

**MINUTES**  
**City of Newport Planning Commission**  
**Regular Session**  
**Newport City Hall Council Chambers**  
**May 29, 2018**

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

**Planning Commissioners Absent:** Jim Hanselman (*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 Hardy, Berman, Croteau, Patrick, Franklin, and Branigan were present.

2. **Approval of Minutes.**

A. Approval of the Planning Commission work and regular session meeting minutes of May 14, 2018.

Croteau noted minor corrections to the minutes. Branigan noted that Berman was noted present at the work session meeting.

**MOTION** was made by Commissioner Croteau, seconded by Commissioner Franklin to approve the Planning Commission work and regular session meeting minutes of May 14, 2018 with minor corrections. The motion carried unanimously in a voice vote.

3. **Citizen/Public Comment.** No public comments.

4. **Action Items.**

A. **File No. 1-VAR-18.**

**MOTION** was made by Commissioner Croteau, seconded by Commissioner Franklin to approve the Final Order for File 1-VAR-18. The motion carried in a unanimous vote. Berman abstained.

5. **Unfinished Business.** No Unfinished Business.

6. **Public Notices.** At 7:03 p.m. Chair Patrick opened the public hearing portion of the meeting by reading the statement of rights and relevance. He asked the Commissioners for declarations of conflicts of interest, ex parte contacts, bias, or site visits. Croteau reported site visits to both locations. Branigan and Patrick reported site visits to Mariner's Square. 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. 2-NCU-18.** Patrick opened the Public Hearing for File No. 2-NCU-18. Tokos gave his staff report and reviewed the criteria for approval.

Berman asked how a nonconforming use hearing was triggered for this matter. Tokos reported that the NW Natural LNG plant was a nonconforming use in this zone. If they were doing maintenance and repair work they wouldn't need this kind of a review. If they were doing replacement work, it required them to go through a review.

**PROPOSERS:** Mike Smith of Norwest Engineering addressed the PC. He said he represented NW Natural and was available for questions. Patrick asked if he knew anything about how the dyke on the property would hold up in a tsunami and if they had any plans in place for tsunamis. Smith said he didn't know because he wasn't with NW Natural. Franklin asked if the technology going in was a major improvement. Smith said it was the same tech, just more efficient. Hardy asked if it was a safety upgrade or new. Smith said it was new to build it to current code. It was a

safety upgrade but not a requirement. Branigan asked if there were other projects in the future that would be brought to the PC again for these types of hearings. Smith said there were other projects that he knew of, but wasn't sure if the scope would spark a hearing.

**OPPONENTS:** No Opponents.

Hearing closed at 7:12pm.

Hardy, Berman, Franklin, Branigan and Patrick all said they had no problems with approving the nonconforming use.

**MOTION** was made by Commissioner Croteau, seconded by Commissioner Berman to approve the nonconforming use for File No. 2-NCU-18. The motion carried in a unanimous vote.

**B. File No. 2-NCU-18 Final Order and Findings.**

**MOTION** was made by Commissioner Croteau, seconded by Commissioner Berman to approve the Final Order and Findings for File No. 2-NCU-18. The motion carried in a unanimous vote.

**C. File No. 3-CUP-18.** Patrick opened the Public Hearing for File No. 3-CUP-18. Tokos gave his staff report and reviewed the criteria for approval.

Franklin asked if the applicant would receive credit for SDCs if they were not using the restaurant portion. Tokos said there was a chance that they might but he didn't have a breakdown at that point.

**PROPONENTS:** Dustin Capri and Brook Castelky addressed the PC. Capri gave an overview of the improvements that would be happening for the project. He noted that there would be updates on attractions on the inside and repair work to the outside.

Berman said it wasn't clear exactly on the application materials what the new construction portion would be. Capri said there was a 10 x 30 square foot expansion out toward the courtyard. This would become a three-level entry to accommodate an elevator for accessibility and apply modern ADA laws into the structure. The other work was to the roofs on the east and west sections and they would build a new roof over the west section. Franklin asked if they did outreach to businesses in area on the projects. Capri said yes, and they hadn't heard anything negative. Croteau asked what a 7D theater was. Castelky said it was theater with 3D glasses where someone could participate in a video with features to equate to 7D experience. Patrick asked what materials the building would be sided with. Capri said it would be hardiplank with some cedar mixed in. Branigan asked what material the roof would be constructed of. Capri said it would be a metal roof.

**OPPONENTS:** Janet Webster addressed the PC. She said there were three art murals on the building that were part of the public art inventory. She asked what would be the disposition of those murals and the landscaping.

**REBUTTAL:** Capri said the public art may not be where they were positioned currently but the owners were open to looking at keeping the spirit alive and reutilize them. The material they were painted on was deteriorating and the siding would need to be replaced. The bulk of the landscaping would stay. Hardy asked why the City should care that a private owner's art went away. Castelky said they were open to this and wanted to talk more about incorporating it in final design.

Hearing closed at 7:30pm.

Branigan said notwithstanding the public art, he thought it would add to the community and didn't have issues. Franklin was excited about putting money into the structure and was in favor. Croteau was in favor. Berman thought it was compatible. Hardy didn't have a problem with it and didn't think the City had a right to dictate what an owner did with their art. Patrick was in favor.

**MOTION** was made by Commissioner Croteau, seconded by Commissioner Franklin, to approve File No. 3-CUP-18 with conditions. The motion carried in a unanimous vote.

**7. New Business.** None were heard.

8. **Unfinished Business.** None were heard.

9. **Director Comments.** Tokos reported that the City Council hearing for Bonnie Serkin's transfer of SDC credits needed more information before voting. Serkin would be talking to the Council at their next work session meeting, and there would be a public hearing at some point. Croteau asked if the appeal would increase it if was directed toward workforce housing or affordable housing opposed to residential. Tokos said he didn't know but thought they wanted to get their heads around what the credits were all about.

Tokos reported that he requested to bring the Airport Restrictive Overlay discussion back to the PC because there was some specific language required by administrative rule that wasn't included and needed to be. He noted there weren't a lot of changes.

Tokos reported that there were two public outreach meetings that had happened for the Parking Study and four more public outreach meetings were scheduled in June.

Tokos reported that the Park System Master Plan Advisory Committee had been formed and there would be a first outreach meeting in June.

Patrick asked how the outreach meetings for the parking study was attended. Tokos said the turnout was well attended. He said it was a benefit to have Gary Ripka standing up with the Port group to say the study was the way to go. The fish processing group was excited about it because they were concerned about reserving parking space. The commercial fishing group's response was fairly strong and they felt it was about time to do something about parking. There were some details to work out, but they said to not rule out a parking structure in the future. He thought the next outreach meetings would be more challenging, especially in the Nye Beach and Bayfront areas.

Franklin asked what the reasoning was to bringing back the parking district in Nye Beach. Tokos said there was a one year extension on all of the parking districts because they didn't want confusion and to have a onetime seamless transition. They didn't want a gap period where there was nothing, which could be confusing.

Croteau asked how the consultant stood on the Transportation Plan. Tokos said they were working on the scope of it and met with TKS and discussed feedback. He noted there would be no more reference to north beach. They would be fleshing out the scope of work in the next two weeks and said they were looking at signing a contract then. Patrick said there were a lot of projects in the summertime when businesses were full and hoped that some of the projects would happen in the fall. Tokos reported the Park System Master Plan was a 12-month process but needed to take a next step for making a decision on the Parking Study. Berman asked what the next step would be. Tokos said after the next round of outreach, it would go back to the Advisory Committee. They would then make a recommendation on how the City Council should consider the study. Only elements of the study would come to the PC for consideration.

10. **Adjournment.** Having no further business, the meeting adjourned at 7:41 p.m.

Respectfully submitted,



Sherri Marineau  
Executive Assistant

