

**Draft Minutes**  
**City of Newport Planning Commission Regular Session**  
**Monday, July 26, 2010**

**Commissioners Present:** Jim Patrick, John Rehfuss, 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 7:05 p.m.

A. **Approval of Minutes.**

1. Approval of the work session and regular session Planning Commission meeting minutes of July 12, 2010.

On behalf of the Commission, Commissioner Fisher expressed his appreciation of Senior Administrative Assistant Haney's efforts in always producing such comprehensive minutes. **MOTION** was made by Commissioner Fisher, seconded by Commissioner Sarazin, to approve the minutes of both Planning Commission meetings of July 12, 2010, as presented. The motion carried unanimously in a voice vote.

B. **Consent Calendar.** No items on the consent calendar.

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

D. **New Business.** Chair Patrick acknowledged Stephen Rausch, who was attending tonight's meeting to observe because he is a boy scout working on a merit badge.

E. **Public Hearings.**

Quasi-Judicial Land Use Actions:

Chair Patrick opened the public hearing portion of the meeting at 7:06 p.m. by reading the statement of rights and relevance. He asked the Commissioners for declarations of conflicts of interest, ex parte contact, bias, or site visits. Fisher said that he knew the sites, and Croteau said he has seen the sites. Patrick asked for objections to any of the Planning Commissioners or the Commission as a whole hearing this matter; and no objections were heard.

1. **File No. 5-CUP-10.** A request submitted by the Port of Newport per Section 2-2-1.040/"Water-Dependant and Water-Related Uses" of the Newport Zoning Ordinance, for a conditional use permit to allow disposal of dredged material from two Port of Newport construction projects on property located in a W-1/"Water Dependent" zone located at 1430 SE Bay Blvd. (Lincoln County Assessor's Map 11-11-09-D; Tax Lot 100).

Chair Patrick opened the public hearing for File No. 5-CUP-10 at 7:08 by reading the summary of the request from the agenda. He asked for the staff report. Tokos explained that this is a request for a conditional use permit for dredge disposal of 71,200 cubic yards of material. This is for dredge work relating to creating a shipping channel for NOAA ships that come in to dock and material they have to remove for eel grass mitigation. Dredge materials will also come from the international terminal site to remove the Pasley and mitigate at that location. The site is next to the LNG plant east of the international terminal. The land is owned by a private party and is leased to the Port. There are approximately 5.5 acres in the site. Tokos said that the staff report outlines the criteria and goes into detail in regard to how the criteria are met. There are attachments that show the location, berm construction, and things of that nature. A wetland is identified, which the applicant notes will be avoided. Tokos explained that the conditional use permit is required when in the W-1 zone something is being done that is regulated in the adjacent estuarine area. They are not placing dredge material in the estuarine areas. Tokos read through the approval criteria. He said that the staff report goes into detail how the criteria are met, and staff believes that the request meets the criteria for issuance of a conditional use permit with imposition of some conditions. He noted that there are eight conditions as part of the staff recommendation. Tokos read through the eight recommended conditions. He said that staff recommendation would be to go ahead and approve the request with these conditions. Fisher asked for clarification that condition number 4 means hours of operation for actual machinery running. Tokos confirmed that means construction activities that would generate noise. Small had a question whether dredging during Phase 2 would also be covered under this conditional use permit, and Tokos confirmed that it would be covered under this permit.

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**Proponents:** Don Mann, Port of Newport, 600 SE Bay Blvd, Newport. Mann wanted to make sure that staff had received the wetlands data sheet showing calculations. Tokos said that wasn't an issue in working through the staff report. Patrick asked about building the dikes with material from South Beach. Mann said that there are enough materials on site to start building. They will go down about a foot and then as they start pumping materials, the material brought over by pipe as it settles will be used to build the dike. Mann said that no dredge material will be hauled. If any materials are hauled, it will be dry sand not from this project. Croteau asked where the pipe exits. Mann said it exits in the water along the shore. The pipe will be sunk, weighted down, and once it is filled it will stay on the bottom. The head pipe will be moved occasionally, but the in-water location will stay in the same location. Everything will be loaded from the South Beach side. There will be some staging on the north side. There were no other proponents present wishing to testify.

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

Patrick closed the public hearing at 7:21 for deliberation. Small said that it appears that all criteria are met. He said that he didn't have a concern with it. Croteau agreed and said that he thought it was a good plan and a reasonable thing to do. Rehffuss agreed that the criteria have been met. Fisher, East, Sarazin, and Patrick all agreed as well.

**MOTION** was made by Commissioner Small, seconded by Commissioner Fisher, to approve File No. 5-CUP-10 conditional use permit with the staff recommended conditions. The motion carried unanimously in a voice vote.

2. File No. 6-CUP-10. A request submitted by the Oregon State University Hatfield Marine Science Center per Section -2-1.040/"Water-Dependant and Water-Related Uses" of the Newport Zoning Ordinance, for a conditional use permit to allow construction of a cobble/pebble dynamic revetment along 500 lineal feet of the Yaquina Bay shoreline at the northeast edge of the Hatfield Marine Science Center located in a W-2/ "Water-Related" zone at 2030 SE Marine Science Dr (Lincoln County Assessor's Map 11-11-17; Tax Lot 104).

Patrick opened the hearing for File No. 6-CUP-10 at 7:23 by reading the summary of the file from the agenda. He asked for the staff report. Tokos explained that the HMSC is pursuing this conditional use permit in order to place approximately 550 cubic yards of material for shoreline stabilization. This is very similar to what they did in 2007, which has shown promise. In their application, HMSC notes that they have lost a lot of shoreline next to the nature trail identified on maps in their application. The erosion is getting to a point of putting some of their key infrastructure at risk of loss. They want to install this cobble/pebble revetment. They have found that material is adhering better. There is about 500 linear feet on which this revetment needs to be placed. It is in an actual estuarine area (Management Unit 9-A). The City's estuarine use rules allow this type of stabilization treatment following the issuance of a conditional use permit. For this application, shoreline stabilization standards under Section 2-2-13.030 and a resource compatibility determination (Section 2-2-13.016) also apply. Tokos noted that the staff report includes a full description of the criteria and how the standards have been met. Staff has recommended two standard conditions; that the permit is only for what is described in the application, and that the applicant obtains any required permits.

**Proponents:** George Boehlert, Director of HMSC, 2030 SE Marine Science Dr, Newport; along with Maryann Bozza, HMSC Program Mgr., who has been working on the permit. On the overhead projector, Boehlert showed some photographs of the area. He explained that a large number of other agencies are located on the OSU HMSC campus. He showed an aerial photograph showing the locations of the various agencies' buildings. He pointed out the seawater intake line and the estuarine trail, which has become endangered. Boehlert showed a photo of a part of the trail from 2005 before the last project was done. The path had been paved, but erosion caused it to collapse in several places. He said they could place rip rap for protection each year. He explained that when rip rap is used, it will reflect wave energy. They chose to investigate soft ways to prevent erosion. The cobble revetment they used in 2007 was identified by Dr. Allen from DOGAMI. It had been done elsewhere with great success. He showed an aerial photo and pointed out where the earlier project was. He said they will not be excavating or dredging, but will be bringing in new material. He pointed out where the material will be staged and where it will be placed. He explained that it will be from the 2007 project on down. Since the 2007 project, they have suffered land loss in this area of 15 feet from before. He said that they determined the elevations of all areas so they can make a determination of material and work needed. In this way it can be done with greater precision. He showed the photo giving the elevations. He said that the trail is almost to the point of being breached. Boehlert showed a photo showing the EPA seawater building and where the cobble was put down in the original project. He explained that if they had put in rip rap, waves hit it and reflect off. With this revetment, as the waves break, the energy is used. The cobbles are picked up and then go back down, absorbing the energy. They are trying to reduce the energy. Even with this system, erosion moved down beyond the end of the last revetment. Boehlert said this is a pretty large undertaking, and because HMSC doesn't have funding for all of this, they are asking for assistance from the National Guard rapid training unit, which comes in with all of their crew and does this work for them. He believes that they normally hire equipment locally. Fisher asked if Boehlert was comfortable that this was a win-win situation for the environment and citizens using the trail. Boehlert confirmed that he was. He said this is something he feels very positive about; not negative like he would have with rip rap. It was brought to their attention that in some respects the trail is not necessarily good for the environment. People can walk across where they feel like. It would be good to have fencing on the outer edge of the walkway and have controlled access. That is something they hope to do better. Small asked if the 2007 revetment contributed to adverse erosion at the site now. Boehlert believes it probably did. He added that every time they put rip rap in before, it would affect

upstream. Small asked what Boehlert expects to happen further east if this project goes in. Boehlert explained that it starts to turn a corner here. There is some change in the way Idaho Flats has drained. There is a deeper channel. If we have sufficient sediment, it may be transported out into the Bay. He said that maybe once they get to the corner, they won't see that kind of erosion because the drainage patterns wouldn't drain back into that. He believes that should stop it. Croteau asked if the fill material is to be washed on site, how they plan to deal with wash water. Boehlert explained the material will be washed before coming to the site and they will be washing it again on site with fresh water so that they are not adding silt. He explained that the ground is so permeable that they expect the water to just wash into the ground. He said they are not sure what sand they will be using. The hope is to try to vegetate with native plants that will be able to stabilize that sand. Fisher said that he would like Boehlert to come back in a couple of years so the Commission could hear how it has worked. Boehlert said that he believes the similar project was a success story. There were no other proponents present wishing to testify.

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

Don Mann of the Port of Newport, the property owner, requested that the last sentence of staff recommended condition number 1 be changed to read "It shall be the responsibility of the applicant to comply. . ." rather than "property owner". Boehlert agreed that the applicant, HMSC, will take responsibility.

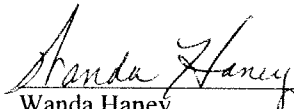
Patrick closed the hearing at 7:41 for deliberation. Sarazin believed that the criteria are met, and that the staff recommendations are appropriate with the changed wording. East and Fisher concurred. Rehfluss thought they should go ahead. Croteau also thought the criteria were met. Small and Patrick agreed.

**MOTION** was made by Sarazin, seconded by Rehfluss, to approve File No. 6-CUP-10 conditional use permit with the staff recommended conditions with the amended language in the first condition as suggested by Mr. Mann. The motion carried unanimously in a voice vote.

**F. Unfinished Business.** Rehfluss noted that he won't be in attendance at the August 9<sup>th</sup> meeting. Tokos noted that a joint City Council/Planning Commission work session on the geologic hazards update will be held on August 9<sup>th</sup> during the regular work session time at 6:00 p.m.

**G. Adjournment.** There being no further business to come before the Planning Commission, the meeting adjourned at 7:44 p.m.

Respectfully submitted,

  
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Wanda Haney  
Senior Administrative Assistant