

MINUTES
City of Newport Planning Commission
Work Session
Newport City Hall Council Chambers by Video Conference
September 14, 2020
6:00 p.m.

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

Planning Commissioners Absent: Mike Franklin, and Gary East (*all excused*).

PC Citizens Advisory Committee Members Present by Video Conference: Dustin Capri, and Braulio Escobar.

PC Citizens Advisory Committee Members Absent: 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 6:03 p.m.
2. **Unfinished Business.**
 - A. **Draft OARs Implementing HB 2001 (Large City Model Code) and HB 2003 (Housing Production Strategies).** Tokos reviewed his staff memo. He noted the city had until the end of June next year to complete this and suggested that they package things together as a single amendment.

Tokos reviewed Chapter 3, Triplexes and Quadplexes section of the model code. Patrick asked how the maximum floor area ratio was determined. Tokos explained that you're allowed 1.4 feet of floor area for every foot of lot there is. This was defined in the document as well.

Tokos reviewed how the minimum lot size for detached single family dwellings and maximum floor area ratio (FAR) worked, and what the building setbacks and maximum building heights were. Berman asked if what they were saying was that they couldn't set the maximum height to 35 feet. Tokos confirmed this was correct. Hanselman asked if someone would only need one off-street parking if they put a duplex on a lot that was less than 4,000 feet. Tokos confirmed this was correct. The model code was looking to minimize any kind of parking requirements because they viewed off-street parking requirements as a deterrent to density needs, and to get people to walk, bike and use alternate modes of travel. Tokos reminded that this was a model code for cities bigger than Newport with more robust transit. Berman asked what the difference was between the requirements for off-street parking for duplexes and triplexes, and asked if they could require off-street parking for duplexes. Tokos explained that this was just a model code, but the city had the ability under administrative rule to have off-street parking requirements. He thought the maximum number of spaces for duplexes was two. Tokos reminded the city was under no obligation to incorporate any provision out of the model code. The Commission could decide what options they wanted to adopt. Hanselman was discourage this was making as much imperviable surfaces on a lot as possible. He thought this was a step backwards for the community environmentally. Hardy agreed.

Tokos reviewed the entry orientation, widows, garage and off-street parking sections next. He noted that at this point the city didn't regulate standards for these areas much. Tokos reviewed the driveway approaches, improved alley access and unit definitions next. Escobar asked if Newport had to adopt rules for duplexes and if the higher density standards were optional. He didn't see a lot of the standards that would work well in Newport and thought it would be wise to focus on duplexes and come back to other issues on higher density after the review.

Berman asked if Newport, as a medium city, was not required to allow these things in R-1 and R-2 zones but some of the standards or the code could be added where they were already allowed in the city to try and clean up eye sores. Tokos agreed this was correct, and noted they currently allowed townhouses in R-2, R-3 and R-4 zones but they weren't subject to design standards. He explained that the question was if they wanted to potentially incorporate some design standards. If so, he could work this into the same package as the duplexes. This was because he would have to do a lot of work on the code, he could pull some of this in as well.

Capri thought keeping design standards a bit lenient was helpful. He liked having a list of standards to choose from such as the Nye Beach Standards instead of having to meet a whole list of standards. Capri thought that encouraging developers to do some of the standards, not all, would be good. Tokos pointed out that the Commission had the option to mix and match with this. Berman asked if it was necessary for the timeframe to mix in the design standards with the duplex standards. Tokos said it wasn't. He just wanted to package them together for time efficiency.

Tokos reviewed the Cottage Clusters section and noted this was an area where they could do work and provide some clarity. He explained there were ways to do this in the existing standards but these updates would provide clarity on when people wanted to do this type of common courtyard housing. Berman thought tiny homes could fit into the same pattern as these. Tokos confirmed they could and noted a project in Nye Beach where they were doing multiple homes with accessory dwelling units that weren't required to have off-street parking.

Tokos asked if the Commission had interest in allowing higher density in R-1 and R-2 zones. If not, he asked if there was interest in potentially pulling some of the design standards to apply in the higher density areas where they allowed the use but didn't have any design standards for the use. Berman thought that having design standards would be good but they needed to be flexible and give an "either/or" choice. Capri didn't want to rush this and make it difficult to design to the standard. He thought there were a lot of examples where this was done well but they could go overboard. Patrick didn't see putting anything in the duplex code except driveway standards. He thought it was interesting to look at the cottage standards. He felt the townhouse and the rest of the standards were for places other than Newport. There were some parts on the setbacks that would work and thought it would allow people to build instead of requiring them to get a nonconforming use approval. Hardy thought the driveway access suggestions were poor. She didn't see any benefit for limiting the length of a driveway. There was nothing that interested her in terms of configurations. She indicated that the State of Oregon over densified populations since it exacerbated the spread of disease. The streets were under parked, and there were substandard streets in Newport that couldn't handle a lot of on-street parking. Branigan didn't see much in the standards that applied to Newport. If you tried to mandate design changes it would take away from the feel of Newport. Branigan didn't see an advantage to them. Exacerbates disease

Hanselman questioned what problems Newport had that this program addressed. He didn't think it would solve problems This felt like they were shoehorning additional density wherever they could. Hardy agreed. Berman noted the issue was if they wanted to adopt design standards and if the city wanted any say in the configuration and how things looked. Capri noted there already were requirements in the Oregon Specialty Code and City requirements that dictated how a structure would end up looking like. Adding designs standards ran the risk of adding things that would start to create one typology in a community. Hanselman asked if Capri saw anything that was onerous if this was adopted. Capri didn't, but thought the hard part was when it became a city requirement. When reading the code it was straight forward but when someone had a certain budget, site, constraints and needs for a particular piece of land, this was when some of the standards became problematic. Berman noted when considering typography of a lot it forced some choices that might or might not be in conflict with the design standard. Capri agreed and noted a duplex project he designed. At first the lot looked flat but when they looked at the typography onsite the duplexes had to be built with offset heights from each other. Patrick noted that what he was hearing was that none of the Commissioners like the townhouse and triplex standards at all, there wasn't a lot of support for driveway standards, there was a little bit of support for cottage standards, and limited support for design standards. The Commission was in general agreement with this.

Tokos would move ahead with the duplex work, and put together some thoughts on what they could do with cottage clusters. He would review if there were some target standards they felt strongly about as staff for design standards for some of the existing uses like townhouses, triplexes, or four-plexes. He would bring it forward with the rationale for review. Capri asked if the design standards could be a separate discussion or if they should

be a part of this discussion. Tokos thought it should be bundled together to handle it as efficiently as possible because they would have to do design standards for duplexes. He explained that this would be a refining exercise for the Commission as they moved forward.

Escobar asked if the standards would override CC&Rs in some neighborhoods. Tokos explained that there were some specific provisions that if the CC&Rs were in effect prior to the adoption of the law, the CC&Rs would still be enforceable. Prospectively, new CC&Rs would be a problem.

Branigan asked if duplexes could span over contiguous lots or would they be restricted to just one lot. Tokos explained that it depended on what they were trying to do, and if it was in an area where a triplex could span multiple lots. These could be done if they were willing to deed restrict the properties and manage them singularly. Tokos gave an example of a currently built apartment complex that straddled lot lines where they had to do a covenant to maintain it as a single large unit of land. If the object of the property was to sell individually, they would have to get their lot lines adjusted. Branigan asked if the Fisherman's Wharf Estates project could build across lots. Tokos explained these lots were R-2 zoned and town houses could be built but it wasn't what they were approved for in their subdivision. They were approved for a 10 lot residential division and noted the developer submitted an extension on their subdivision approval.

Tokos explained that the HB 2003 applied to the City and changed rules relative to planning for housing. Traditionally this was done with a land use assessment and looked at different tools we had to encourage housing. The House Bill increased the frequency the City would have to do that type of assessment. Previously there really wasn't any deadlines and most jurisdictions did this every 10 years. Now it would be every eight years for Newport and we would have to comply with annual requirements and midcycle check ins. This encouraged the city to be aggressive to promote and adopt rules that incentivized housing. This would now require things like providing supportive services to get homeless into stable housing. Tokos explained that this was starting to go beyond the city's traditional role and created a regulatory framework for construction of housing to a more proactive role. This administrative rule along with the one they were looking at for HB 2001 would have an initial public hearing on September 25th, and the hearing for adoption would be in early November. The city would have to comply with HB 2023 by the end of the 2022 calendar year and they would be starting the process at the beginning of the next budget cycle. 2014 was the last time the city updated the housing needs and buildable lands work when they did the OSU housing supplement.

B. Revised TSP Update Schedule & Summary of Public Outreach Virtual Event No. 1. Tokos noted the documents for the TSP public outreach and events would be shared online. There would be two virtual online events. One would be where people could work their own way through it and fill out surveys. The other event would be more interactive. The Policy Advisory Committee provided input on the work that needed to be done. The outreach would be online because of the pandemic and it would allow the public to participate and hopefully give input. Berman noted that there needed to be a good way to get ideas from all the public, especially ones who weren't technically inclined.

3. **New Business.** None were heard.

4. **Adjourn.** The meeting adjourned at 6:57 p.m.

Respectfully submitted,



Sherri Marineau,
Executive Assistant

