



PLANNING COMMISSION REGULAR SESSION AGENDA
Monday, September 25, 2023 - 7:00 PM
City Hall, Council Chambers, 169 SW Coast Hwy, Newport, OR 97365

All public meetings of the City of Newport will be held in the City Council Chambers of the Newport City Hall, 169 SW Coast Highway, Newport. The meeting location is accessible to persons with disabilities. A request for an interpreter, or for other accommodations, should be made at least 48 hours in advance of the meeting to Erik Glover, City Recorder at 541.574.0613, or e.glover@newportoregon.gov.

All meetings are live-streamed at <https://newportoregon.gov>, and broadcast on Charter Channel 190. Anyone wishing to provide written public comment should send the comment to publiccomment@newportoregon.gov. Public comment must be received four hours prior to a scheduled meeting. For example, if a meeting is to be held at 3:00 P.M., the deadline to submit written comment is 11:00 A.M. If a meeting is scheduled to occur before noon, the written comment must be submitted by 5:00 P.M. the previous day. To provide virtual public comment during a city meeting, a request must be made to the meeting staff at least 24 hours prior to the start of the meeting. This provision applies only to public comment and presenters outside the area and/or unable to physically attend an in person meeting.

The agenda may be amended during the meeting to add or delete items, change the order of agenda items, or discuss any other business deemed necessary at the time of the meeting.

1. CALL TO ORDER AND ROLL CALL

Commission Members: Bill Branigan, Bob Berman, Jim Hanselman, Gary East, Braulio Escobar, John Updike, and Marjorie Blom.

2. APPROVAL OF MINUTES

2.A Approval of the Planning Commission Work Session Meeting Minutes of September 11, 2023.

[Draft PC Work Session Minutes 09-11-2023](#)

2.B Approval of the Planning Commission Regular Session Meeting Minutes of September 11, 2023.

[Draft PC Reg Session Minutes 09-11-2023](#)

3. CITIZENS/PUBLIC COMMENT

A Public Comment Roster is available immediately inside the Council Chambers. Anyone who would like to address the Planning Commission on any matter not on the agenda will be given the opportunity after signing the Roster. Each speaker should limit comments to three minutes. The normal disposition of these items will be at the next scheduled Planning Commission meeting.

4. ACTION ITEMS

4.A File 1-PD-23 / 3-ADJ-23: Final Order and Findings of Fact for the Final Development Plan and Adjustment Permit for the Oregon State University 77 Apartment-Style Student Housing Residential Units.

[Final Order](#)

[Findings of Fact](#)

5. PUBLIC HEARINGS

5.A File 3-Z-22: Amendments to Chapter 14.14, Parking and Loading Requirements.

[Staff Memorandum](#)

[Attachment A - September 20, 2023 mark-up of revisions to NMC Chapter 14.11](#)

[Attachment B - Map of special parking areas defined in NMC Section 14.14.100](#)

[Attachment C - Minutes from the 5/17/23 and 8/16/23 Parking Advisory Committee meetings](#)

[Attachment D - Minutes from the 5/22/23 and 8/14/23 Planning Commission work sessions](#)

[Attachment E - Minutes from the 6/20/23 City Council work session](#)

[Attachment F - Email confirmation of 35-day DLCDC PAPA notice](#)

[Attachment G - Published public hearing notice](#)

6. NEW BUSINESS

7. UNFINISHED BUSINESS

8. DIRECTOR COMMENTS

9. ADJOURNMENT

Draft MINUTES
City of Newport Planning Commission
Work Session Meeting
Newport City Hall Council Chambers
September 11, 2023
6:00 p.m.

Planning Commissioners Present: Bill Branigan, Jim Hanselman, John Updike, Bob Berman (*by video*), Braulio Escobar, Gary East, and Marjorie Blom.

PC Citizens Advisory Committee Members Present: Dustin Capri.

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 Branigan called the Planning Commission work session to order at 6:00 p.m.

2. **New Business.**

A. **Discussion About Potential Craft/Cottage Industry Code Language For Newport Commercial Areas.** Tokos introduced Carol Shenk to the Commission. Shenk reported she represented the Coastal Arts Guild. She explained they were proposing a change to commercial zoning throughout Newport for what they called “custom creative work.” The concept was to allow uses that were designated as light manufacturing in C-1, C-2 and C-3 zones, which were currently prohibited. Shenk explained they wanted to support the diverse economic development of Newport, entrepreneurs, and independent business people who wanted to have a creative use in the commercial areas.

Hanselman pointed out that in the materials Shenk submitted it said they were aware of three individuals or investment groups that investigated setting up these kinds of shops. He asked what kind of shops these might have been. Shenk reported that there was one retail art supply store with an art studio in back. There were also two art studios that would have galleries in the front. Branigan asked if the Guild thought these changes should apply to all commercial areas in Newport. Shenk confirmed it would be for all commercial zones, not just Nye Beach. There were sole proprietors who wanted to start a new life in Newport, but the zoning was a deterrent for them. Hanselman asked if they had a sense of how large the businesses would be. Shenk reported it depended on the use and would vary in size. The group used the Seattle Municipal Code as a model. These code gave them a square footage limit for printing presses, which helped to make the distinction between what was light manufacturing and custom creative work.

Hanselman asked what Newport identified as light manufacturing, and if any of the businesses on Shenk's list fell under this. Tokos thought that what this was getting at was a matter of scale. Industrial scale was much larger than the cottage. Tokos thought Newport’s code could be clearer on this front. They needed to find out if the retail was the principal activity and if the industrial was ancillary. Tokos noted that many industrial uses needed to have ventilation, and many buildings in Newport weren’t set up for this. This wasn’t a reason not to do this, just something to be cognizant of. Hanselman asked how they could determine how much retail a business should be in order for these types of shops to

be in these zones. Tokos said they would have a lot of leeway with this. They could require a retail connection or not, and something for the Commission to work out.

Berman thought this was a great idea. His only concern was the reference to food, which was a different nature of business. Shenk explained the intent was to promote a diverse creative economy, and it made sense to include food in this as well. Berman thought if they were to prepare language, he wanted an option that excluded food from the initiative to avoid competitive issues with nearby businesses. Capri asked Berman if he thought distilleries should be included. Berman thought distilleries would be fine to include, but noted that generally they wouldn't operate without food service.

Escobar asked if the examples Shenk presented could be independent standalone operations, or if they could be ancillary to an existing business. Shenk thought it could be either. Escobar asked if Shenk put together the materials utilizing the existing codes. Shenk confirmed they did. Escobar didn't think that cottage industries had much food service. Shenk agreed, and noted that the intent was to produce something to sell. She also noted that she gave recommendations on parking and the public interface requirements for possible approaches. What they were trying to do was fit this in all commercial code regulations and restrictions. However, the way the square footage was figured for retail might not make sense because a sculpture studio would have different traffic than a clothing store. Shenk wanted to make sure they weren't creating unnecessary burdens on entrepreneurs. Capri thought the Municipal Code would take care of this. Shenk noted the parking requirements were for the retail spaces, and defining the square footage of the retail for creative use might be difficult. Capri thought that in theory could be exclusive industrial use, which would have the lowest parking demand. Since there were many underutilized commercial spaces in Newport that had ample parking, this shouldn't be an issue. Capri noted that every issue he could think of would be covered in the Nuisance Code, or the Building Code. Shenk believed that by definition the current light manufacturing code also prohibited impacts like odor or pollution, so it was already contained. Capri questioned how much of an administrative impact this would be for the city and staff. Tokos said this could be relatively targeted and straight forward. Capri thought it was a great idea.

Blom thought that someone who made food like hot sauce, and had it available for people to taste it, would be considered food since there was no a food prep. Tokos said this would get into the Building Code that would have certain requirements for this type of food. There would also be a Health Department role with food as well. Shenk noted the thought was to create a community that was walkable with some sort of storefront. She didn't think they wanted a row of stores that were inaccessible. Berman agreed, and thought in order to have quality tourist commercial areas, there should be some sort of public facing aspect to the business.

Updike noted there was a statement in Shenk's letter that said I-Zones didn't require a public interface. Shenk noted the intent was to not change the uses in industrial zones. This was a suggestion that new uses be permitted in commercial zones, where existing industrial zones didn't have the extra requirement. Tokos agreed the light industrial zones could be a combined retail element with industrial.

Veronica Lindell addressed the Commission and said that she had a business in Nye Beach, and was a member of the Nye Neighborhood Association. She read a letter from Marcy Kenyon that expressed concerns about potential zoning code violations affecting her art studio and home in Nye Beach.

Janet Webster addressed the Commission and noted she walked Newport a lot and noticed a lot of empty storefronts. She didn't see stores actually making things, and thought that this highlighted the

need for more engaging storefronts in the city center. Webster thought that bringing people back to buildings that were showcasing creativity and work in progress would revitalize the walking experience for the public.

Tokos said if there was a general consensus to see some options for this, the earliest they could bring it forward was the October 23rd work session meeting. When they were ready to bring it forward, he would reach out to Carol Shenk and others to let them know.

Escobar thought that given the skill set that Shenk had, any amendments should be run past her for comments before a work session. Tokos would provide a copy to Shenk. Capri asked if this would only be for commercial zones, not W-1 or W-2 zones. Tokos thought they should look at these zones as well.

B. Project Advisory Committee for City Center Revitalization Project. Tokos noted that Resolution 3992 was adopted which put together the framework for an advisory committee for the City Center Revitalization Project. They were recruiting for five of the spaces. The City Council would hold interviews at their first meeting in October. There were other positions on the committee that they would be filling from specific stakeholder groups. The city would be reaching out to find representatives from these stakeholder groups to participate. Berman expressed an interest in serving as the Planning Commission Liaison. Tokos suggested adding an action item to the night's regular session meeting agenda to vote on this. He reported the grant agreement for the funds for the project were working its way through ODOT, and it would be approved sometime during the next two Council meetings.

3. Unfinished Business.

A. Release of Draft Update to Yaquina Bay Estuary Management Plan. Tokos provided an update on the draft Yaquina Bay Estuary Management Plan, including policy changes and zoning map changes. He explained that no action was expected at that time. This was the first update to the Plan since the 1980's.

B. Planning Commission Work Program Update. Tokos pointed out that the September 25th meeting would only be a regular session meeting. The City Council would hold a meeting right before to do interviews for the Council opening.

Tokos reported that he met with the commercial fishing user group and the Port Commission to discuss the roll out of the Bayfront parking management strategy. He would be meeting with the Bayfront business owners later in the month. The outreach would give people a sense of what was coming up and when it would happen. Capri asked if this was for the parking lot closures. Tokos reported the parking lots would be closed on September 18th. All three lots would be out of commission for a week. The city had to get the paving done before the bad weather came. Tokos noted that they would soon be swapping out sign poles and putting in pay stations for the meters as well. They didn't set a firm launch on the pay stations yet, and they were working through the cloud setup and equipment setup. Tokos explained that the commercial fisheries wanted the city to wait until after the commercial fleets went out. The city had the ability to wait, and they would talk to the Parking Advisory Committee to see if they wanted to push the launch date out further. A discussion ensued regarding what needed to happen in order to start the program.

Escobar noted there was a news article about the County's efforts to put an evening shelter in Newport and in Lincoln City. He asked if they had identified a site for Newport. Tokos reported the

County was pursuing rotational temporary shelter accommodations for cold spells that would be in the Episcopal and Presbyterian churches, along with a space that the County had. The County would provide staffing and materials for this purpose. Tokos reported that they closed on a property that was the former counseling building on Hurbert and 7th Streets. Ultimately, this could be one property that could serve as a permanent shelter. Tokos noted that NW Coastal Housing had purchased the Coast Inn in Newport, and would be converting it into transitional housing.

3. **Adjourn.** The meeting adjourned at 6:54 p.m.

Respectfully submitted,

Sherri Marineau,
Executive Assistant

Draft MINUTES
City of Newport Planning Commission
Regular Session Meeting
Newport City Hall Council Chambers
September, 11 2023

Planning Commissioners Present: Bill Branigan, Jim Hanselman, John Updike, Bob Berman (*by video*), Braulio Escobar, Gary East, and Marjorie Blom.

City Staff Present: Community Development Director (CDD), Derrick Tokos; and Executive Assistant, Sherri Marineau.

1. **Call to Order & Roll Call.** Chair Branigan called the meeting to order in the City Hall Council Chambers at 7:00 p.m. On roll call, Commissioners Branigan, Berman, Escobar, Hanselman, East, Updike, and Blom were present.

2. **Approval of Minutes.**

Branigan reported minor corrections to both sets of the minutes.

A. **Approval of the Planning Commission Work Session Meeting Minutes of August 14, 2023.**

MOTION was made by Commissioner Updike, seconded by Commissioner Escobar to approve the Planning Commission Work Session meeting minutes of August 14, 2023, with minor corrections. The motion carried unanimously in a voice vote.

B. **Approval of the Planning Commission Regular Session Meeting Minutes of August 14, 2023.**

MOTION was made by Commissioner Updike, seconded by Commissioner Escobar to approve the Planning Commission Regular Session meeting minutes of August 14, 2023, with minor corrections. The motion carried unanimously in a voice vote.

3. **Citizen/Public Comment.** None were heard.

4. **Action Items.** Tokos suggested the Commission do a motion to add an action item to the agenda to appoint the Planning Commission representative for the City Center Revitalization Planning Committee.

MOTION was made by Commissioner Blom, seconded by Commissioner Hanselman to add an action item to the agenda to appoint the Planning Commission representative for the City Center Revitalization Planning Committee. The motion carried unanimously in a voice vote.

MOTION was made by Commissioner Blom, seconded by Commissioner Berman to appoint Bob Berman as the Planning Commission representative for the City Center Revitalization Planning Committee. The motion carried unanimously in a voice vote.

5. **Public Hearings.** At 7:05 p.m. Chair Branigan opened the public hearing portion of the meeting. He asked the Commissioners for declarations of conflicts of interest, ex parte contacts,

bias, or site visits. None were heard. Branigan called for objections to any member of the Planning Commission or the Commission as a whole hearing this matter; and none were heard.

A. File 1-PD-23 / 3-ADJ-23: Final Development Plan and Adjustment Permit for the Oregon State University 77 Apartment-Style Student Housing Residential Units.

Tokos presented the staff report and explained the adjustment request to the off-street parking requirement. He provided an overview of the application for a final development plan in the Wilder planned development area, highlighting the criteria for approval and the conditions of approval. Tokos noted the applicant was required to provide additional overflow parking spaces and gravel reinforced turf to meet the 1.3 ratio of parking spaces per unit, and the location of the off-street parking was to be determined by the applicant. He suggested adjusting the parking ratio go from 1:1 to 1:8, with 81 surface parking spaces and 20 additional spaces for overflow. Tokos mentioned that Lincoln County Transit would determine if a stop was needed at the location, and if so, it must be a pullout to avoid buses stopping in travel lanes.

Berman questioned if the pond would have to be dredged. Tokos reported that dredging of the pond might be necessary in the future, depending on upstream activities and development. The city would have some maintenance responsibility. Urdike questioned the timing of the dredging work for the pond, and if they needed to mitigate offsite drainage until construction started. Tokos reported there was an original erosion control program for site development work to try to limit the amount of turbid water that was flushed down into the drainage system. During the course of construction, the expectation was that the pond would hold for them proceeding their development. The dredging work would need to be done by the time of occupancy.

Urdike asked if the distance for the trash enclosures were set up according to the new standards. Tokos reported the application was in before that ordinance was in effect, and couldn't be applied to this decision. Berman asked if the applicant checked with Thompsons Sanitary on their enclosures. Tokos reported that he raised the need for coordination with Thompsons with the applicant early in the process.

Applicant: Bob Cowen, Director of the Hatfield Marine Center, and Brian Varricchione, Planner with Mckenzie, Inc. addressed the Commission. Cowen discussed expanding the Hatfield Marine Science Center's operations with 450 students and a 30 percent increase in faculty. He noted that OSU made a promise to have extra students there and house them. The university aimed to build housing for students and professionals, ensuring they were not adding to the local housing shortage.

Varricchione reported they had worked to make sure this project conformed to the applicable code provisions and special dispensations granted to Wilder over the years. He explained the site was about five acres in size. As a result of this, one of the design objectives was to limit the footprint and to preserve trees with a L-shaped building and a courtyard for residents. Varricchione noted that there was a small wetland on the property as well. The Department of State Lands recognized the validity of this area for five years, but it had lapsed. However, the wetland scientists went back out and re measured and determined that the location conformed to what they measured previously, five years ago. They were confident the boundaries as show would continue to prevail.

Varricchione reviewed the utility plan and the proposed utility connections. He then went over the elevation drawings of the apartment building. The building would be 44.5 feet tall and under the height limit. Varricchione covered the image rendering of what the apartment building would look like from ground level. He explained there would be 77 units over three stories. There would be

81 bedrooms with a mix of studios and one bedroom units. There would be very few two bedrooms units. Varricchione mentioned that this wasn't a dormitory, but apartment style units with their own kitchens.

Varricchione reported that part of the motivation for the parking adjustment request was based on evidence from the surveys done at the OSU Corvallis campus. He noted that a large part of the request was based on data from the Institute for Transportation Engineers. McKenzie's traffic engineers looked at the data and based their findings for parking on midrise apartments. They used that data to determine that based on bedroom count, the demand was less than one parking space per unit. OSU didn't want to go that low and suggested setting it at one space per unit with a few extra spaces. Varricchione wanted to point out that the addition gravel parking would require them to take out more trees on the lot, which they wanted to avoid. They were requesting they keep the adjustment to just 81 spaces and see how it went.

Varricchione reported the State of Oregon had a special permit for erosion control, which was currently under review. The state would dictate various measures that were required to minimize soil leaving the site. Once approved, the state would monitor the construction.

Varricchione reported that the transit district looked into having a bus stop at the location and found that it was inconclusive on having one. They didn't requested a stop be placed there.

Julie Bradshaw with McKenzie Inc. addressed the Commission and reported that she was the project architect. She explained that they had looked into the trash requirements early on, but didn't have written documentation from Thompsons yet. They would circle back with them to make sure the provisions were met. The trash enclosure would be located at the south of the site, and would have a double gate for the trash enclosure. Bradshaw reported there hadn't been any further conversations with transit. OSU understood that they didn't have plans for a stop at their site and would review this at a later time. There wasn't a current need for a stop, but there might need to be one at a later time. Escobar hoped they could put one in the future. Bradshaw said the county communicated that there wasn't a current need for a stop on the OSU site, but there may be a need in the future. She explained that the transit district had a stop near the OSU visitor center, and there might be space for a turnout at the site for future needs. Hanselman asked if the transit had a stop at the Hatfield property. Cowen confirmed they had one near the visitor center. Varricchione stated they didn't have any problems with this condition.

Branigan asked if the professionals they recruited were from the Northwest or from all over the United States. Cowen reported the professionals were nationwide. The students were coming in the summer and from national programs. Branigan noted this location was remote as far as getting to restaurants and amenities. He questioned if OSU had any plans to run a shuttle bus or van service to take people to other spots in town. Cowen stated that some programs did this, but they weren't. This project's apartments had kitchens in them, and OSU assumed the residents would utilize them to cook. Hanselman asked what the projected occupancy rate would be. Cowen reported it was about 80 percent.

Branigan asked if Hatfield provide housekeeping services. Cowen reported there would be house cleaning, maintenance, student activities for the site. Branigan asked if they would be increasing the staff at Hatfield to accommodate this. Cowen reported they would be adding three to four jobs.

Escobar thought the concept was positive, but questioned the push back on the concept of parking spaces. He asked how firm are they were on the 81 spaces instead of the 100 in the staff report. Cowen explained that they wanted to minimize the impact to the site, and only saw that 86 percent

of the units would have cars, meaning there was less than one car for one parking space. They also intended to charge parking fees to reduce the desire for every student to have their own car there.

Berman pointed out that their previous iterations had a full time management onsite, and asked if they still had plans for this. Cowen reported there would be a fulltime onsite manager living onsite. Berman asked if bicycle parking facilities were included. Varricchione reported there would be bike parking at the ends of the "L" of the buildings, and a total of 33 spaces proposed. Berman asked what was their thoughts were on future phase expansions. Cowen reported it was a dream of their to expand, but it was hard to gather funds. Their most recent dream was to have smaller duplexes added to allow spaces for longer term professional residents, with six or eight of these units spread around. Hanselman asked if it would be on the same property. Cowen said it would be, and the thought was to nestle the buildings in the trees. He noted that another phase wasn't a very big possibility at that time. Hanselman pointed out that the addition of the duplexes meant they would have to cut down more trees.

Branigan questioned if the lighting would be the down skies type of lighting. Varricchione reported all of lighting would be appropriately shielded. Branigan asked if they would have stations for electric car charging. Varricchione reported under the Oregon State Code they were required to have 20 percent of the spaces be EV charging ready.

Urdike asked if the bike parking would be covered. Varricchione reported most of it was. Urdike asked if OSU had LEED Silver standards under that requirement. Varricchione said they had their own sustainability requirements and it was being designed to the LEED Silver. They weren't pursuing the certification, but looking at the design to see if they checked the boxes for sustainability.

East asked how much solar they would incorporate. Bradshaw reported the project would be solar ready, with portions that could have solar on it. When they reached out to the Lincoln County PUD and the Energy Trust of Oregon, they determined this was a dead zone for having solar incentives. Bradshaw explained they did their best to be ready for solar production if it happened in the future.

Proponents: None were heard.

Opponents: None were heard.

Urdike asked if the sale approvals and CC&R's were pending or taken care of. Varricchione reported they had been completed with Wilder. Cowen reported they continued to communicate with Wilder to keep a good relationship.

Chair Branigan closed the hearing at 8:14 p.m.

Deliberations: Escobar thought the 77 units were needed and an asset to Newport, OSU, and the Marine Science Center. He had an issue with the pushback on the parking. Escobar thought if parking or a transit stop was needed, it could be located in the area. He was in favor of the proposal with the conditions presented by staff.

Blom agreed with Escobar. She thought the bus transit and parking was in a remote location. Blom was in favor of the project, but had concerns about the parking. She agreed with the staff recommendations. Blom expressed that she wanted to make sure there was an area to accommodate the bus transit system.

East was excited the project was going forward, and felt the application covered all the bases. He didn't see the parking with the projected occupancy being a problem. East noted there was a city loop bus route that ran by the location for people to utilize. He was in favor and excited to see it go forward.

Berman agreed with the other Commissioners and thought the big issue was the parking. There would be occasions when people would overpark on Harborton Street, which would be a problem. Berman was in favor of the condition requiring an additional 20 parking spaces, along with other conditions presented. He thought this would be tremendous benefit overall to the city.

Hanselman thought the staff report was correct, and agreed with the other Commissioners that they were unwilling to make the parking adjustment because they wanted to see a plethora of parking there. He reported that he rented his personal property to OSU staff who held big picnics and had a large number of cars that accompanied them. Hanselman suspected the students would have gatherings, and wanted extra parking for their guests. He liked the project and applauded OSU for getting this built for their students. Hanselman was in support of the request.

Udike asked if the city was aware that OSU would be charging for parking when they put the staff report together. Tokos reported he wasn't aware that they would be charging, but didn't think that would affect his recommendation. His recommendation boiled down to the fact that the city didn't have any public parking that was proximate to this site to handle overflow. Tokos explained that he structured his recommendation this way because there would be periods of times where they would be at full occupancy, and there would be guest vehicles that would need to accommodate. Escobar reminded the Commission approved the same parking requirements for the South Beach Church. Udike noted that the South Beach Church wasn't charging for parking. He was on the fence on this issue. Udike was in favor of the staff report and the conditions within it.

Branigan was in favor if the project and happy to see OSU and Hatfield growing. He echoed what the fellow Commissioners thoughts were for parking, down cast lighting, and electric vehicle charging.

MOTION was made by Commissioner Escobar, seconded by Commissioner Blom to approve File 1-PD-23 / 3-ADJ-23 with the conditions listed in the staff report. The motion carried unanimously in a voice vote.

6. **New Business.** None were heard.
7. **Unfinished Business.** None were heard.
8. **Director Comments.** None were heard
9. **Adjournment.** Having no further business, the meeting adjourned at 8:26 p.m.

Respectfully submitted,

Sherri Marineau
Executive Assistant

**BEFORE THE PLANNING COMMISSION
OF THE CITY OF NEWPORT,
COUNTY OF LINCOLN, STATE OF OREGON**

**IN THE MATTER OF FILE NO. 1-PD-23 / 3-ADJ-23,)
APPLICATION FOR MODIFICATION OF THE FINAL)
DEVELOPMENT PLAN FOR PHASE 4 OF WILDER) FINAL
PHASE 1, AND AN ADJUSTMENT, AS SUBMITTED BY) ORDER
AMY KEENE, APPLICANT (BRIAN VARRICCHIONE,)
MCKENZIE, INC., AUTHORIZED REPRESENTATIVE))
(OREGON STATE UNIVERSITY, OWNER))**

ORDER APPROVING A MODIFICATION to the Final Development Plan for Phase 4 of Wilder Phase 1, to include a single, three-story building with 77 apartment-style student housing residential units along with associated parking, landscaping, and amenities. The proposed building will be approximately 36,000 SF, and measure approximately 44'6" in height. A nature trail will be dedicated to the City concurrent with development of the proposed project.

This order further approves an adjustment to the Wilder Planned Development’s requirement that 1.3 parking spaces be provided per unit, such that 81 parking spaces be fully improved in accordance with the standards of NMC Chapter 14.14, with 20 additional spaces being surfaced in gravel, reinforced turf, or similar material for use as overflow parking.

The subject property is located at 4030 SE Harborton St (Lincoln County Assessor’s Map 11-11-20-AA; Tax Lot 1900). It is legally described as Lot 41 of the Wilder Phase 2 Subdivision Plat. For purposes of the Planned Development, the site is known as Phase 4 of the Preliminary and Final Development Plan for Wilder Phase 1. The lot is approximately 5.08 acres in size. Property identified as Tax Lot 1800, on Lincoln County Assessor’s Map 11-11-20-AA is also part of the application, as it will be improved with a nature trail.

WHEREAS:

- 1.) The Planning Commission has duly accepted the application filed consistent with the Newport Zoning Ordinance (NZO) (No. 1308, as amended); and
- 2.) The Planning Commission has duly held a public hearing on the request for the final development plan modification, with a public hearing a matter of record of the Planning Commission on September 11, 2023; and
- 3.) At the public hearing on said application, the Planning Commission received evidence and recommendations from the applicants, interested persons, and Community Development (Planning) Department staff; and

- 4.) At the conclusion of said public hearing, after consideration and discussion, the Planning Commission, upon a motion duly seconded, approved the request for the final development plan modification and adjustment with conditions of approval.

THEREFORE, LET IT BE RESOLVED by the City of Newport Planning Commission that the attached findings of fact and conclusions (Exhibit "A") are adopted in support of approval of this request:

1. Conditions from prior City approvals of the Wilder planned development remain in effect, except as modified herein.
2. Approval of these land use permits is based on the submitted written narrative and plans listed as Attachments and Exhibits to the staff report. No use shall occur under this permit other than that which is specified within these documents. It shall be the responsibility of the applicant/property owner to comply with these documents and the limitations of approval described herein.
3. Applicant shall provide a minimum of 101 off-street parking spaces, of which 20 may be surfaced in gravel, reinforced turf, or similar material for use as overflow parking for tenants and guests. The dimensions of the overflow stalls and drive isles shall conform to the standards of NMC Chapter 14.14. An additional ADA space shall be provided on the premises, if required by the Oregon Structural Specialty Code. The overflow parking area shall be shown on the plans the applicant submits for building permit review.
4. Plans the applicant submits for building permit review are to show the location of a Fire Department Connection (FDC) to the building that is within 100-feet of a fire hydrant.
5. All segments of the emergency vehicle turnaround are to be a minimum of 24-feet in width. A revised drawing showing that this standard will be met is to be included with the plans the applicant submits for building permit review.
6. The applicant shall remove the accumulated sediment in the regional storm drainage pond adjacent to SE 40th Street such that there is sufficient capacity to store run-off from the proposed development for a 25-year, 24-hour storm, as quantified in the Preliminary Drainage Report by Mckenzie, Inc., dated August 4, 2023. This includes obtaining any permits or temporary construction easements needed to initiate such work.
7. A bus pullout shall be provided along the property's SE Harborton/40th Street frontage if the Lincoln County Transit District determines that a stop is needed at this location.
8. Applicant/owner may modify the alignment of the nature trail to address terrain constraints and user needs provided the scope of improvements is consistent with the natural trail design concepts in the Wilder "Kit of Parts." Once the trail is complete, and the improvements on Tract G are accepted by the City Engineer, then Tract G shall be dedicated to the City of Newport so that it can be maintained as part of the public trail system.

- 9. All public improvements are to be completed prior to occupancy, unless an improvement agreement is executed in a manner consistent with NMC 14.48.060(C).

BASED UPON THE ABOVE, the Planning Commission determines that the request is in conformance with the provisions of the Comprehensive Plan and the Zoning Ordinance of the City of Newport.

Accepted and approved this 25th day of September, 2023.

—

Bill Branigan, Chair
Newport Planning Commission

Attest:

Derrick I. Tokos, AICP
City of Newport Community Development Director

EXHIBIT "A"

File No. 1-PD-23 / 3-ADJ-23

FINDINGS OF FACT

- I. The applicant, Amy Keene (Brian Varricchione/McKenzie Inc., authorized representative) (Oregon State University, property owners), requests approval to modify the Final Development Plan for the "Phase 4 of Wilder Phase 1" Development to include a single, three-story building with 77 apartment-style student housing residential units along with associated parking, landscaping, and amenities. The proposed building will be approximately 36,000 SF, and measure approximately 44'6" in height. A nature trail will be dedicated to the City concurrent with development of the proposed project.

An approval of an adjustment is requested to reduce the number of required parking stalls to one per unit, or 77. Applicant's plans show 81 off-street stalls. The Wilder Planned Development requires 1.3 parking spaces per unit, meaning that without the adjustment this 77 unit apartment-style building would need a minimum of 101 parking spaces.

- II. The property is located at 4030 SE Harborton St (Lincoln County Assessor's Map 11-11-20-AA; Tax Lot 1900). It is legally described as Lot 41 of the Wilder Phase 2 Subdivision Plat. For purposes of the Planned Development, the site is known as Phase 4 of the Preliminary and Final Development Plan for Wilder Phase 1. The lot is approximately 5.08 acres in size. Property identified as Tax Lot 1800, on Lincoln County Assessor's Map 11-11-20-AA is also part of the application, as it will be improved with a nature trail.

- III. Staff reports the following facts in connection with the application:

- A. Plan Designation: High Density Residential.
- B. Zone Designation: R-3/"Medium Density Multi-Family Residential."
- C. Surrounding Land Uses: Land uses in the area near the subject property include a mix of developed and undeveloped industrial land, residential zoning that allows for single-family and multi-family uses, a trailer park, a mix of commercial uses, an electric substation facility, South Beach Church (under development to the north), and public uses such as the Oregon Coast Community College (OCCC) Campus and Mike Miller Park.
- D. Topography and Vegetation: The subject property contains a mix of level and moderately steep sloped property. Most of the site is forested.
- E. Existing Structures: None.
- F. Utilities: Water, sewer, transportation, natural gas, electrical power, and communications infrastructure is in place to serve the development.
- G. Development Constraints: Portions of the property contain moderately steep slopes. There are also isolated pockets of wetlands, the locations of which have been delineated.

H. Past Land Use Actions:

File No. 1-PD-21/1-SUB-21. Amendment to the Preliminary and Final Development Plans, and Tentative Subdivision Plat for “Phase 1 of Wilder” Development to reduce the travel lane clear widths for local streets from 24-feet to 20-feet, excluding parking, swales, and sidewalks. This was accomplished by adding three new types of street sections to the “Kit of Parts” identified as a “20-foot Neighborhood Local Road,” a “20-foot Utility Alley,” and a “20-foot Hillside Street.” A previous approval mandated 24-foot wide travel lanes and clear widths of 24-feet. Additionally, the decision adjusted approval standards that apply to duplexes and accessory dwelling units so that they comply with recent changes to state law. This Planned Development is approximately 62 acres in size, and while the revisions to the Preliminary and Final Development Plans apply to the entire site, they are most pertinent to undeveloped properties, including those identified as Tax Lots 3200, 3300, and 3900 of Tax Map 11-11-20-AD, Tax Lots 2000 and 2100 of Tax Map 11-11-20-AA, and Tax Lot 100 of Tax Map 11-11-20.

File No. 1-PD-20. Modified the Final Development Plan for Phase 4 of Wilder Phase 1, to include five (5), two-story duplex-style dormitory buildings and a community center with a manager’s apartment. The facility will accommodate up to 120 students. The prior concept, approved in 2018 (File No. 1-PD-18), envisioned a single, 63-unit dormitory building with the potential for two additional comparably sized buildings in future phases. The subject property is located at 4030 SE Harborton Street, and is further identified as Tax Lot 01900 of Assessor’s Map 11-11 -20-AA. It is legally described as Lot 41 of the Wilder Phase 2 Subdivision Plat. For purposes of the Planned Development, the site is known as Phase 4 of the Preliminary and Final Development Plan for Wilder Phase 1.

File No. 1-PD-18. Modified the final development plan approved by the Newport City Council (File No. 2-CP-16/1-Z-16/1-SUB-16/1 & 2 PD-16) in order to construct a single, multi-family building with 63 sleeping units, 106 parking stalls, and outdoor space for residents. Two additional buildings of comparable size were envisioned as future phases. The previous concept envisioned a cluster of eleven multi-family buildings.

File No. 1-SUB-16/1 & 2 PD-16/2-CP-16/1-Z-16. Revised the Newport Comprehensive Plan Map from “Low-Density Residential” to “High Density Residential” for Phase 4 and Phase 6. This involves approximately 8.1 acres of land. The proposal further revised the Newport Zoning Map for Phase 4 and Phase 6 from R-2/“Medium Density Single-Family Residential” to R-3/“Medium Density Multi-Family Residential.” Additionally, the Comprehensive Plan Map was amended from “High Density Residential” to “Low-Density Residential” in the southerly portion of Phase 5. This involves approximately 2.2 acres of land. The Newport Zoning Map for the same southerly portion of Phase 5 was revised from R-3/“Medium Density Multi-Family Residential” to R-2/“Medium Density Single-Family Residential.” This amendment also adjusted the range of development in the preliminary and final development plan to reflect inclusion of additional multifamily units in Phase 4 and Phase 6 with corresponding decrease in single-family units. A “Multi-Family: Clustered” architectural style was added to the “Kit of Parts” to describe intended building form and design for student housing in Phase 4. A variance was also granted to the City’s parking standard for clustered multifamily residential uses, decreasing required

spaces by approximately 13% relative to City code standards. The preliminary development plan was modified to show a revised mix of single-family and multifamily development in future phases east of Harborton Street and 'Day Care' and additional supporting Community Service uses were added as allowed uses in the R-3 Medium-Density Multifamily zone to facilitate colocation of support services for affordable housing residents in Phase 6. Amendments were adopted with Ordinance No. 2103 on September 6, 2016.

File No. 2-PD-15/3-PD-15/1-SUB-15. The preliminary planned development plan was amended to include a change to the zoning district boundary between R-3 Multi-Family Residential and C-1 Commercial zones that expanded the commercial area along the full length of College Way and increased the range of allowed uses in the C-1 zoned Village Center area to include retail sales and services, offices, lodging, community services like churches, educational institutions, and day care. The revised preliminary planned development plan also included a variance to the Zoning Ordinance satellite and shared parking regulations to permit future shared parking arrangements between Village Center users and the Oregon Coast Community College. The range of development anticipated in the preliminary and final planned development plans was amended to reflect completed build-out, current market conditions, and revised predictions and Accessory Dwelling Units (ADUs) were added as a development option in Phases 2-4 subject to conditions approved by Newport Planning Commission. The Final Development Plan included a detailed site design for Phases 2-4, with updated street names and cross-section drawings. New street cross-sections and a micro-cottage development type were added to the "Kit of Parts." Amendments were adopted by final order on June 24, 2015.

File No. 1-PD-14/2-PD-14. A minor amendment to the Preliminary Development Plan and Final Development Plan for Phase 1 of Wilder. Changes to the Preliminary Development Plan were limited to the Village Center commercial area, including authorization for required parking to extend across zoning boundaries when provided on the same lot or parcel as the proposed use and an allowance that on-street spaces count against off-street parking requirements provided the spaces are located within 200-feet of the lot or parcel upon which the use is located. The Final Development Plan included a layout for three commercial buildings in the Village Center. Amendments were adopted by final order on February 11, 2015.

File No. 2-PAR-14. Partitioned property identified as Tax Lot 100 of Lincoln County Assessor's Tax Map 11-11-20 into two separate parcels. Additional right-of-way was also dedicated along College Way and adjacent to Harborton Street. The partition was approved by final order on September 15, 2014.

File No. 1-PD-10/2-PD-10/1-SUB-10. Modified the plans approved in File No. 5-PD-09/6-PD-09/3-SUB-09 by (1) modifying setbacks, (2) revising lot coverage standards, (3) adjusting lot size and densities for commercial and residential uses, (4) updating street, tract and housing category names, and (5) updating the subdivision lot configurations. The number of multi-family units was increased from a maximum of 120 to 150, bringing the total for all Phase 1 dwelling units to 383. The maximum commercial square footage was increased from 25,000 square feet to 36,000 square feet. Amendments were adopted by final order on June 28, 2010.

File No. 5-PD-09/6-PD-09/3-SUB-09. Modified the preliminary planned development plan to refine proposed residential areas, local street and pedestrian circulation patterns, open space and other tracts within sub phases 1A, 1B, and 1C; modified the final planned development plan illustrating the changes requested in File 5-PD-09; modified the tentative subdivision plat showing lots for mixed use and single and multi-family development, as well as various tracts for common open space and other common elements, and dedication of right-of-way and easements for public streets, pathways, and utilities. Amendments were adopted by final order on July 27, 2009.

File No. 1-PD-09/2-PD-09/3-PD-09/1-SUB-09. Modified the preliminary planned development plan to adjust land use designations consistent with Comprehensive Plan and Zoning Map amendments, revised the preliminary plan due to site conditions, and removed a portion of property that was being transferred to an abutting residential property owner; modified the final planned development plan to reflect Comprehensive Plan and Zoning Map amendments and adjusted the boundary and size of the OCCC site; approved the final planned development plan for a portion of Phase 1; and tentative subdivision plan for a portion of Phase 1. Amendments were adopted by Final Order on March 30, 2009.

File No. 4-CP-08/2-Z-08. Modified the zoning designations of the approximate 86 acres annexed in 2007 to allow more flexibility and to reflect the OCCC parcel by Ordinance No. 1968 adopted December 1, 2008.

File No. 5-PAR-07. Partitioned the annexed property so that a portion could be conveyed to OCCC for construction of their central campus by final order adopted September 11, 2007.

File No. 1-AX-07/2-Z-07. Annexed property, which included the subject property, into the City and established zoning to allow the implementation of the South Beach Plan by Ordinance No. 1922 adopted June 18, 2007, and amended by Ordinance No. 1931 adopted August 6, 2007.

File No. 2-PD-07. Approved final development plan for OCCC central campus by final order adopted May 29, 2007.

File No. 1-PD-07. Approved tentative Plan for "South Beach Village" Phase 1 mixed use development and OCCC central campus by final order adopted May 29, 2007.

File No. 1-CP-06/1-UGB-06/2-CP-06/2-Z-06. (South Beach Neighborhood Plan as adopted in December 2006 by Newport Ordinance No. 1899) (concurrence with Urban Growth Boundary adjustment by Lincoln County Ordinance No. 447 adopted April 18, 2007).

IV. Upon submission and acceptance of the application, the Community Development (Planning) Department mailed notice of the proposed actions on August 17, 2023, to property owners within 500 feet required to receive such notice by the Newport Zoning Ordinance, to various City departments, and to public/private utilities and agencies within Lincoln County. The notice referenced the criteria by which the application was to be assessed. The notice required

that written comments on the application be submitted by 3:00 p.m., September 11, 2023. Comments could also be submitted during the course of the public hearing. The notice was also published in the Newport News-Times on September 1, 2023. Comments were received from Asst. City Engineer Clare Paul, and Fire Chief Rob Murphy in response to the notice.

- V. A public hearing was held on September 11, 2023. At the public hearing, the statement of rights and relevance and applicable criteria were read. The Planning Commission disclosed any ex parte contact, conflicts of interest, and/or bias. No objections were made to any of the Planning Commissioners hearing the matter. The Planning Commission received the staff report and heard testimony in support of the request from the applicant. No other testimony was offered. The Planning Staff Report with Attachments are hereby incorporated by reference into the findings. The Planning Staff Report Attachments included the following:

Attachment "A" – Application Final Development Plan Amendment Narrative, McKenzie, Inc., dated 8/4/23

Exhibit "A" – Application Form

Exhibit "B" – Lincoln County Assessors Property Record

Exhibit "C" – Aerial Map

Exhibit "D" – OSU Purchase and Sale Agreement

Exhibit "E" – OSU/HMSC Student Housing Final Development Plan

Exhibit "F" – Newport Zoning Map

Exhibit "G" – Newport Comprehensive Plan Map

Exhibit "H" – Preliminary Drainage Report, Mckenzie, Inc., dated 8/4/23

Exhibit "I" – Parking Demand/Supply Evaluation, Mckenzie, Inc., 8/2/23

Exhibit "J" – Trip Generation Letter, Mckenzie, Inc., dated 4/20/23

Exhibit "K" – Email Communication with Lincoln County Transit

Exhibit "L" – City South Beach Transportation Analysis Zone Map

Exhibit "M" – Wetland Delineation, Pacific Habitat Services, 11/20/08

Exhibit "N" – Geotechnical Report, Foundation Engineering, 4/25/23

Exhibit "O" – Excerpts from Wilder "Kit of Parts"

Exhibit "P" – 2016 Final Development Plan Staff Report (2-PD-16)

Exhibit "Q" – 2018 Final Development Plan Order/Findings (1-PD-18)

Exhibit "R" – 2020 Final Development Plan Order/Findings (1-PD-20)

Attachment "B" – Email from Asst. City Engineer Clare Paul, dated 8/18/23

Attachment "C" – Email from Fire Chief Rob Murphy, dated 8/23/23

Attachment "D" – Public Hearing Notice

- VI. Explanation of the Request. The applicant, Oregon State University, is seeking approval to modify the Final Development Plan for Phase 4 of Wilder Phase 1, such that the project will consist of a single, 36,000 sq. ft. three-story building with 77 apartment-style student housing residential units along with associated parking, landscaping, and amenities. Most of the units are studios. This is the fourth student housing concept for this 5.08 acre, R-3 zoned property. The prior development concept, approved by the Planning Commission in 2020, consisted of five (5), two-story duplex-style dormitory buildings and a community center with a manager's apartment.

Property identified as Tax Lot 1800, on Lincoln County Assessor's Map Lot 11-11-20-AA is adjacent to the subject site, and it is to be improved with a nature trail as shown on Sheet L1.10 of Exhibit "E." The trail will be dedicated to the City of Newport once it is completed.

In addition to amending the Final Development Plan, the applicant is requesting an Adjustment to reduce the required number of off-street parking stalls from 101 to 77 (or 1.3 spaces per unit to 1.0 spaces per unit). 81 parking spaces are shown on the plans.

- VII. Applicable Criteria. Pursuant to NMC 14.35.110 (C), this amendment to the Final Development Plan must be approved by the Planning Commission because it constitutes a material change in the character of the development, with the prior concept being five (5), two-story duplex dormitory buildings and a community center with a manager's apartment. This application is subject to the same approval criteria as the previous Final Development Plan (NMC 14.35.110 (D)). The approval criteria are set forth in NMC Section 14.35.100 (for final development plan approval).

With respect to the applicant's request to reduce the required amount of off-street parking below the 1.3 space per unit threshold, that will require an adjustment the criteria for which are listed in NMC Chapter 14.33.050 and read as follows: (A) Granting the adjustment will equally or better meet the purpose of the regulation to be modified; and (B) Any impacts resulting from the adjustment are mitigated to the extent practical; and (C) The adjustment will not interfere with the provision of or access to appropriate utilities, nor will it hinder fire access; and (D) If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project that is still consistent with the overall purpose of the zoning district.

CONCLUSIONS

Modifications to planned development approvals and adjustments must be consistent with the approval criteria contained in the Newport Municipal Code (NMC). In order to approve this request, the Planning Commission must find that the applicant has addressed and met all standards.

After consideration of the application materials, the Planning Staff Report and Attachments, and the testimony in the record, the Planning Commission concludes as follows in regard to the criteria established in Newport's Municipal Code for approving the modification requested to the Final Development Plan for Phase 4 of Wilder Phase 1 and the adjustment.

VIII. Compliance with Section 14.35.110, Procedure for Modification of a Planned Development

A. Final Development Criterion #1. NMC Section 14.35.100(A). The Final Development Plan must substantially conform to the land use and arterial street pattern as approved in the Preliminary Development Plan.

The applicant notes, the Final Development Plan will not alter the current street pattern, and the proposed access location to the parking lot has not changed from the approved preliminary development plans. Harborton Street SE was fully improved as part of prior development. This standard is met.

B. Final Development Criterion #2. NMC Section 14.35.100(B). The proposed uses shall be compatible in terms of density and demand for public services with uses that would otherwise be allowed by the Comprehensive Plan.

The applicant points out, the proposed development is intended for use as housing for OSU's Hatfield Marine Science Center, which was accepted in the prior Final Development Plans (Exhibits P, Q, and R). The proposed Final Development Plan includes 77 units of multifamily housing, concentrated in the northwestern portion of the site. The land area per unit will be within the applicable maximum ratio at approximately 2,879 SF per unit, which is greater than the 1,250 SF minimum area required by Section 14.13.020. Public services within this Planned Development have been designed with the scale of this development in mind. This standard is met.

C. Final Development Criterion #3. NMC Section 14.35.100(C). Adequate services normally rendered by the city to its citizens must be available to the proposed development at the time of approval of the Final Development Plan. The developer may be required to provide special or oversize facilities to serve the planned development.

The applicant indicates that, as shown on the utility plan (Sheet C1.30 of Exhibit E), the proposed development will have adequate service and access to serve the housing development. Stormwater will be handled through a system of catch basins and conveyance to an existing storm pipe located in the southern portion of the site as shown on Sheet C1.20 of Exhibit E. The applicant has prepared a stormwater report (Exhibit H) as part of this application. Sanitary sewage from the building will utilize a lateral connecting to the existing public sanitary sewer system in Harborton Street SE, via an existing sanitary sewer stub as shown on Sheet C1.30 of Exhibit E. The onsite water system will connect to the existing public water system in Harborton Street SE, via an existing water stub as shown on Sheet C1.30 of Exhibit E. Harborton Street SE was fully improved as part of prior development.

Chief Rob Murphy, with the Newport Fire Department commented that the plans need to be modified to show both legs of the emergency vehicle turnaround at 24-feet in width. The Chief would also like the Fire Department Connection (FDC) clearly depicted on the plans in a location that is within 100-feet of a hydrant (Attachment "C"). The changes the Fire Chief requested will ensure that adequate emergency services are in place, and such services are customarily provided by the City to developments of this nature. Further, the changes sought by the fire Chief are requirements of the Oregon Fire Code. There is sufficient land area on

the property for the applicant to widen both legs of the emergency vehicle turn around to 24-feet, so it is reasonable to conclude that it is feasible for that change to be made and to add a condition of approval requiring the modification. The same is true with respect to locating the FDC on the plans in a location that is within 100-feet of a hydrant. This standard is met.

D. Final Development Criterion #4. NMC Section 14.35.100(D). Access shall be designed to cause minimum interference with traffic movement on abutting streets.

The applicant notes, and the site plan illustrates, as shown on Sheet C1.10 of Exhibit E, access will remain at the existing approved curb cut, similar to the previously approved Final Development Plans (1-PD-18 (Exhibit Q) and 1-PD-20 (Exhibit R)). The existing driveway location is compliant with driveway spacing standards and will be reviewed during permitting.

A 77 unit apartment project is likely to generate demand for transit services. The Lincoln County Transit Development Plan (2018) calls for bus stops with at least three boardings a day to include a bench and those with at least 10 boardings a day to include a shelter. City staff requested the applicant coordinate with the Lincoln County Transit District to determine if a bus stop is needed at this location. They reached out to Director of Transit Cynda Bruce and a copy of their correspondence is included as Exhibit "K." Ms. Bruce indicates that as of May of 2023 she would be coordinating with Hatfield Marine Science Center (HMSC) staff regarding anticipated use of the property; however, the correspondence does not speak to the outcome of those discussions. If a bus stop is warranted, then a pullout will need to be constructed along the property's SE Harborton/40th road frontage. This is to avoid creating a circumstance where buses stop in the SE Harborton travel lane interfering with traffic movement on this abutting street. As documented in the Lincoln County Transit Plan, the purpose of a pullout is to allow for buses to stop out of the traffic lane to avoid rear end collisions and discourage unsafe passing of buses by motorists. There is sufficient area along the property frontage for a pullout to be constructed if the Lincoln County Transit District determines that a stop is needed at this location, so it is reasonable to require this concern be addressed with a condition of approval. This standard is met.

E. Final Development Criterion #5. NMC Section 14.35.100(E). The plan shall provide for adequate landscaping and effective screening for off-street parking areas and for areas where nonresidential use or high-density residential use could be detrimental to residential uses.

The applicant points out that, per Sheet C1.10 of Exhibit E, off-street parking is located to the north and west sides of the proposed building, where new landscape screening (see Sheet L1.11 of Exhibit E) will buffer the off-street parking from Harborton Street SE. At the south end of the site, the parking area is screened by site grading (see Sheet C1.20 of Exhibit E), and vegetation in Tract G. This standard is met.

F. Final Development Criterion #6. NMC Section 14.35.100(F). The arrangement of buildings, parking areas, signs, and other facilities shall be designed and oriented to minimize noise and glare relative to adjoining property.

The applicant notes that, per the proposed site plan (Sheet C1.10 of Exhibit E), the building's exterior amenity and outdoor communal gathering areas are tucked behind the building, when viewed from the north and west. The exterior amenity and outdoor communal gatherings areas

will be buffered and screened by landscaping and topography from the south and the east as shown on the L-series sheets of Exhibit E. Additionally, Tract G is located between the proposed development and the residential use to the south. Tract G will be improved with a nature trail as shown on Sheet L1.10 of Exhibit E and will be dedicated to the City concurrent with development of the proposed project. Additionally, Tract G will remain forested, thereby providing an additional natural landscape buffer/screen from properties to the south. The parking lot landscaping, as shown on Sheet L1.11 of Exhibit E is designed to minimize glare from vehicle headlights onto adjacent properties and/or street. This standard is met.

G. Final Development Criterion #7. NMC Section 14.35.100(G). Artificial lighting, including illuminated signs and parking areas lights, shall be so arranged and constructed as not to produce direct glare on adjacent property or otherwise interfere with the use and enjoyment of adjacent property.

The applicant has included a photometrics plan and a schedule of the proposed light fixtures in Exhibit E. Site lighting has been designed to orient lighting internal to the property, using downward directed and shielded low-glare fixtures. This standard is met.

H. Final Development Criterion #8. NMC Section 14.35.100(H). The area around the development can be developed in substantial harmony with the proposed plan.

The applicant has designed the proposed development in harmony with the Wilder Development Plan “Kit of Parts”, which will provide consistency with other development in the greater Wilder Development area. Applicable components of the Wilder Development Plan “Kit of Parts” are included as Exhibit O.

Additionally, the applicant will construct and dedicate a nature trail through Tract G as shown on Sheet L1.10 of Exhibit E. The nature trail will meet the standards of the Wilder Development “Kit of Parts” which requires a 3' wide trail surfaced with native earth or wood chips with a 1' buffer on either side of the trail. This standard is met.

I. Final Development Criterion #9. NMC Section 14.35.100(I). The plan can be completed within a reasonable period of time.

The applicant anticipates the project to be approximately 12 months after all permits are issued. This is a reasonable development timeline given the scale of the project and required site preparation. This standard is met.

J. Final Development Criterion #10. NMC Section 14.35.100(J). The streets are adequate to serve the anticipated traffic.

The 2016 approved development proposed 130 dwelling units on the same site; this development proposes 77 units. Harborton Street SE was improved in anticipation of a development of this scale. As explained in the applicant’s trip generation letter (Exhibit J), the proposed development is estimated to generate up to 30 PM peak hour trips and 350 new daily trips. The applicable South Beach Transportation Overlay Zone trip budget will not be exceeded and there is no need to request trips from the Trip Reserve Fund. This standard is met.

K. Final Development Criterion #11. NMC Section 14.35.100(K). Proposed utility and drainage facilities are adequate for the population densities and type of development proposed.

As shown on Sheet C1.30 of Exhibit E, water and sanitary sewer will connect to stubs previously installed to serve the site. The applicant has provided a stormwater report as (Exhibit H) demonstrating how the proposed development will meet the applicable stormwater standards.

The applicant's utility plan indicates that they will be directing project related storm run-off into the drainage at the south side of the property (Sheet 1.30, Exhibit "E"). From there, the water will be directed downstream to a regional storm detention pond that is under the City of Newport's jurisdiction. The applicant's preliminary drainage report (Exhibit "I") notes that the pond has capacity to accept the additional run-off provided accumulated sediment at the bottom of the pond is removed. Storage capacity in the pond, in its present state, is sufficient to meet the needs of existing upstream development. While the City has reserved funding to contribute toward future pond maintenance, including sediment removal, it is a relatively small amount that is not sufficient to address the extent of the work needed to reclaim 40,000+/- cubic feet of flood storage area. The applicant's project is driving the demand for the additional storage space, so it is appropriate that they be required to remove the accumulated sediment so that the drainage facility meets their needs. This can be addressed with a condition of approval, and would need to be done prior to occupancy to minimize risk of the pond being overtopped during a severe weather event. This standard is met.

L. Final Development Criterion #12. NMC Section 14.35.100(L). Land shown on the Final Development Plan as common open space shall be conveyed under one of the following options: 1) To a public agency that agrees to maintain the common open space and any buildings, structures, or other improvements that have been placed on it; 2) To an association of owners of tenants, created as a non-profit corporation under the laws of the State, which shall adopt and impose a declaration of covenants and restrictions on the common open space that is acceptable to the Planning Commission as providing for the continuing care of the space. Such an association shall be formed and continued for the purpose of maintaining the common open space.

The applicant notes that, per Ordinance No. 2103 (1-SUB-16/1&2 PD-16/2-CP-16/1-Z-16), Tract G will be conveyed to the City concurrent with the development of this project for use by the City as an open space/nature trail area. The Applicant will be constructing the nature trail through Tract G as shown on Sheet L1.10 of Exhibit D. The nature trail will meet the standards of the Wilder Development "Kit of Parts" (Exhibit O) which requires a 3' wide trail surfaced with native earth or wood chips with a 1' buffer on either side of the trail. This standard is met.

As noted by the applicant, once the trail is constructed the tract of land will be dedicated to the City of Newport to maintain as part of a regional trail system. The construction of the trail is part of the Wilder Planned Development concept for the area. Information included in the application is sufficient to find that it is feasible a trail of this nature can be built. Accordingly, it is appropriate to impose a condition of approval requiring the trail improvement be completed and dedicated prior to occupancy, unless an improvement agreement is executed as provided in the Newport Municipal Code. It is also appropriate that the condition be structured

such that the applicant has flexibility in establishing a final trail alignment given terrain constraints in the area. This standard is met.

M. Final Development Criterion #13. NMC Section 14.35.100(M). The Final Development Plan complies with the requirements and standards of the Preliminary Development Plan.

The Applicant has included a section titled “Planned Development Conditions of Approval” below, explaining compliance with the Preliminary Development Plan.

Building Height: Building elevations (Sheet A2.11 and A2.12 of Exhibit E) show that the building height will be 44'6", which is below the 45' height limit for this site approved by Ordinance No. 2103.

Minimum Parking: As shown on Sheet C1.10 of Exhibit E, 81 parking spaces are provided for the 77 units. The Applicant’s approach to parking is explained in the Applicant’s responses to Section 14.14.

Density: The land area per unit will be within the applicable maximum ratio at approximately 2,879 SF per unit, which is greater than the 1,250 SF minimum area required by Section 14.13.020.

Kit of Parts: The proposed development utilizes the Wilder Development “Kit of Parts” (Exhibit O) in the building design, site design, and pedestrian connectivity. This standard is met.

N. Final Development Criterion #14. NMC Section 14.35.100(N). No building shall be erected in a planned development district except within an area contained in an approved Final Development Plan, and no construction shall be undertaken in that area except in compliance with the provisions of said plan. All features required in the Final Development Plan shall be installed and retained indefinitely or until approval has been received from the Planning Commission or Community Development Director for modification.

The applicant understands that until Final Development Plan approval by the Newport Planning Commission has taken place, no building construction is to be performed within the subject area and that construction needs to conform to the approved plan. This standard is met.

IX. Compliance with Section 14.33.050, Criteria for Approval of an Adjustment

A. *Adjustment Criterion #1. Granting the adjustment will equally or better meet the purpose of the regulation to be modified; and*

The purpose statement of the regulation to be modified (Section 14.14.030) is:

The purpose of this section is to establish off-street parking and loading requirements, access standards, development standards for off-street parking lots, and to formulate special parking areas for specific areas of the City of Newport. It is also the purpose of this section to implement the Comprehensive Plan, enhance property values, and preserve the health, safety, and welfare of citizens of the City of Newport.

The requested Adjustment, as detailed in the applicant's parking evaluation letter (Exhibit I), seeks a reduction in the required minimum parking standards due to lack of parking demand for the proposed student housing. The applicant notes that the requested Adjustment will allow a larger percentage of the site to remain pervious which provides recreational, environmental, and aesthetic qualities. The applicant asserts that the requested Adjustment will equally meet the purpose of Section 14.14.030, as the proposed 81-space parking area can support the parking demand, as explained in the parking evaluation (Exhibit I) while providing compliant access to the public transportation network. The applicant believes that the information they submitted demonstrates that the available parking will be sufficient to accommodate the anticipated parking demand, thereby leading to no negative impacts on health, safety, and welfare.

Applicant's Parking Demand and Supply Evaluation Memo (Exhibit "I") relies upon Institute of Transportation Engineer's (ITE) parking demand rates for typical off campus student housing projects, and student surveys at Oregon State University's main campus, to support their request for a reduced minimum off-street parking requirement. They also point to the large number of studio apartments in the project, which are sized for single occupancy (i.e. only 82 bedrooms across 77 units). The challenge though, is that unlike Oregon State University's main campus, this location is isolated from basic services that the residents will need, with most such services being north of the bridge. This will necessarily lead to a heavier reliance on vehicles at this location relative to more traditional student housing settings where services are close enough that some residents forgo the use of vehicles altogether.

As the City's Assistant City Engineer, Clare Paul, points out, there is no on-street parking proximate to the site to accommodate additional parking needs (Attachment "B"). While Oregon State University can actively manage parking for those residing at the facility, such as limiting renters to a single car and assigning spaces, they will have a more difficult time managing guest parking needs. The applicant's request to reduce the minimum number of required parking spaces to 77 with the project providing 81 does not adequately address guest parking needs. Consequently, the Commission finds that it cannot support the adjustment as framed in the application. It can; however, support adjusting the minimum number of required parking spaces such that the applicant is required to provide the 81 paved parking spaces depicted on the site plan (Sheet 1.10, Exhibit "E"). They would then need to supplement that with a gravel or reinforced grass overflow parking area large enough to accommodate 20 additional parking spaces. This will bring the total up to 101 off-street spaces, which is consistent with the 1.3 space per unit standard for the Wilder Planned Development and ensures that parking is available for both resident and guest parking needs consistent with the purpose of this parking standard. The applicant's site plan shows that there is ample area on the property to accommodate the additional 20 parking spaces and a condition of approval is included requiring the parking be constructed. This standard is met.

- B. *Adjustment Criterion #2. Any impacts resulting from the adjustment are mitigated to the extent practical. That mitigation may include, but is not limited to, such considerations as provision for adequate light and privacy to adjoining properties, adequate access, and a design that addresses the site topography, significant vegetation, and drainage; and*

The condition of approval requiring the applicant supplement the 81 paved parking spaces depicted on the site plan (Sheet 1.10, Exhibit "E") with a 20 space gravel or reinforced grass overflow parking area is sufficient mitigation. While the applicant will only be required to pave 81 spaces, there will be a total of 101 spaces available to residents and guests should they be needed, consistent with the 1.3 space per unit standard for the Wilder Planned Development. This standard has been met.

- C. *Adjustment Criterion #3. The adjustment will not interfere with the provision of or access to appropriate utilities, including sewer, water, storm drainage, streets, electricity, natural gas, telephone, or cable services, nor will it hinder fire access; and*

As shown on Sheets C1.10 and C1.20 of Exhibit E, the requested Adjustment does not interfere with access to water, sanitary sewer, storm sewer, streets, or franchise utilities. The proposed parking area layout and access has been designed to accommodate fire access. This standard is met.

- D. *Adjustment Criterion #4. If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project that is still consistent with the overall purpose of the zoning district.*

A single adjustment is being requested. This standard is not applicable.

OVERALL CONCLUSION

Based on the staff report, the application material, and other evidence and testimony in the record, the Planning Commission concludes that the request as presented in the application materials complies with the criteria established in the Newport Municipal Code for granting modifications to the final development plan and for the approval of an adjustment; and the request is hereby **APPROVED** with the conditions listed below.

1. Conditions from prior City approvals of the Wilder planned development remain in effect, except as modified herein.
2. Approval of these land use permits is based on the submitted written narrative and plans listed as Attachments and Exhibits to the staff report. No use shall occur under this permit other than that which is specified within these documents. It shall be the responsibility of the applicant/property owner to comply with these documents and the limitations of approval described herein.
3. Applicant shall provide a minimum of 101 off-street parking spaces, of which 20 may be surfaced in gravel, reinforced turf, or similar material for use as overflow parking

for tenants and guests. The dimensions of the overflow stalls and drive isles shall conform to the standards of NMC Chapter 14.14. An additional ADA space shall be provided on the premises, if required by the Oregon Structural Specialty Code. The overflow parking area shall be shown on the plans the applicant submits for building permit review.

4. Plans the applicant submits for building permit review are to show the location of a Fire Department Connection (FDC) to the building that is within 100-feet of a fire hydrant.
5. All segments of the emergency vehicle turnaround are to be a minimum of 24-feet in width. A revised drawing showing that this standard will be met is to be included with the plans the applicant submits for building permit review.
6. The applicant shall remove the accumulated sediment in the regional storm drainage pond adjacent to SE 40th Street such that there is sufficient capacity to store run-off from the proposed development for a 25-year, 24-hour storm, as quantified in the Preliminary Drainage Report by McKenzie, Inc., dated August 4, 2023. This includes obtaining any permits or temporary construction easements needed to initiate such work.
7. A bus pullout shall be provided along the property's SE Harborton/40th Street frontage if the Lincoln County Transit District determines that a stop is needed at this location.
8. Applicant/owner may modify the alignment of the nature trail to address terrain constraints and user needs provided the scope of improvements is consistent with the natural trail design concepts in the Wilder "Kit of Parts." Once the trail is complete, and the improvements on Tract G are accepted by the City Engineer, then Tract G shall be dedicated to the City of Newport so that it can be maintained as part of the public trail system.
9. All public improvements are to be completed prior to occupancy, unless an improvement agreement is executed in a manner consistent with NMC 14.48.060(C).

Case File: 3-Z-22
Hearing Date: September 25, 2023/Planning Commission

PLANNING STAFF MEMORANDUM

FILE No. 3-Z-22

- I. **Applicant:** Initiated by motion of the Newport Planning Commission on August 14, 2023.
- II. **Request:** Amendments to Chapter 14.14, Parking and Loading Requirements, reducing minimum off-street parking requirements for new development or redevelopment in areas where public parking is managed with meters or a combination of parking meters and permits.
- III. **Findings Required:** This is a legislative action whereby the City Council, after considering a recommendation by the Newport Planning Commission, must determine that the changes to the Newport Municipal Code (NMC) are necessary and further the general welfare of the community (NMC 14.36.010).
- IV. **Planning Staff Memorandum Attachments:**
 - Attachment "A" – September 20, 2023 mark-up of revisions to NMC Chapter 14.11
 - Attachment "B" – Map of special parking areas defined in NMC Section 14.14.100
 - Attachment "C" – Minutes from the 5/17/23 and 8/16/23 Parking Advisory Committee meetings
 - Attachment "D" – Minutes from the 5/22/23 and 8/14/23 Planning Commission work sessions
 - Attachment "E" – Minutes from the 6/20/23 City Council work session
 - Attachment "F" – Email confirmation of 35-day DLCDC PAPA notice
 - Attachment "G" – Published public hearing notice
- V. **Notification:** The Department of Land Conservation & Development was provided notice of the proposed legislative amendment on August 17, 2023 (Attachment "F"). Notice of the September 25, 2023 Planning Commission hearing was published in the Newport News-Times on Friday, September 15, 2023 (Attachment "G").
- VI. **Comments:** No comments have been received regarding the proposed amendments.
- VII. **Discussion of Request:** Proposed revisions to Newport Municipal Code (NMC) Chapter 14.14 reduce minimum off-street parking requirements for new development or redevelopment in areas where public parking is managed with meters or a combination of parking meters and permits (Attachment "A"). They respond to implementation measures listed in the parking study the City Council adopted in 2020 with Ordinance No. 2163, which reads as follows:

"Implementation Measure 1.3.1: Pursue metered zones, hybrid paid/permit, and hybrid permit/timed zones for high demand areas along the Bayfront; and"

"Implementation Measure 3.2.3: Reduce or eliminate minimum off-street parking requirements for new development or redevelopment in metered and meter/permit zones."

The City is in the process of rolling out the meter and parking permit program for the Bayfront, with full implementation anticipated by the end of the year. At that time, the City will shift to

demand management, using pricing to influence parking behavior in order to realize better vehicle turnover in high demand areas, reducing congestion and improving safety. In exchange, the City agreed to reduce or eliminate off-street parking requirements for new development and redevelopment that have been an impediment to economic growth because it is not practical (or in some cases even possible) to construct the off-street parking because of terrain constraints.

Most of the proposed changes are to NMC Section 14.14.100, Special Area Parking Requirements, which apply to Nye Beach, City Center, and the Bayfront (Attachment "B"). A new subsection 14.14.100(B) provides that uses within a special area where public parking meters are utilized, in all or part of the special area, may pay a one-time fee in lieu of providing the off-street parking required in this section provided the parking demand does not exceed 20 spaces. Such fee shall be in an amount established by Council resolution. Uses with a parking demand in excess of 20 spaces must provide off-street parking sufficient to accommodate the excess demand. Parking ratios in subsection 14.14.030 or a parking demand analysis authorized under subsection 14.14.040 are to be used to determine a use(s) parking demand.

A fee resolution will be prepared if/when this agenda item is presented to the City Council. Conceptually, the one-time fee would be scaled such that those generating a small amount of additional demand pay a lower fee and those that rely more heavily on the limited amount of available public parking pay a higher fee. An example of how this could work is included with the staff commentary in the draft amendments.

Another revision creates a new subsection 14.14.100(C), which provides that existing uses that provide off-street parking in order to comply with the provisions of this section, or prior parking ordinances, shall not be required to retain such parking if they are located within a special area where public parking meters are utilized, in all or part of the special area. This addresses an equity concern, where some Bayfront users over the years were required to provide off-street parking on valuable real estate whereas others were not. Large users, that generate a demand for more than 20 parking spaces, will not be able to take full advantage of this provision because NMC 14.14.100(B) requires they provide off-street parking.

Lastly, a new subsection 14.14.100(D) provides that uses within a special area shall be subject to a "Parking District Business License Annual Fee" in an amount set by Council resolution, unless the City requires payment for the use of public parking in all or part of the special area. This codifies language that is currently in Council Resolution No. 3864, a resolution that would be repealed if this language is adopted. Once this language is in place, and metering is operational, then the Bayfront will no longer be subject to a Parking District Business License Annual Fee. If Nye Beach implements a paid parking permit program at some point in the future, then it would also no longer be subject to a parking district business license fee.

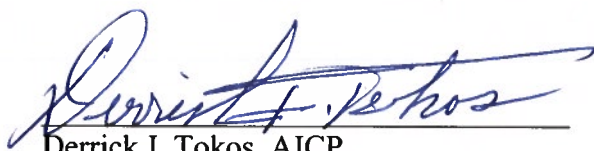
The only other proposed substantive change is to Section 14.14.030. Existing language requiring that "for reconstruction or change of type of use, credit be given to the old use so that the required parking shall be based on the increase of the new use" is silent about whether or not a use that has ceased operation counts as an "old use." Clarifying language is being added indicating that, for the purpose of this section, "old use" is any use or structure on a property within the last 10 years. This aligns with the period of time an individual can claim System Development Charge Credits for a prior use (NMC 12.15.065).

These draft amendments were developed and reshaped with feedback received from the Parking Advisory Committee on May 17, 2023 and August 16, 2023 (Attachment "C"), Planning Commission on May 22, 2023 and August 14, 2023 (Attachment "D"), and City Council on June 20, 2023 (Attachment "E"). Minutes from those meetings are enclosed.

It is relevant to note that reductions to off-street parking requirements, outlined above, will not apply to Nye Beach or City Center because metering or meter/permit zones are not proposed for those areas. They will; however, continue to be subject to the "Parking District Business License Annual Fee" currently required by Resolution No. 3864 and codified with NMC 14.14.100(D).

- VIII. **Conclusion and Recommendation:** The Planning Commission should review the proposed amendments and make a recommendation to the City Council as to whether or not they are necessary and further the general welfare of the community. This would be done by motion and vote of the Commission members present. In making a motion the Commission should specifically reference the policy options or any other revisions they wish to see incorporated as part of their recommendation.

If the Commission is not prepared to make a recommendation, or desires additional information or code revisions before it does so, then it may continue the hearing to a date certain. The Commission's next regular meeting hearing date/time would be October 23, 2023 at 7pm.



Derrick I. Tokos, AICP
Community Development Director
City of Newport

September 21, 2023

September 20, 2023 Draft Amendments to NMC Chapter 14.14, Parking and Loading Requirements

(Unless otherwise specified, new language is shown in double underline, and text to be removed is depicted with ~~strikethrough~~. Staff comments, in *italics*, are for context and are not a part of the revisions.)

CHAPTER 14.14 PARKING AND LOADING REQUIREMENTS

14.14.010 Purpose

The purpose of this section is to establish off-street parking and loading requirements, access standards, ~~development~~ standards for off-street parking lots, and to formulate special parking areas for specific areas of the City of Newport. It is also the purpose of this section to implement the Comprehensive Plan, enhance property values, and preserve the health, safety, and welfare of citizens of the City of Newport.

14.14.020 Definitions

For purposes of this section, the following definitions shall apply:

Access. The point of ingress and egress from a public street to an off-street parking lot or loading and unloading area.

Aisle. Lanes providing access to a parking space.

Gross Floor Area. The total area of a building measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage.

Loading Space. A parking space for the loading and unloading of vehicles over 30 feet in length.

Parking Space. An area for the parking of a vehicle.

Site Plan. A map showing the layout of the building, parking, landscaping, setbacks, and any other pertinent information concerning the development of a site.

Use. Any new building, change of occupancy, or addition to an existing building.

14.14.030 Number of Parking Spaces Required

A. Off-street parking shall be provided and maintained as set forth in this section. Such off-street parking spaces shall

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be provided prior to issuance of a final building inspection, certificate of occupancy for a building, or occupancy, whichever occurs first.

B. For any expansion, reconstruction, or change of use, the entire development shall satisfy the requirements of [Section 14.14.050](#), Accessible Parking. Otherwise, for building expansions the additional required parking and access improvements shall be based on the expansion only and for reconstruction or change of type of use, credit shall be given to the old use so that the required parking shall be based on the increase of the new use. For the purpose of this section "old use" is any use or structure on a property within the last 10 years.

C. Any use requiring any fraction of a space shall provide the entire space. In the case of mixed uses such as a restaurant or gift shop in a hotel, the total requirement shall be the sum of the requirements for the uses computed separately.

D. Required parking shall be available for the parking of operable automobiles of residents, customers, or employees, and shall not be used for the storage of vehicles or materials or for the sale of merchandise.

E. A site plan, drawn to scale, shall accompany a request for a land use or building permit. Such plan shall demonstrate how the parking requirements required by this section are met.

F. Parking shall be required at the following rate. All calculations shall be based on gross floor area unless otherwise stated.

1.	General Office	1 space/600 sf
2.	Post Office	1 space/250 sf
3.	General Retail (e.g. shopping centers, apparel stores, discount stores, grocery stores, video arcade, etc.)	1 space/300 sf
4.	Bulk Retail (e.g. hardware, garden center, car sales, tire stores, wholesale market, furniture stores, etc.)	1 space/600 sf
5.	Building Materials and Lumber Store	1 space/1,000 sf
6.	Nursery – Wholesale Building	1 space/2,000 sf 1 space/1,000 sf
7.	Eating and Drinking Establishments	1 space/150 sf
8.	Service Station	1 space/pump

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9.	Service Station with Convenience Store	1 space/pump + 1 space/ 200 sf of store space
10.	Car Wash	1 space/washing module + 2 spaces
11.	Bank	1 space/300 sf
12.	Waterport/Marine Terminal	20 spaces/berth
13.	General Aviation Airport	1 space/hangar + 1 space/300 sf of terminal
14.	Truck Terminal	1 space/berth
15.	Industrial	1.5 spaces/1,000 sf
16.	Industrial Park	1.5 spaces/5,000 sf
17.	Warehouse	1 space/2,000 sf
18.	Mini-Warehouse	1 space/10 storage units
19.	Single-Family Detached Residence	2 spaces/dwelling
20.	Duplex	1 space/dwelling
21.	Apartment	1 space/unit for first four units + 1.5 spaces/unit for each Additional unit
22.	Condominium (Residential)	1.5 spaces/unit
23.	Townhouse	1.5 spaces/unit
24.	Cottage Cluster	1 space/unit
25.	Elderly Housing Project	0.8 space/unit if over 16 dwelling units
26.	Congregate Care/Nursing Home	1 space/1,000 sq. ft.
27.	Hotel/Motel	1 space/room + 1 space for the manager (if the hotel/motel contains other uses, the other uses Shall be calculated separately
28.	Park	2 spaces/acre
29.	Athletic Field	20 spaces/acre
30.	Recreational Vehicle Park	1 space/RV space + 1 space/10 RV spaces
31.	Marina	1 space/5 slips or berths
32.	Golf Course	4 spaces/hole
33.	Theater	1 space/4 seats
34.	Bowling alley	4 spaces/alley
35.	Elementary/Middle School	1.6 spaces/classroom
36.	High School	4.5 spaces/classroom
37.	Community College	10 spaces/classroom
38.	Religious/Fraternal Organization	1 space/4 seats in the main

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		auditorium
39.	Day Care Facility	1 space/4 persons of license occupancy
40.	Hospital	1 space/bed
41.	Assembly Occupancy	1 space/8 occupants (based on 1 occupant/15 sf of exposition/meeting/assembly room conference use not elsewhere specified

Staff: Section 14.14.030 has been broken up into distinct regulatory concepts. The language requiring that "for reconstruction or change of type of use, credit be given to the old use so that the required parking shall be based on the increase of the new use" is silent about whether or not a use that has ceased operation counts as an "old use." Clarifying language is being added indicating that, for the purpose of this section, "old use" is any use or structure on a property within the last 10 years. That aligns with the period of time an individual can claim System Development Charge Credits for a prior use (NMC 12.15.065). A typo is being corrected for the Industrial use parking ratio.

14.14.040 Parking Requirements for Uses Not Specified

The parking space requirements of buildings and uses not set forth above shall be determined by the Planning Director or designate. Such determination shall be based upon requirements for the most comparable building or use specified in [Section 14.14.030](#) or a separate parking demand analysis prepared by the applicant and subject to a Type I decision making procedure as provided in [Section 14.52](#), Procedural Requirements.

14.14.050 Accessible and Electric Vehicle Parking

Parking areas shall meet all applicable accessible parking and electric vehicle charging infrastructure requirements of the Oregon Structural Specialty Code to ensure adequate access for disabled persons, and sufficient electric vehicle parking infrastructure for future users.

14.14.060 Compact Spaces

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For parking lots of five vehicles or more, 40% of the spaces may be compact spaces measuring 7.5 feet wide by 15 feet long. Each compact space must be marked with the word "Compact" in letters that are at least six inches high.

14.14.070 Bicycle Parking

Bicycle parking facilities shall be provided as part of new multi-family residential developments of five units or more; new retail, office, and institutional developments; and park-and-ride lots and transit transfer stations.

- A. The required minimum number of bicycle parking spaces is as follows, rounding up to the nearest whole number:

Parking Spaces Required	Bike Spaces Required
1 to 4 ^a	1
5 to 25	1
26 to 50	2
51 to 100	3
Over 100	1/25

^a Residential developments less than 5 units are exempt from bicycle parking requirements.

- B. Bicycle parking for multiple uses (such as commercial shopping centers) may be clustered in one or several locations but must meet all other requirements for bicycle parking.
- C. Each required bicycle parking space shall be at least two and a half by six feet. An access aisle at least five feet wide shall be provided and maintained beside or between each row of bicycle parking.
- D. Bicycle parking facilities shall offer security in the form of either a lockable enclosure in which the bicycle can be stored or a stationary object (e.g., a "rack") upon which a bicycle can be locked.
- E. Areas set aside for required bicycle parking must be clearly marked and reserved for bicycle parking only.

14.14.080 Shared Parking

The off-street parking requirements of two or more uses, structures, or parcels may be satisfied by the same parking lot

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or loading spaces used jointly to the extent that it can be shown by the owners or operators of the uses, structures, or parcels that their parking needs do not overlap. If the uses, structures, or parcels are under separate ownership, the right to joint use of the parking space must be evidenced by a deed, lease, contract, or other appropriate written document to establish the joint use.

14.14.090 Parking Lot Standards

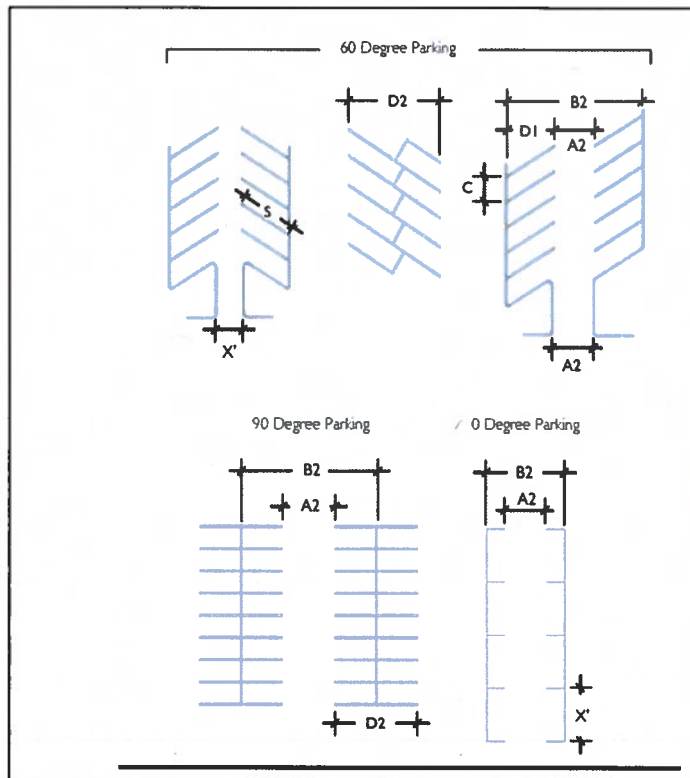
Parking lots shall comply with the following:

- A. Parking Lot Minimum Standards. Parking lots shall be designed pursuant to the minimum dimensions provided in Table 14.14.090-A and Figure 14.14.090-A.

Table 14.14.090-A. Parking Lot Minimum Dimensions for Standard Space

<u>PARKING</u> <u>ANGLE</u> \leq	<u>CURB</u> <u>LENGTH</u>	<u>STALL DEPTH</u>		<u>AISE WIDTH</u>		<u>BAY WIDTH</u>		<u>STRIPE</u> <u>LENGTH</u>
		<u>SINGLE</u> <u>D1</u>	<u>DOUBLE</u> <u>D2</u>	<u>ONE</u> <u>WAY</u> <u>A1</u>	<u>TWO</u> <u>WAY</u> <u>A2</u>	<u>ONE</u> <u>WAY</u> <u>B1</u>	<u>TWO</u> <u>WAY</u> <u>B2</u>	
90°	8'-6"	18'	36'	23'	23'	59'	59'	18'
60°	10'	20'	40'	17'	18'	57'	58'	23'
45°	12'	18'-6"	37'	13'	18'	50'	55'	26'-6"
30°	17'	16'-6"	33'	12'	18'	45'	51'	32'-8"
0°	22'	8'-6"	17'	12'	18'	29'	35'	8'-6"

Figure 14.14.090-A. Parking Lot Minimum Dimensions



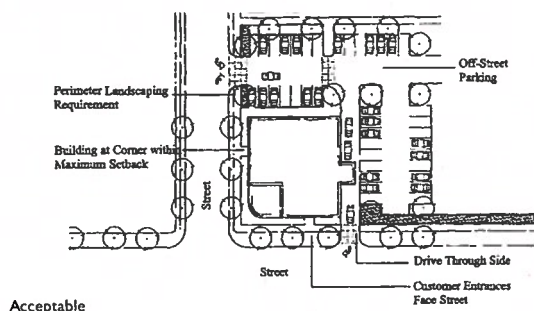
B. Surfacing.

1. All parking lots that are required to have more than five parking spaces shall be graded and surfaced with asphalt or concrete. Other material that will provide equivalent protection against potholes, erosion, and dust may be approved by the City Engineer if an equivalent level of stability is achieved.
2. Parking lots having less than five parking spaces are not required to have the type of surface material specified in subsection (1), above. However, such parking lot shall be graded and surfaced with crushed rock, gravel, or other suitable material as approved by the City Engineer. The perimeter of such parking lot shall be defined by brick, stones, railroad ties, or other such similar devices. Whenever such a parking lot abuts a paved street, the driveway leading from such street to the parking lot shall be paved with concrete from the street to the property line of the parking lot.

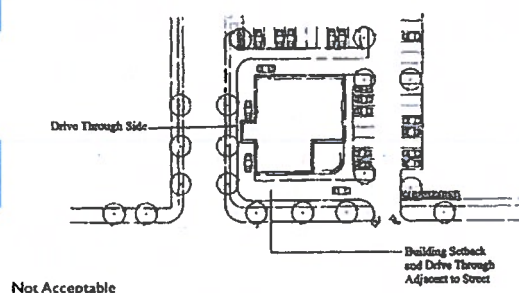
3. Parking spaces in areas surfaced in accordance with subsection (1) shall be appropriately demarcated with painted lines or other markings.
- C. Joint Use of Required Parking Spaces. One parking lot may contain required spaces for several different uses, but the required spaces assigned to one use may not be credited to any other use.
- D. Satellite Parking.
1. If the number of off-street parking spaces required by this chapter cannot be provided on the same lot where the principal use is located, then spaces may be provided on adjacent or nearby lots in accordance with the provisions of this section. These off-site spaces are referred to as satellite parking spaces.
 2. All such satellite parking spaces shall be located within 200 feet of the principal building or lot associated with such parking.
 3. The applicant wishing to take advantage of the provisions of this section must present satisfactory written evidence that the permission of the owner or other person in charge of the satellite parking spaces to use such spaces has been obtained. The applicant must also sign an acknowledgement that the continuing validity of the use depends upon the continued ability to provide the requisite number of parking spaces.
 4. Satellite parking spaces allowed in accordance with this subsection shall meet all the requirements contained in this section.
- E. Lighting. Lighting from parking lots shall be so designed and located as to not glare onto neighboring residential properties. Such lighting shall be screened, shaded, or designed in such a way as to comply with the requirement contained in this section. This section is not intended to apply to public street lighting or to outdoor recreational uses such as ball fields, playing fields, and tennis courts.

- F. Drive-Up/Drive-In/Drive-Through Uses and Facilities. Drive-up or drive-through uses and facilities shall conform to the following standards, which are intended to calm traffic, and protect pedestrian comfort and safety (Figures 1 and 2).

Figure 1 – Drive-Up and Drive-Through Facilities



1. The drive-up/drive through facility shall orient to an alley, driveway, or interior parking area, and not a street; and
2. None of the drive-up, drive-in or drive-through facilities (e.g., driveway queuing areas, windows, teller machines, service windows, kiosks, drop-boxes, or similar facilities) are located within 20 feet of a street and shall not be oriented to a street corner. (Walk-up only teller machines and kiosks may be oriented to a street or placed adjacent to a street corner); and
3. Drive-up/in queuing areas shall be designed so that vehicles do not obstruct a driveway, fire access lane, walkway, or public right-of-way.



- G. Driveway Standards. Driveways shall conform to the requirements of Chapter 14.46.
- H. Landscaping and Screening. Parking lot landscaping and screening standards must comply with Section 14.19.050.
- I. Preferential Carpool/Vanpool Parking. Parking areas that have designated employee parking and more than 20 vehicle parking spaces shall provide at least 10% of the employee parking spaces, as preferential carpool and vanpool parking spaces. Preferential carpool and vanpool parking spaces shall be closer to the employee entrance

of the building than other parking spaces, with the exception of ADA accessible parking spaces.

14.14.100 Special Area Parking Requirements

A. The boundary of the These special areas are defined as follows:

- A1. Nye Beach. That area bounded by SW 2nd Street, NW 12th Street, NW and SW Hubert Street, and the Pacific Ocean.
- B2. Bayfront. That area bounded by Yaquina Bay and the following streets: SE Moore Drive, SE 5th and SE 13th, SW 13th Street, SW Canyon Way, SW 10th, SW Alder, SW 12th, SW Fall, SW 13th, and SW Bay.
- C3. City Center. That area bounded by SW Fall Street, SW 7th Street, SW Neff Street, SW Alder Street, SW 2nd Street, SW Nye Street, Olive Street, SE Benton Street, SW 10th Street, SW Angle Street, SW 11th Street, SW Hubert Street, and SW 10th Street.

B. Uses within a special area where public parking meters are utilized, in all or part of the special area, may pay a fee in lieu of providing the off-street parking required in this section provided the parking demand does not exceed 20 spaces. Such fee shall be in the amount established by Council resolution. Uses with a parking demand in excess of 20 spaces must provide off-street parking sufficient to accommodate the excess demand. Parking ratios in subsection 14.14.030 or a parking demand analysis authorized under subsection 14.14.040 shall be used to determine a use(s) parking demand.

Staff: The proposed language responds to Parking Study Comprehensive Plan Implementation Measure 3.2.3, which calls for the City to reduce or eliminate minimum off-street parking requirements for new development or redevelopment in metered and meter/permit zones. It is a combination of Options B.2 and B.3, presented to the Parking Advisory Committee on May 17, 2023, the Planning Commission on May 22, 2023, and the City Council on June 20, 2023. Blending the two options was the clear preference coming out of the meetings, with Option B.2 requiring a one-time fee in lieu of a developer constructing off-street parking to serve their project and Option B.3 capping the amount of parking a

new development or redevelopment can place on the public parking system before the requirement for new off-street parking is triggered.

The draft code provisions outlined above would allow smaller scale development (i.e. that which generates a demand for less than 20 parking spaces) to occur without requiring they construct new off-street parking. Larger projects that generate a demand for more than 20 parking spaces would have to construct off-street parking to accommodate the additional demand. A one-time fee will be charged for new development or redevelopment that generate a demand for up to 20 parking spaces. This would create a modest amount of funding to help pay for new public parking, transit, etc. in concert with metering revenues. It is justifiable because new development or redevelopment places additional strain on the finite amount of parking available in these areas. The fee would be scaled to disincentivize development that places significant new demand on the public parking spaces. Here is an example of what that could look like:

Additional Demand:

<i>Spaces 1 to 5</i>	<i>\$0 ea.</i>
<i>Spaces 6 to 10</i>	<i>\$5,000 ea.</i>
<i>Spaces 11 to 15</i>	<i>\$7,500 ea.</i>
<i>Spaces 16 to 20</i>	<i>\$10,000 ea.</i>

At the Planning Commission meeting it was suggested that there be no fee for the first 5 required off-street spaces. That is consistent with the existing fee resolution that allows the first 5 spaces to be exempted where a parking business license surcharge is in place. That surcharge will go away though once a meter/permit program is in place.

Here are examples of how the one-time fee would play out:

Example 1: Convert 1,400 sf of retail to restaurant (About the size of the retail building where Noble Estates offered wine tasting (146 SW Bay Blvd)

9.33 spaces (new restaurant) - 4.67 spaces (existing retail) = 4.66 (5 spaces). \$0 fee.

Example 2: 12,000 sq. ft. of waterfront industrial with 4,000 sq. ft. of warehouse space (at old California Shellfish site 411 SW Bay Blvd).

20 spaces (new industrial/warehouse). No existing use credits. \$112,500 fee. While significant, this cost is less than what it would take to construct a lot of this size and could potentially be absorbed as part of the development costs.

Example 3: Construct 47 room hotel, 2,626 sf retail (Abbey Hotel project) on site previously occupied by a nightclub, restaurants, and retail. (836 - 856 SW Bay Blvd).

65 spaces (new hotel/retail use) - 49 spaces (credit for old use) = 16 spaces. Old use provided 20 off-street spaces, so impact of new project is 36 spaces. 43 parking spaces provided off-street. No fee.

Example 4: Construct 47 room hotel, 2,626 sf retail on a site where there was no prior use. 49 space impact. \$112,500 fee for first 20 spaces and developer would be required to construct 29 off-street parking spaces.

This language would only apply in special parking areas where meters are deployed, which is the plan for the Bayfront. It would not apply to Nye Beach or City Center.

C. Existing uses that provide off-street parking in order to comply with the provisions of this section, or prior parking ordinances, shall not be required to retain such parking if they are located within a special area where public parking meters are utilized, in all or part of the special area.

Staff: This language is needed to make it clear that the few businesses currently providing off-street parking in a meter or meter/permit area will no longer be bound to do so, meaning they can develop these properties. Accessible parking standards, electric vehicle parking requirements, and bicycle parking provisions key off of the number of off-street spaces provided. The City will need to consider accommodating those needs in public rights-of-way. The draft language has been revised to limit its applicability to metered areas, which for the time being is the Bayfront. Such change aligns with Parking Study Comprehensive Plan Implementation Measure 3.2.3, which calls for the City to reduce or eliminate minimum off-street parking requirements for new development or redevelopment in metered and meter/permit zones. Metered parking and meter/permit zones are not currently planned for Nye Beach and City Center.

D. Uses within a special area shall be subject to a "Parking District Business License Annual Fee" in an amount set by Council resolution, unless the City requires payment for the use of public parking in all or part of the special area. The annual business license fee established under this subsection shall exempt new development or redevelopment from having to provide up to five (5) off-street parking spaces. Uses that generate a demand for more than five (5) off-street parking spaces shall provide the additional spaces in accordance with the provisions of this section.

Staff: This subsection is needed for the Nye Beach and City Center special areas, where metered and meter/permit zones are not being implemented. It codifies language that is currently in Council Resolution No. 3864, a resolution that would be repealed if this language is adopted. Once this language is in place, and metering is operational, then the Bayfront will no longer be subject to a Parking District Business License Annual Fee. If Nye Beach implements a paid parking permit program at some point in the future, then it would also no longer be subject to a parking district business license fee.

14.14.110 Loading and Unloading Areas

Off-street loading and unloading areas shall be provided per this section.

- A. Whenever the normal operation of any use requires that goods, merchandise, or equipment be routinely delivered to or shipped from that use, a sufficient off-street loading and unloading area must be provided in accordance with this subsection to accommodate the delivery or shipment operations in a safe and convenient manner.
- B. The loading and unloading area must accommodate the numbers as set forth in Table A. At a minimum, a loading and unloading space must be 35 feet in length, 10 feet in width, and 14 feet in height. The following table indicates the number of spaces that, presumptively, satisfy the standard set forth in this subsection.

Table 14.14.110-A, Required Loading Spaces

Square footage of Building	Number of Loading Spaces
----------------------------	--------------------------

September 20, 2023 Draft Amendments to NMC Chapter 14.14, Parking and Loading Requirements

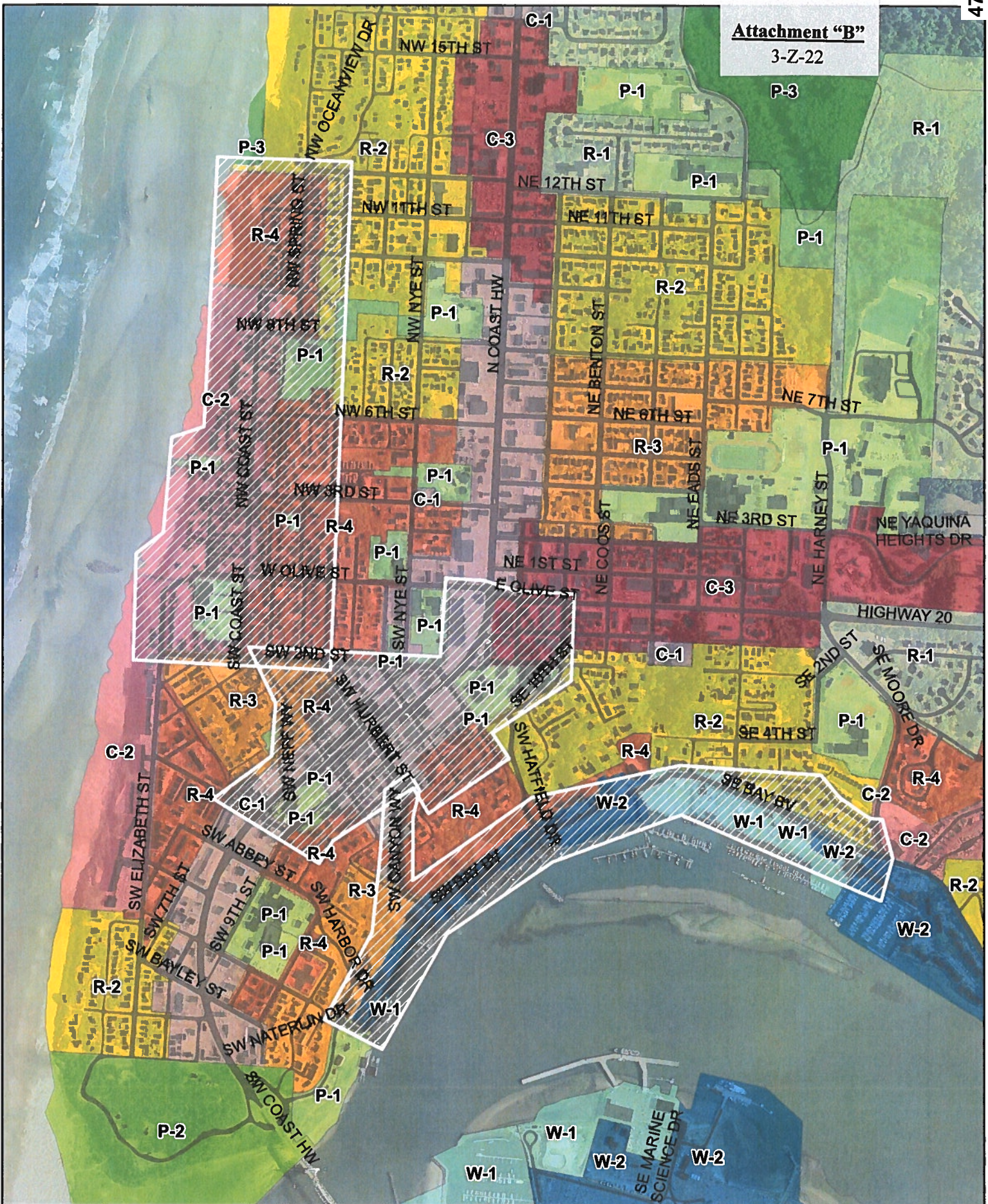
0-19,999	0
20,000 – 79,999	1
80,000 – 119,999	2
120,000+	3

- C. Loading and unloading areas shall be located and designed so that vehicles intending to use them can maneuver safely and conveniently to and from a public right-of-way or any parking space or parking lot aisle. No space for loading shall be so located that a vehicle using such loading space projects into any public right-of-way.
- D. No area allocated to loading and unloading facilities may be used to satisfy the area requirements for off-street parking, nor shall any portion of any off-street parking area be used to satisfy the area requirements for loading and unloading facilities.
- E. Whenever a change of use occurs after January 1, 1995, that does not involve any enlargement of a structure, and the loading area requirements of this section cannot be satisfied because there is insufficient area available on the lot that can practicably be used for loading and unloading, then the Planning Commission may waive the requirements of this section.
- F. Whenever a loading and unloading facility is located adjacent to a residential zone, the loading and unloading facility shall be screened per unloading facility shall be screened per [Section 14.18](#).

14.14.120 Variances

Variances to this section may be approved in accordance with provisions of [Section 14.33](#), Adjustments and Variances, and a Type III Land Use Action decision process consistent with [Section 14.52](#), Procedural Requirements.*

Attachment "B"
3-Z-22

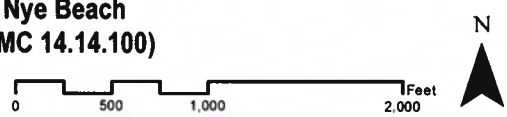


NEWPORT City of Newport
 Community Development Department
 169 SW Coast Highway Phone: 1.541.574.0629
 Newport, OR 97365 Fax: 1.541.574.0644

**Zoning Map with Bayfront, City Center, & Nye Beach
 Districts Shown With White Cross-Hatch (NMC 14.14.100)**

This map is for informational use only and has not been prepared for, nor is it suitable for legal, engineering, or surveying purposes. It includes data from multiple sources. The City of Newport assumes no responsibility for its completion or use and users of this information are cautioned to verify all information with the City of Newport Community Development Department.

Image Taken July 2018
 4-inch, 4-band Digital Orthophotos
 Quantum Spatial, Inc. Corvallis, OR



MINUTES
Parking Advisory Committee
Meeting #11
Newport City Hall Council Chambers
May 17, 2023

Committee Members Present: Janell Goplen (*by video*), Bill Branigan (*by video*), Aracelly Guevara (*by video*), Aaron Bretz, Doretta Smith, Jan Kaplan, and Robert Emond.

Committee Members Absent: Gary Ripka.

City Staff Present: Community Development Director, Derrick Tokos; and Executive Assistant, Sherri Marineau.

1. **Call to Order & Roll Call.** Meeting started at 6:05 p.m.
2. **Approval of Minutes.** Bill Branigan reported minor corrections to the minutes.

MOTION was made by Aaron Bretz, seconded by Doretta Smith, to approve the April 19, 2023 Parking Advisory Committee meeting minutes with minor corrections. The motion carried unanimously in a voice vote.

3. **E-Permit Pricing and Availability.** Tokos reviewed the staff memorandum and noted there would be a kickoff meeting happening with T2 Systems and city staff that Friday. He reviewed the ePermitting pricing and talked through some of the options with the group. Tokos covered the Bayfront parking permit zone options for Zones A through D and the number of parking spaces available in each. He noted interest on the permits would be different on the east and west sides of the Bayfront. He thought that Zone A would sell more permits than the number of spaces that were available. It was a common practice for more permits to be sold than spaces were available, because they never assumed 100 percent utilization at any given time. Tokos suggested they over subscribe the number of Tier 2 timed permits and thought 120 percent would be appropriate. If they took the approach of 100 percent of spaces in Tier 1 areas (Zones A and B) then 120 percent of available parking stalls for Tier 2 (Zones C and D) there would be around 630 permits available.

Emond asked if 120 percent overflow would be enough and questioned if it should be more than 120. Tokos noted that the 120-140 range was typically what they would see. Smith asked what other cities did. Tokos reported they were all over the place on this. He thought that Newport would want to make sure in the metered permit zones that there as a healthy number of spaces available for people who were arriving and wanted pay at the meters. This way they wouldn't get too high on the numbers. Tokos thought they could be comfortable changing it to 140 percent in the Tier 2 areas. Emond pointed out they could always changes this the next year. Bretz noted the people that purchased the permits would be revolving. The people who wanted them in the summer would be different from those that wanted them in the winter. Bretz thought that because the permit was for one month, it would be sufficient to set it at 120 percent on Tier 2. Emond asked if that included both the 72 hour permits and the 12 hour permits. Tokos noted the 72 hour permits would be done by Port invite only in either Zones B or D. He noted this was part of the thinking to break it up by west and east ends. This wasn't an issue on the west end at all. Tokos noted it would be 100 percent on the Tier 1 pricing zones, which were Zones A and B, and 120 percent on the Tier 2 zones, which would be Zones C and D. The commercial fishing would be by email invitation, which was the 72 hour period and limited to zones B and D, which would be the east end zones. Smith thought that a commercial fishermen who paid \$45 a month for a permit wouldn't be happy if permits were oversold and they had no parking spots.

Bretz thought it was hard to gauge this because the Port's permits were so inexpensive. Tokos reminded that the people who would be engaged in commercial fishing permits would also have the Port parking available for them. Bretz reiterated that it was hard to tell how many permits they would need. They had somewhere around 260 Port property permits. It was hard to compare both because they were a different price and product. Tokos reminded that all of the permits had no guarantee of parking spaces.

Goplen asked how often they could change the rules once things were set. Tokos thought they would have flexibility and if they saw something wasn't working they could make changes. There would be reports to the Committee about permit uptake. Goplen thought the Tier 1 pricing was too low. Emond suggested picking a number and sending out invites. Then, when they saw the response they would know how many permits to provide. Guevara thought they should start low and increase the numbers later. Smith thought they were going to have PR issues when implementing the system, and didn't want to start upsetting people right off the bat. She thought they should start off low. Tokos suggested they start with 100 percent in the Tier 1 and 120 percent in Tier 2, then give it three to six months to see what happened.

Goplen asked if this would be implemented in October, when would the meters go in. Tokos reported the installs would be done in late September or early October. This would be an advantage because they wouldn't be implemented in the busy season. Tokos noted the article Goplen shared about what Newport, Rhode Island did was something they should look to do for the next summer season.

Branigan asked if businesses should be allowed to buy a bunch of the permits for their employees. He also asked if they would allow employees to have first crack at getting permits before opening them up to the general public. Tokos noted they didn't have any limitations on who got the permits, so if an employer wanted to cover the cost for their employee's permits they could do that if the permits were available. He thought they should do one launch date instead of multiple dates. The commercial fishing permits would be done by an invite only and they would coordinate this with the Port. Smith questioned who else, besides an employee would want a monthly permit. Branigan thought employees would want the permits the most, but there would be others who came to Newport multiple times that would want them. Goplen thought an Uber or an Airbnb might want them as well.

Emond asked how the daily lodging permits and charter fishing permits would work. Tokos said they would be separate from what they were talking about here. The charters and hotels would have a number of permits that they would hand out. Emond thought it would be nice to be able to track this. Tokos reminded they would have the data from the system that would show how many were handed out.

Tokos asked if the Committee was generally okay with the zone break out. Goplen thought Tier 1 should be more expensive. Bretz wanted the commercial fishing permits to be 96 hours instead of 72 hours. Emond was concerned that people who worked on the Bayfront would be upset when they saw the fishermen had more time to park. Tokos didn't have a problem with setting the commercial fishing permit to 96 hours if that was functionally what they needed. He didn't think a retail person should pay the same as them and asked if \$65 was better for extended stay. Bretz thought if they were going to do that they should leave it at 72 hours. Then if they got blowback on the 72 hours they could say that we can add more time, but it would be more expensive. Emond thought it should be \$55 for fishermen so it was a nominal price difference. Kaplan agreed but noted they didn't want to make this too complicated. He thought it got confusing when there were too many different options. Smith didn't think it would be because the commercial fishermen would be concentrating on their own price. Tokos noted he was inclined to go with \$65 for 96 hours. Bretz reminded that fishermen still had the option to go with the Port parking if they were going to be out for a fourth day. He thought \$65 might be at

the point that a lot of the fishermen wouldn't purchase them. Goplen reminded they could always change this, but they wouldn't want to post a lower price upfront and then say price was being bumped up. Bretz thought if they were going to be bumping it up with a new product it would be okay. Smith was concerned that retail staff would be paying \$45 for 12 hours a day then fishermen were paying \$45 a month for 72 hours. Tokos reminded that on the flip side of this, it met both needs because why would someone who worked retail need more than 12 hours. Tokos said what he was hearing was the Committee thought this was a reasonable framework for this currently, and then look to adjust the fees based on the feedback they received.

Tokos reported that they held the meter cost at a \$1 an hour. Some jurisdictions were bumping this up and he asked if \$1.25 an hour made more sense. Emond and Goplen thought \$1 was too cheap. Bretz reminded this was saying the cost would be \$1 an hour and he didn't think it would price anyone out. Smith questioned if locals would say it was unfair to charge them and mean that cause them to choose not to shop local. Goplen reminded they had discussed allowing businesses to do parking validation for customers. Tokos confirmed they would have the coupon codes for this. Bretz noted the current people parking weren't paying for anyone to maintain the parking areas. He thought it was reasonable to have local people pay for a couple of hours which would go into maintenance and add to turnover.

4. **Updating Special Parking Area Requirements for the Bayfront.** Tokos reviewed the updates to NMC 14.14.100 for the special area parking requirements. He noted that when the City Council adopted the Parking Study into the Comprehensive Plan, they agreed that when metering was implemented there would be a reduction or elimination of off-street parking requirements. The draft of these revisions would achieve this and would become effective at the same time that metering was live.

Tokos reviewed three options of revisions, starting with Option B.1 that would eliminate off-street parking requirements. This would only apply to the Bayfront because it would be the only area where the city required payment for parking. Smith asked if the purpose of B.1 would just be for new development. Tokos said it applied to both new development and redevelopment. Kaplan noted Nye Beach was mostly residential and asked if this would apply to Nye Beach once the metering was implemented there. Tokos said it would, and pointed out B.1 would be the easiest of the option to implement because it was straightforward and there were no off street parking requirements.

Tokos covered Option B.2. that would allow developers to pay a onetime fee in lieu of providing the off street parking required in special areas where payment was required for the use of public parking. Goplen asked if they could build housing on the Bayfront. Tokos explained they could put housing on anything other than street grade, but they wouldn't expect to realistically see anything meaningful come in because of terrain constraints. Option B.2 gave a fee in lieu which gave progressively expensive options for the additional parking demand they placed. Tokos reviewed the examples of how much it would cost for eliminating parking space requirements. Goplen pointed out the retail use example that was listed on the document wasn't currently being used for retail. Tokos said this would have a credit for the previous use. The parking code said that the city was to give credit for the old use, but it didn't say for how long. They may have to put a fixed timeframe on the credits with this policy change, and he guessed that policy makers would want that number to be that same as System Development Charges, which was 10 years. Goplen asked if they had the number of spaces currently necessary for all the businesses in Newport. Tokos could get it but thought it was around 60-90. Goplen thought if they removed this and let people build, it would change how people viewed the meter conversation and all the work the Committee was doing. Tokos noted there was an equity issue when they had some businesses providing zero parking spaces and others providing some. It would become a question on why someone would be obligated to dedicate what was a pretty expensive chunk of real estate for off street parking, when others are doing nothing. Tokos thought a fairness piece would be

to eliminate the parking requirement, and then not allow major development and keep development to a smaller scale.

Emond asked if it was possible that this ordinance wouldn't apply to all three districts because he thought each district had radically different needs. Tokos thought that was fair but expected they would have further adjustments once they had solutions set for Nye Beach. Since they didn't know what the solutions would be for Nye Beach, there was no reason to sort out what the special parking area would be for it. Kaplan reminded that the special district areas already had different requirements. Tokos agreed and noted that the existing requirements would stay in place for 90 days and codified after the last changes were adopted. Emond asked if these code changes would be drafted and adopted by the City Council after public input. Tokos confirmed they would. Emond thought this made it harder to make changes. He noted this was why he questioned whether or not they wanted to put down rules that would be harder to change in the future. Tokos said this was something they would expect when dealing with when rolling out a new demand management program for areas like this. He reminded there would be residential permits in Nye Beach that weren't in the Bayfront, which would have to be dealt with it at that time.

Tokos reviewed Option B.3 that would give a hard wire a limit on the demand a project could place on the limited supply of available public parking before off-street parking must be provided. He covered the examples of what this would look like. Goplen asked if the five examples were current projects that were waiting on the changes to go through. Tokos said they didn't have any specific projects that were waiting. Emond thought this option made more sense for retail and restaurants, but made less sense for fish plants or industrial use. He asked if they could limit this to retail and restaurants, and have B.2 apply to industrial. Tokos thought this might create an equity issue. He thought they could go with B.3 and scale it with fees. They could also hybridize it with B.2 and B.3. Emond thought because retail and restaurants had a higher turnover, this would be fine for them. He had a problem with uses that required their employees to be there all the time, who created congestion. Edmond thought this was contrary to what they set the goal for turnover at.

Tokos asked for the Committee's thoughts on the three options. Smith asked which option Tokos leaned toward. Tokos favored B.2, or a combo of B.2 and B.3. He also liked the simplicity of B.1 but was concerned it would lead to some unintended consequences. Emond liked basing it on the number of parking spots and the building use type because different uses had different customers. Tokos thought they could look at the ratios which would be citywide. The ratios were development based and typically done by the types of uses. Tokos asked if there were any other options that the Committee had in mind to loosen up the rules. Emond thought they should do B.3 at a smaller number and B.2 as an overage. They should set things at a number of spaces, then if demand was over that they could then charge a fee for additional spaces. Tokos asked if what he was saying was to pair B.2 and B.3 and then do something smaller than 25 spaces. Emond thought that was fine, but thought 25 would work on the Bayfront but wouldn't work in other areas. Goplen needed some time to think about it. Tokos asked the Committee to send him a note on their thoughts.

Kaplan asked if B.3 was saying a business was not required to put in parking. Tokos explained was for redevelopment in a manner that was more intense than what the use was currently, or for new development. Tokos gave examples of the properties on the Bayfront that might develop with these changes. Bretz pointed out that it wasn't economical to put parking spaces over the water. If someone was looking to put in a processing plant, they would want a parking lot across the street. Bretz asked if having parking across the street would be allowed. Tokos confirmed it could be allowed as satellite parking. Bretz liked a mixture of B.2 and B.3. Before they establish the fees they look at what it was that they were looking to be incentivize and discourage. They needed to determine if they wanted the added fees to be difficult to be absorbed by the developer or not. Then they could answer what the city

would want to do with the funds. Tokos thought they would look for it to go into the parking fund to supplement the meter revenues so they had money to make a go at constructing a parking structure at some point.

Tokos reviewed the addition of Section C which would make it clear that the few businesses currently providing off-street parking in a meter or meter/permit area would no longer be bound to do so, meaning they could develop these properties. Kaplan reminded that they were trying to manage parking demand. If they decreased the supply it would be contrary to what they were trying to do. If they didn't have a way to obligate additional parking, they would be adding more demand without resources. Emond thought this went back to how B.2 and B.3 worked best in Nye Beach, and B.2 worked only on the Bayfront. Tokos stated he wouldn't expect a gold rush of people eliminating their off street parking that was privately held. In most cases, they were there for a reason. Tokos noted how other jurisdictions who had eliminated off street parking requirements was working for them because they wouldn't generally have businesses coming in that were going to be a massive traffic generator. Smith asked if they adopted B.2 would there be any forgiveness for housing on the Bayfront. Tokos said the direction the state was going was to have a full blanket prohibition on requiring off street parking for residential development because of the housing crisis. Smith thought this would make residents have to use street parking and would set up a whole new dilemma. Tokos thought that this got to the City Center area, where he didn't see a lot of residential opportunity because they couldn't add additional stories to the buildings given their conditions. He also didn't see any real estate available for multifamily projects. Tokos reminded that the residential demand for parking was different than commercial use. Kaplan was in favor of more housing than more commercial. Emond noted this was why he like B.3 because it didn't eliminate all of the parking requirements, just a few. Tokos asked for feedback on the examples from the Committee. Emond thought the examples were good. Bretz thought that for over the water they should look at how far away the parking should be. Tokos explained that not all of the Bayfront was eligible for housing. The areas that were water dependent were not allowed to have houses in the water.

5. **Timing and Location for Outreach with Affected Stakeholders.** Tokos reviewed the implementation schedule, and the list of public engagement groups they would like to engage. Bretz thought that having commercial fishing group meeting in August would work best with the help of the Port. He thought it would work better for businesses if they were directly contacted them directly to get them involved in the engagement instead of sending a blanket notice.

Tokos reported they would be working on the license plate recognition to get it linked up and the officers trained. He reviewed the parking lot improvements timeline; the sign pole installation; the regulatory sign install timelines; and the pay station install timeline. Tokos noted this schedule was subject to change.

Tokos asked if there was anything the Committee wanted him to bring forward to the next meeting. Smith wanted to see information about the general public outreach that would be done. Goplen thought the city could be more proactive how the information came out. Smith reminded that everyone on the Committee had connections to different groups who they could present to. Emond asked if they were set on the pricing. Tokos thought they figured out pretty much where people wanted to start with.

6. **Public Comment.** None were heard.

7. **Adjournment.** Having no further business, the meeting adjourned at 7:53 p.m.

Respectfully submitted,



Sherri Marineau
Executive Assistant

MINUTES
Parking Advisory Committee
Meeting #14
Newport City Hall Council Chambers
August 16, 2023

Committee Members Present: Doretta Smith (*by video*), Bill Branigan, Janell Goplen (*by video*), Aracelly Guevara, Aaron Bretz (*by video*), and Robert Emond.

Committee Members Absent: Gary Ripka, and Jan Kaplan.

City Staff Present: Community Development Director, Derrick Tokos; Police Chief, Jason Malloy, Parking Enforcement Officer, Donald Valentine; and Executive Assistant, Sherri Marineau.

Public Present: City Councilor, Dietmar Goebel.

1. **Call to Order & Roll Call.** Meeting started at 6:00 p.m.

2. **Approval of Minutes.**

MOTION was made by Bill Branigan, seconded by Robert Emond, to approve the August 3, 2023 Parking Advisory Committee meeting minutes as written. The motion carried unanimously in a voice vote.

3. **Review Updated Draft of NMC Chapter 14.14 Amendments to Special Parking Area Requirements.** Tokos reported that the Planning Commission initiated the legislative process for the amendments and was moving forward with a public hearing. He covered the amendments to NMC Chapter 14.14.100 concerning the special parking area standards. The City Council adopted policies in 2021 that said that in metered areas, the city would loosen up or if not eliminate off street parking requirements for development. The language was structured that this would apply to the Bayfront because it would be the only area that was going to be subject to metering. If this was adopted it would not apply to Nye Beach or the City Center because they were not proposed to have metering. Tokos explained that there were two concepts for the Bayfront. One was to disincentivize property owners from doing development that would have a severe impact on the availability of parking. The other option was to charge a one-time fee when expansions were done. These fees would increase when there was a more significant amount of parking than developers were required to have. The Commission thought the concept was great but still wanted a top end number, and say if they went above that demand number they would have to provide off street parking. The Commission felt this needed to happen given the limited amount of parking the Bayfront, even with the demand management strategy the city was pursuing. The cap number the Commission proposed was set at 20 spaces. If the Council adopted the amendments, the supplemental business license fee for parking would go away for the Bayfront, and they would no longer be a part of that program. Then, moving forward the Bayfront would be subject to these provisions. This meant that if a business was expanding, and it had additional demand for parking that was under 20, they would pay a one-time fee instead of an annual business license fee. The Commission thought that if a business was making a very modest expansion, and the demand was no more than five spaces, this should continue to be at no cost. Then if they went above five spaces, the fees would be broken down by the additional demand.

Malloy asked if new business owners on the Bayfront would have to pay annual fees after the meters were implemented. Tokos said no, they would only have to continue the basic annual business license fee, and the one-time fee would only be charged during an expansion. Smith thought this sounded like

they were going after owner occupants instead of the business owners who leased properties. She thought this was confusing. Tokos said what they were talking about was an existing legacy program that was in place, and how it was transitioning from that legacy program to this new program. The legacy program was keyed off of business licenses and was currently in place. The business operator paid a supplemental business license fee in the three districts. This fee entitled the business to expand and not have to provide off-street parking as long as the expansion didn't generate a demand for more than five off street parking spaces. If the amendments are adopted, Bayfront business owners would no longer pay the supplemental business license fee, and the only time a fee would be triggered was when the business elected to expand. This fee would be based on the amount of the demand they were placing on the parking system, and was a one-time fee. Smith thought they were getting lost on the word expand because businesses could expand their businesses without expanding their real estate. Tokos noted that if a restaurant added an additional 1,000 square feet, it would be an expansion which was an additional impact on parking, and subject to the one-time fee. The business would pay a one-time fee based on the use. Smith questioned how a business could control this if the real estate wasn't available to them, and they didn't own the real estate. Tokos gave an example of an addition to a restaurant and how the additional demand triggered the one-time fee. Smith thought using both the words "expansion" and "conversion" made things confusing because they meant different things. Emond noted this applied to the use of the property, and when they changed the use, they would be subject to the new parking requirements. Smith said that expansion to her was about expanding the footprint, not converting the use. Tokos explained that what was in the code would be the intensification of use. The way the program was set up, if adopted, was that there would be a one-time fee for the change of use that directly correlated to the amount of additional parking and change of use associated with that. The Commission recommended that the fee resolution be structured such that if the change of use did not create a demand for more than five parking spaces, there wouldn't be an additional fee. If the change was greater, there would be scaled fees based on the parking spaces associated with the change of use.

Emond asked if a fee would be required anytime a use changed. Tokos confirmed it would. Emond asked if they changed the use to something with less demand, would they then not pay a fee. Tokos said that was correct. Smith wanted it clarified that this only applied in areas with meters. Tokos confirmed that if it was adopted it would only apply to special parking areas that were metered. Smith asked if they implemented meters in the City Center would this then apply. Tokos said it would, but he expected that if it did go in the City Center they would take another look at this language because it would be a bigger change. This would also be the same for Nye Beach. Tokos wanted to emphasize that none of the amendments they were considering would apply to the City Center or Nye Beach.

Emond thought that rather than setting it a flat 20 spaces, they should say a percent of the available parking in the district. He thought this would mean they wouldn't have to tweak things for each parking area. Tokos thought this was what they would want to do. He anticipated that there would be some code adjustments as part of the discussions for this. This language dealt with the basis of existing uses that provided off street parking in order to comply with the provisions of this section. The city's prior parking ordinances were not required to retain the parking if they were located within a special parking area where metering was utilized.

Tokos asked for comments on NMC Section 14.14.100. Emond thought Item D should come before Item C in this section because it made more sense. Tokos would take a look at the section to see if he could clean that up.

Goplen asked if the proposed fees were based on what other jurisdictions were doing. Tokos said the city had looked at other jurisdiction's examples. Some had fixed fees per space or they were scaled. The fees that were included were in line with the examples they looked at.

Smith asked if the parking district business license annual fee only applied to the Bayfront. Tokos explained the parking district business license annual fee was the legacy program and would not apply to the Bayfront once it was metered. Emond pointed out that this was why he thought this section should be first in the code, because it was more logical that way. Smith asked if the parking district business license annual fee would be new to the businesses in the City Center. Tokos explained it wouldn't be, because the fees had been in place for years.

Goplen asked if this would be included in the public outreach, or if it would just be covered in the Parking meetings. Tokos reported at this point it wasn't built into the outreach, but he would be prepared to talk about it.

4. Bids for Sign Pole/Base Installations and Pay Station Foundations (Includes Budget Update).

Tokos reported the bids came in for the installations. They were favorable and about \$5,000 under the estimated costs. The City Council would be asked to do the interfund loan so that there was sufficient money to pay for this last element. A portion of the meter revenues would be used to pay off the interfund loan. Tokos reported that this was the last significant piece of the rollout.

Goplen asked if they would be putting in bike racks when they did the surface restorations of the parking lots. Tokos explained that he would be talking to Public Works about this, and they would be pulling from different funding sources to do this. He confirmed they would be able to get bike racks.

5. Updated Parking Management Solution FAQ and Outreach Schedule. Tokos reported that he updated the FAQ handout and included a version in the packet for the Committee. He played with the graphics on the map to make the boundaries look better and stand out better. Goplen talked about how she showed the FAQs to a few people and they thought it was great. They especially liked the 72 hour parking for the fishing community. Smith suggested they do a straight line on the legend so it made more sense to the public. Tokos would do this. Goplen thought the titles on the map should be bolded or all caps. She wanted the header to stand out more on the map.

Tokos reminded that the Committee discussed that zones B and D would be invitation only. The city would coordinate with the Port to get a list of owners for the invites. Bretz noted the Port didn't generally say "owner" in their ordinances. They preferred saying "owner/operator" to allow them to choose what kind of authority they were within their organization. Bretz confirmed that the Port would supply the city with a list of the owner/operators.

Tokos asked for the Committee's thoughts on having multiple vehicles on the permits for fishermen. Bretz asked if they wanted to limit the number of invites to each boat. Tokos said the plan was to give out as many invites as the Port supplied. Bretz didn't think it would matter how many license plates they wanted to allow on a permit. Tokos thought they should think about limiting it because it might lead to abuse. Goplen asked if there was a standard number of people per boat. Bretz said generally it was about three to four people, sometimes it was five. He noted that they sometimes rotated crew based on who was available. Bretz reminded that these permits weren't annual. Tokos explained the permits would be tied to the owner/operator pulling the permits, and didn't think there would be many vehicles. Bretz thought if the intent was to have these for the people who would be working on the boat in a given month, there wouldn't be a lot. The owner/operators would want an option for when they brought in contractors to work on the boat who needed to park. Bretz imagined these folks would pay for parking. He thought the permits would be delegated to the operators, not the owners. They would get a certain number of passes for the boat, and when they changed crew they could get rid of one permit, and then offer it to another crew member.

Tokos asked if the Committee thought someone who obtained an e-permit should be able to add more than one license plate to their permit. Emond didn't think so, because he thought it might cause a problem if both vehicles were parked at the same time under one permit. Malloy reminded that they would have license plate recognition (LPR) technology that would identify this. The technology wouldn't know which vehicle was parked at the same time though. Malloy also thought it would be difficult to say one permit could be for more than one vehicle. Bretz also pointed out there would be a problem if a boat authorized seven license plates under the invitation, and all seven were parking at the same time. Bretz didn't think the city would want to get into this. They should give the operator a certain number of permits, and then the operator should decide how they divvied them up to. Goplen asked if they were creating an app to manage this with the boat owners. Tokos reminded that when talking about the deck hands it was a different component. The operator would buy a permit for themselves and then buy a number of coupons they needed to give out to the deck hands. The deck hand would then take the code and put it into the kiosks and be good to go. Malloy asked if the captain would have to go back in after 30 days to renew these, or if it was an auto renewal. Tokos confirmed they could do an automatic renewal. Emond questioned how it would work if a deckhand or other employee was hired and needed a permit left after two weeks. He questioned if their permit would be turned over to the new person and changed to a new license plate number. Tokos explained they could structure it for the commercial fishing side to have the option to get an e-permit for themselves and plug in their license plate number. Then they could purchase coupon codes at the same price to give out. Goplen asked if the person with the coupon code would have to log in their license plate. Tokos confirmed they would enter in their license plate number with the coupon code. Smith questioned if coupons could be transferred to different people. Tokos reported they could set it up that way, and the code could have different license plates associated with them, depending on who they had as a deckhand over the month. Goplen wanted to make sure the person that was no longer working was deleted from the coupon. Tokos said they would work with T2 Systems on setting this up. Bretz thought the trick would be to not get in the middle of it, and keep the responsibility on the owner/operator so that if someone got a ticket they would have to work it out themselves, not the city. Malloy thought they should ask the vendor was if a coupon code could be transferable.

Malloy reported that previously the Police Department would issue parking permits for mechanics prior to any kind of system there was on the Bayfront because they were down there working a long on the refrigeration and mechanicals on the boats. They were allowed to park in the loading zones for limited timeframes and would pay \$30 to \$40 a month for these permits. Malloy noted that they quit doing this because they had no way of tracking it, and thought it was important to allow certain vendors to have the same access that a commercial fisherman had. Even if they were allowed these permits, there were still parameters on what these vendors were allowed to do. Emond asked if T2 Systems tracked how long people were parking. He thought this would allow the city to monitor how things were being used. Tokos confirmed they did. He asked if Malloy thought there should be separate category of permits for trade vendors. Tokos noted they were already allowed to be in the 60 minute loading zones on the Bayfront. Malloy reported they would have license plate recognition to know what tier parking zone they would be allowed in for the permit. Bretz thought the key to this would be the rate. They will have to ask themselves if it would be cheaper to get a monthly pass or pay the daily rate based on the number of days they are there. He didn't think a daily pass would break anybody's bank. Bretz thought it was important to remind the public that they were giving people more parking access to get to the docks We were just asking people to carry a little bit of the cost and the inconvenience with everybody else.

Tokos asked if what he was hearing was that when someone got an e-permit, that e-permit would be associated to a single vehicle. Then if there was another vehicle they would have to get another permit for that vehicle. Malloy reminded the license plate recognition didn't recognize different vehicles on one permit, just that the license plate was associated with a permit. Goplen questioned if there was a

login for people to change their license plate number online. Tokos would make sure that was an option. Branigan reminded that some vendors had multiple vehicles. Tokos thought they would pay of the meters, not e-permits. Bretz thought they would also use the pier to park on.

Malloy questioned if the loading zones should be 60 minutes. Tokos said the 60 minute loading zones were only on the Bayfront side. Malloy reminded that this would be used by people to park to go to lunch, and the police wouldn't know why there were parking there. Goplen thought the 60 minutes was for the fishermen to unload. Bretz reminded that the discussion on this had been that there were a select few that would be using these to load crab pots. He thought that 60 minutes was pretty long. Malloy suggested they define it as commercial use. Emond questioned if it could be changed to an "active" loading zone. That way if no one was there loading they could cite them. Malloy thought they needed to be able to defend a citation, and if it wasn't clear, a judge would have a hard time supporting it. He thought the word "commercial" should be added to the sign. Bretz reminded that a prior discussion on the signs involved how big they would be, and what they could fit in its space. He thought 60 minutes was a long time for a loading zone. Goplen suggested they change it to 40 minutes so people couldn't use the zone to park and get lunch. Smith questioned if the term "commercial" would also be interpreted as parking a car to do shopping. Malloy reminded the police used common sense to look at how vehicles were utilizing the loading zones. If they saw a parked and locked car in a loading zone, they weren't loading. A discussion ensued on how people might utilize the loading zones.

Malloy suggested they implement it and monitor it to see how it worked. Goplen asked if there was any way they could monitor how long the loading zones were being used currently. Malloy reported they the same three vehicles parked in the loading zones for eight to 12 hours all summer. He thought it was currently being abused. Smith knew that some of the pushback from the public was concerning their questions on if they had to pay to park if they were buying fish. She asked if they should make it 30 minutes instead of 60. Malloy reminded that people would use a multitude of excuses for parking in the loading zone. Tokos reminded that Gary Ripka thought that someone couldn't unload their gear in 20 minutes, and felt 60 minutes was more reasonable. The city was getting ready to order signs, and they needed to decide what the time should be. Emond thought 30 to 40 minutes sounded more reasonable. Malloy noted the police wouldn't look to give citations to fishermen who were actively loading or unloading. There was a common sense approach to this. Malloy stated he would rather make sure they were dealing with the people that were abusing the loading zones, and taking away the loading areas from our commercial fishing fleet. Guevara asked if they could say 60 minutes for commercial fishing folks and 20 minutes for the business only. Tokos asked what Malloy thought of a 40 minute limit. Malloy thought it was better to not put a time on the signs, and make the area an active loading and unloading zone only. Bretz thought that if it was defined in the code without a maximum time limit, it would give an officer the discretion and authority to give citations when enforcing. Tokos explained it was already set up as a 60 minutes on the bay side only. He also thought that a time limit would help with enforcement, because without it, it would become a judgement call for the officer.

Goplen asked how long it would take the enforcement officer took to go along the Bayfront to check the parking, and what their route would be. Malloy reported there was one parking officer for the whole city. The majority of their time would be spent on the Bayfront, and the officer would have to do more than just parking enforcement. Malloy explained that they liked to keep the route random so people didn't figure out when the officer would come by. Malloy noted they would monitor the loading zones, and if they needed to they could change signs through a traffic order and a city process. Guevara agreed with Malloy that the signs should just be loading zones, and not have times on them. Tokos thought having a time limit would help deter bad users from using them. Goplen was in favor of just having a loading/unloading zone without time. Tokos noted the downside for removing the time limit

on the signs was that it put it entirely on the officer to prove the person was loading or unloading, and then would have to debate it with a municipal court judge. The time limit would give the officer concrete evidence that someone was parked too long. Emond agreed that the time on the sign was important and there were a lot of tourists on the Bayfront who wouldn't know how long they could spend in the zone. Tokos thought they could change it to 40 minutes, and then the officer would have discretion on letting it go longer if there was somebody would be legitimately loading. Malloy reminded that all of their parking enforcement was discretionary.

Malloy noted that having the signs say Saturday and Sunday, November to April meant that they would be missing spring break, one of the busiest times of the year. Emond thought it should be metered all year long. Goplen thought that people would pay all year. Bretz thought they should change it to March instead of April. Tokos noted this would add two more months into the schedule. Bretz thought they should let it ride the first year and see how it worked. The Committee was in general agreement to leave it as April. Goplen asked if it could be changed to read "Sat & Sun only" instead of "Sat-Sun only." Tokos would request the change. The Committee was in agreement to leave the signs as is, with the exception of changing it to "Sat & Sun only."

Tokos asked for feedback on the map on the back of the FAQ form. Goplen thought that printers had changes on original document hard time differentiating the brown color from the yellow and orange. She asked if they could have someone create a different graphic than what was presented. Tokos thought the map was close to what they needed, and didn't want it to be overkill.

- 6. Meet and Greet with the City's new Parking Enforcement Officer.** Malloy introduced the new Parking Enforcement Officer, Donald Valentine. Valentine was working with the Community Service Officers (CSO) to get trained and would start getting out and about in Newport to get the lay of the land and figure out how he would hit all the areas.

Tokos thought it would be helpful to have Valentine attend the outreach meetings. Malloy noted that Valentine would be involved with the training for the system, and he would be working Monday through Friday so he was available to deal with the implementation. Malloy explained that Valentine needed to get familiar with everything and be well versed with the contractors and vendors on the Bayfront. The Police Department wanted him to be a part of any Nye Beach, Bayfront, and City Center meetings, because that was where most of the parking complaints were. It was important to have Valentine involved with the outreach because people wanted to talk to enforcement. Smith asked who would enforce on weekends. Malloy reported that Valentine would be working Friday through Monday once the program was implemented. Then possibly work either on a Tuesday or Thursday. Malloy noted that until the meters went into effect, time parking was very difficult for them to deal with in an eight hour shift. The current marching order Valentine had was to deal with the safety and inconvenience issues with the way people were parking.

Goplen suggested the Police Department do a funny post on Facebook to show some of the things that would happen when they put in the meters. Malloy said they were bringing back "dude you can't park like that" videos and post bad parking photos to do this. Goplen and Bretz thanked Valentine for stepping into the enforcement role.

Smith asked who enforce the other days Valentine wasn't working. Malloy said they didn't have funding for parking enforcement for seven days a week. They hoped the CSOs would help with this, but there wasn't enough time for them to do it. One of the things they would need to deal with when Valentine wasn't there was to deal with the more obvious safety violations. Tokos asked if they could stagger his schedule sometimes. Malloy explained that they wanted to be fair to staff and didn't want to abuse Valentine's schedule. Goplen asked if they would be able to afford another parking

enforcement officer once they got the funds from the meters. Malloy said that as long as there was funding available, there would be enough work for parking year round to have two full time people. This came at a cost and was expensive. Goplen asked if volunteer officers could participate in this. Malloy reported the only volunteer parking program there was in the state was for disabled parking enforcement. They didn't have the capabilities to do this. Tokos suggested they train the CSOs on this. Malloy pointed out that if the CSOs were doing parking enforcement, they wouldn't have time to do their own jobs. Bretz thought they needed to point out that enforcement wasn't 100 percent, the city had limited resources, and they would respond to things in the order of importance. He thought they needed to get out in front of this so they could manage people's expectations. Goplen asked if part of the money for in lieu of parking could go toward parking enforcement. Tokos said the meter revenues would be more reliable for this because the in lieu fees would only be collected when there was development. Goplen asked if they could say that 80 percent of the in lieu revenues could go towards parking enforcement. Tokos said they would be able to get a gauge on what the annual revenues were, and then make choices as a Parking Committee on what percentage should or shouldn't be dedicated to enforcement. There would be an interfund loan that would be paid off over a couple of years. The parking ticket revenue, meter revenue, and payment in lieu would all be tracked to see how they were doing. The data would help them make recommendations on the certain amounts that should be dedicated to certain purposes. They would also begin to see what sort of cost it would be for an additional enforcement officer.

Smith asked why Malloy said they would need a second vehicle with LPR if there was only one parking enforcement officer. Malloy noted that he was just saying that if there were two full time parking enforcement officers, they would need their own vehicles because they wouldn't ride together.

Tokos noted the next meeting would land in-between some of the outreach meetings that would be happening. He reminded that the plan was to have the implementation happen at the end of October. Tokos would reach out to Goplen and Bretz to coordinate some of the outreach meetings. Bretz reported the Port was working on generating some signage that was similar to the standard parking signage. They would be using the term "commercial fishing parking" on the signs and they would include a Port logo on them so it was clear they weren't the city's. Tokos noted they would be doing separate outreach for the work to the parking lots so people knew when the parking lots would be worked on and closed. Goplen reported she would bring this up at the next Discover Newport meeting on August 22nd. Smith noted that she emailed the Rotary to do outreach at one of their meetings.

7. **Public Comment.** None were heard.
8. **Adjournment.** Having no further business, the meeting adjourned at 7:50 p.m.

Respectfully submitted,



Sherri Marineau
Executive Assistant

MINUTES
City of Newport Planning Commission
Work Session
Newport City Hall Council Chambers
May 22, 2023
6:00 p.m.

Planning Commissioners Present: Bill Branigan (*by video*), Bob Berman, Braulio Escobar, Jim Hanselman, Gary East, and John Updike.

Planning Commissioners Absent: Marjorie Blom (*excused*).

PC Citizens Advisory Committee Members Present: Dustin Capri.

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 Branigan called the Planning Commission work session to order at 6:00 p.m.

2. **New Business.**

A. **Comments from Thompson Sanitary on Draft Trash Enclosure Amendments.** Tokos thanked Thompsons for providing comments and input on the amendments. He noted that Walter Budzik with Thompsons responded to the request to give comments on the enclosure standards. Budzik asked if they would be adding language to calculate the volume of solid waste that was going to be needed. Tokos reported they were trying to avoid this. Thompsons offered to produce a document that could be added to a building permit application to provide guidance to multifamily and commercial developers in terms of how to size the enclosures. Tokos said there was also a suggestion to add compostables to the language, even though they didn't currently provide the service. This could change in the future, and he didn't think it was a problem to include this. Tokos reported that Thompsons was also willing to go down to 10 feet for the driveways. They also asked if Thompsons could be involved with the review process and sign off on all applications. Tokos noted this would be tricky for all sign offs, because the city by state law had to have a clear and objective path to approval for multifamily. Any discretion would be a problem that would hang up the approval process. Tokos cautioned the Commission to be thoughtful on how they did this so they didn't get in a spot where multifamily developers were saying they couldn't navigate forward because a third party didn't agree with their approach.

Rob Thompson addressed the Commission and noted he thought it was helpful to developers and citizens to be upfront on what their needs were. When they didn't have the option to provide adequate service, problems would arise, which wasn't good for anyone. Thompson felt good about the examples that had been shared. He explained that they had asked Budzik to respond because he came from McMinnville and had experience with provisions for enclosures. Thompson said they were willing to give back on the size requirements for the driveway and wanted to ask about being a part of the sign off. This would give them a direct review in order to sign off any problems. Thompson didn't have a problem not pursuing this at that time and thought the one-page document they could add to the permit applications would be more than adequate. Tokos agreed that getting the developers into

communication with Thompsons was the biggest first step to making sure they were thinking about enclosures, and especially advantageous when it was early on in the design phase so they could make adjustments. Thompson noted that the Surf View apartments were a good example of where the design for enclosures was done the cheapest way and the management company was managing inside of a budget, which couldn't be done. This was what brought Thompsons into the enclosure discussion. Surf View only had one compactor and Thompsons thought they should have had three. Escobar asked if their management or Thompsons was in charge of cleaning up Surf View's enclosures. Thompson explained they could do it for an additional fee, but it was Surf View's responsibility. The cost for Thompsons to do it was high, and they preferred the property management do it. Thompson thought that they should have a maintenance person who monitored this on a daily basis to see the best results. Escobar asked if Thompsons could ever threaten not having service if there were problems. Thompson reported they had the option to do this, but they preferred that a remedy be found before this was done.

Berman asked what Thompson's thoughts were concerning roofs on the enclosures to keep the weather out. Thompson didn't have a problem with roofs and thought they were workable. He thought it would be up to the Commission to make that decision. Updike asked if they went with Option C.1 and a developer came in with a roof proposal, would the Commission have to approve it. Tokos reported they wouldn't. He asked how Thompsons typically serviced drop boxes or compactors if they were roofed. Thompson explained for drop boxes and compactors, the trucks would hook the front of the box with a line and pull it out of the enclosure before it was lifted and rolled up onto the truck body. He noted they needed to have 50 feet in front of the compactors to be able to have enough access. Thompson reported they had seen plans for compactors in parking garages and thought this would be terrible for their trucks because they were so big. They wouldn't want to be put in a position where they had to drag a box a long distance, because the trucks weren't designed for that.

East asked how they were dealing with the enclosures at the Wyndhaven apartments. Thompsons said they didn't have any problems with them because they had more staff to monitor them. Tokos noted one of their buildings wouldn't be within 150 feet and moving forward this type of project would require them to have another enclosure location. Thompson reported that he looked at Wyndhaven's current set up and noted they could have put in a corral for auxiliary recycling or garbage if they wanted to get away from the compactor and the staffing.

Capri asked if they could require developers to provide a sanitary letter from Thompsons as part of the permit process to help take the administrative burden off of the city. Tokos thought they could have developers submit something from Thompsons confirming they had a conversation about service and what their service requirements were. Thompson pointed out that this was the intention of the McMinnville code, and he was open to that. Capri thought they should do this for large commercial developments. Tokos noted they needed to be clear that the letter wasn't an approval. It was a letter saying they had a conversation and gives the city a heads up about how they could get things resolved. Amy Thompson addressed the Commission and noted this would have helped them in the case of Surf View. Berman thought it was a good idea.

Berman asked if Thompsons wanted to see the five-foot swinging doors secured. Thompson thought it was a great idea. Capri asked if overhangs were going to be a part of the proposed code language. Tokos said it wasn't included and recommended this be left up to the person designing the enclosure.

Tokos asked if the 10 feet width was okay for drop boxes in the compactors. Thompson said it was and noted that a compactor needed to fit on a truck going down the highway, which was an eight feet maximum.

Tokos reported the amendments would come before the Commission on their June 12th meeting where they would give a recommendation to the City Council. Thompson thought having a letter in the file that said the proposed plans did or didn't meet Thompson's recommendations would be helpful for the city to have as a backstory.

B. Revisions to Parking Codes to Facilitate Bayfront Metering. Tokos reviewed the draft code changes needed to facilitate the installation of parking meters along the Bayfront. The changes to NMC Chapters 6.15, 6.20, and 6.25 were provided for context, but they didn't require Planning Commission approval. The city was looking at implementing the meters on the Bayfront in October. The City had a commitment as a matter of policy to reduce or eliminate off street parking requirements when the meters were implemented.

Tokos reviewed the updates to Chapter 14.14.030(B). He noted that these changes would have applied to the considerations for the new Abbey Hotel build as far as the number of credits that would be given for the old use over the last 10 years. Tokos explained that since a new dwelling had credits for the use over the previous 10 years, it made sense logically to do a credit for the last 10 years for commercial.

Tokos reviewed the changes to 14.14.100. He covered the three options for off-street requirements. Option B.1. would eliminate off street parking requirements in areas where the city required payment for the use of public parking. Capri asked if the original parking analysis found that there wouldn't be any need for off street parking for development based on the turnover from the meters. Tokos explained that the policy adopted was to reduce or eliminate parking. Capri asked if there would be an analysis based on the turnover generated from parking meters. Tokos explained the parking study didn't delve into it that far. It established that we are at functional capacity on the Bayfront at over 85 percent observed utilization, which was the general bar communities used to institute demand management such as a metering program. There was nothing in the parking study that said by instituting metering, you're going to free up a certain percentage of utilization. He noted that how much turnover increase and relief it provided was not quantified in the study. Capri thought this was pitched as there were undeveloped lots and limited opportunities for development. If the requirements weren't lifted, properties wouldn't be able to be developed because the lots were too small to do so. Capri feared that if the parking requirements weren't lifted, there would only be two lots on the Bayfront that could be developed. Tokos thought that the different options would help address Capri's concerns. Option B.1 would lift the parking requirement, but it had the potential to bring in a heavy parking demand that they would be stuck with. Option B.2 would allow developers to pay a onetime fee in lieu of providing the off-street parking required. They could structure it so that the more demand a development placed on parking, the stiffer the fee on parking it would be. Capri thought these didn't address the parking issue in the area and the whole point of metering was to improve the flow of parking. There was a public perception that they were already adding fees for meters. Someone who wanted to do new development would be able to pay for parking they couldn't provide, and it would cost even more money. Tokos noted the principle was that you could use this to disincentivize somebody coming in would be placing a tremendous impact on the available supply. Escobar noted that around 1977 there was a fee charged for those who didn't provide off street parking. He didn't think any of this money collected had been used to generate new parking. Escobar was opposed to developers being able to pay money to build something and not have adequate parking. The impact of the development's parking affected everyone on the Bayfront. Escobar thought the if someone was to build something they should provide parking. Tokos noted the payment in lieu fee was discontinued around 2009-2010 and the \$250,000 collected had been used to get the meters installed.

Berman noted the problem he had with Option B.2 was that it put a burden on the parking system and there was no kind of offset to provide additional parking. He thought this would be more of a penalty rather than a fee. It wouldn't be a deterrent in any of the discussed developments other than building a new hotel. Hanselman thought that someone who paid the in-lieu fees who paid off all of the parking they needed to have for 20 years or less, didn't add up to him. He noted that the amount of parking would increase with a payment in lieu, and a business would get away with only having to pay a onetime fee. Tokos reminded the commitment that was made in the council policy in the Comprehensive Plan was to reduce or eliminate off street parking requirements, not to keep them in place. They had to come up with a program that reduced in a meaningful way or eliminated off street parking requirements for these businesses. Option B.2 disincentivized somebody developing on the Bayfront who would put heavy demand on those street parking spaces and create additional revenue that could be used to add supply down the road. One way to disincentivize somebody from coming down to the Bayfront and redeveloping in a manner that took up a bunch of the streets supply was to add a financial disincentive. Capri thought that would affect the small businesses more because they couldn't absorb the costs. If he were to pick anything besides Option B.1, it would be Option B.3 because it would target the high demand user and avoid the small businesses. Tokos noted he knew a restaurant could do this because he sat down with a restaurant owner who had to put in 8 to 10 parking spaces. The cost to install a parking lot was \$70,000 and asking for \$15,000 would be easier to pay. Capri liked Option B.1 the best and also liked B.3 because set a cap and allowed developers to do a small infill project without paying a bunch of money.

Tokos reviewed Option B.3 that lifted the requirements only if the development exceeded a certain threshold. He had listed the spaces at 25, but it could be changed to 20. Berman thought 25 was too high. Tokos thought they could set it at 20 instead which would mean there could be a 12,000 square foot size if it was on the water side.

Udike liked all three options. He thought for those that generated one to five spaces, there should be no fee. The ones that generated six to 20 should pay a fee. Then over 20 would pay a higher price. Udike thought they needed to find a way to incentivize the small mom and pop stores that had a nominal impact to parking. Udike thought the larger developments should provide parking spaces. Tokos noted they already had a track record of allowing the first five spaces to be exempt from the business license fee, which helped modestly for projects. Berman asked what would happen to the fee people were paying on their business licenses when this went into effect. Tokos reported the fee would go away. He noted that the total annual collections on this fee had been around \$14,000. Tokos thought they shouldn't go over five spaces for those that wouldn't pay anything.

Hanselman questioned how they could have more businesses on the Bayfront without more parking. He thought that if they infilled all the properties on the Bayfront, it would bring in more people. They would have metering to help with turnover, but there would still be many more people that walked on the sidewalks there. Tokos reminded that the principal to doing the meters and permits was to adjust the rates until they got them right. Capri asked how the fees would be adjusted. Tokos explained it would be done by City Council resolution.

Berman asked if there would be anything to keep existing private parking lots from being developed if this went into effect. Tokos thought that part of the agreement was to allow these to be developed. He reported that there was somewhere between 65 and 90 spaces that were tied up in private lots on the Bayfront that could get redeveloped reasonably easy. Tokos reminded that this was part of the deal when they changed to metering. Capri noted that there would be a lot of developers that wouldn't do development without providing parking because the industry demanded they provide them. Hanselman thought if they did the parking fees correctly, they could make enough money to have a

shuttle. He thought they should raise the fees for the business owners and have them pay into providing a shuttle bus because they would be the ones benefiting from it. Tokos noted once they had the meter and permit revenues, they would have enough money to do transit if that was what policymakers wanted to do. They could also subsidize a carpool/vanpool program. Tokos thought that either of these would meet different demands, they just needed funds to support them.

Hanselman thought the concept of reducing parking and increasing business wasn't reasonable. Tokos noted that the meters had a positive track record across many communities in terms of turnover. Hanselman thought the metering was a separate issue than development. Tokos explained that cities who were eliminating their off-street parking minimums in their commercial core areas were doing this because they had demand management in place. There was a risk that they would get a business that came in who had a significant demand on supply. Hanselman thought they should put in the parking meters and see what happened first before making decisions on these options. Escobar asked what the proposed rate for meters was. Tokos reported \$1 per hour. Berman was concerned that the permits would be bought out by employers for staff and block out all of the parking. Tokos reported the committee was comfortable with this price going out as the baseline and agreed that in the meter/permit zone they wouldn't make more permits available than the spaces that were available. Capri asked what the consultant thought about the rates. Tokos reported that they recommended it be \$1 an hour. The committee also proposed permit fees that were higher than what the study recommended at \$45 a month for the high demand areas and \$25 a month for lower areas. Hanselman asked if all the permits had been purchased in other communities. He was concerned that if all of the permits weren't purchased it meant that there would be permit spaces left open because they were permit only spots. Tokos reminded these were both permit and meter parking areas and there would be no reserved parking for permits. Every spot would have a meter. Tokos said the less desirable areas that were permit timed were areas where people could park free for four hours or if they had a permit they could park over a period of time. These areas were where they wanted a lot of people to park. In those cases, they were looking at having around 140 percent of the stalls sold in terms of permits. Hanselman asked if the Port suggested they would provide more parking or fishermen. Tokos reported they weren't. They were still working through their own issues, but their permit fees were cheaper than the city's.

Capri thought Option B.3 was a reasonable approach because it allowed development to occur and gave the City control over big development. Tokos thought that if they chose B.3, it would be justifiable to peg the number of spaces at 20 rather than 25, but they wouldn't want to go much lower. Tokos reported the Parking Advisory Committee liked combining B.2 and B.3, where they could set it at requiring nothing for a small impact and then hit developers with fees as the impact intensified. He thought they could set the prices at \$0 for 0 to 5 spaces, \$5,000 for 5 to 10 spaces, \$7,500 for 10 to 15 spaces, \$10,000 for 15 to 20 spaces, then stop it at that. They could also change B.3 to not exceed 20 spaces instead of 25. The Commission was in general agreement with this.

Berman was concerned about the fees for Option B.3 and asked if they talked about making the amounts smaller and changing them to annual fees. Tokos pointed out they were trying to avoid annual fees. The concern with annual fees was that they could go on for an extended period of time and there was the potential to lose sight on what the fees were for in the first place. Berman thought charging the one-time fee didn't have any value over an extended period of time. Tokos explained that one of the reasons they discontinued annual fees was that over time it became a situation where some businesses were paying more than others, while some didn't pay at all. He explained that policy makers didn't think that was fair.

Tokos reiterated that he would bring back a revision showing \$0 for 0 to 5 spaces, \$5,000 for 5 to 10 spaces, \$7,500 for 10 to 15 spaces, \$10,000 for 15 to 20 spaces, and then changing B.3 down to 20 spaces. Capri asked if there was any leniency for big developers. Tokos said there wouldn't be because everyone would be on the same playing field. If there was an existing use on a property, the new development would have a credit for parking based on that use. A discussion ensued regarding examples of how different property uses had changed over the years and how their credits worked. Tokos reminded the changes would be the bar for what someone could do to meet the parking requirements. There would still be an adjustment process for different requirements, such as a parking demand analysis or request an adjustment to a dimensional requirements.

Berman asked if Section 14.14.100(C) meant that existing uses weren't required to retain parking. Tokos confirmed that was true and noted that this was what the business community supported when they included the Comprehensive Plan policies that reduced or eliminated off street parking requirements for those that were previously constructed. They couldn't tell one person to keep their parking while allowing another to come in and not have to provide anything. Tokos noted that Section 14.14.100(D) memorialized that Nye Beach and the City Center would continue to pay their business license annual fees until they had an alternative program where there was payment for the use of public parking. This was already a resolution.

Capri asked how this would be evaluated later. Tokos reported there were firms who did this. He thought that it would make sense to wait until the meter program was up and running for a couple of year before they evaluated it. Tokos noted they would have good data because T2 Systems would be able to track the data by permit zone.

Escobar asked how the permits would work for someone who bought one permit and had three cars. Tokos explained this would something more so for Nye Beach, not the Bayfront. The Bayfront had commercial fishermen who had multiple vehicles, and the Advisory Committee discussed adding a surcharge for additional vehicles that fell under one permit. Capri asked if there was a way to know if two vehicles were being used on the permits. Tokos reported there would be license plate technology that would ping each license plate to know this. It would be set up that when someone has exhausted their time, they couldn't just go to another available space in the same zone because they would be set up by permit zone. Berman asked if someone parked with a permit in a meter space, would they need to go to a kiosk to register they were parking. Tokos reported if they had the right permit for the area, they could park without having to go to the kiosk. Berman asked if the permits were for a certain number of hours. Tokos reported they would be 12 hours, and the commercial fishermen permits would be done by invite and they would be 72 hours. Capri asked who made the final determination on the fee amounts. Tokos said the City Council would. Capri asked if anyone had brought up inflation in the discussions. Tokos reported they had, and it was why they adjusted the fees to \$25 and \$45 from what they were set at previously. This was a work in progress that they would key it to an inflationary adjustment right off the bat. Berman asked if someone could buy annual permits. Tokos reported they hadn't gone down that path and were pretty much dealing with just monthly permits. Branigan guessed they wouldn't do annual permits because there would be questions on proration for people who switched cars. Berman thought it was a good idea not to do an annual permit.

Tokos asked for comments on other sections. Berman thought that for Section 6.20.02(C) emergency vehicles should be able to park anytime, not just in emergencies. Tokos thought this had been doubled up in the language and they had already included an exemption for government vehicles. He would confirm for this. Berman questioned Section 6.20.030(D) because it was hard to unload a truck in 30 seconds. Tokos noted this was in their code and suggested it be changed to five minutes. Berman thought 15 minutes would work better.

Berman noted that in Section 6.20.040(F) he didn't know what a space reservation device was. Tokos reported they could define this. He pointed out there would be instances such as special events or construction permit authorizations where someone would have to put up space reservations. Updike thought these devices could come in many shapes and forms, and why it was kept generic.

Berman pointed out that the text in Section 6.20.045 was written as if they were referring to the meters with the old galvanized steel posts with a head on them. Tokos would clean the language up. It should have been written for a kiosk. Berman questioned Section 6.20.050 that said that if there were to disable placards they behaved like everyone else and if there was a wheelchair placard, they didn't have to do anything. Tokos reported this was the state law.

Tokos noted the non-land use updates would go into place before the meters were implemented. He explained that there would be public outreach in August and September, and another opportunity to do one round of refinements to the meter/permits options after. Berman asked if they would have a sample of the machine at the outreach meetings. Tokos didn't know if they would have one at the outreach meetings. He reported they had just ordered them, and they would arrive in around four weeks. Public Works was working on the parking lot revisions, and they would be putting out bids in June to get it lined up to do the improvements to the parking lots in September. There were 110 sign poles that needed to be either swapped out or put in new, then the pay stations and regulatory signs installed and then go live. There would also be a break in period where people received warnings for a while. The meters would only be live on the weekends during the off season starting in October, which would help the public get used to them.

Berman asked if someone parked longer than they were metered for and received a ticket, would the meter collect the ticket amount if they came back to park. Tokos explained there would be an enhanced level enforcement for what's called scofflaw, where if somebody has a certain number of unpaid parking tickets, they would get tagged and it would be elevated in terms of its level of enforcement. They were working with the Police Department on how to do this. Tokos noted there were certain circumstances where a parking ticket would be an automatic hit when someone was renting a car and got a ticket. The ticket would go on their rental bill. Enforcement of this was done by license plate recognition. Tokos reported when people didn't pay their tickets, T2 Systems would be acting in the capacity of the city to look up people how didn't pay and send out an automatic letter with information on additional fees due. The intent was to have this be as light of an impact on the police officers as possible.

Tokos reported that the City Council voted in favor of the appellant for the appeal for the new Abbey Hotel. They felt it was essential to consider the previous development when weighing the relative impact of the project and felt the project had less of an impact than the prior development given the parking they were going to construct. The final order would be brought to the City Council on June 5th. Berman asked if they formally acknowledged the other adjustments. Tokos reported the acknowledge the adjustment on the yard and authorized the package on a 5 to 2 vote.

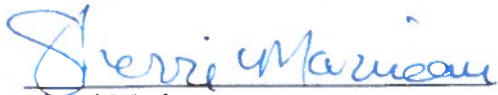
Hanselman asked if the parking kiosks would be cash or credit card, or both. Tokos reported there was a coin option and credit card option. Hanselman asked if the city considered collecting tickets by charging them directly to the ticket holder's credit cards. Tokos would share where this ended up with the Commission and would talk to T2 Systems on this. He thought that the public would have the right to contest whether a ticket was properly issued. Most people didn't pay for the tickets on the fly. Tokos reminded that rental cars agree in advance that if they had a ticket they would be charged on their rental fees.

C. **Planning Commission Work Program Update.** No discussion was heard.

2. **New Business.** None were heard.

3. **Adjourn.** The meeting adjourned at 7:44 p.m.

Respectfully submitted,



Sherri Marineau,
Executive Assistant

MINUTES
City of Newport Planning Commission
Work Session
Newport City Hall Council Chambers
August 14, 2023
6:00 p.m.

Planning Commissioners Present: Bill Branigan, Jim Hanselman, John Updike, Bob Berman, Braulio Escobar, Gary East, and Marjorie Blom (*by video*).

PC Citizens Advisory Committee Members Absent: Dustin Capri, and Greg Sutton.

City Staff Present: Community Development Director (CDD), Derrick Tokos; and Executive Assistant, Sherri Marineau.

1. **Call to Order.** Chair Branigan called the Planning Commission work session to order at 6:00 p.m.

2. **New Business.**

A. **2023 State of Oregon Legislative Update.** Tokos reviewed the legislative updates which included: House Bill (HB) 2001/HB 5019: 60-day housing package; HB 2984: Commercial Conversions; HB 3395: End of Session Housing Package; HB 2095: Photo Radar Authority; HB 3167: Notice in Digital Newspapers; HB 2898: Post Disaster Temporary Housing; HB 3113: ODOT Great Streets; HB 3458: Limiting Appeals on LUBA Remand; HB 3409: Climate Package; and HB 3414: The bill that would have given developers the option of requesting up to 10 deviations or “adjustments” to design and development standards for new residential development.

Hanselman asked if the money for assisted housing would go toward better population centers. Tokos confirmed that it did. Much of the funds went to larger areas that had nonprofits with a little bit more capacity than Newport who had to establish services where they could get the funds out quickly. They were still working through HB 4123 where the counties would take the lead, but Newport had a seat at the table along with other cities. The prior legislation was about building rural capacity so that we had an organizational structure. There were nonprofits that could effectively take the state money and put it to use to build up their staffing and things of that nature. Berman asked if Tokos was participating in this. Tokos reported that he, the City Manager, and Counselors Jacobi and Kaplan would be participating at different levels.

Berman asked if HB 3395 would be a substantive change. Tokos explained this was an additional financial guarantee that the city would have to accept. Newport currently listed three or four different things that were sufficient for guaranteeing improvements. This would be one more. East asked if it was over and above any bonds that they were required to post. Tokos explained it was an alternative to a performance bond. A lot of the affordable housing folks didn't want to go to the expense of paying a surety company to do a performance bond on this. The city just wanted to provide a letter from the Oregon Housing Committee Service saying that they would make sure it was covered.

Tokos reported that one of the things the Commission would want to talk about was how they handle shelter siting. They needed to figure out if they wanted to pull it out of the land use and make it a public hearing where the Council had a chance to talk about it. Tokos also noted that they were stuck with single room occupancy rules that the city didn't have in their codes. The legislature provided a

definition for what a single room occupancy was. The city would be required to allow these at a density of six units on any lot where single family detached dwellings were allowed. Hanselman asked if the single room occupancy was in essence boarding houses. Tokos explained they were six rooms that were occupied by six different households or individuals, all of which shared a common kitchen. He noted they hadn't cleanly synced this up with the Building Code. The Building Code limited it to five rooms under the residential code. This change would push it into a different occupancy code, and they would have to sort out how to deal with it on the city's end. Branigan asked if this applied to accessory dwelling units (ADUs). Tokos said this was different. ADUs were already allowed with single family dwellings. Tokos reminded that this wasn't about authorizing short-term rentals. The SROs here would be a month to month rental agreement. East reported that Lincoln City was turning motels into transitional housing. Tokos confirmed that the Northwest Coastal Housing was doing a project where the units didn't really have kitchens but had microwaves for cooking. He expected that this SRO would have a functioning kitchen in them. Berman asked if developers would have the potential of using the various incentive programs if this was affordable. Tokos thought they potentially would. He noted these weren't required to be designated as affordable.

Tokos reported that for HB 2095, the police chief was looking into briefing the Council on if they should be doing photo radar. Branigan asked who the local speed limit designator was for Newport. Tokos explained the speed limit on the streets were set by ODOT through a methodology. He reported they finished a speed study on Oceanview Drive and it came out as 35 MPH. Branigan asked if this would allow Newport to drop the speed limit north of Newport from 55 to a lower speed. Tokos explained that there were provisions in the law that said that cities could by ordinance, establish a designated speed for a roadway that was up to 10 miles per hour lower than the statutory speed. He thought they would want to be careful here, because designated speed and statutory speed were different things, and defined differently in the state law. Tokos pointed out that US 101 and US 20 were ODOT owned, and the city would have to ask them to drop the speed limits. He noted they were working on an enhanced pedestrian crossing at 60th Street. Berman asked how they could get a marked crosswalk at Avery Street and US 101. Tokos noted if it was in the Transportation System Plan (TSP), they would have a chance to do this. If not, it would be harder to get it justified by ODOT. Berman asked if they included the areas that would be annexed into the city in the next couple of years in the TSP. Tokos reported they looked at everything in the Urban Growth Boundary.

Tokos reported that one of the provisions of HB 3409 was that the city would need to start getting ready for how to deal with performance standards for commercial buildings. The legislature created a Tier 1 in the provisions that would start in 2025 to say what the energy performance standard was going to be. Then larger buildings would need to start to begin the upgrading by 2028. Escobar asked if there was funding to help retrofit the larger buildings. Tokos explained there wasn't, but there could be once this was said and done. There had been a concern raised about where the money would come from to retrofit these buildings. Escobar asked what the distinction was between Tier 1 and Tier 2. Tokos explained it had to do with whether or not it was a hospital, school, university or dormitory. If it was just a general commercial building, it would be set from 20,000 to 35,000 square feet. Berman asked what kind of things they would be adding for these standards. Updike thought they might pick a national standard, such as a LEED accreditation level, which was in essence all of the building functions. Tokos thought it would make sense to go off of an existing performance metric that was already out there. This would need to be keyed to retrofitting, such as things like solar, swapping out windows, and improving insulation. Berman asked if they would be incorporating the same things into the Building Code for new buildings. Tokos reported there were new performance standards on the Building Code. He didn't know how well the two would sync, because the performance standards wouldn't be rolled out until July of 2025. For purposes of the municipal budget, it was something they needed to watch, because it would be a cost for the city. Escobar noted the last line of the synopsis

suggested there might be a grant program. Tokos reported that the Community Green Infrastructure Grant Program was keyed more to urban tree canopies. They had talked about implementing this in 2028, and there would most likely be some funding. The question would be if there was enough funding.

Tokos said he planned to work these changes into a single code update to implement the legislative package. He would then add the dates on the work program. Updike asked if the implementation of the changes to the local codes would involve public hearings with text revisions. He questioned if there would be an option for the city to say they didn't want to do the changes, or if it was a state law mandating the local authority to make the changes. Tokos explained that each legislative session was different in the scope of the flexibility that Newport had. Even when there wasn't flexibility, the city would still want to add it in our code because they could run the risk of having a code and a statute that were in conflict, and then having to deal with issues that came up at a local level. They city worked off of their codes, not the code and statutes at the same time. Updike thought it would be good to be able to depict in the statutes those areas where we didn't have much flexibility to change, so the public understood that these were a state mandated change. Tokos agreed that they needed to be clear on this.

- B. Outreach Plan for Bayfront Parking Management Strategy Rollout.** Tokos reviewed the frequently asked questions (FAQ) document that had been updated based on the Parking Advisory Committee feedback. He explained they would be looking to do the parking lot refurbishments on the Bayfront for the Abbey Street, the Bay Blvd, and the Hatfield lots. The work would start in mid to late September. The expectation was that they wouldn't work on more than one lot out at a time.

Tokos reported the implementation of the demand management for the metering and timed permits would go online in mid-October. They would be doing outreach in September. On September 6th they would be meeting with the commercial fishing group, and then with the Port Commission later in September. They were also coordinating meetings with the Bayfront business owners, and the fish processors. They anticipated that the e-permitting options would be up and working then, and they were working with the parking vendor to get the whole structure of the program in place. Tokos reported the City Council was looking at the bids for the sign installation, and for the foundations for the pay stations. The costs for these came in under the City Engineer's estimates. They chose to have contractors do half of the signage in the developed areas, and then the Public Works crew would install the other sign poles in the undeveloped areas. Tokos explained that they were close to the original budget amount of \$640,000. Of that, there was a \$225,000 interfund loan that they would be doing from either the Agate Beach closure fund, or the general fund.

Berman noted that he didn't understand what the graphic on the FAQ document for the "other dates" was. He thought this text was out of context, and felt it needed to be clarified. Berman thought that people would be looking at the pricing and wouldn't want to know the number of stalls. He felt the most important thing was to know how many e-permits were available for Zones A and B. Tokos explained the Project Advisory Committee thought the information was helpful because it gave people a sense of how many permits were available relative to how many spaces existed. Berman thought this made sense but noted that this would be saying that we were selling more permits than there were spaces. Tokos confirmed that in Zones C and D this would be true. They wanted to make sure that in metered areas, that all spaces weren't eaten up with permits. Tokos reminded that they would never have 100 percent of permitted folks parking at the same time.

Berman asked if employers could have floating permits, or if the permits would be specific to a vehicle. Tokos explained that the employers would obtain the permits, and the city was still working on how many license plates they can tie to a permit. The commercial fishing permits were specific to

their area in Zone B. These permits would be obtained through a invite only process. Tokos explained that the city would get a list of operators, and then invitations would be sent out to apply for these permits. The operators would also be able to get coupon codes for the deckhands who came in at the last minute. The commercial fishing permits would give them 72 hours to park. This only applied to public rights of way, not the Port of Newport or their lots. Tokos pointed out that the Port had their own parking permits for their lots.

Tokos reported the city hired a new parking enforcement officer. They were also working with T2 Systems on the license plate recognition. Berman asked if there was a backup plan for when the equipment didn't work, or cell service was lost. Tokos explained that if the equipment was down for an extended period of time they would defer to manual enforcement. He reported that they would add to the FAQ document that there would be a break-in period for the public to get used to the program. Tokos noted a lot of key figures on the Bayfront had participated in the Project Advisory Committee. This group wanted to emphasize that they were trying to do things the right way, and it would take some time.

- C. **Community Development Department Web Based GIS Map.** Tokos asked for the Commissioner's comments on the web map. Berman thought the map illustrated the problems with the city limits, but he liked the map. He thought that now that they could see the problems with the city limits, they should try to fix it. Tokos noted this would be a conversation with the state and ODOT. Berman thought they needed to write a letter to see if they could annex properties in. Escobar questioned what the city would gain from this.

3. **Unfinished Business.**

- A. **Second Review of Amendments to NMC Chapter 14.14, Parking and Loading Requirements.** Tokos reviewed the staff memorandum and the draft amendments to NMC Chapter 14.14, Parking and Loading Requirements. Hanselman pointed out that in Section 14.14.100(B), the additional demand spaces needed to be changed so there was no overlapping of numbers for each step. Tokos would update this. He explained that there weren't a lot of major changes, but they needed to get the process started so the amendments were adopted close to when the metering went into effect. He noted that if the Commission was in agreement with the amendments, they could initiate the legislative process in the regular session meeting.

Berman asked who this would apply to if it passed. He questioned if this would apply to someone who had already submitted their plans before the rules were changed. Tokos confirmed it wouldn't apply to them. He noted that there was language that said that if they were required by prior ordinance to provide a parking lot, they wouldn't be required to have the parking if they developed a lot.

- B. **Planning Commission Work Program Update.** No discussion was heard.

- 3. **Adjourn.** The meeting adjourned at 7:00 p.m.

Respectfully submitted,



Sherri Marineau,
Executive Assistant

June 20, 2023
4:09 PM
Newport, Oregon

CITY COUNCIL WORK SESSION

The Newport City Council met on the above date and time in the City Council Chambers of the Newport City Hall. On roll call Jacobi, Parker, Goebel, and Kaplan.

City Staff in attendance were: Spencer Nebel, City Manager; Patty Riley; Executive Assistant. Also present were Steve Baugher, Finance Director; Derrick Tokos, Community Development Director; Jason Malloy, Police Chief.

CALL TO ORDER AND ROLL CALL

Kaplan called the meeting to order at 4:09 P.M. and Riley conducted roll call. Hall, Sawyer, and Botello were excused.

DISCUSSION ITEMS

City Manager's Report. Nebel presented the written City Manager Report saying on Tuesday, June 20 at 4 PM, the City Council will meet in a work session to discuss a possible provision of a city property maintenance code and revisions to parking codes. In addition, I am asking the City Council to schedule an executive session for purposes of labor negotiations immediately following the session. At 5:45 an Urban Renewal meeting has been scheduled for budget adoption and for considering the purchase of property. A regular City Council meeting will follow at 6 PM. Schedule for Meetings for Tuesday, June 20, 2023 1.) City Council Work Session at 4 PM 4:00 Discussion on Property Maintenance Code (20 minutes) 4:20 Revisions to Parking Codes (40 minutes) 5 PM Adjournment 2.) 5 PM Executive Session on labor negotiations (15 minutes). 4.) 5:45 PM Urban Renewal Meeting on Property Transactions (10 minutes) 5.) 6 PM Regular Council Meeting Discussion on Property Maintenance Code (20 minutes) Over the years we have presented a number of options to the City Council to provide some level of property maintenance code for the City of Newport. Beyond unsafe buildings and nuisances, the City has limited ability to address other types of property maintenance issues. Mike Walas has been invited to address the Council on Tuesday on this issue. He has expressed concerns in his neighborhood in Agate Beach regarding property maintenance issues. Revisions to Parking Codes and Revisions to Parking. (40 minutes) Derrick Tokos has provided a report on the status of meter/permit parking rollout for the Bayfront. This will require changes to the Municipal Code that will need to be made in order to facilitate these modifications. The goal at this point is to have the parking system fully implemented on the Bayfront in October. Please review the attached materials from Derrick Tokos and be prepared to provide your thoughts on steps necessary to proceed with the code changes consistent with the parking system that the City Council has authorized to be put into place on the Bayfront. Executive Session (15 minutes) Scheduling an executive session

pursuant to ORS 192.660(2)(d) to discuss labor negotiations. I would request that Council consider the following motion: I move to hold an executive session immediately following the work session held on Tuesday, June 20 to discuss negotiations with IAFF pursuant to ORS 192.660(2)(d)

Discussion on Property Maintenance Code. Malloy spoke regarding the agenda item advising the intent was to determine the Council interest in moving forward with a code. He presented the written staff report which said at the May 2, 2022 City Council Work Session, City Building Official Joseph Lease and Community Development Director Derrick Tokos presented Building Code Enforcement Activities to the Council. The presentation and discussion included building code enforcement and ordinance violations. The Council also briefly discussed maintenance requirements/violations in the City. The topic of maintenance often comes up as it relates to ordinance and nuisance enforcement. The City of Newport utilizes City Ordinances, Building Code and Fire Code when investigating/enforcing codes within the City. The City does not have an existing building maintenance code. Residential maintenance codes are common in many cities. Maintenance codes differ from building and fire codes. Maintenance codes exist to protect the health, safety and welfare of residents, to prevent deterioration of existing housing, to preserve and enhance the quality of life in residential neighborhoods, and to prevent or reduce urban blight by establishing minimum residential property maintenance standards. Maintenance codes cover many aspects of a residence. This includes, but is not limited to roofs, exterior walls, windows, doors, etc. An example of language related to a roof maintenance code is: 1. Roof drainage of a dwelling shall channel water into approved receivers and shall be adequate to prevent water buildup or ponding from causing dampness in the walls or interior portion of the building. Roof drains, gutters and downspouts of a dwelling shall be free from obstructions and maintained in good repair, so as not to be plugged, overflowing, or in a state of deterioration. Any building or structure having originally been designed for and fitted with gutters and downspouts shall continuously be maintained with such devices, in sound condition and good repair.

2. In any two-year period, tarps, tar paper or other similar materials shall not be exposed to weather on the exterior of a structure for a cumulative period of more than three months. Sample language related to exterior walls is: 1. Every exterior wall and weather-exposed exterior surface of a dwelling shall be free of holes, breaks, loose or rotting boards or timbers and any other conditions likely to admit water or dampness to the interior portions of the dwelling. Many jurisdictions have maintenance codes for residential and business structures. Sample maintenance codes reviewed identified violations as a public nuisance. Violations, penalties and remedies are similar to nuisance violations. The Police Department responds to many complaints related to poor maintenance. However, not all complaints can be resolved because existing codes are limited and don't govern maintenance. The City recently implemented a Housing Production Strategy, which committed to having staff research the viability of a rental housing maintenance code. Maintenance codes exist for all types of development; however, the City has only committed to looking into maintenance codes as it relates to rental housing, a subset of the residential market. Does the City Council want to explore options for implementing a maintenance code? Fiscal Notes: If implemented, enforcement of a maintenance code will require additional staff time. Alternatives: Continue only utilizing the building code and ordinances that apply to violations related to

reported poorly maintenance residences. Attachments: Rental Housing Maintenance Code Feasibility.

Tokos reported an action item from the Housing Production Strategy was to research the feasibility of a maintenance code for rental housing, and expected the review to come back by the end of 2024. Malloy reported an expansion of that to all housing and commercial properties in Newport may be wise. The Council had a brief discussion Parker inquired about what other cities do?

Goebel referenced a concern about gutters, and them not being necessary on some houses and some houses are not connected to a storm drain system. Malloy advised that the City has not drafted a code, but is exploring the interest in moving forward on this or not.

Nebel advised that Michael Walas a concerned resident who brought this topic forward, was present to speak on the item. He advised he moved to Newport in 2017, and wanted to share some thoughts as he was concerned. He referenced a variety of items saying he interested in Yaquina Bay Bridge - concerns with Art Deco "Ghetto", due to vacant buildings etc. Not maintained. AB&R Laundry's building. There is no sense of urgency. Properties that are not being maintained. Junk yard/cars in front & back/bio-hazards/tarp on the roof. Also a matter of property values. Commercial and residential blight.

Tokos detailed the ability to leverage state funds for a feasibility study on the topic.

It was the general consensus of Council to proceed, and for administration to bring a report back on potential next steps for future Council discussion.

Revisions to Parking Codes to Facilitate Bayfront Metering. Tokos spoke and presented the written staff memo which said the purpose of this work session is to update the City Council on the status of the meter/permit rollout for the Bayfront and to begin to review the Municipal Code changes needed in order for it to happen. We are looking to fully implement along the Bayfront in October, and the Parking Advisory Committee supports a fall implementation, as it will provide affected stakeholders more time to adjust to the new parking requirements. Attached is an implementation schedule. Design of the parking lot improvements is complete and the Public Works Department is putting them out for bid on June 16th with proposals being due July 10, 2023. At the same time, they will bid concrete work for the pay station foundations, installation of 63 new traffic sign posts, and the removal/replacement of 37 existing posts. Proposals for that work will also be due July 10th. City staff is working with T2 Systems, Inc. on parking system setup and training, which will extend through the summer. With respect to parking code changes, attached is a set of revisions that will need to be made to the Municipal Code to provide a framework for the metering, parking permit, and enforcement program. They include amendments to Chapter 1.50, Penalties; Chapter 6.15, Parking in Rights-of-Way; and Chapter 6.25, Recreational Vehicle Parking. Existing Chapter 6.20, City Parking Lots, will be replaced with a new Chapter 6.20, Metered Parking Zones. In addition to this regulatory framework, revisions are also being made to the City's land use regulations to reduce or eliminate off-street parking requirements along the Bayfront. The changes respond to the following implementation measures in the parking study that the City Council adopted in 2020 (Ordinance No. 2163) Implementation Measure 1.3.1: Pursue metered zones, hybrid paid/permit, and hybrid permit/timed zones for high demand areas along the Bayfront; and Implementation Measure 3.2.3: Reduce or eliminate minimum off-

street parking requirements for new development or redevelopment in metered and meter/permit zones. A number of cities have eliminated off-street parking minimums altogether, particularly in commercial core areas where public parking is available and where they have transitioned to demand management. Here is an online article with an interactive web map of the cities: <https://www.lincolinst.edu/publications/articles/2022-10-shifting-gears-eliminating-off-street-parking-requirements> The Planning Commission had an opportunity to review the draft changes on May 22, 2023 (minutes enclosed) and The Parking Advisory Committee is working through them at their May 17, 2023 and June 21, 2023 meetings. I'll be prepared to walk through the changes and look forward to hearing your thoughts on the various revisions and options.

Attachments: Implementation Schedule, Draft Revisions to NMC Chapters 1.5, 6.15, 6.20, 6.25 and 14.14, Special Parking Area Map, Draft minutes from the 5/17/23 Parking Advisory Committee Meeting and 5/22/23 Commission Meeting.

Tokos spoke advising this effort should go live in October, the vendor is under contract pay stations at the shop and the License plate recognition is on order.

He added the sign installation project is out for bid, for 100 sign posts new or swap outs and 10 pay station posts.

Parker inquired about concerns on theft of signage and if they had any built in theft deterrents? Tokos reported that security cameras were an item. Tokos detailed the public outreach efforts, having a separate work session in August, and doing additional outreach in August and September. He added that the public would be asked to provide feedback on final pricing, and there was a need to do work on the municipal code to support this. Tokos shared the project was expected to be fully paid back within a couple of years

Goebel inquired about impacts on Fish Plant trucks? Tokos advised timed loading zones would be an looked at.

Council reported outreach was important. Jacobi inquired about how the City could encourage businesses to provide transportation/shuttle services?

Kaplan reported that reviewing prior minutes on this topic may shed some light.

EXECUTIVE SESSION

Scheduling an Executive Session Pursuant to ORS 192.660(2)(d) to Discuss Labor Negotiations

MOTION was made by Goebel, seconded by Parker to move to hold an executive session immediately following the work session held on Tuesday, June 20 to discuss negotiations with IAFF pursuant to ORS 192.660(2)(d). The motion carried unanimously in a voice vote.

ADJOURNMENT

There being no further business, the meeting was adjourned at 5:20 PM

Derrick Tokos

From: DLCD Plan Amendments <plan.amendments@dlcd.oregon.gov>
Sent: Thursday, August 17, 2023 1:21 PM
To: Derrick Tokos
Subject: Confirmation of PAPA Online submittal to DLCD

[WARNING] This message comes from an external organization. Be careful of embedded links.

Newport

Your notice of a proposed change to a comprehensive plan or land use regulation has been received by the Oregon Department of Land Conservation and Development.

Local File #: 3-Z-22

DLCD File #: [003-23](#)

Proposal Received: 8/17/2023

First Evidentiary Hearing: 9/25/2023

Final Hearing Date: 10/16/2023

Submitted by: dtokos

If you have any questions about this notice, please reply or send an email to plan.amendments@dlcd.oregon.gov.

CITY OF NEWPORT
NOTICE OF A PUBLIC HEARING

The Newport Planning Commission will hold a public hearing on Monday, September 25, 2023 at 7:00 p.m. in the City Hall Council Chambers to consider File No. 3-Z-22, amending Newport Municipal Code (NMC) Chapter 14.14, Parking and Loading Requirements. The proposed amendments respond to Parking Study Comprehensive Plan Implementation Measure 3.2.3, which calls for the City to reduce or eliminate minimum off-street parking requirements for new development or redevelopment in metered and meter/permit zones. The draft amendments will reduce off-street parking requirements along the Bayfront in line with the Comprehensive Plan policy, once the metering program is launched for the Bayfront. Pursuant to Newport Municipal Code (NMC) Section 14.36.010, the Commission must find that the change is required by public necessity and the general welfare of the community in order for it to make a recommendation to the City Council that the amendments be adopted. Testimony and evidence must be directed toward the request above or other criteria, including criteria within the Comprehensive Plan and its implementing ordinances, which the person believes to apply to the decision. Failure to raise an issue with sufficient specificity to afford the city and the parties an opportunity to respond to that issue precludes an appeal, including to the Land Use Board of Appeals, based on that issue. Testimony may be submitted in written or oral form. Oral testimony and written testimony will be taken during the course of the public hearing. The hearing may include a report by staff, testimony from the applicant and proponents, testimony from opponents, rebuttal by the applicant, and questions and deliberation by the Planning Commission. Written testimony sent to the Community Development (Planning) Department, City Hall, 169 SW Coast Hwy, Newport, OR 97365, must be received by 3:00 p.m. the day of the hearing to be included as part of the hearing or must be personally presented during testimony at the public hearing. The proposed code amendments, additional material for the amendments, and any other material in the file may be reviewed or a copy purchased at the Newport Community Development Department (address above). Contact Derrick Tokos, Community Development Director (541) 574-0626 (address above).

(FOR PUBLICATION ONCE ON FRIDAY, September 15, 2023)

1	<u>07-11-10-AA</u>	03005	Lincoln City	2914 NW Neptune Ave	0.23	\$422,580.00	\$225,000.00
2	<u>09-11-05-DC</u>	10000	Depoe Bay	View of the Bay, Phase 2, Lot 57	0.14	\$69,650.00	\$50,000.00
3	<u>10-09-29-00</u>	01599	Eddyville	Crystal Creek Loop near MP-4	0.56	\$35,000.00	\$35,000.00
4	<u>10-10-08-DD</u>	02001	Siletz	Camp 12 Loop, E. side of hwy 229, near MP-25.	0.34	\$46,780.00	\$32,500.00
5	<u>10-11-20-CA</u>	02200	Newport	Shore Pine Hills, SHORE PINE HILLS FIRST ADDITION, BLOCK 2, LOT 6A,6B, S side of NE Shore Pine Ct.	0.13	\$44,790.00	\$30,020.00
6	<u>10-11-20-CA</u>	02300	Newport	Shore Pine Hills, SHORE PINE HILLS FIRST ADDITION, BLOCK 2, LOT 7A,7B, S side of NE Shore Pine Ct.	0.13	\$44,710.00	\$29,960.00
7	<u>11-09-10-BC</u>	00700	Eddyville	Crystal Creek Lp. Near MP-7.	0.15	\$53,930.00	\$25,000.00
8	<u>11-10-07-DC</u>	04601	Toledo	Business 20, Toledo. Old Gas Station. Commercial.	0.56	\$207,380.00	\$175,000.00
9	<u>11-10-17-BD</u>	00200	Toledo	STANTON'S ADDN-TOLEDO, BLOCK 6, LOT 1 & 2.	0.23	\$20,210.00	\$11,000.00
10	<u>11-10-19-00</u>	00900	Toledo	Yaquina Bay Rd approx. 1/6 mile South of MP-11	1.37	\$70,130.00	\$60,000.00
11	<u>11-11-09-BC</u>	00600	Newport	YAQUINA KNOLL, BLOCK 1, LOT 6. SE Scenic LP.	0.21	\$104,510.00	\$45,000.00
12	<u>11-11-35-00</u>	01300	Toledo	South Bay Rd. Between MP-5,6.	1.91	\$56,220.00	\$35,000.00
13	<u>13-12-36-AC</u>	03401	Waldport	Wakonda Beach on SW Fehrenbacher.	0.31	\$136,490.00	\$110,000.00

S8, S15, S22, S29 28-29

9/15/2023

CITY OF NEWPORT NOTICE OF A PUBLIC HEARING

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the general welfare of the community in order for it to make a recommendation to the City Council that the amendments be adopted. Testimony and evidence must be directed toward the request above or other criteria, including criteria within the Comprehensive Plan and its implementing ordinances, which the person believes to apply to the decision. Failure to raise an issue with sufficient specificity to afford the city and the parties an opportunity to respond to that issue precludes an appeal, including to the Land Use Board of Appeals, based on that issue. Testimony may be submitted in written or oral form. Oral testimony and written testimony will be taken during the course of the public hearing. The hearing may include a report by staff, testimony from the applicant and proponents, testimony from opponents, rebuttal by the applicant, and questions and deliberation by the Planning Commission. Written testimony sent to the Community Develop-

ment (Planning) Department, City Hall, 169 SW Coast Hwy, Newport, OR 97365, must be received by 3:00 p.m. the day of the hearing to be included as part of the hearing or must be personally presented during testimony at the public hearing. The proposed code amendments, additional material for the amendments, and any other material in the file may be reviewed or a copy purchased at the Newport Community Development Department (address above). Contact Derrick Tokos, Community Development Director (541) 574-0626, or d.tokos@newportoregon.gov (address above). S15 41-15

NOTICE TO INTERESTED PERSONS IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR THE COUNTY OF LINCOLN In the Matter of the Estate of LAUREL R. LEMONS, Deceased. Case No. 23PB06958 **NOTICE TO INTERESTED PERSONS** NOTICE IS HEREBY GIVEN that the undersigned has been appointed personal rep-

resentative. All persons having claims against the estate are required to present them, with vouchers attached, to the undersigned personal representative by and through their attorney at PO Box 1987, Newport, OR 97365, within four months after the date of first publication of this notice, or the claims may be barred. All persons whose rights may be affected by the proceedings may obtain additional information from the records of the Court, the personal representative, or the lawyers for the personal representative, Traci P. McDowall. Dated and first published on September 15, 2023. /s/ Traci P. McDowall, OSB #184063, Attorney for Personal Representative. PERSONAL REPRESENTATIVE: Nancy Burke, 3801 S. Highland Cove Ln., Salt Lake City, UT 84106. LAWYER FOR PERSONAL REPRESENTATIVE: Traci P. McDowall, OSB #184063, PO Box 1987, Newport, OR 97365, (541) 272-5500, traci@yaquinalaw.com. S15, S22, S29 40-29

NOTICE TO INTERESTED PERSONS IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR THE COUNTY OF LINCOLN in the Matter of the Estate of CONNIE JEAN STEFFEN Deceased. Case No. 23PB07273 **NOTICE TO INTERESTED PERSONS** NOTICE IS HEREBY GIVEN that the undersigned has been appointed personal representative. All persons having claims against the estate are required to present them, with vouchers attached, to the undersigned personal representative by and through their attorney at PO Box 1987, Newport, OR 97365, within four months after the date of first publication of this notice, or the claims may be barred. All persons whose rights may be affected by the proceedings may obtain additional information from the records of the Court, the personal representative, or the lawyers for the personal representative, Traci P. McDowall. Dated and first published on September 15, 2023. /s/

Traci P. McDowall, OSB #184063, Attorney for Personal Representative. PERSONAL REPRESENTATIVE: Joseph Steffen, 989 SW Seabrook Ln., Waldport, OR 97394, 503-329-3705, Steffen062258@gmail.com **LAWYER FOR PERSONAL REPRESENTATIVE:** Traci P. McDowall, OSB #184063, PO Box 1987, Newport, OR 97365, (541) 272-5500, traci@yaquinalaw.com. S15, S22, S29 39-29

NOTICE TO INTERESTED PERSONS Notice is hereby given pursuant to ORS 113.155 that the undersigned has been appointed and has qualified as the personal representative of the ESTATE OF SUSAN ELLEN LIEDTKE, DECEASED, Lincoln County Circuit Court Case Number 23PB05662. All persons having claims against the estate are hereby required to present the same, with proper vouchers, within four months after the date of first publication of this notice, as stated below, to the personal representa-

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