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Via Email:

citymanager@ci.wheeler.or.us

City of Wheeler City Council
755 Nehalem Blvd
PO Box 177
Wheeler OR 97147

Re: ORCA Testimony for Planning File #0701-21-1 DR.

Dear Commissioners,

On behalf of Oregon Coast Alliance (ORCA), please accept this testimony for Case File LUBA No. 2022-002 Remand, a request for approval of a Design Review application to construct a building that includes the processing, storage and retail sales of fish and shellfish. For the reasons below, ORCA respectfully requests that the application be denied because the design review criteria have not been satisfied.

WZO 11.050(4)(a)(6) is entitled “Direct Pedestrian Connection” and provides as follows:

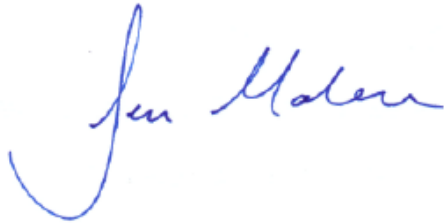
“Ensure a direct pedestrian connection between the street and buildings on the site, and between buildings and other activities within the site. In addition, provide for connections between adjacent sites, where feasible.”

Under WZO 11.050(4)(a)(6), ORCA agrees with staff that “[t]his provision has not been fully addressed.” Specifically, the staff report notes that “the connection would still cross the path of any trucks coming and going from the loading bay which could create a safety hazard.” While safety is clearly implicated by forcing patrons to cross what will be an active loading area for the facility and LUBA noted that the purpose of WZO 11.050(4)(a)(6) is safety, the issue is whether there is a “direct pedestrian connection.” Merriam Webster defines “direct” – as an adjective – as “proceeding from one point to another in time or space without deviation or interruption: STRAIGHT.” Here, the connection is not direct because the loading area and trucks interrupt the connection and requires patrons to deviate when there are loading trucks at the facility. The

applicant could clearly create a “direct pedestrian connection” by not requiring patrons to cross the loading area, which interrupts the “direct pedestrian connection.” Therefore, the applicant has not satisfied WZO 11.050(4)(a)(6).

ORCA respectfully requests that the City deny the applicant’s request.

Sincerely,

A handwritten signature in blue ink, appearing to read "Sean T. Malone". The signature is fluid and cursive, with a large initial "S" and "M".

Sean T. Malone
Attorney for Oregon Coast Alliance

Cc:
Client