

Minutes
City of Newport Planning Commission
Regular Session
Newport City Hall Council Chambers
Monday, March 11, 2013

Commissioners Present: Jim Patrick, Jim McIntyre, Rod Croteau, Mark Fisher, Gary East, and Bill Branigan.

Commissioners Absent: Glen Small (*excused*).

City Staff Present: Community Development Director Derrick Tokos and Executive Assistant Wanda Haney.

A. **Roll Call.** Chair Patrick called the meeting to order in the Council Chambers of Newport City Hall at 7:03 p.m. On roll call, McIntyre, Croteau, Patrick, Fisher, East, and Branigan were present. Small was absent but excused.

B. **Approval of Minutes.**

1. Approval of the Planning Commission regular session meeting minutes of February 25, 2013.

MOTION was made by Commissioner Fisher, seconded by Commissioner McIntyre, to approve the Planning Commission minutes as presented. The motion carried unanimously in a voice vote.

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

D. **Consent Calendar.** Nothing on the consent calendar.

E. **Public Hearings.**

Quasi-Judicial Actions:

Chair Patrick opened the public hearing portion of the meeting at 7:05 p.m. by reading the statement of rights and relevance. He asked the Commissioners for declaration of conflicts of interest, ex parte contact, or site visits. Fisher noted that he goes by the site once or twice a day, Croteau said that he has seen it, and Branigan said that he has driven by. Patrick asked for objections to any of the Commissioners or the Commission as a whole hearing this matter; and none were heard.

1. **File No. 2-CUP-13:** A request submitted by Abram Silvonen (William Zekan, authorized representative) per Chapter 14.25.020(E) "Bed and Breakfast and Vacation Rental Facilities – General Provisions" of the Newport Municipal Code (NMC), for a conditional use permit to operate a vacation rental in a residence where the requirements per NMC 14.25.050 for off-street parking spaces and landscaping cannot be met. The residence is located at 584 W Olive St. (Assessor's Map 11-11-08-BB; Tax Lot 3700) in an R-4 zoning district.

Patrick opened the public hearing for File No. 2-CUP-13 at 7:07 p.m. by reading the summary of the action from the agenda. He called for the staff report. Tokos noted that in the meeting packet was a staff report that outlines the nature of the application and includes approval criteria, findings, and a recommendation of approval. He noted that there is also a formal set of findings and a final order so that, should the Commissioners find this application warrants approval, they can move ahead on that as well. Tokos explained that the property is located in a high density residential zone. It is developed with a residence built in 1935, and there are photos of the residence with the packet material. He noted that the approval criteria are those of a conditional use. He explained that the reason a conditional use permit is needed is that the applicant can't meet two standards he would normally be required to meet for a vacation rental endorsement; off-street parking and landscaping. Tokos read the criteria, which are found in the NMC. He said that the staff analysis includes detailed discussion of each of those requirements and how this satisfies them. He said that the greatest one is that the use will not have adverse impact on nearby properties. In that finding, when looking at this complies with that criterion, he looks at what was the intention of the standard in the first place. The intention was that a vacation rental wasn't being rented with more people than it can handle, that it is not forcing parking to overflow, and not adversely affecting other properties by blocking driveways or using up all on-street parking. Tokos noted that this residence faces Olive Street where not a lot of houses do. There is a fair amount of parking on Olive Street with on-street parking on both sides of the street. He said there appears to be a sufficient amount. The Eager Beaver store is next door, but there is still a fair amount of parking. Olive Street is not being used by other residences because they front other streets. The other standard is landscaping, which was put in place to prevent lawns from being pulled out and being turned into what looks like a commercial use. Lawn being turned into parking doesn't apply here. This is a very small parcel and is not conducive to off-street parking. It is built close to the street as is. What was done by the current owner or the prior owner was to put in decks to maximize the useable space on the small lot. Tokos said that he believes the Commission can reasonably find that landscaping is not being subverted. He said

that, given the findings in the staff report, the recommendation would be to go ahead and approve the conditional use permit subject to receiving an endorsement for approval for all other endorsement standards. That is one condition staff recommends the Commission include.

Proponents: Bill Zekan, the agent representing Mr. Silvonen, came forward. He noted that he basically was asked to help prepare this application. He said that really there wasn't anything substantive that he could add to Tokos' comments. He said that Tokos was very thorough and covered everything. He said that this allows them a means to seek relief from these two requirements that can't be met. They are not asking for relief to anything else. Zekan noted that Silvonen is trying to improve the property. He said there is nothing much that they can do about the parking, but they believe that the impact will be less. The only other thing he had to add was that he appreciated the accessibility of the process. He said it was easy to come into the office and talk to the staff and get help, explanations, and the requirements. He said that the help from Staff was very good, thorough, and helpful.

Opponents: There were no opponents present wishing to testify, so rebuttal was waived.

Patrick closed the public hearing at 7:15 for Commission deliberation. Branigan said that he didn't see any reason why not to grant the proposal. In that location, the parking is not an issue and there is no ability to do landscaping or put in a garage. It will not impact the neighborhood. The house is only a 2-bedroom. Branigan would recommend that the Commission grant the request. East agreed. He said that it will meet all the other requirements, and he has no issue granting relief on parking and landscaping. Fisher had nothing to add. Croteau asked what the square footage of the residence was and was told 1100 give or take. Silvonen said that he owns the Eager Beaver store as well. He said that he has the whole corner there and the recycle and trash containers are for the business. McIntyre said he thought that in the code there was a clause that provided that trash containers should be concealed from street view. He said it looked like they had a garage and wondered if that had been turned into rental area or storage. Silvonen explained it was storage. The height wasn't conducive to fitting a modern vehicle; it was only 5' 6" or so. There was a vintage garage door that was removed. Tokos said that the endorsement standard for waste management that they would have to adhere to states that "weekly solid waste disposal service shall be provided while the dwelling is occupied; the owner shall provide for regular garbage removal; and trash receptacles shall be stored or screened out of plain view of the street." He said that is a requirement; not for Eager Beaver, but for the vacation rental unit. Silvonen said that the trash receptacles are all used by the business at this time. They currently are not using the residence. Once they market it, they will clean that up anyway for marketability. There is room between the buildings and there is a gate. They can tuck those receptacles away there. Patrick said that he thinks this meets the standards. Parking is no worse than for a permanent residence. He said, given that it is Nye Beach and the size of the lot, there is no landscaping to be had.

MOTION was made by Commissioner East, seconded by Commissioner Branigan, to approve the conditional use permit in File No. 2-CUP-13 as proposed in the final order. The motion carried unanimously in a voice vote.

MOTION was made by Commissioner Fisher, seconded by Commissioner McIntyre, to adopt the final order for File No. 2-CUP-13 as presented. The motion carried unanimously in a voice vote.

F. New Business.

Action Item:

1. **Agreements with Community Services Consortium (CSC) and Lincoln Community Land Trust (LCLT) for workforce housing.** The Planning Commission had reviewed and discussed these two agreements at the work session.

MOTION was made by Commissioner Croteau, seconded by Commissioner Fisher, to forward to the City Council the agreements with the modification noted this evening and legal adjustments that may be necessary between now and the City Council action. The motion carried unanimously in a voice vote.

G. Unfinished Business. No unfinished business.

H. Director's Comments.

1. Tokos noted that on Tuesday evening there will be a meeting of the Port of Newport and City of Newport joint task force on an alternative route to the Port Terminal (log yard). They are looking at the viability of it. Tokos provided a memo to the task force today along with ODOT comments trying to give the group a reality check. He said it is really not that viable to pursue an alternative to Moore Drive. First, Moore Drive and Bay Blvd. happen to be a viable truck route today to the Port facility; which disadvantages us for obtaining any grant funds. The other reason is that there is nothing in this whole discussion that benefits the highway. So there is no way we can get funding. In fact ODOT has commented that an alternative to the east would have more detrimental impact to the highway. Tokos said that doesn't diminish the concern about truck traffic that hasn't been there for years. But that is not the type of thing Federal and State governments look for when providing grant funding. If the task force wants to pursue analysis to look hard at another route, then private funding is going to have to come to the table. Also, there needs to be some thought whether funding is available in the next twenty years to construct it. If not, then you are just doing a plan for

the shelf. Another factor has to do with the fact that we are already engaged with ODOT for an eventual replacement of the bridge. This work will look at replacement of the bridge and alternative locations. The Port will be considered and will come out in alternative routes. So the question to this group is if they want to invest money now only to find out that in the bridge conversation that plan has to be adjusted because of what the State wants to do with the bridge. Lastly, looking at limits to the Transportation Plan and goal exceptions if outside the UGB, those can be challenged in court and likely would be. This isn't a simple thing. There is a viable route in place and he doesn't see any funding for planning an alternative. That is what is in his memo; and ODOT's goes into greater detail. He said that there will be some folks that like that and some that really don't like it; and it is better that the policy-makers have an idea of what they are facing.

2. Tokos noted that on March 19th at OCCC is an open forum session with the Port and the City Council for discussion about the Teevin Bros. project.

3. The following week, Tokos will be in Tacoma for a Working Waterfront Symposium along with Don Mann. He said that hopefully they will gain some ideas to make our working waterfront better.

I. **Adjournment.** Having no further business to discuss, the meeting adjourned at 7:30 p.m.

Respectfully submitted,



Wanda Haney
Executive Assistant