

MINUTES
City of Newport
Planning Commission Work Session
City Hall Conference Room "A"
Monday, January 28, 2010

Commissioners Present: Jim Patrick, Melanie Sarazin, Mark Fisher, John Rehfuss, and Gary East.

Commissioners Absent: Glen Small and Dawn Newman (excused).

Citizens Advisory Committee Members Present: Lisa Mulcahy, Dustin Capri, and Bill Wells.

City Staff Present: Community Development Director (CDD) Derrick Tokos, Senior Administrative Assistant Wanda Haney, and City Attorney Penelope McCarthy.

Chair Patrick called the Planning Commission work session to order at 6:04 p.m. and turned the proceedings over to CDD Tokos.

A. Unfinished Business.

1. Continued Comprehensive Zoning Code Update with discussion and review of NZO Section 2-5-4 (Planned Developments).

For discussion on this topic, Tokos had included in the packets a cover memo that walked through issues the Planning Commission had previously identified for this NZO section based on a memo that the former CDD, James Bassingthwaite had put together. Tokos also included copies of the current code and a few sample codes. The first suggestion on the 2005 memo was to provide a better tie to the subdivision ordinance. Tokos said that we probably want to do that; or at least clarify the relationship between the two, what rules apply to each, and explain the timing to complete each. He noted that one deals with dividing land, while the other deals with establishing what use can be made of the land. A second suggestion raised was to eliminate the requirement that conditional use criteria be met for a request that includes that. The third issue noted was to clarify modification procedures and provide a streamlined process for minor modifications. Tokos said that he can put together some parameters of what would be a minor change and what warrants going back to the Planning Commission. Tokos noted that Section 2-5-4.020 (findings) lists what criteria apply to preliminary plans and final plans. There are a whole lot of other standards, and it's not clear at what point we should be looking at them. The terminology needs to be cleaned up in order to have this indicate what is evaluated for preliminary plans and what to look at for final plans. Rehfuss said that he is in favor of having the CDD approve minor modifications. Tokos said that the next item noted is that there is a requirement in the code that the final plan should be submitted within six months. He said that the Commissioners may want to think about a different time frame because six months is rather tight. In addition, he noted that this should probably line up with the general procedures section. It was previously noted that proposed development approval should be changed to the CDD rather than the Building Official. The Building Official is competent about individual structures, not the entire development. The code says what a developer can do after the plat is completed. Tokos said that we might clear up what that means to the final subdivision as well. Tokos had included some sample codes from Dallas, Portland, Bend, Lincoln City, and the state model code. He noted that Portland does not limit an applicant to the uses in the underlying zoning district. They allow some other uses, such as neighborhood commercial. Right now our code doesn't allow that. He asked the Commissioners if they wanted to go that way. Fisher thought that if the size and scope is limited, that would be reasonable. East thought that as long as it's a planned development, those types of things can be planned into the community. Tokos noted that there is a two acre minimum requirement for a planned development, so it would need to be a larger piece of property. He said he would have to draft some strict regulations if these types of uses were allowed. Their code was crafted to provide some uses not otherwise allowed in certain districts. Tokos gathered from the discussion that the Commissioners would like to see something like that. Tokos noted that the thing with Lincoln City is that they crafted their planned development code so that if an applicant wants a planned development, they have to do something special in return (like sustainability or affordable housing). Lincoln City has built in a lot of standards there. The city can use a planned development to allow an applicant to do something not normally allowed, and the applicant needs to do something else in return. Tokos noted that Lincoln City spells it out. He said he is not sure we would want to construct ours the way they did. He was just trying to determine if the Commissioners were interested in doing what Lincoln City did. Rehfuss thought their code was too complex. Capri thought maybe it could be done without being so specific by writing in broader standards. Tokos said we have to be specific about parameters. Tokos asked the Commissioners if conceptually they wanted to make some minor tweaks to this code, or if they wanted to see some sustainability or affordable housing benchmarks. He asked if the Commissioners were just looking to cleanup language or looking at trade offs. Patrick said that if trade offs are put in that allows extra density if an applicant does something

specific, he doesn't know that we will get any takers. He said that he hasn't seen people coming before the Commission asking for more density. Tokos said he could look at structuring a very clear way for what we are looking for as a goal. He said that we want clear standards; and ideally, if special incentives are included in the code, we want to see it used. Tokos noted that grant money was just obtained to do a housing needs study. He said we can hold off on trying to build housing incentives in the code until those recommendations are made. We could pick it up at that time. The consensus was that that was a good idea. Tokos said that he gets the indication that in the near term, this code just gets cleaned up with some uses outside the underlying zone that would be appropriate to allow in a planned development. Tokos noted that Bend breaks theirs up for two different processes when they have a developer designing an entire neighborhood versus a small-scale project. He noted that Newport doesn't have infill to the same extent these other jurisdictions do. He said that when he included these, he wasn't thinking about infill as much as wondering if we should think differently about a large developer like Landwaves. Patrick said that he thought Wilder got where they wanted under the code we have. Tokos summed up that he will focus on doing cleanup in terms of covering the elements listed in the memo; and in terms of an options package, he will bring in something regarding uses not otherwise permitted in the district. Rehfuss thought that the model code looked good, and Tokos said he will take a look at it.

B. New Business.

1. Community Development Department Report of 2009 Land Use and Building Permit Activity. Tokos had included the CDD 2009 calendar report, and he gave a quick summary. He noted that land use actions were up. Building permit activity was essentially the lowest it had been for ten years. During the building lull, people are wrapping up the planning stage. On the building side, Tokos noted that there is a very healthy building fund that has built up over the years. He said that we can weather it out for a while if we have to; probably good for five years. Tokos said that he doesn't think the next year will be much better; maybe like 2008. NOAA permits will make it look a little better. Next, Tokos noted some of the things in terms of progress in Council goals. Because of state funding, Newport landed in "delayed indefinitely" for periodic review. The earliest will be 2011-13. He noted that we want to get as much done as we can so it's an easy process. For that reason and because we have a new employer coming to town, we need an inventory of housing needs. Tokos noted that the wetlands inventory is phase one of a two-phase project. Wetlands are getting mapped so that we can know where they are and their quality. Then we can determine what we should do to protect them. The wetlands that we inventory will be taken out of the buildable lands inventory because we can't consider them developable. This should dovetail with the housing needs. One of the items was the transportation refinement plan for South Beach, which has helped to identify what we need to do down there. Another thing is that we need more work on the Goal 9 economic development piece. The state has some issues in terms of mixed commercial and industrial land and is not happy with that. There is property the owners can't use because of access to the highway. The 2005 study showed a limited number of commercial properties. We will probably be looking at redevelopment in the future. Tokos said that we are making significant progress on the zoning code. We may not absolutely have it wrapped up by the end of the fiscal year; but it will be close. Tokos also noted that we have been assisting Nye Beach, Bay Front, and City Center with their parking districts. It will help those districts meet their parking needs better than under the existing code. He talked about what the different areas are looking at. Other items Tokos noted were that we are making some progress on acquiring trails, we are working on a GIS mapping system, and we are working with Public Works on the water treatment plant. Tokos said that the fee study has been implemented, and one of the goals is to get set up for credit cards. Patrick suggested getting all forms on line so they can be filled out that way.

2. Discussion about the budget and any significant projects the Planning Commission would like to see done. The last agenda item was discussion of the goals for next year. One of those is to develop a transition plan for a building official. Tokos noted that our building official is working post-retirement, so we have a limited window for this. We need to work on this goal. Another thing, we are working on the Comprehensive Plan update. Grants have been obtained for a local wetlands inventory and a housing study. We will start the economic development piece. Next, the TSP update is still out there. It's not a process we control; ODOT oversees it. It looks at what we can do to increase traffic flow on Highway 101 based on an alternative mobility standard. The current standard is overly constraining and is not going to work here. This process is to develop an alternative standard. It still needs to be a goal. Last, the storm water master plan will need to go into the Comprehensive Plan and will lead to standards for development. Goals outside the Community Development Department include, enhancing GIS mapping, document imaging (especially building plans), and providing the ability for credit card payments as just discussed. Tokos asked the Commissioners if this was generally on track or if there were some other major things to think about. Fisher suggested thinking about bridge replacement because it is more than 70 years old. Also brought up was an alternative way around the Bay if the bridge is down.

Going back to the zoning code update, Mulcahy had some additional comments about the planned development code section. Regarding open space on page 121, Section A #3, she thought that "worthy of preservation" may need to be clarified. She raised concerns about neighborhood associations discussed under Section B #2 on page 121. Tokos said that this goes back to common area and who is the appropriate owner for that common area. Some discussion ensued regarding common areas. Tokos said he will look at options for dealing with common space. Mulcahy had a final question about

item "B" on page 122, where it talks about private parks (water ways). She wondered if it means existing on land or that people would be creating those things. Tokos thought it could be either. This section will be back before the Planning Commission.

C. Adjournment. Having no further time, the meeting adjourned at 7:05 p.m.

Respectfully submitted,



Wanda Haney
Senior Administrative Assistant