

Minutes  
**City of Newport Planning Commission**  
**Regular Session**  
**Newport City Hall Council Chambers**  
**Monday, January 13, 2014**

**Commissioners Present:** Jim Patrick, Jim McIntyre, Rod Croteau, Mark Fisher, Gary East, Bill Branigan, and Bob Berman.

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

**A. Roll Call.** Chair Patrick called the meeting to order in the Council Chambers of Newport City Hall at 7:00 p.m. On roll call, Berman, McIntyre, Croteau, Patrick, Fisher, East, and Branigan were present.

**B. Approval of Minutes.**

1. Approval of the Planning Commission regular session meeting minutes of November 25, 2013.

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

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

**D. Action Items.**

1. Confirm reappointment of Planning Commission member and appointment of new Planning Commission member.

**MOTION** was made by Commissioner Fisher, seconded by Commissioner East, to accept the reappointment of Patrick and the appointment of Berman. The motion carried unanimously in a voice vote.

2. Election of Planning Commission Chair and Vice Chair for 2014.

**MOTION** was made by Commissioner Branigan, seconded by Commissioner Croteau, to re-elect Patrick as Chair. The motion carried unanimously in a voice vote.

Patrick suggested nominating Croteau as Vice Chair. **MOTION** was made by Commissioner Fisher, seconded by Commissioner McIntyre, to elect Croteau as Vice Chair. Croteau said that he thought there were other Commissioners more qualified. The motion carried in a voice vote, with all but Croteau voting in favor.

3. Select Planning Commission representative to serve on the Business License Group. Fisher said that he would like to serve if no one else was interested. Croteau said that he would also serve if a second Commissioner was needed. Fisher will serve as primary representative, and Croteau will be an alternate representative.

**E. Consent Calendar.** Nothing on the consent calendar.

**F. Public Hearings.**

Quasi-Judicial Hearings:

1. File No. 3-AX-13 / 6-Z-13. Consideration of a request initiated by the City Council to eliminate Sections 2(B), 2(C), and 2(D) of Ordinance No. 1931 associated with the 2007 annexation and zoning of 102.23 acres of land in Newport (File No. 1-AX-07 / 2-Z-07). *(The provisions can be removed because the required roadway improvements have been completed and the "trip cap" is no longer needed to comply with the Oregon Transportation Planning Rule (TPR) considering recent amendments that the city made to its Transportation System Plan (TSP) and a new alternative mobility standard that the state has put in place for the affected stretch of US 101.)* The Planning Commission will make a recommendation to the City Council on this matter.

Patrick opened the hearing portion of the meeting at 7:04 p.m. by reading the summary of File No. 3-AX-13/6-Z-13 from the agenda. He read the statement of rights and relevance and asked the Commissioners for declarations of ex parte contact, bias, conflicts of interest, or site visits. Nothing was declared. Patrick called for objections to any of the Commissioners or the Commission as a whole hearing this matter; and none were heard. He called for the staff report. Tokos explained that before the Commissioners was an ordinance that they might think of as tying off loose ends. It was brought forward at the request of Landwaves, and he noted that

Bonnie Serkin was present to speak to that. Tokos explained that essentially in 2007 when the approximately 102 acre annexation occurred, the land was largely owned by Emery Investments, Landwaves, and the GVR industrial site. When it was brought in, the State felt that the Transportation Planning Rule wasn't satisfied and that the project would generate more trips on the network than it could support. There was an appeal by ODOT, and a settlement agreement resulted between the City and Emery, Landwaves, and GVR that restricted vehicle trips that could occur at 40<sup>th</sup> and 101 to 180 peak hour trips. The ordinance was amended to put those restrictions in place by Ordinance No. 1931. Tokos noted that since that time, a tremendous amount of work has been done to update the Transportation System Plan, to identify projects to improve traffic flow, extension of the South Beach Urban Renewal Plan for financing, and establishing alternative mobility standards to allow greater congestion, which involves a trip budget program and standards for assuring frontage improvements are made. All of that was a large package of stuff that the Planning Commission has worked hard on that was adopted by the City and the County. On December 18, 2013, the Oregon Transportation Commission put in place the alternative mobility standards. Tokos said that now we can go back and lift the restrictions from the prior ordinance; and that is what this does. The trip cap of 180 peak hour vehicle trips is replaced with a new trip budget by transportation analysis zones. There is essentially a new trip budget program for this particular area with a little over 1200 vehicle trips allocated; the specific number is in the staff report. Tokos said that all of this has been shared with the affected property owners. ODOT hasn't provided a written comment yet, but in talking with their staff, Tokos is confident that they are comfortable with this approach. He did get feedback from Valerie, the new general planner, indicating that it is consistent with prior conversations and she is comfortable with it. Tokos noted that staff recommendation would be to forward a favorable recommendation to the City Council so that we can get this adopted and get this chapter from our history closed.

**Proponents:** Bonnie Serkin with Landwaves, 2712 SE 20<sup>th</sup> Ave, Portland, OR 97202. Serkin said that Tokos had said it all, and their testimony is in the record. She believes that the record is complete and didn't have anything to add other than asking that the Commission recommend passage of the ordinance. Tokos added that the request was city-initiated because ownership has changed. Now there are a number of property owners of the individual houses in the Wilder development. That is why the Council chose to initiate the process.

No other proponents, opponents, or interested parties were present. Patrick closed the hearing at 7:11 p.m. for Commission deliberation. Berman asked Tokos if there was any chance that when he hears from ODOT, they will object and something would have to be undone. Tokos said that he didn't think that anything we do would have to be undone. He said ODOT may say additional transportation analysis needs to be done to fully establish that the transportation rules have been met. He said that staff believes it is just a case of supplemental findings replacing a set of findings that are already in the record. He believes that ODOT will weigh in prior to the City Council hearing.

**MOTION** was made by Commissioner Fisher, seconded by Commissioner McIntyre, to forward a favorable recommendation to the City Council to adopt the ordinance eliminating Sections 2(B), 2(C), and 2(D) of Ordinance No. 1931. The motion carried unanimously in a voice vote.

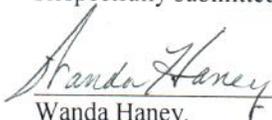
**G. New Business.** No new business.

**H. Unfinished Business.** Fisher said that he was unsure why the building code requires that a business, government, or otherwise have doors that open out so people inside can exist if there is a problem, yet the Post Office doors from the lobby open inward. He noted that Nana's Irish Pub does the same thing. He wondered where the code enforcers are. It was discussed that those issues should have been caught when they filed their building plans. It was mentioned that the Fire Marshal should enforce that. Fisher said like for a movie theater the doors would open out. Tokos said there are some limitations on federal buildings; but they do have some prerogative. It does cause issues for resale, and the government may not always own that building so they have been on trend to include property they own. Tokos said if the Commission wants, he will bring this up with the Building Official and get feedback. Fisher thought it is a pretty serious thing because these are places we commonly use. Berman wondered if there is a distinction between residential and a residence converted to bring a business in. Patrick noted that he thought the Post Office predates the building code; but those like the other one should have been caught when they submitted plans.

**I. Director's Comments.** Tokos noted that with Berman's appointment to the Planning Commission, there is a vacancy on the Advisory Committee. He said the department will get an advertisement out for that. Fisher said that he was surprised but pleased that we had seven people apply, and anyone would have come and done a good job.

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

Respectfully submitted,

  
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Wanda Haney,  
Executive Assistant