

**MINUTES**  
**City of Newport Planning Commission**  
**Work Session**  
**Newport City Hall Conference Room A**  
**February 24, 2020**  
**6:00 p.m.**

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

**Planning Commission Citizens Advisory Committee Members Present:** Braulio Escobar, and Greg Sutton.

**Planning Commission Citizens Advisory Committee Members Absent:** Dustin Capri (*excused*).

**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. **Unfinished Business.**
  - A. **Update on City Council Direction to Initiate Targeted Nye Beach Code Amendments.** Tokos gave an update on the direction the City Council gave on the February 18th meeting to initiate targeted Nye Beach code amendments that would restrict residential on street grade along the west side of NW Cliff Street. He reviewed a draft of the NMC Chapter 14.30 amendments that were handed out to the Commissioners.  
  
Hanselman asked if the amendments applied to just single family residential. Tokos explained it applied all residential. Berman asked if the amendments would undo what the Commission had already worked on. Tokos reported that this change only affected Cliff Street and brought the rules back to where they were prior to the updates that happened in 2008. Hardy questioned why there was resistance towards building large homes on Cliff Street. Tokos explained that because there was a lot of money spent on the Cliff Street improvements, building large houses on that street would be inconsistent with the infrastructure that had already been put in place. Franklin asked if this would be a “taking” issue. Tokos explained the City would have to provide the required Measure 56 notice to the property owners on Cliff Street because the residential right at street grade granted to them in 2008 was being taken away. He noted that the City Council wanted the Commission to consider this modification and also ask themselves if there were more significant changes that needed to be added for Nye Beach.
3. **New Business.**
  - A. **Review Updated Set of Tsunami Hazard Overlay Zone Amendments / Hazard Mitigation Plan.** Tokos reviewed his staff memorandum and he handed out a copy of an email from Meg Reed at the DLCD to the Commission. He explained that the draft copy of amendments to the Natural Features Section of the Newport Comprehensive Plan included a rationale, background, and policies for guiding development within tsunami inundation areas. Tokos reviewed the draft ordinance establishing a Tsunami Hazards Overlay Zone and explained that the overlay expressly limited certain uses in tsunami inundation areas in a manner comparable to provisions contained in ORS Chapter 455 that were removed with the passage of HB 3309 (2019). He noted that HB 4119 was likely to be approved during the Oregon Legislature’s short session. This was a refinement of HB 3309 that would require certain structures in tsunami inundation areas be designed to higher standards. Tokos noted that the City would update its building codes to comply with the law if this was passed. It would not impact the proposed amendments, but would be a supplemental set of standards that would apply to certain projects.

Tokos asked for the Commissioner's comments on the document. Branigan noted that if the spelling of McLean was correct the "[sic]" should be removed. Hardy asked why the dates of events in Table 1 were deleted. Tokos explained that since it cut off in 1957, there was enough of an explanation that they didn't need to go beyond this. Hardy thought that including it would give a cleaner perspective based on what actually happened rather than the assumption that it was going to be 500 years. Tokos explained that specific events were best left in background documents. This was because the City would have to otherwise replicate documents and there wasn't enough time to go back and research everything that had happened.

Berman noted that the last sentence on page 8 had two extra hyphens that needed to be removed. He also question on page 9 if saying the tectonic plates were "westward-moving" was correct. He thought the words should be taken out. Patrick didn't think it should be removed because the Atlantic was in fact pushing the plates west. Branigan noted that the actual jurisdiction names needed to be adding in the last sentence of paragraph 2. He also pointed out that the first sentence in paragraph 4 of page 9 should be changed to said that the Department of Geology of Mineral Industries "has" developed Tsunami Inundation Maps. Hanselman thought that the argument on the first two sentences on page 14 of the document were wrong. He had concerns that they were referencing old science and not a net zero drift. Tokos thought this was fair and explained that there were items in the Natural Features section that needed to be updated that were separate from this project. This could be done at some point but it would be a different project and a little bit more involved to tackle.

Tokos reviewed the additions to the Natural Features Goals/Policies next. Hardy questioned why the tsunami hazard and disclosure statement for new development in hazard areas had been removed. Tokos explained that the Commission could discuss adding it back in but it would have to be run through legal review to understand what purpose it served. Berman thought that in previous Commission minutes there was general agreement that the they wanted the disclosure statement included. Tokos said there needed to be legal review to decide if the document would reside in the planning file, or if it was something that was recorded for the property. A discussion ensued regarding the value of a disclosure statement, if a statement should be filed away or recorded, and how a disclosure statement would affect development. Hardy was in favor of requiring a disclosure statement. Hanselman reminded the Commission that a lot of buyers didn't know what the natural hazards were and didn't do the proper due diligence. He felt a disclosure statement would inform buyers. Tokos explained that the question the Commission should answer was where would the disclosure statements be held and referenced. Franklin didn't see how the disclosure statement would help any more than the public education that was already happening in the area through signage and news reports. Tokos explained that Goal 2 delved into the public education aspect of this. It extended the requirement to advise guests in short-term rentals to hotels. The Commission was in general agreement to go ahead with the education goal. Berman requested that the syntax be consistent in structure throughout all of the policies.

Patrick requested there be a link online to see the hazard maps. Berman asked what the maps that started on Page 27 of the document were. Tokos explained that they represented the natural features of Newport and noted that they needed to be updated. Berman asked if Chapter 14.46.020(B) was referencing the City or the Urban Growth Boundary of Newport. Tokos explained this was the City limits because they could only apply zoning inside the City.

Berman suggested that Chapter 14.46 say "the latest version" of the maps instead of specifically the 2015 maps. Tokos agreed it should be the latest version and said they would do conscious updates when there were changes in the inundation areas. Franklin asked how the "Emergency vehicle shelters and garages" prohibition in Chapter 14.46.050(A)(3) affected the current ambulance service in Nye Beach. Tokos explained this change would make the current ambulance service nonconforming, and when they went away they wouldn't be allowed to come back. Berman asked why tanks had been repeated in Prohibited Uses A and B. Tokos said the tanks supported the other uses in the same zone. This addressed situations such as when a tank was located in the inundation area but the facility was outside of the inundation area. Berman thought it was redundant. He noted that the first tank reference said "section" and the second said "sub-section". This needed to be the same wording.

Berman questioned if “adult day care” should be included in the list. Tokos thought this was the same as assisted living facilities. Berman explained that it was different. Tokos suggested a definition be added to synch up to State terminology.

Hanselman asked how many local schools had 250 children. Tokos thought the high school and middle school had this many. Hanselman suggested the number be adjusted because he didn’t want to see smaller schools left out. Tokos didn’t think numbers should be included in B.1 and B.3. He wanted it clear that this didn’t apply to the new OSU MSI education building because it was a tsunami evacuation structure. Franklin asked if a trade school would be prohibited if the numbers were taken out. Tokos explained they would unless the trade school was tailored toward water-related trades. This type of trade school would be exempt because it was considered necessary for work in the water related zones. Berman asked if 14.46.080 applied to water related zones. Tokos believed it would but would change it to make it expressly clear that it did.

Tokos asked the Commission if they were good with the scope of changes to the Tsunami Hazards Overlay Zone. The Commission was in general agreement that they were.

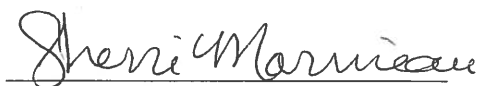
**B. Review Amendments to the Stormwater Facilities Element of the Comprehensive Plan.** Tokos reviewed his staff memorandum and the final draft of proposed changes to the Storm Drainage Element of the Newport Comprehensive Plan. He explained that the Statewide Planning Goal 11 addressed public facilities planning, and this goal was implemented in OAR Chapter 660, Division 11. The administrative rule called for certain elements of public facilities plans to be adopted into a Comprehensive Plan, namely a list of the identified projects (OAR 660-011- 0045). System Development Charge eligible capital projects would also be identified in the project list. The current draft responded to issues raised by Commission and Advisory Committee members to make sure the projects and recommendations were appropriately added to the Comprehensive Plan. Language was also clarified and a new Policy 5 has been added under Goal 1 related to the management of stormwater in geologically hazardous areas.

Tokos reviewed the Goals and Policies section of the Public Facilities Element. He explained that regulations would need to be developed on how the City would be handling impacts to the system in an equitable manner on a project by project basis. Berman asked if Policy 5 needed to have a term that related back to the geologic hazards. Tokos thought that saying “City designated” would suffice. Patrick suggested adding LIDS to the policies. Berman didn’t like limiting Goal 2, Policy 5 to City properties and wanted to see good housekeeping policies that anyone could adhere to. He wanted the policies made available to anyone doing development. Hanselman noted that the Civil West review had omitted properties. He asked that the City request Civil West provide the findings from Oceanview Drive up to 48th Street on the west side of Hwy 101 that were relative to what the storm sewer was to those neighborhood. Tokos would look into this.

Tokos asked the Commission if it was acceptable to initial the legislative process at the next meeting. The Commission was in general agreement to do so.

**4. Adjourn.** The meeting adjourned at 7:13 p.m.

Respectfully submitted,



Sherri Marineau,  
Executive Assistant

