

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

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

Citizens Advisory Committee Members Present: Bill Wells.

Citizens Advisory Committee Members Absent: Lisa Mulcahy and Dustin Capri (both excused).

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 proceedings over to CDD Tokos.

A. New Business. Before covering tonight's main discussion, Tokos wanted to discuss with the Commission that at tonight's 7:00 p.m. meeting there likely will be quite a few folks there asking that the Commission not conduct the hearing on the zoning ordinance update on March 8th. Tokos' advice to the Planning Commission is to hold the hearing on March 8th, but not make a decision on that evening and continue the hearing. At the workshop on this issue on February 17th, comments were taken. Tokos is going through addressing those comments and others that have been received. He will be breaking out the development limitations piece. The use of the maps and the erosion control were not what they were talking about. He will be breaking those out separately. Likely he will go with an A, B, or C option with different policy choices. The Commission will have received a draft by March 1st. On March 8th, Tokos will go through the revisions and present them to the public. The Commission can take testimony, close testimony, and continue to whatever date they feel is appropriate. Let the public digest the revised draft and pick up on the continued date and go from there. Tokos said that if the Commission wants to take testimony about timing tonight, they have that capacity. There is a hearing date scheduled to talk about substantive issues.

B. Unfinished Business.

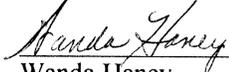
1. Continued Comprehensive Zoning Code Update with discussion and review of the policy of using Standard Industrial Classification (SIC) codes for NZO Section 2-2-1.030 (Commercial and Industrial Districts) and Section 2-2-1.035 (Commercial and Industrial Uses). Tokos said that he started getting into the SIC codes and ran into some issues that he wanted to talk about, and his cover memo outlined them. What he got from the last work session was to come up with a use category approach to dealing with land use code versus the SIC approach. There was not interest in rezoning property; just streamlining. Tokos said that he has to be very careful not to eliminate a use in a district or allow more than there was. The first issue is that in the State's model code, which Albany has already implemented, (he had included an additional copy of the model code with the packet) they list accessory uses in every use category. Newport doesn't; we just define what accessory use is. Tokos' assumption is that the Commission doesn't want to see accessory uses listed in the use categories. Tokos said he prefers not to go down that path but rather to stick with the way it is now by just defining it as customary and incidental. The Planning Commission agreed with that. The second issue is that it is unclear whether the existing residential, water-related, and public zones need to be rolled into this use category or not. They are not lengthy like the SICs. For example, Pages 33 l and m of the existing code show that the public zone takes up about 2/3 of a page. If he put them in use categories, it would probably be bigger and more cumbersome. He asked the Commissioners if they preferred that the use category structure be applied also to these zones or only for commercial and industrial, which is the SIC component that takes up the bulk of this. East thought just commercial and industrial, and Patrick said that he wasn't sure how to rewrite it without rezoning some of it. Tokos said that he started putting those in groups, and found that many uses have to be written in as an exception. The third issue is the challenge Tokos is running into with the C-2 zone. Unlike other zones, the C-2 zone is heavily customized so he will be doing a bunch of call outs in the C-2 zone. He showed "personal services" as an example. He said that he could pull C-2 out and describe it separately. A lot of exceptions are built into C-2. In a chart at the end he could just list out everything so there is a clear idea where the exceptions are. It is hard to fit C-2 into use categories because there are so many exceptions. Tokos said that we could go with use categories and streamline the document, but it would not be as user-friendly as we had hoped; especially in the C-2 because of the exceptions. There are some issues with industrial as well. He has to list some uses as exceptions so they don't get dropped or added in. The only way to really clean it up would be require that some uses that are called out specifically would have to go away or roll into their category. It wouldn't improve the thickness of the document because

there will be a number of exceptions. Since C-2 is a mix of a variety of categories of uses, it is tough to fit in use category grouping without calling out a bunch of exceptions. Tokos said that he can do it or call C-2 out separately and just list it. Patrick would like to see what it would look like if it had a use category in C-2. Tokos said he would probably look at the purpose and intent and how it's used. He thought that probably would be the easiest and briefest way to do it. He can use objective language and then chart it. The purpose section is helpful for figuring out what types of activities are permitted. He is afraid that we can't get there without rezoning property, which would be a more involved process. He asked the Commissioners if they wanted to do that. Patrick said that he didn't want to, but we do need to get this cleaned up. He thought that maybe this could be a two-step process by doing the cleanest thing we can do now to get us into use categories. Tokos said he could bring back a few use categories showing the best we can do without rezoning properties. The Commission will be able to get an idea of what that means. The Commissioners thought that would help, so Tokos will continue that and bring it back at another work session. He will bring back a couple of examples: the best we can do without rezoning property, and what it would look like if we are rezoning. He said the Commission can then decide if it's worthwhile. If we need something bigger, then we can leave it as is for the code update and change it later when we tackle bigger issues.

Tokos noted that the planned development section will come back in work session before too long. Accessory uses will also be back before long. There will be a comprehensive package at the end that will pick up a lot of small things.

C. Adjournment. Having no further business to discuss, the meeting adjourned at 6:39 p.m.

Respectfully submitted,



Wanda Haney
Senior Administrative Assistant