

Draft MINUTES
City of Newport Planning Commission
Regular Session
Newport City Hall Council Chambers
Monday, May 22, 2017

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

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, Hanselman, and Branigan were present.

2. **Approval of Minutes.**

A. Approval of the Planning Commission regular session meeting minutes of May 8, 2017.

Croteau noted minor corrections and provided them to Marineau.

MOTION was made by Commissioner Croteau, seconded by Commissioner Berman to approve the Planning Commission meeting minutes with noted corrections. The motion carried unanimously in a voice vote.

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

4. **Action Items.**

A. **File No. 2-CUP-17.** Chair Patrick called for a motion to approve the Findings and Final Order for Conditional Use Permit 2-CUP-17.

MOTION was made by Commissioner Croteau, seconded by Commissioner Berman to approve the Final Order for Condition Use Permit number 2-CUP-17. The motion carried unanimously in a voice vote.

5. **Public Notices.** At 7:02 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. Hardy reported a drive-by. Berman and Hanselman reported site visits. Croteau reported site visits for both. Patrick reported site visit on 5th Street. Branigan reported site visit to LNG plant. 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. 4-CUP-17.** Patrick called for the staff report for File No. 4-CUP-17. Tokos presented the staff report to the PC. He reported that he visited the site and observed vehicles parked in the grassy area adjacent to the property.

Berman asked if the property was two or three bedrooms. Tokos said the applicant could speak to this. Franklin asked who would do the improvements. The applicants. Hanselman asked what standards would the parking area be built to. It is a dead end roadway. Tokos said his report says they would extend the driveway for parallel parking at the existing grade. Branigan asked what the grade beyond the hedge is. It is flat. Franklin asked what would prevent someone to park in those spaces who aren't staying at the vacation rental. Nothing would prevent them. Berman asked if special signage for the vacation rental could be put up. Tokos explained that the City hasn't done this for other vacation rentals. The area is a public right-of-way and available for anyone to use. The Fire Marshall is concerned that people would park in a travel lane and is a reasonable concern. Hardy asked how long someone can park in a right-of-way. Tokos believed it is 72 hours. Franklin asked how deep the carport is. Tokos said there is limited information on this particular property.

PROPONENTS: Don Matthews, 556 SW 5th Street, Newport, OR 97365. Matthews is a neighbor. Matthews asked Tokos how it came to be that the owner asked for a conditional use permit. Tokos explained that in 2012 new standards were put in place for vacation rentals that requires a parking space for each bedroom rented. The property does not have enough parking spaces for the number of bedrooms they want to have on their endorsement. Matthews explained that fire trucks and sanitary service trucks have to back up to get out of the street. He said that at times there are too many vehicles in the area and a concern. He felt the vacation rental has been run properly. He is concerned on access for fire trucks.

Croteau asked if the property has been a licensed vacation rental. Yes. Branigan asked how many vehicles can park in the grassy area. Three to four vehicles. Branigan asked if anyone has filed complaints. It hasn't been an issue for Matthews. Franklin asked if the area on end of street was paved, would he be happy with it. Matthew said he is concerned on enforcement of parking.

Croteau asked if they are currently operating as a vacation rental. Yes, with occupancy of six for the two bedrooms and they are wanting to add a bedroom. Hanselman asked if Matthews is suggesting that during normal operations there are more than two cars parked there. Yes, but he has no complaints with this vacation rental.

Uri Goldberg, 548 SW 5th St, Newport, OR 97365. Goldberg lives across from the vacation rental. They have not made any complaints to the City for the rental but have called the property management company a few times for complaints. She stated the diagram for parking perpendicular to 5th Street is inconvenient and is better if it is parallel. She suggested the applicant use a portion of their property on the second lot that extends beyond the end of 5th Street for parking. Franklin asked if they did this, would it mean that no one would be able to park at the end of the street. Tokos said it would reduce the amount of parking but not necessarily mean no parking. Patrick asked for clarification on how Goldberg would like cars to park. It would be perpendicular to the carport and parallel to 5th Street. Berman asked Goldberg if there was two parking in the carport and one in the grassy area, would she be okay with that. Yes, and it would be nice if the vacation rental gave direction and the spot was paved. Franklin asked if it was hard for Goldberg to back up when there are two vehicles in the grassy area. Yes. Franklin asked what the highest number of vehicles parked at the property at one time has been. There were 10. Hanselman asked if there are more than two cars parked there for the vacation rental on most occasions. Goldberg would say half the time there is.

Chantelle Charpentier, 1806 NW Dolphin Lane, Waldport, OR 97394. Charpentier works for Vacasa and started working with owners in March as they were not happy with the previous management. They want to be good neighbors and help them be okay with the vacation rental. Charpentier feels the best solution is the PC approve the additional parking space. She suggested the property management put up a parking map for guests in the home and give clear directions in the arrival directions. They also ask that letters go out to neighbors to notify them of Vacasa's contact information. They want to make sure everybody is safe and they will do their due diligence to make whatever the PC decides happen.

Croteau asked if there was a party with 10 people at the unit, what would Vacasa do. They have local operations managers that go out. They have a no party policy and if they are having one, it means the end of their reservation. Croteau asked if they have done this before. Yes, but not as often as you would think.

OPPONENTS: There were no opponents present wishing to testify; so rebuttal was waived.

Deliberations started at 7:32p.m.

Branigan thanked everyone for testifying. He thinks an issue is that it is hard to police the parking all the time. In lieu of the Fire Chief's comments and the neighbor's comments, he felt the request be approved with a condition that they extend back along 5th Street and put in a paved area. Hanselman is concerned about public and property safety. Having visited the site, he recognized how difficult it is to get an emergency vehicle in and out. It is not just the vacation rental that is at risk for public safety. Expanding a parking lot encourages more people. His experience with vacation rentals hasn't been good. He doesn't think the parking is the solution here. Creating more parking on a public right of way may create more issues. He stated he is leaning on not approving. Franklin agreed that though two paved spots would be a benefit and give more room, in the future this property could be owned by someone else. Having the parking space designated for vacation rental would alter the way a lot could be built on. Based on this, he cannot approve it. Croteau found the safety argument compelling and felt no further parking should be encouraged. Berman stated if it is approved, an additional parking space would make an overall difference to what is there now. Even though a

vacation rental is approved, there can be more vehicles that show up to park. He didn't think this is happening at the property. It is up to the neighbors to contact the property managers to report too many vehicles. He would approve with the condition that at least one paved parking space on the SE end of the grassy area is provided. Hardy was concerned about the public safety issue. She wondered if the owner could research adding off street parking along the house next to the grassy area to resolve the parking pressure. Having driven emergency vehicles, Hardy stated it can be a challenge to access the street and inclined on that basis that they find other avenues for parking. Patrick pointed out that two dwellings across from the vacation rental are non-conforming and lack off street parking. He was concerned about providing on street parking as a solution to off street parking. He was inclined to not approve it or have the applicant create another off street parking space. Berman asked if they created an off street parking space could it be gravel. Yes.

MOTION was made by Commissioner Croteau, seconded by Commissioner Franklin, to deny File No. 4-CUP-17 as presented. The motion carried in a voice vote. Berman opposed.

B. File No. 1-NCU-17. Patrick called for the staff report for File No. 1-NCU-17. Tokos presented the staff report. Patrick asked if the Northwest Natural Plant was at the property before zoning occurred. Yes. Tokos explained that as a part of the statewide planning goals at the time, anything that didn't meet the rules was considered nonconforming.

Franklin asked for clarification on what the shaded dome was that is illustrated on Attachment A-4, page 3. This is a portion of the tank. Franklin asked what the height of the tank is. The proponent will answer this question.

PROPOSERS: Mike McKenzie, LNG Project Manager, Northwest Natural, 220 NW Second Ave, Portland, OR, 97209. McKenzie noted that the tank height is 122 feet tall and the pretreatment equipment is just under 34 feet. It sits tucked into the buildings. Patrick asked Tokos about the height limit in the area. It doesn't apply as it is nonconforming.

McKenzie explained that the project will bring the plant up to code. The equipment is designed to tuck into the buildings and blend in. It is lower than the tank. The dome shape is the containment dyke. He explained the function and use of the equipment.

Branigan asked if in the case of a tsunami, are the dykes large enough to repel water or can they withstand a 12-foot surge. They designed the system to the latest code for LNG plants and it specifies specific seismic design for the plant. They don't specifically cover design for tsunamis. It has been retrofitted, very stout, and held to a higher standard above commercial building codes. Berman asked for McKenzie's best guess on what would happen to the equipment in the case of a tsunami. McKenzie stated he isn't qualified to answer the question. It is a double walled tank. Part of the design for the improvements is to develop safer structures.

Steve Hooker, LNG Plant Superintendent, Northwest Natural, 220 NW Second Ave, Portland, OR, 97209. Hooker invited the PC to take a walk around the plant and take a look at it.

OPPOSERS: There were no opposers present wishing to testify; so rebuttal was waived.

Deliberations started at 8:01 p.m.

Hardy, Berman, Croteau, Franklin, Hanselman, Branigan, and Patrick all have no issues.

MOTION was made by Commissioner Croteau, seconded by Commissioner Berman, to approve File No. 1-NCU-17 as presented. The motion carried unanimously in a voice vote.

6. **New Business.** No new business.

7. **Unfinished Business.**

A. Open House for Revisions to the Flood Insurance Maps: Tokos reported that the open house outreach meeting was productive. There are a few properties in Newport that are affected, mainly in South Shores. He spoke to Chuck McClain, a developer there, who is considering an amendment for their planned development to get rid of the hotel restaurant concept. They are thinking on amending the PUD to do a 15 lot subdivision and finish it off as a

residential PUD without the commercial hotel component. He found out the flood insurance maps were changing and thought he would have to fill the entire five acres up so he wasn't subject to this. Tokos was able to talk him out of this saying they are velocity zones and has to do with wave inundation. Much of the inundation area is where he can't build on anyway. South Shore has a substantial vegetation buffer they are required to adhere to that wouldn't allow homes to be built that close to the edge of the dune and not much of an impact.

FEMA was at the meeting but they didn't have an insurance representative there. Hanselman said he did speak to a representative for a private insurance who was there. She was there to share with the public that they could offer insurance through Lloyd's of London that was a third of the cost. Turnout for the event was around 30-40 people.

Tokos reported that we are in the 90-day appeal period and appeal letters may be coming from residents. The biggest concern has been how the change affects insurance rates.

B. Newport 2040 Visioning Sessions: Visioning sessions were happening May 22 & 23, 2017. There are three teams for focus areas. They will have draft visioning statements for the Advisory Committee in June. The statements will be vetted with the community then go to the City Council for adoption in August. Online polls and meetings in a box will continue to happen. Patrick asked if the PC will do a work session for this. Tokos agreed that they should and will do it in June or July.

C. Samaritan Hospital Groundbreaking: The Samaritan Hospital will have their groundbreaking ceremony on Tuesday, May 23, 2017 at 3pm. The PC is invited to attend.

D. Oregon Parks and Rec Master Plan: The Oregon Parks and Rec Master Plan is being updated. There are three state parks in the City limits. The final master plan is done and will have an outreach meeting on May 24th from 5-7pm at Beverly Beach Park. The PC is invited to attend.

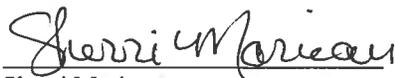
8. Director Comments.

A. Vending: Tokos explained that vending is a topic that has come up on the City Council level. Dennis Bishop approached the CC to vend in the Nye Beach turnaround. The vending code limited venders to a push cart. Bishop has a bigger vending cart and the CC asked to make a revision to code to provide for larger structures. Bishop's is now permissible. This is a pilot program. The CC will allow it through the summer season and relook at it at the end of the year. They are inclined to send it to the PC and will be a part of a work session at some point.

Patrick asked Franklin how he feels about this. He doesn't think a large orange trailer is appropriate for the area. There are parking issues there and vending will be taking up pedestrian space. The stand will be a hot dog stand. Tokos expects that if it is picked up and vetted, tensions between brick and mortar restaurants and vending would have to be worked through. Croteau asked if this has been done before in this spot. Franklin said yes. The venders moved because of the wind and it not being a viable location. Tokos reminded that private property has a provision that vending be half a mile away from a brick and mortar restaurant. Franklin said that another issue is that the Nye Beach overlay does not allow drive up vending. This isn't the same thing but is a window service and similar. Tokos said these are legitimate things to bring up to do a more thorough process. Patrick asked about the vending vans on the Bayfront. Tokos said as part of the pilot program, they have changed the requirement for mobile vending to change locations every 30 minutes instead of 15 minutes.

9. Adjournment. Having no further business, the meeting adjourned at 8:20 p.m.

Respectfully submitted,



Sherri Marineau
Executive Assistant