

**MINUTES**  
**City of Newport**  
**Planning Commission Work Session**  
**City Hall Conference Room "A"**  
**Monday, December 13, 2010**

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

**Planning Commissioners Absent:** Gary East.

**Citizens Advisory Committee Members Present:** 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.

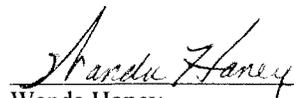
**A. Unfinished Business.**

1. Continued discussion of the 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 had provided materials for discussion to keep the SIC code update moving along. At the last meeting, the Commission had talked about the matrix and went through the chart and talked about what makes sense and what doesn't. The general consensus had been to combine the I-2 and I-3 zones. Tokos did include maps showing where the I-2 and I-3 zones are located. He said there is not a lot of industrial property of this type in either district. There is a piece of I-2 on the far north side of town; and there is also that little piece of I-3 located there. There is a substantial chunk of I-3 zoned property (30 ac.) by the port terminal and a 16-acre piece on SE 40<sup>th</sup> (GVR site). This 40<sup>th</sup> street area is where there is interest in retail development. Right now they have expressed interest in trying to get that developed in some retail manner, and Tokos imagines that they will be coming in for rezoning anyway. Tokos said that he thinks it is possible to combine the two zones since we have very little. He did talk to DLCD, and they didn't have any concerns with combining the districts. He said it will require some dialog with property owners to get them up to speed and answer their questions because they will be cautious about any rezoning. Tokos explained that the I-2 general industrial zone created would be very similar to I-3 now. I-3 allows some of the heaviest industrial and prohibits general retail, office, and things of that nature. I-3 is a littler stricter than I-2. Tokos asked the Commission if they felt it was worth moving forward and continue to explore combining those two zones. The consensus was that it was. Tokos went over what he had handed out at tonight's meeting. He included zoning maps that the Commissioners had requested so they can see where commercial and industrial zones are because what we are talking about with use categories focuses on commercial and industrial. On the maps those areas are shown in reds and pinks. There are pockets on the north. Commercial at the highway corridor (Hwy. 20 & 101). Tourist commercial on Elizabeth and NW Coast Street. A little tourist commercial on Bay Boulevard as well. On the south side, it is all along the highway. Out of the last meeting, what Tokos did was go in and establish zoning districts. Under Section 2-2-1.010, industrial is now classified as general and light industrial (I-1 & I-2). On page three is the intent of the I-2 General Industrial zone. The description was very similar. He had to merge in a little language from I-3 to accomplish this. This is where you expect to have noise, dust, and vibration. It is possible that there are uses that could go from conforming to nonconforming because we will be changing uses around in some of the districts. The next change to commercial and industrial districts is the application of use categories on page 5 (2-2-1.030). There are no changes in residential. We will need to send district mailers out, so it is easier to tackle commercial and industrial by themselves and not include residential. The language in 'A' is similar to what you saw. Interpretation was left alone. He reworked use categories based on the conversation we had when going through the matrix. He went through the list of categories and noted that the categories give characteristics, examples, and exceptions. Under exceptions, instead of picking out individual uses, he drafted in more of a streamlined explanation. 'Retail sales & services' was split into general retail and bulk retail. Then he went through the break down, which lists C-1, C-2, C-3, I-1 & I-2 with 'permitted', 'permitted conditionally', or 'not at all'. He noted that the use categories have been whittled down quite a bit. There are now 20 categories; and in the old code there were 972. Tokos wanted the Commissioners to review this initial draft and compare it against the matrix. His advice is to take some time and go category by category. His hope is that this structure is still going in the direction the Commissioners wanted. Tokos thought the Commissioners could spend some time between now and the next meeting comparing. At the next meeting, we can have a discussion on the details of each of the individual use categories. Maybe by that time, they can supplement the matrix with that information. We will need to take this out to the public. They know what to expect with the SICs; they need to know what to expect with use categories. If they are dissatisfied, they will desire to add individual uses back into districts, which will get into SICs. The Commissioners took some time to look through the draft. Tokos just made some general observations. On page 6, uses under the office category are permitted in all zones except general industrial. This would include TV, radio, general medical clinics, government offices. Larger professional

services have more office space. An individual realtor falls under personal services. Larger, more corporate headquarters fit here. Office uses are often accessory. That is one of the exceptions we are talking about. 'Retail sales & services' is where we have sales oriented general retail and bulk retail under the use allowances on page 15. 'Bulk retail' is more limited in C-1 and C-2. 'Personal services' (real estate, small-scale personal services) are permitted in C-1 and are conditional in C-2. These should be conditional in C-2 because we need to ask if the personal service is contributing to tourist draw. 'Entertainment' includes restaurants and is permitted in everything but heavy industrial. 'Repair-oriented' is more permissive in C-1 and restrictive in C-2. Some repairs that were prohibited in C-1 will now be allowed. Tokos borrowed a lot from Albany's code and the model code. He noted that conceptually what the exceptions are doing is addressing oddballs that fit in more than one category. 'Vehicle repairs' are allowed in C-3 and I-1. He put in some from the model code and Albany's code, so there may or may not be things that we have now. Tokos asked the Commissioners that as they read through the draft, if there is anything they notice to please let him know. He said that 'self-service storage' is a pretty straight forward item and is permitted in C-3, I-1, and I-2. For 'entertainment and recreation' one thing that struck him was in the other codes they put a scale factor in there. He wondered if that was an option the Planning Commission might want to consider. He noted that something really big like a baseball stadium is like mass commercial. These other codes use occupancy over a certain threshold or seating. We can set it up so anything over that use is a conditional use. There is some language in the model code. Tokos noted that a full-out convention center is permitted outright right now. Fisher asked about where an aquatic center would fit. Tokos said it would be under entertainment, and right now is permitted in most districts except I-2. Croteau thought there should probably be a threshold. The consensus was that it made sense to look at a threshold based on occupancy and seating that would require a conditional use. It was noted that the hard part will be getting a number. Tokos said that he can give the Commission several thresholds; adding that the Planning Commission will have a feel of what is appropriate for Newport. Tokos said that he doesn't mean to call out recreation venues only. There are some substantial retail uses. A superstore could have the same impact. It was noted that we don't have property large enough to build a superstore in C-2. Tokos said that he can also look at traffic so that if a use generates more than 'X' number of trips, it will need a review. Capri asked if it could be based on square footage, and Tokos agreed that it could be broken down that way as well. Tokos said we can look at a threshold for conditional use across the board. He said that we can look at using trips or building mass. It is a question of what the Commission thinks is appropriate to require someone to go through public notice and go before the Planning Commission. Patrick said to remember that we are making an economic decision to limit the town. Tokos said that the reason these large developers don't want to go through public notice is the ambiguity. They don't know what is going to be coming from neighbors. There is uncertainty. Fisher agreed that he would like to see some sort of threshold. Patrick thought the threshold should be high enough. Tokos noted that unless a new development trips a major safety threshold, ODOT doesn't have a lot to say about what is already zoned. Inconvenience is not a trigger. Croteau also suggested setting a fairly high threshold. Tokos said that he will take a look and try to put something together. He will take a look at what kind of options he can bring back. Continuing through the uses, McCarthy noted that parking facility is not listed in the text and wondered if this supports parking districts. Tokos said that would be a parking facility use and is a fee parking lot, which is allowed in all districts. 'Industrial services', which would include contractors, is allowed in C-3, I-1, and I-2. Patrick asked about a truck stop and gas station. Tokos said that it would be under retail services, which opens it up for a few more uses in C-2; but given where C-2 is located, it is not going to attract that use. Tokos noted that the national security stuff is gone too. Tokos quickly read through the rest of the categories. In 'manufacturing and production', he didn't have a lot to edit. It is allowed in C-3, I-1, and I-2. It is the same with 'warehouse/freight movement/distribution' and 'wholesale sales'. He made a clarification on 'waste recycling' in the exceptions to allow clean fill. 'Mining' was set up to allow only the types currently allowed (sand and gravel, crushed rock, and excavation of nonmetallic earth materials). It is allowed conditionally in I-1 and I-2. It's probably a little more permissive than the existing code. There are 'basic utilities' and 'utility corridor'. 'Basic utilities' will be permitted outright in all districts, and 'utility corridor' uses are conditional in all districts. 'Basic' is the stuff in neighborhoods; regional would be conditional (pipelines or power lines). 'Community services' are conditional in C-2, permitted in C-1, C-3, I-1, and not in I-2. 'Day cares' are the larger facilities and are permitted in C-1, C-3, and I-1, conditionally in C-2, and not in I-2. Tokos set up schools pretty much as the existing code allows. Elementary and secondary schools are conditional in commercial and prohibited in industrial. Vocational schools are allowed in light industrial, retail and service commercial, and heavy commercial. Tokos asked the Commissioners to take time to review this initial draft. He will email the matrix to the Commissioners.

**B. Adjournment.** Having no further time for discussion, the work session meeting adjourned at 7:03 p.m.

Respectfully submitted,



Wanda Haney  
Senior Administrative Assistant