

MINUTES
City of Newport
Planning Commission Work Session
City Hall Conference Room “A”
Monday, April 13, 2009

Commissioners Present: Jim Patrick, Mark Fisher, Jim McIntyre, John Rehfuss, and Teresa Atwill.

Commissioners Absent: Dawn Newman (excused).

Citizens Advisory Committee Members Present: Glen Small and Bill Wells.

Citizens Advisory Committee Members Absent: Kathy Cleary (excused).

City Staff Present: Community Development Director (CDD) James Bassingthwaite, Senior Planner Meredith Savage, and Senior Administrative Assistant Wanda Haney.

Chair Patrick called the Planning Commission work session to order at 6:00 p.m.

A. Unfinished Business

1. Newport Zoning Ordinance and Related Ordinance Review Process:

A. NZO Section 2-5-3 (Conditional Uses). Bassingthwaite noted that his cover memo went through some of the issues the Commission originally identified with this section at some work sessions a few years ago. Some of the more substantial issues related to the criteria and whether they are sufficient or should be adjusted. In light of some of the issues the Commission encountered recently with how the criteria related to vacation rentals, they had expressed an interest in reviewing the conditional use permit section. Bassingthwaite noted that as previously discussed with the Commission, the intent will be to include all definitions in one general definitions section rather than having individual definitions in each section. There was discussion about what should be included as public facilities or whether to even include them in the criteria for conditional uses. It was discussed that storm drainage should be included and whether there was a need to include electricity. A question was raised about keeping the definition of public facilities broader. Bassingthwaite expressed that it is better to have public facilities defined as to what should be adequate for the proposed use and then assess them. If the applicant doesn't know what public facilities the Planning Commission will be looking at, it is hard for them to put their application together. Bassingthwaite said that if public facilities are specified, then the Commission can look at the impact on those things by that particular use beyond that of a permitted use. Bassingthwaite noted that the Commission looks at how that use fits within the area and if it is really generating more impact than would otherwise be by a use allowed outright. He gave some examples of how the same criteria are used to review such varied uses. The definition of neighborhood was discussed. Bassingthwaite said that one of the challenges is to make criteria broad enough to handle changes over time and redevelopment. Attaching conditions of approval was discussed. Bassingthwaite had provided a copy of the conditional use permit section of the model code for small cities. He noted their criteria are shown on page 4-60 and discussed the criteria. Consideration of trails as public facilities or as conditions of approval was discussed and Bassingthwaite noted the difficulty created by the Dolan v City of Tigard Supreme Court Case. Patrick thought that public facilities should be streets, water, sewer, storm drains, sidewalks, and electricity. Including traffic signals was discussed, and how they may fall under streets. Bassingthwaite noted that as we go through TSP review, we will have standards of when sidewalks are required for new development or change of use rather than trying to cover them on a conditional use basis. Regarding a question about Type II decisions, Bassingthwaite noted that there are 120 days to process applications. When the director makes his decision, if it is a controversial or contested issue, it can be appealed and the Planning Commission will have an opportunity to look at it. Most vacation rentals will be a Type II decision if they apply individually. Part of the question is if a vacation rental is really that significantly different than if it was a full-time residence. A vacation rental approved through a conditional use permit has a business license and can be revoked if there is a problem. Those that are illegally operated present more difficult issues. Discussion regarding vacation rentals ensued. Bassingthwaite said that the Commission may want to look at whether weekly rentals should even be allowed in R-1, R-2, or R-3. For vacation rentals, Bassingthwaite thinks that we should look at requiring that they have an operation plan for the business and have a local management company or contact identified through the conditional use process. Discussing requiring

sidewalks and trails, Bassingthwaite noted that part of the conditional use is looking at requiring conditions that mitigate the use. The burden is on the City to demonstrate that the conditions have a nexus to the proposed use and are roughly proportional to the impact from the proposed use. It would be hard to exact the dedication of land for a trail unless it was an alternative to another improvement. The best way to require more sidewalks is to change the base zoning code and put in a provision when sidewalks are required and then it goes through the notification process; not just a case by case basis.

Bassingthwaite said that he will pull together some other examples of what other jurisdictions have used for conditional use permits and will draft some possible revisions to this section based on tonight's discussion for the Planning Commission to consider at another meeting.

B. Adjournment. Having no further time, the meeting was adjourned at 6:55 p.m.

Respectfully submitted,

Wanda Haney
Sr. Administrative Assistant