

WALDPORr PLANNING COMMISSION  
SEPTEMBER 22, 2025  
MEETING NOTICE AND AGENDA

THE WALDPORr PLANNING COMMISSION WILL MEET ON MONDAY, SEPTEMBER 22, 2025 AT 2:00 P.M. AT WALDPORr CITY HALL, 355 NW ALDER STREET TO TAKE UP THE FOLLOWING AGENDA:

1. CALL TO ORDER AND ROLL CALL
2. REVIEW OF MINUTES FROM JULY 28, 2025
3. CITIZENS' OPENING COMMENTS
4. ACTION ITEMS AND NEW BUSINESS
  - A. Training - Public Hearing Procedure, Public Comment, Commissioner Responses
  - B. Other Business
5. PLANNER UPDATES
  - A. Violations
  - B. Permits
  - C. City News
6. CITIZENS' CLOSING COMMENTS
7. COMMISSION COMMENTS AND RECOMMENDATIONS
8. ADJOURNMENT

Attachments:

- July 28, 2025 Minutes
- Planner's Log

Notice given on this 18<sup>th</sup> day of September 2025

NOTE: The City Council Meeting Room is accessible to all individuals. Comments prior to the meeting may be emailed to: [recorder@waldport.org](mailto:recorder@waldport.org). The public is also encouraged, if they see fit, to mail written testimony to the City. Comments may be mailed to PO Box 1120, Waldport, OR, 97394. Comments must be received no later than 1:30 pm on the day of the meeting to be considered.



1 **WALDPOR PLANNING COMMISSION**

2 **JULY 28<sup>TH</sup>, 2025**

3 **MEETING MINUTES**

- 4 **1. CALL TO ORDER:** Chair Steve Barham called the meeting to order at 2:00 PM.  
5 **2. ROLL CALL:** Commissioners April Swift, Jay Morris, Christine Campbell, Joan Crall,  
6 Michael Schlosser, and Commission Chair Steve Barham answered the roll.  
7 Commissioner Jayme Buck was absent. A quorum was present.

- 8 **3. Minutes:** The Commission considered the minutes from the June 2<sup>nd</sup>, 2025,  
9 Planning Commission Meeting. **Commissioner Campbell moved to approve the**  
10 **minutes. Commissioner Crall seconded the motion. The motion passed**  
11 **unanimously.**

- 12 **4. CITIZENS OPENING COMMENTS:** None.

13 **5. ACTION ITEMS AND NEW BUSINESS:**

- 14 **A. PUBLIC HEARING-** Case File #1-SUB-PC-25, Chad Berry (The Kitchen Helpers)  
15 request for the creation of a 5-lot subdivision in the Downtown District Zone  
16 (DD)- Bay's Edge Townhomes, taxlot #13-11-19-AB-08301. Located at 280 NW  
17 Huckleberry Street.

18 **Chair Barham** opened the Public Hearing at 2:01 PM, calling for abstentions, ex-  
19 parte contact, conflicts of interest, or bias. **Commissioner Swift** stated she has  
20 walked the location several times before and after construction and uses the bay  
21 access. **Commissioner Morris** stated that he had submitted a bid for the project.  
22 **Chair Barham** stated that he is also familiar with the area. There were no  
23 objections to any Commission members participating in the hearing.

24 For the record, **Chair Barham** read the applicable criteria for this request, such  
25 as Chapters 16.30 and 16.100. He then stated the order in which testimony  
26 would be taken during the hearing and turned the floor over to the City Planner,  
27 Jaime White.

28 **STAFF REPORT: City Planner Jaime White** reviewed the staff report, noting that  
29 the applicant, Chad Berry, was present and that the property in question consists  
30 of an 8-unit townhome development on Huckleberry. He explained that the  
31 project is located in the downtown district where high-density housing is  
32 permitted by right, and the applicant had obtained the necessary permits  
33 accordingly. As part of the development, roadways and sidewalks were installed,

1 and each unit has individual water meters and sewer connections. All required  
2 inspections have been completed, occupancy has been granted, and the units  
3 are currently operating as short-term rentals. He stated that all the townhomes  
4 are under single ownership, and the proposal is to subdivide the development  
5 into five lots. The applicant would retain ownership of units 1–4 and sell the  
6 remaining units. Due to shared walls between the units, a Homeowners  
7 Association (HOA) would be established. He also presented details on setback  
8 dimensions, easements, general layout, and parking requirements.

9 **Commissioner Swift** questioned the road and sidewalk plan. **City Planner**  
10 **White** explained that an adjacent construction project would align with the  
11 existing asphalt and extend the roadway and sidewalks. He reviewed additional  
12 property elements, including garbage enclosures, designated parking spaces  
13 with proper signage, and dedicated beach access. He stated that, as far as the  
14 city is concerned, all requirements for a subdivision have been met to code,  
15 aside from the one-year requirement and the finalized HOA documents. If the  
16 Planning Commission denies the request, the Commission must specify the  
17 unmet codes. If the Commission approves, conditions will apply. He explained  
18 the conditions as follows: all future uses and standards will adhere to and meet  
19 the Downtown District Zoning requirements, as per city code and standards; a  
20 park assessment fee is based on square footage; and no further subdividing will  
21 be permitted for a period of one year.

22 **APPLICANT TESTIMONY: Chad Berry**, the owner and petitioner, addressed the  
23 Commission, stating that initially, the plan was to create short-term rentals;  
24 however, they have since decided to explore the opportunity to turn around and  
25 sell.

26 **PROPPONENTS:** None.

27 **OPPONENTS:** None.

28 **FURTHER COMMENTS:** None.

29 **Chair Barham closed the public testimony portion of the hearing at 2:35 PM.**

30 **DELIBERATION: Commissioner Crall** stated that it certainly seemed as though it  
31 was built to be subdivided in this manner. **Commissioner Schlosser** stated that  
32 during the permitting process, there were conversations about the possibility of  
33 subdividing in the future. **Commissioner Crall moved to approve the request of**  
34 **the subdivision located at 280 NW Huckleberry, as per amended**

1 requirements and conditions are met. Commissioner Morris seconded the  
2 motion. The motion passed unanimously.

3 The Commission agreed to allow Chair Barham to sign the findings prepared  
4 by the City Planner.

5 **B. PUBLIC HEARING-** Case File #1-SUB-PC-23, Michael Schlosser request for  
6 tentative approval of Phase 2 of the Spruce Ridge Subdivision and property line  
7 adjustment in a Residential Zone (R-1), Taxlot #13-11-19-CD-00200, NW Dolores  
8 Drive. **Commissioner Schlosser** recused himself from the proceedings.

9 **Chair Barham** opened the Public Hearing at 2:38 PM, calling for abstentions, ex-  
10 parte contact, conflicts of interest, or bias. **Commissioner Swift** stated she had  
11 walked that property prior to any construction and was aware of reports of  
12 marshland issues. **Commissioner Morris** stated that he had received a letter  
13 regarding this, as he owns a property within 250 feet. **Chair Barham** noted for the  
14 record that Mr. Schlosser is part of the Planning Commission, and the  
15 Commission will hold him to the same standards as the general public. There  
16 were no objections to any Commission members participating in the hearing.

17 For the record, **Chair Barham** reviewed the applicable criteria for this request,  
18 including Chapters 16.12, 16.70, 16.72, 16.96, and 16.100. He then stated the  
19 order in which testimony would be taken during the hearing and turned the floor  
20 over to the City Planner, Jaime White.

21 **STAFF REPORT: City Planner Jaime White** reviewed the staff report, noting that  
22 this public hearing pertained to the Spruce Ridge Subdivision, stating that the  
23 subdivision's master plan and Phase 1 had been approved by the Planning  
24 Commission in April 2023. He stated that Phase 1 is currently at 60% -70%  
25 completion, with a number of homes already occupied, active building permits,  
26 and 3 vacant properties. Roadways, sewers, water systems, and storm drainage  
27 systems have been constructed. Once construction is completed, Mr. Schlosser  
28 will return to the City Council to request that the new streets, which have been  
29 built to meet city code, be adopted as city streets. In addition to requesting  
30 approval to start Phase 2, which includes lots 10-29, the applicant is also  
31 requesting a 3-lot property line adjustment. He noted that one of the  
32 requirements of the master plan was to create a trail connection to Woodland  
33 Trail, which lines up with a public right of way, and opens the opportunity for the  
34 city to create a parking area at that entrance in the future. The lot line  
35 adjustments do not impact the existing requirements. Mr. White reviewed the

1 adjustments, clarifying that they apply solely to Mr. Schlosser’s property. He also  
2 noted that two letters were received from neighboring property owners. The first  
3 expressed concerns about drainage issues and the number of trees that had  
4 been removed. The second raised similar concerns about tree removal,  
5 specifically highlighting the loss of the natural privacy buffer between existing  
6 homes and the proposed subdivision. Mr. White concluded that all applicable  
7 standards have been met, including those related to lot size, setbacks,  
8 driveways, transportation impact analysis, public streets, curbs, gutters,  
9 sidewalks, parks, and open space. He added that Mr. Schlosser will submit a  
10 finalized plat map, and final engineering drawings for utility and roadway  
11 improvements will be recorded with the County. **Chair Barham** brought up the  
12 cul-de-sac length, noting that the code limits it to 400 feet, while this one  
13 measures approximately 600 feet. **City Planner White** explained that the design  
14 follows the natural slope of the ridge. **Mr. Schlosser** added that extended length  
15 was also necessary to accommodate the utility system efficiently and to support  
16 a smoother transition when Phase 3 begins. A conversation was held regarding  
17 the Woodland Trail entrance, adjacent parking, and the corresponding trail  
18 easement.

19 **APPLICANT TESTIMONY: Mr. Schlosser** stated that he felt as though the City  
20 Planner had thoroughly covered the request, and that he would address the  
21 letters received when appropriate.

22 **PROPPONENTS:** None.

23 **OPPONENTS: Shannon Joseph**, a resident of Wedge Drive, addressed the  
24 Commission. She questioned the impact of traffic flow on the nearby residential  
25 area and its effect on safe routes to school. **City Planner White** responded that  
26 while there would be an increase in traffic, it would not create a burden on the  
27 streets or an increased hazard. He then noted that the connectivity from the new  
28 development to the adjacent residential area would allow foot traffic to use the  
29 sidewalks to access Range, and then return to the sidewalk on Crestline, all the  
30 way to the school. **Linda Dies**, a resident of SW Dolores Drive, addressed the  
31 Commission. She noted on SW Norwood Drive that a traffic sign stating 20 MPH  
32 has been ignored by newer traffic and asked if it would be regulated at that  
33 speed. **City Planner White** responded that state regulations in Oregon set a  
34 25MPH limit in residential areas, and there have been discussions about  
35 installing a stop sign to help regulate traffic flow. One of the new homeowners,

1 Carol Rea, a resident of SW Dolores Drive, agreed that traffic seems to be  
2 ignoring the 20 MPH signage.

3 **APPLICANT REBUTTAL: Mr. Schlosser** stated that he wished to respond to the  
4 accusations raised in the letter submitted by Mrs. Severson. **Chair Barham**  
5 acknowledged that the primary concern appeared to be drainage from existing  
6 properties onto Phase 1 of the new development but clarified that the focus of  
7 the current discussion is Phase 2, which features a different topography. **Mr.**  
8 **Schlosser** explained that, after consulting with the City Planner and the City  
9 Engineer, he installed individual French drains on each property, directing water  
10 into a culvert. This solution eliminated the need for drainage easements from  
11 neighboring properties, including his own. He also expressed his belief that it is  
12 the responsibility of adjacent property owners to manage and redirect their own  
13 drainage toward the street. In response to concerns about tree removal, Mr.  
14 Schlosser stated that he had made every effort to preserve as many trees as  
15 possible.

16 **FURTHER COMMENTS:** None.

17 **Chair Barham closed the public testimony portion of the hearing at 3:37 PM.**

18 **DELIBERATIONS: Commissioner Morris** questioned the requirements of  
19 building permits that state the water must be directed towards the city streets,  
20 adding that this issue doesn't apply to Phase 2 of the project. **City Planner White**  
21 replied that it is a requirement but also includes the option of containing it on-  
22 site. **Chair Barham** agreed that the drainage issue does not relate to Phase 2, and  
23 that while sad, the removal of trees is part of the process, and felt as though  
24 these were not relevant to the criteria of Phase 2. He noted that the traffic  
25 concerns need to be addressed and agrees that new signage to direct traffic flow  
26 is wise. However, after the traffic assessment was completed, the volume of  
27 traffic was addressed as part of the master plan. **Commissioner Morris moved**  
28 **to approve Phase 2 of the Spruce Ridge Subdivision and property line**  
29 **adjustment in a residential Zone, including the conditions requested by the**  
30 **City Planner. Commissioner Crall seconded the motion. The motion passed**  
31 **unanimously. Commissioner Schlosser abstained from the vote.**

32 **The Commission agreed to allow Chair Barham to sign the findings prepared**  
33 **by the City Planner.**

34 **6. PLANNER UPDATES: City Planner White** provided an update on Land Use and  
35 Building Permit activity from May to July. He highlighted several approved building

1 permits, with one still pending SDC payments. He also noted code violations on  
2 Jefferson Street related to garbage and a property line adjustment on Bird Avenue.  
3 The fence violation at the junkyard in the Industrial Park has been addressed;  
4 however, a conditional use permit for the salvage yard remains pending, as the  
5 owners have delayed its submission. Additionally, Mr. White updated the  
6 Commission on the success of the new playgrounds, the installation of the dog  
7 park, and progress on the safe routes to school sidewalks along Crestline. He  
8 informed the Commission that the Industrial Park Sewer project for the Animal  
9 Shelter has been awarded, the City Council has designated Juneteenth as a City  
10 Holiday, and a new, more user-friendly City website is in development.

11 **7. ADJOURNMENT:** With no further business before the Commission, Chair Barham  
12 adjourned the meeting at 4:30 PM.

13 Respectfully Submitted,  
14 Megan Torres, Municipal Clerk

15 APPROVED by the Planning Commission this \_\_\_\_\_ day of \_\_\_\_\_,  
16 2025.

17 SIGNED by the Chair this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

X

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Steve Barham, Chair

18

CITY OF WALDPOR  
 2024 LAND USE & BUILDING PERMIT ACTIVITY  
 7/22/25 – 9/17/25

Date	Applicant	Type of Activity	Zoning	Location	Description	Status/Comments
7/30/25	RamJack	Building Permit	R-1	1345 SW Fairway Drive 13-11-30-BB-06000	Foundation repair	Approved
8/4/25	Edwards/Pollett	Septic	R-1	380 NE Waldport Heights 13-11-20-BC-03600	Septic	Approved
8/13/25	Dimicelli	Building Permit	R-1	615 SE Bird Ave. 13-11-19-DD-00900	Single Family Home	Approved
8/13/25	Bernadino	Building Permit	R-3	1825 SE Merten 13-11-29-00-00101	Solar - Residential	Approved
8/29/25	Dahl	2-Lot Partition	I-P	Ann Street 13-11-31-BD-00400	2-Lot Partition	Approved
9/10/25	Boucher	Violation	R-3	1680 SE Jefferson St. 13-11-29-AB-02400	Garage – no setbacks, clear vision	Owner notified, in process
9/11/2025	Moore	Annexation	R-1	1450 SW Corona Court 13-12-25-AB-05200	Annexation of Single Family Residence	Approved

**News**

- Playground ADA parking complete.
- Dog Park – second gate for smaller dogs installed. Shade and seating coming soon.
- Crestline Sidewalks – Range to the school almost done. Range to Ball has started, complete by end of December.
- Industrial Park Sewer 2/3 complete. Should be complete and Animal Shelter open by end of October.
- Last Wednesday Market October 1, 2025.
- Major updates to City website in near future.
- Trails Committee formed per City Council direction.

**Schedule**

- City Council Meeting Thursday October 9, 2025
- Planning Commission Meeting Monday October 27, 2025. November 24, 2025
- Veteran’s Day November 11, 2025
- Thanksgiving November 27 & 28, 2025





**Planning Commission**  
**Workshop**  
**Quasi-judicial Public Hearing**  
**City of Waldport**

September 22, 2025



# Planning Commission Responsibilities

- **Understand land use planning:** Know that planning is evolving and ongoing. Know about the statewide land use program and local land use history. Be aware of interrelationships of planning to community goals, priorities and budget constraints.
- **Reflect the values of the community:** As a volunteer who obviously is committed to your community, you can see or sense what is needed. Use your unique position (separate from the elected “political” process and from the government payroll) to articulate local values.
- **Educate the public on land use:** Planning commission meetings often are citizens’ first contact with local government and with land use. Act in ways that increase understanding and respect for the responsiveness of government.
- **Understand opportunities and limits of PC authority:** Recognize that you can be proactive – the initiator of new or changed policies -- and that there are limits to what you can do. Be clear about when your role is advisory and when it is that of the final decision maker.
- **Understand the legislative and quasi-judicial processes:** See the “Land Use Decisions” chapter.
- **Interpret and apply zoning ordinance provisions. Apply facts to criteria:** Your planning staff and legal counsel and the information in this manual will assist you.
- **Make decisions/recommendations:** Be courageous. Don’t avoid hard decisions.

(Page 15, Oregon Planning Commissioner Handbook, April 2015  
[https://www.oregon.gov/lcd/Publications/OR\\_Planning\\_Comm\\_Handbook\\_April\\_2015.pdf](https://www.oregon.gov/lcd/Publications/OR_Planning_Comm_Handbook_April_2015.pdf) )



# Planning Commission Chair

- Conduct meeting (the only task that is the sole responsibility of the chair)
- Diffuse hostility
- Elicit relevant testimony
- Keep commission on track
- Ensure participation among all commissioners
- Define issues
- Promote planning
- Set agenda (with staff assistance)



# Applicant Responsibility

- The applicant bears the burden of proof!
- The request (conditional use, zone change, variance, etc) is for a change in what is customarily allowed.
- The applicant is responsible for demonstrating that the request conforms with the Comprehensive Plan and Ordinance (Code) requirements.



# Responsibilities of Others

- State and Federal Agencies
- Neighboring Property Owners – Mailed notices within 300'
- City-County Coordination
- Citizens and Neighborhood Groups
  - ❖ All public – notification via newspaper, website, etc.
  - ❖ HOA groups if applicable.

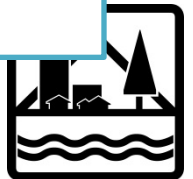


Not  
Exhaustive

# “The Record”

- ✓ Application Materials
- ✓ Written Testimony
- ✓ Oral Testimony

- ✓ Staff Report
- ✓ Public Hearing Proceedings
- ✓ Findings, Conclusions, and Final Order



# What is the purpose of “The Record”?

- Documentation of the decision process.



# Past Decisions – Precedent?

- Planning Commission is not bound by an interpretation of a provision made in a prior case...unless construed by LUBA or a court of law.
  - ❖ However, consistency matters.
  - ❖ But, erroneous past interpretations should be corrected.
  - ❖ Burden of proof is on the applicant or disagreeing party.



# Evidence

- The applicant must introduce evidence that all of the approval criteria are satisfied.
- The opponents have the duty to show that the applicant's facts are incorrect or that the applicant has not introduced all of the facts necessary to satisfy the burden of proof.



# Evidence continued

- Is it in THE RECORD?
- Is it relevant?
- Is it adequate?
- Is it substantial (reasonable person could accept evidence to support conclusion)?
- Decision must be made on relevant evidence.
- For example: Testimony about effects on real estate values is not relevant...
- Personal knowledge is not evidence in the record.



# Kinds of Decisions

## Ministerial

Type 1

Staff

## Quasi-Judicial

Type 2

Administrative

## Quasi-Judicial

Type 3

Planning Commission  
(Zone Change-Council)

## Legislative

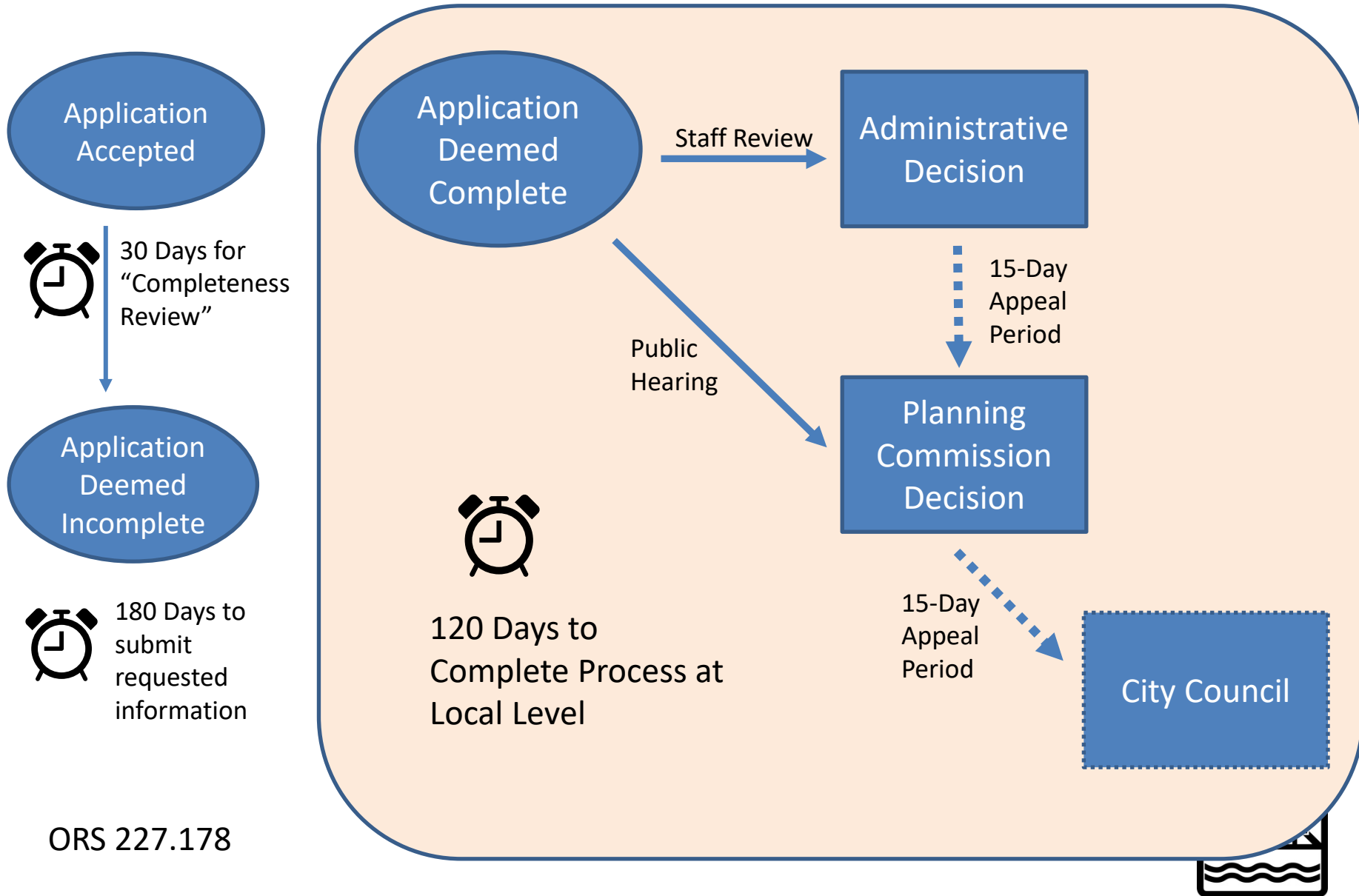
Type 4

PC Recommends

Council



# Life Cycle of a Quasi-Judicial Decision



# The Public Hearing

- Process can be very confusing:
  - ❖ What is order of operations?
  - ❖ When can you speak?
  - ❖ When can you respond?
  - ❖ What is relevant?
  - ❖ What is repetitious?
  - ❖ What is Planning Commission deliberations?
  - ❖ What are decisions based on?



# Quasi-Judicial Decision

Procedural requirements to which the parties are entitled :

1. An opportunity to be heard
2. An opportunity to present and rebut evidence
3. A right to an impartial tribunal having had no prehearing or ex-parte contact concerning the land use action at issue
4. A right to findings of fact, and
5. A right to a record of the proceedings



# Quasi-judicial Procedures

- Chair opens hearing:
  - ❖ Chair describes procedures
  - ❖ Required statements including Raise-it-or-waive-it statement
  - ❖ Announcement of criteria



# Chair Statement

- Regarding relevant testimony, state statute requires that a statement be made at the outset of the hearing that:
  1. Lists the applicable substantive criteria;
  2. States that testimony, arguments and evidence must be directed toward those criteria or other criteria in the plan or land use regulation that the person believes to apply to the decision;
  3. States that failure to raise an issue in enough detail to allow the decision-maker and the parties an opportunity to respond to the issue precludes appeal to the board based on that issue (“raise it or waive it”).



# Quasi-judicial Procedures

- Declaration of ex parte contact, bias, conflict of interest.
- Staff report
- Applicant's testimony
- Proponent's testimony
- Opponent's testimony
- Neutral testimony



# Quasi-judicial Procedures

- Applicant's rebuttal
- Requests for continuance and leaving the record open.
  - ❖ If the hearing is continued, the process starts again at step 1 at the commencement of the next hearing.
- Close the hearing
- Discussion



# Quasi-judicial Procedures

- Motion and second
- Deliberation, amendments to motion (if any)
- Vote
- Direction from Chair to staff to prepare findings for signature.



# Continuance

If the reviewing body grants a continuance, the hearing shall be continued to a date, time, and place certain at least seven days from the date of the initial hearing. An opportunity to present and rebut new evidence or testimony must be provided at the continued hearing. If new written evidence is submitted at the continued hearing, anybody may request, prior to the conclusion of the continued hearing, that the record be left open for at least seven days to submit additional written evidence or testimony for the purpose of responding to the new written evidence.



# Record Held Open

If, after the initial hearing, the reviewing body leaves the record open for additional written evidence or testimony, the record must be left open for at least seven days. Any party may file a written request with the local government for an opportunity to respond to new evidence submitted during the period the record was left open. If such a request is filed, the reviewing body must reopen the record.



# Record Held Open

Unless the applicant waives its right, the reviewing body must allow the applicant at least seven days after the record is closed to all other parties to submit final written arguments in support of the application. The applicant's final submittal shall be considered part of the record, but shall not include any new evidence.



# Record Held Open

- If hearing record is left open, “7-7-7” rule applies:
  - Record must be left open to all parties at least seven days
  - If requested, re-open for seven days to allow response to new evidence
  - Unless waived, applicant has seven days after close of the record to submit final written arguments



# Applicable Standards & Criteria

- Statutes require a land use decision to be based on approval criteria.
- The decision must apply the approval criteria to the facts.
- The decision-maker must apply the adopted criteria for approval that are contained in the zoning code.
- If the applicant demonstrates compliance with these criteria, the application must be approved even if the decision-maker disagrees with the criteria, or believes that additional, un-adopted criteria should be applied.
- Conversely, if the applicant fails to demonstrate compliance with the applicable criteria, the decision-maker must deny the application even if it believes that the applicable criteria are unreasonable.



The decision-maker must apply the adopted criteria for approval that are contained in the zoning code.

It's *ALL* about the *CODE*.

*ONLY* applicable criteria are considered in approval.



# Findings

- Purposes of findings include:
  - Aiding careful consideration of criteria by the reviewing body
  - Establishing what facts and evidence the reviewing body relied on
  - Explaining how the conclusions are supported by substantial evidence
  - Demonstrating the decision was not arbitrary and that the reviewing body followed its procedures

