

**MINUTES**  
**City of Newport Planning Commission**  
**Work Session**  
**Newport City Hall Conference Room A**  
**June 22, 2015**  
**6:00 p.m.**

**Planning Commissioners Present:** Jim Patrick, Rod Croteau, Lee Hardy, Mike Franklin, and Gary East.

**Planning Commissioners Absent:** Bob Berman and Bill Branigan (*both excused*).

**PC Citizens Advisory Committee Members Present:** Dustin Capri.

**City Staff Present:** Community Development Director (CDD) Derrick Tokos and Executive Assistant Wanda Haney.

Chair Patrick called the Planning Commission work session to order at 6:07 p.m. and turned the meeting over to CDD Tokos.

**A. Unfinished Business.**

**1. Review draft Zoning Code Changes to NMC Chapter 14.30 incorporating updates to the Design Guidelines and Standards as recommended by the Nye Beach Design Review Ad Hoc Work Group.** Tokos noted that a couple of Commissioners have been working on this with the ad hoc work group, which has made some revisions to the Nye Beach Design Review Guidelines and code. He noted that his cover memo highlighted the most significant changes. He said that one of the biggest is a compromise amongst the members of the work group; and that will subject a larger number of projects to review by the Planning Commission. The trigger has been reduced down to 65 feet long, and there are also some additional standards. Through the work with SERA Architects it's set up that even if a structure is less than 65 feet in length, if it's over 40 feet long and over two stories there are additional things required to break up the building mass. The guidelines were restructured with the help of SERA to make them more user-friendly. We took out the discretionary language, which we can't have in the standards. There are new guidelines to address solar impacts. The illustrations have been refreshed. Patrick thought we wrote that as shading public property. Tokos said in the guideline document actually under "commercial and multi-family" on page 8, it's guideline 9; and it's not quite that way. Under "approaches" the third story shall be stepped back. The first bullet speaks to commercial and multi-family. It states they shall be massed to avoid casting a direct shadow onto the public sidewalk. That would have dealt with the Inn at Nye Beach where the properties to the north would have triggered third-story setback. Hardy said if they moved it back 20 feet from the lot line they could avoid that. Patrick said we require it be built lot line to line. Tokos said for purposes of utilization of the available public resources the objective was to take advantage of the fairly dense area and create a walkable district if we can. It has been successful for the most part. You can't argue that it's not successful. Streets that are more congested slow cars down. People feel more comfortable getting out and walking. He said whether you agree philosophically or not, that's what was behind it. After talking with the ad hoc group and merchants we will clarify areas where there was concern in Nye Beach with how the standards were being applied. Patrick said that congestion works in your favor. Hardy said that congestion is dangerous. Tokos said there are different views on what is or isn't good development. With the Nye Beach area that is what they were shooting for. Emergency providers have to respond and adjust as they do in areas like downtown Portland.

Capri asked, solar shading what time of the year. Tokos said that's further down where it says it shall be assessed for the following times. Tokos said it will be relatively low, which it was intended to do. Croteau said you could do solstice to solstice. Patrick thought that's what we had originally. Tokos said he can contact SERA and ask why they selected this specific timeframe. Capri wondered if you take the nearest street and put in two stories is that going to cast across the street. He noted that it says you can't block the sidewalk across the street. Franklin said it depends on the elevation too. Tokos said it's across the bordering street, which means you have an existing street section. The ad hoc group looked at a few examples and didn't get a sense that this was an overly difficult thing. Patrick said they did a study with Archway Place. He doesn't know the dates they had, but it was hitting the front of the sidewalk. The road bed was covered but not the sidewalk. He thought it was spring. They didn't say anything about February 28<sup>th</sup>. Franklin said High Street is a good example. The diagram shown at the end of the second packet speaking about solar shading show it as flat to flat (Illustration 12), which is similar to Archway Place and Illingworth. It needs to be comparing flat elevations or flat grade. You can't make a blanket statement. Tokos said again the objective was to address the concern by the public to new projects going in that effectively reduce solar access on their property. Capri said and also a wind tunnel. Tokos said if a development eliminates almost all solar, that's an impact on your property. That review will be by the Planning Commission and is discretionary on the Commission's part. The intent is that it doesn't excessively shade neighboring properties. The Commission will have to make a judgement call. He said people can use one or more of these to get there. If they can't hit bullet one, they can hit others and make their case. Capri thought it is smart and necessary to review plans.

Tokos noted that the overlay boundary was revised, and he will have a legal description prepared before this goes into code adoption. He assumed the Commission was okay with what the boundary looks like. Tokos cleaned up the review procedures. Capri said on page 9 of the code, he has a concern with the 20-foot garage setback. He said that most lots are between 30 and 40 feet, and the house has to be within 5 feet in the front. If you have a 20-foot setback you end up with a narrow house. Tokos said the concern the work group had about the present approach is that it has allowed a developer to have an inadequate garage setback. You need 20 feet to get the car off the sidewalk. Patrick had mentioned San Francisco; and Tokos said San Francisco is either 20 feet or zero; but you don't want 10 feet. If you are setting up a 10-foot pad, you have plenty of room to take the back of a pickup over the sidewalk and into the road; and pedestrians end up walking in the street. It becomes an enforcement issue for the City. Capri said it's extremely hard to lay out a floor plan. Patrick said you could make the garage forward and make it two-cars deep. Patrick wondered if you couldn't make an exception that if the garage is two-cars deep they could come out to zero. He said we would have to see if that would fly. We changed from 10 feet because that wasn't working. We never really discussed a zero option. Talking about a house he was designing, Capri said the lot's now 29.7 feet and you lose 5 feet. You need at least 12 feet to get a driveway. Because it's Nye Beach, you have to have stairs and room for an entry. You end up with 20-foot sliver. Work in the stairs, and you have a long hallway before you get back to the house. Tokos said he could tweak the code to say that the driveway depth has to be at least 20 feet. That's consistent with what the ad hoc committee talked about. If there's a driveway outside a garage, you have to be 20 feet back. If a garage is subject to the general setback, it would be 10 feet. We have to get it up to zero. Patrick said you need 5 feet at the rest of the building. Tokos said he will put some thought to that. He knows what the Commission conceptually wants. Capri asked about the lot he has been working with that is 29.7 feet wide and the standard that the minimum width is 30 feet. Tokos said it's okay as long as it was a legal lot that was there prior. He said that's the existing standard. We have lot coverage to allow for some green space. Capri said because the lot is 29.7 by 60 or 70, it ends up being 1700 square feet not taking into account setbacks; that's just on the 64%. Tokos said unless Capri got a provision to put parking underneath it below grade. He said that lot coverage standards weren't adjusted as part of this process. That's why we have adjustments and variance provisions for those that have something unique on their property so they can't meet the same standards as others.

Capri noted that on page 10 of the code, it talks about if you get an on-street credit, it must be completely abutting. You are requiring off-street parking space, which requires a driveway. What if it's a 30-foot lot and a driveway is 12 to 15 feet and there's no legal on-street parking space directly in front? He asked if it doesn't require on-street parking to get a credit against the off-street parking requirement. If you can't get that, you don't get that credit? Patrick said he thought that was for commercial. Tokos said for residential it is just one. If you can accommodate on-street in front of your house, you don't have to have off-street but it has to be entirely in front of your property. Franklin asked if it doesn't have to be marked but just in front of your property. Tokos said in a lot of cases it is marked. Hardy said it also has to be accessible to the public. Patrick thought that as Nye Beach is filled and more developed, they will have to take the parking committee and do something; maybe some streets parking with permits and some open to the public. That's where you're going to end up. Right now it's working, but he can see in the future it may not.

Tokos said he will tweak the code to say that if it's surface driveway parking, it has to be 20 feet; for a garage, you can pull it up to a zero lot line and accommodate a vehicle that way. The work group's concern with 10-foot pads was vehicles blocking the sidewalks.

Tokos said we have a glossary of terms and the guidelines themselves. This will go through the hearings process to be updated. Capri said it's a lot better than it was before. Tokos said we stayed out of the introduction in the Guidelines. It is pointed out in the Comprehensive Plan. Hardy asked what the definition is of a working-class neighborhood. Tokos said he stayed out of defining that because it's whatever an individual's definition is for that. Tokos thought in the Design Guidelines, the intent and approach language is helpful. He hoped the Commissioners agreed. Patrick said there was a lot of push for stuff that didn't meet this. One member was pushing for corrugated metal buildings. He said he did point out that they are allowed to use that as an accent; but you can't make the main part of the building look like that. Tokos said that board and batten was added, and the definition was tweaked to make it clear that it doesn't include plywood or pressboard. So plywood and pressboard definitions got added as well.

Tokos said with the ad hoc work group, it was 50/50 with the different perspectives. There were strong feelings with half of the group to get a zoning sublayer that would limit development in what they conveyed as the core area in a much more substantial manner. At the end of the day they were satisfied that this covered enough ground that they were comfortable. There is a little more clarity and standards about what they need to meet. In the design standards the biggest thing on the residential side is that it got broken up and is not just one laundry list; particularly element B. There are a few more items required; they can't get away with just doing nothing. Capri said in the prior version, it's hard to get it to fit in Nye Beach really well. When he was looking through the first time, he had a hard time finding things to check of. He said it's better on a case-by-case basis. Patrick asked Capri if he ran the house he just designed through this; and Capri said he did, and he got it. Patrick said that tells him that we're getting closer to what we're supposed to have.

Tokos said the Guidelines did get some work. Capri said that architectural standards are difficult to write.

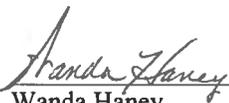
Croteau said on the solar access, he thought we should go with the two solstices; winter and summer. Everything else will be in between. Those are your two extremes; the two extreme pictures of the year. Tokos said he can ask SERA why they went with the ones they did and why not solstices if that is helpful. Croteau thought that would be helpful.

Capri asked about "C" regarding roofs on page 13. He wondered if it's applied to just gable or hipped as well. Franklin said he would think just gable; and Tokos said just gable. Capri said a slope of 5:12 or 12:12 would limit height to two stories. To get three stories, you would have to go with 3:12 to keep it under 35 feet. Tokos said multi-family coming in under 35 feet is coming in under guideline review. Residential has roof elements 1(A) on page 9. Capri asked if you can have a hipped roof out right, and the slope doesn't matter; and Tokos confirmed that. Patrick asked if the Fire Department is happy with a 2.5-foot setback on the side and a 1-foot roof overhang. He was under the impression that the 5-foot setback had to do with ladder access. Tokos thought we addressed fire access. As long as they have access to one side of the structure that is all they care about.

Tokos asked if it was the general consensus that this is in good enough shape to initiate the update process; and there was. He noted that it will need to be noticed. We have to get this to DLCD 40-45 days before we are looking at a hearing. We will see if we have R-4 folks who push back getting added in on the north side. Those in R-2 that we took out won't care he doesn't think. It would be hard to apply it in R-2; it's wasn't really set up for R-2.

**B. Adjournment.** For the upcoming regular session, Tokos had provided the Commissioners with a final order and findings for the hearing and a new memo from City Engineer Tim Gross. Tokos wanted to make sure they had the materials and had time to read through it and talk about it. He explained that Gross' line in the sand is that he wants 24 feet of clear travel area; two 12-foot travel lanes for any street section done. He mentions the ladder truck and other equipment having a difficult time navigating narrow streets in Wilder Phase 1. Tokos explained that there are two options for the Commission to consider. Under Option A the Commissioners can accept Gross' evidence as expert and can make a finding that the street layout will place greater demand on public services than other authorized uses. Under Option B the Commissioners can go with Wilder and your reasoning is what is proposed is consistent with what was already approved in the Kit of Parts. There was some discussion, and the work session was adjourned at 6:50 p.m. for the Commissioners to review the materials before the regular session.

Respectfully submitted,



Wanda Haney  
Executive Assistant

