

Minutes
City of Newport Planning Commission Regular Session
Monday, February 14, 2011

Commissioners Present: Jim Patrick, Mark Fisher, Melanie Sarazin, Rod Croteau, Gary East, and Glen Small.

Commissioners Absent: John Reh fuss (excused).

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

Chair Patrick called the meeting to order in the Council Chambers of Newport City Hall at 7:00 p.m.

A. Approval of Minutes.

1. Approval of the work session and regular session Planning Commission meeting minutes of January 13, 2011, and the work session minutes of January 24, 2011.

MOTION was made by Commissioner Fisher, seconded by Commissioner Sarazin, to approve all sets of the Planning Commission minutes as presented. The motion carried unanimously in a voice vote.

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

C. Consent Calendar. Nothing on the consent calendar.

D. New Business.

1. Renaming a portion of SE 84th Street. Tokos noted that the City has an ordinance for how to go about naming streets within the city to keep it clear for public and emergency providers. Numbered streets run east/west and alphabetical streets run north/south. Tokos also provided the statutory language. He said he didn't know if the Commission had ever been asked to make a recommendation on renaming a street, but state law requires that the Planning Commission provide a recommendation to the City Council on a request to rename a street. Tokos explained that what was before the Commission was a request from the City Council for a modest strip of SE 84th Street down by the airport. The City Council referred this to the Planning Commission for a recommendation. The consideration is to rename that portion of SE 84th to SE Winningstad Way or Winningstad Place in honor of Norm Winningstad. The Winningstad family hasn't decided which one they prefer. Either would work, so both are before the Commission. This is simply a recommendation as to whether it is appropriate to rename that portion of 84th. Fisher said that there is an airport committee that meets monthly, and the Commission should know how they feel. He said they should oversee the airport and he wondered if they feel this is good for the city. Tokos said this was taken to the airport committee; and it is his understanding that they were comfortable with the concept of renaming the street in Winningstad's honor. Small asked who initiated the name change. Tokos said that a request was made to the City Council to do something in honor of Norm because they felt something should be done since he had been so active in the community. Some Council members thought about it and eventually thought about renaming that street. Tokos believes there would be some other things in the works unrelated to this street renaming. This is a piece of it. East noted it is inside the airport properties. Croteau asked if there would be no impact on changing addresses out there. Tokos said no, it's pretty simple. It is a public street that is why statute triggers even though it is only serving the airport.

MOTION was made by Commissioner East, seconded by Commissioner Croteau, to approve the renaming of a portion of 84th Street to either Winningstad Way or Winningstad Place as proposed.

Sarazin said that she had no problem honoring Winningstad; but as she is looking at the statute it says "if it is in the best interest of the city", and she doesn't see that. She said, with all due respect to Mr. Winningstad, there is an expense. So, she is not really in favor of approving the request. Fisher said he wasn't either. Croteau said he would feel that way if it just came out of the blue, but the City Council favors it and is putting it forward. Fisher said somebody has obviously requested this, and the City Council simply threw it to the Planning Commission for a recommendation. They will have to hold a public hearing. Tokos said it was brought up in some form at a City Council meeting. Then it was discussed among the Council members. Somebody took it to the airport committee, and then went back to the City Council. They questioned how we rename a street. The Planning Commission provides a recommendation that will direct the Council to get that recommendation. Tokos noted that Ordinance No. 665 he had attached was a comprehensive renaming. Most street renaming has been on a more comprehensive manner citywide such as in South Beach, Agate Beach, or something of that nature. It is not unique. The name change is not an issue at all. Developers propose street names all of the time. Small asked what the additional cost would be. Tokos said probably one or two street name placards, and there is a cost for having a public hearing. Fisher said there are other businesses that have mail

1 Planning Commission meeting minutes 2/14/11.

boxes there, the US Postal Service has to make changes in their system, UPS is there, and the airport. Tokos said the time line on this is not pressing. The Commission could table it and ask that they bring back the costs to any affected business at the airport, and that you would be interested in seeing a proponent. Patrick said this was a request that came to the City Council and this is the procedure to follow. Croteau wondered if there was an opinion from the airport board. Patrick said it would be good to have more information.

Croteau withdrew his second to the motion made by East. **MOTION** was made by Commissioner Fisher, seconded by Commissioner Small, to table this matter and continue it to the first hearing in March in order to request additional information. The motion carried in a voice vote with Fisher, Small, East, Patrick, and Croteau in favor, and Sarazin opposed. Tokos said he will see if he can get more information.

E. Review and Recommendation.

1. File No. 12-Z-09. Proposed update to NZO Section 2-4-7 (Geologic Hazards), which the City Council remanded to the Planning Commission for an on-the-record review and recommendation on how to approach geologic permit requirements in moderate hazard areas in light of concerns raised by the Oregon State Board of Geologist Examiners about the viability of the reconnaissance form option and other testimony the Council received on the issue after the Planning Commission provided its initial recommendation. The Planning Commission will be providing the City Council with a recommendation on this remanded item.

Patrick opened this portion of the agenda at 7:15 by reading the summary from the agenda. He asked for a staff report. Tokos noted that what the Commissioners have in their packets is a draft letter of recommendation to the City Council as well as a mark-up copy of the code showing where the changes were made coming out of the work session. The minutes were in the packet. So he could get Commissioner's comments, Tokos had distributed the documents in advance of this meeting. He did receive comments from Commissioner Croteau and Citizens Advisory Committee member Lisa Mulcahy, which were included in the packet. He specifically responded to Croteau. On January 24th, one thing talked about was that if any portion of a lot or parcel was in high or active, review should be required. The question was what the ramifications are when only a small part is in the high or active where a full report wouldn't really be required. Tokos went through each lot to see what the ramifications would be. There are a handful of parcels where that could be a potential issue, so Tokos put language in that if they are over 5 acres in size and development is occurring outside the hazard areas, a geologic report is not required. He said that a number of comments were by Dennis Bartoldus representing property owners, property owners themselves, and the state that the maps are not site-specific and cannot be relied upon to say if a property is in active, high, moderate, or low zone; it is best to use the maps as a trigger. In Tokos' judgment, if something is being done on a big 5-acre parcel, we are pretty safe if the development is on the far easterly side. On maps displayed on the overhead, Tokos pointed out those lots needing review and those not. Beginning at the north, he noted that the waste transfer station is on a 40-acre property with a small strip of high, so wouldn't need a report. Going down along the bluff, those all would require site-specific evaluation because we couldn't use the DOGAMI maps to make that judgment. Those potentially high would require reviews. Many are primarily 5,000 square foot lots. Primarily the immediate coastline would require reports. Those lots have active, high, and moderate zones almost all the way up and down the coastline. We would be exempting lots a little bit further inland. On the balance, you can safety factor that it makes sense. Most lots along the coastline would require review. Why it's appropriate to put over 5 acres is because, for example, if the state park is doing something in their camp ground. There are a number of lots in South Shore that are moderate and fall off. Tokos said he had panned through the maps so the Commissioners could see what the change was with what was recommended on the 24th with the one change he made for the lots larger than 5 acres. That is that we will use the DOGAMI maps, and if they reflect that it is outside the hazard zone, then we say they don't need site-specific review. Fisher said that he didn't look at the ramification of this fully. He gave an example of someone having an acre lot and maybe just the back ten feet is in the high zone, and the other 390 feet are totally low or moderate. He said, with that in mind, he doesn't feel that he agrees now. You are saying that there are a handful of larger properties, but the fact that the construction planned is far away from high or active, it still makes it usable. He said 5 acres is an arbitrary size. He wondered if Tokos could take out "larger than 5 acres", and just say a handful of larger. Tokos said he could have set it at 20 acres. There really is no case where we have large properties in those zones that could be divided. We have a large number of government-owned. Some get up to 1 1/2 acres, but those are on the coast and the larger portion of those properties are off the bluff on the beach. Fisher wondered if a person has 90% in moderate and only 10% in the other, if they would have a way to appeal it. Tokos said if they are investing in a report telling them how much of their property is actually moderate or high, they are probably doing a full report at that point anyway. They are getting an engineering geologist anyway and would have money invested. Fisher asked if they had the right to do a lot split, and Tokos said they could do it that way. Croteau declared that he could have a potential conflict because his property is in low and moderate zones. He said that he appreciates the analysis Tokos did. That was his concern on larger lots. It is pretty difficult to get a free piece if you don't have a big enough lot to split. The maps are only good to +/- 20 feet. He said it's time to take a look at safety.

Fisher referred to 2-4-7.075 (B) on page 7 of the code. If a lot happened to be in the moderate or low zone, they shouldn't have to do a geologic report; yet this doesn't say that. Tokos said the change of the code only applies to active or high. East said he thought the discussion was that if you have a home of 30-40 years that gets destroyed, and you know it is in high; as long as you are only building in the existing footprint, you wouldn't have to deal with a full geologic report. Fisher said he thought so too. Tokos said that the language requires that they would need to do a geologic report, but it is not appealable. He said this was 2 Planning Commission meeting minutes 2/14/11.

discussed by the Planning Commission. If a house in the active or high zones that was built in the 30s burns down, there never was a geologic report. They should have to at least do a report to make sure it's safe as possible, but they are not subjected to an appeal by a neighbor. Fisher asked how long a certified report should be good. Tokos said it is valid for 5 years, which is discussed on page 4 under section 2-4-7.030. This is consistent with what the professionals said their certificate could be relied upon. But, Tokos noted, that is slightly outside the Commission's charge.

Patrick said that we have a good set of maps right now. We will get a better set of maps, and these areas are going to move. All we're looking at is a trigger mechanism. Small said that the heart of a lot of debate was that the maps were not meant to be site-specific but would trigger an investigation. He understands the concern about those lots that are in different zones, but he is not in favor of adding a burden. He said he doesn't know how to do it without making it site-specific. Small agreed with Patrick that this is a good trigger for reports. Tokos said that if he had to take a guess, it's almost 50/50. Almost half of the lots would fall out and half would stay in. Croteau noted that with the bulk of those, it involves a substantial part of the lot.

MOTION was made by Commissioner Sarazin, seconded by Commissioner Small, to approve the draft recommendation letter with the amended code as presented for forwarding to the City Council. East noted that erosion control methods are not in there but verified that will be reviewed later as a general citywide measure not related just to geologic hazardous lots. Tokos said it didn't seem that it made sense to keep low and moderate zones in just to deal with erosion control. That needs to be outside the geologic code. The motion carried unanimously in a voice vote.

F. Public Hearings. No public hearings on tonight's agenda.

G. Unfinished Business. Tokos had one item for the work session that he didn't get to and covered here. That was the update on the SIC code work. He shared the changes with owners of industrial properties. The Port is still reviewing this, as are the owners of the Tryon property. Rich Richmond and the Lawsons have expressed concerns about their I-2 property on the far north side. If I-2 is combined with I-3, they lose a lot of commercial uses but pick up a lot of industrial. They will likely object to that. If we combine I-2 and I-3, Paul Lawson might be okay if we allowed them to keep I-2 for a certain period of years. That makes it a little more complicated to draft up. It could drop out 4-5 years down the road. Patrick said that he thinks we need to do a better job protecting our industrial properties. It has dribbled away in South Beach. We don't have much of it. If we allow commercial uses, we won't have a lot of industrial.

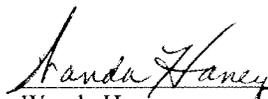
Fisher asked how this code amendment would affect Lawson. Tokos said Lawson would lose some commercial uses, such as a restaurant. Lawson knows it's not suited for commercial uses anyway because there is no highway frontage, but he is trying to get it shovel ready. He views any changes of this nature somewhat skeptically and thinks it may make it difficult to do something with his property. Fisher asked if Lawson couldn't get a conditional use. Tokos said he would lose the ability for some commercial completely. Patrick noted, though, that there were some allowed outright as well. Tokos said that I-2 allowed pretty much a full plate of commercial and some industrial uses. With the combination, I-2 loses a big bunch of commercial, but picked up a number of different industrial uses; and some of the heavier uses. In answer to a question about Measure 37 and takings, Tokos said the Commission doesn't need to be concerned about it. It's hard to say this change will take value. That is industrial property, and losing the commercial probably wouldn't have an effect on value.

There was brief discussion about having a period of time before I-2 would go away, and this amendment would be effective. It was thought this process may be easier. It would just be for the industrial, not the rest. Patrick said then if we get testimony that some of those commercial uses that were thrown out should be in, they have to come make an argument why they need that particular use. Tokos said that for industrial properties, we are going to have to do a map change anyway. One thing he talked to Lawson about is if he feels I-1 was more appropriate. There is I-1 across the street. That was another option for him. We will send direct mail notices for industrial zones anyway. It's their obligation to attend the hearing. Tokos will be meeting with the Nye Beach Merchants Association prior to a hearing. At the earliest, a hearing will probably be at the second March meeting or in April.

Sarazin asked to be excused from the February 28th meeting. Tokos noted that at that meeting the Commission will be conducting a joint work session with the Lincoln County Planning Commission and will also be receiving a presentation by a wave energy company.

H. Adjournment. There being no further business to come before the Planning Commission, the meeting adjourned at 7:48 p.m.

Respectfully submitted,



Wanda Haney
Senior Administrative Assistant