

MINUTES
City of Newport
Planning Commission Work Session
City Hall Conference Room "A"
Monday, November 22, 2010

Planning Commissioners Present: Jim Patrick, Mark Fisher, Melanie Sarazin, and Glen Small.

Planning Commissioners Absent: Rod Croteau, Gary East, and John Rehfuss (all excused).

Citizens Advisory Committee Members Absent: Dustin Capri, Lisa Mulcahy, and Bill Branigan.

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 6:00 p.m. and turned the meeting over to CDD Tokos.

A. Unfinished Business.

1. Further review and discussion of the policy of using Standard Industrial Classification (SIC) codes for NZO Section 2-2-1.030 (Commercial and Industrial Districts) and Section 2-2-1.035 (Commercial and Industrial Uses). Tokos noted that there are a lot of SIC codes that we won't use, and we are going to have to change some. He handed out a spread sheet that summarizes what we now have in terms of use categories. Going over the hand out, he explained that the zones are listed across the top and include an explanation of what we are trying to accomplish with each zone. Tokos summarized each of these descriptions. Next, moving down the sheet, the left hand column contains the use categories and an explanation of the characteristics of each. The first category listed is 'office'. Office use is okay in C-1. Most are prohibited in C-2 except for medical, real estate, and banking (but not other financial). Tokos said that a lot doesn't make sense in the C-2 zone. In C-3 and I-1 all office uses are allowed. I-2 allows all offices but medical. I-3 only allows government offices. Tokos said he didn't know why that is. The next category is 'retail sales and service', which includes several subcategories. Tokos said this was a tough one. The first subcategory is 'sales-oriented stores'. What he found in the C-1 zone is that most SIC codes for retail sales are permitted, but some bulk retailers (i.e. used car dealers, lumber, retail nurseries, etc.) are conditional. Manufactured dealers are prohibited. Tokos said that 'bulk retailing' would be one way to break that out. In the C-2 zone, some seemed to be picked. Most bulk retailers are prohibited. C-3 pulls in bulk retailers except manufactured home dealers. Patrick noted that here there are not any dealers manufacturing homes, they are only selling. He wondered if there was a zone where that would be appropriate. In I-1 and I-2, all retail sales are allowed. In I-3, most retail sales are prohibited, and bulk retailers are permitted. Tokos noted that the State would like to not have commercial mixed in with our industrial. We need to have land inventory for industry. Retail uses don't generate living wages that industrial uses will. 'Personal services' is another subcategory. It includes other medical services, legal, and financial uses. There are no issues with C-1. Again, there is one unusual thing in C-2, where self-service laundries are conditional. C-3 and I-1 are okay. Tokos said that he doesn't know why legal services are not allowed in I-2, while all others are. The next subcategory, 'entertainment', includes RV parks. Entertainment uses are allowed in most zones. Membership-based lodging is conditional in C-2, and RV parks are prohibited. Entertainment uses are prohibited in I-3. Tokos said that the C-1 and I-3 zones make sense. Some of the uses in the 'repair-oriented' subcategory are allowed in the C-1, but electrical and miscellaneous repair are prohibited. Tokos said that he doesn't know why that is. All repair uses are prohibited in C-2 and I-3. The next major category is 'vehicle repair'. Vehicle repair is prohibited in C-1, but vehicle service is allowed. Vehicle repair is not allowed in C-2 or I-3. 'Self-service storage' is a category all by itself because it is hard to fit into other categories. Self-service storage is prohibited in C-2, but is allowed in C-1, C-3, and all industrial zones. Patrick said that this might not be a good use of I-3. The 'entertainment and recreation' category includes drive-in theaters and gyms. Most uses are allowed in C-1, except for drive-in theaters. Bowling alleys are prohibited in C-2. It was discussed that most entertainment and recreation uses would make sense in the tourist commercial zone, and Tokos said this would be the time to fix some of these things. Entertainment and recreation uses are allowed in the I-1; some are prohibited in I-2; and are prohibited entirely in I-3. 'Parking facilities' are allowed in all zones right now. The 'contractors and industrial service' category uses are prohibited in C-1 and C-2 zones, but are allowed in all others. Tokos said that a lot of this has to do with the storage of equipment to carry out the business. The next category is 'manufacturing and production' uses. These uses are prohibited in C-1 except for printing, publishing, and allied industries, and are prohibited entirely in C-2. Most are prohibited in C-3; except that furniture and fixture manufacturing, printing, publishing, allied industries, and a selection of other uses are allowed. Tokos said that I-1 has a list and is a tough one to parse, but he tried to go through all of them and carve out everyone that could potentially have a nuisance base to it. He said that he thinks what could be done with this category is make a pretty good list of what uses are desirable for light industrial zone and what isn't. It's not supposed to have heavy industry. It should be something high tech, conducted primarily indoors, and not producing dust. To describe what fits, he could list what the desired characteristics of a light industrial zone are rather than trying to select out

uses. Tokos said that we might want to look at I-2. He said that he can go back through it because some of the problem areas there are going to be the heaviest manufacturing uses. Patrick agreed that I-3 should be those uses that create noise, odor, or dust. I-2 allows most manufacturing, even some of the heavier uses and those dealing with raw materials. Those that are bigger waste producers are not what we want to see in medium industrial areas. Tokos said that he can bring back some language on that. Fisher gave an example of a business that involved chain saw carvings on site and wondered where that would fit. Tokos said that if the wood carvings were the primary use, then it would be retail; but if the business were lumber and there were carvings on site, then it would be set up as industrial. Tokos raised the suggestion that maybe industrial should just be broken down into "light" and "general". He said that he could see how much I-2 zoned property the city has. Patrick said it would be helpful to look at the zoning maps and see what is proper for I-2. It was mentioned that maybe the I-2 is to serve as a buffer between the other two industrial zones. Tokos said he will look further into I-2. The next category, 'warehouse, freight movement, and distribution', is prohibited in the C-1 and C-2, but allowed everywhere else. Next, 'wholesale sales' is prohibited in C-1 and C-2, and for the most part allowed in all other districts except for metals and minerals in C-3. The 'waste and recycling' category uses are conditional in all districts. People expect hearings to make sure that contaminants are being handled properly. The 'basic utilities' category is not really addressed. Utility uses like substations are usually treated as an accessory use. Tokos said that we should probably address them and list them as allowed because that is how they have always been treated. The 'utility corridor' category uses (big transmission facilities) are conditional in all districts. Tokos said that he thinks the utilities break pretty cleanly. He said that the 'community services' category is a little strange. National security services are called out in the SIC code. He thought we should let that go. All others are allowed in C-1. Patrick said that C-2 doesn't make a lot of sense. Tokos said that he is not sure we would want to see these uses in tourist commercial anyway. He is not sure why they parsed a few of them out. C-3 allows all, and I-1 allows some. Tokos said that some don't make sense; and we probably want to see them all allowed. He said that I-2 and I-3 are probably not a location that we would want to see them. 'Daycare' facilities are called out and handled separately. Tokos is not sure why they are allowed in I-3. Small daycares are not covered now in SIC codes. He said that we maybe can put in there that they are allowed in most zones. We don't want to stand in the way of on-site day care where a company may want to provide that. Uses in the 'education services' category are prohibited in I-3. Tokos doesn't believe we should have daycare there either. Most educational services are allowed in the C-1, except that elementary and secondary schools are conditional. In C-2, only elementary and secondary schools are allowed as a conditional use. C-3 is effectively the same as C-1. Then the industrial zones carve them up and allow only correspondence and vocational schools. All are prohibited in I-3. In the 'medical center' category, uses such as labs are allowed in C-1, but hospitals are conditional. These uses are prohibited in tourist commercial. C-3 is the same as C-1 with hospital and overnight care being conditional. Hospitals are prohibited in the industrial zones, but some medical center uses are allowed in I-1. Uses in the 'courts, jails, and detention facilities' category are allowed in all zones. McCarthy thought it strange that these uses were permitted in C-2. It was noted that most jails would be in a public zone, except for privately-owned facilities. The 'mining' category uses are prohibited except in the heaviest of industrial zones (I-2 and I-3), which is limited to sand and gravel for the most part. In I-3, clay and ceramic are conditional. Tokos noted that if we are looking to incorporate just into general industrial, that would be okay for mining. Tokos listed the 'agricultural or forestry' category because it is allowed on the SICs. We have none of it in the city. Veterinary services are fairly typical for a city. Veterinary services are not allowed in C-1, but are allowed in C-3 and the industrial zones. Tokos said that he doesn't know if we should be allowing agricultural uses in industrial zones anyway. He said it doesn't make sense, but we can list them. We won't be seeing cash grain crops in industrial. The last category is 'communication facilities' such as cell towers. They are allowed in all districts except C-2.

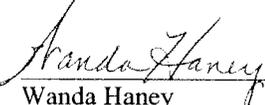
Tokos went back to the beginning to go back through to get a synopsis of changes. He said that what he can bring back is some kind of structure with a good sense of what would be changing along with a map to see if it would match up. Tokos said that what he got is that we might want to combine I-2 and I-3 into general industrial. He will see how much I-2 zoned land we actually have compared to I-3, and we might be able to just combine them. Summing up, Tokos noted that for the 'office' category, those uses will be allowed in C-1, prohibited in C-2, allowed in C-3 and I-1, and prohibited in heavy industrial. He said that in industrial, it can be set up to either allow it or not. He said we probably won't see a lot of interest because it tends to be accessory to the industrial use. For 'retail sales', in many cases, it makes sense to separate bulk retail. With C-2, that is one area where it will have to be parsed out. It is hard not to do that. In C-1, all are allowed; but bulk retailers are conditional because they take up a lot of land and have a bigger impact on the ground and likely on neighboring commercial retail uses. He said we will let everything go in C-3 because that is why we have heavy commercial. We will leave things alone in industrial and not try to carve it out now. Bigger bulk retail type establishments will be limited to Industrial. Tokos added that he didn't know why department stores are in industrial. We will leave 'personal services' uses allowed in C-1, C-3, and I-1; and prohibited in heavy industrial. Tokos asked what the Commissioners wanted to do with tourist commercial. Patrick said the only thing that makes sense is self-service laundries; the rest don't make any sense anyway. He suggested maybe just making it a conditional use for any services. 'Entertainment' subcategory uses are allowed except in heavy industrial. Tokos said we will leave RVs alone in Nye Beach at this point. He said that the 'repair-oriented' subcategory made a lot of sense. We will just say allowed in C-1. 'Vehicle repair' breaks clearly. Service type is allowed in C-1. Vehicle repair is allowed in some, but not in C-2. C-3 and I-1 allows it. It would be prohibited in heavy industrial if the Commissioners feel that is appropriate. Regarding the 'self-service storage' category, Tokos said that mini storage may not make sense in heavy industrial. Patrick said RV storage and vehicle storage does, though. The consensus was to leave it as is. The consensus

regarding the 'entertainment' category was that any entertainment should go in tourist commercial and still prohibit it in heavy industrial. For the 'parking facilities' category, pay lots should be allowed in all districts. The 'contractors' category seems reasonable as is. Under 'manufacturing and production', Tokos doesn't think that C-1 and C-2 make sense. He will set printing up as a retail use, which will allow it in C-1; and will scratch it out under manufacturing. There was brief discussion about printing. Tokos said that he can give a list of examples. I-1 would become those types that are not big noise generators. He can come up with a list of typical uses. If I-2 and I-3 are combined, we can just say "and all other manufacturing". In I-3 certain uses like munitions manufacturing or those that involve toxins should be conditional uses. Patrick suggested that it can say those with excessive dust, noise, and heavy traffic. The 'warehouse' category is good. In the 'wholesale sales' category, the phrase "except for metals and minerals" can be removed. The 'waste and recycling' category is okay. The uses in the 'basic utilities' category should be allowed outright. The bigger utilities category is stricter. Tokos thinks that 'community services' should be allowed in C-1, and we need to get rid of "except for national security services". Community services uses are prohibited in C-2, allowed in C-3, and prohibited in heavy industrial. Patrick mentioned the armory, and Tokos said we could add "government that have heavy industrial equipment". McCarthy asked about the chamber of commerce, and Tokos said if they could show a connection to tourist commercial, then it would be allowed in C-2. 'Daycare' category uses should be prohibited in heavy industrial. Everything else there makes sense. Tokos said that the 'educational services' category looked okay, and the same with the 'medical centers' category. Patrick thought medical centers should be made conditional in C-2 if an immediate care facility or a first aid station were put in. It was explained that this is talking about overnight care, which then should be prohibited in C-2. Tokos said that 'courts and jail' uses are not making sense in tourist commercial. Patrick wasn't sure it made sense in I-3 either. The consensus was to list these uses as conditional across the board. Small raised the question as to where transition homes or juvenile centers would fall. Patrick thought maybe that should be listed separately and be made conditional. Tokos said he will put some thought to that one. The 'mining' category looks good. Fisher thought that combining I-2 and I-3 makes sense on that one. Regarding 'agriculture and forestry', Tokos said he can scrap most of that and go with landscaping, nurseries, and veterinarians and animal care. Those are the ones that makes sense in the city. 'Communication facilities' are allowed in all but C-2.

Tokos said that he will bring back new language and maps to review at another meeting.

B. Adjournment. Having no further business to discuss, the work session meeting adjourned at 7:09 p.m.

Respectfully submitted,



Wanda Haney
Senior Administrative Assistant