

**MINUTES**  
**City of Newport**  
**Planning Commission Work Session**  
**City Hall Conference Room "A"**  
**Monday, May 14, 2012**

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

**Planning Commissioners Absent:** Melanie Sarazin, Jim McIntyre, and Gary East (*excused*).

**Citizens Advisory Committee Members Present:** Lisa Mulcahy, Bob Berman, and Bill Branigan.

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

**DLCD Staff Present:** Patrick Wingard and Matt Spangler.

Chair Patrick called the Planning Commission work session to order at 6:00 p.m. and turned the meeting over to CDD Tokos. Tokos introduced Patrick Wingard who is replacing Matt Spangler as our new DLCD regional representative and noted that Matt Spangler is now doing coastal land use planning things.

**A. New Business.**

1. **DLCD Training: Oregon Land Use System – part 1.** Tonight's work session was dedicated to part one of online land use training. The web training is titled "Understanding Oregon's Land Use Planning Program". The web site is [www.coastalatlantlas.net/training](http://www.coastalatlantlas.net/training). Tokos explained that this is a brand new product that DLCD put out that has coastal emphasis. He noted that there are review scenarios that would be skipped for the work session; but the Commissioners can do them on their own if they choose. The purpose of this training program is to provide a greater understanding of Oregon's Statewide Planning and Coastal Management programs and how they relate to local government planning efforts.

Chapter 1 provided an overview of the Oregon Land Use Planning program. It explained that the purpose of land use planning is to efficiently manage land uses and activities to meet the needs of today while conserving resources for future generations. Planning protects natural systems from adverse effects of unregulated development and promotes development that enhances livability through man-made systems. In Oregon, this is accomplished by coordinated local government comprehensive plans and implementing measures that reflect state policies while meeting local needs and conditions. A comprehensive plan is a generalized, coordinated land use map and policy statement of the governing body of a city or county. It relates to all man-made and natural systems as well as activities relating to the use of lands and establishes the community's vision and identifies the type, location, and intensity of future development. It must address local conditions and priorities consistent with the applicable requirements of the Statewide Planning Goals. In compliance with statewide goals, cities and counties adopt their comprehensive plans and implement them through ordinances, codes, and regulations. It has the force of law and is the guiding land use document for each local jurisdiction. Local comprehensive plans and implementing land use regulations are reviewed and "acknowledged" by the state.

Oregon land use planning dates back to 1973 with the adoption of Senate Bill 100. Oregon has nineteen statewide planning goals that can be clustered into four groups: Goals 1 and 2 are the process goals of comprehensive planning; Goals 3 through 8, 13, and 15 express natural resource conservation goals; Goals 9 through 12 and 14 are concerned with housing, transportation, urban growth, and economic development; and the remaining Goals 16 through 19 apply specifically to the unique resources of the Oregon coast.

Chapter 2 dealt with urban, rural, and resource planning. Cities have the primary responsibility to plan for and manage urban-scale development and provide appropriate services for areas within their UGBs. Cities and counties must maintain a 20-year supply of land within the UGB to meet projected needs. Land use goals require cities to maintain an adequate supply of suitable sites that meet their community's economic development needs, policies, and objectives; to assure adequate opportunities for a variety of housing types, locations, and densities that meet the community's housing needs based on coordinated population projections and other factors related to local housing and employment trends; and to plan for and develop timely, orderly, and efficient sewer, water, transportation, and other infrastructure that support existing and proposed land uses. Each local government with more than 2,500 people must adopt a Public Facilities Plan for water, sewer, and transportation facilities. Local governments are required to follow a specific planning process for protection of natural resources.

Goal 12 guides transportation planning in the state and requires many communities to adopt a TSP and coordinate land use decisions and local transportation planning with ODOT. The TSP is a major tool for guiding the location, timing, and scale of

development. The TPR implements Goal 12 by integrating decisions about land use and transportation; and local governments must ensure that their comprehensive plans and land use regulations are consistent with and support their TSPs. They also must take appropriate action to resolve any transportation impacts on new development.

The purpose of Goal 7 is to protect people and property from natural disasters and hazards by limiting or prohibiting certain developments in hazard areas. As components of their comprehensive plans, local governments are required to include inventories, policies and implementing measures to reduce risks to people and property due to natural hazards and disasters. Communities should require a site evaluation report when considering approving new development in known or potential hazard areas. Development within a floodway is prohibited, while development within a floodplain generally is allowed. Coastal areas are subject to unique hazards; and coastal cities and counties have developed comprehensive plan provisions and zoning ordinances to address these hazards consistent with the state coastal goals.

Chapter 3 covered implementing measures and land development in practice. The process to prepare a comprehensive plan requires several steps: identifying current conditions and issues; collecting data; setting goals; and preparing the plan. Adoption of the comprehensive plan is a legislative action and follows public hearings and final approval by the city council or county commission. After state review and acknowledgment, the comprehensive plan becomes the community's guiding policy statement regarding land use and development. State law establishes procedures for periodic review of comprehensive plans and land use regulations. This process is mandatory for some more-populated jurisdictions and is optional for others.

The purpose of a zoning ordinance is to carry out the policies and designations contained in the comprehensive plan. Zoning ordinances divide a community into various land use zoning districts. The zoning map is a visual planning tool that implements the comprehensive plan. The map shows the location and boundaries of base zones and overlay zones covering all geographical areas of the city or county. Basic zone designations typically include general categories of uses such as residential, commercial, industrial, public, farm, forest, and rural residential. Overlay zones modify the regulations in a base zone by allowing or limiting uses or adding specific requirements. Overlay zones typically apply to floodplain and natural hazard areas; specific natural resource areas; or special use areas such as airports. Often several more specific zones are included within the basic zone categories; such as subcategories of residential that include single-family, multi-family, medium-density, and high-density.

Local governments may allow certain uses in a zone subject to review and special conditions. Conditional use provisions generally apply to uses or activities that have potential adverse impacts or compatibility issues and therefore require review. In many cases, adverse impacts and compatibility issues can be resolved or minimized by the application of conditions or limitations. Zoning ordinances specifically list the types of uses and activities that may be authorized through the conditional use review process.

A variance allows a local government to modify some requirements to account for unique circumstances based on standards outlined in the zoning ordinance. Variances may reduce lot size requirements or coverage standards, off-street parking requirements, or structural setbacks. Variances are subject to specific and rigorous approval standards outlined in the zoning ordinance. Decisions require evidence and findings demonstrating the standards are met. Variances do not allow uses not otherwise authorized in a zoning category.

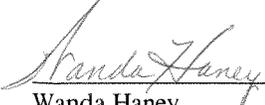
Euclidian Zoning is the most common zoning ordinance framework used in the United States. The term "Euclidian" is from the 1926 US Supreme Court case, *Village of Euclid, Ohio vs Ambler Realty Co.* This style of zoning segregates land uses into use categories based on the type and intensity of allowed uses and activities. Over time, many communities have chosen to abandon this tiered approach in favor of more specific and exclusive zoning categories. Local governments also are increasingly considering "Performance Zoning," also known as "Effects-Based Planning," and "Incentive Zoning." Both establish goals and criteria for development and are considered more flexible than more conventional zoning. Another alternative, "Mixed-Use Zoning," allows compatible but different types of uses in a single area. A mix of housing, retail, and offices often results in a compact pedestrian-friendly development pattern. Mixed-use areas can be included within "Form-Based Codes," which regulate development form rather than land use.

Minimum lot size is the smallest area allowed for a lot or parcel. In cities, this is the smallest area of land in a particular zone on which a structure may be built and is typically expressed in square feet. The minimum lot size in an area determines the density of allowable development.

Partitions and subdivisions undergo two stages of review and approval. A tentative or preliminary plan is a proposal that is reviewed by local officials to ensure conformance with code or ordinance requirements and identify planning issues or problems. After it is approved, the tentative or preliminary plan becomes a final plat with accurate survey lines and dimensions of lots, streets, utilities, and other physical features. This final plat is officially recorded with the county.

**B. Adjournment.** Having no further time, the work session meeting adjourned at 7:00 p.m.

Respectfully submitted,

  
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Wanda Haney  
Executive Assistant