

MINUTES
City of Newport Planning Commission
Regular Session
Newport City Hall Council Chambers
October 14, 2019

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

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 East, Hardy, Berman, Hanselman, Branigan, and Patrick were present.

2. **Approval of Minutes.**

A. Approval of the Planning Commission Work and Regular Session Meeting Minutes of September 23, 2019.

Commissioner Berman noted minor corrections to the minutes.

MOTION was made by Commissioner Berman, seconded by Commissioner Hardy to approve the Planning Commission work and regular session meeting minutes of September 23, 2019 with minor corrections. The motion carried unanimously in a voice vote.

3. **Citizen/Public Comment.** None were heard.

4. **Action Items.** None were heard.

5. **Public Hearings.** At 7:01 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. Commissioner Branigan reported a site visit at the Oregon Coast Aquarium. 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 6-CUP-19.**

Tokos reviewed the staff report. He reported that the Aquarium was required to go through a conditional use process because the land use rules were different now from when the Aquarium was built in 1990. Tokos reviewed the locations where pedestrian improvements could be done as part of the requirements for approval. He reported the concerns the Fire Department had for ease of access for their equipment, and noted where they wanted to see improvements done. Tokos explained that the legal public notice wasn't published by the newspaper, but a notice had been mailed out. He recommended the Commission continue the hearing for two weeks and take action at that time.

Patrick asked if only the parts of the Aquarium that was zoned C-2 were required to have a conditional use. Tokos reported the bulk of the improvements were for marine research. A conditional use was needed for this in the C-2 zone, and was also required for an entertainment use in the W-2 zone. Branigan asked if the Aquarium would need conditional use approval for the areas they owned. Tokos said this condition use covered all areas.

Berman asked if there had been any discussion about tsunami evacuation and signage. Tokos explained it had not been a part of the conditional use application discussion. Branigan asked for Fire Chief, Rob Murphy to speak on the improvements the Fire Department wanted the Aquarium to do. Murphy addressed the Commission and reported that they looked back at their files when the Aquarium was built and found that there had been discussions with the Fire Marshall and developers about access, but not much on findings and decisions. The only decision was to accept the width of the bridge from the drive to the main entrance. Murphy reported that the Fire Department had currently done a site visit and had concerns on access to the East side of the facility on the north end. Because the facility was a preexisting nonconforming, the Fire Department wanted to bring attention to this area and work with the Aquarium plans to get better access. Murphy pointed out the areas by the Passages of the Deep exhibit on the map where they wanted better access points, and reviewed the improvements the Fire Department thought they could do. He noted a second area at the north access that wouldn't allow a fire engine to get within 100 feet of the building. The Fire Department wanted to see better access at this point. Branigan asked if there needed to be improvements on 29th Street where the wooden doors were located. Murphy explained this was the area where the Aquarium needed to look at the turning radius for fire engines.

Hanselman asked if the pathway allowed vehicles to pass each other. Murphy thought it was tight and probably wouldn't. He guessed it was 14 feet wide. Berman asked if what Murphy was saying was that he was backing off on what his memo said to extend the road all the way to meet up with the other path. Murphy explained ideally he wanted this, but noted this was a starting point and he was open to some negotiations. Hanselman had concerns about how people would be moved out of the facility in a large event. He wanted to push for more in the way of access. Murphy noted the facility had many different access points for people to exit, and had a sprinkler system. Branigan reported the Aquarium had an extensive staff who could respond to emergencies. A discussion ensued regarding access for ambulances and fire trucks at the Aquarium.

Berman asked for more information on the gate Murphy wanted to have added. Murphy showed where the gate would be located and explained that the gate was not for public access but for emergency access. East thought this change should be easy because most of the area would be changed for a playground area.

Proponents: Carrie Lewis, with the Newport Oregon Coast Aquarium, and Steve Dangermond, architect for the project, addressed the Commission. Dangermond said they studied the Fire Department access comments. He explained that the updates to the path along the estuary would be very difficult for a fire truck to use it. He thought adding a gate and better access to the north end of the building could be something they could achieve in the design of the play area. Berman asked about the potential issue with the turning radius at the southern end. Dangermond said modifications to the plan and tree trimming could allow for this. It was clearly designed to allow truck access at one time and was rated to allow it. Dangermond noted that once a truck got close to the building there were landscape rocks that could prevent truck access. They would be doing modifications in that area as well to allow closer truck access. Dangermond reported that they would work with the Fire Department and address the areas of concern.

Branigan asked for thoughts about the request to add sidewalks. Lewis said they needed to look into this and there were improvements to do at the crossing on Ferry Slip. Their landscape architects needed to look at the formal entrance not having a lot of room for a pathway because of landscape and the grade. Patrick suggested that they find a way to add a path closer to the parking lot and add markings on the pavement to make it easier to direct people. He thought the new ticket booth would be facing the wrong way because it would place it into the prevailing winds. Dangermond said they looked at other areas to place it but it wouldn't fit. They had worked on designs to help with wind protection and weather.

Berman asked what their practices were for tsunami evacuations. Lewis explained there were signs for evacuations onsite. They ran quarterly drills to show people where to go, and there were maps on site. Lewis noted they encouraged staff to evacuate to the MSI Building and trained their staff to know the evacuation routes. Branigan asked if Phase II of their improvements was included in this request. Dangermond reported it wasn't and they would be submitted at another time. Patrick asked if Phase II would have to have a conditional use approval. Tokos would look into this. Hanselman asked if the rehab center would be open

to the public. Lewis said it was strictly rehabilitation and not open to the public. This area would also be for the Aquarium's collection, and would be used as an education center to work with OSU and students for education opportunities.

Opponents: None were heard.

Tokos suggested the Commission continue the hearing for two weeks and he would bring the refined conditions back to them at that time.

MOTION was made by Commissioner East, seconded by Commissioner Berman to keep the hearing open for two weeks for File 6-CUP-19. The motion carried in a unanimous voice vote.

B. File 8-NCU-19.

Tokos reviewed the staff report. He noted the applicant was in attendance and owned an undivided interest in the property along with a few other groups. Tokos believed their intent was to eventually put ownership under one LLC. He reported that the owners needed to make sure they didn't encroach on the utility easement across the property. The applicant would be required to locate the utilities and report this on their building permit documents for the Public Works Department to review.

Berman asked if Tokos had an updated diagram of setbacks. Tokos said there was ample space to meet setback requirements and they would have to provide this with the building application.

Proponents: Tyson Cross and Khari Gates, partial owners of the property, addressed the Commission and said they were present to answer questions. No questions were heard.

Opponents: None were heard.

Hearing closed at 7:49pm.

Commissioners East, Hardy, Berman, Hanselman, and Branigan had no issues with the request. Patrick didn't have any issues and asked how this decision interacted with the new ADU or duplex rules. Tokos explained that these rules weren't relevant because the property was an existing mobile home park. The rules were more for new development.

MOTION was made by Commissioner Branigan, seconded by Commissioner Berman to approve File 8-NCU-19 with the staff conditions. The motion carried in a unanimous voice vote.

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

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

8. **Director Comments.** Tokos gave updates to the Commission. He reported that the first Transportation System Plan Policy Advisory Committee would meet on October 16th. The City Council will hold a public hearing on the parking amendments on November 18th.

Tokos reported that Associate Planner, Rachel Cotton gave her notice and her last day would be on November 1st. They would be advertising for the position and Tokos would have to juggle things while the department transitioned. Tokos noted the schedule for the Commission would be more spread out over time due to this.

Tokos reported that he would be going to Salem on October 21st to make a presentation at the Transportation Summit. He would be talking about the OSU MSI structure and how it related to tsunami evacuation. On October 24th Tokos would be on a housing panel talking about changes the Commission made on housing in Newport. He reported that there has been eight Proud Grounds done and three were in Newport. All eight had been spoken for. Tokos noted that Habitat for Humanity was close to finishing the

duplexes on the city owned parcel. He was also hopeful the City would hear soon from OSU about their student housing project because the research building was moving along, and the demand on housing would increase.

Berman asked for an update on the Samaritan House. Tokos said they backed out of their plans and he didn't know the reason why. He thought the funding had too many strings attached to it for them to do the development.

Branigan asked where the City was with the issues on the bong sign. Tokos reported the owner was contesting and the issue would be coming up in court soon. Berman thought the City should relook at the electronic sign ordinance.

9. **Adjournment.** Having no further business, the meeting adjourned at 7:59 p.m.

Respectfully submitted,



Sherri Marineau
Executive Assistant