

1 Depoe Bay Planning Commission  
2 Regular Meeting  
3 Wednesday, January 10, 2024 – 6:00 PM  
4 Depoe Bay City Hall

5  
6 PRESENT: R. Moreland, E. Sherman, J. Imbrie  
7 STAFF: City Planner K. Fox, Deputy City Recorder C. Duering

8  
9 I. CALL MEETING TO ORDER

10  
11 Sherman called the meeting to order and established a quorum at 6:00 PM.

12  
13 A. Selection of Planning Commission President

14  
15 Moreland nominated Sherman for president. Sherman accepted the nomination.

16  
17 **Vote:** Sherman appointed.

18 **Ayes:** Moreland, Imbrie

19  
20 B. Selection of Planning Commission Vice-President

21  
22 Moreland nominated Imbrie. Sherman nominated Moreland. Imbrie agreed with Sherman.

23  
24 Moreland agreed to accept the nomination if someone would teach her.

25  
26 **Vote:** Moreland appointed.

27 **Ayes:** Sherman, Imbrie

28  
29 II. ANNOUNCEMENTS

30  
31 The City Planner announced 1) We are continuing to look for candidates to serve on the  
32 Planning Commission. Based on the Council's action at the end of last year the Planning  
33 Commission is a five (5) member body. There are two (2) regular member vacancies. He  
34 encouraged anyone who has an interest to apply if they are interested in serving the community  
35 in that capacity.

36  
37 III. APPROVAL OF MINUTES: September 13, 2023, Regular Meeting

38  
39 A Commissioner asked for clarification on (page 7 of 8, line 13) *Faucett also suggested that the*  
40 *Planning Commission Liaison only be required to attend one (1) City Council meeting per month.*

41  
42 The Deputy City Recorder explained that *Faucett* was summarizing the solutions she discussed  
43 with the Mayor and not the provisions adopted by the City Council.

44  
45 **Motion:** Imbrie moved to approve the minutes of the September 13, 2023, regular meeting.  
46 Moreland seconded.

47  
48 **Vote:** Motion passed.

49 **Ayes:** Moreland, Sherman, Imbrie

50

1 IV. PUBLIC HEARINGS

2  
3 Sherman announced that the following statement applies to all public hearings heard at  
4 tonight's meeting.

5  
6 The testimony and evidence must be directed toward the code sections, citations, and criteria  
7 established by the Depoe Bay City Staff Report or other criteria in the code the party believes  
8 to apply to the subject request. The failure to raise an issue accompanied by statements or  
9 evidence sufficient to afford the Commission and the parties an opportunity to respond to the  
10 issue precludes an appeal to the State Land Use Board of Appeals on that issue. Application  
11 materials and other evidence relied upon by the applicant have been provided to the City and  
12 have been made available to the public.

13  
14 Sherman stated the procedures used for the public hearings heard tonight will be as follows:  
15 First, there will be a staff report. The applicant will present his or her testimony. There will be  
16 testimony from those in favor of the application. There will be testimony from those in opposition  
17 to the application. There will be a rebuttal from the applicant. He will then ask if there is anyone  
18 who would request that the record remain open for final additional written testimony. If none,  
19 at that time the public hearing will be closed. There will be Commission deliberation and  
20 decision. There will be no further input from the public during deliberations.

- 21  
22 A. Case File: #4-CU-PC-23  
23 Applicant: Bay View Investments, LLC  
24 Owner: Same as Applicant  
25 Application: Conditional Use Permit  
26 Zone, Map, and Tax Lot: Retail Commercial C-1, 09-11-05-CA Tax Lot #17802  
27 Location: 300-block, NE Williams Avenue  
28

29 Sherman asked if any Commissioner had ex-parte contact, conflict of interest, or bias to declare.  
30 There was none.

31  
32 There was no objection to any Planning Commissioner hearing the case.

33  
34 The City Planner summarized the staff report (copy attached to original of these minutes).  
35 Written testimony was received after the preparation of the staff report in opposition to the  
36 application from David and Charla Breitigam; John and Jackie Evans and Gloria Wescott;  
37 Michael and Mary Babinski; Tony and Rollie Reeder. The applicant provided additional written  
38 testimony to address the neighbors' concerns about the parking issue. (copies attached to the  
39 original of these minutes).

40  
41 Discussion followed regarding 1) If in the future a property owner wanted to change the use to  
42 tourist accommodation, they would be required to apply for a conditional use permit; 2) The  
43 same applicant received approval for a building permit on an adjacent lot in July 2022. Before  
44 the adoption of DBZO Section 152.136(Q): Townhouse Developments (Ordinance No. 336-23);  
45 3) Without taking into consideration the topography of the subject lot theoretically the structure  
46 could be pushed further back two (2) feet from the rear property line which would provide six  
47 (6) parking spaces (four (4) driveway and two (2) garage); 4) The applicant is proposing a 22-  
48 foot setback from the decks to the rear property line; 5) As a two-unit townhouse development  
49 it meets the off-street parking standards per dwelling unit. However, as a proposed tourist

1 accommodation use it does not meet the off-street parking requirements of eight (8) parking  
2 spaces in total.  
3  
4 The applicant had indicated in an email that he would attempt to join the meeting via Zoom.  
5 He was not present.  
6  
7 There was no testimony in favor of the application.  
8  
9 Sherman called for testimony in opposition to the application.  
10  
11 Jackie Evan stated that she and her husband are assuming that the townhouse regulations were  
12 put into effect because there was a need or issue, and they want to reiterate what was stated  
13 in their letter.  
14  
15 Jackie Evan testified: 1) Two (2) more two-unit townhomes are proposed to be built in the future;  
16 2) It is possible that three (3) two-unit townhomes will lack up to twelve (12) off-street parking  
17 spaces; 3) There is "No parking" on Williams Avenue; 4) There is already an issue with a car that  
18 parks on Austin Street; delivery truck and emergency vehicle access is difficult; 5) Ordinances  
19 are updated because of necessity. In conclusion, she stated their argument is that there is just  
20 not adequate space to accommodate any alternative on-street parking.  
21  
22 Tom Evan testified upon review of the proposal they thought of the following options: 1) The  
23 structure could be pushed back; 2) Reduce the number of units to four (4). The applicant owns  
24 a vacant lot that could be utilized as an asphalt parking lot to serve the townhouse  
25 development.  
26  
27 David Breitigam stated that he and his wife Charla submitted a letter, and they are here to offer  
28 a few more details.  
29  
30 David Bretigam testified 1) There are very few "No Parking" signs on NE Williams Avenue; If the  
31 City installed more signage, it would help the current situation; 2) There is a lot south of the  
32 subject lot that was for sale a couple of years ago; the undeveloped lot did not sell because it  
33 had been designated to provide off-site parking for a downtown business; 3) Concerns  
34 regarding existing safety issues are outlined in our letter; 4) We would be greatly and personally  
35 impacted by this development.  
36  
37 Charla Bretigam expressed her appreciation for the applicant proposing a solution. He has  
38 offered to include terms in the rental agreement that states no more than two (2) vehicles per  
39 stay per home and "no parking" along NE Williams Avenue. However, it does not seem like a  
40 solution: 1) Each one of those units can have up to seven (7) adults; 2) Who is going to monitor  
41 and enforce those terms? 3) NE Williams Avenue is a hazardous narrow road with a high volume  
42 of vehicular and pedestrian traffic. Safety is an issue; 4) Sometimes there are two (2) vehicles  
43 parked along NE Austin that impede traffic flow. In conclusion, she asked the Planning  
44 Commission to address their concerns.  
45  
46 The City Planner left the room to check his email to make sure that the applicant had not been  
47 having difficulty with Zoom access.  
48

1 The Deputy City Recorder took the opportunity to clarify the City Council's decision regarding  
2 the Planning Commission liaison officer. She cited from adopted Ordinance 343-23 *The liaison*  
3 *officer shall report to the City Council at a regular City Council meeting as is necessary or as*  
4 *requested by the City Council.*

5  
6 The City Planner confirmed there was no email from the applicant.

7  
8 The City Planner clarified statements made by those in opposition to the application 1) The  
9 applicant has not submitted a proposal for a third project. The applicant owns a total of four  
10 (4) lots on NE Williams Avenue. There has not been a proposal by the applicant to develop any  
11 of the other two (2) lots; 2) The undeveloped parking lot is on NE Bradford Street, not NE Williams  
12 Avenue; 3) Per the Zoning Code off-site parking can be located within 500 feet of a property.

13  
14 Audience members interjected 1) The third project is in the staff report; 2) The undeveloped  
15 parking lot is on NE Williams Avenue, not NE Bradford Street. It is the next lot after the four (4) lots  
16 owned by the applicant; 3) They were told by a City Councilor that it is associated with a  
17 building located on Highway 101; 4) Currently, there is a real estate office in the building. Should  
18 occupancy increase, the parking lot would need to be developed to meet the City's off-street  
19 parking requirements.

20  
21 The City Planner stated if there was a reference to a third proposal in the staff report it was in  
22 error.

23  
24 There was no rebuttal from the applicant.

25  
26 There was a discussion with the audience regarding 1) If the Planning Commission does not  
27 make a decision and continues the public hearing to a future date certain then that date will  
28 be announced at the meeting and that will serve as their notice; 2) Keeping the record open  
29 allows for an additional seven (7) days for written testimony; seven (7) days for response to the  
30 written testimony; and seven (7) days for rebuttal.

31  
32 There was no request to keep the record open.

33  
34 The public hearing was closed, and the Commission entered deliberations.

35  
36 The City Planner reminded the Commission that the focus has been on the parking requirements  
37 for tourist accommodations but in general, Section 152.136(A) of the Zoning Ordinance lists the  
38 general criteria that the Planning Commission must take into consideration on any Conditional  
39 Use Permit (CUP). He cited *The site under consideration is suitable for the proposed use*  
40 *considering: (1) The size, design, and operating characteristics of the use; (2) The adequacy of*  
41 *transportation access to the site; (3) The natural and physical features of the site, such as general*  
42 *topography and natural resource values; (4) The proposed use is compatible with existing and*  
43 *permitted uses on adjacent lands, considering the factors in division (A)(1) above; (5) Any*  
44 *lighting provided shall not shine or glare onto adjoining streets or properties. Suggest using lights*  
45 *of low stature with shielding. The applicant shall demonstrate through a lighting plan that this*  
46 *standard is met; (6) Landscaping shall be designed to provide adequate vegetative cover.*

47  
48 The City Planner stated that in respect to the applicant's proposed solution of limiting parking  
49 to two (2) vehicles per stay and limiting the occupancy, if the application is approved those

1 limitations would become part of the business license to operate as a tourist accommodation.  
2 The conditions of approval could also be revised to include *the marketing and advertising for*  
3 *the tourist accommodation would include specific notations regarding the limitations on*  
4 *occupancy and parking.*

5  
6 Discussion followed regarding 1) The site plan does not illustrate the location of the off-street  
7 parking spaces; 2) The site plan identifies NE Williams Avenue as 40 feet wide; the pavement  
8 width is about half that; 3) The proposal to limit the number of vehicles is not an option that  
9 should be considered; 4) It's an interesting concept however, enforcement and change of  
10 ownership are issues; 5) The townhouse regulations were put in place for a reason; 6) The  
11 applicant may have other options that would be more conforming; 7) There are already issues  
12 with parking on NE Williams Avenue; 8) NE Williams Avenue is very narrow; 9) The Commission  
13 put a lot of time and effort into creating the regulations; 10) This is the first townhouse application  
14 before the Planning Commission since the adoption of the townhouse regulations.

15  
16 **Motion:** Moreland moved to deny Case File #4-CU-PC-23 (Conditional Use Permit). Imbrie  
17 seconded.

18  
19 The City Planner clarified the reasons for denial 1) The adequacy of the site and its inability to  
20 provide the parking that is required; 2) The need to look at alternatives to the solution that was  
21 proposed.

22  
23 **Vote:** Motion passed.

24 **Ayes:** Imbrie, Moreland, Sherman

25  
26 B. Case File: #4-GEO-PC-23 (Postpone to February 14, 2024)

27 Applicant: C.A. White, Jr.

28 Owner: Same as Applicant

29 Application: Geotechnical Report Review

30 Zone, Map and Tax Lot: Residential R-5, 09-11-05-DD Tax Lot #00300

31 Location: 565 NE Stanley Street

32  
33 The City Planner summarized his memorandum (copy attached to original of these minutes).

34  
35 **Motion:** Moreland moved to postpone the public hearing for Case File #4-GEO-PC-23  
36 (Geotechnical Report Review) to the February 14, 2023, meeting. Sherman seconded.

37  
38 Imbrie stated he may or may not have a conflict and asked if he could abstain from the vote.

39  
40 **Vote:** Motion passed.

41 **Ayes:** Moreland, Sherman

42 **Abstain:** Imbrie

43  
44 V. UNFINISHED BUSINESS

45  
46 There was none.

47  
48 VI. NEW BUSINESS

1 A. Date change for April 10, 2024, Planning Commission Meeting

2  
3 The City Planner explained that due to a conflict, he will not be available on April 10, 2024. The  
4 Council Chamber is available on April 17, 2024.

5  
6 The Commission agreed to change the Planning Commission meeting date to April 17, 2024.

7  
8 VII. PUBLIC COMMENTS – ITEMS NOT ON TONIGHT'S AGENDA

9  
10 There was none.

11  
12 VIII. CITY COUNCIL LIAISON REPORT

13  
14 The City Planner noted that former President Faucett submitted an email report on the  
15 November 22, 2023, City Council meeting.

16  
17 Discussion followed regarding how a commissioner will be notified to attend a City Council  
18 meeting and the liaison schedule. In conclusion, the Commission agreed to Moreland –  
19 February, May, August, and November; Imbrie – March, June, September, and December;  
20 Sherman – April, July, and October.

21  
22 IX. CITY PLANNER AND CITY RECORDER REPORTS

23  
24 The City Planner summarized the November 2023 and December 2023, Land Use and Building  
25 Permit Activity Reports (copies attached to the original of these minutes).

26  
27 X. PLANNING COMMISSION CONCERNS

28  
29 Moreland: Now that I am vice-president do I need to read Robert's Rules of Order?


30  
31 Discussion followed regarding Robert's Rules of Order and the number of books/pocket guides  
32 that cover the basics.

33  
34 Imbrie: None.

35  
36 Sherman: My only concern is that I wish they would design coffee mugs to not be concave on  
37 the bottom because I hate dumping water on myself when unloading the dishwasher. I  
38 encourage the public to please consider applying for the Planning Commission. We do have  
39 tremendous fun. It is an opportunity to learn and serve the community.

40  
41 XI. ADJOURN

42  
43 There being no further business, the meeting was adjourned at 7:14 PM.

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48 \_\_\_\_\_  
49 Carla Duering, Deputy City Recorder

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48 \_\_\_\_\_  
49 Eric Sherman, President