

**MINUTES**  
**City of Newport Planning Commission**  
**Regular Session**  
**Newport City Hall Council Chambers**  
**Monday, March 23, 2015**

**Commissioners Present:** Jim Patrick, Rod Croteau, Lee Hardy, Mike Franklin, and Gary East.

**Commissioners Absent:** Bob Berman and Bill Branigan (*excused*).

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

**A. Roll Call:** Patrick called the meeting to order in the City Hall Council Chambers at 7:00 p.m. On roll call, Hardy, Croteau, Patrick, Franklin, and East were present. Berman and Branigan were absent, but excused.

**B. Approval of Minutes.**

1. Approval of the Planning Commission work session and regular meeting minutes of March 9, 2015.

**MOTION** was made by Commissioner Croteau, seconded by Commissioner Hardy, to approve the Planning Commission meeting minutes of March 9, 2015, as presented. The motion carried unanimously in a voice vote.

**C. Citizen/Public Comment.** No public comment.

**D. Consent Calendar.** Nothing on the Consent Calendar.

**E. Action Items.**

1. **Appoint a member to the Urban Renewal Advisory Committee.** Tokos noted that at their last meeting, the City Council adopted the two resolutions the Commission had discussed in work session. The one initiated the process for preparing the new Urban Renewal Plan. The second one established an advisory committee to assist in that preparation. That advisory committee is to include one Planning Commission member who is a resident of the Agate Beach area because they are serving as that representative as well. A couple of the Commissioners met that qualification. Croteau said that he filled the bill, and that would be fine with him.

**MOTION** was made by Commissioner Hardy, seconded by Commissioner Franklin, to appoint Commissioner Rod Croteau as the Planning Commission/Agate Beach representative to the Urban Renewal Advisory Committee. The motion carried unanimously in a voice vote.

Tokos noted that the City Council expanded the committee to fifteen members. They included two citizens and one from the budget committee; the rest of the members were as the Commission had discussed. The Council had no issues with the sidebars the Commission talked about. Croteau asked when they anticipate getting things moving. Tokos said the appointments will be made at the Council's second meeting in April. By that time Tokos should have a firm under contract to assist. The schedule is that it should fire up in May and should wrap up in October.

**F. Public Hearings.**

Chair Patrick opened the public hearing portion of the meeting at 7:05 p.m. 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. Nothing was declared. He called for objections to any member of the Planning Commission or the Commission as a whole hearing this matter; and none were heard.

1. **File No. 1-AX-15/1-Z-15.** Consideration of a request submitted by Newport Memory Care, LLC (John Pariani of Pariani Land Surveying, LLC, authorized representative) (Newport Assisted Living, LLC and the City of Newport, property owners) for the annexation of approximately 36,127 sq. ft. of real property; establish zoning

designation of R-4 "High Density Multi-Family Residential; apply Iron Mountain Impact Overlay; and withdraw the territory from the Newport Rural Fire Protection District and the Lincoln County Library District. The property is located on NE 71<sup>st</sup> St. (eastern portion of Tax Lot 1003 and northwestern corner of Tax Lot 1002 of Lincoln County Assessor's Map 10-11-20). The Commission will forward a recommendation on this matter to the City Council.

Patrick opened the public hearing for File No. 1-AX-15/1-Z-15 at 7:06 p.m. by reading the summary of the file from the agenda. He called for the staff report. Tokos noted that he had the entire record available for inspection tonight if needed. He made a clarification in terms of the summary. It's more than the 0.61 acre noted on the agenda. There is a 50-foot section of City property adjacent to that site that is being annexed as well to allow the extension of NE 71<sup>st</sup>. The amount of property involved is 36,127 square feet, as noted in the staff report. That also makes the City of Newport an owner in addition to the applicant. That is consistent with the UGB expansion that also included that area for the extension of the roadway. That's important because we don't want their frontage improvements extending into County jurisdiction on timber property, which would complicate the process.

Tokos noted that the criteria are pretty straightforward for the annexation. Public rights-of-way or strips of land for that purpose, are not considered an ownership interest for purposes of petitioning; so we don't have to worry about City sponsorship or anything of that nature. The applicant and owner have consented to the application and thus provided the required consents under the Statute and code. The territory is within our Urban Growth Boundary. That was accomplished by City Ordinance 2065 and County Ordinance 478. The property is contiguous to the city limits to its west boundary. This is the expansion of an existing assisted-living facility; Oceanview Senior Living. R-4 zoning is appropriate as opposed to R-3 since that is what is in the area; there is no R-3 in the area. It is conducive to the expansion of the facility, which is what they are planning to do. Once the property is in the City and it's under R-4 zoning, the applicant will follow up and partition that piece off so it's separate from the balance of Ocean View Senior Living property. The Planning Commission won't see that; that is a staff-level action. The applicant is doing that primarily for financing. It's still going to be an expansion managed by the overall operation as he understands it.

Tokos explained that this is just the next logical step in what takes a long time when you're bringing property into your UGB because there are a number of steps. Tokos talked to the surveyor, and he understands that he needs to refine the survey and map for purposes of an ordinance should the Commission recommend this favorably and the City Council approves this. It will need to be clearer when submitted to the State Department of Revenue; they won't accept a couple of cobbled-together descriptions. They want it cleaner than that. Tokos said the Iron Mountain Overlay is a given because of its proximity to the quarry. That's one issue where the Department of Transportation weighed in on the UGB action to make sure those protections are in place so when this is developed people don't turn around and complain and drive their quarry out of business. That is what those protections are in place for. Aggregate is considered a natural resource. The Overlay will ensure that when this applicant gets to a point of developing the units, protective covenants will be in place to advise those who are purchasing or leasing those units that there's a quarry next door, and it will be noisy at times.

Patrick said he didn't understand the survey; it doesn't look like the other pictures. Tokos said that's attachment "E", which has two pieces to it. Looking at the graphics, the first one is what he did for the original property line adjustment when they obtained the property from the City as part of a land swap so we could get right-of-way for 71<sup>st</sup> to go all the way to City property. The piece in issue is that small piece in what would have been at that time the far northwest corner of the City's property. That is the 0.61 acre. Franklin wondered how the street goes through. Tokos said the next map is showing the 50-foot strip. He noted that Attachment "C" shows 71<sup>st</sup> coming up right below that 0.61 acre. He said to look at the second graphic of "E" on the back of the last sheet and compare that. Tokos went over to show the Commissioners. That 50-foot strip comes up to the City property. Patrick said, so we had no access to the City property. Tokos said we originally acquired it as right-of-way to get it up to City property; and this action will allow the extension of NE 71<sup>st</sup> to the northeast. He said that Attachment "C" shows it as clearly as possible.

**MOTION** was made by Commissioner Croteau, seconded by Commissioner Franklin, to forward a recommendation to approve the request described in File No. 1-AX-15/1-Z-15 with an R-4 zoning designation. The motion carried unanimously in a voice vote.

**G. New Business.** No new business.

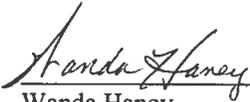
**H. Unfinished Business.** No unfinished business.

**I. Director Comments.**

1. Reminder of Volunteer Appreciation Dinner on April 21<sup>st</sup> at 6:00 p.m. at the Oregon Coast Aquarium. Tokos said the only thing was a reminder of the Volunteer Appreciation Dinner on April 21<sup>st</sup>. He encouraged all of the Commissioners to attend. He said it's one of the few opportunities for the City to reach out to its volunteers and recognize the awesome work that you do. He said the Commissioners put in a lot of time. Also, you can get the kudos you deserve. Patrick said at a CCB ethics session, he was told the City shouldn't do that. Tokos said the Statute relates to gifts. You can't accept a gift that's more than \$50 in value from someone you have a relationship in a matter where you will be the decision-making authority. He gave the example, if John Lee came in and gave gift baskets to the Commissioners before you took action on his request. That is the kind of thing that's targeted. This appreciation dinner is nothing that the Commission will be making a decision about. It's for all volunteers in all capacities.

**J. Adjournment.** Having no further business to discuss, the meeting adjourned at 7:20 p.m.

Respectfully submitted,



Wanda Haney  
Executive Assistant

