

Minutes
City of Newport Planning Commission
Regular Session
Newport City Hall Council Chambers
Monday, November 10, 2014

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

Commissioners Absent: Gary East.

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 6:00 p.m. On roll call, Hardy, Berman, Croteau, Patrick, Franklin, and Branigan were present. East was absent.

B. **Approval of Minutes.**

1. Approval of the Planning Commission regular meeting minutes of October 13, 2014.

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

C. **Citizen/Public Comment.** Croteau noted that John Rehfuss recently passed away. Rehfuss was a long-time member on the Planning Commission and a former City Councilor. Croteau said he would be missed. Audience member, Mark McConnell, noted that there would be a Saturday service at the Presbyterian Church.

D. **Consent Calendar.**

1. **Final Order for File No. 5-CUP-14.** Approval of a final order for a conditional use permit as submitted by Wyles Sanders (Rebecca Lytwyn, Oregon Coast Bank, authorized representative) (Oregon Coast Bank, property owner) for a daycare facility located at 125 NE Lincoln St Unit B to continue operation in an R-3 zoning district. The Planning Commission held a public hearing on this matter on October 13, 2014.

Since he felt that the action had been fully vetted, **MOTION** was made by Commissioner Croteau, seconded by Commissioner Branigan, to approve the final order for File No. 5-CUP-14 as presented. The motion carried unanimously in a voice vote.

E. **Action Items.** No items requiring action.

F. **Public Hearings.**

Patrick opened the public hearing portion of the meeting at 6:04 p.m. by giving the statement of rights and relevance applying to the hearing on tonight's agenda. He asked the Commissioners for declarations of conflicts of interest. 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.

1. **File No. 3-Z-14.** Consideration of legislative text amendments to Title X (Signs) of the Newport Municipal Code (NMC) to create standards for the placement of electronic message signs on public properties. Existing provisions for signs have been clarified and consolidated, and a new subsection created that is specific to public-zoned lands. This is a general hearing with no adoption. The Commission will forward a recommendation to the City Council on this matter.

Patrick opened the hearing for File No. 3-Z-14 by reading the summary from the agenda. He called for the staff report. Tokos noted that included in the Commissioners' packet was a markup of Chapter 10.10 of Title 10, the City's sign code. He trusted that the Commissioners had a chance to take a look at that. He said that for each section or subsection where changes are being proposed, he included staff explanation. He said that this issue came about as OCCA, whose representatives were present, became interested in upgrading the existing signs at the PAC so that they are electronic and can self-change, and they are not having to change out the boards. Their intent is to use the existing structure and just swap out the fascia area and put in an electronic sign that complies with the provisions outlined here. Tokos

explained that the City Council elected to initiate this legislative process. Previously the Planning Commission has met in work session and talked about this. Effectively from that discussion, Tokos put together this markup. The City's sign code never had an expressed section for signing on public-zoned properties. There were general standards for these signs in commercial and industrial zones; and they were not allowed in marine zones, residential districts, and in the Nye Beach Design Review District. Tokos put together a public category and consolidated these provisions from the different categories. Also, there was conflicting language; and this is an opportunity to clean that up. This is going with the language that was in the specific commercial area as opposed to the generalized. There were some typographical errors that were cleaned up as well. Effectively what this does is allows the same type of electronic message sign allowed on public as currently allowed on commercial and industrial. The Planning Commission put the existing sign code in place in 2012 at the request from the developers of Walgreens. This amendment would allow these signs on the PAC property, which is public-zoned even though it's in the Nye Beach Overlay. It would also allow them in other public areas in Nye Beach if someone wanted; although, that's unlikely because the City has control over a lot of those public properties. Tokos said we still don't have anything quite resolved with ODOT at this juncture, so it's not viable to try to extend these signs onto State rights-of-way where the City's entry signs are located. We can continue to work on that conversation with the State; but that will take some time. The provisions for management of State rights-of-way have been tailored for traffic safety kinds of things. The rules currently don't allow for a message sign that the City maintains; and he's not sure the State would go there, either.

Patrick noted that section 10.10.045 says signs are prohibited if they include any single light bulb that creates more light than a 60 watt incandescent bulb. He said you can't get those bulbs any more. He thought this should be changed just to lumen standards or something. He also said there should be some thought about LED signs, particularly those totally electronic, and how much light those are putting out at one time. He said you can amp those up to a point where they will blind you. He said some along I-5 are super bright; but they're way back so it's not a problem. If they were next to the road, it would be another story. He thought for that standard, we should change "60 watt" to so many lumens for a single bulb. Tokos said he thought that was covered in here somewhere; but Patrick said he didn't see anything. Patrick said then you could use whatever kind of bulb you want. Tokos said no, Patrick was right. What Tokos was thinking of was the adjustment to ambient light conditions. That means it has to change; it can't be as bright during the day as it is at night. There are no numbers attached to it.

Branigan noted that on page 17 it talks about the height being no more than 20 feet except in the marine zone and Nye Beach. Then three pages later it talks about the height being 30 feet. Patrick said the normal height is 30 feet; but electronic signs are 20 feet. Tokos said that was what the Planning Commission put in place as sort of a carrot.

Croteau said that page 21 has to do with illumination of signs during business hours; or off when closed. He noted that even though the PAC ticket office is closed, there may be times from the public information point of view that you want the sign on. He said that also would be the case with the Chamber and maybe the Fairgrounds as well. Tokos said that's a good point. These are not quite the same as a business. Public-zoned lands don't even have a business. Branigan said when you imagine the PAC, you would assume the hours of operation are essentially when they will have some sort of activity; and they would want that sign illuminated. Tokos said he has to talk to legal counsel about that because we have to be careful how we differentiate between different activities and what standards apply; why a business has to have their sign off when something on public land doesn't. Patrick thought this was kind of a dumb requirement anyway. He said if they have a regular sign lit by light bulbs, then it's always on. It's only electronic that has to be off when that business is closed; any other sign is on all of the time. Tokos said a gas station will shut down electronic messaging when they're closed; and it just goes dark. It saves them money. Franklin said a hotel would keep it on all night. Tokos said, but they would be open. Berman asked what business that phrase is referring to; is it the business whose property it's on or the business advertising on the sign. Tokos said the business on the property where the sign is located. Berman asked what if it's on a vacant lot. Tokos said that's a good point. We haven't ran into that circumstance. Maybe it's not even permitted; there's no business there to go with it. We haven't had a request for that yet. Patrick asked what about billboards. Tokos said they are prohibited because if they go electronic that would be more than 50% of the value of the billboard, which would require they be torn down. Billboards are phasing down. Berman said the PAC maybe is visible from some nearby residences, so even if we allowed it to be on all day or evening; we wouldn't want it on all night. He said there should be some way to recognize that there could be some adverse impacts on residences. Tokos thought the business thing should change. He can tailor it so they're not illuminated during hours the facility is closed and get rid of the reference to business. Then we're treating it exactly the same as we are commercial and industrial right now. Croteau said he can see that in the context of the PAC, but not the Chamber of Commerce. Even though they're closed, they're making announcements; or the same for the Fairgrounds. Tokos said if you want to do that, then how does that play with commercial and industrial. Do you want to lift that restriction from commercial and industrial then? He said part of it is the light pollution thing, too. Croteau said he would like to see some sort of restriction; but we need some sort of flexibility for the type of operation that is advertising. He doesn't like all-night illumination either. Maybe a way to work it is

have certain hours that electronic signs have to be off; certain hours on Highway 20, late at night at the PAC. Tokos said it might not even be an advantage to the Chamber to have it on early in the morning. Who's on the highway at that point? Berman asked if Walgreens is open 24 hours; and that was confirmed. He said, so that sign is on all night long; and Tokos said yes as long as they're open. Franklin said his fear is that, if this goes and we allow it to be 24 hours, then you have one in Nye Beach down on the turn-around by the VAC and they go 24 hours under this same code. Croteau said maybe we should liberally interpret business hours or have it coincide with those in operation or a reasonable time period. If the ticket office is open for example; you're open. Or if it's open for rehearsal; it's open. Franklin wondered if there's a time the office is actually staffed.

Proponents: Mark McConnell, 4915 NW Woody Way, Newport. McConnell said that their contemplation is to have the sign on during the daytime when there is a performance that evening for sure and then until the box office closes; which is typically after the show's curtains. On Saturday and Sunday when there are still tickets available, they would want people to know what is happening that day. The box office is open 24 hours a day for online ticketing; but they don't want to leave the sign on all night long. There is no reason to have it on in the neighborhood after 10:00 p.m.; if it's an 8:00 p.m. curtain, then maybe 9:00 p.m. He said it's easy to set a time limit on it. As far as the brightness, these signs have a lot of control over that. They can adjust to the daylight. McConnell thought it was a great idea to have some kind of lumen setting or some kind of brightness control; some sort of limit that it can't be brighter. He noted that he had given the Commissioners several pieces of literature. One was the 2013-14 OCCA annual report, which gives a really good feel for how important the PAC is to the community and justifies your language that says you need to show that it has community importance and value in making the change. He said some of the key things in that report is that there are over 170 performances a year. There were probably five or six different events within the last two weeks. Frequently they have HD performances, there was a piano teacher's recital, there was the symphony, etc. There are three to five events each week that they have a need to advertise and market. He noted that the other two color pieces of literature give an idea of the extent to which they have been working on their capital campaign. They actually started in 2009-2010 with a lot of neighborhood and PAC-user community sessions, charrettes, and developed a list of things they wanted to do to the PAC to bring it up to the modern day and age. The PAC is 26 years old. Signage was one of the big issues. When it was first built, there was no external signage at all. The Chamber had the sign that blew over and got replaced not too long ago down by the Armory. He went down and measured that and copied it. They put it down on Olive Street with 4' x 8' signboard in it. There had been no plan for signage whatsoever. That sign lasted there until the monument sign was built during the 90s during the Nye Beach Urban Renewal project as part of those Urban Renewal dollars. They've had that sign since then. McConnell referred to the photo of the current signage (the one with the typewritten notation), which is the monument sign that was created. He said this has two slots for 4' x 8' sheets of plywood with signage applied either by hand painting or vinyl. There is only room for two events; so there's quite a bit of shuffling that happens; who gets to be up on the sign next and what order will they be in. He said to turn the page over, and this is looking at the electronic version of the exact same slots. These are large screens basically that you can program with a computer. You feed in electronic information and send the message out from the building. Those can change every five minutes per the ordinance. They can advertise lots of different things coming up. That is the concept. He noted that some of this material is just to show that they've done quite a bit of fundraising already. They have recently received a large grant. They are certain by the end of the year that they will have money in hand to do this.

McConnell said an example of what happens for people who come to the community is that a lady walked in just the other day and said that they would be here for two nights and would love to come see something and asked what was going on here. McConnell said it's really difficult to tell right now in the building. They also anticipate having a TV-type screen in the main window of the building saying "now playing" and what's coming up. That also would be very useful to people. He said it's really hard to get the right information right now coming up to the building. He said that's their goal.

Branigan asked if they wouldn't want to have those electronic signs on, particularly in the summer when the tourists are in town, during the day besides when there's an event. McConnell thought whenever the box office is open. The office is occupied from 8:00 a.m. on. The box office opens at 9:00 a.m. and is open until 5:00 p.m. or so. If there's a performance that evening, the sign would stay on; and the box office is manned one hour before curtain. So, yes they would want to have them on seven days a week during the daytime so people could plan for the next time.

Katherine Rickbone, Executive Secretary for OCCA. Rickbone said that in addition to what McConnell has been saying, just today they had an issue of more things happening at your PAC than there is space to advertise what there is. It really hampers their ability to function and to properly market things. You just have the two slots, yet there is so much more going on. She said something else they have noticed in addition to McConnell's comments about someone coming in and asking what's going on, is they have people at box office time that if they happen to see what is going on out in front, come in saying they saw the sign and would like to come. They hear that on a fairly frequent

basis; that people paid attention and looked at that signage out there. Yet they have the ability to advertise only two things when at times there may be five events in one weekend. She said the other thing too that is nice about this is being a 4-way stop out there, people will and do need to stop. They have the opportunity to look at something. They're not in motion, so she doesn't think it's a hazard there. They are already stopped.

There were no other proponents present wishing to testify.

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

Tokos said that one option the Commission has if they are so inclined is to continue the hearing to the 24th with direction to staff to bring forward an ordinance that encapsulates the changes discussed mainly on the lumens issue and some sort of fair accommodation regarding the shut off. Then on the 24th, the Commission could take testimony on those or any other items should anyone wish to provide testimony and then make a decision on the ordinance at that time. Patrick noted that all the Commission is doing for now is making a recommendation to the City Council.

Branigan had a question about electronic signage on vehicles. He said we didn't really address that. Tokos said he didn't know if we could do anything about moving vehicles; that starts to get under DMV rules at that point. We can address it if it's parked and effectively serving as a monument sign. Branigan said it could be parked on a vacant lot or on that particular business' lot. Patrick said it's kind of the same problem you have with murals. If you regulate what's on the side of a car, it's the same as regulating what is on the side of a building; we can't do that according to content. Branigan said he wasn't thinking so much of a car as somebody having a flat-bed trailer. Patrick said what people do when you can't put a billboard up is go buy a cheap van and paint on the side of that and park it; and there's nothing you can do about that unless you have some sort of parking ordinance that says you can't park something on your property.

Berman noted that in two spots there's a little chart in there about setbacks and allocating square footage to signs, but then there's also text or examples of things pulled off that chart. Is it the chart that's in the ordinance? Why are there examples? Tokos said the examples are in there just to explain how the chart is to be applied. It essentially has a scaled height based on the setback from the property line. Patrick said it is kind of backwards. He understood it because he remembers working on it; but it's not exactly the way he would like to see it. He said it's based on the language. What it means is when a sign gets farther away, you only count 35% of it. Berman said he understands what it means but asked if it isn't redundant to have both the example and the chart. Patrick said the chart's to help explain it. Croteau thought that the examples are worth it in that the chart itself is trying to help people figure out the slope and how big a sign can be.

Tokos said to Branigan's point, the electronic messaging sign right now is limited to freestanding signs, which under the definition means it has to be permanently attached to the ground. So if it was a vehicle that was parked, it would be tripped up under the prohibited sign provisions.

Patrick thought that if Tokos makes the language that the entity is either occupied or not in operation, that would allow the Chamber to make the argument that they're open 24 hours a day on the internet. Tokos said that would allow any business to do that. Patrick noted that they also have the 24-hour kiosk outside. Franklin asked if in Nye Beach we are at least allowed to reign it in to certain hours of operation that's allowed in Nye Beach. Tokos said he may be able to come back with examples of language where we are able to double it up either when the business is open or a fixed timeframe, whichever is more permissive, and just do it that way. That way the hotels don't get hit because they're open 24 hours, yet it's an accommodation for the Chamber of Commerce but doesn't allow it at 2:00 in the morning. Patrick asked Tokos to bring back some options for the Commission to look at.

MOTION was made by Commissioner Croteau, seconded by Berman, to continue the hearing for File No. 3-Z-14 to the next meeting, in order to allow Tokos to look into this and provide some options to the language for the ordinance as discussed. The motion carried unanimously in a voice vote.

G. New Business.

1. Update on progress of Housing Study. Tokos noted that he included in the packet the status of where we are on this right now. This is the work we are doing in concert with the County and OSU. He said the Commissioners have the November 3rd information, which was basically the second of three meetings that are being held. This work is an effort to help OSU position itself to get the balance of its funding that it needs in order to do a 100,000 square foot research classroom addition at the HMSC campus proper, which is part of their 10-year plan to increase student enrollment at Hatfield from 50 to 500. The study is looking at the impact of adding 500 students to Newport given

our current housing condition; what would be some appropriate sites where student housing could be constructed; what are some of the financing tools that can be utilized to help make this happen; and what is the City's potential role as a partner with OSU, the development community, etc. in helping to ensure student housing actually happens in a way that is proactive not reactive because we have 200 students now displacing our workforce that otherwise needs the housing to work in Newport in our tourist trade, or fish processing, or any other number of employment opportunities. There is about one more meeting on this; and that will be on November 19th, where we will discuss policy options that will go in there along with the balance of what you are seeing right now; which are things like the financing tools and the buildable lands. Right now Wilder looks like the most likely location for student housing. He thinks there will be a clear recommendation in the report that the City of Newport wants to see OSU address this up front and not leave this to the community to solve. OSU has indicated that they can take a number of different approaches. They may elect to do anything from constructing the housing themselves and managing it, to allowing it to be a private venture with limited university involvement. There are a number of different options. He thought the one that's probably most attractive would be an option that includes some active management. It doesn't matter if it's actually built by OSU, but to make sure there's some active management by OSU to ensure space is available here and back in Corvallis for those students that are trying to navigate between courses in a given academic year.

Tokos said this is not strictly a student housing conversation. The tools you see in here, such as potentially revisiting our SDC methodology to see if it needs to be structured in a manner to make it more attractive for multi-family development; if that's an obstacle. He doesn't know that it is per se; but that's one area potentially that the City could be an active participant. Another tool would be the property tax abatement program, which we're allowed to put into place by State law. It's whether or not the City wants to pursue that in some form in consultation with the County and the other taxing entities. He said this report's not going to solve some of these questions. It will lead to policy recommendations on what should be looked at further as opposed to what should probably be dropped and not looked at further. For example, he would be surprised if there's an appetite to look at really digging into CDBG or leveraging HUD resources; whereas the property tax exemption if crafted properly might be something because that's a little bit more limited role.

Tokos said that is where the conversation is at right now. This will end up in a final report before the end of the month. The policy recommendations will come back before the Planning Commission as amendments to the Housing element of the City's Comprehensive Plan. He wanted to make sure the Commission was aware of how this is progressing. He noted that Hardy is on the stakeholder group. He asked if there was anything she wanted to add. Hardy thought the group has been presented with a variety of assumptions based on housing trends, housing needs, and tenant behavior that may or may not be entirely accurate or broad-based. She said the college representatives are more attuned to student behavior rather than public behavior. If those assumptions drive the policy, they need to be carefully handled. She understands that Wilder is looked at being the more likely location for such development either in a private/public partnership or solely private; but that was based on the fact that they assumed most students don't have cars. She said she hasn't seen any demographics yet. They were talking about in the first meeting surveying their students to get some feedback on that. She's not sure those policies could be soundly based without more demographic information. If you're talking about developing student housing from the City's standpoint, she believes there's a risk assuming that the City would participate in that but not necessarily participate in workforce or affordable housing. She said, so if the City's going to be making policy recommendations, she thought it should be broader-based. Otherwise, you may get some push back. Tokos said that he expects any one of those, looking at the SDC methodology for example, would not be specific to student housing; it would be multi-family in general. He said the same for the property tax exemption option. He said that Hatfield has a survey they have been doing with their graduate students; which he believes they will get to ECONorthwest prior to the final meeting on the 19th.

Croteau said he thought there was another issue in this project. It will extend over a long period of time, and it is going to impact workforce housing. He thought we need some sort of consistency, if not an overview or oversight; some continuity. Beyond the ad hoc working group, what do we have that's going to centrally focus, assemble, and carry forward? What happens after the ad hoc group dissolves? What about two years from now when things are rolling off the tracks? Tokos said the thought here is this study will lead to some recommendations in term of policy options that need to be explored. We will take that through and amend the Comp Plan, and it becomes kind of a work program for the Planning Commission and the City Council. Croteau asked if Tokos expects it to get that formalized. Tokos said that he thought it will get that formalized for anything the City's directly involved in. There's a lot of this that the City's not. Whether or not OSU makes it a priority to acquire land now as opposed to five years from now; how they approach construction; he doesn't know that we will be directly involved in that. Right now what we're doing is helping them have a road map for how they can make it work so they can explain that to the Legislature as they try to get their funding together. But beyond that, he doesn't know if we have a direct role. Croteau asked, we don't have housing authority so to speak, then to overview this process. Tokos said no, the City has the ability to help make sure there is sufficient land available and that it's located in the right areas. We can be helpful in that regard

with Wilder because they're going to have to change some of their planned development rules to accommodate this. So, that would come before the Planning Commission and the Council. We can look at how we impact the cost of the development, either through SDCs, or tax abatements, or things of that nature; or we could get directly involved in the financing and the construction of multi-family through HUD programs. He just doesn't know if there's an appetite for that. That would beg the question, who's going to provide that oversight. If we're going to create a housing agency is it going to be housed at the City or at the County; how is it going to be staffed; how is it going to be funded; all of that. Tokos said he doesn't know if there is an appetite to go that far. Hardy said that may take further future-reaching vision that isn't limited to this relatively isolated situation. Tokos said that's a good point; and he thought it might need more pain in the community, unfortunately. He said the jurisdictions you see go that way get to that point because they have business owners coming in saying, "we have to do something proactive because we can't hire anybody anymore" because they can't afford to work at the salary they can pay them because they have to live 30-40 miles away. Croteau said that's an issue we would all like to avoid if we can. Hardy said the other thing that was very clearly made a point of is that OSU has no plans to expand parking at this point. She didn't know if that means they've taken it off the table or they're going to have to go to the Legislature and say this is what the data collection shows we are going to need for parking if we're going to do this. She said so then they're relying on public transportation and cycling over the bridge in 100-mile-an-hour winds. Tokos said this has been helpful in some respects by forcing OSU to plan for and get a handle on how they will pull this off. They have a grant that's half of the funding for that new \$50 million expansion. So, they have the fire behind them right now.

Franklin said up in Wilder you have the R-2, and then is it in the orange area on the map, the high density, where they will put multi-family. Tokos said they have been looking at a couple of different spots. The most-attractive is in the R-2. It could be jostled around a little bit. There is another area, the BGB site, that is south of Wilder and is not even in the City yet. It's a parcel right below the community college that is inside the UGB. It is forested. The issue with that parcel is that it would involve extending Harborton quite a ways to get to it, so it would be more expensive. It is a larger site; but it's still more attractive up in the northwest corner of Wilder in the R-2 zoning. Patrick said we could make a case for changing that zoning designation to R-4. Tokos said there are no issues there; we'd just have to work through the planned development process. He noted that Bonnie Serkin with Landwaves is part of this planning process. So, they are in the loop. He said one thing OSU really needs to do is get motivated to purchase land. If they're serious about this, they need to do that sooner than later because there's only a limited number of sites in South Beach that really are suitable. We have so much of it that is in the tsunami inundation zone; and you can't put student housing in that area.

Berman said it strikes him that it's important not to focus a majority of the effort in student housing; there are specific plans for that. There is the ongoing need for low-income and workforce housing. It has been a problem, is a problem, and will continue to be a problem. Rather than focusing on this one opportunity, the solution should be comprehensive. Tokos said that is why that property tax abatement program might be something we might really want to dig into. We don't have the luxury of being in the valley and being able to add flat developable land. We just don't have it. So, land prices are high. With that property tax abatement there is a lot of flexibility in how jurisdictions can tailor it. Maybe that's worth a hard look to see if that is one way to make it pencil out. You can put strings attached to that. It's not just a give-away. We can say, "if you want the 10-year property tax waiver, then a certain number of your units have to be offered in a certain range." He said Hardy made a good point, we need to get more feedback from those in the construction industry about what is the issue here. Beth with ECONorthwest is already talking with some commercial brokers over in Corvallis, and they're saying it's land in Newport; it's just expensive because there's just not a lot of developable land that doesn't have major constraints. You have to deal with those, and that drives up the cost of construction. Hardy said you have to consider how a student that's going to be here three to four months will be able to compete in the private housing market. That's where OSU's involvement is critical because they can facilitate the moving back and forth and maintaining occupancy if it happens to be a private owner. Anybody in their right mind will screen in preference for a longer-term tenant. Turnover is what costs you. Croteau said some component of this almost has to be dormitory housing. A graduate student is here for a few months, they go back to take a course, then they're back here again. You can't manage that in a normal rental market. Patrick said it didn't sound like even the graduate students were here the whole year; maybe six months at a time. Croteau said we have to get a good idea of the demographic. Tokos said they're starting to frame it; they don't have it fully fleshed out, though. He said it's a substantial number of undergraduates, though; it was several hundred. Hardy thought 75% were undergraduates. Croteau said that's a chunk of temporary people. Tokos said these are juniors and seniors; but, again, how much of that's full year as opposed to coming out here for a quarter and then go back to Corvallis. He doesn't think they've really fleshed that out. They're still not sure how their hiring program will work and how quickly they can ramp up and at least start to offer the range of courses they're going to need to offer. Patrick asked Tokos to keep the Commission up to date.

H. Unfinished Business.

1. Review changes to the Floodplain maps. Tokos said the Commissioners have one map. He got this from the FEMA folks. They gave us a sneak peak at the maps before they made them public to see if we had any major issues. We raised three issues with them; this being one of them. Other jurisdictions raised issues as well. FEMA kicked back an email, and this is the only one they made changes to, which is Nye Beach; and they scaled it back. He thinks this is actually more realistic than what they had depicted. Now pretty soon they will put those out as a preliminary draft that goes public. It will be a public preliminary draft with a formal comment period as opposed to the informal comment period that we just had. That will be another opportunity for us to raise issues on the other sites. The other sites needing clarity include the Neolha Point area in South Beach, which has flooded in the past largely from that tributary immediately to the south flowing off the ridge there he thinks more so than the Bay. They haven't accounted for that; and by scaling it back, they took a good chunk of Neolha Point out the floodplain. Then those property owners will not carry flood insurance; and the problem is it's going to flood again. The other one has to do with Big Creek; and they took a bunch of homes out there. He thinks that's just flaws with the original hydrologic studies, which they're still working off of 1970's hydrologic studies. They have new topo; but their whole understanding of how Big Creek flows and floods is all based on 1970's data. So, it doesn't quite sync up. He said we will have a chance to further probe those or any other issues that may come up when they get the preliminary maps out. But, they did fix the Nye Beach. Croteau asked if they will have a public hearing on this one. Tokos said we will have to take this through a formal adoption process. They'll have a preliminary release for comments; we make those comments; and then they'll have a final set that we have to adopt through a formal process. It's an incremental process. Patrick said, we won't be able to change the maps, will we. We'll basically have to adopt their maps as is. Do we have the ability to actually change the maps? Tokos said he will have to look into that. Could we adopt a set of maps that are 99% of what they want with some revisions; he doesn't know if they would accept it. He said we don't have a lot of flexibility there. There may be an appeal option where we can appeal their determination somehow or pursue some sort of map revisions after adoption. He thought there may be some avenues to protest.

2. Status of Nye Beach Design Review revisions. Tokos wanted to update the Commission on how this is moving along. Basically at this point, SERA Architects will do a refresher of the design guidelines; it's a more thorough set of work than what they did initially, which was just a quick look to address a set of questions that the work group had. Now, based on their initial assessment, there are a number of things that we discussed as a group that are needed, which are a refreshment of the guidelines. They will get started on that; and we should have a draft that we can take back to the group by mid-December. Tokos noted that there's no consensus in terms of some of the things folks want to see; in particular, mass and height. His hope is that SERA's work will better define that so that when somebody says they don't like big buildings, we know what they're talking about. Right now too much of the conversation is too hard to get your arms around. This will start to frame that a little bit better and should produce a new set of guidelines that can be adopted with general consensus. But, there may be other things to address that the Commission and Council will have to revisit because the work group's not going to get to consensus on it. Croteau asked if we're getting additional input from the public. Tokos said not at this point. Croteau said, so what they have is just informal. Patrick said eventually we'll have a hearing on it. Tokos said it will come back to the Commission. Patrick said, and then you get the public input. Tokos said with the design guidelines, there's not going to be the opportunity for us to make wholesale changes there. So, whatever we get from SERA, maybe with one round of revisions with the group, is what we're working with. It will be editable; so if the Commission doesn't like something, he can go in and change it. A lot of that's going to be cleaned-up verbiage and better graphics than what's in there right now.

I. Director's Comments. Tokos didn't have anything above and beyond what's already been discussed.

1. Berman asked if Tokos had an update on the new north side Urban Renewal District. Tokos noted that he did a presentation at the Chamber of Commerce luncheon on Friday on the formation of a new URD. We have met with all of the taxing entities at this point of time and have asked them to provide feedback on that, which we haven't received yet. He will probably have to ask for that again through a formal process. He said it looks like the City Council would like to get going with this around the first of the year. He noted that the Commission hasn't had a joint meeting with the City Council for a while; and they were thinking this might be a good topic to meet on to kind of map out the public process on this. He was wondering whether the Commission would want a formal summary of the feedback from the taxing entities in advance of that meeting. He was thinking that might be helpful. He said maybe he can set that up for the work session on November 24th. He said then the Commission can get a summary on that. Maybe he will also have some additional thought on a joint meeting with the Council.

Berman said there were three options and asked if that had been narrowed down to one. Tokos said no; the Commission will have the opportunity to make that recommendation to the City Council if you want to narrow it down. He said basically the taxing entities have said thank you and had some questions about projects. A couple of them have said they need to really digest this and get back to us to say, "this amount's okay, but above and beyond

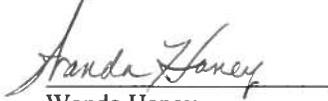
that is going to really pinch us near term;" that kind of feedback. They have to sit down and think it through. We haven't received that kind of feedback yet from the County, the Health District, and the Community College.

Tokos noted that the City Council as the Urban Renewal Agency is going to be meeting on November 17th to make a final decision on whether or not to acquire a property in South Beach next to the intersection of 35th and 101 (the Schones' property with the old Flashback's building). There's a whole bunch of South Beach construction projects rolling out next year; Abalone extension, 35th, Brant, 27th. All of that work is consistent with the Coho/Brant plan that the Commission saw and participated in where we did that refinement plan to identify specifically how the work should happen down there. He said the plat is just about recorded; OMSI's signing now, and Dick Murry and Investors XII have signed off. So the plat is making its way to get recorded. It's not slowing anything up because we're not going to break ground for construction until next spring. So, it's still working timing-wise. He said that's the other Urban Renewal District.

2. Tokos said the City Council is having a hearing on the 17th on the business licenses as well. He doesn't think they are going to take action on the 17th. He thinks they will kick it over to after the first of the year because they want their new City Attorney to take a look at it before anything is acted upon. Croteau asked if anything happened between the working group's recommendation and now. Tokos said there were some slight changes that came out of Spear Hoyt, our contract attorney. The Council wanted them to take a look at it; so there were some minor changes, but nothing major. There were some tweaks here and there; mostly for clarification.

J. Adjournment. Having no further business to discuss, the meeting adjourned at 7:05 p.m.

Respectfully submitted,


Wanda Haney
Executive Assistant