

MINUTES
City of Newport Planning Commission
Work Session
Newport City Hall Council Chambers
August 9, 2021
6:00 p.m.

Planning Commissioners Present: Jim Patrick, Bob Berman, Lee Hardy, Braulio Escobar, Jim Hanselman, and Bill Branigan.

Planning Commissioners Absent: Gary East.

PC Citizens Advisory Committee Members Present: Dustin Capri and Greg Sutton.

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. **Land Use, Building, and Urban Renewal Bill Summary from 2021 Legislative Session.** Tokos reviewed his summary on the 2021 legislative session and asked the Commission to give comments or questions as they reviewed each.

Tokos first reviewed HB 2006 pertaining to emergency shelter super siting legislation that required local governments approve an application for such a shelter regardless of state or local land use laws, if the application met specific approval criteria outlined in the bill. Berman asked if this was emergency or permanent housing. Tokos confirmed it was not permanent housing, it was emergency shelters. This could be year round services or seasonal shelters. Tokos thought this would be a discussion with the City Council when they received ARPA money. A discussion ensued regarding homeless car camping in Newport.

Tokos reviewed HB 2008 that required local governments to approve the development of affordable housing on property not zoned for housing, without requiring a zoning change, on property owned by a religious organization if that property is located within an urban growth boundary, is not zoned for industrial use, and is contiguous to property zoned for residential use. Tokos thought this might be something they would want to work into the land use code as part of a pickup through the legislative. He didn't think it would have much impact for Newport. Berman questioned what was happening on 12th Street behind the church. Escobar explained they were looking for grant money to move the project forward to build five small mini homes for single parents with children so they had easy access to the school. They were partnering with Habitat for Humanity and they were at the point to get people to help them write grants. Tokos pointed out that this was a residentially zoned property and this bill would extend it to industrial and commercial zones.

Tokos reviewed HB 2180 directing the Oregon Building Codes Division to amend state building codes to require that construction of new commercial buildings and mixed-use or multi-family buildings with five (5) or more units include electrical service with capacity to support level 2 charging stations for at least 20 percent of the vehicle parking spaces, that conduit be extended to parking areas, and that a location for installing charging stations be identified. Carpi asked if they would have to install the service. Tokos explained they would be required to have the capabilities for the service.

Tokos reviewed HB 2364 allowing more time for tenant organizations and owners to communicate with respect to certain aspects of the manufactured dwelling park sale process. He noted this wasn't something the city was directly involved in, they were just consulted on it.

Tokos reviewed HB 2415 mandating local jurisdictions that administered and enforced building inspection programs utilize the State of Oregon ePermitting system or another electronic permitting system with equivalent features. He then reviewed HB 2560 requiring local governments provide members of the public an opportunity to access and attend meetings held by a governing body of a public body (i.e. City Council, Planning Commission, etc.) by telephone, video or other electronic or virtual means to the extent reasonably possible. If in-person written testimony was allowed then the governing body must accept testimony via email or other electronic means as well.

Tokos reviewed HB 2583 prohibiting local governments from imposing occupancy limits based on familial or nonfamilial relationships. A discussion ensued regarding the occupancy for short-term rentals and how the bill rules didn't apply to them because their occupancy was set by parking, not familial.

Tokos reviewed HB 2605 establishing that Risk Category III and IV buildings located within tsunami inundation zones be designed for tsunami load effects in accordance with ASCE 7 standards, which were enhanced engineering design standards. He then reviewed HB 2607 that provided that residential housing being constructed to replace housing destroyed or damaged by wildfire or another event or circumstance that was the basis for a state of emergency declaration be exempt from construction excise taxes.

Tokos then reviewed HB 2809 allowing temporary siting of recreational vehicles (RVs) on properties with single-family or manufactured dwellings that natural disasters had made uninhabitable. Berman asked if "natural disasters" had been defined. Tokos would look into this. Capri noted that FEMA had a definition for them.

Tokos reviewed HB 2884 that extended the time for recording of a partition plat from 90 days to 365 days after the date a local jurisdiction validates the unit of land for purpose of making the unit of land a lawfully established parcel. He noted this was rare and didn't see it too often in Newport. Escobar asked what the rationale was to extend the timeframe to record the final plat. Tokos explained one reason was that it took awhile to get the final partition plat done through the County Surveyor's office. Another reason was that it took some time to get a surveyor to make corrections because they were backlogged.

Tokos reviewed HB 2918 requiring local governments submit an inventory of their surplus real property to the Oregon Department of Land Conservation and Development (DLCD) on January 1 of each even-numbered year. Patrick asked how much surplus property Newport had. Tokos reported Newport had no properties designated suitable for these purposes, but we would had to report this. The City Council had to formally designate properties as surplus and it was done by a case by case basis.

Tokos reviewed HB 3040 calling for the Oregon Housing and Community Services Department to conduct a comprehensive study of System Development Charges (SDCs) as defined in ORS 223.299 and how they fell in the overall housing. Patrick asked what the city was doing now. Tokos reported they were already doing this and had information pertaining to it that was posted on the department's website.

Tokos reviewed HB 3109 establishing childcare facilities as a permitted use in all commercial or industrial zoned areas, except in areas zoned for heavy industrial use. Patrick asked how this related to water zones. Tokos would look into this.

Tokos reviewed HB 3115 for legislation codifying key provisions of the *Martin v. City of Boise* federal court decision for sitting, lying, sleeping or keeping warm and dry outside on public property being "objectively reasonable." He noted that the City Council would be having a discussion on this. Sutton asked how many current shelters there were in Newport. Tokos reported there were none.

Tokos reviewed HB 3124 for extending notice for clearing out established camping sites. Patrick asked if this applied to public or private lands. Tokos would check, but noted that the City didn't do camp cleaning on private properties, but did on public.

Tokos reviewed HB 3219 requiring local governments to approve the development of manufactured dwelling parks destroyed or impacted by a natural disaster; authorized local governments to rezone certain areas within an urban growth boundary for manufactured dwelling park development where manufactured dwelling destruction has contributed to housing scarcity; and expanded the definition of a manufactured dwelling park to include certain relocatable prefabricated structures.

Tokos reviewed HB 3261 requiring local governments to allow the conversion of hotels and motels into emergency shelters or affordable housing, regardless of state or local land use laws, if the application met specific approval criteria in the bill. Escobar asked if this was already happening. Tokos explained this was for conversions from a hotel/motel to an emergency shelter.

Tokos reviewed SB 8 requiring local governments to approve the development of certain affordable housing, and not require a zone change or conditional use permit, on land zoned to allow commercial uses, to allow religious assembly, or as public lands.

Tokos reviewed SB 405 preempting a nonconforming use from being considered interrupted or abandoned by a city or county while a federal, state, or local emergency order issued on or after January 1, 2020 temporarily limited or prohibited the use, or the restoration or replacement of the use.

Tokos reviewed SB 458 requiring that local governments approve land divisions using the expedited land division process outlined in ORS 197.360 in cases where a developer has constructed middle housing (i.e. duplexes, triplexes, fourplexes, townhouses, and cottage clusters) on a lot or parcel consistent with HB 2001 (2019).

Tokos reviewed SB 762 that provided the administrative structure and policy guidance for state agencies to follow-up with additional resources, oversight, and regulations to reduce the risk of wildfire in the Wildland Urban Interface (WUI).

Tokos reviewed SB 866 which allowed cities that used the services of contract building officials as of 2018 to maintain their program in that manner with additional oversight. Hardy asked who oversaw this. Tokos reported he and the Building Official would when acting in this capacity for the City. He explained that the Building Official had to have an extensive array of certifications and it was tough to get all of the needed certifications in one person. This was why they needed to hire contracted inspectors to cover all these types of inspections the Building Official wasn't certified for. Tokos reported they did put in for a 20 percent increase on the city's electrical fee schedule because the County A-Level electrician who had been under contract retired and the cost to provide another A-Level inspector coming out of the valley had significantly increased.

Tokos reported that there would be a target package to address many of these changes at a later date.

3. Unfinished Business.

- A. **SP Solutions Evaluation Memo (Tech Memo #8)**. Tokos reviewed the Agate Beach map. Hanselman asked if the enhanced pedestrian crossings would be a flashing light crossings. Tokos confirmed that the expectation was to have some sort of flashing crossing. Sutton asked if more signals would be placed further north. Tokos noted that there was a project on 73rd Street near the police station that may be done if they got another development in this location. Berman asked if the land across from the Central Lincoln PUD would be developed. Tokos reported that there was nothing happening at that time. ODOT and the State Forest Department had an option for this property but they let it expire. Berman thought there hadn't been any discussion about changing some of the left turn signals in Newport so they blinked yellow for people to turn. He asked if this would be reviewed. Tokos explained this was captured in a signal optimization project where they did the whole corridor. Berman thought this needed to be addressed.

The meeting was temporarily adjourned at 7:00 p.m. for the start of the regular session meeting and then reconvened at 7:12 p.m.

Tokos asked for comments on the Agate Beach projects. None were heard. Tokos asked or comments on the Oceanview and Harney Street map. Berman thought the intersection of Oceanview and US 101 could potentially get worse for traffic turning left.

Tokos reviewed the downtown area map next. He reminded the Commission that they would have an opportunity to make comments on the open house or the online survey through the end of the month. Patrick asked why they needed a traffic signal on Angle Street when it had no turn lane. Tokos explained what they were looking for at this intersection would be to restrict left turns on Angle Street. Hanselman thought they should eliminate left hand turns for a number of sections of streets in Newport. Berman noted they still hadn't fixed the maps for the Urban Growth Boundary versus the city limits. He thought this needed to be fixed.

Tokos reviewed the East Newport map and asked for comments. Berman noted that he questioned why US 20 wasn't in the city limits.

Tokos reviewed the South Beach map next. Berman noted there were many projects included but there were no cost estimates. He asked if the costs would be shared. Tokos reported they were working on this and they would be shared. Berman asked if the cheaper projects would get a higher priority. Tokos explained that some projects would, but noted that some projects were cost effective but weren't timely. Berman asked if they would expect to see some projects being done in the next few years. Tokos explained they would be working on a package of nearer term things that could be done to improve things, while they still worked on longer term solutions. They would be pursuing both paths.

Branigan asked if ODOT had to be consulted and asked for funding on projects. Tokos reported that the City could do some small projects, such as rapid flashing beacons on US 101 State right-of-way, but the city would be responsible for maintenance of them moving forward. Other larger transportation changes such as the resurfacing in South Beach was a partnership with ODOT where they brought millions of dollars to the project.

Sutton asked if there was any organization to complete projects that weren't finished. Tokos reported this showed where the projects lied on the map. This was headed to a discussion with the Planning Commission and City Council to see what fits in the fiscally constrained list to see where the money should be spent.

- B. **Submitted TGM Grant Application for the City Center Revitalization Project (Informational).** No discussion was heard.
- C. **Updated Planning Commission Work Program.** No discussion was heard.
- 4. **Adjourn.** The meeting adjourned at 7:30 p.m.

Respectfully submitted,



Sherri Marineau,
Executive Assistant