

MINUTES
City of Newport Planning Commission
Work Session
Newport City Hall Council Chambers
September 26, 2022
6:00 p.m.

Planning Commissioners Present: Jim Patrick, Bob Berman, Braulio Escobar, Jim Hanselman, Bill Branigan, Gary East, and John Updike.

PC Citizens Advisory Committee Members Present: Annie McGreenery.

PC Citizens Advisory Committee Members Absent: Dustin Capri (*excused*), and Greg Sutton.

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

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

2. **New Business.**

A. **Discuss Priorities for Updating Special Parking Area Requirements.** Tokos reviewed the staff memorandum with the Commission. He covered the three special area parking requirements for Chapter 14.14.00 for Nye Beach, Bayfront, and City Center. Tokos then reviewed questions the city should be asking when doing the updates. Hanselman asked if the parking district maps were accurate. Tokos confirmed they would make sure they were close.

Patrick questioned if they would be able to require parking spaces under the conditional use rules if there was commercial with residential on the top floors. He thought they should require off-street parking for these. Escobar stated that he had difficulty supporting, reducing or eliminating the off street parking requirements because parking was at a premium in Newport. He gave an example of the 4-plex that was built by Nana's restaurant that wasn't required to have parking. Tokos reminded that the Nye Neighborhood Association was asked if they observed any problems with parking in the area and they said there were no issues. Escobar pointed out that the parking at the Inn at Nye Beach might be different than Nana's. Tokos noted the difference between commercial and residential was that they are often being utilized at different times. Branigan reminded that they were only metering in the Bayfront first then they would proceed to the other areas. Tokos clarified that what they were only talking about putting language in to eliminate or reduce off street parking requirements where metering was implemented.

Hanselman asked if Nye Beach could be a metering section eventually. Tokos explained they were not moving forwards with metering in Nye Beach, only the Bayfront. Nye Beach would be assessing how the Bayfront worked and then the city would be talking to Nye Beach to see if the permit program should be expanded. This would be a metering/permit combo program. Tokos reminded the Commission that they could frame this how they saw fit. They could say metering only, or metering as a component. Berman asked what the impact of eliminating parking requirements would have had on the new grocery store that almost went in on the Bayfront. Tokos reported they would have had to put in some off-street parking to supplement. Escobar asked if some of the properties on the Bayfront were sold, such as the Sail Inn or the Coffee House, would the requirement to have off-street parking

be eliminated. Tokos explained if they eliminated the off-street parking requirement, he could see properties utilizing their driveway for outdoor seating permanently and those areas wouldn't go back to parking. The concept with metering was that they would see a revenue stream that was significant enough that they could get a vanpool or enhanced transit going, or save up for a period of time to make a legitimate run at structured parking. Escobar asked if metering would generate more overturned spaces. Tokos explained it would because it was a proven commodity at that point. Hanselman asked if this required enforcement and consequences for people move out of the parking space. Tokos confirmed this was the expectation. The budget included funding for an enforcement officer once the metering was in place to create a revenue stream to help pay for the officer. There would be people who occasionally didn't pay and why there would be enforcement. Hanselman asked what the residential population of Bay Blvd was. Tokos reported it was almost nonexistent. Hanselman thought the competition for parking on the Bayfront was different due to the residential demand in Nye Beach. Branigan reported that he spent time talking to the city of Bend about their parking program and they told him they have a full time parking manager. There were a lot of parking systems available, and Bend's system was paid through an app through a person's cell phone. A person would key in their license number when they used their app to park. The enforcement officer would look at the license plates to determine who was in violation and then issue a parking ticket. They also asked people to pay voluntarily and most people paid. Escobar asked if this allowed people to use the app to pay for their parking. Branigan said they could, and noted they had different zones that had time limits. Most park people are honest, and the revenue stream was enormous from Bend.

Berman had a problem with eliminating off-street parking. He asked if there was a way to put a box around it specifically to address situations such as the new grocery store to say if they were going to be developing more than a certain number of square feet they must have a certain number of parking spaces. Tokos asked if he was saying they should put in language for eliminating parking but also include a policy alternative to reduce but not eliminate. Berman agreed with this but thought they could say for all development under a certain parameter of either square feet or dollars. Patrick thought they should go by what the anticipated traffic was. Updike asked if they were eliminating the requirement for the parking, not the parking itself, because certain lenders required certain parking requirements. He reported that his experience in Tucson, which had the same concerns as Newport, was that eliminating the requirement didn't create problems when it was implemented along with permit parking programs. In most cases it was the lenders who would look to see if there was enough parking spaces to make the project financially feasible. Patrick suggested they be given a couple of policy options.

Tokos reviewed the question to require ADA parking spaces in the right-of-way or if the city would address it programmatically. He thought that the best way to deal with it was for the city to add them programmatically on the Bayfront. Patrick pointed out that the map didn't pick up the parking on Lee Street and further up. Tokos reported that the Parking Committee had this on their radar and as they worked on metering they would have more detailed maps. Berman asked how they did ADA spaces for parallel parking. Tokos noted this could be done but they would have to do a ramp for them. He thought the better play for ADA was to address the needs in the public realm where the bulk of the parking was, and do it programmatically with city funding.

Escobar asked how they anticipated implementing EV charging stations in the areas where parking meters were. Tokos explained EV charging was getting more efficient and could provide a charge in a timeframe that somebody could park and enjoy the Bayfront. He noted the State was now requiring the infrastructure to support EV charging to go in new commercial and multifamily projects with over five dwelling units. They didn't have to put the chargers in but they had to size for their power.

Berman asked what “programmatically” meant. Tokos explained this meant taking a look at the off street parking they’ve seen on the Bayfront and if they wanted to introduce EV charging they did it in a thoughtful way as a project.

Tokos thought he could pull together some alternative bicycle parking standards as opposed to what was in the current code. This would cover wall mounted attachments for bikes on the Bayfront as an alternative to the conventional bike racks. Berman asked if this was limited to the parking districts. Tokos explained they were putting these in the special parking areas because the areas had space constraints. Updike suggested there be another programmatic opportunity for bike lockers that were off street. Berman suggested the little pump station location for this. Patrick suggested doing a combination bicycle parking and motorcycle parking where there were small stall spaces. Berman thought EV charging should have a clause for e-bikes, e-scooters, and motorcycles.

3. Unfinished Business.

- A. Discuss Scope of Camping Related Land Use Amendments.** Tokos reported they hadn’t touched the land use rules at this juncture. They would do a land use fix on the heels of the camping ordinance that was to be adopted by the City Council. The latest version of the amendments were sent to the Commission before the current meeting. The version changed Subsections B and C to just Subsection B. Tokos covered the changes to the rules for three vehicles or tents on commercial, industrial, public, or religious institutions.

Branigan thought they needed to add something to say that at any time the institution could say people couldn’t camp at their location anymore. Tokos confirmed this was include. Branigan thought they needed to add that private institutions had an obligation to keep the premises clean, tidy, and sanitary and to remove the trash. He also thought they needed to give 4 hours for campers to move or some sort of time limit. Tokos explained the city had the ability to trespass on properties, which went hand in hand with this.

Patrick thought that if campers didn't have permission from the land owner to camp they could be removed from the property. Tokos reported the city adopted a trespass ordinance that codified long standing city policy, which would be tweaked one or more times to line up with the ordinance. He would pass the Commission’s thoughts along to the Chief Malloy for the October Council hearing.

Escobar asked if the ordinance would allow camping on the front lawn of City Hall. Tokos reported it would not and there was a list of the city owned properties people couldn't camp on. Berman asked why the Ernest Bloch Wayside wasn't included. Tokos reported it wasn't city property and was owned by ODOT. The ordinance only applied to properties under the city’s jurisdiction. Berman noted that only the main fire station was listed, but not the other two. He asked if they should be included. Tokos explained the public didn't have access to these and they tried to limit it to areas the public could access.

Berman pointed out there wasn't any distinction between homeless type camping and recreational camping. Tokos noted the courts came down on this to say people had the right to rest. Whether or not they were homeless wasn't a part of this. Tokos explained they had guidance from the League of Oregon Cities that helped cities do legislation that wouldn't tie them up in courts. If the city had a shelter, they could send the homeless to them and they would have more leeway on moving people. Escobar asked what happened when people didn't want to go to shelters. Tokos explained the rules didn't require them to like the option of where to move, just that they had an option.

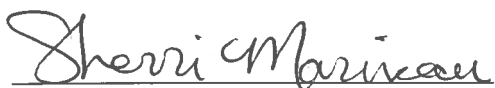
Tokos noted that the zoning ordinance changes the Commission would review were for camping on private property. Hanselman thought that the size limit of tents should be a consideration. Berman expressed concerns about people putting up a large tent for weddings. Hanselman thought it should be defined as overnight tents. Escobar asked if this had been a problem. Tokos reported it was and continued to be an issue. The clearer they could be about it would be better. Berman thought they should allow one tent on vacant lots. He thought as many doors they had for people to live in, even if in tents, he would support. Hanselman couldn't support this unless there were sanitary facilities on the lot. He felt the hardest thing to deal with was public health. If they allowed tents on lots it wouldn't consider the public health needs. Patrick suggested they could allow them if they were adjacent to facilities. Tokos thought this would work for open lots where the lot next door had a home with facilities for campers to use. Escobar didn't think they wanted to adversely impact the traditional use that families had and make it overly restrictive for when owners wanted to camp out in their backyards at their homes. Updike thought the Eugene example addressed this. Tokos thought they could change "family" to a number of individuals.

Tokos reviewed the topic of RVs being occupied on private lots. Currently they weren't allowed to occupy RVs on private lots and would have to be in a park. Berman would like to see a mechanism in place to allow this to help address the housing shortage. Tokos noted that Eugene had an example where they allowed one vehicle in a driveway. This made sense because they wouldn't be setting up next to a home that wasn't already accustomed to seeing vehicles next door. Escobar didn't see a need to change the ordinance. Berman didn't see any reason they shouldn't do this to help with the housing shortage. Patrick wanted to see two policy options so they could see what the public thought. Updike pointed out that some HOAs had restrictions for parking in driveways because this had been a problem. Tokos asked if the second policy option to allow RVs should be kept to just one. Berman agreed and thought it should say they couldn't charge for the RV to park.

B. Planning Commission Work Program Update. Tokos pointed out that there was a joint meeting with the City Council in November. This would be the Commission's work session meeting.

4. Adjourn. The meeting adjourned at 7:08 p.m.

Respectfully submitted,



Sherri Marineau,
Executive Assistant