



PLANNING COMMISSION REGULAR SESSION AGENDA
Monday, January 25, 2021 - 7:00 PM
City Hall, Council Chambers, 169 SW Coast Hwy, Newport, OR 97365

This meeting will be held electronically. The public can live-stream this meeting at <https://newportoregon.gov>. To access the livestream, visit the Planning Commission page at <https://www.newportoregon.gov/citygov/comm/pc.asp>. Once there, an "in progress" note will appear if the meeting is underway; click on the "in progress" link to watch the livestream. It is not possible to get into a meeting that will be livestreamed before the meeting starts. The meeting will also be broadcast on Charter Channel 190.

Public comment may be made, via e-mail, by noon on the scheduled date of the meeting at publiccomment@newportoregon.gov. To make a "real time" comment during a meeting, a request to speak must be received by 2:00 P.M. on the scheduled date of the meeting. The request to speak should include the agenda item on which the requestor wishes to speak. If the comments are not related to a particular agenda item, the request to speak should include a notation that the request is for general public comment, and the general topic. The request should be e-mailed to publiccomment@newportoregon.gov. Once a request to speak has been received, staff will send the requestor the Zoom meeting link. This link will allow a requestor to participate via video or telephone.

The agenda may be amended during the meeting to add or delete items, change the order of agenda items, or discuss any other business deemed necessary at the time of the meeting.

1. CALL TO ORDER AND ROLL CALL

2. APPROVAL OF MINUTES
 - 2.A Approval of the Planning Commission Work Session Meeting Minutes of January 11, 2021.
[Draft PC Work Session Minutes 01-11-2021](#)

 - 2.B Approval of the Planning Commission Regular Session Meeting Minutes of January 11, 2021.
[Draft PC Reg Session Minutes 01-11-2021](#)

3. CITIZENS/PUBLIC COMMENT

A Public Comment Roster is available immediately inside the Council Chambers. Anyone who would like to address the Planning Commission on any matter not on the agenda will be given the opportunity after signing the Roster. Each speaker should limit comments to three minutes. The normal disposition of these items will be at the next scheduled Planning Commission meeting.

4. ACTION ITEMS

4.A Initiate Large Wireless and Other Telecommunications Land Use Standard Legislative Amendments, and Provisions for Small Wireless Facilities Outside of the Right-of-Way.

5. PUBLIC HEARINGS

6. NEW BUSINESS

7. UNFINISHED BUSINESS

8. DIRECTOR COMMENTS

9. ADJOURNMENT

Draft MINUTES
City of Newport Planning Commission
Work Session
Newport City Hall Council Chambers by Video Conference
January 11, 2021
6:00 p.m.

Planning Commissioners Present by Video Conference: Jim Patrick, Lee Hardy, Bob Berman, Jim Hanselman, Bill Branigan, and Gary East.

PC Citizens Advisory Committee Members Present by Video Conference: Dustin Capri, Braulio Escobar, and Greg Sutton.

City Staff Present by Video Conference: 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. **Unfinished Business.** No discussion was heard.
- A. **Initial Review of Land Use Code Amendments to Implement HB 2001 Duplex, Townhouse, and Cottage Cluster Standards.** Tokos continued the review of the draft code from the last Commission meeting. Berman asked if there were any added changes based on the last meeting. Tokos confirmed there weren't any changes. He then reviewed the chapter 14.31 for townhouse and cottage clusters next.

Berman asked if a 4,000 square foot lot in the in R-1 zone could only have a house placed on it, not a duplex. Tokos explained that a 4,000 square foot lot was substandard but this did happen. They would be able to have a duplex and this would be dealt with under the provisions for sub-standard lots. Tokos explained that this was reviewed by the Commission on the December 14th work session. A duplex could be done in this scenario but not a townhouse. A discuss ensued regarding building code requirements for firewalls between townhouse common walls.

Tokos continued his review of the updates to minimum lot sizes, off-street parking, and unit size for townhomes and cottage clusters. He noted the 1,400 square footage maximum unit size was a recommendation in the model code for cottage clusters. Berman asked Capri if he thought this was a reasonable number for a maximum unit size. Capri thought it was reasonable but didn't know the exact logic behind the number.

Escobar asked what a community building was. Tokos explained it was a common building for a cottage cluster that was a common place to gather or a storage area. Hanselman asked if the community building size have any bearing on the open space courtyard requirements for cottage clusters, or was it just a community building and not an open space at all. Tokos explained it wasn't an open space at all. The reason they were included in the average floor area calculation was because they didn't want them to be too large. Branigan asked if the community building was required to have running water and bathroom facilities. Tokos didn't know if there were any requirements for what the components of the community building must have but guessed a storage building could be considered a community building. Capri didn't think the uses would match and thought the building code would require this. Berman asked if they were saying a maximum average lower area for a cottage cluster could mean that there could be units that were larger than 1,400 square feet as long as there were units smaller than that. Tokos confirmed this was correct and reminded that this would be an allowance. Nobody would have to proceed with a development of this nature. They could if they met the parameters.

Tokos reviewed the townhouse design standards next. Berman asked if Section A.1, 2, 3 and 4 were "and" or "or" requirements. Tokos explained that all of these standards needed to be met.

Tokos reviewed the diagrams that were referenced in the code. He then reviewed the requirements for the main orientation to units, the main entrance facing common open spaces, the main entrance opening onto a porches, and the windows. Tokos noted that these were done so there was a clear and objective path for approval. Berman asked if the design requirements were new for the city. Tokos confirmed they were new. He thought they should also consider guidelines for multifamily because they were only looking at middle housing currently. Berman thought it would be quite an undertaking to do multifamily. Tokos noted this would mean larger buildings that had more mass you would have more of an argument that some of these architectural features should be built into the development. He explained that what they were looking at currently was for the middle housing model code from HB 2001, and was specific to townhouses and cottage clusters. Berman asked if the requirements was required. Tokos confirmed they weren't and noted the Commission expressed a desire to see the language at a prior meeting and was why it was presented here. They didn't have to adopt or pursue it. Berman thought it might be better to defer this until they could do a comprehensive discussion of design standards for anything above a duplex. Tokos thought another approach they could take was if they liked the concepts they could go ahead with this because it dealt with townhouses in a comprehensive way, and then double back and tackle multifamily because there would be different issues with them. Hanselman asked if these design standards would be citywide. Tokos confirmed they would. Capri noted that he didn't like the design standards for Nye Beach as an architect. The standards did help as a developer to make sure it wasn't one big blank three story wall with a door on it and a shed protecting the entry. What Capri did like about the Nye Beach standards was they could hit a couple of things to satisfy the requirement and still have enough flexibility with the design. Capri felt these standards felt pretty reasonable in that way. He noted he didn't like standards saying exactly where they had to put an entry and how big a porch needed to be. Tokos didn't think the window requirement of 15 percent coverage was burdensome threshold, and it did eliminate the chance of having a massive wall facing a street.

Tokos reviewed the driveway access and parking design requirements next. Berman asked what happened to the 20 foot garage setback in these requirements. Tokos explained the 20 foot setback would apply to this but what they were talking about here was the garage width being 12 feet wide, not the garage setbacks. Hardy thought a 12 foot garage width was small and didn't make sense. Tokos didn't think 12 foot wide was small for a single bay garage. Hardy thought it was when you considered what went into garages such as storage. Tokos explained that in a typical townhouse, such as Neola Point, you would see a deeper single bay garage. Hardy noted that the garages at Neola Point were so small you couldn't get out of your car. She worked with Neola Point and this was why they had so many parking issues. Hanselman asked if a window in the garage door would be calculated toward the 15 percent. Tokos noted it was listed in the code that a window in a door or garage could count toward it. Patrick noted the code said the garage couldn't be more than 12 feet wide, not the garage door. Tokos confirmed this. Berman reminded that this standard was for when the garage was on the front.

Tokos reviewed the diagram on the cottage cluster design standards next. Branigan asked if there was a minimum size for a common building in a cottage cluster. Tokos didn't think this was in the code but was more of a provision of the Building Code requirements. He explained that right now, under the draft code, they had cottage clusters programed in to the R-3 and R-4 zones, not in R-1 and R-2. As long as they were full dwelling units, they could have a number of tiny homes as cottages and put them around a common courtyard or commons building that had some amenities.

Tokos reviewed the common courtyard design standards next. Berman asked if they could reduce the 75 percent impervious requirement number. Tokos confirmed they could. Berman wanted to see this as 25 percent or the minimum required to have the concrete pad. Hanselman wanted to see this reduced dramatically as well. Tokos would look closer at the OSU student housing project as an example to see what options there were. Capri asked if the logic was to not see someone just put down grass seed and calling it good. Tokos explained that common courtyards could just be a landscape area but they would have to have pedestrian pads. He would look at other approaches. Capri asked if this had to be the measure on how to judge the quality of the courtyard space. He suggested it could say they had to provide outdoor space that is functional for people to gather. Tokos thought this was too discretionary and they needed clear and objective standards. Capri suggested requiring one

seating area per unit. Tokos didn't think they would want to ratchet it down so low that they couldn't create hardscape or a patio seating area. He thought maybe 50 percent made sense and he would take a look at what was out there. Branigan asked if there were any requirements for accessibility. Tokos reported that this fell under the Building Code for ADA standards. Sutton reported that pavers could be pervious and there were different options.

Tokos reviewed the community building design standards next. Patrick asked where the maximum 900 square foot limitation came from. Tokos would take a look at this and report back. He reviewed the requirements for pedestrian access for cottage clusters, and windows next. Tokos noted he would be fixing this. He then looked at parking designs for cottage clusters and noted they were trying to avoid large parking mass.

Hanselman noted that the standards said that cottage clusters needed to be less than 900 square feet. Patrick noted this was just the footprint. The cottages could be two stories and larger than 900 square feet. Tokos covered the access and dead covenants for cottage clusters, and the subdivision process and planned destination resorts language.

Tokos asked if the Commissioners had any thoughts relative to Accessory Dwelling Units (ADUs). Legally they were required to allow one ADU for each single family detached on a lot. It was set up to allow one ADU to a single family attached. Tokos noted that what he was hearing was that some Commissioners liked this but others would prefer to not allow more than what was required by law. He asked the Commission where they wanted to go with this. Hanselman thought one ADU per lot was a sticking point for him. He thought they were working on this a year ago and what they were talking about was for long term housing, not short-term rentals (STRs). They were also talking about owner occupancy of the primary residence on the property. Hanselman thought they were always dealing with the concept of owner occupied or owner on the property. He noted that at the last STR Work Group meeting, there were people upset with a house on Spring Street and they thought the ADU wasn't attached to the primary residence. Tokos reported that this ADU was attached to the primary dwelling unit. He clarified that the Oregon legislature mandated that all municipalities had to allow ADUs on each lot that had single family dwellings. The legislature didn't get into if ADUs could be used for rental occupancy. Tokos reported that with HB 2001 they had to implement an early provision for this which said that cities that were requiring off-street parking for owner occupancy in an ADU or principal dwelling as a standard for getting an ADU unit couldn't be done anymore. The only exception to the law was if the ADU was being used for vacation occupancy you could require the ADU to be owner occupied and to have off-street parking. The issue here was that the ADU was 800 square feet or smaller. The city's STR code covered parking space requirements. Tokos noted that if a dwelling was owner occupied it was a homeshare. He didn't expect the STR Work Group would make a recommendation to do any work with this because there wasn't really a need to do anything. The issues with the Spring Street property were outside of this and was more about things such as lack of licensing and the relationship of neighbors. Branigan noted most of the complaints about this property was by the same few people. He felt this was a neighbor spat that was happening.

Berman noted that what they were talking about here was how the Commission felt about allowing ADUs for townhomes or duplexes. Tokos noted the HB 2001 was clear that they had to allow ADUs for properties developed with a single family detached. They didn't have to allow them for duplexes. Hanselman wanted to keep it so that only single family detached dwellings could have ADUs. Capri thought the question was more about if they wanted new housing. Hanselman wanted housing if it was long-term and thought ADUs were a way to provide more worker based housing. Capri disagreed and noted that he worked with Northwest Coastal Housing and the Housing Authority of Lincoln County. Their thoughts were adding doors alleviated the pressure to housing needs, regardless of the type of door. Capri thought the question for the Commission was if they wanted more housing, period. He agreed that there was a housing problem but there was a limit of the number of people who came to the Oregon coast and go into a vacation rental. There wouldn't be more STRs, because there was a cap on the number of licenses. The question was if they wanted more doors for housing. Tokos noted there were caps on STR licenses. Hanselman thought if there were caps on STRs we fulfilled the need by keeping them full. Then, any new ADUs would be long-term rentals because STRs had caps on the licenses. Hanselman thought this meant that ADUs should be reserved for long-term rentals. Berman noted they couldn't control the uses for ADUs, but could control if they were legal or not. He thought R-1 properties

were contrary to the whole intent because they would end up with three families living on one lot. This is what would happen if they allowed ADUs with duplexes. Patrick thought that if they allow an attached ADU to a duplex it would become a triplex and a lot of rules would kick in. He thought the only thing they could allow an ADU on would be detached on a duplex or detached on an apartment building. A discussion ensued regarding the need for ADUs. Capri wanted to see more doors for housing. Braulio thought they should limit the ADUs to the R-1 and not allow them in R-2 or duplexes. Tokos asked if what he was saying was to limit them to properties developed with a single family detached dwelling, which was what they were mandated to allow. Escobar confirmed this was what he was saying. Hanselman preferred it stayed this way. Branigan wanted to see what other municipalities, such as Lincoln City and Florence, were doing to keep rules consistent. Escobar noted they were making something new here and didn't think many municipalities would have any standards yet. Tokos would look into this and bring back an option A and B to the Commission to consider. Patrick didn't have a problem doing just single family. Most of his problem had to do with there being so many constraints having to do with multifamily, triplexes or anything bigger not having the room to do this in first place. Tokos would bring an updated document as a second review on February 8th. This would also be an opportunity to initiate the legislative process.

B. Updated Planning Commission Work Program. No discussion was heard.

3. New Business. No discussion was heard.

4. Adjourn. The meeting adjourned at 6:59 p.m.

Respectfully submitted,

Sherri Marineau,
Executive Assistant

MINUTES
City of Newport Planning Commission
Regular Session
Newport City Hall Council Chambers by Video Conference
January 11, 2021

Planning Commissioners Present by Video Conference: Jim Patrick, Lee Hardy, Jim Hanselman, Bill Branigan, Gary East, and Bob Berman.

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

1. **Call to Order & Roll Call.** Chair Patrick called the meeting to order in the City Hall Council Chambers at 7:11 p.m. On roll call, Commissioners Hardy, Hanselman, Branigan, East, Berman, and Patrick were present.

2. **Approval of Minutes.**

A. **Approval of the Planning Commission Work and Regular Session Meeting Minutes of December 14, 2020.**

MOTION was made by Commissioner Berman, seconded by Commissioner Branigan to approve the Planning Commission Work and Regular Session Meeting Minutes of December 14, 2020 with minor corrections. The motion carried unanimously in a voice vote.

3. **Citizen/Public Comment.** None were heard.

4. **Action Items.**

A. **Appointment of Planning Commission Officers.**

MOTION was made by Commissioner Branigan, seconded by Commissioner Berman to confirm Jim Patrick as the Planning Commission Chair. The motion carried unanimously in a voice vote.

MOTION was made by Chair Patrick, seconded by Commissioner Berman to confirm Bill Branigan as the Planning Commission Vice Chair. The motion carried unanimously in a voice vote.

5. **Public Hearings.** None were heard.

6. **New Business.** None were heard.

7. **Unfinished Business.**

A. **Review / Score Consultant Proposals for Preparing a South Beach / US 101 Commercial-Industrial Corridor Refinement Plan.** Tokos asked for one or two volunteers to score the proposals as they came in. Berman and Branigan volunteered.

B. **Council Adoption of Newport Addendum to the Lincoln County Multi-Jurisdictional Natural Hazards Mitigation Plan (Informational Item).** Tokos explained that the Commission dealt with this in the past. This was strictly informational to let them know the plan was recently updated and took over a year to happen. Tokos reported that this made the city eligible for pre and post disaster grants or funding from FEMA. The city reviewed this annually and did major updates every five years. Patrick asked if the boundary on the map on page 22 was the South Beach Urban Renewal District or the Urban Growth

Boundary (UGB). Tokos reported this was the South Beach Urban Renewal fact sheet and was the RFP. This had nothing to do with the hazard mitigation plan.

Berman noted that one of the maps included in the packet showed the landslide risk encompassed the property the Commission reviewed at the last public hearing. He thought there needed to be a serious discussion on geologic hazards in this area. Tokos noted that he had talked to Lisa Phipps with the DLCD and this was a rough scale map plan. The city had this down to the parcel level in their GIS system and the landslide blocks were just north of the 40 acre piece to be brought into the UGB. Berman thought there was some risk there. Tokos explained that they expected the Department of Geology and Mineral Industries to get the updated mapping done at some point.

C. Ad-Hoc Work Group to Develop Options for Distributing Affordable Housing CET Funds (Informational Item). Tokos explained this discussion was to keep the Commission up to speed on where they were at. The City Council would like the Commission to pull together a list of recommendations together now that they've collected the funds for a couple of years. Jim Patrick was appointed to this work group. Tokos noted that he included a summary of the collections so the Commission could see what they were. There wasn't a lot of money but there was enough money collected over the years to make it timely and appropriate to start setting a framework on how the city would make these funds available within the constraints of the law. The recommendation could involve the Commission having a roll in this. The Council wanted someone from the Vision 2040 Committee to be on this group, but nobody had stepped up yet. This was all he was waiting on.

Berman asked how much money there actually was because it looked like there was three different funds. Tokos confirmed there were three different funds. Four percent was for the administration of the program. The remaining amount went to three different funds. Fifteen percent went to the Oregon Housing and Community Services fund for down payment assistance. Thirty five percent went into the Affordable Housing general fund, which was flexible. This fund already had about \$100,000 that was part of the original seed money to create a housing fund. This was from proceeds from a city owned property and had the most flexibility to it. Tokos reported that the remaining fifty percent goes into the Affordable Housing Development incentives. This had to be used for things such as paying down system development charges on an affordable housing project or paying down building permit fees. Tokos noted this was very strict in terms that it could be used for.

8. Director Comments. Tokos reminded they were recruiting for an open vacancy on the Planning Commission. He asked the Commission to let people know about the opening. Only one application had been received at that time and they needed a few more before interviews could be done.

9. Adjournment. Having no further business, the meeting adjourned at 7:25 p.m.

Respectfully submitted,

Sherri Marineau
Executive Assistant