

**MINUTES**  
**City of Newport Planning Commission**  
**Work Session**  
**Newport City Hall Conference Room 'A'**  
**Monday, March 25, 2013**

**Planning Commissioners Present:** Bill Branigan, Glen Small, Mark Fisher, Jim Patrick, Rod Croteau, and Jim McIntyre.

**Planning Commissioners Absent:** Gary East.

**Citizens Advisory Committee Members Present:** Lee Hardy and Bob Berman.

**Citizens Advisory Committee Members Absent:** Suzanne Dalton (*excused*).

**City Staff Present:** Community Development Director (CDD) Derrick Tokos and Executive Assistant Wanda Haney.

Chair Patrick called the Planning Commission work session to order at 6:02 p.m. and turned the meeting over to CDD Tokos.

**A. Unfinished Business.**

1. Discussion of code updates relating to accessory dwelling units (ADUs). Tokos noted that in the packets he included the authorization for Wilder where we have authorized ADUs. Wilder is the only place they are expressly allowed right now; but that's not to say there are not some lots out there with multiple dwelling units on one lot. He also attached Astoria's and Portland's language for the Commissioners to take a look at. Tokos said that part of the discussion needs to be about what type of outreach the Commissioners are looking for on this type of amendment. He wondered if there was a need for a work group or if the Commissioners are comfortable fielding it themselves. The indication was that the Commission would do the work themselves. Tokos said that if we are talking about outreach, it would be to every residential owner in the City; but we could do press releases. Legally all we have to do is publish notice in the newspaper. That would be the Commission's choice. The consensus was that the Commission would be comfortable with publishing a notice in the newspaper; and we can always do a press release. Tokos asked if the Commission wanted to shoot for an outright use in all districts. Croteau noted that in the other codes, these units were not counted toward density. Tokos said that is what we did in Wilder. He noted that Astoria made it conditional in R-1. Branigan said many of the residences in Astoria are 50 years old or older, and it sound like what they did was limit it to big old houses. Tokos noted that the model ordinance for small cities from the State had a limit of floor area between 600 and 800 square feet or not more than 40% of the main unit, whichever is smaller. In the model code, they must be owner-occupied and have single utilities; which is what we set up for Wilder. Berman wondered what the intent was here; if it was to allow more flexibility and then once they are allowed to put parameters around that. Tokos said that the objective of this is that it is accommodation for families. He said that the key here is the utility hookup. We don't want to hit them with SDCs; and we would have to for a separate meter. That provides some control because it is one utility bill. Branigan asked what would prevent someone from putting up a mother-in-law unit and then turning it into a vacation rental by owner; and Tokos said there's nothing.

Hardy asked about a requirement for a separate entrance. Tokos said the code defines a dwelling unit as having certain elements such as a sleeping area, and a kitchen is the primary thing. It was noted that most people will create a studio and not put in a kitchen. Patrick mentioned that he built a two-story with two kitchens for someone so that if the owner had to get a care-giver that person would have a kitchen and living area downstairs. Tokos said you would be surprised what is out there that have never received permits.

Berman said that he would not like to see this creating a situation where it becomes common to build a little place behind your house and rent it as a vacation rental for income. Tokos said that if they want additional units, they have to provide parking and landscaping. That is in the vacation rental endorsement standards. Patrick said that most ADUs have not been separate units, but in the same unit already. Fisher said he has to believe there are some that are separate. Tokos wondered if the consensus was to go with standards something like permitting it outright in each district subject to certain restrictions. Patrick said maybe a restriction such as it can't be used as a B&B or vacation rental.

Branigan asked about the percentage of the main house. Small said 40% of the main house or 600-800 square feet, whichever is smaller. Tokos noted that in Wilder it is 600 square feet or 50%; but they are smaller lots. Patrick added that the houses are smaller. He said he would like to go up to 800 square feet; but he wondered if 40% is a good number, or is 50%. Branigan asked if it has to be stand-alone. Patrick suggested borrowing from the other codes; that it is over something, in something, or separate. Small said that he did like the common utility. Tokos thought it would get at the vacation rental issue with the owner-occupied requirement; that is how Astoria tackled it. He said it was discussed with Wilder because they were hoping to

rent to college students as he recalled. Berman wondered that since vacation rental is defined, if they can rent monthly to a student or non-relative. Patrick said that maybe someone would build an ADU and move into it and then rent out the house as a B&B. Hardy wasn't sure how it was any different than adding a room to a house. Patrick said that you can add anything but a kitchen according to the definition of a dwelling. Tokos said that when these do end up coming to a head with our department is when it has to do with financing and a lender is asking the question if this second unit is acceptable. We have to say no because there are no permits, and it ends up getting torn down. Tokos said that every deed says that the buyer is responsible for going to the planning department to make sure you can use your property for what you want. He said that a deed restriction would be one way to handle it. Branigan asked how many issues Astoria has had, and Tokos said that he hasn't asked them. Patrick noted that the State is pushing for this kind of stuff, and there are new rules coming down. The way to get around requirements is by putting in an ADU ordinance. He noted that Newport has one of the highest new building density levels anywhere in the state. In Nye Beach we have all those units on small lots. Small said ADUs help address the affordable housing issue; especially here where housing is pretty expensive. He thought we will see here what we've seen in most developed nations; multiple families living in one home.

Tokos said that what he is hearing is that there is general consensus for some of the standards incorporated for Wilder. Only one ADU per lot is good. The three types are good; a portion of the main house, free-standing, or over a free-standing or attached garage. The size is not to exceed 600 square feet or 50% of the main structure. Fisher said that he would prefer 40%, and Tokos noted that 600 square feet and 40% is out of the model code. Patrick said that we will get a lot of small units. Tokos noted that many of the lots are smaller, so the visual will be less. He wondered what the harm is of 600 square feet or 50%, and that was selected. The height standards of the district govern. Tokos said that he would recommend not applying an architectural compatibility standard citywide. Nye Beach has its own and Wilder has a planned development for architectural standards. Outside of that if we try to do that, it would be a discretionary decision so the neighbors can appeal it. Berman thought that we could require the obvious things such as the same kind of roof and exterior including color. Fisher thought we would have to have a committee for review of that. Patrick said that he knows of houses with multiple architectural designs. Berman said that if they add on, it should be the same kind of roof and exterior; so if it's separate, he wondered what is wrong with having a couple of basic dictates. Hardy said that value judgments are hard to enforce. Berman didn't think that the same kind of roof is a value judgment. Hardy said that you run the risk of affecting those whose design modes are dictated by finances rather than aesthetic tastes. Berman said that he worries about the neighbors and doesn't see that it's unreasonable that it looks much like the house. McIntyre agreed that it should look like the existing home; but this standard is talking about the compatibility with the neighborhood. Tokos said that whatever is put out there, he would say not to go with discretionary standards. In a nondiscretionary way specify that it match with the primary structure. He said that he can see someone using a 600 square foot park model as an ADU in the back. It wouldn't have the same exterior as the house, but they may be able to afford a park model. Branigan also mentioned the use of shipping containers as a dwelling. Branigan asked if something that didn't match couldn't be an exception before the Planning Commission. Patrick wondered if it would be reasonable to create a conditional use path. Tokos thought the consensus was for some standards for stand-alone units that require matching existing materials of the house; not exactly the same but such as composition roof to composition roof. Continuing with the standards, Tokos said that the cleanest way is that ADUs don't count against the density limitations. An ADU shares utility hookups with the main house. Berman wondered if the utilities should be specified, such as water, sewer, electric, and gas; not cable or telephone. Hardy suggested adding the wording, "essential services". Tokos wondered as far as off-street parking spaces, if the Commission wanted what is required plus one additional for the ADU. He noted that this was an issue in Wilder because they don't have typical on-street parking, but we have on-street parking most everywhere else. Croteau wondered if one additional space is prohibitive or reasonable. Patrick said it would be tough on some of them. Small thought one extra space was reasonable, and make that a conditional use if it can't be met. Fisher agreed with one additional, and they have to come to get Planning Commission approval if they can't meet that. Tokos wondered if the Commissioners wanted to set ADUs up as an outright authorized use in every district, and the consensus was yes.

Branigan asked about owner-occupied. Tokos said that can be enforced with deed restrictions or no vacation rentals can be specified with a deed restriction. He noted that owner-occupied means that the owner has to occupy either the principal unit or the accessory unit; one of them has to be owner-occupied. Maybe the accessory dwelling would be a vacation rental. He said it doesn't make sense to have deed restrictions for both. If it has to be owner-occupied, it puts the kibosh on making it all a VRD. Berman said that he would like to see a sharp watch on it because an ADU in the back yard could be a source of income. Tokos wondered what the harm is. He said if it's a lot with multiple deed restrictions, it becomes burdensome. Fisher said he would rather have owner-occupied. If the owner lives there, they will keep an eye on it. Small asked for clarification of why we couldn't do both restrictions. Tokos said that it seemed burdensome to do that. We have no process now that requires multiple deed restrictions. Tokos said that if the purpose here is to provide an avenue for folks to have a place for their family, then owner occupancy is a nice clean avenue. The majority liked the owner occupancy restriction.

Patrick said we can start there. Fisher noted that we want this simple enough so the common person could read it and understand the expectations.

Tokos said he will be making director's comments at the meeting tonight that an appeal did get filed on the Teevin Bros. TIA. An appeal hearing with the Planning Commission will be set up for April 22<sup>nd</sup>. He noted that we had somebody else looking

to do a nonconforming use permit, and he advised them not to set it up for that date. On that evening the Commission will have their hands full with that one appeal only. The Commission will be deciding if the standards for approving a TIA were addressed correctly.

Patrick wondered when the Commission will want to do park models. Tokos will work on that. He said the issue with park models has to do with the City liability issue if there was a fire that caused damage or loss to surrounding homes because they are not built to building code. We are obligated by State law to allow them in manufactured parks. But he said the whole thing is changing, and he can get some other information for the Commissioners. Tokos said the other issue that was raised by an owner at a public hearing was the minimum 5,000 square-foot lot size in manufactured parks. Tokos said that he can tie those two together.

**B. Adjournment.** Having no further discussion, the work session meeting adjourned at 6:46 p.m.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Wanda Haney", is written over a horizontal line.

Wanda Haney  
Executive Assistant