Minutes
City of Newport Planning Commission
Regular Session
Newport City Hall Council Chambers
Monday, May 28, 2013

Commissioners Present: Jim Patrick, Jim McIntyre, Rod Croteau, and Bill Branigan.

Commissioners Absent: Mark Fisher *(excused)*, Glen Small *(excused)*, and Gary East.

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 7:02 p.m. On roll call, McIntyre, Croteau, Patrick, and Branigan were present; with Fisher and Small absent but excused, and East absent.

B. Approval of Minutes.

1. Approval of the Planning Commission regular session meeting minutes of May 13, 2013.

MOTION was made by Commissioner Croteau, 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. Action Items.

1. Motion to initiate amendments to the Port Facilities element of the Newport Comprehensive Plan. Tokos noted that we haven't always done this; but this is the cleanest way to do it. By initiating the action by motion, there will be a record that the amendment was initiated. Later on, the Planning Commission will have a hearing.

MOTION was made by Commissioner Croteau, seconded by Commissioner Branigan, to initiate an update to the Comprehensive Plan by working on an amendment to the Port Facilities element.

F. Public Hearings.

Legislative Actions:

1. File No. 1-Z-13: Consideration of proposed legislative text amendments to Section 14.01.020 (Definitions), Subsection 14.03.050 (Residential Uses), and Chapter 14.16 (Accessory Uses and Structures) of the Newport Zoning Ordinance as codified in the Newport Municipal Code to create standards for permitting Accessory Dwelling Units (ADUs) on residential properties. The Planning Commission will make a recommendation on this matter to the City Council.

Patrick opened the public hearing for File No. 1-Z-13 by reading the summary of the file from the agenda. He presented the statement of rights and relevance and asked for the staff report. Tokos noted that the packets included the draft amendments to the Newport Zoning Ordinance that would provide the option to construct ADUs on residential lots with very specific standards spelled out in detail. This would implement Policy 4, Goal 2 of the Housing element of the Newport Comprehensive Plan in order to facilitate affordable housing. The Housing element encourages providing housing in a price range that working folks might be able to achieve. Tokos explained that an ADU is a dwelling unit ancillary to a primary dwelling on a piece of property. The standards spell out how the ADU shall architecturally match the primary dwelling. The ADU shall share the same primary utilities, which are spelled out. An ADU is limited in square footage to 50% of the primary dwelling or no more than 600 square feet. An ADU may be adjoined to the primary dwelling, over a garage, or free-standing. Tokos said that this type of housing is viewed as being constructed for rental income, and he expects that will happen in some cases. Tokos noted that the only place where ADUs are currently permitted are in the Wilder development where they came in with specific language, which the Planning Commission reviewed and approved. That is what this code is largely modeled after. There is one unit in Wilder, which Tokos believes is for rental because it is close to the college. Tokos said you can also expect this to be a favorable option for someone who has aging parents and want to care for them on their property. For the elderly who need a caregiver, an ADU can provide a place for the caregiver to live on site. Or it could be for an older child still trying to find their way in life. The setback requirements that apply are spelled out in the standards. Tokos noted that he had the entire record with him. He said that the Planning Commission has conducted a number of work sessions, and the language is more or less the way they want it. If the Commissioners have any changes, this meeting is the time to bring that up.

Branigan asked if the ADU requires the same geologic clearances whether attached or detached. Tokos said yes, the trigger mechanisms are the same irrespective of construction. The ADU would be viewed the same as any other structure. He said that if it's free-standing for example, and there is enough earth movement so that it is not exempted, that triggers the requirement right there. If the ADU is on the second floor that wasn't designed for that weight and there has to be foundation work then that triggers it. If it is on a second floor that was designed for the additional load and it is not altering the footprint, that wouldn't trigger the need for a geo report. Branigan noted that one off-street parking space is required for an ADU. An ADU could be for rental purposes, and we just modified the vacation rental code. One of the things we set up there was that every bedroom required an off-street parking space, but they couldn't pave over the existing foliage to make parking spaces and there were landscaping requirements for vacation rentals. He wondered if those would still apply to an ADU. Tokos said that if the ADU was used for vacation rental purposes, it would. They would have to get an endorsement, and all standards apply. Tokos said that one of the ADU standards is that at least one of the units has to be owner-occupied. One incentive is that they are exempted from the density standards in residential districts. Tokos said this is an option we will see materialize in many areas of the community.

MOTION was made by Commissioner McIntyre, seconded by Commissioner Branigan, to approve the changes to the Accessory Uses and Structures code (Chapter 14.16) and related sections to address ADUs and forward a favorable recommendation to the City Council. The motion carried unanimously in a voice vote.

G. New Business. No new business.

H. Unfinished Business. No unfinished business.

I. Director's Comments.

1. Tokos updated the Commission on the Teevin TIA. An appeal of their decision of approval was received. At their meeting on June 3rd, the Council will decide how they want to deal with the appeal. They have three options. They can find that circumstances warrant another full evidentiary hearing; in which case they would have to find that new information came up that was not available at the Planning Commission level or there is enough community interest. They have some discretion on how that plays out. Another option is that they can have an on-the-record review hearing. As part of the appeal, the appellant had to pay for preparation of a verbatim transcript. That is prepared, and that is what the Council would be looking at. Arguments can be made that are specific to what is already in the record. The third option is for the Council to say that they respect the Commission's decision and to recommend denying the appeal without holding a hearing and accept the Planning Commission's decision as the final decision from the City. If no hearing is held, the City will refund the appellant's fees they paid. An appeal could then be taken to LUBA. LUBA wouldn't look favorably on the City if we kept the money when no hearing was held. The Council's decision for the last option would be largely based on the fact that the staff decision and the Planning Commission decision are essentially the same. We have now had two full decisions where we came out with the same outcome, so it's really not in the Council's interest to do a third meeting. Had the decisions been different, that may warrant a third hearing.

2. Tokos noted that he and Councilor Sawyer went to Albany to position ourselves for state funding of over a million dollars for projects in South Beach. That whole project involving the relocation of the light from 32nd to 35th and Ferry Slip realignment is about $2.6 million. Our share out of the South Beach Urban Renewal is $1.5 million. The state grant is over $1 million. Ours is the only project in our area they are looking at that involves road construction. Our project should get a top recommendation out of our area. Then we will be considered against other areas. Urban Renewal may not be available for match down the road. A decision on this will happen this fall.

3. Tokos said that the budget meetings are continuing. The next meeting is on Thursday, and he thinks that will be the last one. Tokos will cover Community Development, Urban Renewal, and System Development Charges. He believes that economic development will be discussed in great detail. Discussion will be whether the City helps fund a business recruitment coordinator. The Budget Committee is struggling with competing demands and additional utility fees. They are considering whether or not to take general fund dollars to backfill what would otherwise be higher utility rates. Tokos said that the Commissioners are welcome to attend on the 30th at 6:00 p.m. He said that they may end up talking about housing as well. The transit will probably also be discussed. There is a recommendation expected for whether funding of the $90,000 for the loop system that is coming out of room tax should continue at this point or not. Right now it's not in the budget. This affects a number of policies. It is part of the TSP. He said hopefully we can avoid this. The Council may be looking at a number of areas for policy obligations and how to carry those out.

4. The final meeting of the group that was formed to make a recommendation for an alternative to John Moore Road to the Port facility was held last week. Tokos believes that group is simply going to make a recommendation of things to consider for establishing such a route and not try to establish a route because it is not viable to actively pursue that right now. They feel they can at least sign in on a recommendation of what some factors should be once it's time for that conversation.

Croteau wondered if on the appeal of the Commission's decision, there was some new basis stated. Tokos said that wasn't necessary at all. It's not uncommon for someone to try to come up with new arguments, but they didn't try to do that. It is basically the same.

Croteau said that he felt that the Commission spent some good effort on the ADU code. He said we have to make affordable housing, and ADUs are a good step in that direction. With our aging population, it may benefit a lot more people than we are thinking about at this time.

J. Adjournment. Having no further business to discuss, the meeting adjourned at 7:25 p.m.

Respectfully submitted,

Wanda Haney
Executive Assistant