

MINUTES
City of Newport Planning Commission
Regular Session
Newport City Hall Council Chambers
January 28, 2019

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

Planning Commissioners Absent: Mike Franklin (*excused*).

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, and Branigan were present.

2. **Approval of Minutes.**

A. Approval of the Planning Commission regular session meeting minutes of January 14, 2019.

MOTION was made by Commissioner Croteau, seconded by Commissioner Berman to approve the Planning Commission regular session meeting minutes of January 14, 2019 with minor corrections. The motion carried unanimously in a voice vote.

3. **Citizen/Public Comment.**

Mona Linstromberg addressed the Commission. She read a statement to the Commission concerning geological peer reviews. She stated that there needed to be triggers that mandated independent peer reviews; the code should require and stipulate that a peer reviewer needed to assess a technical application; and a peer reviewer must perform detailed analysis.

CM Hall addressed the Commission. She stated she was a Newport City Councilor and asked the Commission to review the Greater Newport 2040 Vision when setting their goals. She thanked the Commission for their service to the community.

4. **Action Items.** No Action Items.

5. **Public Hearings.** At 7:05 p.m. Chair Patrick opened the public hearing portion of the meeting.

Chair Patrick read the statement of rights and relevance. He asked the Commissioners for declarations of conflicts of interest, ex parte contacts, bias, or site visits. Hardy, Berman, Croteau and Hanselman reported site visits. Patrick stated that he had performed work on the condo for which the conditional use public hearing was being held at the current meeting. 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. File 5-CUP-18 (Continued).**

Tokos gave his staff report concerning the request for relief of two off-street parking spaces for a potential vacation rental which recommended an approval of the request.

Proponents: Brian Palfrey addressed the Commission. He stated he agreed with staff comments. Croteau asked if Palfrey's unit had been used as a vacation rental (VRD) previously. Palfrey said it had been an active VRD as part of the Waves Motel. He noted that there might be another unit being used as a VRD in the complex presently. Tokos stated he couldn't confirm if there currently was another licensed VRD in the complex. Berman requested that Tokos confirm this. Berman said the conditions of approval stated that the owner would need to be in compliance with all other provisions, and noted that the garbage for the unit was not in compliance because it wasn't out of sight from the street. Palfrey said there was a dumpster that was located on the property which was for all the HOA. Berman asked that Palfrey check with Tokos to make sure this was in compliance.

Opponents: None were heard.

Hearing closed at 7:18 p.m.

Hardy didn't have a problem with the request. Berman said he didn't have any concerns but thought if all six units at this complex were VRDs it would become an issue. Croteau thought the request met the approval criteria. He was concerned that the unit had been used as a VRD before without inspections. Tokos said he wasn't sure how the Waves Motel was running it and there was no licensed unit in the complex. Hanselman didn't have a problem with the request but was upset that there was another unlicensed VRD in the community. He said he supported the request. Branigan said the request was straightforward and said the street stub had already been used for parking. Patrick agreed with Branigan and felt the request met the criteria.

MOTION was made by Commissioner Croteau, seconded by Commissioner Berman to approve File No. 5-CUP-18 with conditions. The motion carried unanimously in a voice vote.

Patrick asked if the whole condo complex building could be VRDs under the proposed new ordinance. Tokos said it would be allowed. Palfrey addressed the Commission and stated that that HOA only allowed for two units to be used at VRDs in the complex, not all six units. Hanselman asked how many of the condos were owned individually. Palfrey said they were all owned by individuals.

B. File No. File 1-SV-18.

Tokos gave his staff report. He noted that normally with a street vacation there wouldn't be a right-of-way dedication but it was done on this request because of the comments received by the Fire Department and the Public Works Department. Tokos explained that the Fire Department had no problem with the request but the City Engineer stated he didn't want the vacation given before they could review a full set of civil plan, and there was an accepted public improvement because the exact extent of the right-of-way dedication might change nominally as part of the process. They also had work to do with the applicant on utilities and would likely reserve a utility easement over the entire area. The alternative would be if the applicant wanted to go with a more refined easement, they could work up some concepts and have it reviewed by the City Engineer.

Berman asked if a dedication was an actual legal transfer of ownership to the City. Tokos explained this would be a glorified easement over a property to use it for street and utility purposes. When the applicant dedicated the right-of-way, they would be dedicating it to the public for the public's use of that space as a street and for pertinent utilities in that area. Hardy asked to explain Tokos' reference to Ferry Slip Road under "Typography and Vegetation" in his report. Tokos said this was a typo and should have been 62nd Street. Croteau asked if there was an issue with the Commission waiting until there was an acceptable set of plans submitted to the City Engineer. Tokos said this was a substantial cost to the developer and without certainty that the city would approve the vacation, it would be a difficult cost for them to bare. This approach would give the developer the certainty that the City would follow through provided the applicant completed the requirements. Berman asked how Tim Gross in Public Works felt about this approach. Tokos said Gross

was fine with this. Patrick asked if the Fire Department would see the final change. Tokos said they would review it. Berman asked if the Fire Department should be included as part of the approval in addition to the City Engineer. Tokos said if the Commission wanted to add this they could, but noted the Fire Department would already be a part of the review. He also added that the City Engineer wouldn't sign off on the approval without seeing an acceptable emergency vehicle turnaround.

Proponent: Leo Dobitz addressed the Commission. He stated he was the president of Southshore Owners Association and was acting as their representative. Dobitz said he agreed with the staff report. Branigan asked if all members of the Owners Association agreed with going forward with this. Dobitz said this was part of a bigger package on a land transfer agreement that required 80 percent approval of the ownership of Southshore. There were 80 percent of the owners that signed off on it.

Patrick asked if the reason for the application was to get away from having to maintain two gates. Dobitz explained one reason was to eliminate a two gate system and the other was to get the club house inside the gated community. Berman said he noticed that the vegetation was fully developed in the area and asked if they would continue to maintain the level of vegetation. Dobitz said as part of the CC&Rs they agreed to maintain 62nd Street from Highway 101 to its end. Their intent was to keep it aesthetically pleasing.

Opponents: None were heard.

Hearing closed at 7:35 p.m.

Branigan thought the applicant had completed everything necessary to go forward. He understood the City Engineer's concerns and why the applicant wanted the approval before moving forward. Branigan was in favor of an approval. Hanselman asked if the right-of-ways and easements would be outside of the gates. Tokos said the city already had utility easements behind the gates and had access to service all utilities there. Hanselman said he was in support of approving the request. Croteau thought the request was justified and felt there was enough constraints included to satisfy the City Engineer. He had no problem approving the request. Berman, Hardy, and Patrick were also in agreement to approve the request.

MOTION was made by Commissioner Croteau, seconded by Commissioner Berman to approve File No. 1-SV-18 and forward a recommendation to the City Council with the conditions indicated. The motion carried unanimously in a voice vote.

6. New Business.

Patrick asked the Commission for a motion to review the geologic hazards overlay ordinance. Croteau gave his initial motion. Hardy requested that a definition on what kind of review and parameters were going to be considered. Croteau amended his motion to include Hardy's language. Branigan said he agreed with Hardy's request. Berman wanted Mona Linstromberg's testimony to be reviewed and included. Croteau agreed to amend the motion to include Berman's request. Tokos said what he had heard was that the motion was to see a peer review concept included in a draft set of revisions for consideration; that a peer review concept needed to include a specific set of parameters on what the peer reviews did; and that Linstromberg would have an opportunity to share thoughts in writing for Tokos to consider and share with the Commission. Berman requested the scope of the review include the entire ordinance.

MOTION was made by Commissioner Croteau, seconded by Commissioner Berman, to move forward with a review of the geologic hazards overlay ordinance to draft language to amend and add protocol for peer review as part of the process; define the types of reviews and parameters that would be considered; and include a review of Mona Linstromberg's written testimony. The motion carried unanimously in a voice vote.

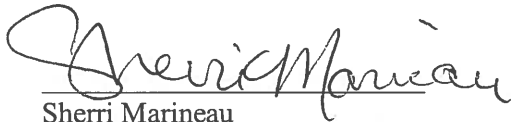
Patrick opened the discussion about goal setting for the Commission. He said he wanted to make sure that the Commission looked at how their goals aligned with the Greater Newport 2040 Vision. Tokos said since the Commission had at least one more meeting before the City Council met, he was going to bring back the Commission's priorities in a draft form flagging strategies that aligned with the Greater Newport 2040 Vision goals. The Commission was in general agreement with this.

Patrick opened the discussion on a motion for the representatives to the City Council for the short-term rental ordinance amendment meeting.

MOTION was made by Commissioner Croteau, seconded by Commissioner Hanselman that the Chair and Vice Chair be representatives to the City Council regarding the revised vacation rental ordinance at their upcoming meeting on February 19, 2019. The motion carried unanimously in a voice vote.

7. **Unfinished Business.** None were heard.
8. **Director Comments.** None were heard.
9. **Adjournment.** Having no further business, the meeting adjourned at 7:42 p.m.

Respectfully submitted,



Sherri Marineau
Executive Assistant