

MINUTES
City of Newport Planning Commission
Regular Session
Newport City Hall Council Chambers
Monday, November 27, 2017

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

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

1. **Call to Order & Roll Call.** Chair Patrick called the meeting to order in the City Hall Council Chambers at 7:01 p.m. On roll call, Commissioners Hardy, Berman, Croteau, Patrick, Hanselman, Franklin, and Branigan were present.

2. **Approval of Minutes.**

A. Approval of the Planning Commission work and regular session meeting minutes of November 13, 2017.

Croteau noted minor corrections to the minutes.

MOTION was made by Commissioner Croteau, 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. **Public Notices.** At 7:02 p.m. Chair Patrick 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. Croteau reported a site visit. Patrick 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. 1-ADJ-17 (Continued).** Patrick opened the Public Hearing to continue testimony for File No. 1-ADJ-17. Tokos presented the staff report. He noted that he prepared the Final Order if the PC was in support of an approval. Tokos reported that 10th Street was substandard and was an item the City Manager would be reporting on to the City Council in December 2017.

PROPONENTS: Ralph Klein of Newport addressed the PC. He encouraged the PC to approve the hearing without delay.

OPPONENTS: Gene Nez of Newport addressed the PC. She asked if the hearing was approved, would it impeded the road improvement. Tokos said that there was no connection to the road improvement and it would be determined at another time.

Richard Dammier of Newport addressed the PC. He presented aerial photographs of the property. He said the surveyor put the stake 50 feet from Dammier's property line which he thought would make the adjustment a zero setback. Dammier said that the PC should wait to determine the adjustment to see what the City does with the street. He wanted the centerline determined before the adjustment was done. Patrick asked if Dammier had a survey of his own property. He said there was a survey done when he bought the house 30 years before and was in the deed. He said Klein's surveyor put in a stake 12 feet from the edge of the carport. Patrick said it might have been a reference mark. Dammier asked how the setback adjustment could be determined based off of 12 feet. Tokos said the stake on the property line would be used to verify the lot line when construction begins. Dammier thought the surveyor stake was 10 feet further into the road. He thought the surveyor messed up when putting in the stake resulting in Reid gaining an extra 10 feet. Dammier requested the PC wait until the street center point was determined before making a decision on setback lines.

Franklin asked if it was possible that the street was 50 feet wide. Tokos said no, it was a 60 foot right-of-way. Patrick asked for a clarification on what Klein was asking for. Tokos said they were looking for a garage setback reduction of eight feet, which would mean a setback of 12 feet. Berman asked if all of the deck would be covered. Tokos said that a portion of the bridge would still be exposed. Franklin asked if the ROW was in the middle of the bridge. Tokos said no, and referenced that Attachment "D" in the packet illustrated where it was placed. He noted that if the road was developed, it would be up to 36 feet wide, never 60 feet. The 60 feet was for utilities, sidewalks and other things that would be put in. Berman asked if the a new road would be placed on the centerline. Tokos said it depended and many times it was based on things such as terrain. Dammier thought this was why the PC should wait until the road was developed. Tokos said if the PC approved the adjustment, they would be basing their decision on the submitted survey. Klein would be held to the survey and would have to prove the carport was 12 feet from the property line.

REBUTTAL: Ralph Klein of Newport addressed the PC. He said he met the requirements for the adjustment and asked the PC to approve. Croteau asked how long the structure was. It was 12 feet with some deck exposed. Klein said if the City wanted to build to 60 feet and pay him for an easement, he was willing to negotiate.

Hearing closed at 8:36 pm

Hardy had no questions or comments. Berman thought the street situation was unfortunate and hoped Public Works would analyze the situation and come up with something that would satisfy all the parties. He felt the applicant met the requirements and thought it should be approved. Croteau agreed. Franklin agreed and reiterated that Klein had an agreement to hold to the survey. Hanselman said it was unfortunate it couldn't be determined between 50 feet and 60 feet and felt the owner met the requirements. Branigan said he didn't have anything to add. Patrick said he wasn't sure what the PC was using as the rationale. He asked why they were considering a 40 percent setback when there was complaints about setbacks in Nye Beach. Tokos said it was a carport without a door or opening and not the same as a garage. Berman said the sole purpose was to protect the bridge. Patrick was concerned the carport would be turned into a garage. He said it would be a code violation and wanted it on record that the approval was just for a carport.

MOTION was made by Commissioner Croteau, seconded by Commissioner Branigan to approve File No. 1-ADJ-17 with conditions. The motion carried unanimously in a voice vote.

Franklin asked if the carport design would come to the PC for review. Tokos said it would not. Dammier requested a copy of the plans of what would be built. Patrick said he could look at it when Klein submitted the plans for a permit. Dammier requested a copy of the survey. Tokos said they would give him a copy of this along with a copy of the final order.

B. File No. 6-Z-17. Patrick called for the staff report for File No. 6-Z-17. Tokos presented the staff report. He noted that no public comments were submitted. Tokos said he wanted to be clear that there would not be a comprehensive plan change needed at that time but there could be one down the road as a City initiated change. He felt the criteria had been met.

PROPOSERS: Rich Belloni of the Lincoln County School District asked the PC if they had any questions. Berman asked if there were any structure across the crosswalk. Belloni said there was not.

OPPOSERS: There were no proposers present to testify.

MOTION was made by Commissioner Croteau, seconded by Commissioner Franklin, to approve File No. 6-Z-17. The motion carried unanimously in a voice vote.

5. Action Items.

A. Motion to Initiate Amendments to the Public Facilities Element of the Comprehensive Plan Related to the Airport Master Plan.

MOTION was made by Commissioner Croteau, seconded by Commissioner Hanselman, to initiate amendments to the Public Facilities Element of the Comprehensive Plan Related to the Airport Master Plan. The motion carried unanimously in a voice vote.

6. New Business. No new business.

7. **Unfinished Business.** No unfinished business.
8. **Director Comments.** No Director's comments.
9. **Adjournment.** Having no further business, the meeting adjourned at 7:51 p.m.

Respectfully submitted,



Sherri Marineau
Executive Assistant