

**MINUTES**  
**City of Newport Planning Commission**  
**Work Session**  
**Newport City Hall Conference Room A**  
**January 13, 2020**  
**6:00 p.m.**

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

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

**PC Citizens Advisory Committee Members Present:** Braulio Escobar.

**PC Citizens Advisory Committee Members Absent:** Greg Sutton, and Dustin Capri (*all excused*).

**Public Members Present:** Lisa Phipps, and Heather Wade (*both by phone*). Mona Linstromberg, and Wendy Engler.

**City Staff Present:** Community Development Director (CDD) Derrick Tokos; and Executive Assistant, Sherri Marineau.

1. **Call to Order.** Chair Patrick called the Planning Commission work session to order at 6:00 p.m.
2. **New Business.**
  - A. **Estuary Management Plan Update.** Tokos asked to move the discussion on the Estuary Management Plan first. He reviewed the email sent by Lisa Phipps with the DLCD concerning the Estuary Management Plan updates. Lisa Phipps and Heather Wade introduced themselves and reported that they were willing to support the project.

Wade explained that the idea was to find a way to update the Estuary Management Plan. She felt that with the help of the DLCD the Yaquina Bay would be a good pilot project. The DLCD would hire a contractor to facilitate estuary planning. They would lead the process, do the plan drafting, and coordinate with all jurisdictions. They would then form a guide for other jurisdictions to update their estuary plans. Wade explained that the project was in writing now and would last for 18 to 36 months. They felt Yaquina Bay would be a great project to show how to do a plan properly.

Phipps noted the DLCD wanted to give \$5,000 to help Newport, Toledo and Lincoln County absorb costs for the plan update. Wade explained that they would know by March or April of this year if they got this money. If they did, it would be available next year. She noted that there would be someone in Newport and each jurisdiction who would be on the steering committee. There would be a taskforce to review the plan and participate in the process. Phipps thought the workload would be spaced out enough that it would move forward smoothly and accomplish things for the area.

Berman asked if the project was dependent on all the jurisdictions buying in. Phipps reported that Toledo had agreed to do it. They could go ahead without everyone, but she thought it would be a problem if the County didn't because they had a huge voice in it. Berman asked why the Port wasn't on list of stakeholders and participants. Phipps explained that right now they were just submitting the application and there was time to make adjustments. The Port would be on the technical advisory committee, but as far as the land use oversight, the Port didn't regulate its activities and was the thinking on why they were not included.

Hanselman asked where the upstream limit was for the estuary, and who would have jurisdiction and control of the estuary. Wade explained they were trying to address where the upstream limit for the estuary was as part of this exercise. This would determine where the limit was and how to address discrepancies. Hanselman

asked who controlled the estuary. Phipps clarified that there were multiple authorities that regulated estuaries. This plan would be dealing with land use oversight and they would be determining the types of uses being allowed in the estuaries, independent of what the State and other agencies would allow. The technical advisory committee would have invited entities who would be at the table for engagement. The Planning Department would help to line up all entities who would be involved.

Tokos reported he thought the County was on board with the plan. Berman asked for Tokos' thoughts on the Planning Department facilitating this. Tokos said it wouldn't be too much of a hit and work would be intermittent. Berman was in favor of a letter in support. Patrick thought the steering committee would be better off with the County. Tokos thought the City would need to participate in it otherwise there could be surprises.

**B. Review Goal Setting Process.** Tokos reviewed the goal setting dates on the work program. Patrick asked if the Short-Term Rental and Vision 2040 Work Groups had goals. Tokos thought they would have their own goals.

**C. Updated Planning Commission Work Program.** Tokos reviewed the work program with the Commission. He noted the placeholder for car camping that the Homeless Taskforce recommended. Tokos would be bringing the Sewer Facilities amendments to the Commission, and explained that the Tsunami Hazards Overlay amendments needed to be done by the end of the year. The Commission would also be discussing the Transportation System Plan before spring break to be able to make adjustments before open houses were done. There would also be a discussion on the parameters on needed updates in the Nye Beach Overlay.

Tokos noted there were four significant quasi-judicial actions that would be coming to the Commission. This included changes to the old Apollo's property, and the Whaler expansion up to Olive Street. Branigan asked if the Commission had to get involved with the work on the land for the animal shelter by the airport. Tokos thought this would be a conditional use review. The two other quasi-judicial actions were the Urban Growth Boundary land swap, and the third amendment to the OSU student housing planned development.

Tokos reminded the Commission that the work program was a living document and would be adjusted to accommodate things that came in.

**D. Discussion on "Ex Parte Contact" Disclosure Requirements.** Tokos asked Berman to explain why he wanted the Commission to review ex parte contact. Berman explained that the acting City Attorney discussed ex parte contact at the City Council meeting, and he needed clarification on it. Tokos explained how in the context of quasi-judicial land use proceedings, disclosure of ex parte contacts needed to be placed in the record for anything that was the substance of any written or oral ex parte communications concerning the decision or action at the first hearing following the communication.

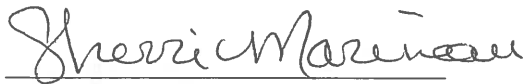
Berman was concerned that the Commissioners wouldn't know when the first notice for a hearing was published if they didn't read the newspaper. He asked for clarification on when the actual start of communications would start. Tokos explained that when the Commissioners became aware of something, that's when they should be concerned about ex parte contact. Hardy asked if this included communications between commissioners. Tokos would check with the City Attorney on this. Patrick asked if emails between two Commission members would count as ex parte contact. Tokos said as long as the contact wasn't between a quorum it was okay. He did note that if the email was relevant to the record it should be submitted. Hanselman was concerned if discussions on items that hadn't been brought forth to the Commission yet needed to be reported. Tokos explained that if there wasn't a formal application, it wasn't required to be reported.

**2. Public Comment.** Wendy Engler thanked the Commission for agreeing to look at the Nye Beach Design Review Overlay. She thought there were a few big issues they should be looking at during the review. This included how lots could be combined on Cliff Street to build large homes. She noted the City had done a huge investment to make Cliff Street a walking/commercial pedestrian street and their intent was to have to have small cottages, not big homes. The core area between Olive, 6th, Coast, and Cliff Streets was an area

that the Glich report done in the 1980's thought it should be mixed use, and was what the city agreed to look at in 2011. Engler also thought the vacation rental regulations should be specific to Nye Beach instead of the broad Short-Term Rental Overlay, especially when it comes to parking for rentals. She thought the Commission should look at how many parking spots the short-term rentals in Nye Beach have before the updates were put in the Comprehensive Plan. Engler also asked for the Commission to look at what should be done with the old Brownfield.

Adjourned at 6:57 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Sherri Marineau". The signature is written in black ink and is positioned above a horizontal line.

Sherri Marineau,  
Executive Assistant

