Minutes
City of Newport Planning Commission Regular Session
Monday, December 13, 2010

Commissioners Present: Jim Patrick, Mark Fisher, Melanie Sarazin, Glen Small, Rod Croteau, and John Rehfuss.

Commissioners Absent: Gary East.

City Staff Present: Community Development Director (CDD) Derrick Tokos and Senior Administrative Assistant Wanda Haney.

Chair Patrick called the meeting to order in the Council Chambers of Newport City Hall at 7:03 p.m.

A. Approval of Minutes.

1. Approval of the work session and regular session Planning Commission meeting minutes of November 22, 2010.

MOTION was made by Commissioner Sarazin, seconded by Commissioner Fisher, to approve only the Planning Commission work session minutes from November 22, 2010, as the Commissioners were missing a page of the regular minutes and will postpone approval of those until the next meeting. The motion carried unanimously in a voice vote with Commissioner Rehfuss abstaining because he was not at that meeting.

B. Citizen/Public Comment. No comments regarding non-agenda items.

C. Consent Calendar.

1. Final Order for File No. 3-NCU-10. Final Order approving a request submitted by Newport Church of the Nazarene (Dean Coppage, Coastal Project Consultants, authorized representative) for expansion/alteration of a nonconforming church use and structure in a residential (R-2) zoning district in order to construct a fenced outdoor children's playground, partially covered with a temporary wet weather cover, on the west side of the existing building on church grounds at 227 NW 12th St. The Planning Commission held a public hearing on this matter on November 22, 2010.

MOTION was made by Commissioner Fisher, seconded by Commissioner Sarazin, to approve the final order for File No. 3-NCU-10 as presented. The motion carried unanimously in a voice vote with Commissioner Rehfuss abstaining because he had not been present for the public hearing.

D. New Business. No new business to discuss.

E. Public Hearings.

Chair Patrick opened the public hearing portion of the meeting at 7:07 p.m. by reading the statement of rights and relevance. He asked the Commissioners for declarations of conflicts of interest, ex parte contact, bias, or site visits. Fisher, Sarazin, Rehfuss, Croteau, and Small all made site visits. Patrick made a site visit to the location of the second hearing. Patrick asked for objections to any of the Planning Commissioners or the Commission as a whole hearing this matter; and no objections were heard.

Quasi-Judicial Actions:

1. File No. 3-ADJ-10. A request submitted by Dale & Mary Brewster for approval of an 8-foot (40%) adjustment to Section 2-3-2.015/"Garage Setback" of the Newport Zoning Ordinance (NZO) (No. 1308, as amended) in order to allow construction of an addition to an existing garage that would result in a garage setback of 12 feet rather than the required 20 feet at 907 NE Eads St. (Assessor's Map 11-11-05-DB, Tax Lot 9901).

Patrick opened the hearing for File No. 3-ADJ-10 by reading the summary from the agenda. He asked for the staff report. Tokos noted this application came before the Commission with a different proposal in File No. 2-VAR-10 where the applicant had asked for a 70% variance, and the Planning Commission denied the request. Since then, the applicant has scaled back and modified the garage addition and has come back under this application for an adjustment, which allows more modest type of changes under a different set of criteria. The staff report spells out three different adjustments. First, is to the 20-foot garage setback, which will be 12 feet instead. The next adjustment is to the second front yard, which is more an interpretation and how it has been applied historically. The language says 30 feet total, and the way staff has applied the regulation in the past is a combination with not less than 10 feet on either side. The applicant is going down to 7 feet, which is 30%. Tokos said the other

way to look at Table "A" is as long as they have a combined 30 feet. The applicant's setbacks of 7 feet on one side and 23 feet on the other are consistent with a total of 30 feet. The determination is whether Table "A" allows them to go under 10 feet. This can be justified as an adjustment because it is still 30% and is within the threshold. Lastly, the applicant showed extending 5-foot eaves into the setback. There is an eave limitation on how far they can set it within the setback, which is 24 inches. The maximum that the Commission can grant as an adjustment is 33.6 inches. Tokos gave the criteria for adjustments. He noted in the staff report that the Commission needs to look at the cumulative effect of all of the adjustments. Tokos noted in the analysis that the information from the applicant is sufficient to demonstrate that they can qualify for an adjustment. The applicant is on a corner lot. The extension is not taking the structure closer to neighboring property. Some of the aspects of what we are looking for under general setbacks are not going to be impacted by this adjustment. In terms of garage setback, they have secondary accesses that they already utilize. They have said they can live with the condition that they can't park in front of the garage. With the conditions called out in the staff report, they have established that they meet the criteria. The applicant has surveyed the property, which insures that they are not going to build on neighboring property. They know they can meet these dimensions. There is adequate fire access. They have information that will allow the Commission to grant the adjustment equally meeting objective in the code. Rehfuss asked about where the eave is, and Tokos noted that Attachment "A-2" shows a 5-foot cantilevered roof. Fisher asked if the other owners of the residences on the cul-de-sac were notified. Tokos said that the owners of record were notified and no comments were received from neighbors.

Proponents: The applicant, Mary Brewster, 907 NE Eads, Newport, came forward in support of their application. Brewster noted that they are going with an adjustment since the variance didn't pass. She said this will not have a negative impact on neighbors. They will be getting more vehicles in the garage. Commissioner Small asked what the purpose of the eaves was. Brewster explained that because the garage faces toward the south, it's to keep rain out when the door is open and her husband is working on something. There were no other proponents present wishing to testify.

Opponents or Interested Parties: There were no opponents or interested parties present wishing to testify.

Chair Patrick closed the hearing at 7:20 p.m. for deliberation. Sarazin agreed with the staff report that this qualifies for an adjustment. She noted that when the Commission denied the variance, they asked the applicant to come back with other plans. Sarazin agreed that the eave needs to be back to 33.6 inches to meet the criteria. Otherwise, she believed that the adjustment is more feasible than a variance. She thought this request should be approved. Rehfuss said that he was inclined to deny the request because he believed it doesn't meet criteria 1 and 2. He didn't believe this better meets the purpose or that impacts have been mitigated to the extent possible. Rehfuss thought most of the problem is the use the applicant chose for the property rather than the property itself. Croteau believed that with the conditions, allowing 7 feet instead of 10 satisfies the intent. He believed the request meets everything to provide them with an adjustment. Croteau said he could be comfortable with approving the request. Small said that his concern was with the first criterion and parking of vehicles on the approach to the garage; which would be a hindrance and a nuisance there. He said that was the reason for his question about the overhang and if the intent was to provide a covered work area. Then vehicles would likely be parked there. But the applicant indicated it was just for weather concerns. Small agreed with Sarazin in going back to 33.6 inches rather than a 5-foot overhang. With that condition, he would be inclined to vote for the request. Patrick believed the request mostly meets the criteria. He agreed about the overhang being back to 33.6 inches. He believed the setback meets the spirit of adding up to 30 feet. Patrick was willing to allow the adjustment under that. Fisher noted that if the owners of the properties on that cul-de-sac had complained, he might have an issue; but since none of them did, he would also go along with what Sarazin had said.

MOTION was made by Commissioner Fisher, seconded by Commissioner Sarazin, to approve the request in File No. 3-ADJ-10 with the five staff recommendations. The motion carried in a voice vote with Commissioners Fisher, Sarazin, Small, Croteau, and Patrick in favor, and Commissioner Rehfuss opposed.

2. File No. 11-CUP-10. A request submitted by the Newport Church of the Nazarene (Dean Coppage, Coastal Project Consultants, authorized representative) per Newport Zoning Ordinance Section 2-2-1.025/"Residential Uses" of the Newport Zoning Ordinance, for approval of a conditional use permit in order to construct a 140' x 80' 2-story steel-framed metal building on church property fronting NW Grove Street between NW 10th and NW 11th Streets for use as a community outreach/recreational facility. The subject property consists of Tax Lots 2500, 2600 & 2700 of Lincoln County Assessor's Map 11-11-05-CA (fronting NW Grove Street between NW 10th and 11th Streets) and is located in an R-2/"Medium Density Single-Family Residential" zoning district. Per NZO Section 2-2-1.025(D)(8), church uses are permitted in the R-2 zone following the issuance of a conditional use permit.

Patrick opened the public hearing for File No. 11-CUP-10 at 7:25 p.m. by reading the summary from the agenda. He asked for the staff report. Tokos noted that the staff report outlined the criteria and included findings and analysis on how the application meets these criteria. Tokos listed the criteria. He said that the major issue involves public improvements needed for storm drainage and parking. Grove Street is gravel that will need to be paved to 2/3 of its width (about 22 feet) with curb, storm drainage, and sidewalk. Sidewalk will also be installed on 10th Street. Tokos noted that the applicant has been clear that they are prepared to make these improvements. There is analysis in the staff report explaining that there needs to be a rational connection with what the applicant is doing. There will be traffic drawn to this area, and the streets are not in a condition where they are appropriate for that right now. Tokos said the Commission can look at the subdivision code for new development. It is very

easy to find a direct connection between what impacts the proposal will have and the need for street improvements. Tokos noted that the storm drainage, as can be seen from the site plan, is a private system that crosses the applicant's property. One of those lines that flows from the northeast to the southwest would be abandoned and a new line taken down Grove Street to connect with city services. The proposed building would be on the line coming in from the west, and Public Works would be concerned about that. They believe that the applicant should relocate that line. It could be placed in the easement and be a part of the public system. The applicant said they could look into that. Tokos said that parking was the biggest challenge. Based on an assembly occupancy, 114 spaces are required. The applicant fell short of that. They brought in a site plan showing what they can do with adjacent properties they are about to close on. That will get them some additional stalls. They can't count the right-of-way, because that hasn't yet been vacated. Assuming that right-of-way vacation doesn't happen, there are 25-30 spaces anyway. The balance would come from shared parking arrangements with the church property to the north. They outlined in a memo why they believe that will work. They are prepared to do crosswalk improvements on NW 11th so the people can safely get back and forth between the two venues. During church services, people will park there and cross. Tokos said that the applicant has provided enough information to show that they have addressed the parking criteria. Tokos said that the conditions in the staff report are consistent with what he has been talking about. Rehfuss asked about the building being metal. Tokos said that they are not in a design overlay and are free to construct the building out of whatever material is appropriate. Construction materials used in that area vary. Fisher said that he sees Grove Street once it opens as being used by all citizens, and he doesn't believe that a 22-foot wide paved street is enough. Tokos said that 36 feet would be typical, but we rely on the City Engineer's expertise; and in his view, 22 feet would be adequate. Fisher said that he thinks we need to be sure on the width. Tokos said that the Commission needs to determine if what we are asking for is roughly proportional to the impact of what they are bringing to the community. Tokos agreed that we typically don't do half-street improvements. The other property is already developed. When it is redeveloped, we could ask for the additional pavement. The City Engineer addresses the impact on the applicant's side of the street, and feels that full street width is unnecessary at this time. In reply to questions, Tokos noted that there will be curb and sidewalk on the applicant's side of Grove Street and on 10th Street.

Proponents: Dean Coppage, 1130 NE Voyage Ave, Lincoln City, agent for the Church of the Nazarene, came forward to explain the request. First, he addressed the Grove Street improvement issue. He noted that the reason that the church is not undertaking paving that entire width is that the City Engineering Department needs to install a new sanitary sewer line on the east side of Grove Street running north and south. They are connecting to a line to the south in 10th Street. The City doesn't have funds for installation in their budget at this time, and that new sewer line is shown as future work. Coppage said that is the reason the church originally only figured to do half of the street, and then Lee Ritzman said 22 feet, or 2/3 of it. Coppage said the church doesn't have a problem with that. He said it would be nice if Grove Street was improved on both sides at this time, but the City is not in a position to do that sewer line at this time. Coppage noted that several drawings have been submitted to the Public Works Department, and the engineers are going over them now. The church has included everything that the City has asked. He said the only thing is the one storm drain line running north and south down the alley easement that, as it approaches the south end, cuts across and hits an existing manhole. He said it's not impossible to move that out from underneath the corner of the building. Lee Ritzman has indicated that the line between 10th and 11th that runs down that alley would be entirely the responsibility of the church; the City is not in a position to accept it as a city utility. That line does connect with other storm lines north of 10th Street. Coppage said that the church doesn't have a problem with that. They will certainly take a look at it if it's one of the conditions. Regarding the other point raised about parking, a small group of volunteers within the church have taken up the effort to purchase three of the four lots to the west of that 20-foot alley (on the east side of Nye Street). Coppage said that he received an email that contracts have been approved for the purchase of those three lots. Those three lots will be donated to the church. That gives them the ability to use Tax Lot 2100 at the corner. Several engineers drew up plans using that lot for parking, making improvements on NW Nye to access that. The church will improve a crosswalk across 11th. The church has asked for years to put in a crosswalk on 11th. Comments from the police department have indicated they are willing to look at that. The church is willing to make those improvements. Parking will need to be pulled back from the crosswalk on both sides of the street so no one gets hit when they step out. The other thing it that the church is moving forward with making application to petition the City to abandon the 20-foot alleyway. The application has been signed, a check has been cut, and a new title report has been received. The last thing they have to do before turning in the application is to actually get affidavits signed by the property owners adjacent to that easement. Each one has to be notarized, which they are working on. If there is a positive outcome to that vacation, the new parking lot they are proposing on Nye and 11th can come completely across the north end of what was the alley easement and tie those two parking lots together. Rehfuss asked how they plan to paint the building. Coppage said the building that has been designed is conceptual. The actual building size, height, and interior room arrangement is as shown on the plans. The church is interviewing architects to actually do an architectural set of plans for the building. He said the building will likely be painted some light hue that would be compatible with surrounding buildings in the area. There could be some stone or block on the building. Croteau asked where approximately the crosswalk would be. Coppage explained that looking at the alley easement running north and south, go to the west 10 feet of that easement and then come back east. He said the reason for it being there is that it is directly across from a glass door that comes out of the main building. If the police department said no to that, they could do it center of the block. That is where it is shown on the drawing in the packet. Croteau asked what exists in that alleyway now, and Coppage answered that the only thing is storm drain line that the church installed. He explained that the property was a canyon when the church bought it, and they cleared and filled it and tied in the storm drain. Running north and south they are also bringing in a 24-inch line that dumped into the east side of the property underneath Grove Street. Small asked if acquiring the additional lots will require rethinking drainage. Coppage explained that what has been a gravel parking lot between Grove Street and the 20-foot alley will be paved. They show storm drainage in those parking lots that

ties into a new line on the west side down Grove Street. All will have internal drainage. Small asked if the building will have a metal exterior. Coppage said that the conceptual plan now shows metal siding on the building with wainscoting toward the bottom. The north end of the building will be 12 feet higher than that facing Grove Street. The front mezzanine will be accessed from the north end new parking lot; the other part down Grove Street. The church has also worked with fire marshal Toby Cole and the fire chief; and the drawings reflect their issues. There are fire plugs, a stand pipe, and accesses for fire trucks. There were no other proponents present wishing to testify.

Opponents or Interested Parties: There were no opponents or interested parties present wishing to testify.

Patrick closed the hearing at 7:55 for deliberation. Small thought it was a good plan. He said that the applicant has thought through this well. He said it obviously will be a benefit to the church if done well. Small was concerned with some stipulations in the conditions. One was the requirement to pave the street to 2/3 width. He said that he took the opposite view than Commissioner Fisher. He wondered if it is necessary. The church's willingness to address this alleviates his concern. Small is in favor of the project and approving the conditional use. Croteau said it is a good-sized building that raised a lot of issues about traffic and landscaping. He thinks issues can be adequately addressed, and the criteria have been met. Rehfuss said the church has been a good neighbor. He has no problem with it as long as they meet staff recommendations. Fisher still has a problem with the street being partially paved, but, at the same time, he has great respect for what this church has done. Fisher is in favor of the facility and, other than the street, is in favor. Sarazin had the same concern about the street as Fisher, but questioned whether it is reasonable at this time to require the church to do more when the city can't do their part. She would like to see a mutual effort between the city and the applicant. Patrick thinks the request meets the criteria; however, he is concerned about them getting the needed parking spaces. If they don't vacate the street, it is hard to get the parking. Sarazin said that even now activities the church has go beyond the parking lot. She said the parking problem is already there and the hours of operation are similar. Tokos agreed that they would need to get those spaces. He thinks they can get a lot off those added lots even if they're not successful in the street vacation. Patrick said that other than that, he is in favor.

MOTION was made by Commissioner Rehfuss, seconded by Commissioner Croteau, to approve the conditional use permit requested in File 11-CUP-10 with the staff recommendations. The motion carried unanimously in a voice vote.

Legislative Actions:

1. File No. 4-Z-10. A request submitted by the City of Newport for approval of legislative text amendments to the Newport Zoning Ordinance (NZO) (Ordinance No. 1308, as amended) as part of a comprehensive Zoning Code update that proposes revisions to Sections 2-4-2 ("Accessory Uses and Structures"), 2-4-13 ("Home Occupations"), and 2-6-8 ("Enforcement"). Changes to the accessory use rules clarify the process for determining when a structure is accessory to a primary use, provide for placement of accessory structures on parcels or lots adjacent to the primary use, and allow for larger structures if they meet setbacks. Updates to the home occupation rules eliminate outdated requirements, clarify standards, and add revocation provisions if standards are not followed. Updates to the enforcement language clarify that code enforcement staff may inspect properties at reasonable times. The Planning Commission will forward a recommendation on this matter to the City Council.

Patrick opened the public hearing for File No. 4-Z-10 by reading the summary from the agenda. He asked for the staff report. Tokos said that Patrick had given a good summary of what this package entails. The packet included a markup of what the Commission had worked on in work sessions in August, September, and October. Tokos said this package is ready to move on to the City Council.

Comments from Interested Parties: There was no one present wishing to comment on this item.

Patrick closed the public hearing at 8:02 p.m. for deliberation. Rehfuss thought the Commission has to send this on to the Council. Croteau said the Commission has put effort into this and came up with a good product. Small agreed. He noted that the home occupancy section in the existing code didn't anticipate the trend of e-commerce and working at home. He said this is a good update. Fisher, Sarazin, and Patrick all agreed.

MOTION was made by Commissioner Rehfuss, seconded by Commissioner Fisher, to forward a favorable recommendation for File No. 4-Z-10 on to the City Council. The motion carried unanimously in a voice vote.

F. Unfinished Business.

1. Further discussion regarding the Geologic Hazards code update. Tokos noted that on December 6th, the City Council remanded the geologic code update package back to the Planning Commission for on-the-record review of the materials for a recommendation specifically on how to address the moderate zone. After the Planning Commission made their recommendation, the City Council took additional testimony. There was a letter that came from the State Board of Engineering Examiners. They funded a subcommittee to explore this proposed update and submitted a letter stating that the reconnaissance form isn't going to

work for them. Their view is that engineering geologists have too much liability. In their opinion the reconnaissance is okay in lower risk areas, but they didn't feel it was appropriate in moderate zones. Tokos was trying to get a sense of when the Commissioners wanted to pick up this discussion. He noted that the Planning Commission will receive a copy of the record since they made their recommendation to the City Council. They can then review this information to get their arms around issues raised in testimony from the public and from the Board of Geologists. The Commission can have these materials within a week. The next meeting the Commission will have is January 10th. That is the earliest they could discuss this, or they can move it to January 24th. Tokos was looking for a sense from Commissioners when they wanted to pick this up for discussion. Following their review and discussion, the Commission will provide a recommendation to the Council on how to proceed with the moderate zone. Patrick said that he would like to have a work session and then hold the on-the-record review and discussion and make a recommendation in the public forum. The consensus was for staff to compile the record within the next two weeks and set a work session on January 24th. Sarazin asked if a redline copy of the code could be provided showing the adjustments made from the time the Commission had made their recommendation up to what it looks like now.

2. Further discussion relating to the parking code. Tokos noted that the City Council did adopt the change to the parking code and put in place the City Center parking district. This will be in effect in 30 days. Two of the three parking districts are formed. The Bay Front still hasn't initiated the process. If it's not formed, the City Council will have to decide if they want to increase the payment in lieu of fees as recommended.

One last thing Tokos wanted to ask was if the Commission would be inclined to move the next meeting from January 10th to another date. The consensus was Thursday, January 13th instead.

G. Adjournment. There being no further business to come before the Planning Commission, the meeting adjourned at 8:16 p.m.

Respectfully submitted,

Wanda Haney

Wanda Haney
Senior Administrative Assistant