



**City of Newport
Planning Commission Minutes
August 11, 2016**

1. CALL TO ORDER

Chairperson Mahmood called the meeting to order at 5:30 P.M.

2. ROLL CALL

Commissioners Present – Anthony Mahmood, Kevin Haley, Marvin Taylor, David Tweeten (arrived at 5:35 p.m.), Saengmany Ratsabout

Commissioners absent –

Also present – Deb Hill, City Administrator, Renee Eisenbeisz, Asst. to the City Administrator, Sherri Buss, TKDA Planner, Tom Ingemann, Council Liaison

Chairperson Mahmood - I'd like to say welcome to our newest Planning Commission member Saengmany, hopefully you bring a lot of enlightenment to our discussions.

3. APPROVAL OF PLANNING COMMISSION MINUTES

A. Planning Commission Minutes of the June 9, 2016 Meeting.

Motion by Haley, seconded by Taylor to approve the June 9, 2016 Meeting Minutes. With 4 Ayes, 0 Nays, 1 Absent, motion carries.

B. Planning Commission Minutes of the July 14, 2016 Workshop Meeting

Motion by Haley, seconded by Taylor to approve the July 14, 2016 Workshop Meeting Minutes. With 4 Ayes, 0 Nays, 1 Absent, motion carries.

4. COMMISSION AND STAFF REPORTS

A. Public Hearing – To consider an amendment to the Conditional Use Permit for IR Services for property located along 7th Avenue

Sherri Buss, TKDA Planner, presented on this item as outlined in the August 11, 2016 Planning Commission packet.

Vice-Chair Haley - How do you control stormwater crossing other parcels, especially when they are sold off?

Ms. Buss - They all drain front to back so there shouldn't be drainage across parcels. The current owners are responsible for maintenance. If they want to create an agreement with any new owners they can and the City will approve that.

The Public Hearing opened at 5:37 p.m.

Dan Tilsen, G3 Engineering - There would be an easement for the stormwater facilities. It's pretty common to have stormwater maintenance agreements these days. Each lot would be responsible for their portion. You shouldn't need to clean the pond regularly in regards to silt and sediment. It's closer to a 50 year kind of thing. You should check it every year.

Vice-Chair Haley - Thanks.

The Public Hearing closed at 5:40 p.m.

Commissioner Taylor - In regards to the development agreement, there were grants given for the cleanup.

Admin. Hill - The original agreement was on if we didn't get the grant from DEED that the owner would be responsible for the cleanup costs. We got that so it can come out of the agreement and be revised with the new conditions.

Chairperson Mahmood - The City is still on the hook for something?

Ms. Buss - There's a form for discharge that the City's name is still on because the City was involved in the grant. The City's Engineer has provided them with the form to transfer that responsibility.

Asst. to the City Administrator - There is an amendment to condition #14 since we did change the ordinance for trash enclosures.

Motion by Tweeten, seconded by Haley, to approve Resolution No. 2016-9 as amended. With 5 Ayes, 0 Nays, the motion carried.

B. Public Hearing – To consider amendments to Section 1330 and Section 1340 Regarding Residential Building Materials

Sherri Buss, TKDA Planner, presented on this item as outlined in the August 11, 2016 Planning Commission packet.

The Public Hearing opened at 5:45 p.m.

The Public Hearing closed at 5:45 p.m.

Commissioner Taylor - Do we want to be more inclusive on roofing materials like tile and slate? We just state asphalt shingles and metal.

Ms. Buss - We could certainly say other common roofing materials can be used. I can ask the building inspector if there's a class of roofing materials.

Vice-Chair Haley - I would say we just add those.

Motion by Taylor, seconded by Ratsabout, to approve Resolution No. 2016-10 as amended. With 5 Ayes, 0 Nays, the motion carried.

C. Public Hearing – To consider amendments to Section 1350 and Rezone

Sherri Buss, TKDA Planner, presented on this item as outlined in the August 11, 2016 Planning Commission packet.

The Public Hearing opened at 5:54 p.m.

Admin. Hill - Sherri is multi-family allowed in this area? It was my understanding that it wasn't and told someone it wasn't.

Ms. Buss - At this point, we're proposing it is permitted. That's one thing that's open for discussion tonight.

Deb Weber, 397 3rd Avenue - I haven't seen any new parcels of land being bought by Tier 1, why all of a sudden is this something of a concern?

Admin. Hill - They have about 150 acres in town.

Ms. Buss - Aren't there 10 or 12 parcels that they've purchased in this area?

Admin. Hill - Our public works superintendent believes they've taken about 20-30 homes out.

Ms. Weber - I live on 3rd Avenue and they've taken some houses from there but they did so some time ago.

Vice-Chair Haley - They've purchased one property recently. The intent is that we've lost a lot of tax value and we're trying to figure out a way to recoup that. The refinery is a great neighbor. I'm partially to blame for this for bringing it up. We've since talked with them and I think they're willing to work with us on other parcels they have and develop them. The biggest thing we hear is taxes, taxes, taxes.

Ms. Weber - I don't want to see any of that land developed. I don't want to see any business by my house because I don't want my property value to be effected.

Commissioner Tweeten - It was my understanding too that we wanted to protect property values from further degradation. I view this as something to protect something that is there.

Commissioner Taylor - I was under the impression that there had been more activity recently.

Admin. Hill - Not recently. I'm not sure when these were all purchased but Bruce has been here a long time.

Chairperson Mahmood - Let's get back to the public hearing and let these guys talk.

Paul Anderson, Western Refining - We've been open to purchase opportunities but we've only done one in the past several months. Others may be considered in the future. We won't develop that property and will leave it in that condition to create a buffer. We'd like to propose that this be considered later and we'll come back to the City with other alternatives.

Bev Rohda, 300 4th Avenue - They are worried about the loss of taxes in the City. For the last seven years or more the four neighbors that border the vacated 3rd street have tried to have that property added to ours so we'd be paying taxes and they refused to do it. There are other ways of getting tax money that aren't being seen. There's enough problems with junk yards and trash yards and we're looking at businesses possibly. There's a landscaping business, that place is a mess but he's allowed to do it. I've had two mortgage companies turn me down because they said we won't get the value back. They said the overall appearance of the neighborhood.

Vice-Chair Haley - It's not Northern not taking care of their property?

Ms. Rohda - No, it's the overall appearance.

Ken Schwebach, 410 5th Avenue - I have some concerns. The whole neighborhood. I don't know if this will make it worse, I don't think it'll make it better. You can't follow your own rules. We have businesses working out of their homes and the vehicles are parked on the streets. What do you do about that? I thought there were laws against that.

Vice-Chair Haley - If that's taking place, call the City.

Mr. Schwebach - You don't patrol your own city?

Ms. Buss - Zoning is enforced based on complaints. There isn't enough staff time to cruise the street. Are they parking for a long time?

Mr. Schwebach - They don't even follow the overnight parking rules in the winter. There are four - six vehicles in their driveway. They're using the neighbors driveway too. What you're proposing to do isn't going to help the problem. You're turning it into light industrial?

Ms. Buss - No, it's residential with a little bit of office.

Mr. Schwebach - What's this doing for the immediate neighborhood?

Vice-Chair Haley - The point of this was to help with the taxes. I think we have some alternatives that we'll discuss. A mixed-use allows for both business and residential. A good portion of our city is in mixed-use.

Mr. Schwebach - I'm just curious on if it'll degrade the neighborhood or improve it. From what I've seen of the use of that property so far from the refinery it's basically a dump down there. They maintain some of the grass but that's about it. Doesn't the maintenance crew do anything?

Vice-Chair Haley - I personally appreciate what you're saying.

Mr. Schwebach - I don't want to see my property value going down any more.

Vice-Chair Haley - There's a couple of us that are on the board with Northern Tier and they are very responsive. I know they'll address what you just said.

Mr. Schwebach - Those woods don't look good and I don't think it's helping our neighborhood. Right now, it's not helping.

Jeff Mumm, 337 2nd Avenue - I'm very opposed to this. Businesses generate traffic and we don't need any more. There's plenty of places for business. They don't need to go into a residential area.

Paul Abbott, 331 2nd Avenue - I just have one question. You talked about residential uses, what type of limit are you putting on the multiple units?

Ms. Buss - I think we'd like to hear what you think?

Mr. Abbott - I don't think anything more than a duplex would be advantageous.

Mike Otterness, 290 3rd Avenue - Other than the one lady, I haven't heard from one person who is actually in that zone. First of all, property value, what will that do to potential buyers once it becomes mixed use? I'm very concerned about that.

Vice-Chair Haley - The reason we use mixed use is so you don't become legal nonconforming.

Mr. Otterness - That's fine for the mortgage standpoint but buyers don't want to be in mixed use.

Vice-Chair Haley - We have a significant amount of mixed use.

Mr. Otterness - I know of three houses that the refinery has bought recently. They haven't been closed yet? I know you're buying them for the buffer. My point is that once they own these lots, they're not going to build in there. If you're going to do this then the refinery should have to buy the remaining homes because we'll lose value.

Vice-Chair Haley - I believe 13 homes still exist in that area. My understanding is that they wouldn't chase you away if you were interested in selling. If there weren't 13 houses inside that area, it would make sense to zone it commercial but we don't want to make those homes nonconforming.

Mr. Otterness - My concern is what's going to happen to the value of that area and it'll reflect on the next block. As long as you guys are on the table for buying those last 13 houses. I'm getting concerned about what's happening in there and my neighbors.

Commissioner Tweeten - I hope our concern is the same as yours, to protect the values.

Mr. Otterness - Is the proposed area decided by you guys?

Ms. Buss - They make a recommendation and then the City Council makes the final decision.

Mr. Otterness - Do we get to weigh in on it?

Ms. Buss - This is a part of it. The Council meeting is open, it's up the Mayor on whether or not he wants to take testimony. I think we want to hear as much as possible. The group has been struggling with how to deal with this. It is a real problem for the City. The values go down but the costs to maintain the street goes up. It is very valuable and we want everyone to make comments.

Mr. Otterness - Who is mandating the buffer zone?

Chairperson Mahmood - There is no mandate.

Vice-Chair Haley - They need it to protect their business. The refinery has given individuals market rate for their property when they are interested in selling. As far as we know, there's no intent to go past third. Often people go up to them asking them to buy their property.

Mr. Otterness - I understand that but they are buying it and I'm getting worried about what's going to happen to my value. It's going to keep going down. When would it be official?

Ms. Buss - They can make a recommendation to the Council tonight or talk about it longer.

Mr. Otterness - Is there a list of uses?

Asst to the City Administrator Eisenbeisz - The packet has been on the website for the past week.

Chairperson Mahmood - The whole reason for this is to work with the refinery and find out what we can do to stop losing taxes. We want to hear from you. Before this, I thought it was a good idea but now I'm not so sure.

Commissioner Tweeten - One of my concerns was what was the feel of the neighborhood as is. We could do nothing and say it's residential.

Debbie McClure, Western Refining - I'm the person that partially handles the real estate transactions. I wanted to make clear that we did not approach the City and ask for this. We prefer not to do this which is why we'd like to talk with the City on alternatives. We are talking to people who have contacted us. I have three people that knocked on our doors to ask if we could look at their property. I look to see if they are in that 3rd Avenue area. We're not looking at anything outside of that area or inside. If someone comes to me and says that they want to sell, we'll look at it and say yes or no. In Newport, in the last five years, the only house that has been purchased is the Graf house on the River. Anything prior was years ago. I can't speak for Marathon. I think it's a little misleading to say that the refinery is going out and buying houses and tearing them down and eroding the real estate values because that is not our intent. The people we've talked to and bought, we're getting an equal benefit. They've approached us and we're able to negotiate a good market rate. We've been talking with the City, this was not our plan. Our intent is not to rezone and put refinery buildings on that property. I do appreciate your comments about the trash, I know once a year, we make a big effort and does cleanup so maybe once a year isn't enough.

Chairperson Mahmood - The three houses that you're in negotiation with, what will you do with those? You said your intent is not to tear down houses.

Ms. McClure - We would tear those down, they would create a hazard and risk.

Leslie Erickson, 310 3rd Avenue - We're just to the north of the proposed area. My thoughts express the same concerns and opinions of most of our neighbors. I would be concerned about the values as well. It's a really nice neighborhood with a lot of beautiful houses and people take care of their properties. We would like to keep it peaceful. If this happens, we've been battling with keeping 3rd Street maintained for many years. Would that be made into a real street?

Admin. Hill - It's not in the horizon right now.

Doug Carlton, 438 4th Avenue - My concern is like everyone else. I'm one street away, what does that do to us? I appreciate when 4th Avenue got redone. We've lived there for 40 years and put up with semis for years. I don't know whose idea it was to take out the stop signs along 4th Avenue. Now all of the traffic comes down 4th Avenue and they come fast. I like the improvements that have been done but if they start building, what does that do to me. I agree with the traffic. I already have ten times the traffic on 4th Street. I don't know if any of you have driven that but that is a blind intersection at 4th and 5th. I just wanted to add that because I've been upset that they pulled stop signs. The intention was to put traffic on 7th Avenue.

Mr. Abbott - When you talk about manufactured homes...

Ms. Buss - They're already allowed.

Mr. Abbott - Are there any limitations?

Ms. Buss - They have to meet the State Building Code but State Law doesn't allow us to prohibit them. That doesn't mean mobile homes. They have to be on a foundation.

The Public Hearing closed at 6:34 p.m.

Chairperson Mahmood - I would like to table this. There's too much information. We need to process what you all said and figure out what we should do. We need to talk about this more.

Ms. Buss - I think it might be helpful to get some sense from the assessor on how housing values are determined and how this would affect the values.

Mr. Schwebach - You've talked about the buffer zone. Is it a buffer zone or blast zone? I would suggest you look at the shockwave plan before you make any more decisions and thermal radiation. You need to look at that.

Motion by Haley, seconded by Ratsabout, to table Resolution No. 2016-11. With 5 Ayes, 0 Nays, the motion carried.

Vice-Chair Haley - We are all citizens. Our intention is to improve the City.

Commissioner Taylor - I don't see this in terms of tax base. The current situation isn't ideal and we're trying to find a way forward.

Vice-Chair Haley - You coming here and talking with us is the only way we hear your concerns. We represent you so thank you.

Mr. Schwebach - Will we get another mailing?

Ms. Buss - Only for a public hearing. This was the public hearing. If it changes dramatically, you'll have another public hearing. I think we'd like to hear fairly soon from the refinery so we can keep working on this issue. You'll have to watch agendas or call the City to find out when this will be before the Planning Commission again.

5. NEW BUSINESS

Asst. to the City Administrator Eisenbeisz - Pioneer Day is this Sunday, August 14th at Pioneer Park. The parade starts at 11:00 a.m. and the festival starts at noon at Pioneer Park.

Ms. Buss - The City has been given the opportunity to apply for a grant for the Comp Plan from Met Council.

Vice-Chair Haley - You all have done a great job getting us grants.

Admin. Hill - We've been talking about having a joint meeting with the Council and Planning Commission members for the comp plan.

Ms. Buss - Especially for land use.

Admin. Hill - Yes, we'll look at days in September.

6. ANNOUNCEMENTS

A. Upcoming Meetings and Events:

1. City Council Meeting	August 18, 2016	5:30 p.m.
-------------------------	-----------------	-----------

7. ADJOURNMENT

Motion by Tweeten, seconded by Haley, to adjourn the Planning Commission Meeting at 6:49 p.m. With 5 Ayes, 0 Nays, the motion carried.

Signed: _____
Anthony Mahmood, Chairperson

Respectfully submitted,

Renee Eisenbeisz
Assistant to the City Administrator