MINUTES
City of Newport Planning Commission
Regular Session
Newport City Hall Council Chambers
February 27, 2023

Planning Commissioners Present: Bill Branigan, Bob Berman, Jim Hanselman (*by video*), Gary East, Braulio Escobar, John Updike, and Marjorie Blom.

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

1. Call to Order & Roll Call. Chair Branigan called the meeting to order in the City Hall Council Chambers at 7:00 p.m. On roll call, Commissioners Branigan, Berman, Hanselman, East, Escobar, Updike, and Blom were present.

2. Approval of Minutes.

A. Approval of the Planning Commission Work Session Meeting Minutes of February 13, 2023.

MOTION was made by Commissioner Berman, seconded by Commissioner Escobar to approve the Planning Commission Work Session meeting minutes of February 13, 2023 with minor corrections. The motion carried unanimously in a voice vote.

B. Approval of the Planning Commission Regular Session Meeting Minutes of January 23, 2023.

MOTION was made by Commissioner Berman, seconded by Commissioner Escobar to approve the Planning Commission Regular Session meeting minutes of February 13, 2023 as written. The motion carried unanimously in a voice vote.

3. Action Items. None were heard.

4. Public Comment. None were heard.

5. Public Hearings. At 7:03 p.m. Chair Branigan opened the public hearing portion of the meeting. He asked the Commissioners for declarations of conflicts of interest, ex parte contacts, bias, or site visits. None were heard. Branigan 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 1-CP-23: Amendment to the "History" Element of the Comprehensive Plan (1886 Building):

Tokos acknowledged the article in the Newport News-Times concerning the amendments to the Comprehensive Plan and the status of the 1886 building. He noted this article would be added to the record. Tokos reviewed the staff report and the history of the 1886 Building.

Berman pointed out the thought was to come back to the discussion on amending the language for historical buildings, and he didn't want the Commission to lose track on this. He requested that the discussion be added to the schedule in the near future. Tokos would work it into the work program.

Fire Chief, Rob Murphy addressed the Commission. He reported they were notified about the condition of the 1886 building and was given the Building Official's report. They also received the engineering report and made contact with the owners who allowed them to do a walkthrough of building. Murphy explained that it was common for the Fire Department to work in conjunction with the Building Official to determine if a building or structure fell under the dangerous building code. Murphy's crews did a walkthrough of the building, reviewed the reports, and came to the same conclusion as the Building Official. They determined there were serious concerns for the structural integrity of the building and its ability to withstand collapse with any significant fire situation. There was also a concern about the close proximity of exposures on either side of the building. Murphy reported that he directed his crews to not enter the structure if there were any fires. A heavy fire in the building would be challenging to address because there was an extremely high chance that the building could collapse in a fire. Murphy explained that he sent a report that dictated the Fire Department's findings and what they were doing internally to make sure their fire fighters were aware of the situation. They had also prepared an operational plan for the building. Murphy reported they had contacted dispatch and flagged the building as well. He reiterated that the Building Official's report was detailed, spoke to the structural deficiencies of the building, and clarified the Fire Department's concerns.

Proponent: Carter McEntee addressed the Commission. He stated he was there as a representative for Mo's Enterprises and was present to answer any questions.

Updike asked when the structure would be demolished if the ordinance was approved. Tokos reported the intent was to draft this as an emergency ordinance. The City Council would have their hearing on March 20th and the ordinance would become effective immediately if approved. Tokos explained that at that point a demo permit could be issued. McEntee reported that as soon as the demo permit was issued they would have people there the next day to demolish the building.

The hearing was closed at 7:27 p.m.

Updike stated he was in favor of the draft. East was also in favor of the draft and would recommend it to the City Council for approval.

Berman agreed with the Commissioners and expressed concerns about the possibility that the city would incur liability by encouraging the Historical Society to go into an unsafe building. Tokos noted the Building Official stated it was unsafe to occupy the building. It wouldn't be unsafe for people to go in there for short durations to carry out specific functions. Tokos explained this had been done in a number of cases and what the Historical Society wanted to do in coordination with the owner. Berman asked if there was liability insurance on the building. McEntee reported that they currently had liability insurance on the building. Berman wanted to also point out that he thought the language about preservation not being required due to poor condition, and what the Historical Society wanted to do with the building, did not belong in the Comprehensive Plan. He thought the Commission should give a favorable recommendation to the Council.

Hanselman was originally concerned about the liability, but thought the explanation had comforted his concerns. He agreed with Berman on the language change. Hanselman thought it was important to do something so this building so it was less of a dangerous situation.

Escobar thought this was an issue of public safety and the Commission should approve it. He was in favor of a demolition of the building.

Blom was in favor and felt there was enough information that had been included in the report. She liked hearing that the owners would build a new building that would have the same consistency of other buildings in the bayfront area.

Branigan stated he agreed with the draft amendments.

MOTION was made by Commissioner Berman, seconded by Commissioner Escobar to forward a favorable recommendation for File 1-CP-23 to the City Council. The motion carried unanimously in a voice vote.

Escobar asked if the owners had photos the Historical Society could utilize. McEntee explained they didn't have photos but would escort the Historical Society when they did their walk through. Tokos reported they were waiting on the asbestos report to be done before they could do the walkthrough to take photos.

6. <u>New Business</u>.

A. Oregon Land Use Planning Fundamentals for Elected Officials and Planning Commissioners Training Opportunity.

Tokos reported the training course would happen in March and if any of the Commissioners were interested in attending the city could coordinate registration for them.

B. Communication from Commissioner Escobar - Oregonian Article Related to State Housing Legislature.

Tokos acknowledged the article from the Oregonian that Escobar submitted that related to some fast track legislation that was going through he Oregon legislature currently. He reported this had been merged into a dash 11 set of amendments that they called House Bill 2001. Tokos pointed out that the League of Oregon Cities (LOC) would be opposing this. There were provisions that would need to be sorted out if it was adopted. The Chair of the Committee said that there would be a second bill that would clean up some of the language in the fast track bill, which would be considered part of the same legislative session. Tokos explained they didn't know exactly what that meant, but the general tenor of this was to take more discretionary elements out of the process, particularly for residential construction. They were also trying to create an avenue where the state could get directly involved if they thought a jurisdiction wasn't working hard enough to facilitate the construction of needed housing.

Berman asked if the LOC was going to oppose HB 2001 or just part of it. Tokos assumed they were against the dash 11 amendments of it. He would find out why and let the Commission know.

7. <u>Unfinished Business</u>. None were heard.

8. Director Comments.

Berman reported that the next budget cycle would be kicking off the following day and pointed out that public input was highly desired. He asked the Commission to consider giving their thoughts on some of the potential provisions for the budget, and to think about this in their other interactions with the city.

9. Adjournment. Having no further business, the meeting adjourned at 7:43 p.m.

Respectfully submitted,

Sherri Marineau
Executive Assistant