



## **PLANNING COMMISSION REGULAR SESSION AGENDA**

**Monday, March 28, 2022 - 7:00 PM**

**City Hall, Council Chambers, 169 SW Coast Hwy, Newport, OR 97365**

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This meeting will be held electronically. The public can livestream this meeting at <https://newportoregon.gov>. The meeting will also be broadcast on Charter Channel 190. Public comment may be made, via e-mail, up to four hours before the meeting start time at [publiccomment@newportoregon.gov](mailto:publiccomment@newportoregon.gov). 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.

Anyone wishing to make real time public comment should submit a request to [publiccomment@newportoregon.gov](mailto:publiccomment@newportoregon.gov) at least four hours before the meeting start time, and a Zoom link will be e-mailed.

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### **1. CALL TO ORDER AND ROLL CALL**

*Commission Members: Jim Patrick, Bill Branigan, Lee Hardy, Bob Berman, Jim Hanselman, Gary East, and Braulio Escobar.*

*A public hearing, if scheduled, will be conducted utilizing the Zoom video-conference platform.  
There are a few ground rules:*

- A. Individuals wishing to speak may raise their hand proper or use the raise hand feature, which can be found by clicking on the "Participants" button on the bottom of a computer screen, the "Raise Hand" button on the bottom of a smartphone, or by dialing \*9 on a landline. The Chair will call out the order of testimony in cases where multiple hands are raised.*
- B. Please keep your microphone muted unless you are speaking. Press \*6 to mute and unmute a landline.*
- C. For persons participating by video or phone, the City can make the shared screen feature available for those that wish to make a presentation. Information shared with the*

*Planning Commission in this manner is part of the record, and a copy of the materials will need to be provided to staff.*

*D. For those persons who have elected to attend the hearing in person, a computer has been setup so that they may provide testimony using the video-conference platform*

## **2. APPROVAL OF MINUTES**

### **2.A Approval of the Planning Commission Work Session Meeting Minutes of March 14, 2022.**

[Draft PC Work Session Minutes 03-14-2022](#)

### **2.B Approval of the Planning Commission Regular Session Meeting Minutes of March 14, 2022.**

[Draft PC Reg Session Minutes 03-14-2022](#)

## **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 Public Hearings Process for Transportation System Plan Updates.**

## **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**  
**March 14, 2022**  
**6:00 p.m.**

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

**PC Citizens Advisory Committee Members Present by Video Conference:** Greg Sutton.

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

**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 6:01 p.m.

2. **Unfinished Business.**

A. **Housekeeping Amendments Addressing 2021/22 Legislation.** Tokos reviewed the draft set of amendments to the Newport Municipal Code starting with Chapter 3.20.025(7) and (8), Affordable Housing Construction Excise Tax. Hardy asked what the phrase "the average of all units on the property" meant. Tokos explained this meant there could be some units that were above median area income and some that were below, but the average would have to come out as 60 percent or less median area income. Hardy thought this needed to be reworded. Hanselman asked if Chapter 3.20.025(8) required a state of emergency to be declared. Tokos confirmed it would unless the Commission wanted it to be more lenient than the House Bill. Hanselman thought it seemed unfair because people didn't purposefully burned their houses down and were made homeless whether or not an emergency was declared. He thought they should be more generous or not generous at all. Tokos explained they had to do this as a minimum. He thought the distinction here was when there was a state of emergency the degree of impact was beyond the immediate impact to the owner. A state of emergency tended to be an impact that was more than what an individual house with insurance could address. Patrick didn't think they could be more lenient because it wasn't the city's tax, it was the Lincoln County School District's excise tax. Tokos explained what this was in the context of the affordable housing tax that the city collected. He thought Patrick had a good point because if the city did something more lenient and the school district didn't, it would put staff in the position where they were applying it differently depending on the excise tax on the table. The city collected the taxes for the school district but they didn't set the rules for the school district. If the city chose to be more lenient in terms of the affordable housing excise tax, it would be more awkward to explain it to the general public. Berman thought it was a bad idea to make it a general provision and thought making it be by emergency was appropriate. He was worried about making it too general. Berman thought having two different excise taxes that were enforced differently could be a problem for staff. He thought as a general principle, a house burning down was in some way something normal that happened and didn't see waiving the tax working. Tokos would plan on leaving the language as it was with the thought that they could bring it up at the hearings process.

Escobar entered the meeting at 6:10 pm.

Tokos reviewed amendments to Chapter 14.01.020, Definitions. He noted that the changes to how they had to approach childcare. Childcare facilities, childcare centers, and childcare homes would have different definitions. What they would see was that childcare in the home used to be 12 or fewer children and now they were talking up to 16 children.

Sutton thought the excise taxes should be for primary homes. Tokos noted that anytime anyone rebuilt they were generally building something that was new and in better condition than what was there previously. Sometimes it boiled down to the level at which someone insured their property. Excise taxes fell in the general category along with building permit fees as being typical costs that insurance agencies would expect to pay for an overall payout. Tokos thought confirming if it was a primary dwelling would be difficult to do.

Tokos reviewed the definitions for prefabricated structures and small homes. He reminded that a small home with wheels was considered an RV and why they added "if the hitch and tongue was removed" to the language. Sutton asked if there was a width for them. Tokos explained there was a width component to the prefabricated structures but not so much on the small homes. He thought there were DMV rules for tiny homes on wheels, but he didn't know the exact number.

Tokos reviewed amendments to Chapter 14.03, Zoning District. Patrick asked where the information on what they could do for childcare facilities in W-1 and W-2 zones was. Tokos explained W-1 and W-2 zones were in industrial zones but they weren't adding them as permissible. When he looked at the W-1 zone it allowed for heavy industrial uses and he thought they would be okay. The W-2 also allowed for some heavy industrial uses. Tokos thought this would be okay and they could float this up with the state, otherwise they would have to allow childcare centers. Because there were some heavy industrial water type uses, they should be okay. The exception here called out family childcare homes because they were allowed in a dwelling.

Tokos reviewed amendments to Chapter 14.06, Manufactured Dwellings, Prefabricated Structures, and Small Homes and Recreational Vehicles. He pointed out that prefabricated structures had to be registered with the State Building Code Division and green lighted for building codes. Escobar asked if CC&R's in a subdivision would be subject to the same codes or if they could be more restrictive. Tokos explained CC&R's could be more restrictive. What they were talking about was a city code, not a CC&R. He noted that when the HB2001 discussions happened the legislature put in some restrictions that barred new CC&R's from being single family detached only. Patrick noted that under the new rules they could do storage container homes on foundation and manufactured dwellings could be placed on tall foundations that had been currently forbidden. Tokos confirmed that all manufactured dwelling still had the state tie down codes. Premanufactured homes would have to have foundations under the Oregon Specialty Code and there was a range of options for foundations. Prefabricated structures would have normal reviews for utilities and foundation. The structures that were on the State's approved list could be shipped to Oregon and assembled on the foundations in short order.

Tokos reviewed amendments to Chapter 14.06.040, Manufactured Dwelling Parks. Patrick asked how the amendments applied to the mobile home park on 3rd Street. Tokos confirmed the amendments meant they could now install park models in parks if they were connecting to services.

Tokos reviewed amendments to Chapter 14.06.050, Recreational Vehicles: General Provisions. He then reviewed amendments to Chapter 14.15, Residential Uses in Nonresidential Zoning Districts. Berman questioned if the amendments had to be limited to religious entities. He thought it should be reworded. Hanselman thought every door should be a welcome door and to only allow religious

corporations was unfair and unequitable. He felt it was against the first amendment of the constitution and thought this single piece would cause him to vote against the package. Escobar asked if they could strike "organized as religious corporation" from the language. Tokos confirmed they could, but wanted to emphasize that what they were talking about was affordable housing in commercial and industrial areas. Any nonprofit could do affordable housing in residential areas. Hanselman didn't think the zone should matter. Patrick didn't think they would get much for affordable housing anyway in commercial areas. Hanselman asked why religious was placed in this particular bill. Tokos noted that if a bill was drafted with a very specific form of ownership, that form of ownership had been having a hard time or couldn't do a housing project somewhere and why the bill was drafted. He would remove "organized as religious corporation" from the language. Berman noted that the subsections were ambiguous saying "and" and "or." He thought 2 and 3 should be the "or" statements. Berman thought that the way it was written was confusing. Tokos would update it.

Hanselman asked what the word "adjacent" to schools meant. Tokos explained adjacent was next to and immediately across the street from a school. Escobar thought this should be contiguous. Tokos noted he tried to stick to the exact language of the bill as possible, but they could clarify the word "adjacent." Berman reminded there were other uses in parts of the code that also used the kind of language that included next to, across the street, but not kiddy corner. He thought they all should be consistent. Hanselman agreed it wasn't the best word to use. Tokos noted the legislature's intent was to open the door for industrial lands, recognizing industrial lands typically weren't particularly compatible with residential use. This was why the language was crafted as it was. Berman asked if the city owned any I-1 properties. Tokos didn't think they did currently but that could change.

Tokos reviewed amendments to Chapter 14.28, Iron Mountain Impact Area. Berman asked what the Iron Mountain impact area was. Tokos explained it applied to a bit of property east of US 101 in the vicinity of the quarry and was limited to uses in conflict to the quarry.

Tokos reviewed amendments to Chapter 14.32, Nonconforming Uses, Lots, and Structures. He then reviewed amendments to Chapter 14.46, Tsunami Hazard Overlay Zone. No comments were heard.

### **3. New Business.**

- A. Updated Planning Commission Work Program.** Tokos reported that it was looking good for the Commission to do the review of the final version of the Transportation System Plan. The Project Advisory Committee would be making their recommendation sometime around March 24th. The Commission would then look at a consolidated TSP on March 28th with whatever recommendations the Committee made.

Tokos noted that he had received a draft of the public engagement plan for housing that the Commission would look at as well. There would also be a draft of a car camping ordinance being drafted for the City Council that dealt with the Martin B. Boise limitations for police which limited their ability to ask those who were homeless to move when they were sleeping in tents and cars. Berman asked why the Commission was looking at this. Tokos explained this was land use related and reminded the Commission that they had looked at things like the car camping code before. The Commission was being shown this so they could make comments to the City Council. Tokos noted that the Commission wouldn't hold a hearing on this.

### **4. Adjourn.** The meeting adjourned at 7:06 p.m.

Respectfully submitted,

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Sherri Marineau,  
Executive Assistant

***Draft* MINUTES**  
**City of Newport Planning Commission**  
**Regular Session**  
**Newport City Hall Council Chambers**  
**March 14, 2022**

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

**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 6:45 p.m. On roll call, Commissioners Patrick, Branigan, Berman, Hardy, Hanselman, Escobar, and East were present.

2. **Approval of Minutes.**

A. **Approval of the Planning Commission Work Session Meeting Minutes of February 28, 2022.**

**MOTION** was made by Commissioner Berman, seconded by Commissioner Escobar to approve the Planning Commission Work Session meeting minutes of February 28, 2022 as written. The motion carried unanimously in a voice vote.

B. **Approval of the Planning Commission Regular Session Meeting Minutes of February 28, 2022.**

**MOTION** was made by Commissioner Berman, seconded by Commissioner Escobar to approve the Planning Commission Regular Session meeting minutes of February 28, 2022 as written. The motion carried unanimously in a voice vote.

3. **Action Items.**

A. **Initiate the Public Hearings Process for Housekeeping and 2021 Legislative Amendments.**

**MOTION** was made by Commissioner Berman, seconded by Commissioner Hardy to the initiate the public hearings process for housekeeping and 2021 legislative amendments. The motion carried unanimously in a voice vote.

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

7. **Unfinished Business.** None were heard.

8. **Director Comments.** Tokos reported at the last City Council meeting they elected to hear the appeal, submitted by Dan McCrea, for the Conditional Use approval for the animal shelter on the record. McCrea supplemented his appeal petition and tied it to the record. This was available on the city's website. Tokos had received the supplement from McCrea and the County had a week

to prepare their response brief. The Council would pick up the perspective briefs at a hearing on April 4th.

Tokos thanked the Commissioners who participated in the joint meeting with the Council for the kickoff of the housing capacity analysis and production strategy meeting. Patrick thought the discussion was interesting but they could have had more time to discuss it. He thought it was a good start. Escobar pointed out it seemed like this was the old conflict of the cost to do something. It felt like that affordable housing only really happened with governmental funding. Patrick noted that they discussed infrastructure and increasing density. At some point they would be running over the capacity for infrastructure, which would get expensive quickly. Tokos agreed there were areas they didn't have the infrastructure scale to support a significant amount of density. Other areas had infrastructure that was underutilized where they could take on quite a bit. The development conditions were such that it wasn't attractive to do that kind of development.

9. **Adjournment.** Having no further business, the meeting adjourned at 6:51 p.m.

Respectfully submitted,

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Sherri Marineau  
Executive Assistant