Minutes
City of Newport Planning Commission
Regular Session
Newport City Hall Council Chambers
Monday, December 10, 2012

Commissioners Present: Jim Patrick, Rod Croteau, Mark Fisher, Bill Branigan, Glen Small, and Gary East.

Commissioners Absent: Jim McIntyre.

City Staff Present: Community Development Director Derrick Tokos and Executive Assistant Wanda Haney.

Audience Member Present: David Allen (public-at-large member of OPAC).

A. Roll Call. Chair Patrick called the meeting to order in the Council Chambers of Newport City Hall at 7:00 p.m. On roll call, Small, Croteau, Patrick, Fisher, East, and Branigan were present. McIntyre was absent.

B. Approval of Minutes.

1. Approval of the Planning Commission work session and regular session meeting minutes of October 8, 2012, the work session minutes of October 22, 2012, and the joint City/County Planning Commissions work session on November 26, 2012.

MOTION was made by Commissioner Fisher, seconded by Commissioner Croteau, to commend Haney on her note-taking and approve the Planning Commission minutes as presented. The motion carried unanimously in a voice vote.

C. Citizen/Public Comment. No comments on non-agenda items.

D. Consent Calendar. Nothing on the consent calendar.

E. Action Items. Patrick reversed the order of the action items from what the agenda indicated.

1. Initiation of text amendments to the Urbanization and the Public Facilities elements of the Newport Comprehensive Plan.

Having discussed this matter in the prior work session, there was no discussion. MOTION was made by Commissioner Fisher, seconded by Commissioner Croteau, to initiate text amendments to the Urbanization and the Public Facilities elements of the Newport Comprehensive Plan. The motion carried unanimously in a voice vote.

2. Consideration of amendments to the Territorial Sea Plan (TSP) and recommendation to the City Council on proposed wave energy sites and criteria for evaluation of wave energy proposals. Patrick noted that one part of this item is consideration of recommending the FINE letter, and the second part is whether to do anything about the visual piece. Tokos had a slide presentation to show how the visual fits into everything else and what was done with the visual. He noted that there are a lot of different resources and issues that have to be considered as part of the siting process. He presented a slide showing what those are. He noted that the visual is only a piece of that. Allen, in his public-at-large member of OPAC role, came forward to provide further information on the process. He noted that, as discussed in the prior work session, the area that we are focusing on for proposed sites is called the suitability study area. He said it is important for everyone to be aware that, even though there may be a lower threshold, Sections B and C of the Part 5 document have a great amount of regulatory standards that an applicant would have to comply with before putting anything in the water and are just as important. Allen noted on the slide that the light green description covers the study area (REFSSA – Renewable Energy Facility Suitability Study Area). Those are the areas with the lower standards that we are trying to guide developers into because there are not as many thresholds. He noted that even though there are lower planning thresholds, there are still a lot of regulatory requirements. Allen noted that the dark green description to the far right of the screen is the REPA (Renewable Energy Permit Area); those that already have some permit or authorization. Tokos confirmed that the dark green areas on the maps he showed in work session match up to the light green description, and the purple areas on the maps are the dark green in the descriptions. The visual assessment was set up in different classes. Most of Lincoln County territorial sea was put in Class 1, which adds another threshold. In the foreground and mid-ground, developers will have to pay attention to how high and how visual their devices are. The slides explained what the different acronyms mean. Tokos reminded the Commissioners that they had looked at a draft of the Part 5 document, the maps that were generated of the vision area, the detailed summary for scoring of each particular site. State Parks did Yaquina Head, and the local group did the others. A joint review team will have to review project applications. The Part 5 document contains the type of analysis that would have to be done. An applicant will have to do modeling and proposals. Tokos wondered if the Commissioners thought that the work done by DLCD to assign visual quality to these locations was appropriate and if it is being worked into the overall process in a manner that makes sense.

Allen noted that when they did classification levels and numeric scoring, 69% of the territorial sea came out Class 1; 30% was Class 2, so it is pretty highly valuable. He said that for any development that occurs in Class 1, the level of change to the seascape should be very low and not attract attention of the casual observer. In Class 2, with the criteria there, there may be some change and it may attract minimal attention. He said that there are high thresholds. When someone applies for space in Class 1 or 2, they have to do visual assessments. The JART is made up with locals and is part of that review process. He said that this is just a planning document, a general guideline. There are many other thresholds to deal with even on the visual.

Patrick said that as far as whether what they did was proper, he thinks they did a fairly good job. But about how they are implementing it, he doesn't know. He hasn't seen it yet. Tokos said that the Planning Commission doesn't need to provide a recommendation to the City Council at all. If they want to make a recommendation on the visual, they can limit it to how they made the scoring and not looking at the actual views. On page 5 of the Part 5 document where it talks about the JART process, number 3 says that it will include local representatives. There will be local representation, and that is important. Tokos thinks they did a very fine job in establishing the scoring. But, he thinks they are missing an opportunity when it comes to Class 1 and 2 by saying minimal, but not dominate the view of the casual observer. They could have said within ¼ mile or ½ mile there is nothing you can do on the water that won't stand out to the casual observer. They would rather that defining what it means to attract minimal attention gets sorted out later.

Allen said that a lot of thought went into this document. He said there was a lot of discussion about how prescriptive this document was going to be, or if it was just more guidelines and parameters; and have that more prescriptive at the regulatory level. The thought was not to make it too vague, but not too prescriptive so it becomes more regulatory. They chose to keep it a little bit open in case a developer has something even in close waters.

Croteau thought the scoring was okay, but said what troubles him a little is some of the scoring was done by the State and some by locals. Allen said that for state parks, there was a team from Parks and Recreation, DLCD, and a consultant. They were also part of the team for the local government process, which provided consistency. He felt that they came up with a generally consistent methodology and thought that generally everyone involved seemed comfortable.

[At 7:20 p.m., Commissioner Fisher had to leave the meeting due to another engagement.]

Croteau felt that the importance of the view shed needs to be emphasized. Also, fishermen losing 20% of the fishing grounds is important.

Allen said that the goal of this document and JART is how they anticipate this will be implemented. At the State level, this will be flushed out more with the regulatory rule making. Those agencies are waiting for this document to be implemented before starting that process. When they put the rule making together, they will know what it is they need to address.

Patrick said that the overall process looks okay, but the devil is in the details. When we finally get to doing this stuff is when we will find out. Branigan said that on the visual piece, most of Newport is scored a Class 1; but wondered if the scores are really locked in. Allen said they are not being reviewed; maybe in the periodic review in 7 years. Allen explained that the numerical scores reflect A, B, or C categories; and 19 or greater is an A.

Patrick said it is hard to write standards right now. Some of the Planning Commissioners or City Councilors may have to be on JART. He said that he likes the overall plan but can't make a comment on the actual implementation. He said he can't think of anything he wants to throw in there. Allen said local jurisdictions will have notification for public input once they start doing the rule making. Tokos said that the Commission could say they are comfortable with the methodology for establishing the view scores, but have an interest in seeing additional detail on how it will be applied. The City would like to be kept in the loop.
Allen said the process requires rule making hearings. After OPAC's recommendation, LCDC will hold hearings before they consider adopting the plan; which is scheduled January 24th in Salem. On January 22nd, there will be a hearings officer at the Newport Public Library from 5:00-7:00 p.m. to conduct a rule-making hearing to put public comment on the record for consideration.

As far as a recommendation, on the first issue, the consensus was that the Planning Commission was happy with the methodology for the visual assessment but is interested in additional detail on how it will be applied and wants to be kept in the loop. On the second part of the recommendation regarding the FINE letter, **MOTION** was made by Commissioner Small, seconded by Commissioner East, to forward to the City Council that the Planning Commission supports and encourages the Council to support the FINE letter as an addition to and support of the Part 5 document. Small added comments that this issue is moving ahead rather quickly; and the more that local jurisdictions weigh in, the better to help make sure it is still good for our community. He said that the more we speak with one voice and add to what the County did, the greater the benefit. Croteau thought that the context is appropriate. He likes the research emphasis. He noted that the fishermen already lost 20% of the fishing grounds to research, and that is an important economic issue. He said that he would rather send a strong recommendation than a weak one. He feels a strong approach is appropriate. Patrick said that looking further down the road, he thinks that the test area will turn into a production area eventually; there is nothing saying that it can't be turned into a commercial application; and it is further out at 5 miles. Branigan noted that we really don't know what the size and scope of the commercial wave energy devises

are. We have no detail to understand what they are planning on putting up. East said it sounds like there are plenty of safe guards initially. Patrick said that if we have a research area, we can also experiment in treating it as a fish farm and work on harvesting those fish that gather there. Croteau thought that we need to be forward looking for new technology; but be sensitive to industries we have that are successful.
The motion carried unanimously in a voice vote.

F. New Business. No new business.

G. Unfinished Business. No unfinished business.

H. Director's Comments. Tokos noted that he did submit an application for the 2016-2018 STEP grants. The one project was for South Beach involving the reconstruction of the intersection at 101 and 35th, including sidewalks, multi-use paths, Ferry Slip improvements, tying into Ash, and shutting off the Ferry Slip access to 101. He said it was a $2.6 million package. The City's match would be $1.5 million coming from urban renewal, which should be attractive to the State. They are saying there will be $5 million for each of the planning years; $15 million total. This is the window we wanted. 2016 would sync up with OMSI. The urban renewal district will phase out in 2020, and it would be less likely that we could come in with the funding match. The applications are now going through ODOT's regional commission to be prioritized. Tokos will keep the Commission informed as this moves along.

Tokos said that on the economic development front, the Comp Plan amendments were adopted by the City Council. The next step is to reform the EOA TAC to start work on the job description for the business recruitment coordination position. That first meeting will be on December 17th from 10:00-12:00.

Tokos noted that the DOGAMI maps for a major tsunami event will be released shortly. They just had the final meeting to go over the details. The maps will show significant areas at risk because they are factoring in the worst case scenario. Tokos said that once the maps are released, we can put them on the City's web site and link to the State. We will also coordinate with the Police Department and the Fire Department to get them distributed.

Tokos reminded the Commissioners that there will not be a meeting on December 26th because of the holiday. The next meeting will be after the first of the year, and the Commissioners will be electing a Chair and Vice Chair. Tokos noted that Commissioners East and Branigan are set for re-appointment, and they both indicated that they were interested. The City Council will take action on that.

Croteau asked Tokos if he has heard from OMSI with a realistic timeline. Tokos said that they met today. The timeline is somewhat fluid because of fundraising. They are getting a handle on what their obligation is for frontage improvements. He said OMSI is looking at getting something open in 2016. They are calling it Phase 1, but they haven't pinned that down. He expects a youth camp at least open seasonally with dorms and teachers. OMSI is engaging in the community about the program. They are starting to develop the relationships needed.

Patrick asked if there is anything on the horizon for developments. Tokos noted that there is the O'Reilly Auto Parts going where the old Big Guys Diner was. They are in plan review and doing corrections. Walgreens finally picked up their permit today. The Umpqua Bank replacement will probably be submitted in February. The other is the Teevin log exporting. They will have to do a TIA under the new standards. He said they were a little upset about it because they hadn't anticipated having to do that. But Tokos said that in the end, it provides hard numbers behind something that really needs those numbers. He anticipates receiving that after the first of the year. They are applying for Phase 1 grading plan, which is grading and rough-in storm drainage. The final phase should come in the spring. Tokos said that he understands that Teevin is pretty close to having an agreement with the Port.

I. Adjournment. Having no further business to discuss, the meeting adjourned at 7:42 p.m.

Respectfully submitted,

Wanda Haney

Wanda Haney
Executive Assistant