Minutes
City of Newport Planning Commission Regular Session
Monday, April 9, 2012

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

Commissioners Absent: Jim McIntyre and Melanie Sarazin *(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 Council Chambers of Newport City Hall at 7:04 p.m. On roll call, Small, Croteau, Patrick, Fisher, and East were present. McIntyre and Sarazin were absent, but excused.

B. Approval of Minutes.

1. Approval of the Planning Commission regular session meeting minutes of March 26, 2012.

MOTION was made by Commissioner Croteau, 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. Consent Calendar. Nothing on the consent calendar.

E. New Business.

1. Review applications and select a Citizens Advisory Committee member to fill vacancy.

One application to fill the vacancy was received from Bob Berman. **MOTION** was made by Commissioner Fisher, seconded by Commissioner Small, to appoint Berman to fill the Advisory Committee vacancy. The motion carried unanimously in a voice vote.

F. Public Hearings.

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, bias, ex parte contact, or site visits. East declared a site visit. Patrick called for objections to any of the Planning Commissioners or the Commission as a whole hearing these matters; and no objections were raised.

1. File No. 1-PD-12. A request submitted by Peter Heisler (Newport Bay Estates Homeowners Assn., property owner) (Douglas Holbrook, Holbrook & Associates, authorized representative) for an amendment to the preliminary planned development plan approved in 1991 for Newport Bay Estates (File No. 1-PD-91) as follows: That Tract A of Newport Bay Estates (designated as open space) be removed from the approved preliminary planned development plan, leaving the balance of Newport Bay Estates subdivision (served by SE Running Springs Drive) intact. The subject property consists of .3 acre more or less and is identified as Tax Lot 3700 of Assessor's Map 11-11-09-DB (Tract A of Plat of Newport Bay Estates, Book 15, Page 52 (1995).

Patrick opened the hearing for File No. 1-PD-12 by reading the summary of the file from the agenda. He called for the staff report. Tokos noted that in the packet the Commissioners had the staff report that includes the criteria against what this has been evaluated. He noted that the way that the City's planned development code works is that if an amendment is done that could increase density it requires the Commission to evaluate the request against the entire planned development criteria. By removing this piece from an open space designation, it would potentially be used for other purposes. The lot is at the corner of Bay Road and Running Springs. The property is sloped and vegetated. The City's sewer pump station is situated on the lot right there at that corner and is partially screened by a fence. Tokos explained that the planned development concept originally included four phases. In 2005, it was stepped down to one phase. It is a residential subdivision, Newport Bay Estates, along Running Springs Road containing a number of large single-family lots and open spaces. This parcel is one of those open spaces on the planned development. The analysis indicates that it is not unreasonable to find that the planned development criteria have been met. He mapped it out in the Staff Report, and it's in part because this isn't the same concept originally laid out. It was a much larger development with higher densities. What is left is single-family development with large lots, and there are other open space properties. Tokos said that having this piece come off the open space wouldn't compromise the planned development. Tokos

noted a couple of challenges. The sewer pump station was situated on the property, and because it was open space and wasn't planned to be developed, there is no easement over it to the pump station. Because this property could potentially be developed if it's removed, the City will need an easement. Another challenge has to do with access. As seen in the original development, because this had open space designation, it was designed that the only place Bay Road could access the development is Running Springs. A condition is imposed that direct access not occur from this parcel to Yaquina Bay Road directly because that would be a safety issue that near to Running Springs. Because this is unraveling a piece of the planned development, it will need a plat. If the Commission agrees and takes away the open space designation, the applicant would follow with a minor replat and would have to lift it on the plat itself. Basically, what they would do if they are successful here is come in with a replat or a partition to lift that as well. That's not something that would come before the Planning Commission. Croteau asked how the pump station is accessed. East explained that it sits right there at Bay Road, then there is a retaining wall behind it. Patrick said that as he read back through the previous conditions of approval, one had to do with the Port of Newport as an operating port. He wondered if that still carries forward. Tokos said that presumably any other restrictions are still in effect. He said the property is not pulled out of the development; it just leaves the open space designation.

Proponents: Doug Holbrook, attorney for the applicant, testified. Holbrook noted that they agree with the staff report that the criteria are all in order for approval. He said that, with respect to the recommendation for the two conditions (the utility easement and no direct access to Yaquina Bay Road), they are fine. Fisher noted that he knows people that live up there, and he hasn't heard any negatives. Holbrook agreed this would be the time for them to raise any opposition.

Opponents or Interested Parties: No opponents or interested parties were present.

Patrick closed the public hearing at 7:15 p.m. for deliberation. East said that he doesn't see any problem as long as they grant an easement and keep access off the Bay Road. He said that with those two conditions, he would recommend approval. Fisher said that where this is, he doesn't see a problem. Croteau thought it meets criteria and doesn't see any issues. Small agreed with the others. He said it seems to meet all requirements and conditions. Patrick felt the same. He said as long as there are the two conditions; he is more than happy with it.

MOTION was made by Commissioner East, seconded by Commissioner Croteau, to approve the amendment to the Planned Development for Yaquina Bay Estates with the two conditions recommended by staff for an easement and regarding access. The motion carried unanimously in a voice vote. Tokos noted that we will bring back a final order and findings for the Commission's consideration at the next meeting.

G. Unfinished Business. Tokos noted that the codification of the zoning ordinance is scheduled for the City Council at their next meeting on Monday, April 16th.

H. Director's Comments. Tokos noted that there are a lot of meetings in April and wanted to cover them with the Commissioners. The Coho/Brant effort kicks off April 11th from 3:30-5:00 p.m. at the HMSC. McIntyre and East are representing the Commission on that committee. The general public meeting is at HMSC from 6:00–8:00 p.m. On April 12th, the EOA TAC is meeting again from 3:00–5:00 p.m. at City Hall. Small is the Commission representative on that. The EOA TAC will meet again on April 23rd from 3:00–5:00 p.m. The Coho/Brant design charette will be held April 25th at HMSC from 2:00-5:00 p.m. and 6:00-8:00 p.m. That is where actual design concepts will be discussed. On April 18th from 6:00-7:00 p.m. at City Hall, Public Works will be holding an open house on the sidewalk infill project for 3rd and 6th Streets. They will have specific design details. This has been budgeted for some time. On April 30th, the City Council will be doing a town hall meeting in the Agate Beach neighborhood at the Longview Hills club house at 6:00 p.m. The Council has been holding these meetings to get public engagement in the different neighborhoods.

Tokos wanted to let the Commissioners know that on the TSP update for South Beach, he has been successful in getting ODOT to pin down their last open house date. It will be May 24th.

I. Adjournment. Having no further business to discuss, the meeting adjourned at 7:25 p.m.

Respectfully submitted,

Wanda Haney

Wanda Haney
Executive Assistant