



**PLANNING COMMISSION REGULAR SESSION AGENDA**  
**Monday, January 08, 2018 - 7:00 PM**  
**City Hall, Council Chambers, 169 SW Coast Hwy, Newport, OR 97365**

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The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired, or for other accommodations for persons with disabilities, should be made at least 48 hours in advance of the meeting to Peggy Hawker, City Recorder at 541.574.0613.

The agenda may be amended during the meeting to add or delete items, change the order of agenda items, or discuss any other business deemed necessary at the time of the meeting.

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**1. CALL TO ORDER AND ROLL CALL**

**2. APPROVAL OF MINUTES**

**2.A Approval of the Planning Commission Work Session Meeting Minutes of December 11, 2017**

[Draft PC Work Session 12-11-17.pdf](#)

**2.B Approval of the Planning Commission Regular Session Meeting Minutes of December 11, 2017**

[Draft PC Minutes 12-11-17.pdf](#)

**3. CITIZENS/PUBLIC COMMENT**

*A Public Comment Roster is available immediately inside the Council Chambers. Anyone who would like to address the Planning Commission on any matter not on the agenda will be given the opportunity after signing the Roster. Each speaker should limit comments to three minutes. The normal disposition of these items will be at the next scheduled Planning Commission meeting.*

**4. ACTION ITEMS**

**4.A Elect Planning Commission Chair and Vice Chair**

**4.B Confirm Appointments to the Vacation Rental Ad-Hoc Committee**

**5. PUBLIC HEARINGS**

**6. NEW BUSINESS**

**7. UNFINISHED BUSINESS**

**7.A DLCD Update on FEMA Implementation Plan Related to Endangered Species Act Litigation**

[DLCD Update-FEMA.pdf](#)

**7.B Updated Tentative Planning Commission Work Program**

[PC Scope of Work\\_1-8-18.pdf](#)

**8. DIRECTOR COMMENTS**

**9. ADJOURNMENT**

**Draft MINUTES**  
**City of Newport Planning Commission**  
**Work Session**  
**Newport Recreation Center, Room 117**  
**December 11, 2017**  
**6:00 p.m.**

**Planning Commissioners Present:** Lee Hardy, Bob Berman, Mike Franklin, Rod Croteau, and Jim Hanselman.

**Planning Commissioners Absent:** Jim Patrick and Bill Branigan (*excused*).

**PC Citizens Advisory Committee Members Absent:** : Karmen Vanderbeck and Dustin Capri (*excused*).

**City Staff Present:** Community Development Director (CDD) Derrick Tokos; Airport Director, Lance Vanderbeck; Engineering Tech, Melissa Roman; and Executive Assistant, Sherri Marineau.

1. **Call to Order.** Commissioner Croteau called the Planning Commission work session to order at 6:00 p.m.
  2. **Unfinished Business.** No unfinished business.
  3. **New Business.**
- A. **Draft Amendments to NMC 14.22 Airport Restricted Area Overlay.** Tokos reviewed the draft amendments memo with the PC. He noted that the blue text was the outdated text and the red was the updated text. Tokos introduced Lance Vanderbeck and Melissa Roman to the PC. Berman asked if the decision would be to replace the code. Tokos said it was given to rewrite the code. He wanted the PC's thoughts on the territorial restrictions the code called for. Roman pointed out that Map #15, it showed the zoning code recommendations for updating codes. Tokos pointed out that the non-aeronautical development areas were shown in green on the map and what was being proposed. Roman said the east side of the airport was added. Croteau asked if it was zoned industrial. Tokos said most was zoned P-1/"Public Structures" and there were also some industrial zoning on the north side. Tokos explained that with the Airport Restrict Overlay, there was the ability to add additional use allowances. He said the remaining maps were intended to show the regulatory spaces.

Tokos reviewed the differences between the existing and model codes. He covered Definitions; Airport Areas, Surfaces, and Zones; Use Restrictions; Noise; and the Airport Development Zone. Tokos said the existing code tried to prevent physical obstructions and the model code would look at things such as residential use, water retention facilities, and bird studies. He noted how the different areas would be impacted and said that any South Beach development with storm water retention would be eaten up fast. Hanselman asked if the OSU housing at Wilder would be in the impact area. Tokos said most of Wilder would be in the secondary impact area and would allow for residential. Franklin asked if the new Airport Overlay would supersede the current code. Tokos said the model code didn't have to be adopted as structured. He said the provisions were intended to impact offsite development in a manner that favors the Airport by restricting the density within the approach zones, limiting water impoundments, and limiting other certain uses when considering noise aspects.

Tokos asked the PC if they were concerned about development patterns in and around the airport in terms of the use, or if they were concerned more on the construction side of things. Hardy though it needed to be more specific in terms of uses. Berman wasn't comfortable with putting restrictions on development based on speculation. Franklin said he understood the safety aspect but thought it took away from growth. Hanselman thought affordable housing would be decreased by the new overlay. Croteau asked what it would mean for the Airport if the City wrote its own code. Roman said the runway protection zones were pretty much absolute. She said after that, it was balancing between safety and growth. Roman said the FFA wanted the Airport to protect the approach and departure zones as they were most likely to change. Vanderbeck noted that it was fairly safe protecting the ILS Runway 1634 and its protection zones, and the crosswind Runway 220. He said they needed to possibly look at lowering these. Vanderbeck gave an example of how planes turn and fly into the Airport at Yaquina Head. He said the maps showed the Airport giving planes a guarantee to FAA that those airspaces were clear. Tokos said that Map #8 showed there weren't many obstructions for the bulk of the approach. He thought the approach was more about crashes.

Roman noted that increased bird activity was another factor. Tokos said there already was a significant amounts of birds and he struggled with putting restrictions on water retention facilities because it might attract birds. Vanderbeck said that wildlife management assessment and hazard mitigation was another factor. He explained that the Airport was allowed to clear the birds out of the area for safety. He noted that there had only been three bird strikes at the Airport. Vanderbeck explained that the Airport could do their best, but bird strikes would still happen. He said there was insurance for this and thought the Airport would be fine if it was showing they were managing it. A discussion ensued regarding bird migration. Vanderbeck noted that the Airport could work with the USDA to help with wildlife mitigation. Berman asked if the insurance was held by the Airport or by the owner. Vanderbeck said the owner. Tokos suggested it would be better to avoid offsite use limitation and focus more on holding the line on height.

Tokos asked for suggestions on the code from the PC. He pointed out that there was a lot of land around the Airport that wasn't in the City limits and thought the PC should consider how this could impact South Beach and the County. Roman noted that on Map #15 the runway zones were existing. She noted that Map #3 showed the changes to the protection zones and stopped at 98<sup>th</sup> Court. She said the Airport was trying to buy properties in the area.

Tokos said he would bring a redraft to the PC and not include use restrictions. He would keep the height limits, and for onsite, he would make sure there were no allowances for surface things. He said the response on the impoundments to the FAA would say it wouldn't add much to the impact of the bird migration. Hardy was concerned about not limiting use restrictions when the City was currently going after vacation rentals. Croteau said there should be safety records of local airports to reference. Tokos said it would be an issue if Newport had rapid growth and substantial expansion in several years. He said the Master Plan didn't call for this. Roman said the Airport was only getting smaller because of the new FAA safety requirements, not because it was being used less. Berman asked if would it jeopardize the FAA classification if there were no use restrictions. Roman said she didn't know the answer because the Airport Master Plan was currently being reviewed by the FAA. Tokos noted the Master Plan didn't commit them to putting everything in the code. Roman said they would be protecting the impacts to zoning over the next 20 years as they go to business jets because it changed the Airport from a B-2 category to a C-2 category. Roman explained that if they didn't protect for this, the FAA would have a problem.

Croteau asked if the Airport was concerned about the height restrictions. Tokos said they were not worried about the north, but there would be an issue with Wolf Tree. Roman explained that the Airport didn't want to discourage development. Vanderbeck said there would need to be a balance between safety and business growth. Tokos said there would be an opportunity, if and when Wolf Tree became a reality, to discuss how it could be developed so it didn't impede Airport operations. He said this was better than imposing limitations on Wolf Tree now. Roman pointed out that there were some current restrictions on Wolf Tree that the City had not be enforcing. She said the City would have to cut down the height of some of the trees and it would be painful to Wolf Tree because it would change the look of the area.

- B. **Planning Commission Goal Setting Discussion.** Tokos reviewed the memo from Spencer Nebel with the PC. Berman said that the sewer prioritizing schedule was incorrect. Tokos noted that Ad-Hoc Committees and City Departments would be aligning their goals with the Newport Vision 2040 goals for the next fiscal year. He said that non-City goals would be sorted by the new Advisory Committees and partners to figure out how to find the leads and feed into the process. Due to time constraints, Tokos requested the PC move the remainder of the Goal Setting discussion to the PC Regular Session agenda that evening. The PC was in agreement to do so.
- 4. **Director's Comments.** No Director comments.
- 5. **Adjournment.** Having no further discussion, the meeting adjourned at 6:57 p.m.

Respectfully submitted,

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Sherri Marineau,  
Executive Assistant

**Draft MINUTES**  
**City of Newport Planning Commission**  
**Regular Session**  
**Newport Recreation Center, Room 117**  
**Monday, December 11, 2017**

**Planning Commissioners Present:** Lee Hardy, Bob Berman, Mike Franklin, Rod Croteau, and Jim Hanselman.

**Planning Commissioners Absent:** Jim Patrick and Bill Branigan (excused).

**City Staff Present:** Community Development Director (CDD) Derrick Tokos, and Executive Assistant Sherri Marineau.

1. **Call to Order & Roll Call.** Commissioner Croteau called the meeting to order in the Newport Recreation Center at 7:00 p.m. On roll call, Commissioners Hardy, Berman, Croteau, Hanselman, and Franklin were present.

2. **Approval of Minutes.**

A. Approval of the Planning Commission work and regular session meeting minutes of November 27, 2017.

Croteau and Berman noted minor corrections to the minutes.

**MOTION** was made by Commissioner Franklin, seconded by Commissioner Berman to approve the Planning Commission meeting minutes with minor corrections. The motion carried unanimously in a voice vote.

3. **Citizen/Public Comment.** No public comments.

4. **Action Items.**

A. **Appointment of a Representative to the Newport Vision 2040 Advisory Committee.** Tokos explained that there would be 16 members on the AC that would meet on a quarterly basis. Croteau volunteered to be the representative.

**MOTION** was made by Commissioner Berman, seconded by Commissioner Hardy to appoint Rod Croteau as the Planning Commission representative to the Newport Vision 2040 Advisory Committee. The motion carried unanimously in a voice vote.

**MOTION** was made by Commissioner Croteau, seconded by Commissioner Hanselman to appoint Mike Franklin as the Planning Commission alternate representative to the Newport Vision 2040 Advisory Committee. The motion carried unanimously in a voice vote.

5. **Public Notices.** At 7:02 p.m. Commissioner Croteau opened the public hearing portion of the meeting by reading the statement of rights and relevance. He asked the Commissioners for declarations of conflicts of interest, ex parte contacts, bias, or site visits. None were heard. Croteau called for objections to any member of the Planning Commission or the Commission as a whole hearing this matter; and none were heard.

A. **File No. 7-MISC-17.** Tokos gave the staff report for File No. 1-MISC-17. He introduced Peter Roina, Newport Postmaster, to the PC. Roina said that in the early 90's they started to put all letters in order for mail carriers before they went out to deliver. He said the goal was to hit 95 percent and this had not happened yet. Roina noted that letters were harder for their machines to read than numbers were. He described how they liked to have numbers designated for different floors. He explained the way the odd and even addresses flip flop in the North and South directions, and said it made mail deliveries difficult.

Berman asked if there was any effort to notify the residents of old addresses to have them change their addresses. Roina said no as it would hurt the system more than help because of all the changes and forwarding of mail. Berman

asked what would happen when dealing with a new development. Tokos said they would look at the prevailing pattern in the area and keep it consistent. Roina said that Highway 20 was where the addresses flip flopped. Tokos said that everything was digitally mapped and it was clear what the patterns were.

Hanselman asked if the Post Office would be changing the address numbers that were already given. Roina said they wouldn't unless residents and the City said it was a problem. Franklin asked if this would be an issue for what was coming down the pipe for axillary housing. Tokos said it would help prospectively. Hardy asked if the Postal Service scanner was outdated. Roina said the system for the carriers was up to date. Hardy asked what the problem was with the scanner. Roina said when the Intel barcode at the bottom of the mailer was first passed through, the machines would spray on a barcode based off of what address it read. This was where the errors tended to come from. The machines were from the early nineties and the Post Office was not in a position to buy new machines.

**OPPONENTS:** None present.

Hearing closed at 7:19pm

Hanselman said he saw the glitches but was good with it. Franklin saw no issues but saw a problem with fixing everything all at once. He suggested reaching out to residents. Roina asked how long it would take the City to change addresses if they contacted residents to change to numerical. Berman read the Municipal Code that said the Community Development Department could do the change. Tokos said doing it retroactively for all would be a problem but could be adjusted more easily on an ad hoc basis. Hanselman was concerned that a resident trying to change their address with all their contacts wasn't as easy as it seemed. Roina said mailings would be delivered for a year at both addresses to make these updates. Tokos told Roina to send a list of addresses with issues to the City to address and engage owners. Hardy had no issues.

**MOTION** was made by Commissioner Franklin, seconded by Commissioner Branigan to approve File No. 7-MISC-17. The motion carried unanimously in a voice vote.

## 6. New Business.

**A. Planning Commission Goal Setting Discussion.** Tokos reviewed the goal setting document he handed out to the PC. He reviewed the Storm Drainage and Wastewater Summary Goals for Fiscal Year (FY) 2017/2018, FY 18/19 and beyond, and the Vision 2040 Strategies. He reviewed how the strategies on the Vision 2040 applied to the PC goals. Croteau asked if there were any Hospital goals under the health aspects. Tokos said they would be working with the hospital on this over the next couple of years. He said one goal would be to insure resources to facilitate and insure the project was done in a timely manner. He said the service side was outside of what could be done. A discussion ensued regarding attracting medical professionals to rural areas.

Tokos reviewed the Airport Master Plan goals with the PC. He said they should be completed by the end of the year. He said the seismic studies would be done by the end of the FY. Tokos then reviewed the Park System Master Plan goals.

The Transportation System Goals were covered next. Tokos noted that the FY 18/19 and beyond were not updated on the copy presented to the PC at the current meeting. He said that the alternate bridge would be a part of the TSP.

Tokos reviewed the System Development Charges and Affordable Housing package. He noted that it was completed. Berman asked what the status of vertical housing was. Tokos said they were waiting to hear from Oregon Housing Community Services on how it should be implemented on a local level. Urban Renewal and Vacation Rental Goals were covered next. Tokos noted that there would be a quarterly City Council meeting to discuss progress on goals.

Tokos asked the PC if they wanted to see other things added to the goals. Franklin asked about adding the Parking Study. The PC agreed it should be included. Franklin said he wanted the City to consider other things besides metering. He suggested an increase of off-street parking fees. Croteau asked Franklin to clarify what his issue was with metering. Franklin said his concern was with the meters. Croteau suggested presenting it to the public as paid parking not meter parking. Tokos said metering was part of the proposal and there would be a pallet of fee types. Croteau suggested giving the rationale for metering to the public. Tokos said he would add it to the goals.

## 7. Unfinished Business.

A. **Advertisement for the Planning Commission's Vacation Rental AD-Hoc Advisory Committee.** Tokos reported that the advertising for the VRD AC had gone out. He asked the PC on their thoughts on when to hold the interviews. Croteau said to wait and see what the response was, then schedule them during an evening meeting. Berman asked if the PC Work Session meeting could be scheduled on a different date. The PC was open to doing a special meeting for interviews. Croteau wished the PC would have seen the advertisement letter before it went out.

Tokos asked for suggestions on a PC representative to the AC. Berman thought Croteau would be a good choice. Hanselman was open to volunteering.

**MOTION** was made by Commissioner Franklin, seconded by Commissioner Hanselman to appoint Jim Hanselman as the Planning Commission representative on the Vacation Rental Ad-Hoc Committee. The motion carried unanimously in a voice vote.

Tokos noted that Hardy suggested getting someone with a legal background or with an insurance liability issues on the AC. Franklin asked for recommendations for people who could fill that role. Tokos suggested Jeff Waarvick. Hardy suggested Adam Springer and Judge Goodwin. Tokos suggested Richard Diaz. He said the AC would want someone who had familiarity with land use concepts. Berman suggested Brian Haggarty.

Croteau said it would be useful to have a PC alternative for the AC. Hanselman suggested that Croteau be the alternate. Croteau said he was comfortable doing it unless another PC wanted to do it. Berman suggested Branigan. Franklin said he had no time in his schedule to do it. The PC was comfortable with Bill Branigan being the Vacation Rental Ad-Hoc Committee alternate. Tokos reminded the PC that the VRD code process wouldn't have a consensus and would have majority views. Croteau stressed that the AC would need to have clarity on transparency.

Croteau gave a briefing on the CC vote on the VRD moratorium held on December 4<sup>th</sup>. He noted that Goebel had statistics from the CDD saying 24 of the VRDs were owned by Newport residents. Tokos explained that Goebel counted the numbers on his own. Franklin asked about the permit status on the Olive Street new residential permits. Tokos said the permits had not been pulled and the owner would have to do a design review if they went forward.

The PC agreed that they preferred evening meetings for interviews. Tokos would do a Doodle Poll to give the PC choices on dates.

8. **Director Comments.** No Director's comments.

9. **Adjournment.** Having no further business, the meeting adjourned at 8:22 p.m.

Respectfully submitted,

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Sherri Marineau  
Executive Assistant

## Sherri Marineau

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**From:** Derrick Tokos  
**Sent:** Thursday, January 04, 2018 12:29 PM  
**To:** Sherri Marineau  
**Subject:** FW: Update on BiOp RPA implementation schedule  
**Attachments:** ATT00001.txt

Sherri,

Please add this to the Planning Commission Agenda under unfinished business. It should be titled “DLCD Update on FEMA Implementation Plan Related to Endangered Species Act Litigation”

Derrick

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**From:** Dlcd\_esa\_workgroup [mailto:dlcd\_esa\_workgroup-bounces@listsmart.osl.state.or.us] **On Behalf Of** Punton, Amanda  
**Sent:** Friday, December 29, 2017 1:48 PM  
**To:** 'Dlcd\_esa\_workgroup@listsmart.osl.state.or.us' <Dlcd\_esa\_workgroup@listsmart.osl.state.or.us>  
**Subject:** [Dlcd\_esa\_workgroup] Update on BiOp RPA implementation schedule

Recently FEMA Region X provided DLCD an update on their schedule for implementing the interim measures in the Biological Opinion on NFIP implementation in Oregon (BiOp).

- 1) FEMA will be requesting an extension for implementing the interim measures. The BiOp expected that interim measures would be implemented by March 15, 2018, and FEMA proposes to extend this by at least a year.
- 2) FEMA will send a draft implementation plan, including a model code, to DLCD on or about February 15, 2018 for initial feedback. We'll post it online as soon as we receive it, and submit our first round of comments by mid-March.
- 3) After they consider the initial comments, FEMA will begin a formal review of the draft implementation plan under the National Environmental Protection Act (NEPA). This will include more opportunities for public comment, and will take at least 9 months.

The NEPA review will result in a finding of no significant impact (FONSI), or a finding that a full Environmental Impact Statement (EIS) is needed. With a FONSI decision, FEMA will begin implementing the interim measures in the spring of 2019 by giving directives and guidance to NFIP communities on how to review floodplain development permit applications for compliance with the Endangered Species Act. FEMA will establish a schedule for local governments to meet the new directive, allowing one year or longer from the date FEMA publishes final guidance.

If the NEPA process results in a finding that a full EIS is needed, the implementation schedule would be postponed for at least another year to prepare the EIS.

### In the short term

During the short review window (roughly February 15 – March 15, 2018), DLCD will distribute the draft implementation plan to give NFIP communities a chance to comment. All we know about the plan is that it will likely be structured similar to the “3-door” approach used in Puget Sound. We do not know how closely FEMA will stick to the mitigation standards described in RPA Element 2 A-B. We also do not know if the draft plan and model code will reflect recommendations developed by the workgroups or the comments submitted by the state.

We suggest that local governments be ready to review the draft plan when it is released around February 15<sup>th</sup>. We will provide forums in which to discuss the draft between February 21<sup>st</sup> and 28<sup>th</sup>, likely on-line meetings.

Thanks for your continued engagement in this important issue.

More information on the NFIP federal consultation and the Oregon BiOp is available on [DLCD's NFIP BiOp web page](#).

**Amanda Punton** | Natural Resource Specialist  
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# Tentative Planning Commission Work Program

*(Scheduling and timing of agenda items is subject to change)*



## January 8, 2018 Work Session

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- Finalize Vacation Rental Ad-Hoc Committee Interviews
- Review Draft Amendments to NMC 14.22 Airport Protection Overlay
- Discuss Desired Outcomes for DLCD Tsunami Resiliency/Time and Distance Modeling Project

## January 8, 2018 Regular Session

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- Elect Chair and Vice Chair
- Confirm Appointments to the Vacation Rental Ad-Hoc Committee

## January 22, 2018 Work Session

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- Scope of Work for South Beach US 101 Refinement Plan
- Review Updated Recommendations and Outreach Plan for Parking Study

## January 22, 2018 Regular Session

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- Public Hearing on Airport Comprehensive Plan Amendments

## February 12, 2018 Work Session

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- Draft Major Amendment 13 to South Beach Urban Renewal Plan
- Stormwater Master Plan Update/Draft Amendments to Public Facilities Element

## February 12, 2018 Regular Session

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- Public Hearing on Amendments to NMC 14.22 Airport Protection Overlay
- Placeholder for Public Hearing on Height Adjustment – Wyndhaven Ridge Apartments

## February 26, 2018 Work Session

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- Wastewater Master Plan Update/Draft Amendments to Public Facilities Element
- Draft Ordinance Amendments to Implement Parking Study Recommendations

## March 12, 2018 Work Session

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- Placeholder for Review of Ad-Hoc Committee - Proposed Amendments to VRD/B&B Ordinance
- Draft Ord. Adopting FIRMs and NMC Chapter 14.20 Flood Hazard Amendments (new maps)
- Placeholder for Northside TSP Scope Refinement with Selected Consultant

## March 26, 2018 Work Session

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- Placeholder to Discuss Further Amendments to Nye Beach Design Review Overlay
- Placeholder for review of DLCD time and Distance Modeling and Overlay Zone Provisions

## March 26, 2018 Regular Session

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- Public Hearing on Amendments to Comp Plan Public Facilities Element (Stormwater)