MINUTES
City of Newport Planning Commission
Regular Session
Newport City Hall Council Chambers
Monday, June 8, 2015

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

Commissioners Absent: Bob Berman and Gary East *(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 7:03 p.m. On roll call, Hardy, Croteau, Patrick, Franklin, and Branigan were present; Berman and East were absent but excused.

B. Approval of Minutes.

1. Approval of the Planning Commission work session and regular meeting minutes of May 26, 2015.

Commissioner Hardy noted a word correction in the regular meeting minutes. **MOTION** was made by Commissioner Croteau, seconded by Commissioner Franklin, to approve the Planning Commission work session and regular meeting minutes of May 26, 2015, as corrected. 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. Consideration of Draft Land Donation Agreement with Habitat for Humanity of Lincoln County. Tokos noted that there was a draft letter for consideration and possible adoption. There was also a draft land donation agreement on which he would appreciate the Commission's feedback. Tokos noted that Sally Bovett had asked if she needed to attend tonight's meeting; but he told her that if she felt comfortable with the Commission's reaction following the last work session, she didn't have to attend. She would have been happy to be here, but she got a good feeling from the Commission at the last work session. Hardy had a question on the agreement. She noted that on page 1 in the next to the last paragraph it talks about limiting the resale value to 80% of medium family income. She wondered if we really want to say 50% of income as far as resale value. Are you talking about one year's income, ten years' income, or 20 years' income? Tokos will clean up the language to clarify that. Hardy noted that number 9 on page 4 needs the same clarification. Tokos said that's a good point, and he will clear that up. Croteau thought the agreement seems pretty clear and straight up. Tokos said that Habitat is very excited. We'll run this up the flag pole and see what happens. Croteau hopes with all the discussion we've had about this issue that the City Council will see their way clear to make this start. Patrick said at least do the donation. Get the first one done and then there'll be a good reason to give a donation on the second one.

MOTION was made by Commissioner Branigan, seconded by Commissioner Franklin, to approve the letter and draft agreement once Tokos makes the appropriate wording corrections. The motion carried unanimously in a voice vote.

F. Public Hearings.

1. Continuance of 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 amendments to the approved Preliminary Development Plan, Final Development Plan, and Tentative Plat for Phase 1 of Wilder. The Planning Commisson held a public hearing on this matter on Tuesday, May 26, 2015.

Patrick noted that this a continuance of the hearing for File No. 2-PD-15/3-PD-15/1-SUB-15 from May 26th. Tokos explained that the applicant hasn't had a chance to digest Tim Gross' comments. He provided the Commission with Gross' memo of June 3rd to give a sense of where things stand. The applicant and the City will work through those. He thinks we'll end up in a position where the applicant will disagree with the City Engineer on some items. He is trying to get those focused and narrowed and related to approval criteria so the Commission can make a call as to which direction you think is appropriate. Tokos said he didn't have enough time to do that for tonight's meeting, considering when Gross provided his comments; but he thinks we're in good shape to have that for the next meeting. Tokos noted that Bonnie Serkin initially really wanted to be here to talk through these issues; but he convinced her otherwise. While she certainly could have done that because the Commission would have given her an opportunity to speak, it wasn't going to be something that's resolvable tonight; and it could be rather confusing and hard to connect the dots when you have so many issues in play. It's probably better to go through and whittle the list down until it's a small number. Then with that small number get it related to approval criteria and get the respective arguments laid out clearly so the Planning Commission can decide the most appropriate way to go.

Croteau thought he would like to see that. He said these issues really look fatal in a sense. Tokos said no, they're philosophical in some respects. There are some significant cost issues involved in some; particularly on some of the utility issues if they have to extend their service on Harborton because those lines are under pavement; and that's a big deal. Croteau asked if then within the next two weeks the Commission will get a written response. Tokos said the Commission will get a set of findings and final order. How he sees this coming together is where there are points of disagreement, he will give the Commission alternative findings. That way the Commission can go with option one or option two. That's how he's going to try to frame it. Croteau thought that's reasonable.

With the record re-opened for any testimony, Fire Chief Rob Murphy, the only audience member present, was asked if he wanted to speak.

Interested Parties: Newport Fire Chief Rob Murphy thanked the Commission for having him and noted that he was asked to be here to provide his comments. He wanted to echo some of the concerns that Gross has on this project. Murphy said he's not opposed to the project, he just has some concerns; which for the Fire Department is access. It's the street widths, the corner, and the parking scheme especially with the angled parking and the depth of the parking. The Fire Department's concern is basically they want to be able to make the corners with their trucks. With the combination of the narrow streets, the tight corners, and the angled parking, he can foresee a situation where a car is parked incorrectly or it's a long vehicle and they won't be able to make the corners with their trucks. He said an example of that is NW Coast Street and Beach Drive underneath the arch. He can't get their trucks through it. He doesn't want to see that again. He said hopefully we can find solutions. He is willing to look at what they suggest. The Fire Department needs to be able to get trucks in there quickly to put the fires out. With examples of the fires we've had lately and with the winds like we have today, there's not much time to keep a fire from spreading from structure to structure; especially in this development where they put them close together. He needs to get in there quickly and get water on it quickly. Murphy said that Gross laid out his concerns very well in his June 3rd memo to Tokos as far as the specifics about where he has the emergency vehicle access on Fleming Street, on 42nd Place, and again that angled parking. You put that all together, and that's more Murphy's main concern. Gross obviously has others dealing with utilities. Murphy's main concern is access.

Croteau said those are all legitimate concerns. He noted that they all came under Gross' memo. He wondered if that isn't something the Fire Chief would normally do, or is it handled through Public Works. Murphy said he would be happy to have a memo put in the record that reaffirms and agrees with the concerns Gross has. The Commissioners thought that would be helpful. Croteau said this is a very important issue, and instead of coming from Public Works, he would like to see it coming out of the Fire Department. Hardy agreed since it's a public safety issue.

Patrick closed the public testimony and asked for a motion for continuance.

MOTION was made by Commissioner Croteau, seconded by Commissioner Branigan, to continue this matter until the June 22nd meeting of the Planning Commission. The motion carried unanimously in a voice vote.

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

H. Unfinished Business. Tokos provided some updates on things that the Commission has dealt with previously.

1. The Local Improvement District (LID) project, on which Franklin was the designate, will have a kick-off meeting toward the end of the month. The consultant is doing data collection from the City now so they can start to ramp up. It may be the first part of July.

2. For the Urban Renewal Plan for Newport, the consultant selection has just finished. Croteau is manning that committee, and that will be ramping up soon.

3. It has been a while since we've heard anything regarding the grid-connected test facility, PEMAC, off the coast of Newport. They have been off addressing federal environmental rules and are still out there working through the regulatory process. They were here last week and held a stakeholders meeting with the Department of Energy representatives. It now looks like there's a competitor with Cal Poly San Luis Obispo as the lead. The Department of Energy reps met with Oregon State first and then were headed down to meet with Cal Poly. They're not as far along as OSU. As the Department of Energy gets closer to funding this, they will be putting it out for competitive proposals. They were noncommittal about dates, but his sense is it looks like they will be getting the funding announcement out within the next two years. This meeting was a meet and greet with the stakeholders. We had an opportunity to share with the Department of Energy all of the leg work that's been done to get to this point. They heard from the City, from some key members of the fishing community talking about how they worked through the process of narrowing down the location, and from Central Lincoln PUD talking about how they could accommodate the grid connection. It was a productive meeting. This project has been off our radar for a while because they've been dealing with environmental issues and not us; but it's continuing to move along. This is a priority for the Department of Energy. We'll see how it plays out.

4. The Nye Beach ad hoc group, which Franklin and Patrick attend, will be meeting on June 17th. Tokos will be getting materials out toward the end of the week so we can get that phase wrapped up and get it brought back to the full Commission.

5. All of the South Beach Urban Renewal projects will be announced and advertised for bid around the 15th. Those include Abalone, 30th, Brant, 27th, Safe Haven Hill, and Ferry Slip. That's about $4 million of construction all at once, plus the parking area for the City Hall campus will be re-advertised and thrown in with that as well since we had only one bidder on that. Branigan thought that FEMA was doing Safe Haven Hill. Tokos explained that FEMA is funding Safe Haven Hill, and the City is doing it. FEMA is paying about 75% of the cost.

6. Franklin asked about the Agate Beach Wayside project. Tokos said they're putting together the specs on that, and next week we should have the 90% drawings. We've done our final open house on that, and now they're just getting into the details. We just received some of our final permitting; the wetland permitting and the ADA exception because it's not ADA accessible. We did a revised submittal to the State on that. Those funds have to be committed before September. The development work is done, and at 90% we're talking about moving a sign here or there or a minor adjustment to a manhole; no major changes. Actually the funds will be committed before September, it will bid a little after that, and construction will be in the spring.

Patrick asked what about South Beach. Tokos said we will roll into construction on that one; it will go this year. He noted that Urban Renewal also now owns the old Shones' property and has the remaining tenants under lease.

7. Patrick asked what the timeline is on OMSI. Tokos said they plan to open in April of next year. They will have the work done before then. It will be all finished. That's all moving ahead. They already have their foundations, and he thinks they have started framing on a couple of the structures. They're moving right along. Our Building Official is over there almost daily.

8. Patrick noted that they've finally scheduled their first Newport Visioning meeting that he volunteered for. That's coming up some time this month. He thinks the 23rd. City Manager Nebel took the lead on that, and Tokos wasn't notified but will ask.

9. Croteau asked, although we are continuing the Wilder matter, does the public testimony remain closed? Tokos thought at the opening of each continuance it's good to confirm that the hearing is still open for additional testimony. As a matter of practice when you do a continuance, it's a good thing to say that up front so people know. Patrick said if you continue a hearing, it's still a hearing.

I. **Director Comments.** No further comments.

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

Respectfully submitted,

Wanda Haney

Wanda Haney
Executive Assistant