

**MINUTES**  
**City of Newport Planning Commission**  
**Regular Session**  
**Newport City Hall Council Chambers**  
**July 8, 2019**

**Planning Commissioners Present:** Lee Hardy, Bob Berman, Mike Franklin, and Jim Patrick.

**Planning Commissioners Absent:** Jim Hanselman, and Bill Branigan (*all 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 7:04 p.m. On roll call, Commissioners Hardy, Berman, Franklin, and Patrick were present.

2. **Approval of Minutes.**

A. Approval of the Planning Commission Work and Regular Session Meeting Minutes of June 10, 2019.

**MOTION** was made by Commissioner Berman, seconded by Commissioner Franklin to approve the Planning Commission work and regular session meeting minutes of June 10, 2019 with minor corrections. The motion carried unanimously in a voice vote.

3. **Citizen/Public Comment.** Gary Ripka addressed the Commission concerning the draft Public Parking Facilities to the Newport Comprehensive Plan. He said he was in favor of meters on the Bayfront. He explained that as a fisherman parking was limited on the Bayfront and meters would be a way to get more parking and generate capital on the Bayfront. Ripka thought that metering needed to be done in small steps.

Franklin asked if fishermen would pay for permits if they were put in place. Ripka thought they would and noted the Advisory Committee talked about a permit costing around \$75-\$100 per year. Franklin asked if they were open to a seasonal pass for workers in all the parking districts. Ripka said parking demands weren't so much a seasonal thing anymore and was more year round. Berman asked if there had been discussion regarding reconfiguration of gear storage for parking. Ripka said they did walkthroughs to figure this out. They determined this wouldn't gain anything and it would be more of a hardship for the boats.

4. **Action Items.**

A. **Elect New Planning Commission Vice-Chairman.**

**MOTION** was made by Commissioner Berman, seconded by Commissioner Hardy to appoint Bill Branigan as the Newport Planning Commission Vice-Chairman. The motion carried unanimously in a voice vote.

B. **Motion to Initiate the Legislative Process to Add a Public Parking Facilities Element to the Newport Comprehensive Plan.**

**MOTION** was made by Commissioner Hardy, seconded by Commissioner Berman to initiate the legislative process to add a Public Parking Facilities Element to the Newport Comprehensive Plan. The motion carried unanimously in a voice vote.

5. **Public Hearings.** At 7:15 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. None were heard. 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-Z-19.**

Tokos gave his staff report concerning amendments to the NMC Chapter 14.21 Geologic Hazards Overlay. He wanted to acknowledge the public comments that were submitted to the Commission at the meeting from the Oregon Shores Conservation Coalition, Matt and Lisa Thomas, Christine Schneller, Robert Earle, Elaine Karnes, and Mona Linstromberg. Tokos thought it was justified to make the changes reflected in his report.

Franklin asked if the secondary party in a peer review had anything at stake in the game as a result of their decision or agreeance to. Tokos said their professional certification was there and if they performed a peer review and there was an issue with the development, they would be a part of it as the report author. Hardy said Doug Gless of H.G. Schlicker and Associates made a point of referring to the liability of the peer reviewer, the original geo technical engineer, and the City. She questioned why Gless was worried about liability but not didn't think it was necessary to do a site visit to verify data. Hardy objected to Gless' objection of a site visit requirement.

Berman asked if there were any efforts to update active landslide areas based on new LIDAR data. Tokos said they would be adding things such as the NE 70th Street where there was a FEMA buyout and the City had to purchase a dozen homes there because of a landslide. There was language in the ordinance to add any subsequent information discovered after the original maps were prepared. Tokos said in terms of the active landslide blocks prepared by the State, he was unaware of any new mapping that they did that would change, modify or expand those boundaries. Once this information was made available, the City would want to consider it.

**Public Comments:** Mona Linstromberg addressed the Commission. She appreciated all the work the staff and Commission put into this process. She asked the Commission to approve the code amendments with an amendment to include a requirement that a peer reviewer perform a site visit and require them to have access to the site. She thought it was a good step forward and suggested the Commission consider a study in the future to overhaul things.

Franklin asked if the project on Lee Street had went to peer review and the other peer reviewer didn't do a site visit, would they have missed something major. Mona said yes and noted how Gless had done a review there that noted pertinent observations that were not mentioned by the applicant's engineering geologist. A site visit would review the homes and other areas where there would be cracks that would indicate imminent landslides.

Linstromberg reminded the Commission that the Oregon Shores Conservation Coalition public comment letter requested that the hearing be kept open for seven days. She requested this as well.

Hearing closed at 7:27 p.m.

**MOTION** was made by Commissioner Franklin, seconded by Commissioner Berman to hold the record open for seven days and continue deliberations on the public hearing for File No. 1-Z-19 to the July 22, 2019 Planning Commission regular session meeting. The motion carried unanimously in a voice vote.

**B. File No. 2-Z-19.**

Tokos reported the hearing was requested to be continued because the City Manager had asked to have some additional changes done to the nuisance code before the Commission made a decision on File No. 2-Z-19.

**MOTION** was made by Commissioner Berman, seconded by Commissioner Franklin to continue the public hearing for File No. 2-Z-19 to the July 22, 2019 Planning Commission Regular Session Meeting. The motion carried unanimously in a voice vote.

Franklin asked if the right-of-way permit addressed sidewalks. Tokos said they weren't addressing sidewalks as part of this record. Existing language said that property owners were responsible for maintenance of sidewalks.

6. **New Business.** None were heard.

7. **Unfinished Business.** None were heard.

8. **Director Comments.**


Tokos said at the upcoming City Council meeting they would be accepting the regional housing report the City did with the County and others. A work session would be set up to talk about HB 2001 allowing townhouses in city residential areas. This would be reviewed as on legislative packet of changes that picked up a number of different items.

Tokos noted that the City would recommend hiring a contractor for short-term rental enforcement. This firm would be under contract once the short-term rental renewals were up in August. The newly hired Community Service Officer would be starting on August 5th. The City was currently under the renewal process for short-term rentals. Tokos reported there had been a waitlist established for new vacation rentals. The city wasn't issuing new vacation rental licenses at that time but would be issuing new home shares and bed and breakfast licenses. Berman asked if August 15th was a hard deadline for renewals. Tokos explained the owners had to submit their applications by this date and would then have about 30 days to get the applications complete. Berman asked if the city would know on August 15th how many would be renewing. Tokos confirmed that anyone who didn't submit their renewal by August 15th would have their licenses closed.

Franklin asked if there were any new applications for Planning Commission members. Tokos would check with the City Manager's office.

9. **Adjournment.** Having no further business, the meeting adjourned at 7:40 p.m.

Respectfully submitted,

  
Sherri Marineau  
Executive Assistant