

MINUTES
City of Newport Planning Commission
Work Session
Newport City Hall Conference Room A
August 12, 2019

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

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.**
- A. **Continued Review of the Framework for a New Tsunami Hazard Overlay Zone.** Cotton reviewed the changes that were done since the last time the Commission saw the land use provisions. A discussion ensued regarding the requirement for a tsunami hazard acknowledgement and disclosure statement for new development in tsunami hazard areas. Topics included why the city would want to take responsibility and an example that released the city from any and all claims. Hanselman was concerned that the City would take responsibility if they were asking for waivers. A discussion ensued on why the City should ask for waivers. Cotton asked if the Commission wanted to remove Item 4 on the disclosure form. Franklin suggested saying the City would not be responsible for any claims. Cotton explained the disclosure would let people know they were building in a geologic hazards area, there was a life safety risk, and the property owner assumed the risk.

A question was raised on what would happen with new development in the flood plain. Tokos explained that if the property was within the 100 year floodplain, the owner was required to get flood insurance. New construction would have to be built one foot above base flood elevation, and a real estate disclosure form would be required. He noted the legislative change concerning the disclosure form was built into State law. Cotton asked for the Commission's input on the disclosure statement. A discussion ensued on the four items on the disclosure statement. The Commission was in general agreement to not include Item 4. Tokos questioned if the Commission saw a use for a disclosure statement at all. He thought that if they were going to do the statement, there needed to be engagement with the local insurance agencies to see if it was valuable. Cotton noted that the insurance agents she had talked to said they didn't take anything into account concerning tsunamis unless the owner asked about flood insurance. She would talk to more insurance agents about the disclosure statement.

Cotton reviewed the changes to Section 1.110. Berman thought that the capacity for "special occupancy structures" for colleges, adult education schools, and medical facilities with residents should have lower numbers than what was listed. He also suggested removing Section 6.h. from the list. Cotton would take off Section 6.h. and look into the occupancy for OCCC to see if it was greater than 500, and talk to Meg Reed of the DLCDC about the scalability of the provisions.

Cotton reviewed the prohibited uses in different magnitude events. Her thoughts were to include new build uses that the City wouldn't want to rebuild in the case of a major event. Berman asked how the OMSI building fit on the list. Cotton thought it would fit as a public assembly with a capacity greater than 300. A discussion ensued regarding the reasoning on how child care and medical facilities fit in their magnitude zones, and how complicated it was to evacuate occupants at these facilities. Cotton said what she was hearing was to move Section 4.a. Items iv, v, vi, and vii to the "M" magnitude events list, move Section 4.b. Items ii, iii, iv, and vi to the "XXL" magnitude events list, and take out Section 4.b.v.

Cotton asked if the Commission wanted to include an addition to say that childcare should be prohibited in Section 4 as an accessory to a prohibited use, be allowed in “M”, and be prohibited in an “XXL”. Patrick was inclined to permit childcare centers in “XXL” if they had a good evacuation plan in place. Cotton said she would add to Section 4.c. that childcare centers would be allowed when they were an accessory to a permitted use provided adequate evacuation measures would be provided such that life safety risk to building occupants was minimized. Tokos suggested avoiding the use of “adequate” and use “provide exclusively” instead. For the sake of time, the Commission was in agreement to move the discussion to that night’s Regular Session meeting.

3. **New Business.**

- A. **Amendments to NMC Section 14.16.050, Development Standards for Accessory Dwelling Units.** Tokos reviewed the amendments. He said the deadline to do the amendments was determined by Section 7 of HB 2001 that stated it was due by January 1, 2020.

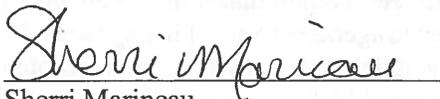
Berman pointed out that Chapter 14.16.050(H) said that Accessory Dwelling Units (ADU) shall share connections with the primary dwelling and questioned if they needed to continue to be on the same connection. A discussion ensued regarding ADUs sharing services with the main dwelling and if the Commission wanted to delete Item H. The Commission was in general agreement to remove Item H. Franklin question if the maximum floor area was the footprint of the ADU. Tokos said it was the habitable floor area of the living area. Hanselman asked if setbacks would be changed. Tokos said this only applied to non-habitable structures such as garden sheds.

Berman asked if someone built an ADU that they wanted to later rent, would they be required to have a parking space. Tokos said they would only need to provide off-street parking if it was a short-term rental. A discussion ensued regarding the recommendation by the State to allow one or two ADUs per dwelling unit on a parcel and how ADUs should be limited in Newport. The Commission was in general agreement to limit one ADU per parcel. Tokos said he would bring this option in the language to the Commission.

- B. **Updated Planning Commission Work Program.** For the sake of time, the work program discussion was moved to the Planning Commission regular session meeting.

Adjourned at 6:57 p.m.

Respectfully submitted,



Sherri Marineau,
Executive Assistant