

**MINUTES**  
**City of Newport Planning Commission**  
**Work Session**  
**Newport City Hall Conference Room 'A'**  
**Monday, July 23, 2012**

**Planning Commissioners Present:** Jim Patrick, Gary East, Mark Fisher, Glen Small, Jim McIntyre.

**Planning Commissioners Absent:** Rod Croteau (*excused*).

**Citizens Advisory Committee Members Present:** Lisa Mulcahy and Bob Berman.

**Citizens Advisory Committee Members Absent:** Bill Branigan (*excused*).

**City Staff Present:** Community Development Director (CDD) Derrick Tokos and Executive Assistant Wanda Haney.

**ODOT Staff Present:** John deTar.

**Consultant Present:** Darci Rudzinski (Angelo Planning Group).

**Lincoln County Staff Present:** Lincoln County Planning Director Onno Husing.

As Chair Patrick hadn't arrived yet, Co-Chair Small called the Planning Commission work session to order at 6:00 p.m. and turned the meeting over to CDD Tokos. Tokos noted that the Commission would have only a work session this evening. A review of the final order for amendments to the Blue Water Ridge planned development had been scheduled for the 7:00 p.m. meeting, but the developer is working with ODOT on some issues of access at 101, which may result in some modifications of the final development plan. The final order and findings will probably be brought back at the second meeting in August.

**A. New Business.**

1. Discussion of the Transportation System Plan (TSP) changes to the Zoning Code. Tokos noted that at the last meeting, the Commission reviewed the Comprehensive Plan with the policy language. Tonight's review involves the policy implementation piece. There are three chapters being added to the zoning code, and Tokos wanted to walk through each one.

The first was Chapter 43, the South Beach Overlay Zone. There are transportation analysis zones (TAZs) within that overlay. This chapter puts that program into effect. The first part covers the purpose. This is a tracking tool to make sure our assumptions of growth down there are on target and improvements based on those assumptions are appropriate. The overlay boundary is shown on the map. 'Applicability' (.030) emphasizes that this applies to development that will result in either an increase or decrease in vehicle traffic. The standard language is included that if there are conflicts between this section and others, this chapter applies. 'Permitted Uses' (.040) explains that uses permitted in the underlying zone are allowed. This doesn't regulate uses. There are some definitions of terms (.050): TAZ, trip, and primary trip. 'Trip Generation' (.060) is basically that the proposed development may not produce more PM peak hour trips than are allowed in that TAZ except as provided elsewhere in the chapter. Tokos said there are a number of measures in place that should help prevent getting to the cap. Berman asked if there were any projections by TAZ when the caps would be approached. Tokos said this is the assumed amount of trips produced by the TAZ over the 20-year period; and there are no projections of when we will hit that. He said that basically the way it will work with this document is with Trip Assessment Letters as noted in .060(A). Section .060(B) explains that there are certain uses on which we only have to count the primary trips. The number of trips is based on the ITE Trip Generation Manual. The City will be picking up software for this application as well, which will make it easy for us to do the Trip Assessment Letter for people. The intent is that they won't have to do it themselves. We can tabulate it for them and send a form letter to ODOT for tracking. This accounts for primary trips and is not picking up the pass-by stuff. This is basically the discount provision for uses that presumably, if located in South Beach, will take trips off the bridge. So they get the benefit of not having all of their trips counted. Fisher noted that when the Commission did the Wilder approval, it was discussed that there was no gas station in South Beach; and he agreed it could decrease traffic on the bridge if services were down there. Tokos noted that there is a trip budget ledger that we will maintain. Section .070 tells us basically what we need to keep in the ledger for tracking PM peak-hour trips. The Trip Assessment Letter is discussed under section .080. It explains that the letter is required for a use that will either increase or decrease trips. Trips are based on the manual, and the City can do the assessment letter for folks. We then provide a copy of the letter to ODOT. Point 'E' on page 3 notes that if a Traffic Impact Analysis (TIA) is done by a major developer, the result of that analysis will be captured. 'Allocation of Trips' (.090) explains that allocation is on a first-come-first-served basis. A number of trips are not allocated to every parcel. The thought is that would lock in the trips and hold them 'hostage' on undeveloped property. Allocation is just by TAZ. If we have to, we

will re-evaluate the allocations. Trips are not transferable from one TAZ to another. It explains under what circumstances the number of trips assigned to a TAZ can be exceeded. One way is through an allocation from the reserve fund, which is 10% out of all trips in all TAZs held in reserve. 'Trip Reserve Fund' (.100) explains in further detail that if someone wants to tap that fund, it will go to the Planning Commission as a Type III review. Tokos noted that the Trip Assessment Letters are handled in a ministerial manner; just over the counter and tallied out of the ITE manual. He said that if it gets into the trip reserve, that is more policy-oriented and needs to go to the Planning Commission. Tokos noted that the typical uses that will generate large amounts of trips are big-box retail and fast food. Tokos said when we get to 65% of allocated trips in a TAZ have been utilized; we do a full comprehensive report of the whole study area. He said if we had back-to-back large developers, he would expect we would get into the trip reserve. In answer to a question from Berman, Tokos noted that the existing uses were accounted for in the analysis. Tokos noted that section .100(B) talks about the criteria that would be used for the analysis. As explained in Section .110, the City would provide notice to other property owners when there is a trip allocation from the Trip Budget and the Trip Reserve Fund so that they know what is still left. Section .120, 'Amending the Trip Budget Program', explains under what circumstances the program will be re-evaluated. At 10 years, there will be a comprehensive reassessment. Tokos said there is always a relief valve; and here, it is that a developer could initiate a legislative amendment. There are mitigation methods. There is the 65% review threshold. Tokos said that is how the tracking piece would work. On page 5, it shows that there will be a cross-reference for the land division code regarding the Trip Assessment Letter and the Traffic Impact Analysis. Berman asked, if other than just the maps, there wasn't a written legal description of the overlay boundary; and Tokos said not at this juncture. Berman thought that some areas were difficult to understand from just the map. Tokos said that some work is being done to clear up the boundary and get them identified clearer than in the past. Tokos said that the text of this code is very clear that this overlay applies only within City limits.

Chapter 44 provides the transportation standards. Tokos thought it might be tweaked a little bit more. The intent is to show how our transportation standards are applied and explain the relationship between this chapter and the subdivision code. Now the subdivision code explains the standards. You can do alternative street designs. It explains what a developer has to do before selling lots. What the City doesn't have is what happens with in-fill development; like a development on a vacant lot next to a substandard street. This is trying to get at that. Or another case would be where somebody (like Wilder with 40<sup>th</sup> Street) has a street done legally but not dedicated as part of the subdivision plat. What are the street standards that apply in that situation? Should it be the same as for the subdivision if you are talking about the same kind of street? Tokos thinks there still needs to be some language cleanup; but we are starting to get there. Section .010 indicates that the purpose of this chapter is intended to provide standards of this nature. 'When Standards Apply' is explained in Section .020. Tokos thought that Section .030 ('Engineering Design Criteria') needs tweaked a little. It basically states that the City Engineer and Public Works Department maintain standards. They are trying to create a standard design manual for Newport. This is set up so that once they adopt their standards, it picks that up; until then, the standards are whatever they feel are appropriate. The standard design manual would cover sidewalks, curb, storm drainage; detailed construction specs of what we would expect somebody to put in before it is accepted long-term for maintenance by the City. 'Conditions of Development Approval', Section .040, states that required public facilities have to be in place before the development is good to go. The City can only require what is roughly proportional to the impact of the development. Tokos said that the development standards under Section .050(A)(1) are somewhat redundant, although there are some new parts to it. He said before it was unclear if they had to have street frontage. Section .050(A)(2) is a cross-reference to the subdivision code acknowledging that if development is within or adjacent to a subdivision; it has to meet those standards. Section .050(A)(3) gets at the circumstance where a street is dedicated by a different instrument, it has to meet subdivision standards. Section .050(A)(4) gets at development on substandard streets. Tokos said that because requirements have to be roughly proportional to the impact of the development, if there is a house on a big lot with a lot of street frontage and only gravel, he doesn't know if it is roughly proportional to require this development to do full standards. He thought sidewalks should at least have to be linked up. Section .050(B) talks about where we might not want to require improvements if there is the potential that they could cause safety hazards and things of that nature. Section .050(C) discusses how rights-of-way are created and conform to what our standards are. Potentially too, if we are accepting something outside the subdivision, the size of the right-of-way needs to conform to the subdivision code. Tokos assumes we may want to do some work on Section .050(D) ('Creation of Access Easements'). It assumes that an access easement is sometimes necessary and that the City may approve that. This section is trying to provide sidebars on easements, but he is not sure the language is quite right. He said we might want to change it to 'the City has authority to require easements' and just leave it at that. McIntyre suggested maybe adding, "at City's discretion". Section .050(E) gets to gaps in the subdivision code. The subdivision code doesn't get to grades. This section fills in some of the gaps in terms of street design; mostly tied to fire code. Tokos said that is Chapter 44, but he thinks we need to take a look at it and whether we need to do some tweaks.

Chapter 45 is about the Traffic Impact Analysis (TIA). Tokos said these are the thresholds. He noted that the Commission saw this in a rougher draft during the public outreach process. He said that most jurisdictions have this. These are the standards for at what point somebody doing development needs to do a detailed traffic analysis because what they are doing is likely to have impact on traffic and we need to know what that impact is going to be. Section .010 ('Applicability') talks about under what circumstances a TIA will be required. Amendments to the Comprehensive Plan or zoning map would be one. Tokos thought we might want to put flexibility on the zoning map if someone is taking property out of a different class but still dealing with the same Comprehensive Plan designation (like R-1 to R-2 or R-3 to R-4) where the traffic is kind of a wash between the two.

Rudzinski said we might want to tie it back to recent legislation and allow for rezoning consistent with the Comprehensive Plan to be good without a TIA. She said tying back to State law would cover the City in this situation. Tokos noted that any new direct access on 101 will require a TIA. Berman wondered why not add Highway 20. Rudzinski thought she might recall it being in an earlier draft. It was noted that Highway 20 can be added throughout where it mentions 101. Tokos noted that a TIA is required for uses generating 50 or more PM peak-hour trips on the highway or 100 PM peak-hour trips on the local transportation system. He said we can be more flexible on local streets than on the highway. An increase in use of adjacent street or direct road approach to 101 and 20 by 10 or more vehicles that exceed 26,000 pounds GVW (truck traffic) would require a TIA. Patrick asked if the Port's log hauling would trigger that; and Tokos confirmed it would. He noted the property used to be a log landing, but has sat vacant and unused for more than decade. Assuming this code is in effect before they actually develop, they would need to do a TIA. Tokos continued that a request to use the Trip Reserve Fund would trigger the need for a TIA as well. Section .020 lists the TIA requirements. A pre-application conference is required. The City Engineer would be involved in this meeting as well. deTar noted that Highway 20 needs to be added to .020(A) as well. Tokos continued that ODOT would be involved in the pre-application meeting if the highway was involved. Item .020(B) talks about the preparation of the traffic analysis. Item .020(C) talks about what resources are used to calculate trips (the ITE manual). It is talking about the PM peak-hour trips. Under Item .020(D), an intersection analysis is required if there are 50 or more peak-hour trips. Patrick asked if the log hauling would trigger that. Tokos said it could at John Moore road; but that doesn't necessarily mean it will show that it needs improvement. Item .020(E) talks about complying with the Transportation Planning Rule (TPR), OAR 660-012-0060. Tokos noted that the TPR is lengthy and detailed. It was just recently changed and will continue to be changed. There are some specific standards in there that have to be followed. We will just reference that OAR and work out of that rule. If it were included in here, we risk having our code become out of date. Item .020(F) relates to structural conditions. Tokos said that is more of a City thing. We want to make sure any structural deficiencies on the roadway are picked up on the analysis. He said that is especially true with heavy truck traffic. Berman asked if, for Item .020(G), truck or heavy vehicle is defined somewhere or if it goes back to the 26,000 pounds; and Tokos and deTar confirmed it did. Tokos said that it was not actually defined anywhere; but that was a good point, and he would add that. Tokos noted that this doesn't expressly say that we are not going to allow heavy truck traffic anywhere. What we are asking for under Item (F) is a required analysis of the condition of the road. Section .030 ('Study Area') talks about what needs to be included: (A) all site access points adjacent to the site, accesses between that development and the next development down; (B) roads through and adjacent to the site; (C) all intersections needed for signal progression analysis (thinking of stacking at signals); (D) would be covered at the pre-application meetings. If the City Engineer sees something else, this is where he brings it up. Section .040 ('Approval Process') provides that it will be handled as part of the discretionary review; so if there were a conditional use permit for example, it would be part of that. If there is no discretionary action (it is allowed outright), it would be handled as a Type II review. Section .050 lists the approval criteria: (A) analysis complies with requirements as provided in Section .020; (B) gets at some of the significant pieces. It is discretionary, and that is why we are going through this kind of review. That standard is related to safety; (C) in case of an amendment to the Comprehensive Plan or zoning map that has a significant effect, solutions are consistent with the TPR; (D) for affected non-highway facilities, any standards adopted by the City has been met and not cause excessive queuing at intersections. Until the City has an adopted level of standards, we will be leaning on "as determined by the City Engineer"; (E) proposed improvements are designed and constructed to transportation standards in Transportation Standards (Chapter 14.44) or in the subdivision code (Chapter 13). Section .060 states what conditions can be imposed for approval. Section .070 ('Fee in Lieu Option') puts into place the fee in lieu option. It is not an SDC, which is a contribution to a larger system. The fee in lieu would be in lieu of doing frontage improvements. Maybe the development is on a longer stretch of substandard road that is part of a larger improvement plan. The one Tokos thinks will come up the most is number (3) under .070; "when required improvements are inconsistent with phasing of transportation improvements in the vicinity", and the City may want to get something done before the developer does his improvement. Section .070(B) is how the fees are going to be calculated. Patrick asked if the standards were site specific. Tokos said we may want to take a look at those standards. It is by standard, but some are site specific. We may say, "as of a certain date" to make sure we account for any very specific situations that are warranted so at least we don't lose that when we establish the fee. We can take a look at that. There is no policy that those funds will be used in that location. McIntyre said he sees it as a problem if the funds are not used where a person paid. Patrick asked if someone paid money in lieu of and then develop happens ten years down the road, do they pay again. Tokos said no because it has already been paid. Section .070(C) provides that funds have to be used within the City UGB. It would be a nightmare to track for certain properties, or one that is not annexed forever. On page 4 is a cross-reference added to the land division code. Now the developer has to put in improvements and they have to be accepted before they file the final plat. This is to put in the provision for payment in lieu.

Tokos said the next step in terms of the TSP is that a public hearing will be scheduled for the second meeting in August. Tokos said he will be bringing both the Comprehensive Plan and zoning changes to the Planning Commission at that time. There will be some tweaks addressing comments that were heard here and a few gaps with the comprehensive piece being worked on.

Berman asked that since South Beach has been covered here, if anything has been considered about extending it to the rest of the city. Tokos said there is a grant to do core analysis on 101 from the bridge to Highway 20. In 1997, the City did a comprehensive transportation analysis. In 2008, only a north side local street improvement plan was done. The highway on the north side hasn't been looked at. Tokos said a corridor study from the bridge to the intersection of Highways 101 and 20

would be well-timed at this point. Tokos talked about what this corridor study will look at. He said that, other than that, there is nothing in the immediate works at this point. Berman said that it seems at some point, we should look at the whole citywide traffic flow and coordinate it. Tokos said that still in the TSP for the north side is to put together north/south and east/west collectors to provide relief to the highway.

2. Review and Discussion of the Territorial Sea Plan (TSP) Significant Viewing Areas in Lincoln County. Tokos noted that there were maps in the packet, but he also had a map to show on the overhead. He noted that when discussing the TSP process at the joint meeting, the Commissions had talked about where those spots would be. DLCD and OPRD took on the effort of putting together view shed analysis for the TSP. That is ongoing at the State level. Those efforts will determine how wave energy can be put in along our coast. They hadn't done a study of the impact along the coast. They put together a list of where they want to start to do analyses. They would go out to those view sheds and do photographic documentation of what it looks like now so they have a baseline of what level of development would be acceptable. The question will be whether it is a well-known area where anything would destroy the scenic vista of the area, maybe only applies to the near-shore view shed of 2-3 miles out, or doesn't really matter because it is an area that isn't in a super-sensitive view shed. What we are talking about is close in, versus midrange, versus distant. There will be different levels of impact in different areas. They selected basically state and federal park sites. This map is of the initial cut for Lincoln County. Tokos is asking the Commissioners where they want to do this analysis. Is this adequate or are we missing areas that should be picked up? Fisher said that for the communities along the coast, it seems unreasonable to allow anything in the view going west of areas like Lincoln Beach and Beverly Beach. But he said he is operating differently than the State. He asked if they had set guidelines or standards or are the local jurisdictions supposed to set them. Tokos said the State has methodology they will want to follow; at least a benchmark. They will be looking at analyzing view sheds with a lot of use. They will be using a matrix to determine how sensitive and how important a view shed is. Tokos said it is totally objective. He said that if enough people look at it, they will get relative quality. They will plug it into the matrix. Tokos said the request the State has given us right now is where they should be doing this analysis and are there areas not being picked up by this analysis. They are asking other jurisdictions as well. He said that the Commissioners could provide feedback where they should be looking up and down the coastline. Fisher thought that along all residential areas there. Tokos said what he envisions in each of these areas is that they will be doing a panoramic view out to set a bubble. He asked if there are other areas they should fill in so they have that covered. McIntyre said it would depend on how high above the ocean level it is; the higher up, the further out you can see. Tokos said they picked view points in each of the state parks, which is easier than residential points of concentration. There are a lot of people that probably take advantage of this view. Homes are a tricky one. East said that state park views are not as important as residential views. Patrick said the flapper-type wave energy buoys couldn't be seen from South Beach State Park if you were standing at the beach. McIntyre said unless you have a 3-story condo down in Southshore. Fisher asked what about Nye Beach, and Tokos said he had thought of that one too. He said if we pick up Nye Beach, that is probably enough to pick up the Yaquina Bay State Park. His thought was to move that one up to Nye Beach. Berman said he would like to add Moolack Beach. Patrick said we should also pick up the surfing spot. Berman noted that the biggest distance in our area is between South Beach and Lost Creek. Tokos said that Beverly Beach and South Beach are long enough that maybe we should suggest they need to pick up both ends for the full spectrum. If they do the south side of South Beach State Park, they have Southshore covered. Tokos said we can pass on to them that the analysis needs to cover the full spectrum. Pacific Shores and Surfland are just south of Southshore. Tokos asked if we should add Surfland or Thiel Creek. He said should we consider existing houses or a future destination resort. He will suggest they add something in the Surfland/Thiel Creek area. Tokos asked what they thought about the Waldport area. Fisher said we don't want then off shore of cities. Tokos said maybe if they pick up the spectrum, the Waldport area would be covered. Going back up north, Tokos wondered if there should be something between Fishing Rock and Gleneden Beach. Patrick suggested adding the mouth of the Siletz. The Inn at Spanish Head will be added. Chinook Winds Casino/Hotel will be added. Husing noted that Cascade Head is in Tillamook County and should be covered by them.

Tokos summed up the suggestions that Nye Beach will be added and Yaquina Bay State Park will be dropped, Moolack Beach will be added, Surfland/Thiel Creek area will be added, something between Gleneden Beach and Fishing Rock will be added, the mouth of the Siletz will be added, the Inn at Spanish Head will be added, and Chinook Winds will be added, and we will suggest for these larger parks that they pick up the further extent of the parks. Husing asked Tokos if he would craft that into an email to share with colleagues. He noted that this is our first take on this. Fisher said that if Tillamook doesn't do one at Cascade Head, then we should probably add Three Rocks.

Husing said the State wants to do his with us. They want to get a few of us to do this collaboratively. They are asking where else should we do it. Husing said they will carve out a day or two with a small team and do the assessments. He said we are all struggling with how far to bubble out. He likes the spirit of trying to do this with us.

Tokos asked the Commissioners if they wanted to have someone off the Commission involved. He said this would come to the Planning Commission as a quality check. This information would be brought before the different policy-making bodies. He said the Commission could have someone participate in the data collection, which would probably take a couple of days.

Husing said they could keep in touch with someone by cell phone when they will be in the area. Patrick thought they should take one from each of the bodies and get them together as a team. That way you will have some people who have a stake in the community and some that don't. Husing thought a team of people might come up with a lot of the same results. The question is how to bubble these areas and how they will overlap and what the different zone classifications will be. The results will provide guidance to the wave energy folks.

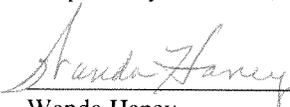
Tokos said that basically the approach would be to capture GIS points, have a decent quality camera and take panoramic shots in a competent manner, and have the matrix to go along with that. Patrick thought they need to pick commonly accessible elevations. Tokos thought also to pick up concentrations of people where the view is important because of that concentration. Husing said we should expand this conversation to others in the County. He thought the Commission did a great job of filling in the gaps. He said that what is likely to happen is that we will have examples of what happened further north. We will also have an example of how this system really works.

Tokos said the site visits will be in August. Husing said we will have three other cities involved soon. He said we have our own GIS talent here. He thought it will be an interesting dialog about how to draw bubbles. From what he has seen, there will be ocean zone classes 1-4 at least out 3 miles. We will start creating this on maps by drawing the bubbles, overlapping them, and labeling with classes. Probably in the fall, we will look at computer generations. East asked if they would know what these devices look like when they are out doing the study of these key views. Tokos said there should be some benchmark when doing this type of placement in different categories. BLM criteria are being applied to the data collection. Husing said that when the computer generations are ready, we can start talking about the obvious technology.

For the Commission, Berman was willing to assist with data collection, with Patrick and East as backups.

**B. Adjournment.** Having no further discussion, the work session meeting adjourned at 7:40 p.m.

Respectfully submitted,



Wanda Haney  
Executive Assistant