

MINUTES
City of Newport Planning Commission
Work Session
Newport City Hall Conference Room A
January 28, 2019
6:00 p.m.

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

Planning Commissioners Absent: Mike Franklin (*excused*).

PC Citizens Advisory Committee Members Present: Dustin Capri.

Public Members Present: Mona Linstromberg.

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

1. **Call to Order.** Chair Patrick called the Planning Commission work session to order at 6:00 p.m.
2. **Unfinished Business.** No unfinished business.
3. **New Business.**
 - A. **Potential Amendments to NMC Chapter 14.21, Geologic Hazards Overlay.** Tokos reviewed his memo and noted that he had been contacted by Mona Linstromberg about requiring peer reviews in active hazards areas. Hardy asked for a definition of peer reviews. Tokos said they were a second set of eyes by a certified engineering geologist, or by an engineering geologist and geo tech if there was any structural remediation. Hardy questioned how many geologists had looked at the active hazard areas in Newport over the last 30 years. Tokos said there had been a range of geologists who had looked at these properties and had a number of reports from them. Hardy asked why these reports weren't good enough. Tokos said it was up to the Commission to decide if it was appropriate to initiate an amendment. He noted that where there was active earth movement this would be more controversial but it was worth a discussion if an amendment was warranted.

Berman thought that given the nature of a geologic report and the level of complexity of a second opinion, it was a good idea. He said in a previous application the city had required the applicant to pay the city to get a peer review and thought it was a good idea. Berman thought it would be better to have the city be an impartial arbiter and with an impartial party looking at the report and have it paid for by the applicant. Hardy said they needed to set parameters for any kind of review. She said she noticed in the Lund case that site specific reports didn't address conditions that would impact from a little distance away. Berman thought they should set parameters for the report and if the report was inadequate the review should point this out.

Branigan wondered what would happen if one geologist gave approval and the other didn't. Croteau said that usually the way a peer review worked was the first person made a report and the report was given to the peer reviewer to say if it was good or if there were things to address. Branigan asked if the peer reviewer would do a site review. Tokos said they typically would do a desk peer review of the report, not go onsite. Hanselman said if there were questions brought up by the peer review it would give the city something to stand on because the Commission only had their own knowledge base to go by.

Berman asked Linstromberg if she was suggesting the applicant get the peer review done. Linstromberg said no, the city would administer the peer review and the applicant would cover the cost. The Commission questioned what the cost would be to do a peer review. Linstromberg said her experience had been that the

cost was somewhere around \$6,000. Capri stated he had a potential perceived conflict of interest in the matter. He stated his firm had geologic reports that he designed to. Capri said his one concern about this approach was that he was able to design at a differential level so that catastrophic failure wouldn't happen. For this reason he questioned the peer review report. Croteau said the second report wasn't designed to repeat the study but was to come up with a better idea than the original engineering report. Patrick asked if the peer review would review the geologic report or the engineering. Capri said he talked to a few geo techs and they said it was more of a narrative exercise. Croteau said a peer review was more about looking at the procedures and not repeating the study. Tokos said the Commission would want to designate what they wanted to be reviewed in the peer review and have it vetted with geologists. Hardy has concerns about peer reviews being done without a site review.

Tokos said peer reviews would be more for the active slide hazard areas. Branigan and Hardy didn't think a table top peer review was enough. Patrick suggested getting quotes of a typical project for a peer review that included going onsite to check the work on the first report. Croteau said this would in essence be asking for a second full geologic report and not what they were talking about here. They would be asking for a vetted report to see if the original report fit the standards. Hardy didn't think this accomplished the goal. Tokos said peer reviews would reduce the chances for an appeal because they would pick off deficiencies in the report. When the deficiencies were addressed and there was a recommendation that the site was still suitable, it reduced the chances for appeals. Capri asked what the harm would be to just have the applicant hire two geologists instead of the city hiring someone. Croteau and Patrick said it was a conflict because it was the same client. Tokos said a geo tech would be put on retainer with the city and they would make sure the firm had qualified geo techs and certified geologic engineers on staff. Hardy was concerned that a peer review wouldn't be what they needed in the end.

Branigan wanted to know what the cost would be for a peer review. Linstromberg said the recent peer review she had done was \$4,050 which included an onsite visit. Berman thought it was important to not put too much financial burden on the applicant.

- B. Planning Commission 2019-2020 Goal Setting.** Tokos reviewed his memo outlining projects going forward. The Commission would be setting goals on what they thought they should be working on for the year. Tokos noted that the Park System Master Plan (PSMP), the homeless taskforce, affordable housing, and the Transportation System Plan (TSP) were projects to consider. Berman asked what the homeless taskforce had to do with the Commission. Tokos said it could include changes to land use rules and changes to zones on where shelters and services were located.

Tokos noted that the TSP was about to start and would be a two to three year process. He explained how the Urban Renewal Plan was bringing in funding to do improvements for the TSP. Berman asked if there would be a consultant. Tokos said a consultant team had already been hired to design a visual of the space. Berman asked how input from the PSMP would get rolled into the TSP. Tokos said this plan included more than just vehicles. The Bike and Pedestrian Committee would be participating in this along with other key committees and stakeholder groups. Patrick asked if they could get the city to standardize their street sections and curbs. Tokos said they could to a point, but a part of it fell into engineering design guidelines.

Tokos reviewed special parking districts, short-term rental ordinance implementation, and economic development as goals as well. He noted there were some additional rules for new development in tsunami inundation zones to consider in the next year.

Croteau suggested an additional goal be to revisit the Nye Beach Overlay. Patrick wanted the rationalization of the city's boundaries and annexing parts of South Beach and islanded parcels to be included.

Tokos asked for input on what the Commission wanted to see as goals. Patrick said the PSMP and TSP were important, along with parking districts. Croteau didn't think there was much left to do on with short-term rentals. Capri asked about the affordable housing program to incentivize developers. Tokos said the only thing that wasn't completed was the vertical housing part of the program and the city was waiting on the State to give input on how to implement it.

Patrick wanted the tsunami mapping added to the goals. Capri suggested adding a discussion on industrial land. Berman wanted erosion control included. Patrick thought annexations should be included.

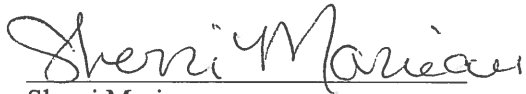
Tokos said what he heard was to that the Nye Beach Overlay, TSP, PSMP, tsunami mapping, and annexation were the top priorities.

- C. **Framing Issues for Short-Term Rental Enforcement Memo.** Patrick said that when the Commission went to the City Council they would have to argue that the Council should either go with the Commission recommendation or the staff recommendation instead of piecemealing. Tokos asked the Commission what they wanted in the memo and how they wanted to engage with the Council on their position on the issue. Berman asked if usually there were formal representatives for the Commission. Tokos said there were instances where there would be representatives. He suggested the Commission talk about how they wanted to engage the Council.

Berman and Patrick expressed that they would be testifying as individuals to the Council. Tokos said when the Commissioners were going in front of the Council they should express they were testifying as community members, not as Commissioners. Croteau and Patrick said they would be representing the Commission and the rest of the Commissioners that attended would be testifying as public members. Tokos said this would keep them from having to notice the meeting.

4. **Director's Comments.** No Director comments.
5. **Adjournment.** Having no further discussion, the meeting adjourned at 6:53 p.m.

Respectfully submitted,



Sherri Marineau,
Executive Assistant