



**CITY OF NEWPORT  
PLANNING COMMISSION MEETING MINUTES  
NEWPORT CITY HALL  
January 14, 2021**

**1. CALL TO ORDER**

Commissioner Anthony Mahmood called the Planning Commission meeting to order at 5:30 p.m. on January 14, 2021.

**2. ROLL CALL**

Present (3): Commissioner Anthony Mahmood, Commissioner Maria Bonilla, and Commissioner Brandon Leyde.

Not Present (0): None.

**3. CHAIR NOMINATION**

Commissioner Leyde appointed Commissioner Mahmood as chairman of the Planning Commission. Commissioner Mahmood accepted.

Commissioner Leyde motioned to appoint Commissioner Mahmood as chairman of the Planning Commission. Seconded by Commissioner Bonilla. Approved 3-0.

**4. VICE-CHAIR NOMINATION**

Chair Mahmood appointed Commissioner Leyde as the vice-chairman of the Planning Commission. Commissioner Leyde accepted.

Chair Mahmood motioned to appoint Commissioner Leyde as vice-chairman of the Planning Commission. Seconded by Commissioner Bonilla. Approved 3-0.

**5. MEETING MINUTES**

**A. December 10, 2020**

Commissioner Leyde motioned to approve the minutes from the December 10, 2020 Planning Commission meeting. Seconded by Commissioner Bonilla. Approved 3-0.

## 6. PUBLIC HEARING- Mississippi River Corridor Critical Area (MRCCA)

City Planner Sherri Buss stated the Planning Commissioner has been working on the MRCCA overlay ordinance. This ordinance needs to be approved by the end of January. There will be a public hearing tonight to get comments, make any final changes, and to move forward with adopting the ordinance.

Planner Buss stated in 2017, the state of MN adopted new rules for the MRCCA. Newport is required to adopt an ordinance and be consistent with the state rules. The DNR gave all communities a model ordinance to work from which is consistent with the state ordinance. Newport's draft is very similar to the model ordinance. There are a few new items that will affect landowners in this new ordinance. The setbacks from the ordinary high water level (OHWL) for new structures or expanded structures will go from our current 50 feet up to 100 feet. That will not affect any of the existing structures in this area. There will be limits on how structures can be expanded. The bluff setback is expanding from 30 feet to 40 feet. If someone requests a variance or a conditional use permit in this area, there will be new requirements for the Planning Commission to look at regarding the impacts on the primary conservation areas. If someone is doing a major subdivision or planned unit development, a part of the parcel they are redeveloping will need to be set aside if it includes the primary conservation area.

Chair Mahmood opened the public hearing at 5:50 p.m. on January 14, 2021.

Attorney Gordon Nesvig stated his clients Robert and Judith Crawford, own property on the bluff in Newport and he wanted to make sure that any changes tonight would not affect their property. Planner Buss stated the Crawford's property is not part of the critical area we are discussing at this hearing.

Mary Kinney who resides at 1349 2<sup>nd</sup> Avenue addressed the Commission. Ms. Kinney stated she lives in the river neighborhood (RN) district and there is a 3-acre pond that rests on her and her neighbor's property. Ms. Kinney inquired why the OHWL encompasses the pond, which is on private property, and not go along the river's edge which is public property. Planner Buss stated we could ask the DNR about the pond and see how they set it. Planner Buss stated the OHWL is simply an elevation level that the DNR has determined is the normal OHWL for a river or lake. Planner Buss stated we will go back to the DNR and see if the line they picked should just be along the river or if it needs to include the pond.

Colleen O'Connor Toberman who is part of Friends of the Mississippi, addressed the Commission. Ms. Toberman stated she sent in a letter but wanted to give a brief overview. Ms. Toberman commended Newport for putting together a thoughtful ordinance. Ms. Toberman recommends all communities consider adding requirements for bird safety buildings in new construction and included some language suggestions as part of her letter.

Chair Mahmood stated they received an email from Penny and Joe Duff who reside on 12<sup>th</sup> Street. Chair Mahmood summarized the email which stated that over the years people have built closer than 50-feet and the City has not stopped it. Mr. Duff inquired if going forward the City will pay more attention and make sure people don't build past the new 100-foot setback.

Chair Mahmood closed the public hearing at 6:05 p.m. on January 14, 2021.

Planner Buss stated she will reach out to the DNR regarding Ms. Kinney’s map question, but this will not affect the base ordinance. Planner Buss stated the Planning Commission can discuss the bird safety standards and the building height standards as part of the review of the design guidelines. The open space has already been addressed with the park and open space dedication. Planner Buss suggested we make most of the language changes proposed by Ms. Toberman but omit setting up ecologists as the only group that handles reviews.

Commissioner Leyde motioned to recommend to Council the ordinance as presented with the language changes discussed. Seconded by Commissioner Bonilla. Approved 3-0.

**7. PLANNING COMMISSION ROLES AND RESPONSIBILITIES**

This will be tabled until a future meeting when the new Planning Commission Members are added.

**8. COMMISSION REPORTS**

None.

**9. ADJOURNMENT**

Commissioner Bonilla motioned to adjourn the Planning Commission meeting. Seconded by Chair Mahmood. Approved 3-0.

The Planning Commission meeting was adjourned at 6:23 p.m. on January 14, 2021.

Respectfully Submitted:  
Jill Thiesfeld  
Administrative Assistant II

Signed: \_\_\_\_\_  
Anthony Mahmood, Chairman