

**MINUTES**  
**City of Newport**  
**Planning Commission Work Session**  
**City Hall Conference Room "A"**  
**Monday, June 28, 2010**

**Commissioners Present:** Jim Patrick, Melanie Sarazin, John Reh fuss, Glen Small, Mark Fisher, and Rod Croteau.

**Commissioners Absent:** Gary East

**Citizens Advisory Committee Members Present:** Dustin Capri and Lisa Mulcahy.

**Citizens Advisory Committee Members Absent:** Bill Wells.

**City Staff Present:** Community Development Director (CDD) Derrick Tokos, Senior Administrative Assistant Wanda Haney, and City Attorney Penelope McCarthy.

Chair Patrick called the Planning Commission work session to order at 6:00 p.m. and turned the meeting over to CDD Tokos.

**A. New Business.**

1. Status of comprehensive Zoning Code update. Tokos had included some materials for tracking the progress of the updates, which was last discussed in October. A lot of things have been completed and approved. Tokos noted that the Commission has been tackling the more significant sections, and then at the end the smaller things will be taken care of in order to roll the Zoning Code into the Municipal Code. He said that essentially the last three significant items have been the geologic hazards, planned developments, and the SIC code reorganization. The planned development section update has been completed and approved by the Council. The Commission has received all comments on the geologic hazards section by the close of today's comment period. The written record is now closed, and the Commission will deliberate on July 12<sup>th</sup>. Tokos will bring back a draft of the SIC codes at an upcoming meeting. All the prior updates are all completed. Also with the materials, Tokos had included the January 2005 memo of issues covered by the Planning Commission. Tonight, Tokos wanted to discuss two sections that haven't yet been addressed, and had added some more materials covering these sections.

2. Discuss potential changes to Section 2-3-6 (Parking, Loading, and Access Requirements). Tokos discussed the three special areas that allow payment in lieu of parking (the Bay Front, City Center, and Nye Beach) where instead of providing the actual physical spaces, a business can pay into a fund. The Council sets those fees, which currently has been \$175 per space. A task force was formed and came back with a recommendation that \$175 was not satisfactory and should not be on-going, so they recommended a \$7500 per space one time charge. The Council gave those areas some time to form parking districts as an alternative to payment in lieu of. The City Council gave these areas a year's extension and will revisit this in August. Tokos said that these areas would rather pursue parking districts. He reported that Nye Beach has formed, and the City Center is progressing, as is the Bay Front. He explained that the City Center is looking at going with a larger geographic area that is larger than the payment in lieu of area. He had included a map showing the area. In that way they will pick up more businesses and go with a modest fee as a business license surcharge. The City Center would also like to expand the payment in lieu of area, which would require a change in the zoning ordinance. They feel this would help with redevelopment and would be an incentive for locating businesses in the city center. Tokos noted that they can move forward with the parking district independently of the Planning Commission, but a change in the code would have to go before the Commission and would happen concurrently. Tokos noted that under statute, a parking district is an economic improvement district. Residences cannot participate under an economic improvement district. New residential would still have to provide off-street parking but can participate in the payment in lieu of plan. Tokos had provided a sheet listing the other changes to Section 2-3-6 and wanted to discuss these. He noted that one problem has to do with meeting ADA requirements. The existing provisions do not match the most current language in the structural building code. He said the Commission may just want to reference that structural code. Attached was a copy of the sheet regarding parking from the 2010 structural code. It addresses van versus wheelchair only spaces and adjacent aisle space. Section 2-3-6.015 essentially says that they don't have to meet parking code requirements unless there is an intensified use; and then only the difference as needed for that use. Tokos said that ADA requirements are not that flexible. If a business remodels, they

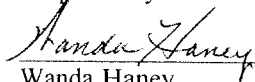
need to be ADA compliant. Tokos noted that some language changes need to happen there. There are also some recommended changes out of the 2008 TSP such as driveway space requirements, a threshold for the number of driveways, consolidation of driveways, and maximum width for driveways. It modifies the language such that the State has the right to weigh in when talking about highways. These updates that fit in the parking code should be picked up now. Tokos said that also, in terms of shared parking, which is now a conditional use, maybe it should be made an outright use. He said that a lot of jurisdictions do that as long as it can be shown that the nature of the uses are not competing for the same spaces. They have to show that there is an easement or covenant in place. Tokos said that another thing to look at is updating the ratio list by reducing or streamlining it. Tokos said another concept out there is to shift to maximum parking ratios where a business can't provide more than a certain amount rather than just minimum ratios. The assumption is that the minimum the business will provide is what they need based on that business. Tokos said another thing is that the Commission may want to add bike parking for new transit stops, which is not required right now. He noted that something else to consider including is allowing stacked parking, like is being used across from Sam Case School, where they double up nose to nose. Tokos explained more in detail about the Nye Beach Parking District. He noted that it will be effective July 1<sup>st</sup> and will be funded with the business licenses as a scaled surcharge. Nye Beach should generate about \$10,000 a year. The City still has the parking fund into which payment in lieu of monies went that they can tap into. The Nye Beach district is starting to talk about projects such as completing incomplete sidewalk networks. Most Nye Beach businesses are small. In their case, five spaces get to go under the district and anything over that has to go under payment in lieu of providing the parking spaces. Under the Nye Beach Overlay, on-street parking also gets to be counted. Tokos said the hot button issue for parking may be if we get into the issue of 'grandfathering' the number of existing spaces. But putting in language that a business is not grandfathered for ADA requirements should not be a hot button issue. The consensus was to hold off on creating maximum ratios, but look at updating the minimum ratios. The general consensus was to look at bike parking at transit stops and stacked parking. Everyone was okay with updating the ADA requirements.

3. Discuss potential consolidation and reorganization of Sections 2-2-26 through 2-2-28 for manufactured homes, mobile homes, RV parks, and trailer coaches/parks. Tokos had provided copies of the codes in the packet and had a separate hand out regarding these sections. He noted that state statutes have changed since the code was put together, so we need to look at making changes. He said that essentially what the City does is has rules for manufactured dwelling parks for homes built after June 15, 1976 (a typical double wide), mobile home parks prior to that date (a single wide not built to federal standards), and then RV parks (more like campgrounds). Trailer coaches/parks catch all that don't fit the others. The state law has changed, and our definitions don't match up with statute any more. State law says that we can't draw a distinction by age. Tokos said that there is no need to have separate sections. He said there is no need to have trailer park rules at all since the nonconforming code has been changed. Tokos' advice is to consolidate these sections into one. He can bring back safety and inspection requirements other jurisdictions are imposing on pre-1976 homes to see if we want to go with that. Tokos said that we have an obligation to bring our code up to current state law. State law doesn't allow jurisdictions to regulate by length of stay because that is targeted to RVs. We can have campground or resort rules that are not targeted specifically to RVs. He suggests that is where we go. He said there is value of having a permanent environment versus a resort environment. Tokos said that he could dig into that a bit more and bring back a package. He said that given the changes in state law, these sections need quite a bit of work. Tokos will bring forward changes to the manufactured dwellings and RV parks section. He will also bring some sample codes from other jurisdictions.

4. Discuss any additional sections to review per the 2005 list. Rehfuss wondered if we were going to tackle increased density. Tokos noted that as part of one of the major grants we received, the City will be doing a housing needs and buildable lands study. The study will look at housing needs, figure out how the code addressed it, and how the inventory of lands addresses those needs. He said this may get to what Rehfuss was talking about. Patrick brought up the home occupations section. He would like to see some flexibility. One thing is that right now there can't be more than one home occupation in a residence. He said maybe it should be looked at by use. Small suggested limiting it by number of vehicle trips. Tokos said that he could package accessory uses and home occupations together.

**B. Adjournment.** Having no further discussion, the work session meeting was adjourned at 6:55 p.m.

Respectfully submitted,



Wanda Haney

Senior Administrative Assistant