

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

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

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

PC Citizens Advisory Committee Members 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 6:00 p.m.
2. **Unfinished Business.** No discussion was heard.
3. **New Business.**
 - A. **Initial Review of Land Use Code Amendments to Implement HB 2001 Duplex, Townhouse, and Cottage Cluster Standards.** Tokos noted the public comments that were received from Cheryl Connell and Carla Perry that were emailed to the Commission for their review. He explained that the provisions in the statute that Connell and Perry were both referencing was in Section 7 of House Bill 701 that the city had to implement previously because there was a separate deadline on it. This provision said that you couldn't require owner occupancy or off-street parking requirements in order for someone to get an accessory dwelling unit (ADU). We couldn't require this of the primary dwelling or ADU. They did add a provision that said you could require owner occupancy and parking requirements of an ADU if the ADU was used as vacation occupancy. NMC Chapter 14.25 vacation rental code already required off-street parking for any dwelling unit, including ADUs, used for vacation occupancy. It doesn't have a requirement of owner occupancy if an ADU is used for vacation occupancy. Tokos explained that there was owner occupancy rules for Home Shares as well. He noted he would be hard pressed as to why we would want to require owner occupancy in an ADU that was used for vacation occupancy because they were so small. These were typically one bedroom units and 600-800 square feet in size. If the city wanted to require this, the appropriate forum for this discussion was the Short-Term Rental Implementation Work Group, not the Planning Commission. The changes the Commission was currently looking at were not changes to the short-term rental code. They were simply authorizing duplexes in all of our zones, and cleaning up some confusion on language making sure that it synced to other provisions of our code. There was also some design standards for townhouses and cottage clusters.

Berman asked if it was fair to say Perry's problem was related to the one vacation rental with an ADU that had been in dispute for some time. Tokos explained that this particular property was outside of the permitted boundary for short-term rental (STR) licenses in 2019, and had the principal dwelling and an ADU that was recently constructed. The ADU wasn't a STR. Perry raised concerns it was being used as a STR and there was a back and forth between the Police Department and that owner on this. The ADU wasn't a licensed STR, but could be used as a long-term rental. This circumstance wasn't the norm out there, more the exception. Hanselman asked if this meant that real enforcement of the outliers might be the resolution. Tokos reported that enforcement in this particular case was being done and was a way to a resolution. If enforcement wasn't adequate or was ineffective this was more appropriate for the Work Group to discuss. Berman asked if this would be brought up at the next Work Group meeting. Tokos confirmed they could make that correspondence available as part of that packet. Hanselman thought a discussion on the specific property and the problems

around it should be discussed with the Work Group so they had a background on why adjacent owners were having issues with the current ordinance. Tokos thought this was a fair point and explained that this particular property had been brought up in the past and it would be appropriate to bring it up again and update the Work Group.

Tokos reviewed the draft revisions to implement HB 2001. He explained the concept to remove court apartments and why this was removed. He noted duplexes and two-family dwellings were the same thing. Tokos also explained the multi-family definition, and how triplex and fourplexes were deleted in favor of a multifamily definition. Hanselman asked if there could be three units on a parcel. Tokos confirmed there could be and explained how through this process there could be scenarios with a total of three dwellings by having a duplex and detached ADU. Hanselman wasn't happy with three units on one parcel and how it would increase the density. He asked if there was a way around this. Tokos confirmed there was through the ADU provisions. He explained the Commission previously said one ADU per property developed with a duplex. They didn't have to allow an ADU on a property that was developed with a duplex. State law did require them to allow an ADU on a property that had a single family detached. Tokos noted that the Commission could say they couldn't have an ADU if there was a duplex. Branigan asked if they could require larger lots for someone who was doing a duplex and ADU. Tokos reported that they couldn't require different development standards than they did for a single family detached. This was part of the law. Hanselman asked what they could do with lot coverage. Tokos explained this had to be the same and they couldn't require more for duplexes. They could adjust the coverages, but if they did this for duplexes it had to be the same for single family detached.

Tokos reviewed the changes to the lot, parcel, and tract definitions. He covered the changes to the dwelling, cottage dwelling, cottage cluster, cottage cluster projects, townhouse dwelling, and townhouse project next. Berman asked why "per acre" was in the Cottage Cluster definition. Tokos explained this was a minimum density requirement. They didn't want them dispersed on large properties, and they wanted them in small groupings. Patrick asked if townhomes could have ADUs. Tokos confirmed this was correct because they were individual single family attached at that point, and each attached unit was on its own lot.

Tokos reviewed the updated residential uses allowances. He noted the cottage clusters were new and allowed in the R-3 and R-4. The Commission could consider allowing them in the R-2 zone. Berman asked if this would be a conditional use. Tokos would look into this and was concerned that the State would say this was needed housing and they would have to provide a clear and objective path for approval. They could provide a conditional use alternative for something, but they had to first provide a clear and objective path for approval. Berman requested they come back to this when they got back into the details.

Tokos continued his review of the updates to residential uses allowances table. He noted there were changes to bed and breakfast inns because they now fell under the new STR code. He reviewed the changes to allow condominiums in the R-1 zone. Duplexes were allowed in this zone and once they were two dwellings you would start to see people converting properties to condos. Tokos reminded that condominiums were not a dwelling type, they were an ownership type. Patrick asked if an ADU could be a condominium. Tokos confirmed they could. Patrick was concerned that this meant that someone could split up ownership of an ADU. Tokos suggested that they make them convert a single family dwelling with an attached ADU to a duplex at that point. Patrick thought this might make more sense. Berman noted that if it was converted to a duplex they would have to allow another ADU. Tokos noted that this was true unless the Commission didn't allow an ADU with a duplex. Capri asked if this would ever be a realistic issue. Tokos explained there were a number of properties where they could have a duplex and an ADU and others that could have more than one duplex. Capri asked if there were any properties where they could have two duplexes and two ADUs. Tokos reported that there was a current project like this under construction for 10 dwellings that would be considered a cottage cluster in a commercial zone. Capri asked if there were a lot of R-1 properties that had opportunities to have duplexes. Tokos noted as it was now there could be two duplexes and one ADU in R-1. Franklin asked what the off-street parking requirements were for the cottage cluster project. Tokos explained this cluster project was required to have one parking space because it was in the Nye Beach Parking District. All of their other parking requirements were being met by on-street parking that abutted their property. Also, State law required that the city couldn't require parking for ADUs. This was why the project had three ADUs. Tokos also explained that

this area was C-2 and they were only required to have one parking for each unit. In this case they had a total of 10 units, three of which were ADUs where you couldn't require parking, and six of the remaining seven units were covered by on-street parking units per the Nye Beach rules, which required them to only provide one parking space. Berman thought this would be a disaster because there was no on-street parking in this area. He didn't think this was right and anticipated there being complaints because of it. Tokos noted this was just an example of how they could get a cluster. The Nye Beach parking management needed to be revisited and worked on, and the Nye Beach District might need to be expanded. Tokos reminded the dynamics were different when you had a mix of commercial and residential, as opposed to purely residential.

Tokos reviewed the required yards and the required recreation areas next. Berman asked for clarification on what the 50 feet of enclosed outdoor areas was. Tokos explained that this wasn't a new requirement. It could be removed or changed to say enclosed with vegetation. Patrick asked if this meant a duplex with two detached ADUs would have to have 200 square feet of outdoor enclosed areas. Tokos explained this was for multifamily, not duplexes. Berman noted it also said condominiums. Tokos would clean this up.

Tokos reviewed the distance between group buildings next. Berman asked what "rearing" meant. Tokos explained it meant if you oriented the unit as such that the rear of the unit faced a typical side yard setback, you had to provide a deeper side yard setback.

Tokos continued his review on the buildings on a tract requirements, the standards on substandard lots, and the updates to Table "A". He then reviewed the number of parking spaces required table, and the on-street credit for parking where the ratios for townhouses and cottage clusters had been added. Berman asked how they would know if there was on-street parking. Tokos explained the width of the street determined this. Berman asked if this was actual ready to park in spaces or the right-of-way. Tokos explained this was ready to park in and they could specify this. Hanselman asked if there was an actual measurement dependent on the street width. Tokos reported that there was, and they would go out and measure it. Berman asked if the first property to build on a lot across from another would get the parking credit. Tokos explained they wouldn't necessarily. The way this was set up was the parking spaces had to abut the property. When you had areas where one side had parking and the other didn't, the property on the side of the on-street parking would get the credit and the one on the side without wouldn't. They could also say that the on-street credit only applied to streets that had on-street on both side. A discussion ensued regarding how to measure spaces, streets and how it applied to streets with gutters, curbs and sidewalks.

Berman wasn't comfortable with the parking requirements at this time because he felt it was a developer loophole. Tokos noted off-street parking requirements can be an impediment to development. A lot of the State legislation was being done because they weren't getting enough housing and this was why they were pushing for it. Berman understood this but thought there were other areas where it wasn't necessary and this could end up taking up parking on the streets.

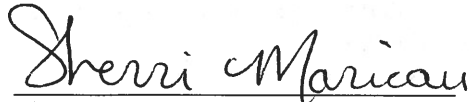
Tokos reviewed the landscaping requirements and noted that they applied to commercial, industrial, institutional and multi-family, but didn't apply to single family, duplexes, townhouses and cottage clusters. Tokos then reviewed the Iron Mountain overlay and noted it only applied to the quarry on the side of Highway 101. The overlay was structured to allow construction subject to a deed restriction. It called out single family dwellings and the revisions added the other types of dwellings.

Tokos thought that the remainder of the discussion could be picked back up on the design standards the Commission would review at the next work session meeting. Patrick thought there needed to be more thought on duplexes and ADUs, and on-street parking. Tokos would review the minutes and flag them for the next meeting. He asked the Commission to think about whether they wanted to allow ADUs on a property with a duplex or not. Hardy asked who said that Newport had a shortage of housing that required this over intensification of population. Tokos explained that they were short units based on the housing needs analysis but a lot of the push on this, and the reason there was legislation, was because of a statewide shortage of housing. Hardy stated that as a property manager she didn't see this.

B. Potential Cancellation of the December 28, 2020 Planning Commission Meetings. No discussion was heard.

4. **Adjourn.** The meeting adjourned at 6:59 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 the printed name and title.

Sherri Marineau,
Executive Assistant