

Minutes
City of Newport Planning Commission Regular Session
Monday, July 25, 2011

Commissioners Present: Jim Patrick, Melanie Sarazin, Gary East, Mark Fisher, Glen Small, and Jim McIntyre.

Commissioners Absent: Rod Croteau (excused).

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

Chair Patrick called the meeting to order in the Council Chambers of Newport City Hall at 7:05 p.m.

A. Approval of Minutes.

1. Approval of the work session and regular session Planning Commission meeting minutes of June 13, 2011, and the work session minutes of June 27, 2011.

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

B. Citizen/Public Comment. No comments regarding non-agenda items.

C. Consent Calendar. Nothing on the consent calendar.

D. New Business.

1. Introduction of new Planning Commission member, Jim McIntyre. McIntyre was welcomed back to the Planning Commission, and he expressed that it was a pleasure to return.

E. Public Hearings.

Patrick opened the public hearing portion of the meeting at 7:07 p.m. by reading the statement of rights and relevance. He asked the Commissioners for declarations of conflicts of interest, ex parte contact, bias, or site visits. None were declared. Fisher raised a question about the Nye Beach Overlay, and the Commissioners had some discussion regarding that. Tokos noted that is one section of the zoning code, which is available on line. Haney will make sure hard copies are available to those Commissioners wanting one. Patrick continued by calling for objections to any of the Planning Commissioners or the Commission as a whole hearing this matter; and no objections were raised.

Legislative Actions:

1. Continued Hearing on File No. 5-Z-10. A request submitted by the City of Newport for approval of legislative text amendments to the Newport Zoning Ordinance (NZO) (Ordinance No. 1308, as amended) as part of a comprehensive Zoning Code update that proposes revisions to Section 2-2-1 (Zoning Districts), consolidating the I-2/"Medium Industrial" and I-3/"Heavy Industrial" zone districts under an I-2/"General Industrial" designation and replacing the land use classification for commercial and industrial zoning districts from one that is based upon "Standard Industrial Classifications" (SICs) to one that is based upon use categories. On April 25, 2011, The Planning Commission received testimony regarding this action and continued the hearing to June 13th for further testimony, and then continued the hearing again to tonight. The Commission will forward a recommendation on this matter to the City Council.

At 7:12 p.m. Patrick continued the hearing on File No. 5-Z-10 by reading the summary from the agenda and asking for the staff report. Tokos noted that before the Commissioners was a package of changes to the zoning ordinance following further direction from the Planning Commission. Tokos also put together a memo that outlines those changes. He noted that the first element has to do with the application of use categories in the C-2 zone within the Nye Beach Overlay. The Nye Beach Overlay as set up now has a section where it was allowing uses that are not allowed in the C-2 zone elsewhere in the City; but those uses are subject to conditional use review if over 2,000 square feet gross floor space. Through this process, the Commission received testimony from Nye Beach citizens that were concerned about the code allowing big uses not consistent with the "village" feel of Nye Beach. Their proposal was a 1,500 square-foot limit. The Commission asked for feedback on the size of the threshold. Tokos went back and met with this group of Nye Beach constituents, and it was decided to go with what is already in the code, which is anything over 2,000 square feet requiring review, and use that as the threshold. He took that to the Nye Beach Merchants, and they didn't have any concerns. Tokos said his advice would be to give that a shot. He said that the Commission had a concern about a large number of applications coming before them, but there is not a lot of development in Nye Beach.

This can always be changed. Patrick said he was happy with that. He said we need to start with a number and can always worry about it if the Commission starts seeing a large number of reviews. Tokos said he thinks this has addressed the Nye Beach concern. He said it is relatively straight forward. The code already had a 2,000 square foot threshold for some uses.

Tokos said the other element had to do with breaking back out the industrial districts into I-1, I-2, and I-3. To get there he had to create light and heavy manufacturing subcategories in order to have it make sense. Tokos said that he thinks he got it straightened out. Under I-1, heavy manufacturing is not allowed consistent with the current code. The light manufacturing subgroup allows more outright uses than the current code. Tokos said the theme the Commission wanted for this amendment was to err on the side of being more permissive. Mining is not allowed in that district. In the I-2 zone, office uses are allowed outright, which is slightly more permissive. General and bulk retail sales are allowed outright, which is consistent with the existing code. Personal service and entertainment are conditional uses. Some of those uses are currently allowed outright, while others are prohibited. Light manufacturing is allowed outright, while heavy manufacturing is a conditional use. Tokos noted that he did receive an email from Paul Lawson stating that this was more acceptable, but he would have more comments later this week. In I-3, general and bulk retail sales are conditional. On the balance, that is more permissive. It's a broader range; but conditional. Everything else is more or less consistent with how it's currently structured. Tokos noted that in the 2005 South Beach Neighborhood Plan, there was a policy looking at pulling commercial out of industrial zones; so he would caution getting too flexible. Tokos said that he had talked to Dennis Bartoldus today about the industrial zones. He said that if the Commission thinks this is getting close, we can set this as a potential adoption hearing at the next meeting. That would give Lawson and Bartoldus time to look at it more closely. Small noted that churches are not included anywhere in the use categories for commercial or industrial areas. He wondered where that would fall. Tokos said churches are conditional in residential districts. Small said that he could imagine churches in a commercial or industrial setting. Tokos thought churches would fall under the community services use category. Fisher said they could be in water-related as well. He said they could be anywhere; always conditional because we would want to review it. Tokos said he could add churches to the list of examples under community services; number 3, on page 14. Small said he personally would like it to state that.

Testimony: Dennis Bartoldus, PO Box 1510, Newport. Bartoldus said that he received a copy of the draft code today and would like to look it over and make any comments they might have. First, he said that the Commission might want to take a look at this. If you're only adjusting commercial and industrial and you create broader categories, residential zones have things specifically listed. When interpreting it, it is specifically listed; but if it's not listed in the commercial or industrial, it might be interpreted that it was meant to be excluded. He said that what you are trying to do with commercial and industrial should be consistent with the part of the code that you are not changing so that there isn't an interpretation issue. He said the second thing has to do with the amount of flexibility you are trying to build into the ordinance. His preference as an attorney has always been for flexibility; but when he thinks back about certain things that have tried to locate in the community, such as movie theaters and bowling alleys, many times you run into where property isn't really zoned for it. In the conditional use process, it opens it up for appeals if neighbors don't like it. One problem you often have is the owner doesn't want to be the developer for the use that the zoning ordinance may say. He thinks flexibility is good if looking to bring certain kinds of features to the community. Lots of times larger properties are needed for that. Bartoldus said that he will try to bring more specific comments regarding the Tryon property and how it affects them. He said that he noticed some amendments to the TSP through the legislature and wondered if they will be factored in. Tokos said they will probably be factored in through the TSP work in South Beach,

MOTION was made by Commissioner Small to continue the hearing to August 8th to gather further testimony and with the intention of reaching a decision that evening. McIntyre had a question about a conflict in the density explanation of the residential zones on page 4. Tokos said that some of the residential districts need work. R-1 and R-2 are both low density, but R-2 has allowance for smaller lot sizes than R-1. He said the reason we stayed out of residential is that commercial and industrial was a large enough bite. We were in the midst of doing the housing study and until that was complete, the Commission decided to hold off on the residential. He said that is why we didn't touch that residential piece. Patrick agreed that we will look at the residential code later on the horizon. He said that we were trying to get rid of the SIC codes, which involves the commercial and industrial districts. Tokos said that flexibility is one of the reasons we are doing this work. Currently if a use is not there, you have to go to the Planning Commission for an interpretation. In this code, there are examples. It has the flexibility for a decision at staff level if a use fits in a category because of all of the other examples. Commissioner Sarazin seconded Commissioner Small's motion to continue. The motion carried unanimously in a voice vote.

F. Unfinished Business. No unfinished business to discuss.

G. Director's Comments.

1. Tokos noted that the second open house on the TSP will be held on Wednesday at 5:00 p.m. here at City Hall. It will be a drop in as you can format.
2. Tokos mentioned that on the 15th he attended a whole-day session with Yaquina Bay Ocean Observing Initiative group in South Beach who are pursuing marine research, better market sites, etc. He noted that the Mayor also is coordinating with the Chamber of Commerce to put together a group to look at development more generally. He said hopefully these two efforts can merge. Tokos said that we do have funds that were budgeted for next fiscal year. He said that one thought is to go out and do an

economic opportunity analysis refining numbers in terms of how the tourism industry is as opposed to fishing, research, or other things. Some of those funds are available for development strategies for bringing properties on line, working with partners to market commercial and industrial mix, and whether we need to bring in more industrial. Grant openings will be coming up, and we will be eligible for those funding grants. It would be for industrial and commercial, but we have previously identified a deficit in large industrial sites.

H. Adjournment. There being no further business to come before the Planning Commission, the meeting adjourned at 7:40p.m.

Respectfully submitted,



Wanda Haney
Executive Assistant