

MINUTES
City of Newport Planning Commission
Work Session
Newport City Hall Conference Room A
April 8, 2019

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

Planning Commissioners Absent: Jim Hanselman (*excused*).

PC Citizens Advisory Committee Members Present: Dustin Capri.

City Staff Present: Community Development Director (CDD) Derrick Tokos; Associate Planner, Rachel Cotton; 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 unfinished business.
3. **New Business.**
- A. **Draft Tree Manual and Pruning/Tree Removal Ordinance.** Tokos reviewed the tree manual and ordinance draft. He explained that the thoughts was that these updates would happen with the Transportation System Plan (TSP).

Cotton addressed the Commission and reviewed the coastal planting list. Berman asked for clarification on what “Street Trees” were on Table 1. Cotton explained that trees in the right-of-way were street trees. Franklin asked how street trees would apply to subdivisions with green belt planting strips, and what the width requirements were for them. Cotton said there was a reference in the ordinance on how wide those strips were and what could be planted in them. Tokos said as part of the Transportation System Plan (TSP) they would be looking at some of the street section options. There would be a brochure created to help educate the public. Franklin was concerned that the three feet minimum for small trees wouldn’t be accurate. Hardy saw there being conflicts unless they were clearly defined by diagrams in the code. Cotton confirmed this would be included in the code. Patrick suggested links on the document that directed the user to information on what each of the listed plants were. Hardy disagreed that there was such a thing as “salt air” and thought it should be removed. Cotton would look into this.

Berman asked if the Surf View Village apartment development was grandfathered in and if the rules wouldn’t apply to them. Cotton said yes. Croteau suggested adding Viburnum to the list of plants. Cotton noted that there had been a lot of experts in the field who looked at the list. Also, the Park System Advisory Committee would be making revisions to the document. Branigan asked if there would be anything done with new residential development. Tokos explained how the plan wasn’t structured for infill development on preexisting lots, but was structured to apply to something like a 8-10 lot subdivision when the developer wanted to put street trees in. Not all subdivisions would have street trees.

Hardy suggested clarifying which plant species were more water tolerant. Cotton thought this could be added to the notes. Branigan wondered why eucalyptus trees where included. Cotton noted this would be taken out. She explained how she sorted the list of trees by height and the other plants were sorted by botanical name. Patrick suggested the list be a live document so people could sort and search it as needed. Cotton noted she would be adding links to websites on the PDF document. Patrick wanted it obvious to people that there might be areas where the public right-of-way was a big area outside of people’s lot lines.

Cotton reviewed the ordinance draft. She noted the Parks and Rec Advisory Committee would serve as the Tree Board. Berman asked if people would have to go through the Tree Board when they wanted to plant a

tree at their property in a location that was part of the right-of-way. Tokos confirmed they would not. This ordinance was more about severe pruning or removal of trees. Hardy asked if the city would be liable if they didn't allow someone to remove a tree and it fell on their house. Tokos explained that these instances would be reviewed on a case by case basis.

Cotton reviewed the definitions. Branigan asked if there were definitions of what the stump height should be when cutting down a tree. Cotton reported this wasn't discussed and let Branigan know he could make a recommendation on this. Branigan felt it was important to have it defined. Tokos said they could take a look at it. Patrick suggested adding that trees and shrubs should not block the sidewalk. Cotton thought this could be included in the clear vision discussion.

Cotton reviewed the permit application section next. A discussion ensued regarding a potential addition to the language to say that if someone took a tree out they would have to plant another one on the property. Franklin expressed his concerns about the arborist requirement. Cotton explained this could be someone certified or someone designated by the City. Tokos suggested adding language to say a "certified arborist or a tree specialist". Berman asked if the city would make a list of these professionals. Tokos said they would. Cotton would work on the language. Patrick wanted clarification on what was required when there was storm damage to trees. Cotton said if they were doing minor pruning they wouldn't need a permit.

Cotton reviewed the criteria for tree removal requests. Berman asked who the "City" was under "A" for requests. Cotton said it was Public Works. She covered the criteria for what the Tree Board would review. Hardy was concerned that "habitat" was based on emotions and was subjective and uninformed. She asked what the qualifications were for members on the Tree Board to make the decisions on a scientific basis that superseded perception. Cotton said the Tree Board represented different interests. Berman was concerned about a "tree is generally healthy and of sound structure" warranting a denial. Cotton said it could be too ambiguous and wasn't a scientific definition, but was a factor to consider. Capri suggested changing the word "likely" to say "may" in both headings for warrant of approval in section B.1 and B.2.

Hardy asked if Public Works could go against the recommendation. Cotton said they could. Hardy asked what they would base it on. Cotton explained it would be at their own discretion and there would be an option to appeal. Tokos said the question the Commission needed to ask was if the Advisory Committee would be giving a final decision as opposed to a recommendation. He also noted that under "Exceptions" there needed to be language to say that they weren't routing the development that was authorized through a right-of-way permit through the Tree Board.

Cotton reviewed the section on tree removal and replacement. Capri asked if it mattered what the diameter needed to be for the replacement tree. Cotton explain the tree needed to be at least a 1 inch diameter and 4 feet above ground. Patrick was concerned about how to calculate the number of tree that needed to be added when a large old tree was removed. Cotton asked for the Commissioner's thoughts on what the number of trees that needed to be planted should be. Hardy didn't think there should be a requirement to replace anything. A discussion ensued regarding local trees and what should be replaced. Tokos thought they could review ratios in the language. Capri suggested requiring that they needed to add only one tree. Croteau suggested adding "up to" a certain number a trees and up to a "25 inch" tree. Capri asked if there were funds for this. Cotton said there was a discussion to have a tree fund but it was overly complicated for this ordinance. There might be an option for the City to go out and plant their own replacement trees. Croteau asked if this was something the Tree Board would be involved in. Cotton thought that people would come in with a simple one for one replacement. If there was anything outside of this that required mitigation, they could present an alternate landscaping scenario that would be approved by the Tree Board. Hardy asked what the driving force was for the Tree Plan. Tokos said the City Council voted to be part of the Tree City USA designation and this was a way to be a part of it.

- B. Transportation System Plan Advisory Committee/Desired Outcomes.** The Commission agreed to hold the discussion on the Transportation System Plan Advisory Committee and desired outcomes at the evening's regular session meeting.

4. **Director's Comments.** No Director comments.
5. **Adjournment.** Having no further discussion, the meeting adjourned at 6:57 p.m.

Respectfully submitted,



Sherri Marineau,
Executive Assistant