

**MINUTES
CITY OF NEWPORT PLANNING COMMISSION
WORK SESSION
NEWPORT CITY HALL, CONFERENCE ROOM A
MONDAY, APRIL 8, 2013
6:00 P.M.**

Planning Commissioners Present: Gary East, Mark Fisher, Jim Patrick, Rod Croteau, Glen Small, and Jim McIntyre.

Planning Commissioner Absent: Bill Branigan.

Citizens Advisory Committee Members Present: Lee Hardy, Suzanne Dalton, and Bob Berman.

City Staff Present: Community Development Director (CDD) Derrick Tokos and City Recorder/Special Projects Director Peggy Hawker.

Chair Patrick called the Planning Commission work session to order at 6:00 P.M., and turned the meeting over to CDD Tokos.

A. Unfinished Business.

1. Review and discuss draft code relating to accessory dwelling units (ADU's). Tokos reviewed the definition of "Accessory Dwelling Unit." He reported that the draft includes "Accessory Dwelling Unit" as a permitted use in all residential zoning districts. Tokos reviewed Chapter 14.16 "Accessory Uses and Structures," and specifically 14.16.050 "Accessory Dwelling Unit Standards." A discussion ensued regarding the floor area of Accessory Dwelling Units. Berman addressed 14.16.020 "General Provisions," and specifically that accessory uses and structures, pursuant to this section, are not intended for habitation by people, and would not apply to an Accessory Dwelling Unit. A discussion ensued regarding the maximum height of an accessory building in a residential zoning district. Tokos noted that accessory buildings are separate from accessory dwelling units. It was noted that height restrictions must apply if an accessory dwelling unit is not attached to the primary building. It was also noted that the height of the primary structure must meet the height restrictions of the district, while a separate structure cannot exceed the height of the primary building. If the garage was separate, it would not be allowed to exceed the height of the primary dwelling, but if the garage is a part of the primary dwelling, the height restriction that would apply is that of the zoning district. A discussion ensued regarding the front yard setback requirements for accessory dwelling units. It was noted that the rear yard setback for smaller accessory structures may be reduced to five feet for a one-story detached accessory building if the structure does not exceed 625 square feet and 15 feet in height.

Tokos reviewed the following accessory dwelling unit standards: floor area; type, one unit; exemption from density limits; architecture; utilities; owner-occupied; and off-street parking. Tokos suggested that it might be worth foregoing the off-street parking requirement unless there is a reasonable expectation that there will be additional impact on the system. It was the consensus of the group to leave the off-street parking requirement as it stands. Tokos reported that 14.16.060 contains provisions for conditional use permits if one or more standards cannot be met.

Tokos reported that he would make changes suggested this evening, and that the changes would be scheduled for a public hearing at the second meeting in May.

B. New Business.

1. Review of the Appeal Procedure. Tokos reviewed the city's procedures for handling appeals of quasi-judicial decisions (14.52.080 of the Newport Municipal Code). He noted that the Commission will hear the appeal on the Teevin Brothers log yard traffic impact analysis on April 22. Tokos noted that if Commissioners have had ex parte contact, it must be disclosed. He added that if a Commissioner has a fiduciary stake in the proposal; this must be disclosed, and the Commissioner must step down. He noted that it must also be disclosed if a Commissioner has read about the proposal in the news. He reiterated that anyone having a business relationship with Teevin Brothers would have to step down. It was reported that the boundary is 200 feet from the property, and Tokos noted that he notified everyone who provided comment throughout the process. He added that the hearing is only in regard to the present proposal. Tokos reported that a Commissioner must step down if he/she cannot make an impartial decision, and that individual Commissioner participation can be challenged.

Tokos stated that it is anticipated that the appeal will span at least two meetings. He noted that it is within the purview of the Commission to ask folks to state the standard they do not think is being met. He added that the Commission can ask questions after public testimony. Tokos noted that the applicant may not attend the hearing. He stated that speakers will be asked to sign up to speak by completing the speaker request slips. When all the speakers have had an opportunity to talk, the Chair should ask for others who wish to comment. He added that if the applicant is not in attendance, the Chair should ask for others attending in support of the proposal.

Tokos stated that new testimony can be presented at the hearing. He stated that a copy of the appeal with the staff response will be included in the packet.

Tokos explained continuances, noting that the record must be left open if requested, but that the Commission is not obligated to continue the hearing. He noted that he will not have the findings and final order at this meeting, but will be looking for direction from the Planning Commission in crafting the findings.

Tokos noted that if there is no applicant, there will be no rebuttal.

Tokos reported that the appeal document was timely filed. He added that he will include in the upcoming packet where we are in the 120-day clock.

It was noted that the hearing begins at 6:00 P.M., on April 22.

2. Review Port of Newport's New Strategic Business Plan and New Capital Facilities Plan and Discuss Corresponding Updates to the Port Element of the Newport Comprehensive Plan. Tokos discussed the Port Facilities section of the Newport Comprehensive Plan and the related Goals and Policies element. He reported that the Port has completed a Strategic Business Plan and Capital Facilities Plan. He noted that the Comprehensive Plan should be amended to include the Capital Facilities Plan, and that a policy and goal could be developed that addresses this collaboration. He asked the Commission to let him know if there is something that should not be included as a priority. He added that he does not see anything that would impact upland zoning or estuary rules.

Adjournment. Having no further business, the meeting adjourned at 6:50 P.M.

Margaret M. Hawker, City Recorder