

Minutes
City of Newport Planning Commission
Regular Session
Newport City Hall Council Chambers
Monday, August 27, 2012

Commissioners Present: Jim Patrick, Glen Small, Mark Fisher, Bill Branigan, and Gary East.

Commissioners Absent: Jim McIntyre and Rod Croteau (*excused*).

City Staff Present: Community Development Director Derrick Tokos and Executive Assistant Wanda Haney.

A. Roll Call. Chair Patrick called the meeting to order in the Council Chambers of Newport City Hall at 7:00 p.m. On roll call, Small, Patrick, Fisher, East, and Branigan were present. McIntyre and Croteau were absent but excused.

B. Approval of Minutes.

1. Approval of the Planning Commission work session and regular session meeting minutes of July 9, 2012, and the work session minutes of July 23, 2012.

MOTION was made by Commissioner Fisher, seconded by Commissioner East, to approve the Planning Commission minutes as presented. The motion carried unanimously in a voice vote.

C. Citizen/Public Comment. No comments on non-agenda items.

D. Consent Calendar. Nothing on the consent calendar.

E. Public Hearings.

Patrick opened the public hearing portion of the meeting at 7:02 p.m. by reading the statement of rights and relevance. He asked the Commissioners for declarations of conflicts of interest, bias, ex parte contact, or site visits; which none were declared. Patrick called for challenges to any of the Planning Commissioners or the Commission as a whole hearing these matters; and no objections were raised.

Legislative Actions:

1. **File No. 2-CP-11.** Legislative amendment to continue the update to the Transportation System Plan (TSP) element of the Comprehensive Plan by focusing the effort on US 101 in South Beach between the Yaquina Bay Bridge and SE 62nd Street setting out policy framework in support of an alternative mobility standard. The update includes zoning ordinance amendments establishing a trip budget program for South Beach, citywide traffic impact analysis requirements, and citywide transportation improvement requirements for infill development by updating the Zoning Code chapter of the Newport Municipal Code with the addition of Chapter 14.43 (South Beach Transportation Overlay Zone), Chapter 14.44 (Transportation Standards), and Chapter 14.45 (Traffic Impact Analysis). Functional classification maps and project priorities/estimates are also updated.

Patrick opened the hearing for File No. 2-CP-11 at 7:03 p.m. by reading the summary of the file from the agenda. He called for the staff report. Tokos noted that this is a large comprehensive package of changes that the City has worked on for a very long time. He had prepared a brief PowerPoint presentation that was a synopsis of the meeting packet. He noted that the packet included the staff report with fairly detailed findings on how the request complies with the Transportation Planning Rule (TPR). This will be rolled into an actual ordinance should the Commission decide to forward it to the City Council with a recommendation that it should be adopted. The packet also included the full draft of the amendments that would go into the TSP element of the Comprehensive Plan; Chapters 14.43, 14.44, and 14.45 of the Municipal Code, a copy of the Commission's July work sessions where the document was reviewed and comments were provided, and the notice of the public hearing that was provided. Also, as the staff report mentions, Tokos had with him a copy of the Coho/Brant Infrastructure Plan that was developed separately but is incorporated into the TSP element.

Tokos began the PowerPoint presentation by giving the elements of the proposal; the TSP amendment to the Comprehensive Plan and three Zoning Ordinance chapters. He gave a quick overview of the process which started in 2005-06 as an update to the 1997 TSP. The first products of that effort were the North Side Local Street Improvement Plan and the Bicycle and Pedestrian Plan in 2008-09. Work then shifted to development of alternative mobility standards for South Beach. There are technical memos reflected in several documents. Three public open houses were held. Direct mailing notice was provided to South Beach residents. There were press releases. A stakeholders list was developed, and they were kept informed of the open houses and the

hearing tonight. The Planning Commission held numerous work sessions, and in July reviewed a draft. Given the length of time for the update, several refinement plans have developed. One was the South Beach Peninsula Plan in 2010 because the City needed to facilitate access to NOAA's development site. Another was the Coho/Brant Refinement Plan just completed and will be adopted by reference into the TSP. Next, Tokos covered the elements of the TSP amendment. It sets an alternative mobility standard for 101 in South Beach; we will be tracking trips, and there are a series of improvements to improve traffic flow, add traffic impact analysis (TIA) requirements citywide, adds policy language for improvements citywide, and updates maps and tables. It emphasizes the need for ODOT to begin planning for replacement of the bridge. The reason why the alternative mobility standard is justified is because the State recognizes that nothing will be done with the bridge as it obstructs traffic flow. In planning, ODOT recognizes what can be done short of replacing the bridge and that they need to loosen the congestion limit and allow more congestion to happen on 101. Tokos noted that there have been some changes to the overlay zone since the work session. With the PowerPoint, he showed the map that was included during the Commission work session on July 9th. It was cleared up to line up with property boundaries. He showed the amended overlay map and noted that area B was adjusted a bit. Some properties outside the UGB were removed. It was extended a little to the south to correspond with property boundaries. Area J was enlarged to include the entire city-owned industrial properties. The changes were basically to align with the boundaries on the ground. Next, Tokos showed the functional classification maps and noted that there are basically three; north side, downtown, and south side. Copies of these were included in the packet materials as well. These show the principal arterials, minor arterials, and collector roadways and the local system. They correspond with the standard street system. We do have standards for that. He explained that the planned future improvements were shown with dotted lines. He noted that these do not have to be in place before trips can be consumed. He talked about the trip budget program. He noted that there are potential TSP changes prior to the City Council hearing. We might want to make changes to the TSP element post-Planning Commission recommendation. This comes from review by our legal counsel, and some of this may require more back and forth with the attorney to get exactly right. One gets at how the baseline system analysis was conducted. Another is how to describe the specific alternative mobility standards south of the bridge and how that standard provides for additional development. Another was to consider narrowing the area where payment in lieu can be utilized so that they are more closely tied to the development they generate by fee payment. Tokos said they need to figure out how to fine tune that language.

Tokos showed the alternative mobility standard table that was presented at the last open house. The vehicle capacity limit on 101 under the Oregon Highway Plan is now a volume to capacity ratio based on PM peak hour traffic. The recommendation is to use average annual PM peak hour.

Tokos discussed the Zoning Code changes. Chapter 14.43 is the South Beach Overlay Zone from the bridge south to 62nd Street. It is a tracking tool. The trip budget assumes realistic growth within the 20-year planning period. Trips are allocated by Transportation Analysis Zones (TAZ) and are tracked ministerially. 10% of trips are held in flexible trip reserve but can be added back. That pool is accessed through application to the Planning Commission. If 65% of trips are utilized in a particular zone, or within ten years, program review is required.

Chapter 14.44 contains the transportation standards. It authorizes the City to require frontage improvements for new development or redevelopment. It identifies the standards the City applies to determine the type of needed improvements. It authorizes payment of fee in lieu of frontage requirements. It identifies the process by which public rights-of-way are created. There currently are no requirements for infill as there are for new development; and this fills in that gap.

Chapter 14.45 covers the TIA requirements. It sets the threshold for when a TIA is needed and how analysis should be performed; what the City should use to evaluate it; and the criteria for evaluating. It includes the fee in lieu of option for certain circumstances (maybe there are no roads in the area, or in the event that something is planned to be coming on line in the area). There is a cross-reference of the payment in lieu option included in the subdivision ordinance. Tokos noted that Chapter 14.45 Applicability section may need to be amended before the City Council hearing. He said we need to delve into it further under what circumstances the state can require a TIA. Right now reference crosses over to the OARS. He said that we need to look at it a little more carefully to be sure we can be as clear as possible.

Testimony: Patrick opened the hearing to testimony. First to speak was Bonnie Serkin of Landwaves, 2712 SE 20th, Portland, OR 97202. She noted that they are developing the Wilder Community in South Beach. As a developer, she said that she wanted to give credit to Tokos and deTar and their consultants who put together a remarkable piece of work. She said that will help South Beach achieve its place as the future of Newport. She said that the process was complex and involved a lot of balancing, but these folks did a masterful job. She thanked them for allowing Landwaves' own traffic engineer to participate. Serkin said there is one thing that doesn't appear in the ordinance, and that is that several years ago when the annexation of Wilder took place, there was a problem with compliance with the TPR. As a result of that, Landwaves and other neighbors along 40th Street entered into a settlement agreement that set out temporary trip count on development that would result in traffic coming down 40th to 101. The idea was when the TSP was adopted, that agreement would disappear and be replaced. She just wanted to get into the record that this should be handled once the ordinance is adopted. She said that once the State Commission gets this revision, that agreement needs to be torn up because the new rules will substitute for it. She seconded Tokos' request that the criteria for a TIA be clarified to the extent possible under

local and state law even though she didn't think Wilder will need a TIA for a while. She said this makes it pretty clear, but it would be nice to clarify that for surety.

Dennis Bartoldus, PO Box 1510, Newport, represents GVR (the Tryon Family). He echoed what Serkin had said about the settlement agreement; only he would like to see it go further. He would like it noted that the previous agreement entered into by those parties would no longer be in effect. He would like to see it annulled by the Planning Commission and the City Council if this matter goes forward. Tokos thought the Planning Commission could make a recommendation that upon adoption, the City Council take whatever steps are necessary to rescind that agreement.

John deTar of ODOT said that it is their intent to rescind that agreement and nullify the 40th Street settlement agreement at the conclusion of this process. He said that when this is adopted, the settlement agreement would be immediately rescinded. Bartoldus said he would like to have that occur simultaneously at the time the final ordinance is adopted. Tokos noted that after the City adopts it, the State has to as well. He said it would go sequentially. Using whatever is the appropriate language, the Planning Commission can make a recommendation to the City Council that they take action following this adoption to make sure that takes place. Patrick agreed that it can't be done at the same time. Tokos said that the Commission can ask that the City Council follow up to make sure it's taken care of as soon as it can be done.

Patrick closed the public hearing at 7:34 p.m. for Commissioner deliberation. Branigan had nothing to say. East thought the Planning Commission should move forward and make the necessary recommendations to the City Council and to terminate the 40th Street settlement agreement. Fisher concurred. Small thought the TSP is a good body of work in that it does everything it can to improve traffic flow and not minimize development south of the bridge short of what is really the problem (the limitation of the bridge). He appreciates that the Comprehensive Plan itself mentions that the bridge is a significant factor in the flow of traffic. Small said that Tokos did a great job in describing alternative mobility standards and why it is a necessary piece to development south of the bridge. He noted, however, that an alternative mobility standard will not move traffic across the bridge any faster. He said it is a temporary solution. But, he thinks this does everything that can be done to address that impact. Patrick agreed. He liked the 10-year and 65% review so that when we get close, we have to do something else. He said that he would entertain a motion to approve the action with additional instruction to the City Council to take a look at removing the settlement agreement as soon as possible.

MOTION was made by Commissioner Small, seconded by Commissioner Fisher, to forward the proposal in File No. 2-CP-11 along with the proposed changes to the TSP to the City Council with a recommendation that they adopt language to clarify when a TIA takes place and a recommendation to revisit the previous agreement as has been discussed. The motion carried unanimously in a voice vote.

F. New Business. No new business to discuss.

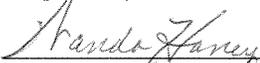
G. Unfinished Business. No unfinished business to discuss.

H. Director's Comments. Tokos noted that in the packets was a notice of a training opportunity for Planning Commissioners. He asked that if any of the Commissioners were interested, to please let the department know so that we can get them enrolled.

Fisher asked about South Beach Urban Renewal money that has been collected over a number of years, and if it can be used for infrastructure improvements. He asked if there were some dates when sewer and water will be improved down there. Tokos said that there is a current budgeted program for the extension of sewer from 40th to 50th Streets. Public Works is moving forward on that; but he had no specific date of when work will start. It should be completed this fiscal year. Ash Street surfacing is budgeted and is substantially designed and moving forward as well. Funds have been budgeted for acquisition of rights-of-way at 35th and 101 for the future signalized intersection. That is part of an enhancement project we are sending out for a 2015 state grant; and it is important to hit that window because that is when the City will be able to fund on our end through Urban Renewal. He said that might be the highest of Phase 2 Urban Renewal projects. He said he will take an amendment package to the City Council shortly to update the Urban Renewal Plan to adjust dollars based on the Council's last budget decision and to put in Coho/Brant projects now that those have been identified. Fisher asked if there was any Urban Renewal money used for Safe Haven Hill, and Tokos said a couple hundred thousand dollars were budgeted for that project and the City is working with FEMA to finalize that work. East asked about coordination with OMSI. Tokos said OMSI's window of development for their youth camp is 2016-17. They have been supportive of the Coho/Brant plan. Work on rights-of-way is the first piece. Certain rights-of-way will be vacated, and others acquired to get it lined up with what the planned course is. Tokos thought that would go fairly smoothly.

I. Adjournment. Having no further business to discuss, the meeting adjourned at 7:45 p.m.

Respectfully submitted,



Wanda Haney, Executive Assistant