

MINUTES
City of Newport Planning Commission
Regular Session
Newport City Hall Council Chambers
January 24, 2022

Planning Commissioners Present by Video Conference: Jim Patrick , Bob Berman, Lee Hardy, Braulio Escobar, Jim Hanselman, Gary East, and Bill Branigan.

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

Public Present by Video Conference: Chris Keene, Dan McCrae, Curtis Landers, Erica Fruh, Emily Dehuff, and Jerry Herbage.

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

2. **Approval of Minutes.**

Berman reported one minor correction to the minutes.

A. **Approval of the Planning Commission Regular Session Meeting Minutes of January 10, 2022.**

MOTION was made by Commissioner Berman, seconded by Commissioner Branigan to approve the Planning Commission Regular Session Meeting Minutes of January 10, 2022 with a minor correction. The motion carried unanimously in a voice vote.

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

4. **Action Items.**

A. **Recommendation to City Council on South Beach Commercial Corridor Island Annexation Concept.**

MOTION was made by Commissioner Berman, seconded by Commissioner Escobar to recommend the City Council initiate annexation of unincorporated properties in South Beach that are surrounded by the Newport city limits, with properties identified on the Newport Comprehensive Plan Map as "Industrial" being given an I-1/"Light Industrial" zoning designation, those identified as "Residential" being given an R-2/"medium-density, single-family residential" zoning designation, and "Public" property being given a P-2/"Public Parks" designation. The motion carried unanimously in a voice vote.

5. **Public Hearings.** At 7:03 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. None were heard. 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 7-CUP-21.

Tokos acknowledged the letter from the Airport Committee that had been distributed to the Commission and the applicant earlier that day. The Airport Committee voiced concerns about housing larger animals at the shelter and the impact animal noise would have on airport operations. Tokos asked that the applicant address these concerns during their testimony.

Tokos reviewed the map of the location of the new animal shelter and its juxtaposition to the airport runways. He reported the area the shelter would be placed at was outside of the airport operations use, and noted that an animal shelter could be operated at this location through a conditional use process.

Tokos reviewed the criteria for an approval. He noted that the comments received from adjacent property owners were about concerns over the noise increase from the shelter. Tokos reported that the County would be soundproofing the building, which they thought should mitigate the noise. He pointed out that there was outside areas for animals that had vegetation that would provide a buffer for the noise as well. Tokos then reviewed the conditions of approval.

Berman asked where the septic system would be developed and how it would work. Tokos pointed out the location of the septic area on the map on Attachment "H". There had been discussions with the FAA and it was determined that the soil conditions showed it was a good area for the septic system they were looking to install. The shelter would have to pump their effluent up to the system due to the terrain. It would also have to be treated through a settling tank because there would be animal waste. The area the septic system was to be placed in would encompass 13 acres. Berman asked who would operate the system. Tokos explained it would be a shared system that the City would be operating and maintaining. There would be a cost contribution by anyone that connected into the system.

Branigan asked what usage Runway #2-20 was and what its visual approach was. He was concerned that low flying aircraft could cause excessive barking by dogs at the shelter. Tokos suggested asking the applicant to respond to this.

Proponents: Chris Keene, with Dangermond and Keene Architects, addressed the Commission. He explained that he was the architect representing the County on the project. Keene reviewed the process they took to work with shelter staff and stakeholders such as the Humane Society and FOLCAS to come up with the plans for the build. The first phase of the project would be for a shelter that was around 9,000 square feet with space for 24 dogs and 59 cats. They are working with a shelter planner who had done dozens of similar facilities across the country. Keene explained the thought was that the Sheriff's Department would be able to bring in animals to the shelter and there would be a place to quarantine them. They were taking great care to address animal care and animal waste management. Waste would be directed to a settling tank before it went to the septic system. The shelter would have three private offices and two primary entrance points for the public. One would be for adoption and the other would be for surrendering animals.

The vast majority of the facility would be for the keeping of animals. Keene reported that they were looking at using the building as a weather break for the animals. The County also included 10,000 square feet of storage that would be built in the second phase. Keene explained that they didn't have a fully developed design for the facility at that time. The plans that were presented were close to what they would end up with, but there would be some minor changes. Keene reported that the building height wouldn't change and they would be using materials that were low glare and suitable with the marine environment. The dog walking area would be for staff to walk dogs in the daytime only. Keene acknowledged that he had read the Airport Committee letter. He explained that though there was an opportunity for large animals to be onsite, the facility was intended for small animals. Large animals would only be there in emergencies and on a temporary basis.

Hanselman asked if the retention ponds were calculated on the entire build out. Keene confirmed they were. Hanselman asked how deep they would be and if they would be fenced off. Keene noted the calculations for the retention ponds were based on the full development of both phases. They were for around 3,000 feet of stormwater buildup. The intention wasn't to create a big pond feature. Keene didn't have the depth for them, but didn't see there needing to be a rail around them. They would generally be treated as a bio swale. Hanselman thought these could produce an unexpected consequence and liability. He was asking so he had an understanding of the safety involved with retention ponds.

Branigan asked if the septic system would be a more modern system to break down effluents or if it would need to be pumped. Keene thought there would be some combination of pumping and pretreatment that would work with the larger system. The building needed a settling tank to keep the animal hair from going into the system. It was too early to say what the design of the system would be, but they were aware of this and are working with the consulting team on it.

Berman asked about the landscape plan and what percentage of the trees abutting the highway would be cut down. He didn't think trees should be cut down and should be kept as a buffer. Keene noted the first phase would stay out of the trees, except for the walking path area. When they built the storage building they would be trying to remove as little trees as possible to meet their needs.

Opponent: Dan McCrae addressed the Commission and voiced his concerns about the noise. He reported he recently built a hangar at the airport and was familiar with the runway. McCrae thought having large animals at the shelter for a short period wasn't safe. The helicopters went over the top of the shelter location and they would rattle the building. McCrae felt that large animals would have a problem with this. He also thought this would affect the safety of pilots. McCrae pointed out that it was common to build industrial sites at airports but not at the end of runways. He reported that it was common for airplanes to overshoot runways which was concerning because the shelter would align with the end of the runway. McCrae had concerns for the safety of the people who would work at the shelter because of this. He didn't think the shelter was a good idea at this location. McCrae also noted that large animals had different feed requirements that would draw birds to the area, which was also a concern for aircrafts.

Hanselman asked if McCrae had concerns about the elk in the area. McCrae didn't see elk at the area but noted that they ran away pretty quick when spooked. He thought the elk were desensitized to airports over time.

Berman addressed the concern about aircraft coming into contact with the shelter building. He noted that the end of the runway was very close to where the runways crossed and there was a substantial distance on what the site plan showed. He asked if the runway was used in emergency situations. McCrae confirmed it was used a lot. Tokos shared an aerial site plan image of the runway approach. He explained the FAA looked at this for the Airport Master Plan and felt it was are enough away from the runway to be appropriate for the non-aviation related development.

Opponent: Emily Dehuff addressed the Commission. She noted the shelter was at the end of the runway and questioned what direction aircrafts took off from the runways. She was concerned about the runway being directed at the shelter. Dehuff suggested they should reroute air traffic to not be directed at the shelter.

Dehuff noted that she heard early in the process was that there would be no monthly costs for the County to lease the area but then the report showed the lease agreement had a substantial monthly payment for use of property. She asked how that change came about. Tokos explained that this discussion wasn't a matter for the Commission. The City Council never said there wouldn't be a cost to the County for the lease, but there had been a discussion about selling the property. A licensed appraiser was hired to come up with an appropriate rate lease and this was how they landed on the figure, based on the appraiser's recommendation. Tokos explained that they hadn't concluded the discussion and there would be a lease agreement discussion with the Council.

Proponent: Jerry Herbage addressed to the Commission. He explained that he was the Assistant County Counsel for Lincoln County. Herbage pointed out that in all the years he had been doing land use work, this was one of the most professional approaches he had seen for a condition use application. The County spent a lot of money working with the architect and team, and a lot of the work and consideration went into the project. From their standpoint they agreed with the staff report to give approval. This area was for non-aeronautical use and was important for the shelter. The County was prepared to take care of its responsibility for the lease and all other aspects. They appreciated the cooperation with City staff. Herbage noted that large animals might be something to think about but it wasn't the main purpose of the application. Their thoughts on large animals was to only have them at the location in the event of an emergency. If this was a problem they could find other places for large animals. Herbage noted that the Sherriff put effort into this and thought he should speak about housing large animals at the shelter. The thought was to have them located there if there was a major tsunami event or a fire.

Sherriff Curtis Landers address the Commission. He noted that large animals were put in their plan for extreme situations. He gave an example that was when they had to move a lot of large animals to a shelter as a staging area during wildfires. They wanted to make sure there was a possibility for large animals to be at this shelter but thought it would be extremely rare. Landers reported that their staff was well trained with large animals and reminded the shelter was really for small animals most of the time. Dehuff noted that she had confidence in their expertise and glad to see it was moving forward.

Rebuttal: Keene echoed what Herbage stated and noted there was a good team working together. They were early in the process and they had a pretty collaborative team. Keene reminded that large animals weren't the main purpose for the shelter, and if it was a concern they could work with the city to address it in other ways.

Chair Patrick closed the hearing at 8:17 p.m and the Commission entered deliberations.

East thought it was a great idea and thought there were valid points on the safety for emergency situations. He wanted to hear from other pilots about airport safety. Other than that, he thought the facility was needed and thought they should go forward with more public input.

Escobar lost the connection for his video conference link and left the meeting at 8:18 p.m. without being able to participate in deliberations and the vote.

Berman recognized it was a needed facility He was concerned about large animals and thought they should add another condition of approval to say they wouldn't allow large animals onsite except for in a major emergency. Berman noted the runway bothered him but if the FAA said it was okay he was okay with it.

Hanselman noted that he had been against the location of the shelter since the beginning. He thought airport situations were very stressful for any animal in the vicinity because noises were disruptive to all animals. Hanselman wanted to call attention to the decision makers who allowed this at the airport, which he thought was a poor choice. He supported animal shelters in general because they were needed. Hanselman thought that if this was the only location to place the shelter he would be for it.

Branigan didn't see any issues. He noted that fireworks spooked animals more than airplanes. Branigan pointed out that the airport's runways were too short for jets currently. He noted that large animal handlers would rather bring horses to properties in Logsdon instead of the city, and didn't see the large animals being an issue. Branigan felt that if the pilots followed the rules there wouldn't be too many crashes. Overall he was for it and thought the issues could be easily ameliorated.

Hardy didn't think this was the best location to put animals. As long as they had animals outside it would be stressful to them. Hardy felt there was a lot of other rural properties the shelter could be located at. She was uncomfortable putting animals at this location and thought they should look for a better location.

Patrick was in favor of adding Berman's condition to the approval. He didn't see the noise being a problem. Patrick noted that he hadn't realized this was a taxiway and not an air runway. He pointed out that the top of the roof for the shelter would be around 20 feet underneath the runway. Patrick thought it might not be the greatest location, but since the FAA didn't have a problem with it he was in favor of it.

Patrick indicated to entertain a motion.

MOTION was made by Commissioner Branigan, seconded by Commissioner Berman to approve File 7-CUP-21 with the presented conditions and an additional condition to say that large animals will not be moved to the facility unless the government declared an emergency. The motion carried in a voice vote. Five in favor, one opposed. Commissioners Patrick, Branigan, Berman, Hanselman, and East voted in favor. Commissioner Hardy voted in opposition.

Tokos reported that he would bring the final order to the next meeting and it would include the update to the findings with the additional condition.

6. **New Business.** None were heard.
7. **Unfinished Business.** None were heard.
8. **Director Comments.** None were heard.
9. **Adjournment.** Having no further business, the meeting adjourned at 8:30 p.m.

Respectfully submitted,



Sherri Marineau
Executive Assistant