

**MINUTES**  
**City of Newport Planning Commission**  
**Regular Session**  
**Newport City Hall Council Chambers**  
**Monday, July 24, 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 7:00 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 session meeting minutes of July 10, 2017.

**MOTION** was made by Commissioner Croteau, seconded by Commissioner Berman to approve the Planning Commission meeting minutes as presented. The motion carried unanimously in a voice vote.

B. Approval of the Planning Commission regular session meeting minutes of July 10, 2017.

Commissioner Berman noted that a change should be made to the motion of approval of the June 26, 2017 PC regular session minutes. It should read that Commissioner Berman moved to approved and Commissioner Hanselman seconded.

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

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

4. **Action Items.** No action items.

5. **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 and Branigan reported site visits. 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-SV-17.** Patrick called for the staff report for File No. 1-SV-17. Tokos presented the staff report. He explained the City wanted public streets to be in the right of way. Tokos noted that Dustin Capri was in attendance at the meeting and would speak about the undeveloped portion of Ferry Slip Road. The City Council initiated the Street Vacation during their April 3, 2017 meeting. There were no comments or concerns from ODOT. Public Works had a comment but was okay with it. He noted that there would need to be an amendment to the Aquarium lease concerning the street vacation.

**PROPOSERS:** Dustin Capri, Capri Architects, 747 SW 13<sup>th</sup> St, Newport, OR 97365. Capri stated that he could answer any questions the PC had. Branigan asked when the Marine Wildlife Center would happen? It is in the planning stage. It won't have any issues with the new Highway 101 interchange that was going into effect.

**OPPOSERS:** There were no opponents present wishing to testify; so rebuttal was waived.

Deliberations started at 7:12 p.m.

Commissioners Hardy, Berman and Franklin had no issues. Hanselman questioned the ease of access for the estuary with the change. It could be accessed by 26<sup>th</sup> Street behind Hatfield Marine Science Center. He hoped there would be no other challenges created by the action. A discussion ensued regarding access to the estuary. Branigan was familiar with the project and thought it made sense. Patrick asked why this wasn't done a long time ago. Tokos didn't know why it wasn't done at the time. Patrick was okay with it.

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

6. **New Business.** No new business.

7. **Unfinished Business.** Tokos reported that the Housing hearings went well with the City Council. They would be up for adoption on August 7, 2017. Tokos felt the new System Development Charges Methodology would get adopted. The Affordable Housing Construction Excise Tax may be approved and would put two housing programs in place. Tokos met with the County and they are on board with the tax exemptions. He is working with Wayne Belmont at the County to sort out the logistics.

Tokos reported that the CC had a discussion on the Nye Beach Design Review and the property at Olive and Coast Street. Patrick reported on what was discussed at the CC meeting. He said he felt it was a mistake to allow residential on the first floor. Patrick thought it should be a conditional use. The CC didn't want to see garages on the street. They chose to send the discussion back to the PC for their recommendation. Tokos will give a draft to the PC at the August 14, 2017 work session meeting and there will be a hearing on August 28, 2017. He will give an alternative that says anything less than a 20 feet setback could be permitted with a full design review. One Council member thought it should be a conditional use. This discussion was only concerning Commercial. A design review was for residential. It is a staff level decision because there are less than 50 vehicle trips generated with residential. Patrick said it was a case of unintended consequences and what happens when you don't think about what people are going to do with properties long term. Tokos said that the CC didn't really want the zero setback as an option.

Franklin asked if the package to the CC would include removing residential over commercial. It is not a part of the package. One Councilman wanted a moratorium on residential use at street grade in commercial districts, and zero setbacks. If this happened, it would mean a notice would have to go out for a public hearing to anyone who owned C-2 properties notifying them there was a moratorium in play. Patrick restated that the PC would be recommending whether they think there should be a zero setback or 20 foot setback. Franklin thought that he would rather see a 6-foot or 10-foot setback. Hanselman said this could mean that cars park across the sidewalk blocking them. Tokos reminded that everyone originally involved in the process understood that lots could be developed with single family homes and couldn't compel them to do shared access. This was discussed and captured in the minutes of the last ad hoc meeting where after they wrapped up their work, they discussed the six lots saying asking if the approved plan would be able to insure that these lots would have a small cluster homes with shared parking. The response was no. As soon there was a requirement of one off street parking space on each lot, there was a potential that there could be one home on each lot with its own driveway. Tokos reminded that there are other properties in the Nye Beach District that are zero setbacks without any problems.

8. **Director Comments.** Tokos informed the PC that he would have a State legislative summary at the next work session meeting. One relates to the Nye Beach area where the State is ratcheting down on required discretionary review of residential development. Currently, we have to provide a non-discretionary review for housing and cannot require a 100% design review. It had been limited to attached single family and multifamily projects. It would now be extended to mixed-use projects. The City would have to figure out how to accommodate residential over commercial in a non-discretionary manner. The State doesn't want local governments putting into place a design review that restricts residential.

Croteau asked if they CC didn't have great enthusiasm for the CETs. Tokos didn't think it was going to be unanimous because they were concerned on how the funds would be doled out. His thoughts were to start to frame it out and get specific recommendations from an advisory committee on how to use funds. Tokos thought some things could be handled in a non-discretionary way, on a program level as projects come up. There would be other funds that would need an annual review. We would be putting together a framework to start to collect funds and they would have time to figure out how to distribute the funds.

9. **Adjournment.** Having no further business, the meeting adjourned at 7:43 p.m.

Respectfully submitted,



Sherri Marineau  
Sherri Marineau  
Executive Assistant