



**CITY OF NEWPORT
PLANNING COMMISSION MEETING MINUTES
NEWPORT CITY HALL
April 12, 2022**

1. CALL TO ORDER

Chair Mahmood called the Planning Commission meeting to order at 5:30 p.m. on April 12, 2022.

2. ROLL CALL

Present (5): Chairman Anthony Mahmood, Commissioner Brandon Leyde, Commissioner Maria Bonilla, Commissioner Tami Fuelling, and Commissioner Michael Kermes.

Not Present (0): None.

3. PLANNING COMMISSION NOMINATIONS

Assistant to the City Administrator Travis Brierley stated any voting member of the Planning Commission can nominate anyone excluding themselves as Chair or Vice-Chair and the nomination must be seconded. From here, there needs to be a motion and a second with an approval or denial. The new Chair and Vice-Chair would be effective at the end of this meeting.

A. Chair

Chair Mahmood nominates Commissioner Leyde for Chair. Seconded by Commissioner Bonilla.

Commissioner Leyde accepted the nomination for Chair.

Chair Mahmood motioned to appoint Commissioner Leyde for Chair. Seconded by Commissioner Fuelling. Approved 5-0.

B. Vice-Chair

Commissioner Leyde nominates Commissioner Bonilla for Vice-Chair. Seconded by Commissioner Fuelling.

Commissioner Bonilla accepted the nomination for Vice-Chair.

Commissioner Leyde motioned to appoint Commissioner Bonilla for Vice-Chair. Seconded by Commissioner Kermes. Approved 5-0.

4. MEETING MINUTES

A. February 8, 2022

Commissioner Leyde motioned to approve the Planning Commissioner Minutes from February 8, 2022. Seconded by Commissioner Bonilla. Approved 5-0.

5. 910 12th STREET LAND USE

City Planner Nathan Fuerst gave a PowerPoint presentation for the land use at 910 12th Street. Planner Fuerst stated this property is near the intersection of 12th Street and 9th Avenue. This property is owned by the Murr family. Previously the Planning Commission recommended approval of a comprehensive plan amendment to City Council. The City Council discussed this item and referred it back to the Planning Commission for further discussion as to the background of the parcels zoning designation. This property was rezoned from a residential zoning district to a mixed-use zoning district in 2011. The reason was to allow the property owners to have their residence as the primary use, but also to do their business operations. During the 2040 comprehensive plan process in 2018-2019, this property was rezoned back to residential. Staff reviewed older minutes from the November 14, 2019 Planning Commission meeting and found this property was brought back to a residential future land use because it was residential in nature. Planner Fuerst stated there are three options the Planning Commission can consider recommending to Council. The first is to amend the land use map for the subject property. Another alternative is to amend the future land use map for the subject property plus others. The third alternative is to take no action and not amend the maps.

Commissioner Leyde inquired what potential impact on future use this has on the parcels neighboring the subject property if it were rezoned back to MX-4. Planner Fuerst stated the uses that would be allowed for MX-4 would be offices, retail, etc. The setbacks for MX-4 are less than residential districts and the impervious surface is greater for mixed-use than residential (75%).

Planner Fuerst stated when the Council discussed, they were concerned with one parcel being zoned different than neighboring properties, which are zoned residential. The Planning Commission discussed that all the processes were followed at the time of the Comp plan and the Murr's can continue what they are doing. The Planning Commission does not want one parcel zoned different than the two neighboring parcels.

Commissioner Leyde motioned to recommend to the City Council that 910 12th Street should remain R-1. Seconded by Commissioner Kermes. Approved 5-0.

6. MRCCA IMPERVIOUS COVER LIMITS

Planner Fuerst stated the MRCCA impervious surface requirements is specifically taken from a performance standard table in Section 36-208. The Planning Commission is asked to review the requirement for properties that are within the MRCCA area but not the Shoreland overlay. These properties in the MRCCA are currently held to 25% impervious surface and the Planning Commission is asked to consider whether it would like to increase this to 35%, which is the limitation for R-1. Planner Fuerst noted that the DNR's model ordinance, which the city is modeled after, does not contain a limitation to impervious surface for the MRCCA, but does have a maximum 25% impervious surface for the Shoreland Overlay. If the Planning Commission is interested in increasing this limit, staff should contact the DNR to ensure no rules would be violated if the city were to make this change.

Commissioner Leyde inquired if there is a specific reason for increasing it. Assistant Brierley stated there is a home that is being redeveloped due to a fire and since they didn't get a building permit submitted within 180 days, they would now be limited to the current MRCCA rule of 25%. City Administrator Deb Hill stated this change would allow more flexibility. The Commission discussed and directed staff to dig further into this as they agree with the 35% limit for the MRCCA.

7. IMPERVIOUS COVER DEFINITION

Planner Fuerst stated the term impervious surface is defined in the zoning ordinance and also defined in the shoreland overlay district. It was suggested to staff that the Commission consider changing the definition for impervious surface in the zoning ordinance specifically to exclude decks. The rationale behind the change is because most standard decks allow some amount of water to permeate through. In a standard deck without a patio, you have nothing preventing rainwater from penetrating down into the ground. There have been instances where residents are limited with impervious surface and cannot construct a deck due to this definition in the zoning ordinance. Council agrees we should exclude decks from the zoning ordinance definition and directed staff to do more research.

8. FOUNDATION WALL SETBACK

Planner Fuerst stated there is a residential property performance standard table which has a footnote at the bottom of that table. That table contains things such as setbacks and impervious surface limits. This footnote does not appear to apply to any item in that table. So, in that case it applies to every property. The other thing is this particular standard does not make sense because it is trying to address impacts of construction and not particularly concerns with setbacks. This particular standard seems to be focused on this distance of actual foundations to each other. Chair Mahmood inquired if we are looking to just get rid of this footnote. Chair Mahmood suggested staff look in the code to see if there is a construction section as maybe this got put in the wrong place. Planner Fuerst stated staff can do more research.

9. ACCESSORY STRUCTURES PERFORMANCE STANDARDS

Planner Fuerst stated that staff received a permit request and wanted to discuss the interpretation of the ordinance and intent of our code. A property owner has a home that was built on a grade which allows a two-story attached garage. The garage can be accessed from the grade level and can also be accessed below grade. Both stories of the garage have the same footprint.

Planner Fuerst inquired if the Planning Commission would count the current structure as one or two accessory structures? The Commission discussed and agreed it should count as one accessory structure as it has only one roof and vertical square footage storage.

Planner Fuerst inquired how the Planning Commission would count the square footage of this accessory structure. The Planning Commission discussed and stated they would count the footprint of only one floor as they are stacked on top of each other.

10. BIOLAWN

Planner Fuerst stated we reviewed the use of bioLawn a couple months back. At that time the Planning Commission recommended to Council that this particular use is similar to those already in that area. The Council reviewed that recommendation and found it was more comfortable approaching this in a slightly different way to permit this business to operate in the city. The company, bioLawn, has applied for a zoning text amendment and a conditional use permit (CUP). Assistant Brierley stated we will schedule two public hearings at the next Planning Commission meeting. The recommendations that come from the discussions of the Planning Commission would then go to Council for review.

Aaron Johnson and Will Haselbauer, owners of bioLawn, approached the podium. Chair Mahmood inquired if they purchase this property who will redevelop the southern part of the property. Mr. Johnson stated they have a broker who is looking for developers they could partner with.

11. AUGUST/NOVEMBER PC MEETINGS

Assistant Brierley stated due to state statute we are not allowed to have meetings between 6:00 p.m. and 8:00 p.m. on election dates. The Planning Commission discussed moving the August meeting to August 16th and the November meeting to November 15th.

Commissioner Leyde motioned to move the August Planning Commission meeting to August 16th and the November Planning Commission meeting to November 15th at the same time. Seconded by Commissioner Fuelling. Approved 5-0.

12. COMMISSION REPORTS

None.

13. ADJOURNMENT

Chair Mahmood motioned to adjourn the Planning Commission Meeting. Seconded by Commissioner Leyde. Approved 5-0.

The Planning Commission Meeting was adjourned at 6:43 p.m. on April 12, 2022.

Respectfully Submitted:
Jill Thiesfeld,
Administrative Assistant II

Signed: _____
Anthony Mahmood, Chairman