Minutes
City of Newport Planning Commission Regular Session
Monday, March 23, 2009

Commissioners Present: Jim Patrick, Dawn Newman, Jim McIntyre, John Rehfuss, and Dick Beemer.

Commissioners Absent: Teresa Atwill and Mark Fisher (both excused).

City Staff Present: Community Development Director (CDD) James Bassingthwaite, Senior Planner Meredith Savage, and Senior Administrative Assistant Wanda Haney.

Chair Patrick called the meeting to order in the Newport City Council Chambers at 7:00 p.m.

A. Approval of Minutes.

1. Approval of the work session/site visit and regular session Planning Commission meeting minutes of March 9, 2009. CDD Bassingthwaite noted a correction request from Eric Ridenour (SERA Architects) to correct the spelling of his name and to modify the wording of a statement he made. Commissioner McIntyre had a question on the work session minutes and modified a sentence. **MOTION** was made by Commissioner McIntyre, seconded by Commissioner Beemer, to approve the minutes of the March 9, 2009, Planning Commission meetings as amended. The motion carried unanimously in a voice vote.

B. Citizen/Public Comment. There was no public comment.

C. Consent Calendar.

1. Final Order for File No. 9-CUP-08. Adoption of Final Order approving a request submitted by Coastal Investment Properties, LLC (Pavitt Land Use Consulting, LLC, authorized representative) for a Type I Conditional Use Permit per Section 2-2-1.025 (D) (13)/"Residential Uses" of the Newport Zoning Ordinance (NZO) (No. 1308, as amended) to allow the 12-unit residential townhouse development of four buildings with three units each (only one building is currently constructed) to be used as vacation rentals. A public hearing on this matter was held on February 9, 2009, and was continued to February 23, 2009, and to March 9, 2009. At the March 9, 2009, meeting, the Planning Commission voted to approve the request. **MOTION** was made by Commissioner Rehfuss, seconded by Commissioner McIntyre, to approve the final order for File No. 9-CUP-08. The motion carried unanimously in a voice vote.

D. New Business.

1. Consideration of appointment to fill vacant position on the Planning Commission Citizens Advisory Committee. Bassingthwaite noted receipt of applications from two interested applicants (Susan Hogg and William Wells). He had notified both parties that they were welcome to attend tonight's meeting, but neither was in attendance. He also noted that Ms. Hogg has been receiving agendas ever since she applied last time; but she has not attended any of the sessions. When he contacted her, she still expressed interest in being considered. Beemer said that he knows Mr. Wells, who is retired from Eastern Oregon State College in LaGrande. He believes that Mr. Wells' background would serve him well on this committee. Beemer added that Mr. Wells is organized and has been involved with public administration for a long time. McIntyre expressed that he liked the way Mr. Wells had filled out his application. Some discussion ensued. **MOTION** was made by Commissioner Beemer, seconded by McIntyre, to appoint Mr. Wells to the Citizens Advisory Committee. The motion carried unanimously in a voice vote.

Bassingthwaite reminded the Commissioners that ethics forms had been distributed by email and that a hard copy was available if they needed. There was brief discussion regarding these forms.

Chair Patrick summarized the recent email training he had attended. He noted that the Commissioners should not hit "reply all" when responding to emails. He suggested making comments to Bassingthwaite and letting him forward it. Bassingthwaite noted that any time a Commissioner responds or makes a comment via email, it is considered a public record. He also suggested copying city staff. He noted that even if you think it's private, it's possibly not.

E. Public Hearings.

Quasi-judicial actions:

1. Continued hearing on File No. 1-PD-09/2-PD-09/3-PD-09/1-SUB-09. Multiple requests submitted by Landwaves, Inc. (Mike Miller/MGH Associates, Inc., authorized representative) for a mixed-use planned development within Phase 1 of the proposed Wilder (formerly titled "South Beach Village") Community Master Plan site located on approximately 86 acres, including the

Oregon Coast Community College (OCCC) property: File No. 1-PD-09: A modification of a preliminary planned development plan approval in File No. 1-PD-07 for Phase 1 of Wilder to adjust land use designations consistent with recently-approved Comprehensive Plan and Zoning Map amendments and due to specific site conditions such as topography and engineering requirements. File No. 2-PD-09: A modification of a final planned development plan approved in File No. 2-PD-07 for the OCCC property to reflect recently-approved Comprehensive Plan and Zoning Map amendments and adjusting the boundary and size of the OCCC site to reflect actual property acquisition. File No. 3-PD-09: Approval of a final planned development plan for a portion of Phase 1 of Wilder near the entrance to the OCCC site that would include a range of single-family residential lot sizes, cottage units, townhouse units, multi-family units, and commercial floor area in the village center. File No. 1-SUB-09: Tentative subdivision plan for a portion of Phase 1 of Wilder as part of File No. 3-PD-09. The subject property includes Tax Lots 100 & 101 of Assessor's Tax Map 11-11-20 and a portion of Tax Lot 700 of Assessor's Tax Map 11-11-21 (located in the South Beach neighborhood directly east of Mike Miller Park and south of 40th Street). A public hearing on this matter was held on March 9, 2009, and was continued to March 23rd.

Patrick continued this hearing at 7:20 p.m. Bassingthwaite noted that the Commission had been given a copy of an email from Assistant Fire Chief Toby Cole regarding minimum street width recommendation of 20 feet per the Fire Code. Cole stated that from the application materials, they prefer the street width in Scenario #3. Bassingthwaite also provided the Commissioners with a copy of the illustration showing what Cole was talking about. The Commissioners also were given a copy of the Division of State Lands wetlands delineation of property, most of which is not related to this first phase. Bassingthwaite discussed some questions he had received from the Commissioners, which he had forwarded to Mike Miller of MGH.

Proponents: Will Emery, President of Landwaves, 1733 NE 7th, Portland, OR, Eric Ridenour of Sera Architects, 338 NW 5th St, Portland, OR 97209, and Mike Miller of MGH Associates, 104 W 9th St Ste 207, Vancouver, WA 98660, were present again to respond to the Planning Commission's concerns. Emery noted that he and his partner, Bonnie Serkin, had met with Fire Chief Rick Crook and Toby Cole at the fire station. Emery said that they have proposed a development that tries to reduce the amount of pavement and have ran into fire code restrictions. They didn't think street width would be a safety problem, but it is something that will have to be worked out. He said there will be an impact because they will probably lose a bio swale, and there will probably need to be some other engineering. The problem with this situation is that these narrower street standards have been developed, and many other communities are amending their standards. He said this issue is important because of the type of neighborhood they are trying to create (a cozier place, more human-friendly, and less pavement approach to development). He said that he believes in what they are doing, but will have to settle somehow; and this will be worked out. He noted that as a step toward more fire protection, sprinklers have been talked about; which are required in the commercial and the apartments. Regarding the cul-de-sac, Emery said that this particular street was originally connected; but because the steep topography didn't allow it, it was eliminated.

Bassingthwaite discussed some options. He noted that the fire chief and public works director are not opposed to skinny streets. The issue is how to allow for parking on both sides and still maintain clear width. The fire chief probably would be fine with 28-foot width if parking were limited to one side with 8-foot strip parking, which would allow a 20-foot clear path for fire apparatus. Bassingthwaite said this would only apply to streets that are for fire apparatus access; rear alley ways could have less because they have other access. He said that the question really isn't whether the fire chief wants more asphalt; it's a question of how to accommodate parking (whether to allow parking on only one side or taking off parking and having a 20-foot street). He noted that having parking on one side helps provide for overflow parking and influence traffic speed. He noted that there are some ways to deviate from that standard.

Eric Ridenour of SERA Architects said that they have been one of the advocates for this project. He discussed the concept of skinner streets. He said that the situation is balancing two very complex safety issues. The bio swales and keeping fire apparatus design are both important. Ridenour sees traffic speed as being an important safety issue as well. As illustrated in his Power Point presentation, the concept is to deliberately create narrow traffic lanes. He said that if a street is designed very wide, no matter what the posted speed, people drive faster. Skinner streets are one of the proven ways to slow down traffic. Ridenour noted that state fire marshals and people from around the state have tried to balance these issues; and he noted that queuing areas were one idea that they incorporated. In answer to a question from Bassingthwaite, Ridenour confirmed that if queuing were used, there would be designated no parking areas. Bassingthwaite noted that there are some 10 lots accessing off the street within the cul-de-sac and discussed the parking along there. He noted that because it is not a through street, there would not be traffic traveling from one destination to another using this neighborhood. There would not be a significant amount of on-street parking on the west side where the houses are; but whether parking is allowed on both sides or just one, the applicant is still probably looking at a 28-foot width. Ridenour said that their preference would be not to have a condition naming 20-foot streets, but to allow the team to work with staff and the fire marshal because there are provisions in the code to look at alternate means of fire protection such as fire sprinklers. Ridenour said that they hope the Commissioners will recognize the value of narrower width and some type of queuing street. Bassingthwaite said that staff would have no objection if the applicant were willing to consider an alternative that was acceptable to the fire marshal.

There was discussion about the increase in height. It was suggested to add language that the 45-foot height is specifically for the sloped roof. The applicant said that they would be open to that as they feel that 3-story is the proper density. Bassingthwaite noted that the 45-foot height would be next to commercial, and Commissioner Beemer added that there are trees taller than that.

Ridenour said that the pitch used would probably be 4:12, which is probably preferable over flat roofs. Bassingthwaite noted that the Commission may want to add language specifying that the 45-foot height is allowed only for the pitch of the roof so that a 4-story building with a flat roof can't be constructed. Bassingthwaite noted that typically neighbors would be the ones to object to a height variance. Here the neighbor is the college, which already is allowed a 50-foot height. There are huge amounts of open space including the college. The only impact would be to land owners within the applicant's development. It was reiterated that they are talking about only the four buildings behind the townhouses right by the college and the commercial area with a big open space buffer between any neighbors. There is a 35-foot 2-story buffer before the single-family homes.

In answer to a question about the need for a conditional use permit for the residential above the commercial, Bassingthwaite said that with the planned development application, the approval of the conditional use can be done as part of the planned development approval rather than as a separate permit approval if the Planning Commission finds that the criteria for a conditional use can be met. He noted that this is a continued hearing, and if people had any concerns about the application, they could have looked at the materials. The mixed use was in the original application and was discussed throughout. If the Planning Commission decides that the criteria for a conditional use have been met, they could approve it. In answer to a question about the request for four years to complete the final subdivision plats, Bassingthwaite noted that the planned development says substantial development is needed to lock in the permit. It doesn't really have an expiration date. The college was the original substantial development. Once work on the college is done, then there is an unlimited amount of time for completion. Bassingthwaite said that since the applicant has asked for four years, it wouldn't hurt to have a specified time to complete the final subdivision plats.

Discussing ownership of the trail system, Rehfuss said that as a result of the lack of maintenance he sees on the Big Creek trail, rather than having the trails be City property, he would like to have an easement over them. Bassingthwaite said that according to Parks and Recreation Director Jim Protiva; if the trail is actually developed to City standards, it is fairly easy for the parks crew to maintain. It seems that if it is in the public hands, it is more likely to be maintained. If it is shifted to a homeowners association; they may not have the ability to maintain the trail, and it may come back to the City. Bassingthwaite noted that the development will be adding to the tax base and additional revenues can be utilized for parks and recreation. He noted that when City budgets take a hit, parks are one of the items that are affected. Beemer expressed strong disagreement with what Rehfuss said about how the Big Creek trail is maintained. Beemer said that he helped with the development of that trail and he walks it a lot. Beemer supports public ownership of all trails. He feels that these trails would best be maintained by Newport Parks and Recreation. Patrick and McIntyre agreed. Emery said that Jim Protiva had also talked about getting the county and state involved. Emery said that the idea is to produce something that has enough value that the public sees it. He talked about the trail system pattern. He noted that the "Valley to the Coast" trail would end in Newport. It is something that the City could advertise, and there would be perceived value from the public viewpoint. Bassingthwaite noted that typically Newport parks are public and have no neighborhood association assessments associated with maintaining them. Ultimately, Jim Protiva and City staff would like to see them publicly owned. It is the same with streets, which typically the developer pays for, and then they become city streets and city responsibility. Patrick noted that he would like the developer to get with Public Works to make sure the bio swales meet their standards. Emery noted that they have information on the bio swales and that they will build the trails with Jim Protiva's help.

Discussing the cul-de-sacs, Bassingthwaite noted that the idea behind the standards is to encourage more of a grid system and to encourage connection to the rest of the area. He noted that the applicant is asking for a little longer length, but the reason they are not connecting to Wilder is the change in topography. Often with cul-de-sacs there is no connection with walking paths, but there will be a connection to a bike and pedestrian path at the end of this cul-de-sac. Hammerheads can be more efficient than full rounded cul-de-sacs. Both are acceptable under the fire code. The applicant has indicated that the cul-de-sac has been designed to accommodate fire trucks, and there has been no objection from the fire department. The cul-de-sac would be nice to avoid, but the topography doesn't allow it.

Commissioner McIntyre questioned the naming of the streets not keeping with Newport standards of east-west being lettered and north-south being numbered. Bassingthwaite said this has been discussed at City staff level, and it was determined that this is a relatively isolated development and is really not an extension of the City grid system. The applicant has tried to fit lettered streets into the City pattern but Bassingthwaite noted that the street names are a bit confusing. Bassingthwaite noted that it is the Planning Commission's responsibility for naming streets in a development. It is up to the Commission if they think the names make sense and are easy to find as far as the development goes. Emergency vehicle response is one reason why there is an established street naming grid system, but it is also useful for visitors to the community. If streets are laid out in a certain fashion, it makes it easy to find things. Bassingthwaite noted that to be internally consistent, however, a street name should go through on both sides of Wilder. He said that the Planning Commission may want to look at a condition of approval tentatively accepting the street names, but allowing staff to change them for consistency based on staff and applicant agreement.

Bassingthwaite noted that there are about 2 acres to the west that is being taken out of the planned development. The property is going to a neighbor and has access off 40th Street and then Stocker Road. He added that with large planned developments there is the strong likelihood that there will be revisions when it goes over a long time.

Bassingthwaite summarized the additions and modifications that had been discussed for conditions of approval. He noted that something that the applicant has requested (like the second story residential over commercial and shared parking) is actually

approved and not really a condition, so it won't have to be set out but just described in the final order. He said that it can be better to approve these within the body of the final order; where conditions are adjustments or additions related to approval.

There were no other proponents wishing to testify.

Opponents or Interested Parties: There were no opponents or interested parties wishing to testify.

Chair Patrick closed the hearing at 8:25 p.m. **MOTION** was made by Commissioner Rehfuss, seconded by Commissioner McIntyre, to approve the requests in File No. 1-PD-09/2-PD-09/3-PD-09/1-SUB-09 with the conditions listed in the staff report as amended with those discussed. The motion carried unanimously in a voice vote.

Bassingthwaite noted that the Planning Commission could meet next week to approve the final order. Otherwise, there is a fifth Monday, which would make it be three weeks before it would be approved. Followed by the two-week appeal period, there would be five weeks before the action was final. **MOTION** was made by Commissioner McIntyre, seconded by Commissioner Beemer, to hold a Planning Commission meeting on Monday, March 30th at 6:00 p.m. in the Council Chambers at City Hall to consider the final order for File No. 1-PD-09/2-PD-09/3-PD-09/1-SUB-09. The motion carried unanimously in a voice vote.

F. Unfinished Business. There was no unfinished business.

G. Adjournment. There being no further business to come before the Planning Commission, the meeting adjourned at 8:30 p.m.

Respectfully submitted,

_____

Wanda Haney
Senior Administrative Assistant