



**PLANNING COMMISSION WORK SESSION AGENDA**

**Monday, October 28, 2019 - 6:00 PM**

**City Hall, Conference Room A, 169 SW Coast Hwy, Newport, OR 97365**

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The meeting location is accessible to persons with disabilities. A request for an interpreter for the DEAF AND HARD OF HEARING, or for other accommodations for persons with disabilities, should be made at least 48 hours in advance of the meeting to Peggy Hawker, City Recorder at 541.574.0613.

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.

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1. CALL TO ORDER
  
2. UNFINISHED BUSINESS
  
3. NEW BUSINESS
  - 3.A Briefing on OSU MSI Building and Student Housing Projects.  
[Memorandum and Materials](#)
  
  - 3.B Options for Addressing Residential Use at Street Grade in the C-2 Zone in Nye Beach.  
[Memorandum and Materials](#)
  
4. ADJOURNMENT

# Memorandum

To: Planning Commission/Commission Advisory Committee  
From: Derrick I. Tokos, AICP, Community Development Director   
Date: October 22, 2019  
Re: Briefing on OSU MSI Building and Student Housing Projects

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Occasionally it is worthwhile to reflect on projects that have followed regulatory changes the Planning Commission has made so that they could proceed. Attached is a presentation that I made at the 2019 Oregon Infrastructure Summit in Salem regarding the Marine Studies Initiative Building at the Hatfield Marine Science Center. Staff at Hatfield and Oregon State University (OSU) were kind enough to provide much of the information. I'll have this setup on a projector for the work session and will be prepared to field questions you may have regarding the project.

The City Council, City Manager, and myself were afforded the opportunity to tour the MSI Building on October 7, 2019. At the end of the tour, a Council member inquired about the University's plans for student housing. This is an issue the Planning Commission was heavily invested in, documenting the need and working to obtain a commitment from OSU to construct the housing. HMSC staff could not provide the City Council with a clear sense of how OSU administration intends to proceed with the housing project. Consequently, the Council decided to send a letter to President Ray emphasizing how important it is that the University provide student housing before enrollment increases at HMSC. A copy of the draft letter is enclosed. It was approved at the October 21, 2019 City Council meeting.

Attachments:

Oregon Infrastructure Summit Presentation  
Draft Letter to President Ray (Approved by the City Council on 10/21/19)

# Marine Studies Initiative Building



Oregon State University  
**Hatfield**

## Oregon Infrastructure Summit

October 21, 2019

Oregon State University + YGH Architecture + KPFF Structural Engineering



## Hatfield Marine Science Center



# M I S S I O N

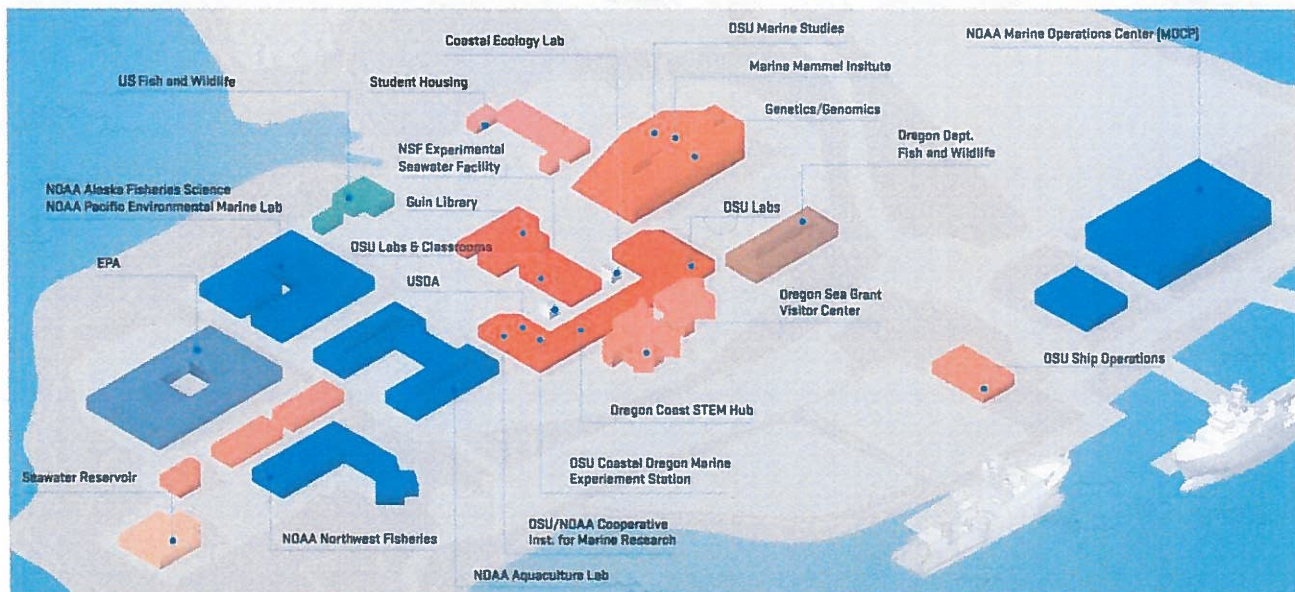
Collaborative Research Partnerships

As OSU's campus for *research, education, and outreach* in marine and coastal sciences, and through its partnerships, HMSC improves scientific understanding of marine systems, coastal processes and resources, and applies this knowledge to social, economic, and environmental issues.



Oregon State University  
Hatfield

## Partners @ Hatfield



## Marine Studies Initiative (MSI) Project Background

- Provide cutting edge research and teaching facilities for HMSC
- Leverage OSU's strengths in marine science, engineering and other academic disciplines, coastal community engagement and take advantage of teaching and research facilities at HMSC
- Provide access to real world scholars, agency scientists and engagement with coastal community issues
- Support 500 full time equivalent marine studies students in Newport by 2025
- Provide teaching spaces, research offices, administrative offices and a 250 seat auditorium for OSU and community use

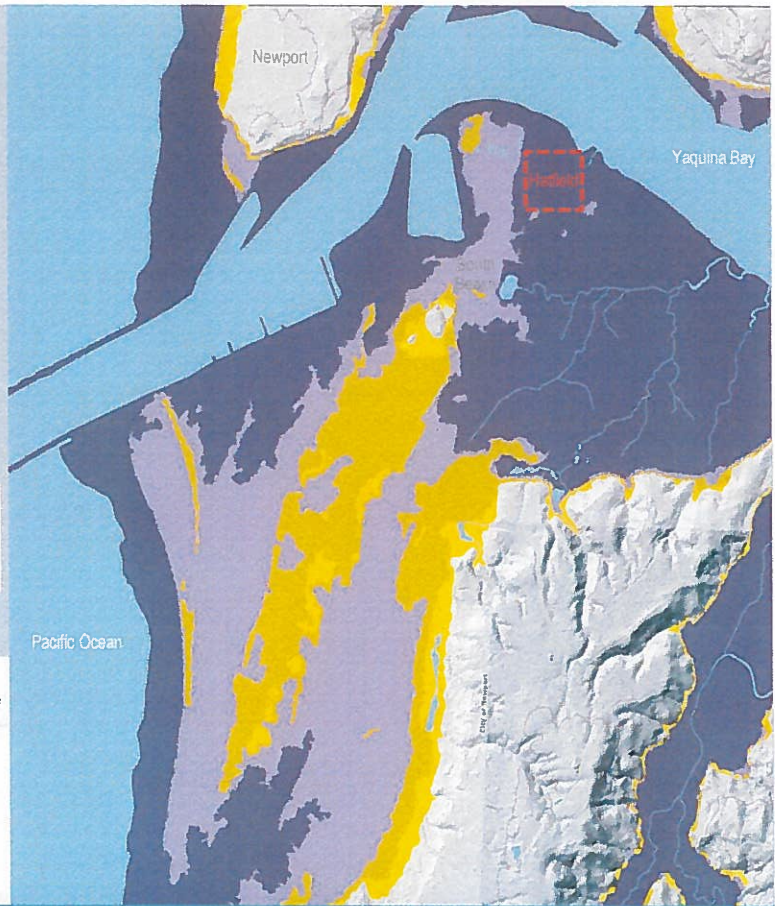
## Marine Studies Initiative (MSI) Project Goals

1. OSU Marine Studies Initiative  
Enhance education and research at HMSC
2. 75 Year Building  
Durable in a marine environment
3. Design For a Significant Cascadia Seismic Event  
9.0 earthquake and an associated tsunami
4. Vertical Evacuation  
Provide safe area for mobility challenged persons
5. Resiliency  
Building is repairable after a seismic event to the same percentage level as a building on main campus

# Tsunami Zone



## DOGAMI Tsunami Map



### Legend

Earthquake Size	Average Slip Range (ft)	Maximum Slip Range (ft)	Time to Accumulate Slip (yrs)	Earthquake Magnitude
XXL	59 to 72	118 to 144	1,200	-9.1
XL	56 to 72	115 to 144	1,050 to 1,200	-9.1
L	36 to 49	72 to 98	650 to 800	-9.0
M	23 to 30	46 to 62	425 to 525	-8.9
S	13 to 16	30 to 36	300	-8.7

# Tsunami Zone Community



## Horizontal Evacuation

-  Safe Heaven Hill
  - Capacity: 2,300 people
  - Disaster supply shed
-  Tsunami Interpretive Trail
  - 15 minutes walk
-  Disaster Supply Shed
-  Sidewalk & Wayfinding Signage
-  Paved Road



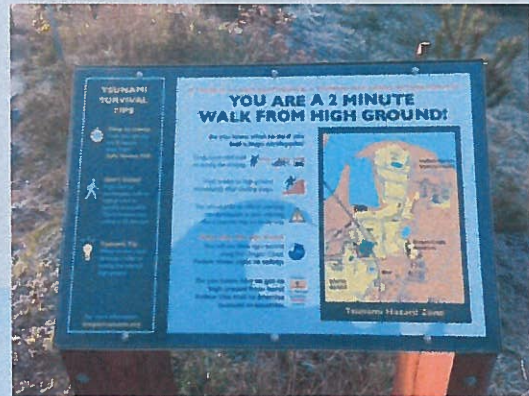
# Emergency Power

- Battery Backup
- Safety Lighting
- Solar Bollards



# Enhanced Signage

- Directional
- Interpretive



## Off-Site Infrastructure

- Invested \$3.2 million in street and utility upgrades in 2011
- Coincided with NOAA marine operations facility but scaled to meet Hatfield's needs
- Funded by City, IOF Grant, and Partners

## Regulatory Changes

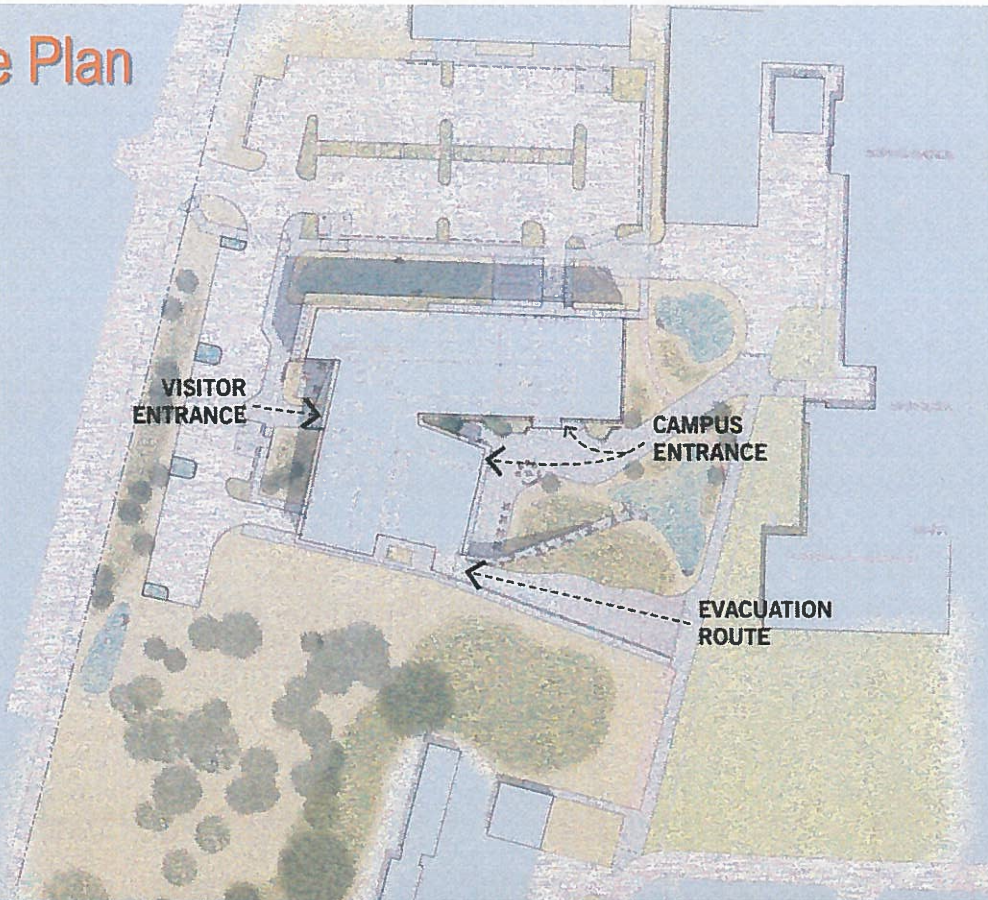
- Allowed structures designed for vertical evacuation from a tsunami to exceed typical building height limits
- Must be of sufficient height and be designed to withstand and earthquake and wave forces attributed to an "XXL" tsunami event
- Evacuation assembly area to provide at least 10 square feet of space per occupant
- Must accommodate occupant load of assembly spaces plus half of the occupant load for the rest of the building



# Marine Studies Initiative Building

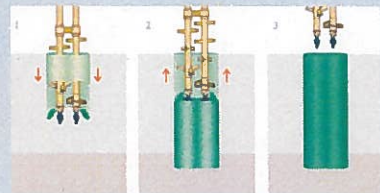
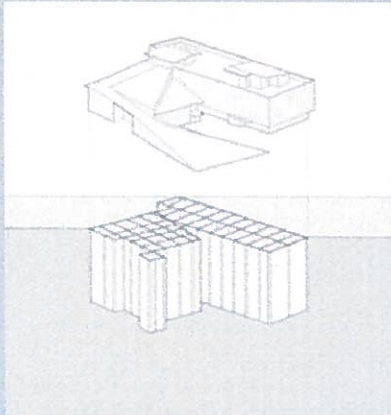


## Site Plan



# Deep Soil Mixing

- Foundation Support
- Scour Mitigation

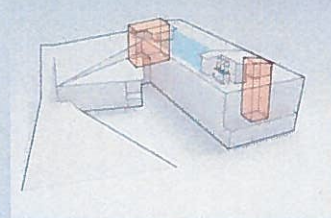
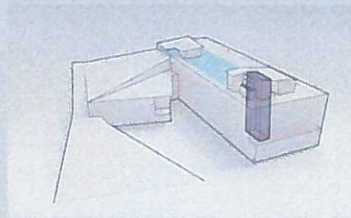
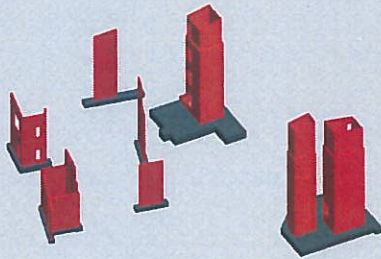


# Building Anchors



# Building Structural Systems

Concrete Shear Wall  
Cores and Matt  
Foundations to Resist  
Seismic and Tsunami  
Demands



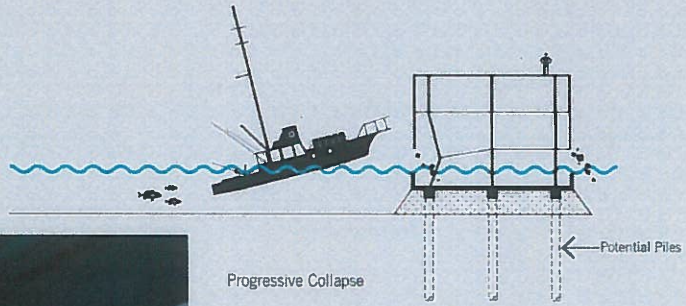
# Wall Construction



# Building Crumple Zone

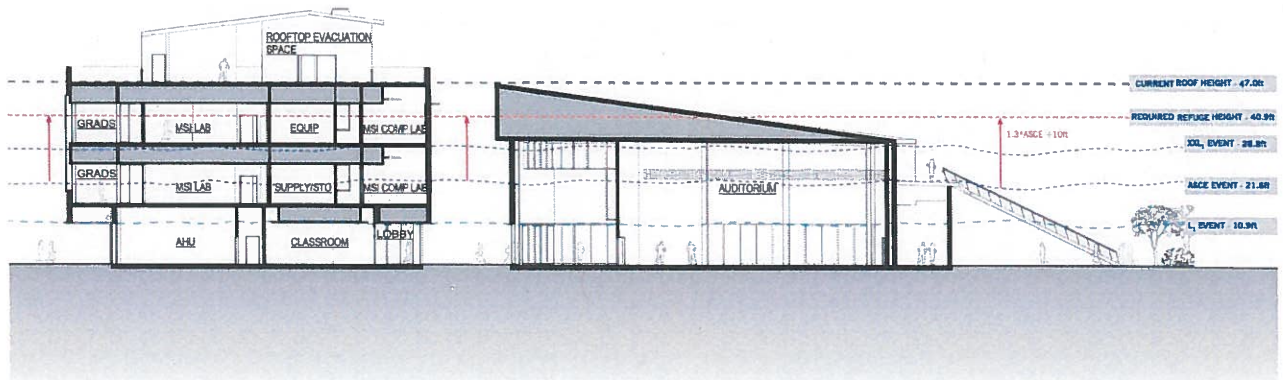


## Progressive Collapse Model

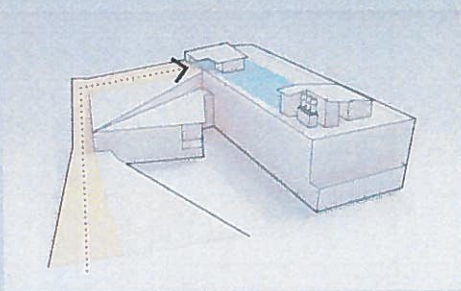


Provides Structural Redundancy to Account for Large Debris Impact

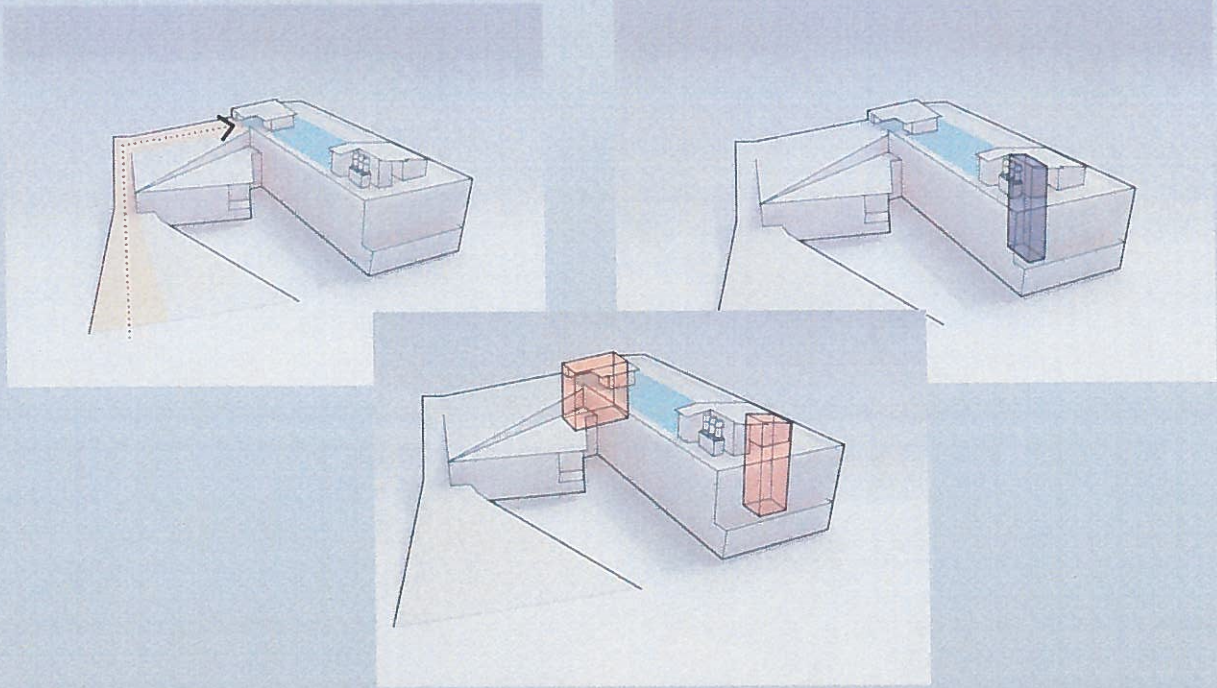
# Vertical Evacuation - Water Line



# Vertical Evacuation - Ramp



# Vertical Evacuation - 3 Roof Access Points



# Vertical Evacuation - Cache

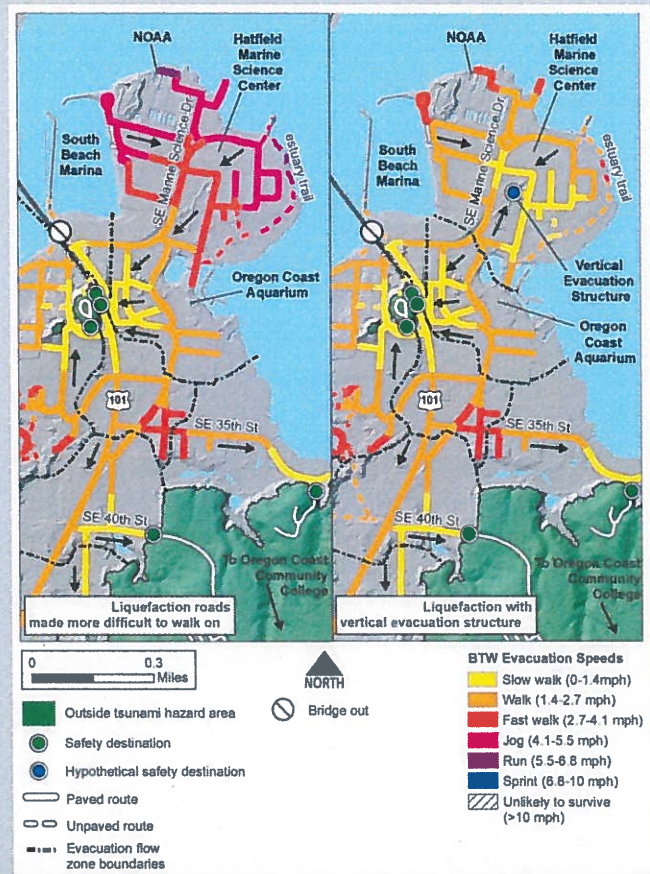
Cache Supplies and rooftop assembly: 920 people for 2 days

- Emergency Procedures
- Communication
- First Aid
- Water
- Food
- Sanitation
- Shelter
- Lighting
- Personal Warmth
- Animal Care



# Significantly Enhances Evacuation Options

Vertical evacuation structure may be the only viable option for those at HMSC, NOAA or the South Beach Marina due to liquefaction as a result of a catastrophic tsunami



Source: DOGAMI Open File Report O-19-05

# Anticipated Completion - Early 2020



2019 Oregon Infrastructure Summit 24

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City of Newport  
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541.574.0626

**Robert Cowen, Director**  
Hatfield Marine Science Center  
Oregon State University  
[robert.cowen@oregonstate.edu](mailto:robert.cowen@oregonstate.edu)

## Questions?

**Lori Fulton, Director**  
Capital Project Delivery  
Capital Planning and Development  
Oregon State University  
[lori.fulton@oregonstate.edu](mailto:lori.fulton@oregonstate.edu)  
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Oregon State University  
Hatfield

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mombetsu, japan, sister city

October 21, 2019

Dr. Edward J. Ray, President  
 Edward J. Ray,  
 Oregon State University  
 600 Kerr Administration Building  
 Corvallis, OR 97331-2128

Dear President Ray,

On October 7, 2019, we had the pleasure of touring the new Marine Studies Initiative classroom/research building at Hatfield Marine Science Center (HMSC) that is now in its late phase of construction. Staff at HMSC and the contractor were gracious with their time and the visit was quite informative. The facility is impressive from an architectural and engineering standpoint, and its vertical tsunami evacuation features demonstrate Oregon State University's commitment to public safety. It is gratifying to see how our collaboration with the University, to put in place a policy and regulatory framework to allow a facility of this nature, has progressed from concept to reality and we appreciate all of the hard work that you, your staff, and partners have put into the project to date.

In announcing that the Marine Studies Initiative building would be constructed, you emphasized that housing would be built to accommodate the needs of existing students, and those that will be taking advantage of the new opportunities at HMSC. As you know, housing is limited in the City of Newport and what is available simply cannot accommodate the 500 marine studies students you hope to attract in the coming years. This is well documented in a Newport Student Housing Study that ECONorthwest authored in 2014, a study that was performed in support of this project with the University's participation. While the University has purchased property and prepared plans for new dormitory housing, the project has not moved forward. When we inquired about housing during the tour, HMSC staff indicated that a decision would soon be made on how the administration intends to address the issue.

On October 21, 2019 the City Council requested this letter be sent to convey its support and appreciation for the significant investments the University has made at HMSC, and to stress how important it is to the community that student housing be constructed so that the new units will be available once enrollment at HMSC increases.

Thank you for your time and consideration.

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 Dean H. Sawyer, Mayor


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 Spencer Nebel, City Manager

xc: Edward Feser, Provost and Executive Vice President  
 Mike Green, Vice President for Finance and Administration  
 Bob Cowen, Director, Hatfield Marine Science Center



# Memorandum

To: Planning Commission/Commission Advisory Committee  
 From: Derrick I. Tokos, AICP, Community Development Director   
 Date: October 22, 2019  
 Re: Ground Floor Residential Development in the C-2 Zone District

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On September 9, 2019, the Planning Commission heard a request from Richard Englemann and Sally Boyle for the Planning Commission to consider amending the Nye Beach Design Review Standards that restrict locations within the C-2/"Tourist-Commercial" zone district where residential uses are allowed at street grade.

As noted at the time, Mr. Englemann and Ms. Boyle purchased the property at 209 NW Coast Street in 2018. It includes Lots 11 and 12, Block 2, Seaview Subdivision. As is common in Nye Beach, the lots are small, with each being 2,587.5 sq. ft. in size. Collectively, the lots had been previously developed with a single family home that was purchased out of foreclosure in 2016 and demolished due to its deteriorated condition.

In 2008, the Nye Beach Design Review Standards were amended with Ordinance No. 1946 to allow residential uses at street grade in certain portions of the C-2 district. The amendment was initiated by the City Council at the request of certain property owners in Nye Beach. The provisions, which are still in the code, read as follows:

NMC 14.30.080(A)(1)(d):

*"Single family, duplex, triplex, fourplex and multifamily dwelling units, including at the street grade, are permitted outright on property located south of NW 2nd Court and north of NW 6th Street that front NW and SW Coast Street, NW and SW Cliff Street, and W. Olive Street."*

This is read in concert with the definition of "Lot," which states:

NMC 14.01.020:

***Lot.** A parcel or tract of land which is occupied or may be occupied by a structure or a use, together with yards and other open space.*

As applied to the Englemann and Boyle property, the lots could be developed collectively as a "tract of land" with one or more homes at street grade. If the lots are developed separately, then the interior lot fronting NW 2<sup>nd</sup> Street would not be eligible for residential use at street grade because it does not front one of the listed streets. Mr. Englemann and Ms. Boyle would like to develop the lots separately.

On September 9<sup>th</sup>, the Commission expressed an interest in potentially amending the Nye Beach code to address this issue, and this work session is an opportunity for the members to discuss the scope of the potential changes.

Enclosed is a map showing the remaining undeveloped properties in the C-2 zoned portion of Nye Beach. If the Planning Commission agrees that residential at street grade is appropriate in portions of this commercial zone, then an expeditious way of addressing the issue might be to amend the code to permit such use north of NW 6<sup>th</sup> Street and south of NW 2<sup>nd</sup> Court, irrespective of the street a lot fronts. This would impact a handful of undeveloped lots, and is a modest change that could be addressed expeditiously with a zoning text amendment. Advance notice would need to be provided to the Nye Beach Merchants and affected property owners prior to a hearing.

Expanding areas where residential is allowed at street grade in this commercial zone will impact the near and long term development pattern of the area. Several lots have been developed with homes as a result of the 2008 amendment, the most recent being the project at Coast and Olive. This is a factor the Commission should keep in mind when weighing its options.

Attachments:

Map of C-2 zoned areas in the Nye Beach Overlay

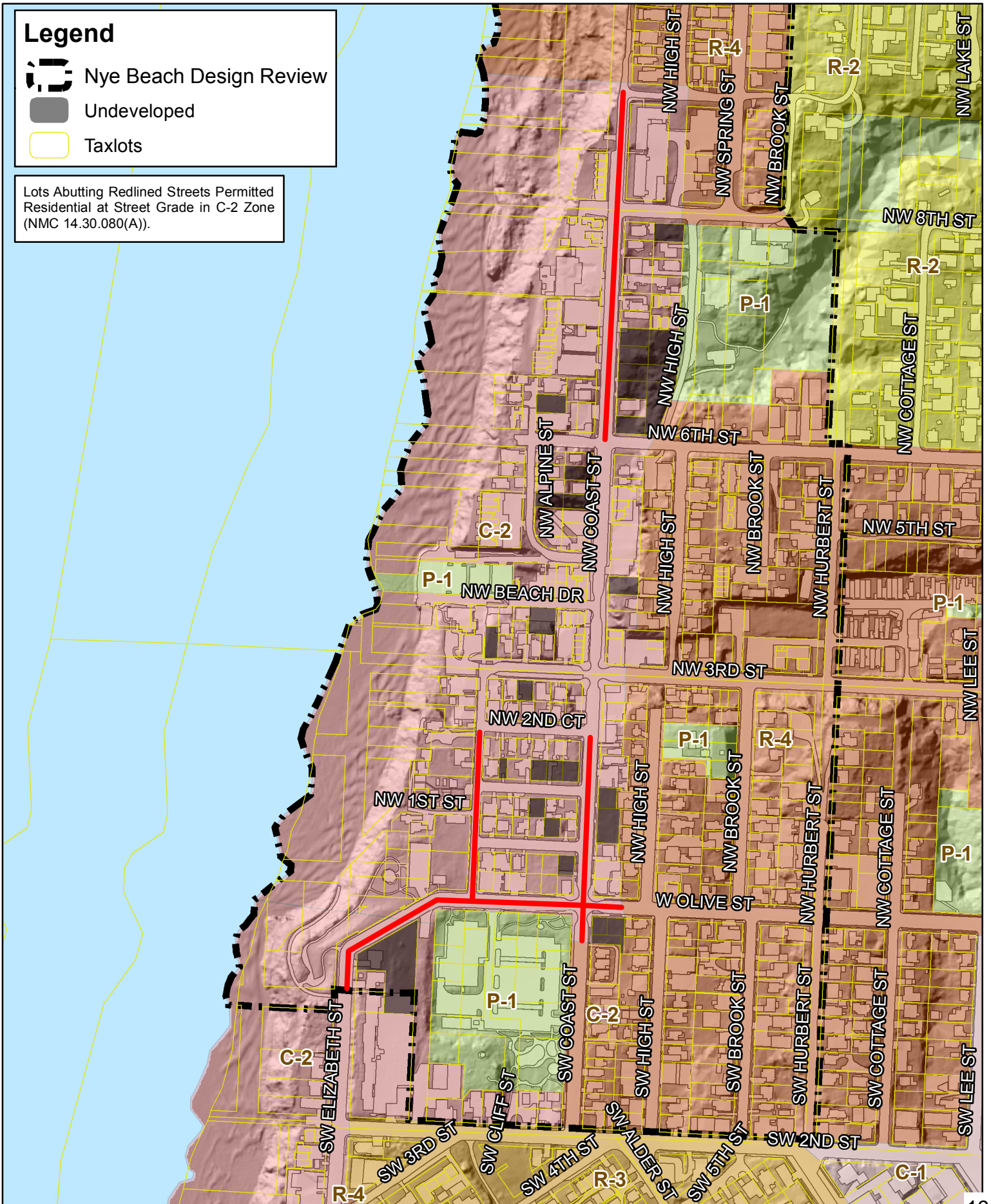
Minutes from the September 9, 2019 Planning Commission meeting

Staff Memo and attachments from the September 9, 2019 Commission meeting

# Legend

-  Nye Beach Design Review
-  Undeveloped
-  Taxlots

Lots Abutting Redlined Streets Permitted Residential at Street Grade in C-2 Zone (NMC 14.30.080(A)).

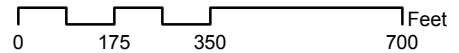


City of Newport  
 Community Development Department  
 169 SW Coast Highway  
 Newport, OR 97365  
 Phone: 1.541.574.0629  
 Fax: 1.541.574.0644

## Nye Beach C-2 Zoned Areas

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 compilation 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**  
**City of Newport Planning Commission**  
**Regular Session**  
**Newport City Hall Council Chambers**  
**September 9, 2019**

**Planning Commissioners Present:** Gary East, Lee Hardy, Bob Berman, Mike Franklin, Jim Hanselman, Bill Branigan, and Jim Patrick.

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

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

2. **Approval of Minutes.**

A. Approval of the Planning Commission Work and Regular Session Meeting Minutes of August 26, 2019.

**MOTION** was made by Commissioner Berman, seconded by Commissioner Franklin to approve the Planning Commission work and regular session meeting minutes of August 26, 2019 with minor corrections. The motion carried unanimously in a voice vote.

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

4. **Action Items.**

A. **Appointment of a New Planning Commission Representative for the Vision 2040 Advisory Committee.**

**MOTION** was made by Commissioner Franklin, seconded by Commissioner Berman to appoint Commissioner Gary East as the new Planning Commission representative for the Vision 2040 Advisory Committee. The motion carried unanimously in a voice vote.

5. **Public Hearings.** At 7:03 p.m. Chair Patrick opened the public hearing portion of the meeting.

Chair Patrick read the statement of rights and relevance. He asked the Commissioners for declarations of conflicts of interest, ex parte contacts, bias, or site visits. Commissioners Franklin and Hardy reported a drive by for both location. Hanselman reported a site visit. Patrick 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-AX-19 / 3-Z-19.**

Tokos gave his staff report. Berman asked for more information on the zoning for residential in industrial. Tokos said the existing Comprehensive Plan called for the entire corridor to be light industrial. The applicant chose I-1 zoning because it best met their needs. It didn't preclude a mobile home park from continuing but meant it would be a nonconforming use in that zone. Franklin asked if the park could replace mobile homes with that zoning designation. Tokos said they would be able to replace units in the existing park without review. If they added to the number of homes they would need a review.

Hanselman asked if the wetlands on this property were protected or if the rules would change. Tokos said it didn't affect this at all because the City hadn't adopted any Goal 5 protections for light industrial zoning and the Department of State Lands would be reviewing it.

**Proponents:** Adam Springer addressed the Commission stating he represented the applicant. He noted that the property was currently nonconforming in the county. He said since the property was going from a septic system to a sewer hookup it would be better for the wetlands. Branigan asked if their plan was to continue as a mobile home park if they were annexed. Springer confirmed they would because they would be on the City sewer system. Hardy asked if the sewer system would have to be reconfigured if the use of a mobile home park was to be discontinued and the use was converted to light industrial. Springer said the sewer system already came through the property through an easement and it was configured currently to handle 14 mobile homes.

**Opponents:** none were heard.

Hearing closed at 7:14 p.m.

Branigan wasn't opposed to the request and recommended it go forward to the City Council. Hanselman thought it fit with the overall plan for the City and was pleased it would continue as housing. Franklin thought it was exactly what the City hoped to see when a County property needed to connect to city services. Berman agreed and didn't have a problem with approving. Hardy didn't have a problem with the request. East supported the request. Patrick supported the request and said it was nice to see residential units being added to the City.

**MOTION** was made by Commissioner Branigan, seconded by Commissioner Franklin to approve File No. 1-AX-19 / 3-Z-19 and forward a favorable recommendation to the City Council to designate an I-1 light industrial zoning; remove the property from the Newport Rural Fire Protection District, the Seal Rock Water District; and the Lincoln County Library District, and an include the staff recommendation for conducting a proper survey. The motion carried in a unanimous voice vote.

**B. File 1-CP-19.**

Tokos reviewed his staff report noting the printed copies of the public comments by Wendy Engler and Chris Torp that were provided to the Commission. Hardy asked if there had been any discussions concerning enforcement mechanics. Tokos reported there had been and was always on the radar. There was an expectation that enforcement would be scaled to whatever program the City chose to use for managing parking.

**Public Testimony:**

Terry Obtshka addressed the Commission. As a concerned citizen of Newport, he didn't think parking meters were good for Newport and asked why the city would jeopardizing economic success. Obtshka gave examples on how he thought parking meters will alter tourists visiting Newport. He felt meters in Nye Beach would create a new issue with parking enforcement and congestion. Obtshka reminded that Newport would be the only beach community with parking meters.

Eileen Obtshka addressed the Commission. She felt meters were the opposite of what Newport wanted. Obtshka felt there needed to be more signage, which would direct people to use underutilized parking lots such as the Hurbert Street lot. She felt metering was a death sentence for the Nye Beach community. Local residents shouldn't be charged more than what they were already being charged.

Gary Lahmen addressed the Commission. He asked the Commission to include electric vehicle usage in the recommendation.

Chris Torp addressed the Commission. He was a former member of the Advisory Committee (AC) and was there to answer any questions. Patrick asked why he thought there wasn't parking on Bay Blvd and Hatfield Drive. Torp said it was because it wasn't striped, but noted the city was using it as striped inventory.

Jeanne Bailey-Moe addressed the Commission and said she was a business owner in the Nye Beach area. She had 34 signatures from business owners who were against meters in Nye Beach. Bailey-Moe wanted to see parking enforced and noted that the three hour parking hadn't been enforced in Nye Beach. She thought meters would send tourists to Depoe Bay to shop and eat. Hanselman asked how many times she drove out of a town because they had meters. She said she wouldn't shop in a town with meters and would choose to park in another areas without meters.

Jay Feuerbacher addressed the Commission. He had five properties on Coast Street. He explained that when the Nye Beach Hotel was allowed to use City streets as part of their parking, it took away most of the parking for his houses near the hotel. Feuerbacher was opposed to meters in front of his homes in Nye Beach. He noted how often he wasn't able to park by his home with his accessible sticker which made it difficult to get to his home. Feuerbacher wanted something fair implemented for parking in the area and didn't think meters would make a difference with people parking for long periods of time. He didn't think he should pay for parking in front of his home.

Rolland Woodcock addressed the Commission. He agreed with what people were saying and felt the issue of people looking for parking was worse. Woodcock liked the idea of a trolley to pick people up from the PAC parking lot because it was underutilized. He noted that when he lived in Portland they implemented meters and didn't change people coming to the city. He felt some people wouldn't care about meters and there were others would. There should be provisions for people for whom the cost for meters was a factor in their budget. He felt they needed to figure out how to provide parking outside of Nye Beach that would get visitors into Nye Beach. He asked the Commission to consider all the different people who visited Newport.

Lisa Hall addressed the Commission and said she owned a business on the Bayfront. She explained how she wouldn't go to downtown Corvallis because of their meters and wouldn't pay extra money for parking to shop at Nye Beach. Hall thought there was a problem at the Bayfront. She asked people coming into her business if they would visit the Bayfront if there were meters. Most said no. Hall didn't feel parking meters were the answer.

Greg Morrow addressed the Commission and said he owned property on the Bayfront and another property at Nye Beach that had its own parking lot. He asked how the Parking District money was used, how parking licensing funds were used, and how meter funds were used. Morrow said managing his own parking lot was hard but having parking was good for his business. He wasn't for meters because he had his own parking lot and that meant people would come to his business. Morrow suggested diagonal parking to help with parking because a lot of people didn't know how to parallel park. Berman asked for his thoughts on metering for the Bayfront. Morrow said he had no solution with the Bayfront. He noted that he wasn't opposed to putting a parking structure on his property. Morrow didn't see anything positive with metering but felt something should be done. He liked the idea of a trolley system.

Carol Pike addressed the Commission. She had a business on the Bayfront and noted that a lot of employees used the parking on the Bayfront. Pike like the idea of a trolley and said her issue was if people were limited on the time they spent on the Bayfront it would make them spend less money there.

Jeanne Bailey-Moe addressed the Commission again and thought signage would help with Nye Beach.

Robert Hayes addressed the Commission and said he owned two properties on the Bayfront. He was scared of parking meters. He liked the idea of a trolley and felt all the business owners would pitch in for this. At one point there was a fund used in Nye Beach that business owners contributed to. Hayes reminded that the waterfront was a working waterfront and was something that brought people there. Money from meters

would only go to managing the meters and replacing them. They would drive people off the waterfront and kill businesses there.

Janet Webster addressed the Commission. She had businesses on the Bayfront and lived there. Webster was on the AC and she wanted to clarify that the AC voted to send the report to the Commission without a consensus on the report. She said there needed to be additional outreach and some broader thinking on what the AC couldn't address. There were three different distinct districts that needed three different plans. Webster reminded that the AC didn't propose meters in Nye Beach. She also noted that restaurants and the fish plants on the Bayfront had a large number of staff parking there. The AC looked into a Trolley and the issue was with funding. The AC felt this could be a solution, especially for staff parking. Webster said it would be a big cost but it didn't mean the City shouldn't look into it. She felt there needed to be incentives to use permits. Parking was now a year round issue for the Bayfront instead of just seasonal.

Woodcock addressed the Commission again and asked if ongoing overhead costs were more for meters or a trolley system. Tokos said he could speak on this after public testimony was completed.

Dan Stackada addressed the Commission and agreed with the trolley system. It would be something that people would want to come to Newport to do for a small fee.

Fran Matthews addressed the Commission and said she has been a business owner for many years on the Bayfront. The fisheries and tourists overlapped on the Bayfront and there was a way to look at working together. The City tried a trolley before and the challenge was that it took too long to do the circle. Staff were spending 45 minutes on the trolley to get to work. Matthews suggested putting together a shuttle system from the Hurbert Street parking lot to the Bayfront. She would be willing to subsidize this for employee use and thought other businesses would contribute. Matthews asked if the report said anything about value of parking space. Tokos said there was nothing calculated in the report for this but that it was large. Matthews thought diagonal parking signage would be advantageous. She thought if businesses knew the parking value of each space, people would look at the parking different by seeing that they are losing money by taking up the parking. Matthews wasn't opposed to parking meters and having them be seasonal.

Dylan McEntee addressed the Commission and said he had a businesses on the Bayfront. Employee parking on the Bayfront was a problem. The City has said that parking enforcement didn't mark tires and there were people who abused this. McEntee wasn't 100 percent for meters but didn't think they would be a problem for 60 percent of the year. He felt they should work with Officer Garbarino to find solutions. He didn't think the fisheries should be able to use any parking spot they wanted to.

Greg Morrow addressed the Commission again and said he thought a trolley would alleviate some of the pressure on parking.

Matthews addressed the Commission again and said they had demonstrated that group transportation was good businesses. It would be forward thinking for the city to progressively look into to group transportation.

Hayes addressed the Commission again and said the Sea Food and Wine Festival people work for tips. If there was a trolley system for tips, it could be operate on tips.

Chris Torp said the City had a trolley system from the hotels to different areas before. He thought a shuttle system could work. Hood River was doing this and got a grant for \$50,000 for 8 weeks to run a shuttle. He said Lincoln County Transit was figuring it would cost around \$200,000 a year to do a transit loop. Van pools were another discussion the AC had. Business owners and fish plants said they would support shuttles. There needed to be a lot more work done before it could be a part of the Comprehensive Plan.

Woodcock said if it was a requirement that the Trolley system as a 15 minute loop, design the system to a 15 minutes.

Tokos addressed some of the public member's questions. He said that the parking approach for Nye Beach was altered by the AC and framed in the document to conduct outreach with Nye Beach to see if metering or a non-metering was preferable. The recommendation for the Bayfront was to do a hybrid permit/metering. Tokos noted that employee behavior was key. The metering would be done with kiosks and with the thought to change behavior. A tourist loop had been discussed. A 15 minute loop was included in the report. The capital costs, maintenance, and cost of someone to run this was around \$200,000 for the concept in the report. Tokos discussed the maintenance needs for current parking. Metering would be an upfront of \$430,000 and it would be paid off in 2-3 years. Then there would be revenue to pay for different things. The fees for the parking district was used for sidewalk work and other smaller projects for sidewalks and stripping. The Harbor sidewalk project and City Center surface lot resurfacing was partially funded by parking district funds. Tokos explained that anything that would be implemented would be seasonal. There was recognition that the Bayfront was a working waterfront and was unique to the Oregon coast. Tokos explained that the license through the AC's work said that solutions from the outcome of the report weren't going to be a deterrent to people visiting the Bayfront.

Hearing closed at 8:50 p.m.

East thought there were big problems that needed to be dealt with. He felt a lot of the public comments presented had been touched on in the report. East would make a recommendation to move forward with the process of implementing the report, along with the comments made at the meeting.

Hardy said there hadn't been any definite answers arrived at the meeting. She felt having a standing committee address this formally and carefully with the eye to the financial impact and the efficacy that they tried to do in terms of enforcement will be valuable and important going forward.

Berman thought the matter was complex and there wasn't any easy answers. After listening to the testimony, it became apparent to him that metering wasn't a viable alternative. He couldn't forward a favorable recommendation to the City Council as long as it included a key element of metering.

Franklin thought that in light of the testimony he felt that the Comprehensive Plan needed some things such as staff parking taken care of first. He thought they needed to fully explore properties the city owned for parking in areas such as the Skate Park area and the corner next to Don and Ann Davis Park. Franklin liked the trolley idea and thought a 15 minute loop needed to be explored more. He thought it could be privately run and needed to be pitched to local cab companies. Franklin was nervous of meters and the testimony at the meeting made him think they shouldn't push a recommendation to the City Council.

Hanselman appreciated the public comment. He thought the study didn't look at the people who were turning away from the Bayfront because there was no parking. Hanselman thought that the City needed to work with employers to keep their staff from parking on the Bayfront, find a way to monetize parking spaces, and look at how much meters would cut into additional business they might gain. He felt parking was a big problem and didn't think meters were the worst thing, but also didn't think they were the solution.

Branigan said he served on the Advisory Committee (AC) and the process had dragged on for many years. He said the members of the AC did a great job because trying to solve parking issues was an impossible job. They looked at trolleys and building a parking structure on the Bayfront. He felt staff parking and the fish plants were a major problem. Branigan acknowledged that people came to Newport for the Bayfront and the fishing experience. This meant there would be trucks on the Bayfront and there wasn't a lot to be done about because they needed to park when the fleets came in. Meters didn't bother Branigan because they would be used to try to change behavior. If they could persuade a lot of the employees to park elsewhere it would help. Branigan felt they needed to create a permanent committee and have them take a look at trolleys. He reminded that the AC's discussions had been that meters wouldn't be operable 24 hours a day. There also wouldn't be meters, they would be kiosks. Branigan recommended moving forward with the plan as laid out along with forwarding the public comments to the City Council.



Patrick said he read the textbook for public parking. The main point of it was that for every block face there should be one open parking spot. Metering would stop the congestion and should be the goal. Patrick wasn't fond of metering but felt as long as metering wasn't treated as revenue, and treated as a way to manage parking spots, they would be successful. He noted that a surface parking lot cost \$20,000 to \$40,000 a spot, a parking structure was around \$100,000 a spot, and a trolley could cost anywhere from \$100,000 to \$200,000. He reminded that everything needed a funding source and without a funding source they couldn't do anything. There was a current shortfall and the money needed to come from either the businesses, tourists, or locals, and was something to think about. Patrick's takeaway was that the City Center didn't care, and Nye Beach didn't want meters but needed more studies and buy in. He had no problem recommending this to the City Council. The Bayfront needed some combination with meters and permits. They needed to start trying things, and see if they could manage the conditions. He reminded that there were no fishermen or fish plant representatives at the meeting saying they were against it, so there was some buy in on the Bayfront.

**MOTION** was made by Commissioner Branigan, seconded by Commissioner Berman to amend NMC Chapter 2 to add Section 2.05.085 establishing a Parking Advisory Committee. The motion carried in a voice vote. Franklin was a nay.

**MOTION** was made by Commissioner Branigan, seconded by Commissioner East to forward a favorable recommendation for the Public Parking Facilities Element of the Newport Comprehensive Plan to the City Council as submitted, with the caveat that the Nye Beach area be studied in more depth before any distinct plans were made as to how it was effected; the Bayfront would go forward with the plan as is; and there would be a continued review by the Parking Advisory Committee on a frequent basis with actions made as they go along.

Franklin said he was mainly against the City's direction of forcing parking meters in all areas as a goal and looking at them as a source of revenue. He felt they needed to look into other options first because metering was too big of a jump. Branigan said the AC had been looking at it for three years already and he thought it needed to go forward and not relitigate it again. Hanselman said that Branigan's motion left it open ended with the Nye Beach area and said he could support it if there was a timeframe for them to look at it. He felt they couldn't just keep rehashing it. Branigan agreed. He reported that based on the outreach meetings on metering he went to, Nye Beach wanted to see the results of utilizing meters on the Bayfront before they would buy into them. He suggested giving a timeframe of within one year after the installation on the Bayfront for review. Hanselman thought that was an attempt to put a timeline and felt it was important. Berman agreed there was a need to go forward but there were ideas given to the Commission at the meeting that weren't addressed in the report such as shuttles, adjustments to time limits, and better enforcement. He thought the new standing committee could look at these things but felt that if these items weren't mentioned as goals or implementation measures, they wouldn't be addressed. Berman wanted to see the goals and implementations measures reworked without meters and include some of the other suggestions the Commission heard at the meeting. Hanselman asked if Berman thought this was something they should do. Berman said yes, and he wanted to see it done before they forwarded a positive recommendation to the City Council.

Patrick didn't think a year was enough time to review and reminded that everything needed a funding source. He thought they needed to give metering a try. Patrick didn't think meters would be a funding source but would possibly pay for enforcement. Franklin asked what would happen if meters were a drain on funding. Patrick said they would pulled them out. He felt the new standing committee needed to watch over them to make sure they were doing what they were supposed to do without becoming a funding source. Hardy noted that she was in favor with establishing a new committee but not with the meters because there wasn't enough information yet.

**MOTION** was made by Commissioner Branigan, seconded by Commissioner East to forward a favorable recommendation for the Public Parking Facilities Element of the Newport Comprehensive Plan to the City Council as submitted, with the caveat that the Nye Beach area be formally studied in more depth before any

distinct plans were made as to how it was effected within a year of the implementation of parking meters on the Bayfront; the Bayfront would go forward with the plan as is; and there would be a continued review by the Parking Advisory Committee on a frequent basis with actions made as they go along. Commissioners Branigan, Patrick, and East were a yes. Commissioners Hardy, Berman, Franklin, and Hanselman were a nay. Motion failed.

**MOTION** was made by Commissioner Berman, seconded by Commissioner Franklin, that the soon to be new Parking Advisory Committee, established by the approved ordinance, revise the goals and policies of the Public Facilities Element of the Comprehensive Plan related to public parking, in conformance with the opinions expressed at this evening; deemphasize or eliminate parking meters; and bring revisions back to the Planning Commission for consideration. The motion carried in a voice vote. Branigan and Patrick were a nay.

Patrick didn't think the Commission could give the problem back to the standing committee and then direct them to come back with something that didn't include meters. He didn't think this process was right. Hardy asked Berman if what he was saying was that he wanted the standing committee to be formed but not to have the decisions predisposed for them. Berman confirmed it was.

6. **New Business.**

A. **City Council Appointment of Gary East as a Planning Commission Member.**

Tokos acknowledged that the City Council appointed Gary East as a new Planning Commission Member.

B. **C-2 Zoning Restriction on Residential Development on the Ground Floor.**

Tokos reviewed his staff report. Richard Engelmann addressed the Commission. He explained they wanted to build on a lot and was told they couldn't do it because the bottom floor needed to be commercial in a C-2 zone. Engelmann felt it was a good question for the Commission to look into. Patrick thought the discussion should be sent to a work session. He felt it wouldn't hurt to take another look at it and think long term with it.

**MOTION** was made by Commissioner Branigan, seconded by Commissioner Berman to hold a work session meeting to further discuss the C-2 Zoning restriction on residential development on the ground floor. The motion carried unanimously in a voice vote.

7. **Unfinished Business.** None were heard.

8. **Director Comments.** None were heard.

9. **Adjournment.** Having no further business, the meeting adjourned at 9:33 p.m.

Respectfully submitted,


  
 Sherri Marineau  
 Executive Assistant

# City of Newport

## Community Development Department

# Memorandum

To: Planning Commission

From: Derrick I. Tokos, AICP, Community Development Director 

Date: September 6, 2019

Re: C-2 Zoning Restriction on Residential Development on the Ground Floor

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Enclosed is a request by Richard Engelmann and Sally Boyle for the Planning Commission to consider amending the Nye Beach Design Review Standards that restrict locations within the C-2/"Tourist-Commercial" zone district where residential uses are allowed at street grade.

Mr. Englemann and Ms. Boyle purchased the property at 209 NW Coast Street in 2018. It includes Lots 11 and 12, Block 2, Seaview Subdivision. As is common in Nye Beach, the lots are small, with each being 2,587.5 sq. ft. in size. Collectively, the lots had been previously developed with a single family home that was purchased out of foreclosure in 2016 and demolished due to its deteriorated condition.

In 2008, the Nye Beach Design Review Standards were amended with Ordinance No. 1946 to allow residential uses at street grade in certain portions of the C-2 district. The amendment was initiated by the City Council at the request of certain property owners in Nye Beach. The provisions, which are still in the code, read as follows:

NMC 14.30.080(A)(1)(d):

*"Single family, duplex, triplex, fourplex and multifamily dwelling units, including at the street grade, are permitted outright on property located south of NW 2nd Court and north of NW 6th Street that front NW and SW Coast Street, NW and SW Cliff Street, and W. Olive Street."*

This is read in concert with the definition of "Lot," which states:

NMC 14.01.020:

***Lot.** A parcel or tract of land which is occupied or may be occupied by a structure or a use, together with yards and other open space.*

As applied to the subject property, the lots could be developed collectively as a "tract of land" with one or more homes at street grade. If the lots are developed separately, then the interior lot fronting NW 2<sup>nd</sup> Street would not be eligible for residential use at street grade because it does not front one of the listed streets. If a majority of the Commission is inclined to support an amendment, then an appropriate course of action would be to schedule the matter for review and discussion at a future work session. Mr. Englemann and Ms. Boyle also have the right to apply for an amendment, the fee for which is \$1,262.00.

Attachments: Letter from Richard Engelmann and Sally Boyle, dated 8/29/19, Ord. #1946, Site Map

August 29, 2019

From:  
Richard Engelmann and Sally Boyle  
3148 N. 27<sup>th</sup> Street  
Phoenix, AZ 85016  
480-526-3124  
[engelmannphx@gmail.com](mailto:engelmannphx@gmail.com)

To:  
Derrick Tokos  
Community Development Director  
Planning Commission  
City Of Newport, OR

Re:  
Comments on C-2 Zoning Restrictions in Nye Beach Overlay

Hello Newport,

My wife and I are lucky enough to own two parcels in Nye Beach (Lots 9800 and 9900) on the NW corner of NW 2nd Street and NW Coast St. We have been working on design concepts, with the goal of breaking ground in the spring of 2020 on one of the two lots.

Our desire is simply to build a small residential place for us to enjoy Newport and Nye Beach. We have no commercial aspirations.

Our original plan was to build on the westernmost of our two lots, the lot facing NW 2<sup>nd</sup> St. We made that decision based on view potential - closer to the beach/ocean - and separation from the commercial activity. And then, as we discussed our desires with Rachel Cotton, who has been helpful and patient as we learn our way through the process, we were informed that, based on current C-2 restrictions, we could not do so without a ground floor commercial element.

Therefore, that puts us on the lot fronting NW Coast Street, the street with the vast majority of Nye Beach commercial activity. Not our first choice, and this also eliminates the possibility of someone else, at a later time, building a commercial property fronting NW Coast St. at that busy commercial corner.

Ironically, if we had the resources, we could build a residential only structure on NW 2<sup>nd</sup> St, if the two parcels are developed concurrently, but again, not economically possible for us. There is a small element of economic unfairness at work here with how the C-2 restrictions apply in this situation, for if we did have the money to develop both lots, they could both be residential, eliminating future

commercial activity completely on both lots, which is not your long-term goal for Nye Beach.

Our first choice is still to build a residential only structure on our lot fronting NW 2<sup>nd</sup> St, separating us from the activity on NW Coast St, putting us closer to the ocean, and leaving the lot fronting NW Coast St. open for future commercial or residential activity. We plan to create a garden/green space on the NW Coast St. lot, leaving open the possibility of selling it in the future, but we have no plans for that at this time.

We would like you to consider allowing residential only construction on all the lots in the area south of NW 2<sup>nd</sup> Court, and not excluding it to only those fronting NW Coast St.

We appreciate your consideration, and look forward to a continuing conversation. More importantly, we look forward to being neighbors in the not too distant future.

Respectfully,

Rick Engelmann and Sally Boyle

CITY OF NEWPORT  
ORDINANCE NO. 1946

**An Ordinance Amending Ordinance No. 1308, as amended, to Modify the Provisions for Residential Uses within the C-2 Zone of the Historic Nye Beach Design Review District**

Findings

1. The City Council initiated proposed minor legislative text amendment (File No. 10-Z-07) of the Newport Zoning Ordinance (No. 1308, as amended) on October 1, 2007, at the request of Eileen Obtshka, Don Huster and Lon Brusselback. The proposed minor legislative text amendment of the Newport Zoning Ordinance (NZO) (No. 1308, as amended) to amend the Historic Nye Beach Design Review District (HNBO) in NZO Section 2-4-16.030 (A) (7) would allow for more flexibility in residential uses by creating an additional permitted use category (proposed NZO Section 2-4-16.030 (A)(7)(a)) within a portion of Historic Nye Beach Design Review District involving Commercial-Tourist/C-2 zone (the C-2 zone is currently a mixed use zone with both commercial and residential uses (subject to limitations) being permitted) and by allowing more flexibility in the use of buildings for single-family residences along certain streets that currently prohibit residential use at the street grade (proposed NZO Section 2-4-16.030 (A)(7)(b)). The proposed amendment is intended to allow for more flexibility in residential use within areas that currently have existing residential use and have had a history of residential use. The additional permitted use category would be subject to certain additional requirements (the additional requirements would only apply to those residential uses seeking to be permitted under the proposed legislative amendment under the proposed NZO Section 2-4-16.030 (A) (7) (a) subsection).
2. The Planning Commission reviewed this proposed amendment at a public hearing held on November 26, 2007. Following the public hearing, 2007, the Planning Commission voted 4-0 (Patrick, Atwill, Eisler, and Brusselback) in favor of recommending approval of the amendments with recommended modifications included as part of the amendments.
3. The City Council reviewed this proposed amendment at a public hearing held on January 7, 2008, and voted unanimously to approve the amendments with modifications as recommended by the Planning Commission.
4. Based on the Planning Staff Memorandum prepared for the City Council and the affidavits of mailing and publication and the material in file entered into the record at the City Council hearing, the Council concludes that appropriate notification was given for both the Planning Commission and City Council public hearings.

Based on these findings,

THE CITY OF NEWPORT ORDAINS AS FOLLOWS:

Section 1. The Newport Zoning Ordinance (Ordinance No. 1308, as amended) is amended by adding the following subsections (a) and (b) to NZO Section 2-4-16.030 (A) (7) to read as follows:

Section 2-4-16.030 (A) (7) (a). Additional residential use, including at the street grade, is permitted outright for C-2 property located south of NW 2<sup>nd</sup> Court and north of NW 6<sup>th</sup> Street that front N.W. and S.W. Coast Street, W. Olive Street, N.W. and/or S.W. Cliff St, if the residential use complies with the following additional requirements:

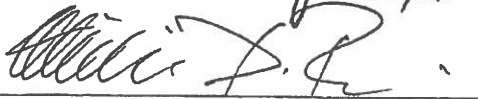
1. The maximum density per residential unit is 1,250 square feet per unit.
2. The maximum building height is 35 feet.
3. The maximum lot coverage in structures is 64%. If the proposed residential use provides at least 1 actual off-street parking space for each residential unit in a below-grade parking structure (for the purposes of this section below-grade is defined to mean that 50% or more of the perimeter of the building is below-grade) located directly below the residential portion of the structure, the maximum lot coverage allowed is 90%.
4. Residential structures built on C-2 property located south of NW 2<sup>nd</sup> Court and north of NW 6<sup>th</sup> Street that front N.W. and S.W. Coast Street, W. Olive Street, N.W. and/or S.W. Cliff St., shall be required to meet the Design Standards and Design Guidelines for Single-Family, Two-Family, or Multiple-Family dwellings as applicable and contained in the Historical Nye Beach Overlay
5. The residential use provides at minimum 1 actual off-street parking space for each residential unit.
6. At least one residential building per lot is set back from the property line abutting the street no more than 5 feet unless compliance with the setback is precluded by topography or easement or a larger setback is authorized by the Planning Commission by variance or through the design review process.

Section 2-4-16.030 (A) (7) (b). For C-2 zoned property with frontage on N.W. and S.W. Coast Street, W. Olive Street, N.W. and S.W. Cliff Street, N.W. Beach Drive and/or N.W. Third Street, single-family residential use of a building that was either constructed for single-family residential use or has been previously used for a single-family residential use is permitted throughout the entire portion of the building.

Adopted on initial vote and read by title only: 7-0

Adopted on final roll call vote: 7-0


Signed by the Mayor on January 22, 2008.



William D. Bain, Mayor

ORDINANCE NO. 1946  
Page 2 of 3

ATTEST:

  
Margaret M. Hawker, City Recorder

ORDINANCE NO. 1946  
Page 3 of 3





**NEWPORT** City of Newport  
 Community Development Department  
 169 SW Coast Highway Phone: 1.541.574.0829  
 Newport, OR 97365 Fax: 1.541.574.0844

**209 NW Coast Street**

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

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