

**MINUTES**  
**City of Newport Planning Commission**  
**Regular Session**  
**Newport City Hall Council Chambers**  
**Tuesday, May 26, 2015**

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

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

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

A. **Roll Call:** Chair 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 regular meeting minutes of April 27, 2015.

**MOTION** was made by Commissioner Croteau, seconded by Commissioner Franklin, to approve the Planning Commission meeting minutes of April 27, 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 Planning Commission member to serve on the Project Advisory Committee for the Local Improvement District (LID) Implementation Plan.

Franklin asked what the time commitment was for this committee. Tokos said there should be about a half dozen meetings during the daytime beginning late June and running over the next six months. Franklin said he would volunteer as the Commission's representative.

F. **Public Hearings.**

Patrick opened the public hearing portion of the meeting at 7:02 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. Commissioner Hardy declared a fiduciary relationship with the applicant of the third hearing. Croteau, Franklin, East, and Patrick all declared site visits. Patrick 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. 2-CUP-15.** A request submitted by Noble Estate Vineyard & Winery (Mark Jurasevich, agent) for approval of a request for a conditional use permit in order to operate a retail outlet for wine, ocean/beach photography, fishing gear, and handcrafted glass seascapes at 145 SW Bay Blvd. Any retail use that is permitted outright in the Tourist Commercial (C-2) district is allowed in the W-2 district following issuance of a conditional use permit.

Patrick opened the public hearing for File No. 2-CUP-15 at 7:04 p.m. by reading the summary of the file from the agenda. He called for the staff report. Tokos noted that the Commissioners had received additional testimony from the applicant Mark Jurasevich, the owner of Noble Estates. They also had at the desk copies of emails from Janet Webster and Cris Torp, which included Tokos' response; and the applicant has this information as well. Tokos explained that the conditional use application is for approval to convert a 1400-square-foot single-family residence into a retail commercial establishment for the purpose of wine tasting, the sale of wine, and the sale of other specialty retail items including photography, fishing gear, handcrafted glass items, and things of that nature. The residence on

the Bay Front does not have any off-street parking as the Commissioners would have noted on their site visits. Tokos noted that the relevant approval criteria for a conditional use has four standards that have to be met, which are addressed in detail in the staff report. He also noted that he had the entire application with him should anybody need that information. Tokos listed the criteria. Conditional Use Permits are either handled administratively or if the use generates more than fifty new vehicle trips, then it requires Planning Commission review. This use generates more than fifty new vehicles trips as outlined in the staff report; and that is why this is before the Planning Commission.

Tokos explained that the first criterion relates to the adequacy of public facilities. The code identifies public facilities, which basically are provided by the City such as water, sewer, storm drainage, and electricity by the PUD. All are available and serving the property. The staff report goes into greater detail. The second criterion is that the request complies with the requirements of the underlying or overlay zone. There are some provisions of the Bay Front Plan ensuring that the use maintains or enhances the historic quality of the area. The applicant has not indicated any proposed changes to the exterior at this time. The third criterion is probably the most relevant, which is that the use doesn't have an adverse impact greater than existing uses on nearby properties. Adverse impacts are nuisance-type things. The adequacy of off-street parking has historically been addressed under this. Very limited off-street parking is available. Most parking is in public rights-of-way on streets or in public lots. Under the city's off-street parking code, when there's new development or a change of use that intensifies the use, those standards trigger off-street parking requirements. That's typically handled with the addition of off-street spaces. On the Bay Front, there are provisions in the code because of the limited opportunity for off-street spaces to be constructed. There used to be the payment-in-lieu-of provision. That has evolved into parking districts, which is similar but just funded differently. Businesses in the area pay business license surcharges, which are used for parking improvements. There is an allowance on the Bay Front that when there is a change of use or a new development, they get five off-street spaces for "gratis" for being part of the district. Tokos said the Commission can reasonably find that no additional off-street parking is required. He noted that there is the comment from Janet Webster with the Bay Front Parking District of why wine tasting is considered just specialty retail instead of a drinking establishment. If the Commission views the use in that manner, then the applicant wouldn't have sufficient off-street parking. Tokos' view was that it's largely dependent upon scale. He has seen some wine tasting facilities that are obviously specialty-retail-oriented and others that are bars. He views this as more specialty retail. We have other tasting rooms on the Bay Front, in Nye Beach, and the Rogue distillery in South Beach is comparable. There is the wine tasting on the second floor of the gallery on the Bay Front that is all retail-oriented, with the wine tasting being a very small part. There are those where the footprint is larger where it's predominantly wine tasting and not much else and there is the sale of product consumed on site rather than getting to buy a bottle to be consumed off-site. Tokos said there is an interpretation to be made here. Tokos said if the Commission is uncomfortable with the proposal with the additional seating, probably the best angle for tackling that is to eliminate the seating and just leave it to the bar, then the opportunity for considering it a wine bar is diminished. Tokos said he didn't know if that was necessary; the Commission has to make their own judgement. Tokos noted that he provided a draft set of findings and conditions of approval should the Commission find that the request satisfies the criteria. If the Commission adds any conditions, they need to be specific about what that would be so that Tokos can incorporate them into a revised final order and findings.

**Proponents:** Mark Jurasevich, Noble Estate owner, 29210 Gimpl Hill Rd, Eugene, OR 97402, came forward to testify. Jurasevich noted that he had prepared a handout that had been distributed to the Commissioners. He said that the wine tasting industry is a unique business. They have customers that would like to taste the wines. Then they usually buy bottles and take them home to enjoy with dinner. He said they attract a nice clientele. This business would be good for tourism. He said that they would appreciate the opportunity to set up a tasting room in Newport.

Croteau asked if the applicant plans on serving food. Jurasevich said hopefully cheese plates with crackers; no full meals. Hardy asked how much time a taster spends in the establishment. Jurasevich said probably an hour or two. In the past, they have closed their tasting rooms at 9 p.m., which relieves the traffic in the later evening. Hardy asked what their overall hours of business would be. Jurasevich explained usually noon to 9 p.m. Hardy asked, so you would have five or six people tasting for about an hour or two at any one time. Jurasevich said yes; they are hoping to receive quite a bit of foot traffic from the Embarcadero and the neighborhoods too. Patrick noted that in the application Jurasevich is asking for noon to 10 p.m. He asked Jurasevich if he would have any objection to removing some of the seating. Jurasevich said they are hoping for approximately 20-25 or 30 chairs. Patrick said he counts 20 on the site plan. Franklin asked if the outside deck would be utilized for seating; and Jurasevich confirmed that. Franklin said, then potentially it could be 50 seats. Jurasevich said yes that would be the maximum. They hope that people could come by and enjoy a full glass of wine. Patrick wondered what OLCC says about wine tasting rooms;

do they have any criteria? Jurasevich said not per square footage; he has to submit to them how many total chairs of seating they would have. He noted that the City Council would be signing off on his application. Franklin said it becomes 75% of seating for a drinking establishment when using the deck. Tokos said he was considering half for retail space. He wasn't aware that the deck was being proposed for that use. He said it's a matter of interpretation. The Commission may want to limit it to the seating that is shown. It can always be revised in the future. There are twenty seats shown on the site plan right now. Patrick said that is where he is. Jurasevich said it would be nice to separate the seating between the inside and outside. Patrick said if the Commission limited the seating to 20 seats, there would be no objection if Jurasevich moved the seating outside during the summer. Franklin thought that it had to be that with a certain number of seats, OLCC requires a different type of permit.

Tokos said this is a judgement call on the Commission's part, at what point do you view this as a bar? East said that if most of the area in the establishment is for seating and very little for retail; it's kind of a push at that point. Patrick said probably in this picture, it's now 50/50. Franklin said the only way to harness this is to come down to a particular number of seats allowed whether the deck is open or not. East said it could be used for overflow seating possibly. Patrick said he wouldn't mind if they moved the seats outside. East said it's a great spot to watch the marina. Patrick wondered where the Commission thought they should draw the line; on seats, or on square footage. He would do it on one of those. It will be applied again. He said maybe if it's wine tasting, it's limited to an area to display retail wines and very limited seating. East said maybe three to four tables with four seats each, and the rest designated to retail items. The bar itself is an area where you possibly have ten people standing with retail wines displayed behind that and they can taste different varieties and purchase it. There's always a little snack like cheese and crackers. Hardy asked what about basing it on a percentage of gross sales and separate it between retail and wine. Tokos said that's very hard to enforce. His suggestion is that the number of seats is a better way to go with the flexibility to move them around. The plan shows 20; and in his view that's a reasonable place to go. Patrick said that would give us a benchmark for the future; it's 20 seats and must be less than 50% of the total area. Franklin asked Jurasevich at their other locations what's the percentage that is used for wine tasting or drinking compared to retail. Is retail more prevalent? Jurasevich said the other two facilities are about 80% wine-related and 20% with other retail items. The tasting room in Yachats is about the same. He said at this facility, to meet the Commission's requirements, there will be more retail. Tokos said it's reasonable for the Commission to look at this site plan and based on that, less than 50% is dedicated to wine tasting and the balance to art and other retail. He can draft that into the findings so the Commission can sign off on that based on the number of seats. He can show as a recommendation not to exceed 20 seats. Based on that information the Commission will not have trouble finding that it's a retail use as opposed to a bar. The Commission can frame it that way. Franklin asked if the Commission would call out how it's set up. Patrick said 20 seats, we don't care how. Croteau said it feels like a wine tasting room to him. If it's a wine bar, he expects a menu. That's the difference. This is a reasonable number. This has the smell of wine tasting rather than a bar to him. East said they could have stacks of wine bottles for sale. Croteau thought that the percentage of space and number of seats gives an objective standard as a definition of wine tasting for the Commission's purposes.

Patrick wondered if we could say no food service or no full kitchen equipment. Tokos said one way would be to limit it to the sale of products not prepared on the property. They don't prepare cheese there. That's simple enough; no food preparation. Food not prepared on premises. They can serve cheese plates, which isn't made on site. Jurasevich said they have to have a food license with the Department of Agriculture, and they limit it to just cutting cheese and breads; but no cooking. Patrick agreed that our criteria for tasting rooms could be no cooking.

Franklin asked if they plan to put a wall or railing around the deck, and was told that it's already installed.

There were no other proponents present wishing to testify.

**Opponents and Interested Parties:** There were no opponents or interested parties present to testify, so Jurasevich waived his rebuttal.

Patrick closed the hearing at 7:30 p.m. for Commissioner deliberation. East thought that with the conditions that were talked about, he is all for it. He thinks it's a good way to go. Franklin felt the same way. Croteau said we have a definition, and he is good with that. Hardy summarized that it's less than 50% applied to wine tasting, the balance to retail, no limits to the time customers will be there, the parking over-run is taken care of, no food cooked on site, and no more than 20 seats. She said she sees no problem with that. Patrick thought that is doable; no cooking, 50% retail, and no more than 20 seats. Tokos asked if the Commissioners wanted to approve the final order with those

modifications, and he will make the changes for Patrick's signature; or if they wanted to see it in two weeks. The Commissioners had no problem with Tokos making those changes and Patrick coming in to sign it.

**MOTION** was made by Commissioner Croteau, seconded by Commissioner East, to approve File No. 2-CUP-15. With the conditions specified. Tokos clarified that his motion included the proposed conditions already in the draft final order; and Croteau confirmed that. The motion carried unanimously in a voice vote.

**MOTION** was made by Commissioner Croteau, seconded by Commissioner Franklin, to approve the final order for File No. 2-CUP-15 as amended. The motion carried unanimously in a voice vote.

2. **File No. 3-CUP-15.** A request submitted by Anthony Hauser for approval of a conditional use permit per Newport Municipal Code (NMC) Chapter 14.25.020(E) for a vacation rental in a residence where the requirements per NMC 14.25.050 for off-street parking spaces cannot be met. The subject property is located at 619 NW Alpine (Assessor's Map 11-11-05-CC; Tax Lot 6300).

Patrick opened the public hearing for File No. 3-CUP-15 at 7:35 p.m. by reading the summary of the file from the agenda. He called for the staff report. Tokos noted that he had the staff report and the case file. He said that when the provisions for vacation rentals were revised, they typically are allowed in any existing home provided they can meet the endorsement standards that requires certain things. In this case, off-street parking is one thing that this unit may not have. There is an outlet where the applicant can apply for a conditional use permit if they can't meet one or more of the standards. The residence at 619 NW Alpine is on a dead-end stub where the right-of-way has "dedication uncertain." It was platted a very long time ago, and the exact location is unclear. The area in front of the home can accommodate a number of vehicles. It happens to be in an area shown on the maps as right-of-way. The owner and applicant in this case decided to file for a conditional use permit application rather than try to resolve the uncertain right-of-way. He is asking for relief so he can park where they historically have in front of his home. Tokos noted that the conditional use criteria are the same as the application the Commission just talked about; and he listed them. He noted that the Planning Commission has had other applications of this nature in Nye Beach because historically they don't have off-street parking. One of the factors we looked at in the past was what kind of impact it would have to nearby property owners. This is a dead-end stub street, and there's not a lot of traffic going up there. He said this seems pretty clear cut. This is not a high-traffic street with a high demand for on-street spaces. You don't have a lot of tourist traffic there. In all likelihood, a person would perceive this being parking for this property. Tokos thought that the Commission has ample grounds to grant the conditional use for those reasons.

Hardy asked if Tokos considered the impact for emergency vehicles. She wondered if they can get fire trucks up there and maneuver as needed. Tokos said there is an "as-traveled" roadway. With the depth that you have here, you would not have vehicles extending onto the as-traveled roadway. Croteau said it's shown as 20 feet. There is a large shrub in the northwest corner. They would have to park next to the neighbor's garage. He said it will impact the roadway a little bit. He asked if there's anything that precludes using the front yard as a parking lot. Tokos said that the code does have a provision that they reserve half of the front yard in landscaping to prevent people from clearing the front yard of landscaping in order to park cars. Croteau said that his concern is that basically the front yard will become a parking lot. Tokos said the applicant is not proposing to remove vegetation at this time. Croteau said there is the provision that 50% of the front yard is landscaped. Hardy said you can park on landscaping. Tokos agreed that the standard doesn't preclude you from parking on landscaping; it just says you can't pull it out.

**Proponents:** John Schmauder, 625 NW Alpine, came forward to testify. He noted that he has lived there for over 22 years, and most of the people on this street have been there over 20 years. The street as used is 25 or 30 feet wide even though the map shows it as a 50-foot easement. Of the four properties on the west side of Alpine, two have structures built in the street right-of-way. He and 619 Alpine park in what would be their front yards, which is really part of the street easement. They can't park on the street; it would block everybody. There isn't a lot of tourist traffic because they don't know where the street is. He said the property in question with some cleanup of the shrubbery could park three cars off-street in the front yard. He thinks it should be limited to no more than three while being rented. He doesn't know their intent and how many inhabitants they can have. He said they have lived there quite well amongst themselves. They can park three cars at the end of the street against the fence next to the condos. He said that the gentleman also present tonight that lives on the east side has off-street parking. The first one at the corner of 6<sup>th</sup> and Alpine has a garage. Schmauder would like to see the City make a resolution of where Alpine lies. He tried to get the power pole buried. After going to the City, he went to PUD and they said the pole is right in the middle of

the street easement. They end up with a very narrow street and very limited parking. If the City could restrict parking to the front yard on 619 and limit it to three vehicles, they would have space there. He has no real objection.

Croteau said if they have three cars parked there, you couldn't park on the street anyway. Schmauder said you could park on the street if you blocked those three in. He said he is in favor of the request on the condition that they park on the front yard and it's limited to three. He noted that that lot is 35 feet wide.

William Chenoweth, 626 NW Alpine, came forward to testify. He noted that he is the neighbor who has the garage. He said that Schmauder didn't make it clear that the power pole is a problem. It sticks almost to the middle of the street. He just recently had siding refinished. One vehicle was able to block up the street. He doesn't have an objection to what the applicant wants to do. The problem is if it's not a normal car like a vehicle with a boat trailer, the power pole and on certain days that parking lot for the ambulance building overflows. He's unsure you would get a fire truck up there anyway. The fire hydrant is right at the corner. He said the other thing to consider is that there is another piece of property that is vacant. They took the old home down and plan to rebuild. He suggested taking a look because the land slopes and there is a drainage issue. Two could easily park there; three maybe could, but not a long RV or trailer. There is one site at the end of 6<sup>th</sup> Street where they could unload a boat and then park in front of 619. He said he doesn't really have an objection to the request; but it is a place where it can be difficult driving in and out. The power pole is a problem. Two cars can't pass at that point. There are only three houses beyond that pole.

Croteau asked if the property where the house was taken down that Chenoweth referred to was on the east side. Chenoweth said it's between the ambulance property and his.

There were no other proponents present wishing to testify.

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

Patrick closed the hearing at 7:50 p.m. for Commission deliberation. Hardy thought that parking should be better defined in some of the conditions if this is approved. She said that 50% landscaping in the front yard sounds good until you park on the grass. She wondered if that's a concern. She said maybe we should set some definitions for that. She wonders if the street is too narrow for a fire truck or ambulance, which is right next door. Her concern is the fire truck getting in and out if everybody is home, and the power pole that should be a consideration. Croteau thought it might be entirely legal, but parking three cars in the front yard seems like a hillbilly solution to things and not respectful to the neighbors. It's already a very crowded and narrow street. Hardy asked what damage it would do. Croteau said none; other than appearance. The hillbilly solution is that if you don't have room, you put it in the front yard. Franklin thought that there's no other way around it other than parking in the front yard; and it has been happening for a long time. He doesn't see the power pole as much of an issue because there is still the transformer box there. He said that two cars should be the max at this location. You can fit three, but no one can get out of their car. If the vacation rental people offer a picture and let the renters know exactly where to park and be respectable of the neighbors. East asked how many bedrooms the house has. Tokos said three bedrooms. The way the vacation rental code works is that they have to have one off-street space per bedroom. There is no obligation that they have to use the off-street parking; that is their choice. Occupancy is two per bedroom plus two; so in this case, a maximum occupancy of six. Patrick said the reasoning behind the landscaping was because we didn't want them to take the front yards out and turn them into parking lots. He sees two spaces being closer to the intent of the code rather than taking the whole thing. East said three bedroom would be six people. They would have to figure some way for the additional traffic. He also thinks it should be limited to two. Croteau thought that two is fine, but enforcement is impossible. Two cars is a reasonable number for the amount of space. Franklin wondered if it will lower their maximum occupancy. Tokos said it's no different than all vacation rental endorsements, where occupancy is keyed off of the number of spaces available. If there are complaints about the number of cars parked there or occupancy, we look into it. Patrick said he feels more comfortable with two spaces; at least that's trying to stay closer to the 50% landscaped yard. He said it's just in a bad spot. He takes to heart the request for resolution of the road right-of-way; but he doesn't know that the Commission can do anything about that now. Tokos said nothing now.

**MOTION** was made by Commissioner Franklin, seconded by Commissioner Hardy, to approve File No. 3-CUP-15 with the stipulation that two is the maximum number of parking spots that will be allowed. The motion carried in a voice vote with Patrick, Hardy, East, and Franklin voting in favor, and Croteau opposed. Tokos asked if the

Commission wanted to vote on approval of the draft final order and findings with the amendment discussed now, and he could change it before Patrick signs it. The Commissioners had no problem with that.

**MOTION** was made by Commissioner East, seconded by Commissioner Hardy, to approve the final order for File No. 3-CUP-15, as amended. The motion carried unanimously in a voice vote.

3. **File No. 2-PD-15 / 3-PD-15 / 1-SUB-15.** A request submitted by Bonnie Serkin of Landwaves, Inc. (Elizabeth Decker of JET Planning, authorized representative) for approval of major modifications to the approved Preliminary Development Plan for Phase 1 of Wilder, and major modifications to the approved Final Development Plan for Phase I of Wilder, and amendments to the tentative subdivision plan for portions of Phase 1 of Wilder. The subject property includes Tax Lots 100 and 103 of Assessor's Tax Map 11-11-20 (Parcels 1 and 2, Partition Plat No. 2015-01) consisting of approximately 41.24 acres.

Patrick opened the public hearing for File No. 2-PD-15/3-PD-15/1-SUB-15 at 7:59 p.m. by reading the summary from the agenda. He called for the staff report. Tokos noted that the staff report he put together contains the approval criteria. The proposal is effectively for the next three phases of the Wilder development. He summarized that the criteria for the preliminary development plan are found in NMC 14.35.020, .030, and .070; for the final plan in 14.35.100, and for the tentative subdivision in chapter 13.05. Each standard is listed specifically in the staff report along with analysis primarily from the applicant along with staff commentary as well. Tokos said what the Commission has here is an application that meets or can meet approval standards at least in their view. A number of issues still need to be worked out, but that won't change the overall flavor of what the Commission is looking at as noted in the staff analysis. Public Works has not had a chance to do a complete review and provide their responses. Tokos suggested that the Commission take testimony tonight, hear the proposal, and ask questions; not make a decision tonight. Instead, carry this over to the next meeting with instructions to staff to work through the remaining issues in order to adopt the final order and findings at the next meeting potentially. At issue is the adequacy of utilities and street accesses as laid out and making sure as phases are aligned, infrastructure installed is adequate to serve that development and that there isn't just partial installation that causes issues. Another issue is to make sure the utility designs make sense and are reviewed and signed-off by Public Works. They haven't been able to do that. The latest set came in on the 20<sup>th</sup>. They would have enough time between now and June 8<sup>th</sup>. The preliminary plan requires they have the Public Works Director's letter that the streets are adequate. That's something we would love to have from the City Engineer before taking action on the final order and findings. There is some information in the staff report with respect to Phase 4. There is a wetlands there, and the primary concern is if the applicant tries not to mitigate that and have a stormwater management system, that the City wants it to be placed into a tract under City ownership as opposed to an easement. The applicant's concern is that it not be open to the public. The City's concern is that we have adequate access to maintain what we are being requested to. Tokos said we should be able to reach a happy medium where they can't install an obstruction with direct dedication and language making it clear that the general public doesn't have an opportunity go in there. With a lot of stormwater systems, you can set it up so it's secure and fenced. The only issue with Phase 3 is with the cul-de-sac. The issue on Phase 2 is to make sure the phasing is logical such that as each phase is platted, they will have adequate street access and utilities. One of those phases, 2C or 2D employs a green alley, which is part of the kit of parts. That was part of the original plan and was approved. This requires two feet on each side; and it's important that that happens. The lots do not have front or rear yard setbacks. If they are asking on a case-by-case basis, we have to pick that off; which is a little tricky. It's cleaner to lock that up in an easement or with expansion of the right-of-way. Our Fire Department is comfortable with a layout that allows their ladder truck to maneuver. Public Works has turn ratios for that vehicle, but they haven't had time to confirm that. Public Works may have comments for the proposed stubs. With Phase 2C, we will have to sort through that and whether it's dedicated public right-of-way. Tokos said that those are the types of things that won't materially change what the Commission is looking at, but need to be worked through.

Tokos' recommendation is to take testimony and hear the applicant's presentation. Ask questions, and set this over to the next meeting with instructions to work through for possible adoption at the next meeting. Tokos noted that he did have additional material from the applicant, which he handed out to the Commissioners. He noted that Hardy doesn't stand to financially benefit, so she didn't have to recuse herself.

**Proponents:** Bonnie Serkin, Chief Operating Officer of Landwaves, 2712 SE 20<sup>th</sup> Ave, Portland, came forward to testify. She noted that the last time she was before the Commission with changes, she had said she wouldn't be back before five years; and she kept her promise. She noted that Wilder has really taken off. Serkin said that several builders

in the previous phases have talked about building in future phases. The South Beach Church is interested in building on the far south end of the village center. Landwaves has broken ground on a coffee shop in the village center. Okseholt Construction is poised to begin 28 apartment units followed by six more single-family homes; and in between those, 20 micro-cottages. He already built six of them. Phase 3 are nine of the larger lots; about 10,000 square feet. One of the other builders is looking at those, Fowler Homes. Phase 4 is one of the parcels that OSU has been looking at for student housing; but it's also beautiful for single-family homes. Serkin said that is how it could happen. This could be a very busy few years.

Elizabeth Decker of Jet Planning, Landwaves representative, came forward to address the concerns raised in the staff report. Regarding emergency access, in Phase 3 the cul-de-sac is 40 feet to meet fire code standards. The parking was their error; they never intended to have it there. They prepared a turning diagram showing the pattern of emergency vehicles. Using the wheelbase of the City's largest fire truck, it showed they can make the turn. They will review this with the Fire Department and Public Works. They did additional equations about emergency access in the green alleys in 2C and 2D. The exhibit shows a turning diagram of how the trucks maneuver to reach all of those lots. Those lots have multiple accesses; the alleys are secondary accesses. They proposed rounded corners and eliminated one of the lots in order to make sure vehicles can maneuver. She said, as mentioned in the staff report, 2 feet are required on either side of the alley. That is in the kit of parts. In Phase 1 they dealt with that by recording a public utility easement. No structures are allowed in that easement. They can use the same approach. Regarding stormwater drainage in Phase 4, they have two options so they have flexibility in the future depending on how they actually develop. They could retain the wetland, which is an existing natural feature, and preserve it and put it to work. They would like to retain the wetland to make sure there is an option to mitigate. They are happy to work with the City to make sure there is a mechanism to ensure access for maintenance. The CC&Rs for Wilder prohibit altering wetlands or natural features. They have their own CC&Rs to ensure that wetland is taken care of. Another issue is the phasing adequacy of utilities in Phase 2. She had an exhibit of Phase 2B, 2C, and 2D showing how the utilities can be developed independently. Phase 2A is where the coffee shop is going to be. Ellis Street connects to College Way before the final plat, which provides a secondary access point for Phase 2B. Phase 2B is the phase where Oksenholt is wanting to get started with apartments. He is very eager to start on that project and break ground this year. Both projects are guaranteed to move forward. If the final plat of 2B is proposed first, they will work with the City to make sure there are adequate services, and 2A will be completed. As a temporary fix, they could gravel a small portion of Ellis Street and add a condition to the apartment occupancies. Both are moving forward. They will make sure they tie together. There was additional concern for 2C and 2D and how they might stand independently. The apartments in 2B are on tap and will be built first. 46<sup>th</sup> Street will provide access to the southern part of 2C. For Phase 2C, 46<sup>th</sup> Street will be constructed first to serve the apartments. For the micro-cottages, it will be 46<sup>th</sup>, Fleming, or Geneva; depending on the driveway. There's a turnaround on Fleming and Geneva. If Phase 2C is first, they will complete the loop. If Phase 2D is first, Harborton is done; they will complete it with curb and gutter. It's served by 44<sup>th</sup> Street and accesses through Fleming Street. The turnaround would be constructed with 2D. They have the flexibility to make sure they have access to all blocks. The last issue was about the street lighting included in the utility plans. They proposed lights at each intersection; traditional lighting to make sure it's not too bright. They are looking at slightly different light fixtures than used in Phase 1. They are in consultation with the City and PUD and will do additional lighting analyses.

There were no other proponents present wishing to testify.

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

Tokos recommended closing the hearing and continue to the next hearing date, June 8<sup>th</sup> when the Commission would have the ability to reopen the hearing upon request. If nobody wants that, the Commission can move on to deliberation.

**MOTION** was made by Commissioner Croteau, seconded by Commissioner East, to close the public hearing and continue to June 8<sup>th</sup> to allow resolution of the remaining issues. The motion carried unanimously in a voice vote.

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

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

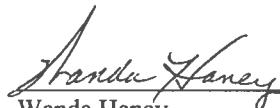
**I. Director Comments.**

1. With respect to Urban Renewal work, requests for quotes from consultants are due by the end of the month. Once a consultant is on board, we will look to initiate that process and get the citizen advisory committee formed. We are looking at the beginning of next fiscal year. The proposals are based upon trying to get the process done in fiscal year 2016-17. It's still on schedule, but we just won't start until the beginning of next fiscal year.

2. Patrick asked if anything is scheduled for the visioning process. Tokos said nothing is scheduled yet. City Manager Nebel is taking the lead on that.

J. Adjournment. Having no further business to discuss, the meeting adjourned at 8:26 p.m.

Respectfully submitted,

  
\_\_\_\_\_  
Wanda Haney  
Executive Assistant