

Minutes
City of Newport Planning Commission Regular Session
Monday, November 22, 2010

Commissioners Present: Jim Patrick, Mark Fisher, Melanie Sarazin, and Glen Small.

Commissioners Absent: Rod Croteau, Gary East, and John Rehfluss (all excused).

City Staff Present: Community Development Director (CDD) Derrick Tokos and Senior Administrative Assistant Wanda Haney.

Chair Patrick called the meeting to order in the Council Chambers of Newport City Hall at 7:09 p.m.

A. Approval of Minutes.

1. Approval of the work session and regular session Planning Commission meeting minutes of October 25, 2010.

MOTION was made by Commissioner Fisher, seconded by Commissioner Patrick, to approve the Planning Commission work session and regular session minutes from October 25, 2010. The motion carried unanimously in a voice vote.

B. Consent Calendar. Nothing on the consent calendar.

C. Citizen/Public Comment. No comments regarding non-agenda items.

D. Public Hearings.

Chair Patrick opened the public hearing portion of the meeting at 7:10 p.m. by reading the statement of rights and relevance. He asked the Commissioners for declarations of conflicts of interest, ex parte contact, bias, or site visits. Sarazin and Small both declared site visits. Patrick asked for objections to any of the Planning Commissioners or the Commission as a whole hearing this matter; and no objections were heard.

Quasi-Judicial Actions:

1. **File No. 3-NCU-10.** Per NZO Section 2-5-1/"Nonconforming Uses, Lots, and Structures", a request submitted by Newport Church of the Nazarene (Dean Coppage, Coastal Project Consultants, authorized representative) for approval for expansion/alteration of a nonconforming church use in a residential (R-2) zoning district in order to construct a fenced outdoor children's playground, partially covered with a temporary wet weather cover, on a 25 x 106 foot area on the west side of the existing building on church grounds at 227 NW 12th St. Church uses are permitted in the R-2 zone following the issuance of a conditional use permit; but the church use of the property predates the establishment of this requirement and is, therefore, a nonconforming use. The building predates setback standards of the R-2 zone, making it a nonconforming structure.

Patrick opened the hearing for File No. 3-NCU-10 at 7:11 p.m. by reading the summary of the request from the agenda. He called for the staff report. Tokos noted that the staff report outlines all of the criteria for a nonconforming use permit. He said that this particular church predates the conditional use permit requirement in the R-2 zone and is a nonconforming use. It also predates the setbacks. Tokos included documents from the building file that show the church was built in the 1960s. It was remodeled in the 1970s to the current form. Consistent with the nonconforming use rules in terms of verifying nonconformity, the information in the building file shows that the structure was lawfully constructed, and the use has been in this property at a more or less uniform level since 1960. Now that that is verified, the next question for the nonconforming use is will the change have a greater adverse impact. The staff report explains that considering the character and history of the use, this is not going to have a greater adverse impact. There are existing playgrounds in the neighborhood. Tokos noted in the staff report that having sidewalk on Nye Street is anticipated at some point. It is high priority. Since Nye Street has sufficient right-of-way to insure there is public right-of-way, it seems that having the playground area all the way to the property line should not be a problem. The analysis in the staff report, along with the findings by the applicant that are attached, determine that the nonconforming use request to include the playground satisfies the criteria, and the application should be approved. There are a couple of conditions recommended. The first is the typical condition that approval is based on what information was provided in the submittal and the findings; and the approval is not authorizing anything that is not part of this application. The second condition is that to the extent that the applicant can comply with all necessary codes, they need to do so. Tokos noted that a communication was received from Commissioner Rehfluss, which Tokos read in as public comment. Rehfluss noted that he was sorry he was not able to attend the meeting, but he had driven around the church and had a comment to offer. He explained that the expansion is fine, but he thought some conditions should be attached requiring landscaping and sidewalks along NW 11th Street. Tokos noted that this is a very modest proposal, and he doesn't believe that an expansion of this nature is enough to warrant requiring the addition

of sidewalks. Patrick questioned whether it would be appropriate to ask for a waiver of remonstrance if an LID formed. Tokos thought that was still a stretch. It is outdoors, and there is not much construction activity; so he doesn't believe this project is a good candidate for that type of condition.

Proponents: Dean Coppage, 1130 NE Voyage Ave, Lincoln City, OR 97367. Coppage explained that he lived in Newport for twelve years before moving to the Lincoln City area. During his time in Newport, he attended this church; so he is familiar with it. Coppage said that the only thing he found in the staff report that he doesn't understand is the reference to the Presbyterian Church. When the Nazarene Church bought the property, it was vacant. It had a big hill and a canyon. They leveled the hill top and built the original church in 1960. He noted that the church has never had an outdoor playground. He said that the church is growing, and the increase in young children has been dramatic. The church felt that the time has come that they need some sort of playground. This proposed area is on the west side of the church (east side of Nye Street) directly across from the housing authority. It seemed like a logical place. This is an existing grassy area right outside the children's wing. They have discussed fire access with Fire Marshal Toby Cole and have come to a conclusion on how this can be done so the windows are still accessible. The playground will have a fence around it. To address the discussion regarding sidewalks on 11th Street, Coppage said that the church owns that part of the block between NW 10th and NW 11th that fronts Grove Street. The church has an application in for a conditional use permit to erect a new building on that property and at that time would upgrade sidewalks on SW 11th. Coppage noted that the church is willing to do whatever the recommendations are, however.

Commissioner Small asked why use a temporary wet weather cover rather than a permanent one. Coppage said that was a question from the Planning Department as well, but part of it had to do with cost. He noted that the church is willing to do whatever is requested. They are trying to do something light without having to be too heavy on that area. One member had thought of doing a steel building, but Coppage doesn't feel that is in keeping with the architecture. He said that there are certain periods of weather that are nicer than others, and the thought of the temporary tent-like structure is that it can be attached to the eaves on the south and east of the playground and still leave the windows accessible for venting and egress. These rooms have only one door onto the hallway, and there needs to be at least two exits out of those rooms. If the cover is temporary, during the summer months the side panels could be taken down so that it would be a little more open and airy at that time. Small asked if the church had given any consideration to the fact that during off hours, the playground would be used by unsupervised children. Coppage said that they would like to say the playground is open to all. The fenced area will have locks on the gates to keep unwanted traffic from coming in when children are in there playing. The children in the housing development to the west have a nice playground less than 50 feet from the sidewalk. He doesn't believe there would be any additional noise. He noted that there are quite a few children from the housing development that come over and use the church. If anyone wanted to come into the playground, as long as they came through the main church and checked in, then the church doesn't have a problem with that.

There were no other proponents present wishing to testify.

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

Chair Patrick closed the hearing at 7:25 p.m. for deliberation. Commissioner Small said that the only possible concern would be the increased noise; but as was brought up, there already is a playground in the immediate area. So, he doesn't think there would be any increase noise from this traffic. He doesn't believe this generates more vehicle traffic. The infrastructure is adequate. Small sees no reason why this request shouldn't be approved. He said that he would be opposed to adding requirements such as sidewalks. Small is in favor of approving. Fisher observed that the Nazarene Church has always been a good neighbor for Newport. They have youth activities using their gym, even if they are not members of that church. The church does Thanksgiving dinners for homeless people. He said that they are good citizens. Fisher said that he realized that particular cutout is not being used, but he is not really pleased with how close it is to the sidewalk. He likes setbacks to be a little more. He feels it does become an attractive nuisance. He said he can guarantee that children are not the only ones that will be there. When he goes to the ball field, he finds people sleeping in the dugouts. He thought that we may get complaints later on. Fisher said that he would like to see this playground, but he hopes that the church members will closely watch what is happening there. Sarazin said that she basically agrees with what the others have said. Patrick said that his thoughts are the same. He felt that the fence will keep most of the problem down, and Sarazin agreed. Coppage noted that they have asked for a 6-foot fence, and have been told that will be okay in the setback area simply because it is there for the children.

MOTION was made by Commissioner Small, seconded by Commissioner Sarazin, to approve the request in File No. 3-NCU-10 with the conditions set forth by staff. The motion carried unanimously in a voice vote.

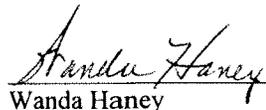
E. Unfinished Business. Tokos wanted to apprise the Commission on a couple of items. First, the status of the geologic hazards code update. The City Council is still working on it. They will be doing a work session on November 29th, and the hearing will be continued on December 6th. The Council is trying to determine how to deal with moderate zoned areas. The State said that the reconnaissance form is not going to work; and a full report is needed. The code had been set up so that moderate zones could do a full report or a reconnaissance form. Low zones are being dropped, but moderate would still need a report. We have testimony from the professionals that a report is still needed in moderate zones. The City Council is not sure that is appropriate, so they are still dealing with the moderate risk areas. The public comment period is closed; the Council is in deliberation at this point and is working with the information in the record. Tokos said that they can pretty safely drop the low

zones, but under the Comprehensive Plan a site evaluation is supposed to be required in areas of suspected or known risk. The Council hopefully will reach a decision on December 6th because that is the last opportunity for this particular Council. It gets more challenging if it goes to the next Council. The other item is the housing and buildable lands study. The request for proposals from consultants ended at 5:00 p.m. today, and five or six came in. Tokos said that he would like to set up a time to meet with Gary East, Jim Patrick, and Lisa Mulcahy to see who would be the best consultant. Also, Tokos noted that the city center parking district formation will be before the Council on the 6th. In addition, the parking ordinance updates have been waiting to go before the Council when the parking district formation does. Tokos said that there will likely be a positive outcome on the formation of a parking district, and the parking code updates will run at the same time. Patrick asked whether it would be appropriate for him to testify at the hearing regarding the formation of a city center parking district. Tokos advised him to be cautious about testifying. There was some brief discussion about the parking district.

F. New Business. There was no new business.

G. Adjournment. There being no further business to come before the Planning Commission, the meeting adjourned at 7:40 p.m.

Respectfully submitted,



Wanda Haney
Senior Administrative Assistant