

**MINUTES**  
**City of Newport Planning Commission**  
**Work Session**  
**Newport City Hall Council Chambers by Video Conference**  
**July 13, 2020**  
**6:00 p.m.**

**Planning Commissioners Present by Video Conference:** Jim Patrick, Lee Hardy, Bob Berman, Mike Franklin, Jim Hanselman, and Bill Branigan.

**Planning Commissioners Absent:** Gary East (*excused*).

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

**PC Citizens Advisory Committee Absent:** Braulio Escobar.

**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 6:04 p.m.
2. **Unfinished Business.**
  - A. **HB 2001 Infrastructure Based Time-Extension Final Rules (DLCD Hearing set for 7/23/20).** Tokos reviewed the final rules for the infrastructure based time extension process to allow local governments to defer adoption of land use regulations to allow for additional density in areas where there were significant infrastructure deficiencies. He explained that if a local government filed, they would have an obligation to fix infrastructure problems. The rules went to hearing on July 23rd and would be up for adoption before the Land Conservation Development Commission on the 5th of October. Tokos reported that Newport was a medium sized city and only mandated to allow duplexes on lots where single family dwellings were permitted. He wanted to see if the Commission felt there was any reason to provide comment or start positions to file a request.

Tokos provided three area examples and reviewed their issues. These areas included the Vista Drive, Rocky Way, and Golf Course Drive areas. These were areas that a municipality could apply for a delay and if approved the City would have an obligation to fix the issue within a specified time period. The administrative rules didn't specify how much time a jurisdiction could get, but he didn't think the State would give anything over 10 years. Tokos noted that the other approach they could take was to allow duplexes on any lot where single family dwellings were allowed, and then deal with these issues with non-land use codes such as the Fire Code or adding requirements for developers to put in private pump stations.

Tokos reviewed the different area plans for infrastructure. He explained that he had talked to the Fire Chief and State Fire Marshall and the City had the ability to adopt their own local fire provisions to deal with emergency access issues. Tokos noted that the Vista Drive issues would be hard to address. There weren't a lot of options for secondary access and it was not wise to put a burden on the City for things they couldn't address.

Berman asked if the application was done area by area, or case by case. Tokos explained that the infrastructure needed to be localized and not city wide. Berman asked if the city chose to not do anything could they apply later for things they couldn't handle. Tokos explained that the deadline was at the end of the calendar year. If they didn't file by the deadline, a new code would have to be adopted by June 30th of next year. Tokos didn't think it was worth their while to apply for an extension because they probably had the tools to deal with it outside of the land use context. A better solution would be to adopt a local fire code provision that said every additional dwelling above 30 on Vista Drive, whether the dwelling was a duplex or single family home, would have to have sprinklers. The risk to life safety would be what they would lean on. Capri asked if this put all the burden on the people who wanted to develop a property. Tokos confirmed it would. The traditional context in

terms of development was that the developer carried the burden to address service issues if services were deficient. Capri questioned if this would discourage development because the cost would be on the developer. Tokos explained that he was only showing three areas in the city with issues and there were a lot of other areas that were fine. If they adopted the regulations to allow duplexes on every lot where there were single family homes, they would start to incrementally see attached housing in the R-1 zones in the city. In the areas such as Vista Drive, this would become problematic and was where the sprinkler issues could come in to the fire code. The infrastructure time extension flipped the burden. If they took advantage of the infrastructure time extension the city had the obligation to address the issues. Berman asked if the city would then make a fire code that said if you lived on Vista Drive you would have different rules than everyone else in the city. Tokos explained that any new dwelling unit on a dead end road with more than 30 units on it would be required to have fire sprinklers.

Hanselman was concerned about the area west of Golf Course Drive where there wasn't any infrastructure. There were other single access streets in the areas in the city that they didn't have money to fix. Hanselman felt those areas should be restricted from additional development. He was worried about the areas without stormwater infrastructure. Hanselman thought writing a new ordinance would be too time consuming and there might not be motivation to protect all the areas in the city.

Franklin asked why the Vista Drive subdivision was approved to be developed without turnaround access. Tokos explained that the property was annexed in from the County and was platted by them. The State Fire Marshall's thought was that the requirement for fire sprinklers for over 30 dwellings started in the 80's. Franklin asked if there would be a requirement for fire sprinklers for tiny homes, and asked what the demand on water for sprinklers would be. Tokos didn't think the demand was the issue. If the sprinklers were separate from the residential use and a secondary system. The city had the option to apply under the local fire code what size of the dwelling should be required to have sprinklers. He thought the deficiencies were for the larger communities. Newport was a medium size community and duplexes were the consideration here. If the city made the application they could defer duplexes in the area, but this would mean they were saying they would fix the problems and they would have to say how long it would take to do it. If they didn't submit the application they would put the zoning in place that would allow the duplexes, and could still deal with the challenging areas incrementally through the application of things like the Fire Code with provisions. Tokos sensed that most jurisdictions would try to deal with it without submitting for the time extension requests because if they did the burden would be placed on the city to fix it.

Branigan asked how long the time extension was good for. Tokos explained that it wasn't specified in the rules and was intentional. This was because nobody knew what this would look like and every jurisdiction would be different. Tokos thought it might be around 5-10 years. Patrick didn't see any fixes happening anytime soon. Berman was concerned with doing targeted code changes to get around the issue of insufficient infrastructure. He thought it sounded discriminatory to the people who fell on certain streets and felt it sounded marginal to change the code to get around another issue. Berman didn't think they should file for this. Tokos thought they could frame it as the city was happy to adopt the provisions that the State was asking us to allow additional density in the R-1 areas and some of the R-2 areas, but we recognize that there are certain pockets such as Vista Drive with inadequate access that needed to be dealt with. Tokos explained they could deal with it through the fire code, and this meant that as more and more dwellings went into the area the developers would have to incur some costs that those that built decades ago did not have to. This was a way to reduce risk to life safety. Hardy thought it was unfair to require someone who was developing to fund the infrastructure. Historically the city changed rules for decades and this shouldn't be a consideration. Hardy thought that life safety was their consideration.

Hanselman thought that if they were to use the fire code with a limit of 30 houses on a street, the number seemed arbitrary. Access was more important than the number of dwellings. Tokos explained that the number 30 was an arbitrary number set by the State Fire Marshall and was the break point from the fire protection side saying that there was too much risk to the public and there had to be a secondary access. Berman asked if San-Bay-O Drive was an example. Tokos thought it could be. Berman asked if it was 30 dwellings or lots. Tokos confirmed it was lots. Berman asked if there were any stormwater standards. Hanselman explained that there wasn't, but the State rules included some water mitigation infrastructure as part of the infrastructure that needed to be considered. Tokos noted that the stormwater provisions were more for those communities that were 25,000

and over in population. This was because they would have to go up to 4-plexes and these communities had higher density.

Patrick asked the Commissioners if there was a good reason to file for a time extension. The Commission was in general agreement there was not. Tokos would be bringing a draft code to comply with the House Bill and a mockup of a local fire code with some options for the Commission to take a look at.

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

- A. **Review and Comment on TGM Grant Application for Newport City Center Revitalization Project.** Tokos reviewed his memorandum. He noted that the City submitted a preapplication for city revitalization to ferret out how to deal with the public right-of-way, but it didn't deal with the private side as much. They would need to retool the old C-1 and C-2 regulations that resulted in the built form seen in the City Center that hadn't been working well. The pandemic slowed down the public outreach to find out what they wanted to do in the City Center area. Tokos could file the application but needed help on how to frame it. He reviewed photos of the City Center and a street cross section illustration to show how tight it was. Tokos then showed the different options for couplets traveling south and north through the City Center. He noted the TSP project would include discussions on how to do this. Tokos asked for input on how to frame the application and asked if the areas on the map were where the Commission wanted to concentrate.

Hardy asked what was broke that they had to fix. Tokos said what they were trying to do was to catalyze reinvestment in the commercial core area where there wasn't the level of investment, redevelopment in maintenance, and commercial activity they wanted to see. Hardy didn't think this was traffic related and asked if they had addressed these concerns with the individuals who were the problem. Hanselman said there was an effort to revitalize the area and thought they could partly frame it on revitalization. Hardy asked if a survey was done on what the stakeholders' wishes were for revitalization. Tokos said the TSP process had stakeholder engagement to find out what their needs were and what the issues were. This hadn't been totally completed and they needed to roll out options based on what they heard from stakeholders. This hasn't been done because of the pandemic. Patrick noted that Benton Street wasn't picked up on the couplet options from Benton Street north of Highway 20. Tokos would check on this. Franklin asked if the Harney Street extension was included. Tokos explained that it wasn't a part of this request. The thought was that the focus would be on the City Center commercial areas because if they did something like couplets it would be a significant change that would potentially help catalyze redevelopment in the area, and there would be a chance to change the land use regulations to influence what the development would look like.

Tokos asked if it made sense to file or if it made more sense to wait until next year when they had a better idea of the TSP process. Patrick thought it was better to wait but didn't think there would be money next year. Tokos noted that TGM was a joint ODOT/DLCD group and there was a chance there would be Federal stimulus money for infrastructure. Patrick was concerned that they would have to be vague with the proposal. Tokos could put a resolution in front of the City Council and get a letter of support together. If letters of support were needed, the Council would want to know exactly what the plan was. Hanselman thought it was best to wait until next year because anything for this year wouldn't be plausible. Tokos noted that it might feel like they were putting the cart before the horse without public input. Franklin thought they should wait. Patrick thought they should wait until they knew what they wanted to do. Tokos stated he would feel better if he knew the clear idea of what the preferred alternatives were. Sutton agreed. Capri agreed on waiting but hated giving up getting money. He didn't think they had any other alternatives though. Berman asked how much money the grant would be. Tokos said it would be \$100,000 to do the work and the city would have to match 12 percent. Patrick felt they would get pushback without public outreach. Capri asked if there was an option to defer. Tokos thought they would have to have a strong proposal to do so, but the grants were annual and there should be an opportunity next year. He would let the City Manager know the Commission had a chance to talk about this in a work session and given where they were with the TSP, they should hold off until they had a better idea of what their plan would be.

4. **Adjourn.** The meeting adjourned at 6:58 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Sherri Marineau". The signature is written in black ink and is positioned above a horizontal line.

Sherri Marineau,  
Executive Assistant