

Minutes
City of Newport Planning Commission Regular Session
Monday, June 28, 2010

Commissioners Present: Jim Patrick, John Rehfluss, Melanie Sarazin, Mark Fisher, Gary East, Rod Croteau, and Glen Small.

City Staff Present: Community Development Director (CDD) Derrick Tokos and Senior Administrative Assistant Wanda Haney.

Chair Patrick called the meeting to order in the Council Chambers of Newport City Hall at 7:00 p.m.

A. **Approval of Minutes.**

1. Approval of the regular session Planning Commission meeting minutes of June 14, 2010.

MOTION was made by Commissioner Fisher, seconded by Commissioner Sarazin, to approve the minutes of the Planning Commission meeting of June 14, 2010, as presented. The motion carried unanimously in a voice vote.

B. **Consent Calendar.** There were no items on the consent calendar.

C. **Citizen/Public Comment.** No comments regarding non-agenda items.

D. **New Business.** No new business to discuss.

E. **Public Hearings.**

Chair Patrick opened the public hearings portion of the meeting at 7:01 p.m. by reading a statement of rights and relevance. He asked the Commissioners for declaration of conflicts of interest, ex parte contact, bias, or site visits; of which there were none. Patrick asked for challenges to any of the Commissioners or the Commission as a whole hearing any of these matters; and there were no objections.

Quasi-Judicial Actions:

1. **File No. 1-PD-10/2-PD-10/1-SUB-10.** A request submitted by Landwaves, Inc. (Mike Miller of MGH Associates, Inc., authorized representative) for amendments to Phase 1 of the proposed Wilder Community Master Plan site approved by the City of Newport Planning Commission on July 27, 2009, to (a) modify setbacks, (b) revise lot coverage standards, (c) adjust lot size and densities for commercial and residential uses, (d) update street, tract, and housing category names, and (e) update the subdivision lot configurations. The number of multi-family units will increase from a maximum of 120 to 150 bringing the total for all Phase 1 dwelling units to 383. Maximum commercial square footage will increase from 25,000 square feet to 36,000 square feet. The subject property includes Tax Lot 100 of Assessor's Tax Map 11-11-20 consisting of approximately 56 acres, approximately 6 acres of Tax Lot 700 of Assessor's Tax Map 11-11-21 and Tax Lot 1300 of Assessor's Tax Map 11-11-21. The site is located in the South Beach neighborhood directly east and northeast of Mike Miller Park and is served by the newly constructed SE 40th Street.

Patrick opened the hearing for File No. 1-PD-10/2-PD-10/1-SUB-10 at 7:03 p.m. by reading the summary from the agenda and asked for the staff report. Tokos noted that the applicant is looking to make some modifications to Phase 1 on 62 acres of the larger Wilder development, all served off 40th Street, which they constructed. Tokos noted that housing density increases by 30 units, commercial square footage increases from 25,000 to 36,000, setbacks dropped by 5 feet generally. The applicant is looking for additional flexibility. They are proposing a neo-traditional, very pedestrian-oriented development. The staff report includes full analysis of criteria and findings for criteria. Tokos gave the criteria for the preliminary and final development plan from the Zoning Ordinance, and from the Municipal Code for the preliminary plat. Tokos said that the most significant issue that came out of this application and with the intensified use is that under the settlement agreement with ODOT, the City, Landwaves, and the GVR property owners, there is the 180 trip cap for the intersection of 101 and 40th. Beyond that number, there needs to be an analysis of the additional trips that are being routed through that intersection so that they don't cause that intersection to fail. Based on ODOT'S Transportation Planning Rule, that is now set up so that the analysis is required at the building permit stage. The City would like to avoid a builder of a single-family residence having to do the transportation analysis for that single-family home. Condition No. 3 is worded so that the analysis would be required to happen at single plat. Tokos talked about that with Bonnie Serkin, the applicant, and has modified that condition a little bit. He said that what we are trying to accomplish is making sure that all parties understand where we are at with trips as the cap is approached in order to know when that analysis needs to be done or that alternate routes are made. We are hoping not to be faced with doing analysis

on a permit by permit basis, or that at least everybody knows ahead of time. The condition was changed so that it requires that as final plats are prepared, the applicant does a trip assessment. It is understood that when the commercial piece is developed, it will exceed the 180 trips, but that the applicant recognizes that will happen and are prepared to address the analysis at a future date. It is not certain when the trip assessment has to happen. The applicant needs to talk about the number of trips with the phases and how they see it working with the transportation analysis that will have to be done. Once those 180 trips are exceeded, the analysis has to happen and would be on a permit by permit basis until the study is done. Tokos said that one recommendation will change, but all others stay the same. Final language for the third condition would be brought back in the Final Order and findings. In response to a question about the construction of another building at the college, Tokos noted that the City actually asked for a letter from the architect for that building. The settlement agreement talks about trips being calculated on Saturday peak hours, and the college and that building are not open on Saturday. He said that there is no way that the City can condition that they don't operate on Saturdays. If they choose to operate on Saturdays, the trips will have to be recalculated and shared with all parties. When asked about a signal, Tokos said that a signal would free up that intersection for a lot more capacity.

Proponents: Bonnie Serkin, Landwaves Chief Operating Officer, PO Box 1285, Portland, Oregon, the applicant. Serkin first wanted to talk about the 180 trip cap. She noted that 140 trips are allowed for Wilder. She said that they just received plat approval for the first phase with 40 lots; about 34 trips. No trips have been allocated yet because no building permits have been issued that require allocation. If those sell, there would be another 14 lots in the next phase; that would be 14 trips (one per single-family house). The village center is the next phase. They will probably have more apartments than they initially thought. There is room for 113 apartment units in that village center. Each apartment would create about ½ trip; 113 maximum. There has been a lot of interest in retail commercial and offices. They initially planned 3,000 square feet on the ground floor; but as interest has increased for office space, which they hadn't thought of before, the second floor is being considered for commercial. Part of the reason for this amendment of the development plan is to be more realistic with what they think will be happening in Wilder. She said that Landwaves is only the developer, but they are working closely with the builders. They now think instead of 3,000 square feet of commercial space, it may be 6,000 square feet on the ground level and another 6,000 square feet of office above that. She said that is her best guess for the complete first phase of Wilder. That is roughly 150 trips, and they just went over the cap. They are not going to allow that. Something will have to be cut; less apartments or less commercial. They are not sure, so they need to have this flexibility provided to accomplish that. Dealing with real builders, they found that some setbacks didn't give enough flexibility for placing 1250 square-foot cottages on the sites, so they adjusted those based on reality. Serkin noted that at final platting stage, they have an interest in not doing the formal transportation rule analysis. The parties will be keeping a running total of how many trips are generated as each building permit has been issued, which is what is required. She said that when they get to 140 trips, everything will stop until they get more trips allowed. Discussing how they will get more trips, Serkin noted that when Ash Street is paved, which is still in the budget for completion this year, it will roughly add 40 trips at the intersection of 101 and 40th. Forty trips would allow the rest of the village center. She noted that beyond those 40, they are the first part of a loop road system. There is now a gravel road to 50th Street on the other end. By completing that, they could get more trips. That is an option. When the Transportation System Plan is negotiated and finalized for South Beach, it will change the way the trip count is analyzed. Another option is a traffic signal at 40th Street. Right now, it is not allowed because there is no proof of a need at that intersection. She said they are watching that to see when usage at 40th will allow that. She thought there would probably be some commercial development along 40th Street that will require that signal there. Serkin noted that Wilder has a playground up there now. The picnic shelter is their first structure. She said that July will be the beginning of construction of the first cottage, a spec house, and a model. When asked if they had an alternative plan to coming to a complete stop when they reach the 140 trips, Serkin said that they would ask the agencies to redouble their efforts on completing the TSP. Beyond that, they would ask for a signal. She said they will watch closely and do whatever they can to expedite that. She added that Ash Street improvements will add 40 trips. In answer to a question of whether modifying setbacks and lot sizes applied to specific lots, Serkin said that lot sizes haven't changed very much. The changes are mostly in naming and grouping of the lots themselves. One exception is the duplex lots, which were spread out on two streets. They need to be all together and need to be facing the main street. She said this creates four extra lots along the woonerf (Fleming). She said that as they worked with actual home models, it became apparent that side setbacks would be problematic if they were not adjusted a little bit. There were no other proponents present wishing to testify.

Opponents or Interested Parties: There were no opponents or interested parties present wishing to testify.

Chair Patrick closed the hearing at 7:28 p.m. for deliberation. Small said that there was a lot of material to wade through. He said that it is his understanding that a lot of the applicable criteria had already been approved, and that there were just a few that applied to this request. Tokos said that is what was focused on. All criteria applied, and the staff report included a number of criteria that didn't change because of the nature of the changes. Small said that his biggest concern was the number of trips. But it seems that is being addressed, and the applicant will be careful to keep an eye on that. With those things addressed, Small was inclined to be in favor of the request. Croteau was in favor as well. He said this is moving and has to be adjusted as it goes along. Rehfuss thought it was a good proposal and that the amendments are better. Fisher concurred. East was in favor. Sarazin agreed. Patrick said it has been a long road to get here, and this is just another adjustment. He was in favor.

MOTION was made by Commissioner Small, seconded by Commissioner Sarazin to approve the amendments in File No. 1-PD-10/2-PD-10/1-SUB-10 with the conditions set forth and the modification of condition number 3. The motion carried unanimously in a voice vote.

2. File No. 2-ADJ-10. A request submitted by Don Mann (Port of Newport, property owner) (James M. Lewis, gLAs Architects, LLC, authorized representative) for approval of a 40% adjustment to Section 2-3-1.005/"Height Limitations" of the Newport Zoning Ordinance (NZO) (No. 1308, as amended) to allow an antenna on top of the future NOAA Marine Operations Center Warehouse to reach a maximum height of 56' rather than the maximum 40' building height allowed in the W-1 zone where the subject property is located. The subject property is Assessor's Map 11-11-17, Tax Lot 100.

Patrick opened the hearing for File No. 2-ADJ-10 at 7:30 p.m. by reading the summary from the agenda and asked for the staff report. Tokos noted that the Zoning Ordinance allows a 25% increase to building height for mechanical apparatuses such as this without review. They are requesting a height of 56 feet from finished grade, which is 40% and is reviewed by the Planning Commission as an adjustment. The staff report includes findings on the criteria. There is a site plan and outside elevations included with the materials. Tokos gave the criteria from the Zoning Ordinance. The first criterion is that the adjustment will equally or better meet the purpose of the regulation. Tokos explained that building height limitations is to protect adjoining property owners from potential impacts. In this case, we don't have privacy issues. We are talking about the mast of a small antenna. If it were to blow down, with the setback, it will land on the applicant's property. So, Tokos noted that the first criterion is met. Regarding the second criterion addressing mitigation, Tokos said that there is no reason to require additional mitigation. The antenna is 81 feet from the property line. The third criterion relates to access. Tokos noted that the antenna is mounted on the structure so we don't have that issue. The last criterion is that the cumulative effect is considered, and Tokos said that was not a factor. Tokos said that staff has addressed the criteria, and the application should be approved. There are a couple of standard stipulations for this type of application.

Proponents: Pete Dale, Project Manager, 600 SE Bay Blvd. With him was Jim Lewis, gLAs architect of record for the project. Dale explained that this is a standard whip antenna for NOAA fleet communication. It is a high-frequency antenna. It will be 81 feet from the point of the building where the antenna is located to the property line. It is a self-supporting antenna. The height of the building roof is about 24 feet, and they are asking for a maximum of 56 feet from the ground for the height adjustment. There were no other proponents present wishing to testify.

Opponents or Interested Parties: There were no opponents or interested parties present wishing to testify.

Chair Patrick closed the hearing at 7:40 p.m. for deliberation. Sarazin believed that the application meets the criteria, and her concerns regarding possible damage have been addressed. East and Fisher agreed. Rehfuss believed that the adjustment was necessary. Croteau saw no issues. Small and Patrick concurred.

MOTION was made by Commissioner Fisher, seconded by Commissioner Rehfuss, to approve the request in File No. 2-ADJ-10 with the conditions recommended by staff. The motion carried unanimously in a voice vote.

Legislative Land Use Actions:

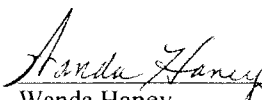
File No. 12-Z-09. Proposed revisions updating NZO Section 2-4-7 ("Geologic Hazards Overlay"). Oral testimony closed June 14th, and the written record closed June 28th at 5:00 p.m. The Planning Commission may begin deliberation at their July 12th meeting.

Patrick noted that the record for File No. 12-Z-09 was now closed, and the Commission would begin deliberation on July 12th. No action was required at this point.

F. Unfinished Business. There was no unfinished business to discuss.

G. Adjournment. There being no further business to come before the Planning Commission, the meeting adjourned at 8:40 p.m.

Respectfully submitted,


Wanda Haney
Senior Administrative Assistant