

MINUTES
City of Newport Planning Commission
Regular Session
Newport City Hall Council Chambers
Monday, April 11, 2016

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

City Staff Present: Community Development Director (CDD) Derrick Tokos and Executive Assistant Wanda Haney.

1. **Call to Order & Roll Call.** Chair Patrick called the meeting to order in the City Hall Council Chambers at 7:00 p.m. On roll call, Hardy, Croteau, Patrick, and Franklin were present. Berman and Branigan joined the meeting at 7:01 p.m.

2. **Approval of Minutes.**

A. Approval of the Planning Commission regular session meeting minutes of March 28, 2016.

MOTION was made by Commissioner Croteau, seconded by Commissioner Franklin, to approve the Planning Commission regular session meeting minutes as presented with a couple of minor typographical corrections. The motion carried unanimously in a voice vote.

3. **Citizen/Public Comment.** No public comments.

Commissioners Branigan and Berman joined the meeting at this point.

4. **Action Items.** No action items.

5. **Public Hearings.**

A. **File No. 2-CUP-16:** A request submitted by Oregon Bud Company (Courtney Davis, authorized representative) per Section 14.03.080/“Water-Dependent and Water-Related Uses” of the Newport Zoning Ordinance, for approval of a conditional use permit in order to allow special retail use of approximately 984 square feet of an existing waterfront building for a medical or recreational marijuana dispensary at 837 SW Bay Blvd (Assessor’s Map 11-11-08-CA, Tax Lot 02201). The subject property is located in a W-2 “Water-Related” zone, where uses permitted outright in a C-2 zone are allowed following the issuance of a conditional use permit.

Chair Patrick opened the public hearing for File No. 2-CUP-16 at 7:02 p.m. by reading the statement of rights and relevance and reading the summary of the file from the agenda. He asked the Commissioners for declarations of conflicts of interest, ex parte contacts, bias, or site visits; and only site visits were declared. Patrick called for objections to any member of the Planning Commission 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 a conditional use permit application to allow just under 1,000 square feet of an existing waterfront building to be used for a medical and recreational marijuana dispensary. This is the location that was formerly occupied by the Noodle Café. The property was approved for a restaurant use in 1995 along with the seafood market.

Tokos noted that the conditional use criteria are set forth in Section 14.34.050 of the code. He said that there are four criteria that are relevant, and he read them verbatim. First is that the public facilities can adequately accommodate the proposed use. Second, that the request complies with the requirements of the underlying zone or overlay zone. Third, the proposed use does not have an adverse impact greater than existing uses on nearby properties; or impacts can be ameliorated through imposition of conditions of approval. Fourth, a proposed building or building modification is consistent with the overall development character of the neighborhood with regard to building size and height, considering both existing buildings and potential buildings allowable as uses permitted outright. Tokos noted that the applicant filed their application on February 29th. A copy of the applicant’s written narrative, site plans, and other

relevant information were included in the Commissioners' packets along with the staff report with findings of fact in detail.

Touching on the staff report, Tokos noted that, with respect to the first standard, the property is located on Bay Boulevard where there are existing utilities in place serving the area. The property is right on a fully-developed public street with sidewalk. Given that fact, the public facilities are clearly adequate to serve the proposed use; and there is ample evidence in the record to support that. Regarding the second criterion, there are no specific zones other than the Bay Front Plan that is in place and looks to ensure that the historic character of the waterfront community is maintained. The applicant is not proposing to make any changes to the exterior of the building. Provided that the Commission is comfortable with the existing building which is more or less on par with the historical character down there, Tokos believes there is ample evidence to find that this standard has been met. The third criterion deals with the proposal not having an adverse impact greater than existing uses on nearby properties or if so, that they can be ameliorated with imposition of conditions of approval. Tokos noted that in the packet was a letter from the Police Department saying this particular location is at the 1,000-foot mark from the other marijuana dispensary at 452 SW Bay Blvd. The 1,000-foot requirement is contained in the business license code. It requires that retail marijuana dispensaries be spaced at least 1,000 feet apart to avoid the concentration of dispensaries in any area. It was put in place out of a concern that concentration of marijuana dispensaries could have an adverse impact on tourist-related areas such as the Bay Front and Nye Beach. He said that's not a land use code per se. He noted that, as he outlined in the staff report, one approach the Commission could take is that the 1,000-foot separation requirement is not material to what the Commission has before it tonight. In that case, you're done with it. He said another approach is that the Commission can say this concentration issue is something that's relevant to ensuring that there's not an adverse impact because of this undue concentration concern. He said, if you go down that path, then the question turns to if this establishment is at least 1,000 feet away from the other one. The applicant indicates that they believe their building is 1,014 feet from the business at 452 SW Bay Blvd. Tokos measured it on the GIS system, which indicated a distance of 1,015 feet; but that's not survey accurate. He said he can't say with confidence if it's over 1,000 feet or not; but he thinks it's very close. Tokos noted that the Commission can accept the applicant's statement in conjunction with the map he included in the packet as evidence it's over 1,000 feet, and that would address this issue; or the Commissioners could indicate that the applicant should survey that dimension. The definition in the business license code is that within 1,000 feet means a straight line measurement from the edge of the building in which the applicant wants to establish the dispensary to the closest point of the property upon which the other dispensary is located.

Tokos said basically the Commission has three different options, so he provided that in three different sets of findings and final orders with an option to go whichever way the Commission feels is appropriate in this case. Tokos thought any of the three directions outlined are reasonable approaches. He said there's also the opportunity to provide some policy guidance; what is the 1,000 feet, and if it's really close, is a survey warranted. He said there was also one condition that he thought the Commission wants to look at clearly. This particular building extends out over the Bay, and by virtue of that it's subject to a land lease from the Department of State Lands as are any of those properties. He said there's nothing in the record that indicates that the Department of State Lands finds this use acceptable per their lease. He's not sure if their lease would extend to this use. That's something the applicant can provide. He thought that condition that's proposed would be prudent to impose should the Commission choose to approve this conditional use permit.

The last criterion relates to building modifications being consistent with the area. The applicant hasn't proposed any changes to the exterior of the building outside some modifications to signage; and there doesn't appear to be any major modifications in terms of the type of material used. He thought it was reasonable for the Commission to conclude that how they're proposing to adjust the signage is consistent with what has been done down on the Bay Front and is not out of character with the neighborhood.

Franklin said looking at Attachment "E" it looks like the distance between the two dispensaries goes to the corner of the old fish market when it should be actually further. He wondered if when you say 1,000 feet is it the building the dispensary is in including all storefronts, or just theirs. Tokos said the point of measurement starts at the edge of the building. If it's a larger parcel with multiple tenants, you measure to the closest point of the parcel even if the tenant is further back. That's how the definition was drafted. Patrick asked if the GIS says it's 1,015 feet. Tokos said yes, but it's not a survey. Berman asked if Tokos had any idea what the cost of a survey would be. Tokos said it varies. This would be just a point to point survey, so he would guess in the ballpark of \$1,000. Branigan asked if there has been any action on any of those properties on the Bay Front from the State regarding the leasing of the land. Tokos

said this is the first one where a medical or retail dispensary is proposed in a property that extends out over the Bay. Branigan asked if it only applies to marijuana dispensaries; not fish-processing plants or restaurants. Tokos said that any building that extends on pilings is subject to that kind of lease. For those specific uses that hasn't come up and hasn't been an issue to date. He said the applicant can provide a copy of the lease. Croteau said that he takes it that there were no other public comments other than Miranda's. Tokos confirmed that was correct.

Berman said there was some reference about the odor issue as an impact on neighboring properties, but in the staff report Tokos didn't really address that. Tokos said the applicant was proactive in addressing that issue in their narrative they submitted saying that's an issue that has come up in other areas and that they have addressed it through some sort of carbon filtering.

Proponents: Courtney Davis, 1932 SW River Square, Portland, OR 97201. Ms. Davis said that she had sent Tokos an email earlier in the afternoon addressing the water lease. She said it's a use that they've approved, and they are currently in the process of amending that lease. She said she sent the body of the email Tokos sent them along with several attachments. Tokos said he did get an email from her with the photo of the interior. Ms. Davis said it was sent just before that. It had an attachment that had a list of signatures of the people supporting them having that location on the Bay Front as well as several other attachments. Tokos thought it might have been larger than our limit and asked if she could break it up and resend it. Ms. Davis continued that they have been addressing the lease. Berman asked if that's a new lease with the State that they have just negotiated, or did they just inherited it from the previous tenant there. Shawn Davis, Courtney Davis' brother and partner, said that they did inherit the lease. They had to amend it and essentially sign it for another 15 years when they purchased the property. It runs from 2015 to 2030. He was asked if the State Department of Lands essentially has no problem with their plan. Mr. Davis said no. They told the agency what the proposed use was. State Lands consulted with their attorneys, and they said they approve the use. They do have to amend the lease again; and they are going through that process. He said they forwarded that information to Tokos. They will go through the process and get the documents buttoned up and shared.

Croteau said as he recollects there's a good bit of outside decking outside this building. He wondered if they planned any outside use. Ms. Davis said no they can't have any events with any product outside. Other than making it look nice, they can't do much with that. Mr. Shaw added that there's no onsite consumption. They would like to put tables out there and let people hang out; but there can't be any store-related products consumed there. Branigan asked, even if down the road we can have edibles? Ms. Davis said they still can't condone onsite consumption or allow it unless the laws change in the future. Products can't be used in public or outside the facility, especially on their property. Berman said as he understands it, they will be either recreational or medical, but there can't be both in the same facility. He added, it can be two different addresses in the same physical building. Tokos said his understanding is that it can be two different leased spaces; you can't be in the same space. Ms. Davis said they plan to open as medical with limited retail sales. She said there are discussions going on at the State about cohabitation. Now you have to be two completely separate addresses. At that time, they would surrender their medical license and take on the OLCC license. Mr. Davis said that he thought the cohabitation discussion is very positive that they will combine them. Berman agreed that it makes perfect sense. Ms. Davis said the way that they're writing the laws currently is definitely leaning that way.

Branigan asked if they were going to leave the building that ugly green. Ms. Davis said they would rather not. They would definitely like to have it blend in a little more with the surrounding buildings. They have no plans for any additions, but they would like to improve upon that green color for sure. Mr. Davis said that they did just replace the roof on all of the structure from the candy store on over. They are improving the structure on piers. They are trying to improve the building and the character of the Bay Front as well.

Berman asked what their feeling was about having to spend \$1,000 for a survey to prove the 1,000 feet if required. Ms. Davis said obviously they would rather not; but if they need to they will. She feels that the verbiage that the City has is very similar to what the OHA and the OLCC have; and those agencies have considered those conditions met. She said that they have conditional approval license from those agencies; so to their satisfaction the facility is over 1,000 feet from the other building.

Hardy said that the applicants said they bought the property last year. She asked what the name of the title holder is. Mr. Davis said, Newport Real Estate, LLC. Hardy asked if they have registered that name with the Oregon Secretary of State; and Mr. Davis confirmed that they have. Hardy asked if Oregon Bud Company are actually the same people,

but one entity leasing from the other. Mr. Davis said they're similar people; different partners in the real estate and in the cannabis. There's some commonality with the same people in each group.

Robert McFeek, 223 NW Nye St #11, Newport, who had made comments about the deck and the color of the building, said that he's attending as a supporter of the applicant.

There were no other proponents present wishing to testify.

Opponents or Interested Parties: There were no opponents or interested parties present wishing to testify, so rebuttal was waived.

Patrick closed the public hearing at 7:26 p.m. for Commission deliberation. Branigan said that it sounded to him like the two biggest issues were first the State lease over the water; and that apparently is being resolved. The other was the proximity issue. He said however it appears that the OLCC is taking the point of view that it's over 1,000 feet. He said the GIS shows it is 1,015 feet, and the applicant shows 1,014 feet, so he thought that it's so close we shouldn't impose a survey on there. He said that he doesn't see why the Commission shouldn't grant them the ability to go forward with their business. Franklin said there's two things he sees. He thought the verbiage is wrong where it says "property." He thought it should mention storefronts. He said it's more than 1,015 feet; to the edge of their front glass is more like 1,035 feet. So it's not as much of an issue as he thought it was going to be. But he also thought the Commission should come up with something that if it's close to 1,000 feet, then we do require a survey. But that's not in place now. Croteau thought that's a State issue. Tokos said it's a City issue; it's a city-imposed requirement. Franklin thought in the future that should be spelled out a little bit clearer. Croteau thought the distance issue is relevant to the Planning Commission. He sees this as a neighborhood impact issue; so he thinks it's something the Commission should consider. He likes a survey requirement in general because he doesn't want to set the wrong precedent. He thought it's a legally responsible thing to do. A survey protects the interests of the investor from later challenge. He thought it's a smart thing to do. He would recommend requiring it, and we should just do this going forward as a matter of course. He sees fixing the definition. He thinks it should be entry to entry. But, require a survey. All it needs is the surveyor saying it's more than 1,000 feet, and they're good to go. Berman thought the opposite. He doesn't think 1,000 feet should be considered here as Tokos mentioned in the first option. He said to look at those four criteria, and that determines approval. Further investigation about the 1,000 feet is related to getting a business license, which is a step after the conditional use permit. He doesn't think it comes into play here at all. It looks probably like it would meet it, but he doesn't think it's something for the Planning Commission to consider at this point. It doesn't fall into one of those four criteria. He thought the Commission should approve the conditional use permit with the conditions in the first option; just the two conditions including the evidence from State Lands. Hardy thought that from the standpoint of dotting I's and crossing T's, procedure needs to be consistent. She doesn't have a problem with imposing a requirement that that distance be verified. She also thinks that the lease verification should be a condition in terms of the applicability of the use of that property, and it sounds like that's coming. In terms of trying to establish policy in one land use decision, she really thinks that creates a problem. So we follow procedures that's here now, and then we want a future discussion for policy. That's future and doesn't apply.

Patrick said that he gets the sense that everybody is in favor of the application. What we're arguing about is whether or not the distance is an applicable criterion. Personally he thinks it's an applicable criterion just as much as fire code or building code. Even though they're not in our criteria, they're applicable to all the things that the Commission does. They are existing rules. He thinks it's applicable. He agrees with the concern over the definition of how to measure it. Hardy thought that's based on the fact that sometimes property parcels include multiple units. He agreed that it's probably right that getting a survey would protect your rights. He would probably recommend that they do that anyway. But he's not willing to make it a recommendation that they do that without some basis to stand on. He doesn't know how accurate the GIS system is, but he doubts seriously that it's off 15 feet.

Tokos said the Commissioners might want to break it into a couple of different motions. The first one to see what the tenor is with respect to whether or not the 1,000-foot issue is relevant to the adverse impact criteria. That's the only way you address it because then it would fall under the conditional use review. Then move to a second motion on whether or not that survey requirement is needed.

MOTION was made by Commissioner Croteau, seconded by Commissioner Hardy, that the 1,000-foot consideration as viewed door to door is relevant as a neighborhood impact consideration by the Planning Commission. The motion

carried 5-1 in a voice vote, with Commissioners Croteau, Hardy, Patrick, Franklin, Branigan voting in favor; and Berman opposed.

Patrick said, now that the Commissioners have determined that it's relevant, let's talk about whether the applicant needs a survey or do we think using the GIS is close enough. Patrick noted that the City has a GIS system; and so he is going to go in and ask them how far it is from one location to another. He said when the City sends notices out, they use the same system. He guesses that you could consider the Police Chief making an appeal to it. Patrick said Miranda's letter says it's at 1,000 feet, so he assumes it's written objection to it. Croteau said it's not that clear to interpret. He wondered how Miranda is weighing that. He doesn't know. Patrick liked Franklin's suggestion that in the future maybe we have something that says within a certain percentage, maybe like under 2% of the distance, and make that the rule. He said that's not something to decide tonight; but we need to put this on a work session and make another pass at the rules. He said tonight the Commission has to make a decision one way or the other whether you think it's more than 1,000 feet, and do we need to make them prove it. Hardy said, or do we need to make the business license process require it or not require it. Berman asked how many times have GIS measurements been challenged. He asked if that has ever come up; that GIS is not accurate enough. Tokos said that nobody relies on that as survey-accurate. With respect to notifications from time to time we have someone complain that they should have received notice and didn't; but it doesn't happen that often. Again, Patrick said the Commission decided that the 1,000 feet is relevant. Now he needs a motion that says either the City's measurement is good enough, or we need a survey; one way or the other. Berman said, but if the OLCC and the OHA accept it, it's the same 1,000 feet. So if they accept it, then the City automatically accepts it. Patrick said they're probably just relying on the applicant to attest that it's over 1,000 feet. Tokos said he would caution against leaning on the State's stance on a standard that is strictly a local option standard. The City didn't have to put that standard in place; it chose to. It's a City standard, and it's totally up to the City how that standard's implemented. The State does their things based on their rules, not based on what Newport adopted into its codes. Hardy asked who would make the final decision on granting a business license. Tokos said at the end of the day, the City Manager would. Hardy asked if the Commission could stipulate that the issue be resolved in the business license process. Tokos said if the Commission wanted to go that route, you probably would have taken the stance that it's not relevant to the conditional use permit. He said once the Commission took the position that it was relevant to the CUP, your requirement for a survey is to meet the conditional use permit criteria not the business license code.

MOTION was made by Commissioner Hardy, seconded by Commissioner Croteau, to make the conditional use permit conditioned on the submission of a survey that verifies the distance between the two dispensaries. The motion failed 3-3 in a voice vote, with Commissioners Hardy, Croteau, and Franklin in favor, and Commissioners Branigan, Berman, and Patrick opposed.

Croteau said that he's really in favor of the application; he doesn't have a problem with this at all. But he thinks just from the point of view of good business, it's something that you want to get nailed down. That's why he wants this to be the precedent-setting conditional use permit. He said Davis is the first one, but not the last. The question will come up again. GIS is great, but survey accuracy is survey accuracy. It will not be challenged. Patrick agreed, but he doesn't want to do ad hoc conditions. That has been a problem. Croteau said that's what he wants to avoid by making it an ironclad rule. Berman said you could be imposing a burden unnecessarily on applicants. He said if you're talking about somebody wanting to open a daycare next to the other medical marijuana dispensary, they would have to prove that they were 1,000 feet from it. You could be talking about a one-person operation doing it for the joy of taking care of children, and the \$1,000 could be a show stopper. Tokos clarified that if you have a recreational marijuana establishment that's in place, a daycare is free to locate closer than 1,000 feet. It doesn't work both ways. The existing owner of that recreational retailer is grandfathered; they are fine as they are licensed. If it turns over, that is when there's a problem. Berman said he just thinks that City business is conducted based on GIS until a legal survey is required like for a road normalization or whatever. That's good enough for him. He said he would support a modification to the ordinance to say if measurements from the GIS are within 2% or 5%, then a survey is required to verify it. He doesn't think it's something that should be imposed here. Croteau said he would be good with some figure. He said he has to believe that if the distance was 2,500 feet, a surveyor would look at that and say yes it's greater than 1,000 feet and stamp it. But, this one is on the cusp. It's a tough precedent to set one way or the other. Patrick said if you want to set a precedent, put sidebars on it that put a numeric value on it so we have something to use in the future. If we're going to set precedent, let's set one that will work for everything and not just this case. Croteau looked to Tokos to give some advice on GIS plus or minus what. Tokos said if he were to throw something out there, he would say 50 feet. If you're at 1,050 feet or more, you're probably fine. That's enough that any kind of

error in the GIS system is going to get considered there. Croteau asked how the Commissioners would feel with plus or minus 5%. Patrick thought that was too much, but he's willing to go along with it. He said if you think of 1,000 feet, that's 20 lots; so you lost an entire lot in 20 lots in the GIS system. Croteau said that seems like a lot. Patrick said that's what he's saying. Your error is probably a whole lot closer to 2% or lower than 5%. Tokos said if the Commission thinks 2-3% is more reasonable, go with that. Patrick said 2% would be 20 feet in 1,000 feet, and he could see having that kind of error. Branigan asked if GIS is based on global positioning satellites; but he was told not exactly. Patrick said it's a computer-driven system. Patrick said the City just got the GIS system not that long ago, so there really haven't been a lot of challenges to that. The challenges were based on the old paper system.

Franklin asked if everyone was in agreement that we would also like to change the verbiage so that it's not to the property corner or the property line but to the storefront for the 1,000-foot rule. So we say that, and we're also saying the 2%. Patrick said we can't change that tonight. Franklin said he's not saying to change it tonight, but he is saying that if we consider 1,015 or 1,014 feet and then add another 25 feet to where they're proposing to put in the dispensary, with what we have tonight this is showing that it's over 1,000 feet, and we just come to agreement that we pass it tonight. Then we can change the code. Croteau said we sort of back into the code. Tokos said on the changes to the code, he would suggest that that motion happen after the Commissioners finalize the action on this one. Berman said we're all in agreement that we would probably support that change to the code, then in retrospect after that change is made, this one would have been outside the 1,000 feet; so maybe we just go with this one and then change the code. Croteau asked if the Commission could make that recommendation tonight. Tokos said he can bring back some code revisions to set that parameter, but he would suggest the Commission do that after the action on this one. Patrick said what he's looking for then is a motion that the Commission approves the conditional use with the 1,015-foot distance.

MOTION was made by Commissioner Branigan, seconded by Commissioner Franklin, to approve the conditional use permit for the proposed recreational or medical facility per the criteria in Section 14.34.050, and accept the map that is attached to the staff report as verification that the dispensary is over 1,000 feet from the existing facility; and furthermore that the applicant submits written evidence that the proposed facility is permitted under the terms of the Department of State Lands' lease. The motion carried unanimously in a voice vote.

Tokos said he needed some clarity as to what the Commission wanted him to bring back. Croteau said he thought we want to definitely go with door to door as the 1,000 feet. The others suggested closest corner of storefront to closest corner of storefront. Ms. Davis said the OHA rules define that really well as the closest exterior wall to closest exterior wall. The Commission thought then that's what we should be using. Patrick said also for any future things that rely on a distance between things, that if it's within 2%, we'll want a survey. Tokos asked to have a motion to direct staff to bring that to a work session.

MOTION was made by Commissioner Croteau, seconded by Commissioner Franklin, that at a work session to have a discussion of the distance rule to be wall to wall as described in the OHA rules for measuring the 1,000-foot distance; and if it's within plus or minus 2% of 1,000 feet, we require a survey. Patrick thought we should apply this to other things that have distance requirements; he's sure there are others. Tokos said there are some things we require a survey on. Setback variances have to have a survey because you need to know where your property lines are. Croteau thought there are instances in licensing rules that apply to distances between businesses. Tokos said those are State rules. In a voice vote, the motion carried unanimously.

Tokos explained to the applicant that they have been approved without the survey requirement. The final order and findings will be signed tonight, and those will go out to them in the next day or two. There will be an appeal period, but he doesn't expect any appeal to come in. Ms. Davis said she would resend her email to Tokos. Mr. Davis asked if the City needs a copy of the final approved State lease; and Tokos confirmed that was needed to address that condition.

6. New Business.

A. League of Oregon Cities workshop on Land Use Planning at Newport City Hall on April 21st from 9:00 a.m. to 4:00 p.m. Tokos noted the LOC workshop on April 21st. Franklin had registered, but has a conflict that morning and won't be able to attend. Tokos wondered if anybody else can make it. Croteau said he's interested, but may or may not have a conflict. Tokos said to let us know, and we can make arrangements. Patrick definitely has a conflict or he would go. Tokos said it's convenient because it's here.

B. Reminder of Volunteer Dinner on April 19th at 6:00 p.m. at the Oregon Coast Aquarium. Tokos noted the Volunteer Dinner coming up on April 19th. He hoped the Commissioners can make it. It's at the Aquarium at 6:00 p.m.

7. Unfinished Business. No unfinished business.

8. Director Comments.

A. Tokos noted that the parking study outreach meetings are coming up this week. City Center will be here in the Council Chambers at 6:00 p.m. on Tuesday. Nye Beach will be at the Visual Arts Center on Wednesday at 6:00 p.m. Bay Front will be at the Maritime Museum at 6:00 p.m. on Thursday. He said if the Commissioners can pop in to one or more of these that would be fantastic. He said this is an opportunity to plug into this and provide feedback on this process. There will be walking tours during the days that the parking district advisory committees are doing with the consultants to help them get a good understanding of what the issues are in the different areas. He said the process is going well.

B. Tokos noted that we have three applications for the Planning Commission. The City Council will be doing interviews next Monday. We will probably have a new Planning Commission member at the next meeting. There was one other person who applied just for the Advisory Committee. So interviews to fill those two vacancies may be set up with the Planning Commission as well.

C. Tokos noted that there was a housing forum on April 5th talking about workforce housing. He said that the City Council will talk about these issues further to see where they want to go. He thinks they will end up setting a meeting with the elected officials of Lincoln City and the County Commissioners to talk about how at the policy-makers level to hash these things out.

D. Tokos noted that Councilor Engler has asked the City Council to talk about vacation rentals. He said we will see how that discussion goes and whether there's a desire for further work on vacation rentals. It's probably timely to give the Commission a work session update on how that program's been working out as it's been a couple of years.

E. Patrick said when they put the church downstairs at the Elks, they were supposed to restripe the parking lot; but there are no stripes now. Tokos will follow up with them.

F. Franklin asked what the drilling was that was taking place in Nye Beach in front of the pump station at the turnaround. Tokos said he wasn't sure. He would have to talk to Tim Gross. He knows they had issues with that pump station and wondered if it relates to that.

G. Patrick had something to pass on to Tim Gross. He walked between Nye Beach and Agate Beach, and there is a little creek that comes out close to Agate Beach. On the other side of that it looks like there's a sewage problem going on. It's before Big Creek. Tokos said they have had a number of pump failures on that daisy-chain setup. Franklin asked if they have ever made improvements to the outfall at Nye Beach to lower those numbers. Tokos said they have made a number of improvements, and they are still having issues.

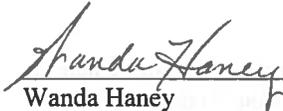
H. Tokos said that Safe Haven Hill is effectively done. There's a ribbon-cutting on the 29th. Five years of work with a FEMA grant is complete. Patrick asked about the rest of Coho/Brant. Tokos said it's pretty much wrapped up. Patrick asked what about the intersection. Tokos said ODOT is doing the signal change from 32nd to 35th in 2018. He said that everything on the west side, Abalone, 30th, 27th, Brant, are done.

I. Branigan asked about Golf Course Drive. Tokos said we had an initial public outreach meeting to talk to the folks up there about what they would like to see. He thinks it was a productive meeting. We will fine-tune a design for them. He thinks there will be an LID formed down the road, but not until the design is hammered out and their issues are resolved. The street may be 20 feet wide with 2 feet shoulders on each side. Probably in late summer or fall we'll pick up the conversation about an LID. Branigan said he was told that for the next meeting they want to have it at the Golf Course and only for residents; not open to the public. Tokos said that Public Works took the lead on that; but as far as he's concerned, they're public meetings.

J. Tokos said we currently don't have anything for the next meeting; so there won't be another one in April. The next meeting will be the first meeting in May.

9. **Adjournment.** Having no further business, the meeting adjourned at 8:08 p.m.

Respectfully submitted,


Wanda Haney
Executive Assistant