

MINUTES
City of Newport Planning Commission
Work Session
Newport City Hall Conference Room A
September 25, 2017
6:00 p.m.

Planning Commissioners Present: Jim Patrick, Lee Hardy, Bob Berman, Mike Franklin, Bill Branigan, Jim Hanselman, and Rod Croteau.

PC Citizens Advisory Committee Members Present: Karmen Vanderbeck

PC Citizens Advisory Committee Members Absent: Dustin Capri (*excused*)

City Staff Present: Community Development Director (CDD) Derrick Tokos; and Executive Assistant, Sherri Marineau.

1. **Call to Order.** Chair Patrick called the Planning Commission work session to order at 6:00 p.m.

2. **New Business.**

A. **SB 1051 Housing and Related Amendments.** Tokos reviewed Senate Bill 1051 provisions with the PC. He noted that Section 1 put targeted changes in procedures. Patrick asked if it was doable for the City. Tokos said yes, the provisions allowed the City Council to accept without a de novo hearing.

Tokos reviewed Section 3 and explained there was no need to make any changes because it couldn't be done in the current code. He then went over Section 4 noting that it would be a reason to do away with the conditional use process for residential on street grade for C-1 zones.

Tokos reviewed Section 6 that required all jurisdictions to allow accessory dwelling units in all residential zones, and allowed one ADU per dwelling instead of per lot. Patrick noted that it went to legislative council and no one caught this, and it now applied to all counties because of the change. Hardy asked what they thought ADUs would be used for. Possibly vacation rentals and workforce housing. Hardy asked if there was any data that said there was an affordable housing shortage. Tokos thought there was. Hanselman asked for clarification on the new language for Chapter 14.01.020 and whether an interior ADU had its own services. Tokos said it could be its own floor and didn't have to be separate. Vanderbeck asked for clarification on Section 1 on the 60% of median income. Tokos clarified it was people making *not* more than 60%.

Tokos continued reviewing the provisions and stated that Section 8 was already being done and there was no change. Section 9 would need to be done as a matter of course.

Amendments to the Newport Municipal Codes were then reviewed. Berman asked that there be a comma after the word "attached" in the new sentence for the Accessory Dwelling Unit definition in Newport Municipal Code Chapter 14.01.020. Tokos would add this. Hardy asked how the City would track interior kitchens in ADUs. Tokos explained they would show up on building permits.

Patrick asked for clarification on NMC 14.03.070(21). He asked what was considered street grade. Tokos said it was not defined and was used to get the terminology consistent. He said it was tricky to try to define it. Patrick used the wine shop that was in the basement in the Nye Beach area as an example. Franklin felt it was at street grade because it was designed for two commercial entrances. Tokos said he occasionally gets questions on this and the City would ask them to show the set up to determine.

Tokos reviewed changes to NMC 14.16. Hanselman asked if there could only be one dwelling per lot. Tokos explained that there if the density requirements of the lot were met, there could be more than one dwelling on a lot.

Berman asked for clarification on NMC 14.15.020(E). Tokos noted that the words "Same as C-1 zone" should be removed from the section. He noted that there wasn't anything in the buildable lands inventory that suggested any additional housing would be coming from water related zones. Patrick asked if Nye Beach was included. Tokos said that it was addressed in NMC 14.15.020(B). Patrick asked if it covered residential over commercial in the Nye Beach

area. Tokos said it would be revisited at a later date. Patrick requested that the pdfs that were sent for the PC meeting packets could have tabs included. Tokos said he could bookmark them.

Sections 14.52.110 and 14.52.050(E) were covered next. Tokos noted that 14.52.050(E) text that read “100 and” should have been highlighted in red to draw attention to the change.

MOTION was made by Commissioner Berman, seconded by Commissioner Croteau to initiate the legislative process for SB 1051 amendments to the Newport Municipal Code. The motion carried unanimously in a voice vote.

- B. Overview of Measure 49 - Just Compensation for Land Use Regulations.** Tokos gave an overview of the history of Ballot Measure 49 and explained the law pertaining to land use regulations restrictions reducing property values. Hardy asked if Tokos was saying it was a restriction of residential use or loss of value. Tokos clarified that it was restrictions of residential use that resulted in loss of value. Vanderbeck asked if there was a specific property that was in discussion. Tokos said the vacation rental (VRD) discussion was the reason for the discussion.

Berman asked if in six months the City determined not to allow VRDs in R-1 & R-2, how would you go one year before the decision when it only took six months to make the decision. Tokos said they would go back a year from when the law went into effect and determine the appraisal. A discussion ensued regarding Land Use Board of Appeals decisions.

Tokos covered the “Dos and Don’ts” for conducting fair meetings. He stressed that the PC could have perspectives on legislative matters but not advertise these before an equal opportunity to testify was given. He noted that the VRD discussion might be contentious and the PC needed to be aware. Croteau asked what brought these issues to the City Council. Tokos thought it stemmed from four Planning Commissioners attending the VRD public hearing and came from the Measure 49 discussion. Councilor Allen brought up Measure 49 because he questioned if it might be a potential conflict. Tokos said it came down to people feeling like they have been treated fairly. Berman asked if there was any negative feedback to changing the VRD maximum occupancy rules in 2012. Tokos said no. He reminded the PC that this was an opportunity to look at the process going forward and was asked to bring the matter to the PC’s attention.

- C. Work Program Discussion.** Tokos handed out copies of the Tentative Planning Commission Work Program schedule. He reminded the PC that items could be shifted around and Land Use Decisions could be added as they came in. Hardy requested that someone from the Post Office attend the October 23rd meeting. Tokos told the PC that the Council Chambers would be remodeled in December and the meeting on the 11th would be held at room 117 at the Recreation Center. He also noted the Agate Beach Refinement Plan probably wouldn’t start if the PC got into a detailed conversation about VRDs. Patrick asked if any outreach would be done on the Parking Code Amendments beforehand. Tokos said he thought it would have to and having it in February gave enough time to do so. Berman asked if the PC would be working on an erosion control ordinance. Tokos said it would be part of the Stormwater Master Plan.

- 4. Director’s Comments.** No Director comments.
- 5. Adjournment.** Having no further discussion, the meeting adjourned at 6:55 p.m.

Respectfully submitted,



Sherri Marineau,
Executive Assistant