

MINUTES
Nye Beach Design Review Overlay
Ad Hoc Work Group Meeting
Newport City Hall Conference Room A
Wednesday, August 20, 2014

Ad Hoc Members Present: Kathy Cleary, Jody George, Don Huster, Mike Franklin, and Wendy Engler (*Karen Wilson has resigned from the work group because presently she has moved out of town*).

Planning Commission Liaison Present: Jim Patrick.

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

Guests: Eric Ridenour with SERA, and Nye Beach residents Chuck Victory and Frances Vanwert

Patrick opened the meeting at 10:33 a.m. and turned the proceedings over to Tokos. Tokos introduced Eric Ridenour and said that he trusted everybody had a chance to at least pan through Eric's slides in draft form. He noted that Ridenour has a couple of refinements on the version he's presenting today. Tokos turned the meeting over to Ridenour to walk through this presentation and share thoughts and information and then open it up to discussion.

I. Discuss SERA's perspective on the guidelines and code. Ridenour said that he has spent a lot of time in the community. He helped Wilder with their master plan, has held workshops in the downtown area, and loves Nye Beach as a destination. He said that he knows that area pretty well and appreciates its character. He is happy to help the committee work through these questions.

Beginning his PowerPoint, Ridenour noted the first question regarding the strength and shortcoming of the guidelines and standards could almost be the last one; it summarizes a lot discussed on the other slides. He said that reading through the guidelines and standards, they are well written and are pretty clear. Some language in some areas could be less vague. He said as the work group is looking at the ten-year review of what is working, it is probably valuable to put effort into going through and answering if you really know what a phrase means. He noted that the group has flagged some major ones; and he will be happy to point out some others. He said in thinking about the historic character, think about how well the guidelines set the historic character and whole flavor of the neighborhood. In general does what you are trying to get at reflect the historic character? Some language is too general where it opens it up to interpretation. He suggested to be more explicit where we can. That is when we'll feel the most successful. Overall Ridenour feels the guidelines and standards are strong.

Ridenour listed some strengths. He said that flexibility provided by having both a prescriptive approach and a straight down the list approach (via design standards or a performance path via design guidelines) is always a good one. If somebody wants to bring in crafty ideas, it gives them an avenue. He thought that the inclusion of illustrations and a glossary is helpful. He would recommend looking at some of the illustrations and making sure they illustrate what we are trying to; what they were intended to show. He said the other real strength is the validity of the issues meant to address massing; breaking up long facades, pushes and pulls, focus on materials, porches and verandas, etc. He thought that is the right array of issues addressed.

Next, Ridenour listed some of the shortcomings and noted that these resonated in some of the comments from the public hearing. He said that in some cases the benefit and the effort to get what the guidelines are trying to get at are not always the same. Some moves will require less effort, others more. Bays and balconies involve some effort, some risk, and more cost. There is benefit in recognizing that some things you are asking for require more effort than others. He said then the big one is if the guidelines are getting to the core community concern, which in the hearing was building size. He wondered if that is something to look at through the guidelines; is that the right tool, or is it more of a zoning tool. He is unsure that the guidelines is really the right place. If it's a community concern, he's unsure the guidelines will get us there. He said if size is worth tackling, it's important to look at all tools in the tool box.

The next slide was about addressing the shortcomings. Ridenour thought that some sort of ranking system of the guidelines might be worthwhile; a point system. Illustrations should be managed, and some of those upgraded. He said that it occurred to him that there may be some value of a blend in guidelines and standards. There may be some we think are so important that they get built in anyway. Like with LED green structures where there is a point system and some things are prerequisites; some of our standards would be absolute prerequisites and would apply even when the guidelines are used. He said that might be an approach.

Ridenour said that one question was what is being seen in other cities that Nye Beach might use. He said SERA works with a number of small communities looking at guidelines and zoning codes. They recently helped Lake Oswego rewrite guidelines.

They went through and really scrubbed their language for them. It was a helpful process for them to go through the terms and get to their intent. They were really talking about rooflines and materials. He said another issue jurisdictions address is massing. They helped Hillsboro with a downtown plan. One issue was the transition between downtown and residential. They helped with massing guidelines where it would step down in a deliberate way. It's a tool he has seen in a lot of different areas for addressing the issue of neighborhoods versus commercial's higher density. He said that in Portland next to transit lines, they build up a corridor and keep the neighborhood character around it. He said here what exists is the beach and the coastline, and it's a slightly different pattern; it's for the benefit of the views.

Ridenour gave an example from Lake Oswego where they rewrote the codes to eliminate discretionary language. The example of the original language was that all accessories around a site would be designed to be "complementary in appearance to buildings;" and that is pretty wide open. They revised the language requiring elements to "utilize the same materials and/or colors as used for the building or from a pallet approved by the city." He said you should be looking for those phrases. You think you know what they mean, but step back and take a look. Are they so loose that somebody can challenge them if they wanted to?

Ridenour said that one area with a lot of interest in communities is form-based code (FBC), which focus directly on the form of the built environment. He talked about what that is. He said he's not recommending that it's the right solution, but there are a bunch of tools that we could pick from selectively and not buy into the whole approach. He explained what it's all about. He said the 20th century zoning code was primarily a tool of land use and in many cases led to over-zoning in many communities. A lot of things people like about blended and mixed communities got lost. They separated everything. He said in the late 20th century and the last decade there's been an interest in bringing back these communities. Form-based codes lets us welcome back appropriate uses and uses the zone to push out noxious stuff like industrial. It's still separating land uses when appropriate, making sure neighborhoods have neighborhood uses. It's how to make that function. How a light industrial use and residential works together. It's what the form of the community is that you want. That is where the term comes from. The strongest tool is the "transect." That was the diagram at the bottom of the slide; which illustrated the transitional sections and how it transitions from one extreme to the other. Ridenour explained the slide shows the natural zone on the left, and at the other extreme would be the urban core. In between you have to be deliberate about what section you are working in. After the natural zone, there is the rural, the sub-urban; and then you get into where buildings are more dominant in the general urban zone. You expect a city landscape in downtown so then you have the urban center and finally the urban core. The key is being aware of where you are working on that transect and being deliberate. He said that you say you want Nye Beach to have a village-center-type character; but what does that mean. Is all thinking aligned on that, or is it more single-family dominated. It's thinking about each package.

Cleary asked what the initials above the zones at the top of the diagram stood for. Ridenour explained that "TND" stood for traditional neighborhood development, which is like from the early 20th century and is more pedestrian-oriented. He will follow up with the explanation of "CLD" and "RCD" because those are new overlays. Huster asked if these are just examples. Ridenour said this is the primary transection; what you can do with each zone can vary. The point is to be deliberate about what you are working with. The higher-density aspect is in the right-hand zones. He said it's thinking about the patterns you want.

The next slide Ridenour had pulled from formbasedcodes.org where a lot of effort goes into designing these. It's how business and the private realm work together. It's how the public street is designed using different traffic aspects. It can be designing a one-way street or a courtesy pass to be beneficial in a residential area. It's how buildings engage the streets. Do you want awnings or such features? He noted that we are doing a lot of this by having the guidelines we do. It's do you want to continue the line of buildings. An urban line street feels like an outdoor room with public space. He noted that in Nye Beach views are important, which is a different conversation. Ridenour said that when it gets to the details of the FBC, you get details about height, where awnings are needed, etc. The Nye Beach guidelines already do a pretty strong job on that. It's mixing public and private standards and making sure you have a partnership. He's not advocating a FBC approach, but when we are looking at this we may want to review those.

Ridenour said another concept we could introduce is a point systems. He said one of the best examples is Seattle. They saw it used in Sweden for green factors where there were green points. Seattle saw single-family changing and neighborhoods densifying. They still wanted to be the emerald city and wondered how they could be green. They developed a standard that says a developer needs to score a number of green points. Different strategies get you points based on how much green work you do; visual, plants, etc. You get points for grassy areas and more for tree covers, green roofs, and walls. Their strategy is to give flexibility to developers to pick, but we want this much stuff and here are the benefits associated with it. He said thinking about the point system in general as a strategy is saying here is your flexibility but here is what we need out of each project. Thinking about addressing it by the Nye Beach guidelines, it would be lots of rooflines, porches, etc. An area where there would be bigger costs would be solar, and there would be more points. Thinking about costs is one of the primary ways of establishing points. If it's ten times the cost, then ten times the points almost. If it's something that really makes the building sing but doesn't cost that much, you might give more points also. Ridenour said it might be worth consideration thinking of ranking the guidelines in some way; maybe so many from difficult, intermediate, and easier levels. Maybe you will get the robust design you are wanting out of the guidelines.

Ridenour's next slide discussed incentives. He said when things look like a burden to developers, are there incentives you can offer. He said that much of the benefit of the guidelines is shared. It makes a neighborhood more attractive and attracts tourists, which leads to a revenue stream. People reinvest in the area. The cost often falls on individual projects, but there are ways we can balance that. He had listed some that he has seen in the market. One is to have tiered permit fees or rebate. For someone who has met all intent of the guidelines, could we have some sort of rebate? Could we have discounted fees if a project was a home run? Another incentive is to do expedited review of a project that seems to be tracking. He said that one of the most successful incentives is density bonus. He mentioned Portland's issue with stormwater overflow, and that city has decided to bonus projects that address that issue. Ridenour said the last incentive has to do with the cost of construction overall. There is a difference in modern construction and what it was years ago. Today's construction is looking at having parking within them, which causes a very real and direct upward push on the cost of housing and development. Getting off-street parking is a desirable goal. It involves looking at a full range of solutions on how to accommodate cars in an area that is densifying. Under buildings adds cost. You need to open your thinking to think about if there are other ways of solving it. He said merchants want people to park once and walk by six shops in Nye Beach. The fact that Nye Beach has a district parking approach is already a good thing. Maybe there is cost control that could be used as a tool. For a new building that has to have parking, could they help to expand an existing lot to get more space; or is there a vacant lot that three buildings could develop and share parking. He said there are tools like an in-lieu-of fee where if they don't provide parking, they pay in lieu of to develop new lots as needed. He talked about a California community where they used that.

Cleary asked Ridenour if he finds that paid parking is a good idea in some areas like this where parking is limited, rather than going out into the neighborhoods. Ridenour said it is a retail area, a tourist area. You don't want to scare people away. That is the usual feeling. The question is if an area is so successful that there's a parking management issue, do you want to actually capture some of that to help pay for managing it. He suggested that if we introduced paid parking, to do it on an experimental basis; pilot it. He said to be clear to the community why we are doing it and all of the benefits that come out of it. He said possibly only do it at peak times. He said the other reason is for parking management; say where you have transit service. He said as soon as you introduce paid parking, some people will choose to park in residential areas. If that is ongoing, then you can use residential parking permits. Cleary noted that Nye Beach has those now. Ridenour said if we already have them, that makes paid parking in lots more palatable. He said that he wouldn't rule it out; but tread into that water carefully. He said that, as he had already mentioned, de-coupling parking (district parking) is an important piece of this. In that way, a developer can make the investment in the quality of the building for people and their expectations of what will be there rather than bury a garage to park three more cars. There's a trade-off there.

Ridenour said that there were questions around mass and height; particularly commercial buildings and how to tighten the guidelines and standards. He suggested re-evaluating some criteria language. Make sure it is really doing what we want it to. Solar access was mentioned and view corridors were mentioned in the hearing notes. His next slide showed some photos that he shot this morning while walking around. He said it's interesting to note why Nye Beach is defined by cottages when historically it has had large buildings on the cliff. Historically it has been a mix, and yet we think of cottages as defining the area. Engler noted that historically the large buildings were simple like the Nicolai Hotel. They didn't have all sorts of fancy additions. Ridenour said it could have had to do with costs back then as well, and with the westerly wind exposure you would want to keep that side of the building rather simple.

Ridenour noted that his next slide showed a big city, Russian Hill in San Francisco. He is not suggesting this. The reason he brought it up is that all the information here has lessons for Nye Beach. A lot of single-family homes were trying to keep their views; then San Francisco became what it is today and it all changed. This building he showed is from the 90s and is a style that demonstrates this neighborhood. It shows how you can do a relatively large project, 4 stories of housing. It is done in a way that is actually sensitive and does what our guidelines would ask a project to do. It steps back a lot, has habitable balconies, and uses multiple rooflines. When talking about size, you can break the sense of it down with design quality and articulation.

Ridenour's next slide talked about solar access, which is an issue that comes up in a lot of communities. He said the best solar guidelines are the ones that are the most explicit. In the 70s when solar was the way to design, there were really vague guidelines. All it said was that "one shall not shade another." He said that if we decide solar access is something to tackle, to be specific as possible. These illustrations show the shading from the summer solstice to the most extreme, winter solstice. The intermediate is the equinox. You need to specify what season you are targeting. How important is solar access on a winter day when the sun rarely comes out? One month on either side of the solstice maybe, which is shown in the last illustration. You need to do this in a really specific way so that a developer knows what to build to. The sun diagram is easy to figure out. Be clear about where the level is; is it the first floor window, the second story window, or the entire facade. In some areas there is more interest in the rooftops because of solar panels, and that is the area they are trying to protect. It's necessary to be clear about when and where. Ridenour said to make sure to put that in if we go down that path. It involves thinking about street widths and setbacks as well. It gives some flexibility on how massive a building across the street can be if solar access is required.

The next slide addressed cumulative impacts. Ridenour said there was one question about if we get more and more larger buildings, how to make sure we don't have a cumulative effect. Engler noted that the Sylvia Beach Hotel had an east/west orientation, which leaves a view corridor. Franklin asked, with an east/west orientation, wouldn't that create more impact on solar access. Ridenour said that when the beach is on the west and the building has a narrow profile there could be the view corridor; but it could affect solar access. Engler said that the Sylvia Beach Hotel is on a hill though and that's a wide street. Ridenour said that the Sylvia Beach Hotel may be fine. If there were a neighbor to the north, there could be a solar issue. He said if we include this to make sure to be as precise as we can be and what our expectations are.

Ridenour questioned how you manage heights when you think about historically the high buildings are on the cliff. That is where the views are. Where people can rent out rooms at the maximum rate. That is a pattern that exists there. He wanted to acknowledge that. Engler said that's why in 1997 when developing the code, they decided that they didn't want Nye Beach to look like Elizabeth Street. She said we have been trying to get a different character for the neighborhood for a long time. Ridenour said it's working. You know you've arrived in Nye Beach. He said creating a tiered profile, the "down-in-front" method, where a taller building has to go a block back might be a strategy we want to codify. Have the shorter stuff at the cliff top, and the taller back a couple of blocks. He noted that Archway Place looking from a distance sits down in a valley. It's where it is based on the landscape. Talking about view corridors, Ridenour had a slide that showed Portland's south waterfront taller buildings. There are Mt. Hood views, so they reserved view corridors from some public parks and public areas preserving that view. It's about height and location. Think about where you are on the hill. In the lower area, you might be able to build taller without much impact. If it's on top of the cliff, it will block views more.

Ridenour said there are some strategies you might use to break up the cumulative effect. If you build the entire block, have step-downs in the middle or areas to open it up. Consider east/west orientation. Maybe larger is allowed if it's in an orientation that minimizes view impacts. He said to make sure the size of the building you allow is consistent with the vision in the community. He added, that might be a zoning discussion. Ridenour presented a slide showing photos of a couple of buildings in Newport, Rhode Island, which have historical character. They include architectural features, a lot of articulation, and a lot of rooflines to break up the massing. Both are very long buildings. Getting to scale, he asked what does human scale mean even in larger buildings. Awnings and spacing of the shops helps break down the scale. You're not really aware that you haven't gone past four buildings when actually it was just multiple shops. He said there are a lot of those tools to use with larger buildings, making them seem more neighborhood-like. Ridenour thought that these two buildings would meet Nye Beach design guidelines; yet they are full-block buildings.

Engler thought what we hear from the people is that they want less massing. She thought these buildings are exactly what we wouldn't want. She felt like Ridenour is giving a sales pitch for large buildings broken up by architecture. Ridenour said the point he is trying to make is do you want it to be about size of buildings. If there's a role for larger buildings, how can you break them down? What he is trying to say is if larger buildings are part of the mix, what tools can be used. He said if it's about size, then you should have that conversation and say that you don't want buildings longer than 50 feet or something. Engler said that is what the group's charge was. She thought the group should stick to what was assigned to us and what the public testified. She thought Ridenour's suggestions were great for a visioning effort. But we're not opening a big can of worms right now. We need to get a quick fix. We've talked about needing visioning and that it would be a great thing to go for; but we need to address the issues that we can now.

Patrick said if these ideas aren't useful in Nye Beach, he thinks maybe in downtown and maybe the Bay Front. They probably need to do the same things there and use the same tools. He said this isn't going to fly in Nye Beach. Also, we have the height limitation of 50 feet inside the entire city because that's as far as the fire trucks will reach. Some things we've talked about don't apply here; but we could take pieces of it and look at it. We probably need to tighten things up; it's in the code and partly in the guidelines. We do have controls over how big buildings can get right now. We just need to tighten things up. And there's a lot of good stuff that we can take pieces of. He thought we should also think about using it in those other places. Ridenour said that he was glad to hear that. If that is the focus of the work and that is the question on the table; tackle it head on. He said if we don't want buildings of a certain size, we need to say that. He's not sure that the guidelines are the right tool for that.

Engler said that what people have talked about is having a mass you can put on a lot. If it's a bigger footprint, then it's shorter. Like the taller buildings in Portland leaving a view of Mt. Hood; taller with smaller footprints. Ridenour said that's floor to area ratio, which is a time-tested way of doing part of what Engler is describing. He thinks that could be one of the tools. It's typically established under zoning. It's partly about mass and fire access. Patrick said that really big houses on really small lots are distinctly Nye Beach character too. Ridenour noted that he hasn't seen floor to area ratios applied to single-family as much as commercial. We talk about site coverage in square footage. Patrick said some Nye Beach lots are super small. Ridenour said people are typically building as much as they can on any lot. The key to managing that would be control as well. Engler said that Carmel, California tackled that. She said Astoria is working on a compact residential zone. That's how they are keeping the historic character.

Ridenour said if you're wanting to talk about residential, another great tool is cottage clusters. You'd have to adopt an ordinance allowing this. You take one or two single-family lots and redo them. He drew a quick diagram to illustrate what he was talking about. They are small cottages often with shared parking and a commons in the middle. Where you would have had two homes, you have four or five small cottages. There's shared parking so there's only one driveway. Engler said that was very typically Nye Beach thinking. Ridenour said that in communities that have done this, they have adopted an ordinance. It's a revision to single-family zoning. Ridenour was asked what the typical cottage size is, and he said 500-600 square feet on the small size, and often 800-900. He said it's a way to allow people to downsize and to age in place. Tokos noted that Wilder has some that Oksenholt Construction is putting in. Cleary asked if the Bella Beach development is similar. Huster said they are kind of like that. They range in size from 1,000 square feet for the smallest up to huge. Ridenour said that Bella Beach is not cottages; but shared parking and access is very similar. Huster said again, it's the economics of this. What does it cost? He said to look at the lots by the PAC and what it costs to build. It costs 50% more than what you can sell for. Engler said that one thing about Bella Beach is that they put in a coffee shop, but they don't have what Nye Beach has; a village with retail and activities. Vanwert said the best part of Nye Beach is the character. Engler said that Bella Beach tried to create a village. Huster said thinking about the transections we discussed, you could keep the coffee shops and retail at the core; and as it goes out, have the cottage clusters in some way.

Victory said that much of Nye Beach is residential with two corridors of retail. He thought that Ridenour's presentation was primarily what to do with commercial. Victory lives a block off of Coast Street. His back yard is next to a vacant lot where at one time plans were put in to put a 100-foot-long building five feet from his lot. He said what Ridenour is talking about is nice in terms of opening some corridor, but what about the residential area? He said to win, we have to look at all of Nye Beach in terms of zoning and say this is where you want commercial and apply a certain set of standards to those versus residential areas. He noted that Vanwert lives on 2nd and Cliff; and if someone were to build a 3-story building she wouldn't see the ocean ever again. He said it's the same for him on High Street. He said when you talk about cottages and the appeal of Nye Beach being a cottage community, where are those cottages and where do you apply commercial zoning standards. He said you can't just talk about commercial. He moved to Nye Beach because it was transitioning. It was where you could walk and wasn't where you had thousands of tourists come in and park. He said Nye Beach merchants park on his property now.

Engler said they thought they had protection to maintain the character of Nye Beach; but what is the character? That has never been defined. There has never been an inventory done. If you look at the design overlay document, one example is from Nye Beach, and the rest are generic. She said the Tea House kind of looks like the buildings from Newport, Rhode Island. She thought the problem is that character isn't defined. She said Nye Beach has always been honest and simple; small cottages, cheap buildings, and even tents. She thinks it should be defined. Ridenour said there are plenty of cottages; they're just run down. But that's part of the character of the neighborhood in some eyes.

Victory thought the most valid point made was parking a block or two away and create walking. If you want a village, you park over there and walk around the neighborhood. Create a real village. That separates us from the rest of the world. He said the Bay Front offers one thing, and Nye Beach offers another. We should really create a Nye Beach village environment. He noted what Cleary had said about the six lots on Olive and Coast, a cottage cluster would be similar. George noted that cottages had already been there but were torn down.

Ridenour said there are two big questions on the table. One about views and size of buildings and how to make sure you don't create walls that block the view of the beach, and also the character and defining that. He said the Nye Beach guidelines talk about a lot of pieces of that. He said as he's looking at that, one big question comes to mind. How much are you looking for a very particular historic character or a general pallet? He turned to a slide showing a photo of Sea Ranch, California. He said that is very deliberate and very modern and yet is inspired by historic barns and sheds. It has very modern details and uses natural pallets and landscaping. Where you are allowed to do green lawns is limited. It shows the overall character and how they chose to work with the land they have. How much of the character you want to apply is about historic elements, how much is about pallets of materials, and how much is about scale. When you write it, you want to be explicit about it. Victory said that he has stayed at Sea Ranch; and it is exactly what Nye Beach should be. That building in the photo is the hub. When in there, you are in a special place. It has the cottage feel. You can have the hub and then the village you are talking about. Ridenour noted that it is low-density and is a resort.

Ridenour said as we are rethinking the guidelines, make it clear whether it's modern interpretations. The guidelines might be part of our expectations, or are we looking for detail. He noted that the Nicolai was very stripped down, but that's part of what is historic. Or when we are talking about guidelines, are we thinking we want detail and fussiness? George thought we want trimmed-out windows and knees for roofs. Very simple, but trimmed out.

Engler said that she was on the design committee from 1997-2002. But the guidelines were squishier then. The idea was never to recreate Williamsburg. It was never to be a strict interpretation. The descriptions of historic character could be used for inspiration or at least to have something to refer to. Franklin said that maybe some of those could be a point system. Engler said that architect Dietmar Goebel was on the Planning Commission when this was being formulated. He said scale was one of the

most important elements for discussion; small human scale. She asked why be so afraid to look at the past and document other places and actual places. Ridenour said that he thinks it's great to document what you have historically; maybe make it into a pattern book. Vanwert said maybe like under a point system for character; these are worth 10 points, and these are worth 1.

Cleary wondered if we could do something along those lines for remodels. That's when it gets really dicey. Her building landlord did a facelift and cut off the overhang and removed the corbels. She thought that Franklin did a beautiful job with his building. She wondered if in order to keep the character we could somehow incorporate guidelines for remodels and updates. Patrick said that everything that was done on her building didn't require a permit. For anything to kick in, there has to be a permit. George thought we could have a clear inventory and guidelines that anybody doing remodeling would hand to the owner. At least then they would be making a choice not to do what the public is asking them to do. Cleary thought something needs to happen so as not to change the character of a building in a remodel.

Engler asked if with a point system, SDCs would be reduced somehow. Tokos said that one challenge we have with SDCs and design guidelines is that it draws from different authorities. We can't use design guidelines to reduce SDCs; there's no basis for it. We only have a methodology for SDCs. This is what our capital needs are and we have to have a methodology to designate how those revenues are proportioned among them. Ridenour said that if something has good water-saving goals that would tie to sewer and water and could be put in the methodology. Cleary asked like the cottages with water savings. Ridenour said, for example say they were putting in a green space and were allowing the public access to it and would not have to pay the parks SDC. Tokos said SDCs are not as much an impediment as you might think given the way they are structured; they get credit for what was on the property. If what they are replacing a hotel with is a less intense use, they are not paying SDCs at all. Huster asked so if there were two houses, and they build five cottages, they will pay three SDCs. Tokos said now the way it's set up, they get credit for SDCs paid or if there was a structure there within the last thirty years. Patrick said we may change that; it's too hard to track. Tokos said for more recent development it's fine; but looking back is more difficult.

Tokos said that one thing we asked SERA to do is to come out of this meeting based on the group's feedback and work this presentation into a more formal recommendation. There were a lot of different concepts. Delving into solar access will take resources and time. Updating the illustrations; not so much. One thing that Tokos wanted to offer is that he would like to see these grouped into relevant levels of resources. He would appreciate that because it's unlikely that we will do all of these things at once. He said that maybe Ridenour can group them into near-term recommendations and longer-term recommendations. Some of these things would require budget resources that are not there. He told Ridenour if he could break the concepts down into the relative resources required, that would be helpful. Engler said maybe looking at mass using floor to area ratio or something because that is what the public spoke about in December. Tokos said we can talk about that and changes for putting floor to area ratios in the commercial area. He wouldn't recommend it in the residential either. We can look at residential lot coverage and things. We can talk about that as the work comes. Engler thought that was the most important thing. Tokos said we should be really clear and strategic about what those are and keep that conversation independent from the one about changes to the guidelines. We don't want the entire package rolled up into one in case there are one or two controversial pieces. When you talk about using floor to area ratios or reducing maximum height, that will get a red flag flying with some folks more so than clarifications to our guidelines. We need to be cognizant of that as we take this process forward.

Victory thought that you have to look at Nye Beach as a whole if talking about the guidelines; what impact will one set of criteria have on the rest of the community. That is important. You can't just talk about commercial. What impact will that have on other communities? He said it is a village. You have to look at the package and delineate it into units. Tokos said that maybe it's not so much that we talk about changes that are further restricting what people can do with their property than clarify guidelines. Patrick added that if you restrict the use of their property significantly, you open yourself up for a lawsuit.

George said that the group was given a mandate from the City Council and all the people who testified to make sure that the scale of buildings in Nye Beach doesn't continue to be at the scale as the last few that were built. Cleary agreed and said the ordinance requires revisions. We have some codes now like vegetation on sidewalks and maintenance of sidewalks that are not enforced. If we have to rely on enforcement here that concerns her. Ridenour said that enforcement of the land use ordinance is when you come in for a permit. It's automatic enforcement. It's different than ongoing. Tokos said that is why land use permits are appealable; and there are a bunch of state statutes that regulate. Engler wondered if we could ask Ridenour to look at reducing scale and mass as a separate issue. We'd be looking for the short-term but asking for more for a revisioning process even though we don't have the resources for that right now and it's not in the scope for this work group. Cleary thought we do need to do it eventually.

Tokos doesn't think you can talk about different standards without some visual of what they are going to look like. He doesn't think you can say 100 feet is too big but 50 feet is right. You need to correlate what it will look like in Nye Beach to see if that's what you actually want. He thought it would be helpful if we could get what these will visually be if we are changing these standards. Something that, given the development standard we have in Nye Beach, this is likely what it will look like. He thinks the policy-makers need to visualize it.

Engler noted that in the previous handout her building was noted to have an average height of 39 feet, but according to the building plans it's 31 feet. So the heights for a lot of the other buildings could be incorrect as well. She said it would be good to have the correct information. Tokos said Victor Mettle put that information together. He assumed it was correct, but he will take a look at it.

Cleary asked if Ridenour could also put together some suggestions on a point system for character. Ridenour said he can look at things we already have in the guidelines and say these we feel should be toward the lower end of the spectrum, and these higher. Franklin asked if this wouldn't become a design review committee in a sense. Patrick said it would be, "here is your menu, pick what you want." Tokos thought there would be value in knowing which of these guidelines are most important. There is a pallet, but no priority. With points, we can group them into priorities.

Vanwert said areas that have been able to maintain character makes them a tourist destination. Astoria is trying to do that McMinnville did that. They have become real tourist destinations because of character. Engler said maybe have different zones within the overlay, and there is a place for big buildings like McMinnville and Carlton have done. Ridenour said to imagine as you come out of the village larger buildings back behind there; that might be more palatable. He said that might be an interesting question to ask yourselves.

II. Date for next meeting. Tokos said that he would like to get Ridenour's memo out to the work group with a week's notice prior to the meeting. Ridenour said he needs about a two-week turn around. The next meeting was set for Thursday, September 18, 2014, from 10:30-12:00. Tokos will get the memo out to the group a week in advance to give everyone a chance to go through it and talk about one thing: "As a work group making a recommendation to the Planning Commission what it is as a group you want hammered out for now and what to put into the other packet to consider as next steps down the road." For now classify and hone in on what can get done. Tokos said he will get a schedule out so the group members will know how long their time commitment is for getting this piece done and up to the Planning Commission and identifying those changes that require more resources and policy choices. Based on those decisions, the Planning Commission will likely put other work groups together because some changes are way beyond what we can handle near-term.

Engler thought that what Ridenour had presented would even be good to have with the Bay Front, Downtown, and the Planning Commission too. She said there was a lot of information. Although she agreed it would take a lot to get it into place. Regarding the takings issue, she said there was a huge discussion back then that people also got things like "0" setbacks and payment-in-lieu-of. Hopefully the good outweighs the bad. Tokos said they successfully got through that conversation at that time about giving as well as getting. But then down the road to say we are going to scale back in some way raises the question of whether that would be viewed as taking.

III. Adjournment. Having no further business, the meeting adjourned at 12:14 p.m.

Respectfully submitted,

Wanda Haney
Executive Assistant