

MINUTES
City of Newport Planning Commission
Regular Session
Newport City Hall Council Chambers
August 26, 2019

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

Planning Commissioners Present by Phone: Bill Branigan.

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, Franklin, Hanselman, and Patrick were present.

2. **Approval of Minutes.**

A. Approval of the Planning Commission Work and Regular Session Meeting Minutes of August 12, 2019.

MOTION was made by Commissioner Berman, seconded by Commissioner Hanselman to approve the Planning Commission work and regular session meeting minutes of August 12, 2019 as written. The motion carried unanimously in a voice vote.

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

4. **Action Items.** None were heard.

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.

Bill Branigan entered the meeting at 7:05 p.m. by phone.

Commissioner Franklin reported a drive by and declared a potential conflict due to previously working for Adair Homes, the builder of the home, from 2005 to 2009. Hanselman reported a site visit. 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. 1-ADJ-19.**

Tokos gave his staff report. He noted that public comments were received from the HOA and adjoining property owners. Additional letters from the applicant were also submitted. Handouts of all additional public comments were shared with the Commission at the meeting. Correspondence from the Community Development office with the Building Official was also shared.

Tokos reviewed the applicants' and the HOA's arguments for and against the criterion. He didn't think the purpose of the rules would be met by granting the adjustment. The original planned development for the area had thought put into it for preserving the view shed. Tokos reported that some of the properties in the

development had been granted adjustments to go higher than the 30 foot height limit. The lots on Crescent Place were kept at 30 feet to preserve views. Tokos noted there had been conversations with the applicant on if they could modify their plans to get the 30 foot height requirement and there appeared to be a way to do this. Tokos reported that the Building Official gave input on how to do this. Tokos thought that based on the criteria to grant approval, staff didn't think there were reasons to approve.

Hanselman asked if the Commission was obligated to the homeowner's association (HOA) rules. Tokos noted the property was in the Harbor Crescent planned development, and the planned development outline was what was relevant. The covenants for the HOA were outside of what the Commission could consider because they were private restrictions.

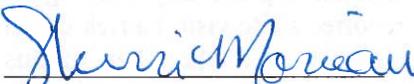
Proponents: Scott and Mary Rogers addressed the Commission by phone. Mary reviewed the letters they had submitted to the Commission. She reported that they would work to get the height of the structure to be in compliance if they could. Scott said they had been put in this situation because the builders didn't know the rules. It wasn't until the contractors submitted their application for a building permit that they found out they needed an adjustment. Because of the concerns of the neighbors, Scott and Mary felt they were in the position to withdraw their application. Tokos said that if the application was withdrawn there would be no further action taken. Patrick asked the applicants if what they were saying was that they were formally withdrawing their application. Scott and Mary Rogers confirmed that they were withdrawing their application.

Hearing closed at 7:24 pm

Franklin thought that calculating the average height was very misleading and thought the applicant did a good job showing that the neighbor's properties were roughly the same height. Because the CC&Rs in this community, he would have asked the builder to do a little more work on lowering the structure. Berman agreed that it was confusing to assess the average height. He suggested the Commission revisit this topic at some time in the future to clarify. Tokos would bring an explanation on how the height average worked to the Commission.

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 7:28 p.m.

Respectfully submitted,


Sherri Marineau
Executive Assistant