase Development</u>. A plat may be filed on a portion or phase of an approved tentative plan. Each phase of a subdivision must be able to qualify for approval independent of the balance of the approved tentative plan.
- 17. <u>Geologic Hazards</u>. All land divisions shall comply with the procedures and standards set forth in Article 13, where applicable.
- 18. <u>Parks and Open Spaces</u>. Excluding streets and parking, at least 35% of the land will be dedicated or reserved for outdoor recreation, park or natural land, for use by the residents of the subdivision.

Section 14.050. <u>Dedication of Public Streets Application</u>. Any person wishing to create a public road or street which is not a part of a subdivision shall make written application to the City Council. The application shall consist of a letter addressed to the Council requesting acceptance of the dedication; a dedication deed with a proper description of the proposed dedication signed by all owners of the property being dedicated; a map showing the proposed road and property intended to be served by the road.

Section 14.051. <u>Review</u>. The City Council shall refer the dedication application to the following:

- 1. The City Superintendent, or other designated person, who shall check the proposal for grade and conformance to City road standards;
- 2. A title insurance company for a standard preliminary title report;
- 3. The City Planning Commission which shall review the proposal for compatibility with the City's Comprehensive Plan, Transportation Plan, and any adjacent approved tentative plans, plats, or maps.

Section 14.052. Approval.

The above reports shall be forwarded to the City Council along with the application for dedication. The dedicator shall furnish a standard title insurance policy insuring title of the dedicated street to the City. A public street will not be maintained by the City unless that street is accepted by the City into the City's road system.

Section 14.060. <u>Procedure for Insuring Completion of Roads and/or Utilities in Subdivisions</u> and Partitions

- The developer's engineer will prepare cost estimates for completion of roads and/or utilities. Road cost estimates shall be based upon road standards as designated herein. All cost estimates shall be stamped by a registered professional engineer, licensed in the State of Oregon.
- 2. All estimates shall be submitted to the City Superintendent; water and/or sewer cost estimates shall be sent to the water and sewer department for review and approval.

- 3. The City Superintendent shall notify the developer as to the amount of bond or other performance agreement required and as to any changes necessary for bond acceptance or other performance agreement.
- 4. The developer shall submit the bond or performance agreement and three copies thereof written in favor of the City of Depoe Bay to City Hall for approval.
- 5. Upon completion of construction of roads and utilities, the applicant's engineer shall certify that such improvements are built to the standards approved. This certification of completion shall be submitted prior to the release of any bond or performance agreement.

Section 14.070. Street Width in Subdivisions and Partitions.

TYPE OF STREET	RIGHT OF WAY WIDTH	SURFACE WIDTHS +
1. Arterials	80' to 150' ++	40' to 52' ++
2. Collector Streets and all streets other than Arterials_	40' to 50' ++	28' to 38' ++
3. Cul-de-Sacs	40'	28'
4. Circular Ends of Cul-de-Sacs	80' +++	60' +++

- + Surface width is that measured from face to face of curbs or shoulders.
- ++ The Planning Commission may require a width within the limits shown based upon adjacent physical conditions, safety of the public and the traffic needs of the community.
- +++ Measured by diameter of circle constituting circular end.

Section 14.080. <u>Street Improvements in Subdivisions and Partitions.</u> Improvements shall meet the following minimum standards unless increased at the request of the Planning Commission:

- 1. All streets shall be rough graded for the full surface width.
- 2. All streets shall have a minimum of eight (8) inches of base material to a minimum width of twenty eight (28) feet.
- 3. All streets shall have a leveling course of 3/4" crushed rock, two (2) inches deep compacted.
- 4. All streets shall be paved with two (2) inches of asphalt concrete to a minimum of the width required by the Planning Commission.

Section 14.090. Procedure for Subdividing, Partitioning or Replatting Land:

- 1. <u>Pre-Application Conference</u>: Prior to submitting a tentative plan of a subdivision, partition, or replat, the applicant should confer with the City Planner regarding the requisites of the tentative plan application and the applicable standards and criteria of the Depoe Bay Zoning Ordinance.
- <u>Tentative Plan Requirements</u>: The submitted tentative plan for a subdivision, partition, or replat shall contain all of the information listed on the applicable City of Depoe Bay application form. If the proposal includes new access from a state highway, the applicant shall submit documentation that the Oregon Department of Transportation will be willing to issue the requested road approach permits.
- 3. <u>Tentative Plan Application and Review for Subdivisions and Partitions</u>: The procedure for application and review of the tentative plan of a subdivision, and the procedure for application and review of the tentative plan for a partition shall be as set forth in Article 10, Section 10.025(3). *(replaced 5/4/10-ORD 287)*
- 4. Tentative Plan Application and Review for Replats:
 - a. The procedure for review and approval of the tentative plan shall be set forth in Article 10, Section 10.025(3).
 - b. For replats of previously recorded partition plats, the procedure for review and approval of the tentative plan shall be as set forth in Article 10, Section 10.025(1).
- 5. <u>Time Limit for Tentative Approval</u>: Approval of a tentative plan in accordance with this section is valid for a period of three years. A single time limit extension may be granted by the Planning Commission only if the development is substantially completed within the three year time period. A development is deemed to be substantially completed when utilities, streets, and drainage are in and stubbed to the lot line.
- 6. <u>Revision of Tentative Plan:</u> If an approved tentative plan for a subdivision is revised in any way, the Planning Commission shall review the proposed revisions to determine if a new application for tentative approval will be required. Such review will be limited to those issues impacted by the revision. If an approved tentative plan is substantially revised, such revision shall be filed as a new application for tentative plan approval.
- 7. <u>Certifications Required for Final Approval</u>: Requests for final approval of a subdivision, partition, or replat shall be accompanied by the following:
 - a. A copy of all covenants and restrictions.
 - b. Copies of all legal documents required for dedication of public facilities and/or for the creation of a homeowner's association.
 - c. The certification, bond, performance agreement, or statement regarding the installation of water and sewer services.
 - d. As-built certifications for all required roads and/or utilities unless otherwise guaranteed by a bond or performance agreement.

- e. A plat and one exact copy meeting the requirements of Section 14.100 and the applicable statute of the latest ORS. (*replaced 5/4/10-ORD 287*)
- f.
- f. When access from a State Highway is proposed, a copy of the approach road permit issued by the Oregon Department of Transportation confirming that all required improvements have been satisfactorily completed.
- g. Such other information as is deemed necessary by the City Planner or Commission to verify conformance with the conditions of tentative approval.
- 8. Procedure for Final Approval of Partitions:
 - a. The procedure for application and review of a request for final approval of a partition shall be as set forth in Article 10, Section 10.025(1). All such applications shall be accompanied by the certifications set forth in Section 14.090(7).
 - b. Upon granting of final approval, the City Planner shall sign the plat and its exact copy.
 - c. Upon signing, the City Planner shall deliver the plat and its exact copy to Lincoln County Surveyor who shall follow established procedures for obtaining recordation of the plat.
- 9. Procedure for Final Approval of Replats:
 - a. If the proposed replat involves three (3) lots or less and is for the purpose of lot boundary changes only, procedure for review of final approval shall be as set forth in Article 10, Section 10.025(1).
 - b. If the proposed replat involves four (4) lots or more or includes changes to street rightsof-way, utilities, or any other features besides boundary lines, procedures for review of final approval shall be as set forth in Article 10, Section 10.025(2).
 - c. Following the signature of the City Planner or Planning Commission Chairperson, the City shall deliver the replat and its exact copy to the Lincoln County Surveyor who shall follow established procedures for obtaining recordation of the plat.
- 10. Procedure for Final Approval of Subdivisions:
 - a. When the City Planner determines that all of the certifications set forth in Section 14.090(7) have been met and that the plat conforms in all respects to the tentative plan as approved, consideration of the plat will be placed on the agenda of the next scheduled meeting of the Planning Commission for determination that all requirements have been met. The Commission shall then approve, disapprove for cause, or, when further information is required, postpone a decision on the plat.
 - b. Unless appealed, the decision of the Planning Commission shall become effective 15 days after the decision is rendered. When the approval becomes effective, the Planning Commission Chairperson shall sign the plat and its exact copy.
 - c. Following the Planning Commission Chairperson's signature, the City shall deliver the plat and its exact copy to the Lincoln County Surveyor. The County Surveyor shall review the plat for conformance with the requirements of Section 14.100 and the provisions of the applicable statute of the latest ORS. (*amended 5/4/10-ORD 287*)

- d. Upon approval of the County Surveyor, subdivision plats shall be circulated for signing to the following officials:
 - (1) The County Treasurer, whose signature shall certify that all taxes on the property have been paid;
 - (2) The County Assessor, whose signature shall certify that the plat is signed by the owner or owners of record.
- e. Upon signing by the County Treasurer and County Assessor, subdivision plats shall be delivered to the County Clerk for recording.
- f. The signature of the Chairperson on the final subdivision plat shall be valid for a period of one year. If a plat has not been recorded within one year of the date of the Chairperson's signature, the final approval of the plat shall expire, and a new request for final approval shall be required.

Section 14.100. Plat Requirements:

- 1. <u>Requirements of Survey Plats</u>: The surveys and plats of all subdivisions, partitions and replats shall be made by a registered professional land surveyor and shall conform to the requirements of the applicable statute of the latest ORS. (*amended 5/4/10-ORD 287*)
- 2. <u>Encroachment or Hiatus</u>: In the event that any encroachment, hiatus or property line discrepancy exists on the property to be platted, such encroachment, hiatus or discrepancy shall be clearly shown on the plat.
- 3. <u>Elevation Bench Marks</u>: Where required, the location, name and elevation of any elevation bench marks shall be indicated on the face of the plat. The name, year, and elevation of the bench mark upon which the elevation is based shall also be shown.
- 4. <u>Easements</u>: All recorded and proposed easements will be shown on the plat, along with the following information:
 - a. The specific location and size by dimensions or description.
 - b. If previously recorded, the County Clerk's recording reference.
 - c. The purpose or type of easement and whether it is a public or private easement and, if private, who benefits from the easement. Any public or private easement to be created, or any other restriction made, shall be noted in the declaration. Public easements shall include language in the declaration which dedicates the easement to the use of the public.

5. Exceptions:

- a. Parcels created in excess of 80 acres need not be shown on a partition plat.
- b. Parcels in excess of ten acres created by partition plat need not be surveyed or monumented.

Section 14.110. Standards and Procedures for Property Line Adjustments:

1. Tentative Approval:

- a. The procedure for application, review, and tentative approval of property line adjustments shall be as set forth in Section 10.025(1).
- b. A property line adjustment shall be tentatively approved provided that:
 - (1) No additional lots or parcels will be created; and
 - (2) The subject lots, parcels or tracts of land will not be reduced in size to below the minimum area required by the applicable use zone; and
 - (3) The proposed lots, parcels or tracts of land as adjusted will comply with any required minimum width requirement as set forth in the applicable use zone; and
 - (4) The proposed property line adjustment will not reduce any yard or other setback below that required under applicable zoning; and
 - (5) The proposed property line adjustment will not reduce the street or road frontage of the subject lots or parcels to below that required by the City of Depoe Bay Code; and
 - (6) The proposed property line adjustment will not reduce any setback for an existing onsite sewage disposal system or approved replacement area below the required minimum; and
 - (7) The proposed property line adjustment will not increase the degree of non-conformity on vacant lots, parcels, or tracts that do not conform to lot size, width, or depth requirements, or on developed lots if the increase in non-conformity results in adjacent property becoming further dividable. The proposed property line adjustment will not increase the degree of non-conformity for required yards.
- c. Tentative approval of a property line adjustment is valid for a period of one year. Tentative approval may be extended by the City Planner prior to expiration of tentative approval. Requests shall specify reasons for requiring a time extension, along with a specific plan and timeline for completion. Only one (1) time extension of up to one (1) year may be granted.
- 2. Final Approval:
 - a. The procedure for application, review and final approval of property line adjustments shall be as set forth in Article 10, Section 10.025(2).
 - b. Final approval of a property line adjustment shall be granted upon submittal of the following:
 - (1) A copy of a filed survey of the property line adjustment in accordance with the applicable statute of the latest ORS and in substantial conformance with the tentative approval, except that property line adjustments where all lots, tracts or parcels affected are greater than 10 acres need not be surveyed or monumented. (*amended* 5/4/10-ORD 287)

- (2) Copies of recorded conveyances conforming to the tentatively approved property line adjustment and containing the names of the parties with proper acknowledgment.
- (3) Such other documentation as may be required by the City Planner to verify conformance with any requirements or conditions of the tentative approval.

Section 14.120. Property Line Adjustments in Subdivisions and Partitions:

- 1. Except as provided for herein, all property line adjustments within recorded plats shall be accomplished by replatting in accordance with Section 14.090.
- 2. Property lines within a recorded plat may be adjusted in accordance with the procedure for property line adjustments rather than by replatting, when the City Planner determines that:
 - The property line or lines to be adjusted will not result in a substantial reconfiguration of the affected lots or parcels so as to render them unsuitable for their previously approved purpose;
 - b. The property line or lines to be adjusted will not result in an increase in lots;
 - c. The property line or lines to be adjusted will not reduce the common open space or park and recreational acreage;
 - d. All of the other requirements for property line adjustments set forth in Section 14.010 will be met.

ORDINANCE NO 326-20

AN ORDINANCE ADDING A NEW SUBSECTION TO ARTICLE 14 LAND DIVISION IN ORDINANCE NO. 24 (ZONING ORDINANCE) AS SUBSECTION 14.045 TRANSPORTATION IMPACT STUDY REQUIREMENTS

WHEREAS, the Depoe Bay Planning Commission last amended Article 10 May 4, 2010, by Ordinance 287; and

Whereas, the Depoe Bay Planning Commission held public hearings on November 13, 2019, to obtain public comment on proposed revisions to the zoning ordinance; and

Whereas, the Depoe Bay City Council held a public hearing on May 19, 2020, and has concluded deliberations on the recommended changes to the Zoning Code, including considering public testimony and staff recommendations.

NOW, THEREFORE, the City Council of the City of Depoe Bay ordains as follows:

1). Ordinance No.24 Adding a New-Subsection to Article 14 Transportation Impact Study (TSI)

Section 14.045. <u>Transportation Impact Study (TIS)</u>: The purpose of this section of the code is to implement Section 660-012-0045(2)(b) and (e) of the State Transportation Planning Rule that requires the City to adopt standards to protect the future operations of roadways and transit corridors and a process to apply conditions to development proposals in order to protect and minimize adverse impacts to transportation facilities. This section establishes when a TIS must be submitted with a land use application in order to determine whether conditions are needed to minimize impacts to and protect transportation facilities.

- 1. Applicability TIS letter. A TIS letter shall be required to be submitted with a land use application if the proposal is expected to generate 10 to 30 peak hour trips or 100 to 300 daily trips.
- 2. Applicability TIS report. A TIS report shall be required to be submitted with a land use application if the proposal is expected to involve one or more of the following:
 - a. The proposed development would generate more than 30 peak hour trips or more than 300 daily trips.
 - b. The proposal is immediately adjacent to an intersection that is functioning at a poor level of service, as determined by the City.
 - c. An increase in use of any direct property approach road to US 101 by 10 vehicles or more per day that exceed 20,000 pounds gross vehicle weight.
 - d. A new direct approach to US 101 is proposed.
 - e. A proposed development or land use action that the road authority states may contribute to operational or safety concerns on its facility(ies).
 - f. An amendment to the Depoe Bay Comprehensive Plan or Zoning Map is proposed.
- The TIS letter or TIS report shall be prepared by an Oregon registered professional engineer qualified to perform traffic engineering analysis and will be paid for by the applicant. The TIS Letter or Report shall include trip generation estimates that are based on the Institute of Transportation Engineers (ITE) Trip Generation Manual.

- 4. Consistent with the City's Traffic Impact Study (TIS) Guidelines, the City will determine the project study area, intersections for analysis, scenarios to be evaluated, and any other pertinent information concerning the study that must be addressed in either a TIS letter or a TIS report.
- 5. Approval Criteria. When a TIS Letter or Report is required, a proposal is subject to the following criteria:
 - a. The TIS addresses the applicable elements identified by the City, consistent with the Traffic Impact Study Guidelines;
 - b. The TIS demonstrates that adequate transportation facilities exist to serve the proposed development or, in the case of a TIS report, identifies mitigation measures that resolve identified traffic safety problems in a manner that is satisfactory to the City and, when state highway facilities are affected, to ODOT;
 - c. For affected non-highway facilities, the TIS report establishes that mobility standards adopted by the City have been met; and
 - d. Proposed public improvements are designed and will be constructed consistent with City street design standards and access standards in the Transportation System Plan.
- 6. Conditions of Approval.
 - a. Where the existing transportation system will be impacted by the proposed development, dedication of land for streets, transit facilities, sidewalks, bikeways, paths, or access ways may be required to ensure that the transportation system is adequate to handle the additional burden caused by the proposed use.
 - b. Where the existing transportation system is shown to be impacted by the proposed use, improvements such as paving, curbing, installation or contribution to traffic signals, construction of sidewalks, bikeways, access ways, paths, or streets that serve the proposed use may be required.
 - c. Improvements required as a condition of development approval, when not voluntarily provided by the applicant, shall be roughly proportional to the impact of the development on transportation facilities. Findings in the development approval shall indicate how the required improvements directly relate to and are roughly proportional to the impact of development.

WHEREAS, the adoption of this ordinance is necessary to preserve the peace, health, safety, and welfare of the citizens of the City of Depoe Bay. This ordinance shall be in full force and in effect thirty days upon its adoption by the City Council of the City of Depoe Bay.

Introduced and passed the first reading in a regular meeting of the City Council of the City of Depoe Bay on this ______ day of ______ 2020.

Passed at the second reading, placed on final passage, and adopted by the City Council of the City of Depoe Bay on this 1774 day of JULY . 2020.

Approved by the Mayor of the City of Depoe Bay this

MAREN Attest:

2020.

JUL7

day of

Hannler

To: The Depoe Bay Planning Commissioners RE: Variance Application, Case File: #2-VAR-PC-21 November 10, 2021

Dear Planning Commissioners:

I am opposed to the approval of Variance Application, Case File: #2-VAR-PC-21 and I appreciate the opportunity to comment on the applicant's latest submission.

The Rock

One of the most significant issues to be addressed is the requested variance for the removal of the rock. Unfortunately, the applicant did not provide a a geological survey as requested by the Commissioners at their October meeting. However, other property owners have removed the rock to create a contiguous, vibrant neighborhood feel to the downtown commercial area. The minutes of the March 17, 1993 Planning Commission (copy attached) include a comment from Karl Granat that excavation of the bedrock at the site of Granat Building would take 3-4 weeks. So the applicant is not being asked to do something that other property owners have not dealt with. His request for variance is neither based on exceptional characteristics of his lot nor to preserve property rights equivalent to what others have.

Widening Bradford

The applicant shows a widened Bradford St. of 19' or 20' and a 5' sidewalk from the entrance to the development to Highway 101. Page 2 and Page 7 of the Update to Staff Report say the width will be 20'. The architectural rendering A1.0 seems to shows a width of 19'. However, it appears that the proposed width for Bradford does not comply with current standards for a street. Article 14.040.5.d requires that improvements shall meet the minimum requirements of 14.070 and 14.080. 14.070 specifies the minimum width for any road as 28'.

On page 1 of the Transportation Impact Study letter (TIS), Bradford is described as a local road with a two-lane cross-section. On page 5, the widening of Bradford to the City's standards is listed as a project improvement. Nowhere does it mention widening to a specific number of feetc. The chart in 14.070 specifying minimum widths is included as one of the attachments.

The "Driveway"

The applicant has proposed that each of the units that abut 101 will have a parking space along a driveway. "Driveway" is not defined in the DBZO. "Parking Space" is defined in Article 1.030.126 as "An off-street enclosed or unenclosed surfaced area, connected with a street or alley which affords access for automobiles." Article 1.030.5 defines "Alley" as "A public way, providing a secondary means of access to property." Since what the application refers to as a driveway is the only means of access, this "driveway" must be considered a road. Road (Street) is defined in DBZO.1030.154, and has several sub-definitions. The appropriate one is 1.030.154.c Cul-de-Sac or Dead-End Street which is "A minor street with only one outlet which provides a vehicular turn-around."

Article 14 of the DBZO is attached to the applicant's current submission. Section 14.050.7 states that approved turnarounds be provided on ALL dead-end streets. Section 14.070 gives

the width requirements for the various categories of street. For cul-de-sacs, the minimum surface width is 28' with a right of way width of 40'. It also gives required the widths for the circular end of a cul-de-sac, 60' and 80' respectively.

Article 14.040.4 discusses "Private Roads". Item g states that the standards for private roads are the same as those for public roads. In f, there is an exception for private roads to TWO lots to be only 20' in width. Therefore this "driveway" would not meet the exception to be less than 28' wide as it serves SIX lots. Also, to qualify as a public or private road, there would need to be through access, even if incidental. This would necessitate the development of Berg Street. If this is a road, whether public or private, 14.070 would apply. The surface width would be 28-38' with the required width within this range at the discretion of the Planning Commission.

CONCLUSION: The proposed "Driveway" is actually a cul-de-sac which does not meet the minimum requirements of the DBZO by being less than 28' in width and not providing a turn-around.

Traffic Safety

The TIS states that crash data for the intersection of Highway 101 and Bradford was reviewed for the period 2015-2019. Because no crashes were reported, the finding is that there is no safety issue. However, during that time, there were no permanent residents on Bradford. There was a vacation home, two vacation rentals and a parking lot. Even with this light amount of traffic and no accidents, ODOT saw fit to erect a sign regarding height limitations at that intersection based on complaints and a concern for safety.(as noted in my prior testimony). The engineers seemed to be unaware of the signage or didn't address the safety implications of it.

Ordinance 319

This ordinance, adopted in 2019, added Section 3.115 to the DBZO, Design Standards and Guidelines for the Commercial Zone. I have attached two pages from the Ordinance--the first page which shows all the public hearings held by both the Planning Commission and the City Council to allow for public input and the first page of Exhibit A which includes most of the General Information section. The General Information section talks about the desire to create a vibrant pedestrian environment that is welcoming to both tourists and residents--places to gather, places to sit and enjoy the spectacular views, places to socialize and to rest. While there are non-conforming locations, the city can never achieve these goals if the provisions of 3.115 aren't upheld. This is a wonderful opportunity to increase the size of the sidewalk along 101 by taking out the rock wall--not by taking out parking spaces. Plus there could then be pedestrian amenities all along the frontage of the development. There are FOUR lots facing 101, each of which should have pedestrian amenities. A bench at the corner of Bradford and 101 is a good start but it's hardly sufficient.

Thank you for the opportunity to comment on this application.

Judy Faucett PO Box 1559 Depoe Bay, OR 97341 From Planning Comm minutes Mar 17, 1993

SHOWN TO BE SUBJECT TO MODERATE EROSION BASED ON THE ENVIRONMENTAL HAZARDS INVENTORY.

THE BUILDING PLANS DID NOT SHOW THE RECOMMENDED SETBACK LINES CORRELATING THE BUILDING PLANS AND THE SURVEY REPORT. BONDY WOULD LIKED TO HAVE SEEN THAT AS IT IS NOW HARDER TO DETERMINE IF THIS MEETS THE REQUIRED SETBACKS. ALSO, THE DECK ENCROACHES INTO THE SETBACK.

THE PLANS HAVE BEEN APPROVED BY THE ARCHITECTURAL REVIEW COMMITTEE AT LWC. SLOCUM ASKED IF THE COMMISSION WOULD APPROVE THE PLANS WITH THE CONDITION HE PROVIDE A GEO TECH REPORT.

BONDY TOLD THE MEMBERS THE GEO TECH REPORT, IF THEY ORDER ONE, SHOULD ALSO ADDRESS THE ISSUE OF DECKS/SETBACKS.

MOTION: ELLIS ASKED FOR A MOTION, TAUNTON SAID SHE WOULD MAKE THE MOTION IF HE WOULD STATE IT. ELLIS SAID IT'S BEEN MOVED "THAT WE ACCEPT OR REVIEW THE PLANS THAT MR. SLOCUM HAS PRESENTED TO US AND THAT HE HAS AGREED TO ACCEPT THE RECOMMENDATIONS OF A GEO TECH ENGINEER AND INCORPORATE THOSE SUGGESTIONS IN HIS BUILDING PLANS AND THAT BASICALLY HIS APPLICATION WILL BE APPROVED AT THAT TIME." MOTION SECONDED BY OCKFEN.

VOTE: MOTION CARRIED

AYES: KUKS, TAUNTON, BOEKER, ELLIS, OCKFEN, FADER ABSTAIN: SLOCUM

BUILDING PERMIT APPLICATION, HENRY & LOUISE GRANAT - MAP 9-11-5, TAX LOTS 4800, 5000, 5100, 5200, 5300 AND 5500

THE APPLICATION IS FOR A RETAIL BUILDING ON HIGHWAY 101 NORTH OF THE KITE SHOP, OCCUPYING MULTIPLE LOTS AND ZONED COMMERCIAL. IT IS PROPOSED TO BE 7,820 SQ. FEET, ONE LEVEL - HEIGHT 14', WITH

SETBACKS MEETING ALL ORDINANCE REQUIREMENTS. EVENTUALLY A SECOND STORY COULD BE ADDED.

IT WILL HOUSE NINE STORE AREAS EACH WITH THEIR OWN ENTRANCE AND HANDICAP ACCESSIBLE RESTROOMS AS REQUIRED BY THE ADA CODES.

42 PARKING SPACES (3 MORE THAN REQUIRED) WILL BE PROVIDED, 22 OF WHICH WILL BE IN BACK ON COMBS STREET. THE REMAINING PARKING AREA WILL BE ON THE CORNER OF COLLINS AND CONWAY STREETS, PROPERTY FORMERLY LEASED FROM GRANAT BY THE CITY FOR PUBLIC PARKING. BUILDING CONTRACTOR NEIL QUADE WANTS TO ARRANGE WITH ODOT FOR 2 HANDICAP ACCESSIBLE SPACES ON 101. GRANAT ALSO BOUGHT THE 50'X100' LOT NEXT TO ED PERRY'S PROPERTY ON COMBS STREET, BUT WILL NOT USE IT FOR PARKING AT THIS TIME. BONDY SPOKE WITH FIRE CHIEF MERV ROPP AND HE SEES NO PROBLEM WITH THE BUILDING AS PROPOSED. IT WILL HAVE TO GO THROUGH FIRE LIFE SAFETY

REVIEW AS PART OF THE BUILDING PERMIT PROCESS. QUADE ANTICIPATES IT WILL TAKE 3 TO 4 WEEKS TO EXCAVATE ALL THE BEDROCK. BONDY ASKED QUADE IF HE HAS A DISPOSAL SITE FOR THE BEDROCK. TO DATE HE DOES NOT BUT ASSURED BONDY HE WILL FIND ONE, POSSIBLY HAULING IT TO THE QUARRY.

REGARDING DRAINAGE QUADE WAS TOLD BY THE HIGHWAY DEPT. THERE HAS TO BE A HOLDING BASIN CAPABLE OF HOLDING TWO HOURS WORTH OF RAIN. QUADE WILL RUN A LONG TROFT UNDER THE SIDEWALK WHERE A 4" PIPE RUNS TO A STORM DRAIN ON THE HIGHWAY.

BONDY SAID A MOTION WOULD BE IN ORDER REGARDING THE BUILDING PERMIT. IT WAS ELLIS' UNDERSTANDING A MOTION WAS NOT NECESSARY. HE SAID THE PLANNING COMMISSION REVIEWS APPLICATIONS BUT IF THEY MEET ALL THE REQUIREMENTS AND FIT IN WITH ALL THE ORDINANCES, ALL THE PLANNING COMMISSION CAN DO IS REVIEW AND CRITIQUE IT.

OCKFEN ASKED ELLIS WHERE IT GOES THEN. ELLIS RESPONDED THAT JESSICA APPROVES IT.

BONDY TOLD ELLIS NO, AND SHE REVIEWED THE PROCEDURE FOLLOWED SINCE SHE'S WORKED IN DEPOE BAY. THE PLANNING COMMISSION REVIEWS THE PERMIT APPLICATION, AS STAFF BONDY PRESENTS A SUMMARY OF THE ISSUES RELATED TO THE PERMIT PERTAINING TO ZONING REQUIREMENTS, AND THEN THE COMMISSION

ORDINANCE NO. 319

CITY OF DEPOE BAY

AN ORDINANCE AMENDING ORDINANCE NO. 24 (ZONING ORDINANCE), AS AMENDED; ADDING A NEW SECTION 3.115 COMMERCIAL ZONE C-1 – DESIGN STANDARDS AND GUIDELINES, ENACTING PROVISIONS REQUESTED AS RESULT OF REVIEW OF THE DEPOE BAY ZONING ORDINANCE BY THE CITY OF DEPOE BAY; AND DECLARING AN EMERGENCY.

WHEREAS, the Depoe Bay Planning Commission has reviewed the Zoning Ordinance and considered proposed revisions and additions thereto; and

WHEREAS, the Depoe Bay Planning Commission held public hearings on April 11, 2018, July 11 2018, and August 8, 2018, to obtain public comment on proposed revisions to the Zoning Ordinance; and

WHEREAS, the Depoe Bay Planning Commission, after considering public testimony, approved certain changes to the Zoning Ordinance and has recommended those changes to the Depoe Bay City Council; and

WHEREAS, the Depoe Bay City Council held public hearings on August 21, 2019, and September 3, 2019, and has concluded deliberations on the recommended changes to the Zoning Ordinance, including considering public testimony and staff recommendations;

NOW, THEREFORE, the City Council of the City of Depoe Bay ordains as follows:

- 1. Ordinance No. 24, as amended, is hereby amended in the following particulars:
 - a. Section 3.115 <u>Commercial Zone C-1 Design Standards and Guidelines</u>, is a new section as shown in the text attached hereto, marked Exhibit A.

WHEREAS, the adoption of this ordinance is necessary to preserve the peace, health, safety and welfare of the citizens of the City of Depoe Bay, an emergency is hereby declared to exist and this ordinance shall be in full force and effective immediately upon its adoption by the City Council of the City of Depoe Bay and approved by the Mayor.

Introduced and passed the first reading in a regular meeting of the City Council of the

City of Depoe Bay, Oregon, on this <u>17th</u> day of <u>September</u>, 2019.

Passed at the second reading, placed on final passage, and adopted by the City Council

of the City of Depoe Bay, Oregon, on this on this <u>1st</u> day of <u>October</u>, 2019.

EXHIBIT A

Section 3.115 Commercial Zone C-1 - Design Standards & Guidelines

Sections:

- 1. Applicability
- 2. General Information
- 3. Building Setbacks
- 4. Lot Coverage of Buildings on Arterials (Hwy 101)
- 5. Building Orientation on Arterials (Hwy 101)
- 6. Building Height on Arterials (Hwy 101)
- 7. Building Architectural Standards
- 8. Pedestrian Amenities in the C-1 Zone
- 9. Special Standards for Certain Uses in the C-1 Zone
- 10. Parking, Garages, and Driveways in the C-1 Zone

1. Applicability

- A. The provisions of this Section 3.115 shall be applicable to Section 3.110 Retail Commercial Zone C-1. The provisions of this Section 3.115 shall override any conflicts between provisions of Section 3.115 and 3.110.
- B. Any structure lawfully permitted which is made nonconforming by adoption or amendment of this chapter is a nonconforming structure. Existing structure nonconformities 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.

2. General information

- A. In the Commercial Zone C-1 on arterials (specifically Hwy. 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 (e.g., 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 Depoe Bay commercial district.
- B. The standards encourage the formation of solid blocks of commercial and mixeduse buildings for individual walkable districts that are tied to the overall business district.
- C. Along Highway 101 frontage, landscaping, building setbacks, and other pedestrian amenities sustain the feel of a small community located between two Oregon State parks and vegetated corridors. These amenities will distinguish Depoe Bay from many cities and towns that have arterial development dominated by pavement, parking lots and stark building facades immediately adjacent to narrow sidewalks.

To: Depoe Bay Planning Commission

Via email to: planner@cityofdepoebay.org, info@cityofdepoebay.org, info@cityofdepoebay.org, info@cityofdepoebay.org, info@cityofdepoebay.org, info@cityofdepoebay.org, info@cityofdepoebay.org)

Re: Opposition to granting Variance for Application #2-VAR-PC-21

Date: November 9, 2021

Dear Planning Commissioners:

I remain opposed to the granting of the application for the multiple variances for this property as the application does not meet all of the variance standards as required.

1. Variances for C-1 development standards (DBZO Section 3.115) We all know that the zoning ordinances, particularly the codes related to development in the C-1 Commercial Zone, as passed by the Planning Commission and approved by the City Council spell out the rules designed to create the safe, walkable, inviting pedestrian oriented area for all to enjoy. We also all know the difficult pressure the PC is put in by developers who want to maximize their profit by trying to go around the rules, requesting variance after variance after variance But, unless you carefully decide these issues, there will be devastating and long-term effects as the City will forever lose the opportunity to enact their vision for our commercial area along Hwy 101.. extension of the wide sidewalks and other pedestrian amenities that are found for the entire area between the bridge and the S. side of Bradford currently. (See attached photos). Therefore, I ask you to rigorously consider each and every one of the variance standards, related to each request.

The zoning ordinances for this area are designed to create a safe, walkable, and inviting pedestrian area. Inconvenience or cost of compliance with these ordinances is not a basis for a variance. Reference to buildings erected before these design standards were enacted should have no bearing. Were that the case, why bother to have current standards? Therefore, the second requirement for a variance is not met (necessary for the preservation of a property right substantially the same as other property owners in this vicinity). The staff report acknowledges that surrounding properties have faced the same issues. So the first requirement for granting a variance (exceptional or extraordinary circumstances which do not generally apply to the other properties in this vicinity) is not met. (also see Attachment I re variance criteria).

2. The application must be denied because it does not meet the design requirements for roads. Neither Bradford or the private road, he's erroneously calling a driveway, meet the minimum developed with standards of 28' or provide turnarounds as required (Sections 14.040(7), 14.050, 14.070). Additionally, for fire-lane purposes, both Bradford and the private street must have a 20' non-obstructed lane (unobstructed by parking)

and signed "no parking". We know that since the applicant is only providing one space per vacation rental, there will likely to be overflow onto their "driveway" or Bradford. It is uncertain what the management structure will be and who will enforce these requirements, creating a safety hazard to all.

3. The application must also be denied because it is incomplete for not addressing design standards for vegetation and parking restrictions required by the zoning ordinance.

a. Landscaping. Section 3.115 Section 7 (D) requires that at least 15% of the property be landscaped. The property is 0.7 acres; 15% of that is .105 acres which is 4574 square feet (about a standard 50 x 100 lot). Though the owner says he "might" preserve the trees on the back of the lot and there is minimal landscaping shown on the plans, no landscaping plan has been submitted and there is no evidence in the record that this standard is met. The burden of proof is on the developer to provide the required information, not the planning commission to figure out if he meets the standards or not.

- D. A minimum 15% of C-1 properties with Hwy 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.
- b. Parking restrictions on Hwy 101. Additionally, Section 10 D deals with parking. It requires that none of the people staying in the development park on Hwy 101 between 9am and 5pm. The applicant has not addressed the management structure of this units and how this provision should be enforced. Again the burden of proof is on the applicant, not on the planning commission to show how the standards of our DBZO are met. Section 10 D says:
 - D. Between nine a.m. and five p.m. on any day, no individual who works or resides in the C-1 Zone shall park a vehicle on Hwy. 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 Hwy.101 from Sunset St. south to Whale Park Memorial Wall (Bradford St.). Tourist transients are also excluded. No structure in the applicable area shall be considered non-conforming or ("grandfathered") from this specific standard.
- 4. Stopping distance concerns were not addressed in the TIS; failure to address state standards means that the application should be denied as incomplete.

State law (ORS 374.312 Section (4(d) (attached) requires a State Highway Access permit prior to development approval if, among other criteria there would be an impact on stopping sight distance standards. This is key because cars travel at high speeds

right at Bradford -- with cars traveling in the eastern most lane, trying to pass the cars in the left lane, before the two lanes merge just past Bradford. This could cause a lot of trouble with the increased use of this intersection. ODOT should have been contacted regarding this criteria; it wasn't addressed in the study submitted by the applicant. That is, the traffic safety analysis does not address this criteria and therefore the need for a State Highway Access permit cannot be determined and should be assumed to apply without evidence to the contrary (the burden is on the developer, not on the Planning Commission).

Thank you for your attention.

Sincerely

Fran Recht PO Box 221 Depoe Bay, OR 97341 541-765-2234

Attachments

Photographs of pedestrian amenities wide sidewalk from the bridge to S. side of Bradford St.

Photograph of basalt in area where Bradford will be widened

Attachment 1- Addressing variance criteria re C-1 design standards and rock wall

Attachment 2- ORS 374.312 Addressing need for a state access permit—re stopping distances

Subject property with narrow sidewalks and no amenities at Hwy 101 level (as required by DBZO 3.115) That applicant wants to maintain by applying for multiple variances



Pedestrian amenities and wide sidewalks, from the bridge to the S. side of Bradford, including in the ODOT slope easement

Wide sidewalks and pedestrian amenities just S. of Bradford looking S. (rock wall removed in 1990s)



Another close up view, just S. of Bradford looking N



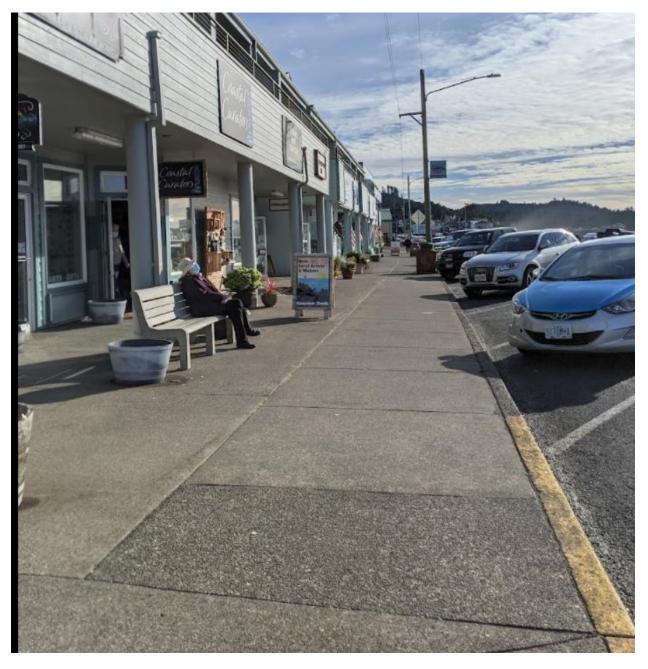
Between Bradford and Clarke



S. of Clarke



Larissa Plaza—rock wall removed in 1990s



S. of Collins to Bridge-



Basalt wall (showing under dirt) at NE corner of Bradford -will need to be removed to widen street, place curbs and sidewalk



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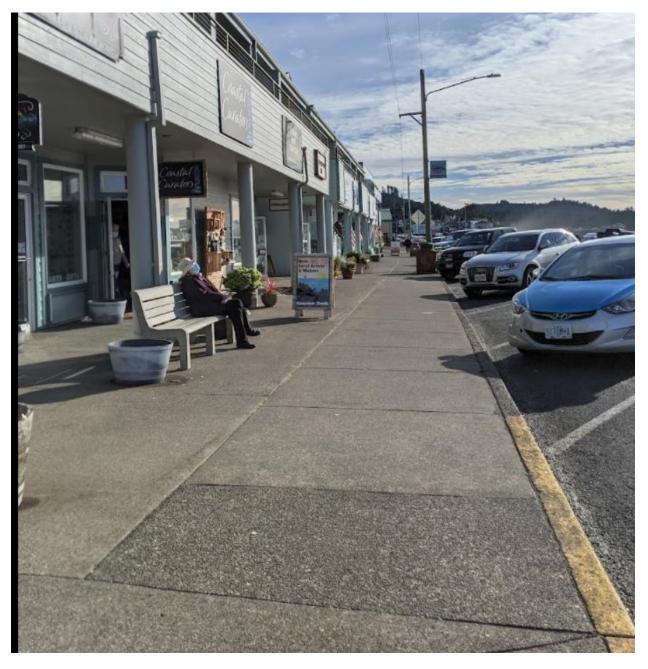
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Attachment 1: Variance Criteria Address C-1 Development Standards and Guidelines (not wanting to remove rock wall to provide required amenities and design elements):

Criteria 1. Re exceptional circumstances is not met:

The applicant talks about the difficulty of removing the basalt rock wall and the properties' topography as constraining and over which he has no control. But in his argument, he only compares his property to a developed property a block away to the north or Berg Street (the hotel developed in the early 1990s) to say that he faces an exceptional circumstance that applies to his property which do not generally apply to other properties in the same zone or vicinity. However, I have been in Depoe Bay since 1990 and have seen two long basalt rock walls removed to allow for the development we have today, despite the similar circumstance of the wall and ODOT Slope easements.

These developments have building main entrances at the level of Hwy 101. The removal of the basalt wall allowed for the construction of the block south of Clark for Larissa Plaza and the block south of Bradford for the Nash building and other buildings (historic photographs submitted previously), with doors and entrances located just east of the highway. Though NOT required at that time, which it is today, between Clark and Bradford, the buildings are set back enough so that there is a public use area in front of each (see attached photos) with the inclusion on some of benches and planters (in the slope easement). Therefore, asserting that it's an exceptional circumstance that applies to the applicant that doesn't to others in the zone or vicinity is factually wrong. Additionally, this variance criteria requires lot size or shape to be constraining. The lot size or shape IS NOT constrained by topography in the vicinity of Highway 101.

He could remove the basalt wall to provide pedestrian amenities along Hwy 101 and he could orient the front townhouses main entrances to face Highway 101 as our DBZO sets out. There are no exceptional circumstances pertaining to this property. The variance must be denied.

<u>Criteria 2</u>—requires that the variance is necessary for the preservation of a property right of the applicant substantially the same as owners of other property in the same zone or vicinity possess. The property right that is at issue here is the right for him to build in the commercial zone as others have done. There is nothing that is constraining that property right. Just because the applicant doesn't want to meet standards, so he can maximize his profit, it doesn't mean that the applicant is being denied a property right. All property owners in the zone or vicinity met the standards that were in place at the time and now it's the developer's obligation to do the same.

If you went with the argument provided by the applicant, it is him saying that you're taking away his property rights because you're make him comply with code

requirements that others didn't have to at the time; i.e. arguing that he's being denied a property right by having to adhere to codes in effect now, that weren't in effect then.

That is the applicant is saying if other buildings didn't have to comply with earthquake standards or new building codes (that weren't in place at the time) I don't either. That's an absurd reading of "property rights preservation". We could never update and apply our code if that was the case. This is not what "preservation of a property right" means and is absurd on its face. The variance is not necessary for the preservation of a property right that were given to other. It doesn't meet this standard.

Criteria 3—requires that the hardship not be self-imposed and is the minimum variance that would alleviate the hardship. He asserts that the hardship results from existing geological and topographical constraints of the site, the existing slope of NE Bradford St. and the non-connectivity of NE Berg St.

The hardship is self- imposed since the applicant, like so many other have done, could remove the basalt rock wall—it hasn't been a hardship for others. NE Berg isn't developed now, but it certainly could be, and in fact, might be required for circulation and safety by ODOT or fire marshal. The applicant will be extensively grading the site to allow construction of the units so he can deal with the slope of the entrance from Bradford during his work. Additionally, the applicant has not addressed the minimum necessary criteria, so there are no findings that support the criteria that these variance requests are the minimum necessary; a required standard. Therefore this criteria cannot be met and the variance denied.

November 5, 2021

Our home is positioned on the west side of NE Williams Ave., where the road narrows considerably to allow for only one car at a time to proceed around a very treacherous curve. Although the posted speed limit is 20 MPH, we have vehicles that habitually come to a complete "stop" before entering the curve, along with cars that are travelling at least twice the posted speed limit...like a game of "CHICKEN"

As discussed in our meeting of October 13, 2020, the building of 18 vacation units will increase our vehicle and pedestrian traffic. At this point in time we have noticed at least a 4 to 10 times increase in the volume of traffic from eleven years ago. Making it even more important that we put up a retaining wall and expand the road making it possible for cars to pass one another safely as well as for pedestrians to walk safely on Williams St.

Traffic traveling south or north can not see oncoming traffic until they get to the mouth of where the road narrows. Making it more problematic, is that most cars go way too fast on Williams. On more than one occasion, one of the two cars will have to back up letting the other proceed because they were speeding and not paying attention to the road narrows sign.

One day I witnessed a car going so fast, I only could tell that it was a little red car, a moment later I realized why he was going so fast, he had a police car pursuing him! Luckily there were no other cars or pedestrians on the road! Not to mention, the three driveways that intersect with Williams and have to pull out into the street in order to see if there is any oncoming traffic.

The retaining wall needs to be addressed either by the developers or the city; the possibility of a pedestrian or car accident simply can not be ignored.

NOV 0 5 2021

Since it will be our view that will be obstructed by these units, I am holding the developers comments on the 13th to honor their commitment that they will work to keep our ability to to enjoy our ocean view. Maybe by positioning the units in a way that we won't lose our view or limiting the height.

Thank you

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Harvey Dufrenne and Cheryl Dufrenne