

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

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

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

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

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

2. **New Business.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3. **Unfinished Business.**

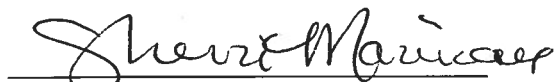
- A. **Second Review of Amendments to NMC Chapter 14.14, Parking and Loading Requirements.** Tokos reviewed the staff memorandum and the draft amendments to NMC Chapter 14.14, Parking and Loading Requirements. Hanselman pointed out that in Section 14.14.100(B), the additional demand spaces needed to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

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

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

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

Respectfully submitted,



Sherri Marineau,
Executive Assistant