

**MINUTES**  
**City of Newport Planning Commission**  
**Regular Session**  
**Newport City Hall Council Chambers**  
**October 11, 2021**

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

**Planning Commissioners Absent:** Jim Patrick (*excused*).

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

1. **Call to Order & Roll Call.** Vice 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, Hardy, Escobar, and East were present.

2. **Approval of Minutes.**

Berman reported corrections to the minutes that he shared with Marineau. The Commission requested that these corrections be shared with them before the meetings so they could review. Berman reviewed his edits and confirmed he would share his edits with the Commission in the future.

A. **Approval of the Planning Commission Work Session Meeting Minutes of August 23, 2021.**

**MOTION** was made by Commissioner Berman, seconded by Commissioner Escobar to approve the Planning Commission Work Session Meeting Minutes of August 23, 2021 with minor corrections. The motion carried unanimously in a voice vote.

B. **Approval of the Planning Commission Regular Session Meeting Minutes of August 23, 2021.**

**MOTION** was made by Commissioner Berman, seconded by Commissioner Escobar to approve the Planning Commission Regular Session Meeting Minutes of August 23, 2021 as written. The motion carried unanimously in a voice vote.

C. **Approval of the Planning Commission Work Session Meeting Minutes of September 27, 2021.**

**MOTION** was made by Commissioner Berman, seconded by Commissioner Escobar to approve the Planning Commission Work Session Meeting Minutes of September 27, 2021 with corrections. The motion carried unanimously in a voice vote.

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

4. **Public Hearings.** At 7:04 p.m. Vice Chair Branigan opened the public hearing portion of the meeting.

Vice Chair Branigan read the statement of rights and relevance. He asked the Commissioners for declarations of conflicts of interest, ex parte contacts, bias, or site visits. Branigan reported a site visit in the past. 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 No. 1-MISC-21.**

Tokos reported that he had received public comment before the hearing from Nicole Loxley that included a request that the hearing be held open for seven days.

Tokos reviewed the staff report. Berman asked if this would be the last extension for the subdivision. Tokos confirmed that according to the code this was correct. The Commission could have provided the applicant more than 2 years to submit a final plat as part of the original subdivision application. The applicant did not ask for such an accommodation. Berman asked if anything else would come back to the Commission after the applicant complete the process. He also asked if there would be an opportunity for additional public comment on the development after this hearing. Tokos explained that the comments on the development had already been done in 2018. The question for the Commission was if they met the criteria for a twelve month extension or not. This was the only issue that could be addressed. Berman asked if there was a timeframe for geologic reports. Tokos reported that the reports could be relied upon as accurate reports for a period of five years.

Escobar thought that given the request for a continuance or to hold the record open, would it be prudent for the Commission to continue the hearing to allow the applicant to appear and respond to public comments. Tokos explained they could do both. If they did a continuance, he suggested they do a two week continuance. Tokos noted that they needed to make clear that because the application for an extension was made in a timely manner, even though a decision would be forthcoming until after it expired, they would be okay. There was no harm to continue it for two weeks. If they chose to do the open record route, there would be a one week open period, one week of rebuttal, one week of final argument, followed by the next meeting for a decision. Tokos thought either would be reasonable. Berman thought the issue was narrow for the extension. He felt the criteria for the extension had been meet and any additional testimony really wasn't relevant. Berman thought they should hear Loxley's comments but they should be directed to criteria. He thought the only comments they should hear should be about granting the extension. Hanselman noted that nothing in Loxley's request reflected on anything that was of concern for the hearing that night. What she referenced was discussed in 2018 and wasn't up for discussion at the current hearing. Hanselman thought that because the applicant did everything appropriate outlined by the city code, he wanted to move on and not offer a continuance. Branigan asked if the Commission was required to do the continuance or not. Tokos explained the statue required them to do a minimum level of extending for seven days, or a continuance for two weeks with an open public hearing. In either case it would be four weeks before a final approval. The Commission couldn't vote at this current hearing because of the request for an open record.

Sharon Loxley addressed the Commission. She explained that she didn't find out about the subdivision until recently. She noted that the subdivision would block the view for the current residents in her community, and she had concerns about erosion issues. Loxley noted that if she was obstructing the meeting with the wrong kind of objection she could withdraw it. She couldn't speak to the extension but wanted to speak on the subdivision, which she understood that she couldn't at that time. Loxley stated she had misunderstood the point of the meeting. She questioned if she would withdraw her continuance request if she couldn't object to the process. Tokos noted that Loxley could withdraw her request for a continuance or extension, or she could leave it. Loxley didn't think she had anything to add that would impact the decision or have any evidence that showed the applicant was lying about the conditions for the extension. Her concerns were about the impact to the community. Berman reminded that the subdivision had already been approved and suggested Loxley work with the developer to express her concerns and try to find ways for the developer to mitigate the potential adverse effects within the design of the subdivision. The City's role was limited at this point and they were just granting an extension. Loxley reported that she understood that the applicant was waiting to purchase their community and for the Coop to fail so he could purchase it. She thought this may be why he waited to do the development in the hope that he could make the purchase. Loxley asked if this had any bearing on the decision. Tokos noted that if she believed the developer had an issue with the extension standards, then she would want to request that they leave the record open and make her case. The Commission would then look at what was submitted. Loxley asked to withdraw the continuance request but requested there be an open record period.

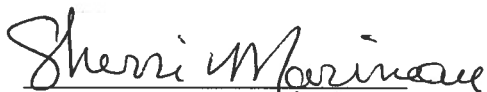
Sharon Beck addressed the Commission and reported she was on the Board of Directors for the Harbor Village Cooperative. She understood that the developer asked for a continuance to pause the subdivision development process. Beck asked if the developer would be allowed to retain all the permissions he received in 2018 and reactivate them in a year. Tokos reported that the applicant was saying they were unable to complete the process to complete the final plat, which was the only thing that needed to be done. The standard for a time extension was that the first extension be done by Staff, which had already be done. The second twelve month extension could be done by the Commission. Tokos read the standards to request a second extension through the Commission. The Commission would need to determine if the applicant had met the standards. Tokos explained there wasn't a substantial change in the plan. Beck asked if the extension wasn't granted did it mean the subdivision approval would be thrown out and they would not be able to proceed. Tokos reported they would not be able to proceed but they would be able to reapply for the subdivision. Beck asked if the Commission would want to hear compelling reasons from the Harbor Village Coop on why they believed the project should not be granted an extension. Tokos explained the testimony should be directed to why the applicant hadn't met the standards for the extension. Beck requested a continuance of the hearing. Loxley also requested that the hearing be continued instead of the request to hold the record open.

Escobar asked if they needed to include in the motion that the applicant submitted the request for the extension in the appropriate timeframe and the Commission wasn't able to act on the decision based on the hearing continuance request. Tokos reported they wouldn't need to include this and they were free to decide it on the merits notwithstanding that it would be passed, or would otherwise be the expiration date. Escobar asked if there was a risk that there could be another continuation if the meeting was continued. Tokos reported there could be a risk of this happening. New people could come in and ask for another continuance, but it was part of the process. Hanselman asked if the continuance would extend after the extension cutoff date. Tokos reported that if the Commission granted the extension, the twelve months would be keyed off of the date when the final decision made, not off of the current extension cutoff date.

**MOTION** was made by Commissioner Escobar, seconded by Commissioner East to continue the public hearing for File 1-MISC-21 to the October, 25, 2021 meeting to be held at 7:00 p.m. Escobar was a nay. The motion carried in a voice vote.

5. **Action Items.** None were heard.
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 7:41 p.m.

Respectfully submitted,



Sherri Marineau  
Executive Assistant