

MINUTES
City of Newport Planning Commission
Regular Session
Newport City Hall Council Chambers
February 25, 2019

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

Planning Commissioners Absent: Bill Branigan (*excused*).

City Staff Present: Community Development Director (CDD), Derrick Tokos; and Executive Assistant, Sherri Marineau.

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, Commissioners Hardy, Berman, Croteau, Patrick, Franklin, and Hanselman were present.

2. **Approval of Minutes.**

A. Approval of the Planning Commission work and regular session meeting minutes of February 11, 2019.

MOTION was made by Commissioner Croteau, seconded by Commissioner Berman to approve the Planning Commission work and regular session meeting minutes of January 28, 2019 as written. The motion carried unanimously in a voice vote.

3. **Citizen/Public Comment.** None were heard.

4. **Action Items.**

A. **Motion to Initiate Code Amendments to NMC Chapter 14.21, Geologic Hazards Overlay.**

MOTION was made by Commissioner Croteau, seconded by Commissioner Hanselman to initiate the legislative process for code amendments to NMC Chapter 14.21, Geologic Hazards Overlay as amended at the work session meeting. The motion carried unanimously in a voice vote.

5. **Public Hearings.** At 7:02 p.m. Chair Patrick opened the public hearing portion of the meeting.

Chair Patrick read the statement of rights and relevance. He asked the Commissioners for declarations of conflicts of interest, ex parte contacts, bias, or site visits. Croteau reported a site visit. Patrick stated that he had performed work on the condo under consideration for the conditional use. Patrick called for objections to any member of the Planning Commission or the Commission as a whole hearing this matter; and none were heard.

A. **File No. File 4-CP-18.**

Tokos gave his staff report. He acknowledged the testimony submitted by Hilaire Bojonell that was handed out to the Commission during the hearing. Tokos said the amendments to the master plan would include changes to the Agate Beach State Recreation Site to scale back the parking area, a reduction to the paved footprint, putting in a multi-use field, and improving the beach access. It would also include changes at the Yaquina Bay State Recreation Site to improve mobility, add a site for community services, and give

strategies to maintain vegetation areas. The changes to the South Beach State Park would include an extension to Jetty Road, and a reconfiguration of the main park area that included structural improvements.

Tokos noted the only public comments he had received were concerning the South Beach State Park and how it affected marine life, the additional work needed to enhance wildlife viewing, and the concerns of people who lived in the area and how it impacted them.

Berman asked if enhancements in the procedural loop were needed, how would it get worked into the Plan. Tokos said this was a draft plan and wouldn't be finalized before the process was done by the Commission. Croteau asked if the plan could be done in separate parts for each area. Tokos said they could draft it so only the components could be done, but noted this was hard to do. This would mean that the parts that weren't included would have to come back as a new application.

Berman asked if the Plan was a City document. Tokos said it was. Berman asked if they would have to modify the document. Tokos said no, the administration of the Plan sets the rules for evaluating these types of changes and there has to be a reason to amend the Plan. Berman said that Attachment "E" had tables and costs shown and asked if it was relevant. Tokos said it was part of the current Parks Facilities element of the Comprehensive Plan. This would be addressed with the Park System Master Plan update.

Proponents: Ian Matthews, Planner with the Oregon Parks Department, and Preston Phillips, Central Coast District Manager for the Oregon Parks Department, addressed the Commission. Matthews gave some background on the project. He said that between 2015-2018 they had done several rounds of public outreach and it had been approved by the OPRD. They were taking the Plan to the local jurisdictions for land use approval before it was adopted on the state level. OPRD updated their master plans every 20 years to guide development in parks. These were long range plans that were unfunded and implemented as funds were available. Matthews explained the Plan was a road map of what OPRD wanted to accomplish.

Matthews noted that during their public outreach they had not received the input on the South Beach area that was submitted by Bojonell. He said that if they had received it, they would have taken it into consideration. Matthews said they had transferred the concept for the area from the 2013 plan to this plan and explained their reasoning for transferring it. He said with respect to impacts on wildlife, they weren't aware of marine mammal haul outs. He felt confident that OPRD wouldn't approve a project that would have significant detrimental impacts to marine mammals or other wildlife.

Berman asked if the plan was modifiable at this point. Matthews said it was. This was an amendment to the city's comprehensive plan and the State rules provided for the ability for local governments to make recommendations to OPRD. If there were desired changes, OPRD would review and provide feedback on if they would make the changes or they would provide reasons they weren't accepted. Matthews said that depending on the scope of the changes, they may need to go back to their Commission to get approval. Croteau asked why the tidelands access was chosen at the specific point. Matthews said this was transferred from the 2013 plan and he wasn't sure about the reasoning for it because he didn't participate in the plan at that time. The plan was to locate it in the general vicinity, but it could be moved. Croteau stated that he wanted it as far east as possible. He asked if a wildlife viewing platform was reasonable. Matthews said if the comment had been brought up during their review, they would have considered it. He said it might be something that could be constructed as the plan was written. Croteau asked if the parking lot sizes were determined by observations. Matthews said they did parking lot counts and this was taken from the 2013 plan. Franklin asked once the parking was put in, would parking on the side of the road be permitted. Phillips said there was always parking that might happen in graveled areas but as it existed now, the lots were very rarely filled.

Berman said on Attachment "I" there were several areas that weren't P-2 zoned. He asked if they would be included at some point. Tokos said most of these were R-4 zones which were not owned by the State Parks and privately owned.

Franklin asked where parking for the proposed disc golf course would be placed. Matthews said this would be in the middle lot. He said the eastern most lot was low priority and didn't see them building it any time soon.

Hanselman asked if the new diving access was being aligned with the locals at the same location. Phillips said there were a fair amount of divers that used the area currently.

Patrick liked what was being done at Agate Beach, and liked the Yaquina Bay plan except for there being a crosswalk on the road instead of it wrapping around. He asked when salal and huckleberry ceased to be native vegetation and questioned why they needed to be taken out. Matthews said they worked with their regional naturalist specialist and because the salal was so dense, they would be removing it to deal with the transients. Not all of the salal would be removed, but a large area would be removed. They would be focusing on other vegetation that was more desirable such as rhododendrons. Patrick asked about putting a gate on Jetty Road so it could be an actual day use. Phillips said there was a gate there already but they only closed it for certain scenarios. There was a lot of legitimate use out there and the restrooms were closed down at 10 p.m. Phillips said that from a management standpoint, locking the gate wouldn't allow the restrooms to be used and not what they wanted to do.

Hanselman noted the Agate Beach Wayside on Oceanview Drive where there was the "Hamburger Lot" area that people parked to view the beach while eating lunch. He said if OPRD had any pull on the speed limit on Oceanview Drive, they should consider working on this. Matthews said he didn't know if they had any pull but didn't see why they would be opposed to this. He said he realized that people weren't using the tunnel at the Agate Beach area and they were working to directing people better to make the parking lot more relevant. Berman said if they were going to redirect pedestrians across the cross walk, it needed to have flashing lights for safety. Matthews said they would be happy to work on this. Franklin asked if there were plans to build a bridge to get over the creek after the tunnel. Phillips said no so much because there was constant movement of the creek.

Opponents: Mona Linstromberg addressed the Commission and said she was neutral on this. She noted the work State Parks had done at Ona Beach and Beaver Creek. She said the experience showed that State Parks was receptive to recommendations. She thought the Commissioners should give recommendations as they saw fit.

Bojonell addressed the PC and said the wildlife viewing didn't currently have an ADA accessible ramp and thought this would be a great addition. She noted that OMSI students visited the area and a viewing area would be good for them. She said she was a diver and the proposed area for diving was good. Bojonell also noted that the snowy plovers were on South Beach and the proposal for fat tire biking might be impacted by this.

Tokos made sure that the Commission understood the administrative rules that stated they had to act in 150 days and explained the procedures that would lead to the City Council reviewing the plan. If the City didn't act within 150 days, then OPRD's document would become the controlling document. Patrick asked when the clock started. Tokos said in December of 2018.

Hearing was closed at 7:46 pm.

Hanselman was satisfied with what was presented and didn't have comments. Franklin didn't have comments. Croteau said there were a lot of concerns and he didn't want them lost in the shuffle. He asked how the Commission would get those in the record to be considered. Tokos said this could be worked into a motion. The distinction would be whether or not it was a modification to the plan or simply a consideration they would address. Croteau thought a request to consider was more appropriate. Berman said he was inclined to modifying the plan and adopt the Commission's version, then down the road when the

development occurred it would have to be reconciled between the city and state plans. Tokos said what they adopted through this process would be what would apply within the city limits. If State Parks disagreed with this, they could appeal. Croteau said if the Commission made a hard recommendation they would know a better place to put the east access, for example, and why he wanted to keep it in line with a consideration. Hardy thought the recommendations were appropriate as presented. Patrick thought it was appropriate and thought the Commission should do a recommendation.

MOTION was made by Commissioner Croteau, seconded by Commissioner Franklin to approve a positive recommendation to the City Council for File No. 4-CP-18 to adopt the change to the Master Plan and request the State Parks Department give consideration to the tideland access placement, the parking lot size on the east, the possibility of adding an ADA accessible viewing platform, and a well-marked crosswalk at Agate Beach Wayside. The motion carried unanimously in a voice vote.

6. Unfinished Business.

A. Confirm Quorum for the March 21, 2019 Joint City Council/Planning Commission Parks System Master Plan Meeting Being Held at 6:00 p.m. in the Council Chambers.

Tokos asked for a confirmation that there would be a quorum of Commissioners at the March 21, 2019 Joint City Council meeting at 6 p.m. Croteau said he was a maybe. Berman was a yes. Hardy was a maybe. Patrick was a yes. Franklin and Hanselman were a yes.

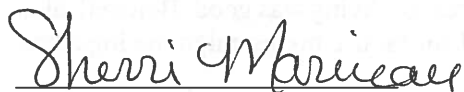
7. Director Comments.

Tokos reported that the Short-Term Rental public hearing had been continued to the March 18, 2019 City Council regular session meeting and there would be a Council work session meeting on March 4, 2019 at 3 p.m. to discuss this. Tokos explained that there would not be any public testimony taken at the work session meeting as it would be an opportunity for the Council to have a discussion on what they had heard and how to proceed.

Tokos said the street vacation hearing would go before the Council on their March 4, 2019 meeting. He noted there would be a funding agreement with ODOT presented at that hearing date as well.

8. Adjournment. Having no further business, the meeting adjourned at 7:53 p.m.

Respectfully submitted,



Sherri Marineau
Executive Assistant