



PLANNING COMMISSION WORK SESSION AGENDA

Monday, August 14, 2023 - 6:00 PM

City Hall, Council Chambers, 169 SW Coast Hwy, Newport, OR 97365

All public meetings of the City of Newport will be held in the City Council Chambers of the Newport City Hall, 169 SW Coast Highway, Newport. The meeting location is accessible to persons with disabilities. A request for an interpreter, or for other accommodations, should be made at least 48 hours in advance of the meeting to Erik Glover, City Recorder at 541.574.0613, or e.glover@newportoregon.gov.

All meetings are live-streamed at <https://newportoregon.gov>, and broadcast on Charter Channel 190. Anyone wishing to provide written public comment should send the comment to publiccomment@newportoregon.gov. Public comment must be received four hours prior to a scheduled meeting. For example, if a meeting is to be held at 3:00 P.M., the deadline to submit written comment is 11:00 A.M. If a meeting is scheduled to occur before noon, the written comment must be submitted by 5:00 P.M. the previous day. To provide virtual public comment during a city meeting, a request must be made to the meeting staff at least 24 hours prior to the start of the meeting. This provision applies only to public comment and presenters outside the area and/or unable to physically attend an in person meeting.

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.

1. CALL TO ORDER

Bill Branigan, Bob Berman, Jim Hanselman, Gary East, Braulio Escobar, John Updike, Marjorie Blom, Dustin Capri, and Greg Sutton.

2. NEW BUSINESS

2.A 2023 State of Oregon Legislative Update.

[Memorandum](#)

[LOC Legislative Summary](#)

[DLCD Legislative Summary](#)

2.B Outreach Plan for Bayfront Parking Management Strategy Rollout.

[Memorandum](#)

[Bayfront Parking FAQ](#)

[Implementation Schedule](#)

2.C Community Development Department Web Based GIS Map.

[Memorandum](#)

3. UNFINISHED BUSINESS

3.A Second Review of Amendments to NMC Chapter 14.14, Parking and Loading Requirements.

[Memorandum](#)

[Draft Amendments to NMC Chapter 14.14, Parking and Loading Requirements](#)

[Special Parking Area Map](#)

[Bay Front Parking Solution Implementation Schedule](#)

[Resolution No. 3864](#)

[Minutes from the 6.20.23 City Council Meeting](#)

[Minutes from the 5.22.23 Planning Commission Meeting](#)

[Minutes from the 5.17.23 Parking Advisory Committee Meeting](#)

3.B Planning Commission Work Program Update.

[PC Work Program - 08-09-23](#)

4. ADJOURNMENT

Memorandum

To: Planning Commission/Commission Advisory Committee

From: Derrick Tokos, Community Development Director

Date: August 8, 2023

Re: 2023 State of Oregon Legislative Update

Below are brief summaries of land use and related bills adopted during the 2023 Oregon legislative session. Like the 2019 and 2021 sessions, there was a heavy emphasis on housing and housing related issues. Wildfire preparedness and recovery and climate change resiliency were points of emphasis as well. Headings below include hyperlinks to the full text of the enrolled bills. I have focused on legislation that will impact our Department and the Commission's work program. Detailed bill summaries from the Department of Land Conservation and Development (DLCD) and League of Oregon Cities (LOC) address a broader range of legislation, and are enclosed for reference.

[HB 2001/HB 5019](#): 60-day housing package. These bills provided a substantial amount of funding to state agencies and organizations engaged in providing affordable housing, including emergency services to homeless. Established and funds the Oregon Housing Needs Analysis (OHNA) program, which will set housing production targets for cities at or above 10,000 in population. Includes housing grant funding for the 2023-25 biennium. *Effective March 29, 2023*

[HB 2984](#): Commercial Conversions. Requires that cities with a population over 10,000 allow commercial buildings to be converted to affordable housing without being subject to a zone change or conditional use permitting process. This is a change that Newport substantially implemented in 2022, Ord. 2194), so there shouldn't be a need to make significant changes to the City's zoning ordinance. The bill also prohibits cities from charging SDCs unless the charge is calculated pursuant to a specific adopted policy prior to December 31, 2023. The City Council might want to add language to its SDC ordinance indicating that assessments will apply to conversions. Newport's existing SDC methodology provides credits for pre-existing uses, which can significantly reduce assessments or offset them entirely. *Effective Date: January 1, 2024.*

[HB 3395](#): End of Session Housing Package. Includes a number of changes that will necessitate amendments to the City's zoning ordinance. Residential use of commercial lands in Sections 1-2, reads such that the prohibition of residential on the ground floor in the core portion of Nye Beach will have to be adjusted such that it exempts affordable housing. Section 5, residential approval procedure, provides cities seven additional days to make a final decision involving residential development. This allowance will need to be added to NMC Chapter 14.52. Sections 6-7 address siting authority for homeless shelters, clarifying that even if a hearing is held it is not a land use decision. The zoning ordinance may need to be amended to address this issue. Section 15 requires cities expand the scope of what they will accept as financial assurances for required public improvements in subdivisions. It applies to affordable housing subdivisions. Sections 16-19 deal with single room occupancy as a development type and requires cities allow them at a density of six (units) on any lot where development of a single family detached dwelling is allowed. This will necessitate changes to the zoning ordinance for all of the City's residential zones. *Effective January 1, 2024*

HB 2095: Photo Radar Authority. Legislation extends authority for the use of fixed and mobile photo radar to all cities in Oregon. In addition, cities will be able to use mobile and fixed photo radar on “high-speed” corridors instead of being confined to a “high-crash” corridor. Lastly, the local speed setting authority will allow cities to establish, by ordinance, a designated speed for a roadway under its jurisdiction that is up to 10-miles per hour lower than the statutory speed. The last component is one where the City may want to establish rules for speed reduction determinations. *Effective Date: January 1, 2024*

HB 3167: Notice in Digital Newspapers. Defines digital newspaper and allows its use for legal publications in certain circumstances. City may want to add language to NMC Chapter 14.52 to acknowledge this option. *Effective upon passage.*

HB 2898: Post Disaster Temporary Housing. Extends the period of time persons can reside in a recreational vehicle on a lot or parcel where the residence was destroyed by natural disaster. The existing limit of 24-months was extended to 5-years. This will necessitate a change to NMC Chapter 14.09. *Effective upon passage.*

HB 3113: ODOT Great Streets. Allocated \$10 million to ODOT’s Great Streets Program to supplement the \$50 million that was received as part of the Infrastructure Investment and Jobs Act. This is the type of program that can help fund transportation improvements in City Center once a design concept is agreed upon. *Effective Date: July 1, 2023*

HB 3458: Limiting Appeals on LUBA Remand. Prohibits appellants from raising new issues before the Land Use Board of Appeals (LUBA) in cases where the court remands all or a part of a decision and the local government adopts a new decision with revised findings and additional evidence. Bill gives LUBA authority to partially affirm local decisions with severable elements. *Effective Date: September 24, 2023*

HB 3409: Climate Package. Establishes energy performance standards for commercial buildings, with the standards being developed through a rulemaking process by the Oregon Department of Energy. Establishes a two tier system, with 35,000 sq. ft. being the threshold for Tier 1, unless the structure is used for multi-family residential, hospital, school, university, or dormitory purposes, in which case it is a Tier 2. Commercial buildings between 20,000 and 35,000 sq. ft. fall into Tier 2 as well. This will impact the Newport Recreation Center, and commercial buildings like Fred Meyer, Walmart, and Rogue Brewery. It might also impact large churches as well as fish processing plants along the Bayfront. Owners will be notified of the new standards in July of 2025 with compliance beginning in 2028. The bill also establishes a Community Green Infrastructure Grant Program through DLCD, supports urban tree Canopies through State Forestry and provides Dept. of Health and Services funds for resiliency hubs. *Effective Date: Varies based upon provisions in the bill*

DID NOT PASS

HB 3414: Bill would have given developers the option of requesting up to 10 deviations or “adjustments” to design and development standards for new residential development. Certain health and safety, coastal protection and natural hazards standards were exempted. Legislation would have established a housing accountability and production office to investigate complaints about local permitting processes. A late add to the bill is a section that would have allowed cities outside the Metro region to pursue a one-time UGB expansion under an alternate, streamlined set of rules. Bill failed by one vote in the State Senate. Governor’s Office intends to resubmit the bill, in some form, during the upcoming short session.

Attachments

LOC Legislative Summary

DLCD Legislative Summary

2023 Legislative Session Summary

Small City Regional Meetings



LOC 2023 Priorities:

1) **Infrastructure Finance & Resilience, and Funding for Critical Infrastructure for Needed**

Housing - The LOC will advocate for an increase in the state's investment in key community level infrastructure funding sources. In addition, the LOC will advocate for funding of critical infrastructure that provides incentives for needed housing so there are more affordable housing options available.

LOC strongly advocated for \$125 million to recapitalize the Special Public Works Fund, more than \$25 million above the Governor's Request Budget of \$90 million. Ultimately, the legislature recapitalized the Special Public Works Fund with \$30 million which provides cities with low-cost financing for planning, design, and construction of utilities. The LOC also supported several bills that would have established new state funds or finance tools to fund infrastructure for housing. While the legislature established a predevelopment loan fund to support infrastructure and other predevelopment costs for moderate income housing (\$3.6 million in HB 2001), several bills that would have dedicated significant resources did not pass. The LOC will continue to advocate for infrastructure funding in future sessions.

2) **Local Funding to Address Homelessness** - The LOC will seek state funding to support coordinated, local community responses to addressing homelessness.

On her first day in office, Governor Kotek signed three executive orders aimed at tackling the state's housing and homelessness crisis by declaring a homelessness state of emergency; setting an ambitious state target to increase home construction; and directing state agencies to prioritize reducing and preventing homelessness in all areas of the state. In response, the Legislature passed [HB 2001](#) and [HB 5019](#), also known as the "60-day housing package" early in session with broad bipartisan support, which included \$155 million to support the emergency response and meet the goal of reducing unsheltered homelessness over the course of this year. The legislature approved additional funding for existing shelter operations in the Oregon Housing and Community Services (OHCS) budget ([SB 5511](#)), which can be granted directly to cities with funding gaps. Thanks to the leadership and advocacy of the Oregon Mayors Association Homelessness Taskforce and its homeless funding proposal the LOC now has an established partnership with the Governor and OHCS on homelessness and cities are directly informing the implementation of the emergency shelter funding. The LOC will continue to support that implementation and future local funding needs.

- 3) Address Measure 110 Shortcomings** - The LOC will advocate for the state to restore criminal justice incentives for seeking treatment for addiction while ensuring a path for expungement when a treatment program is completed successfully.

The Legislature elected not to address the criminal justice shortcomings of Measure 110, but did however correct structural and staffing shortfalls relate to the distribution of treatment and harm reduction funds.

- 1) [HB 2513](#) changed the make-up of the existing Measure 110 Oversight and Accountability Council dedicated professional staffing resources. The bill also expanded the allowable use of Measure 110 dollars to ensure constructive uses of those funds are not missed such as dual-diagnosis service providers.

- 4) Economic Development Incentives** - The LOC will support legislation to preserve and strengthen discretionary local economic development incentives, including the Enterprise Zone (EZ) Program, the Long-Term Rural Enterprise Zone (LTREZ) Program and the Strategic Investment Program (SIP).

The LOC strongly advocated for 10-year extensions of both enterprise zone programs and gain-share (the SIP does not have a sunset) and opposed changes that would reduce their efficacy or add administrative burden.

Small cities across the state testified on multiple bills in support of the enterprise zone extension to great success. Some proposed changes were successfully deterred, including a 25% school fee on enterprise zone businesses, reducing the gain-share cap to \$5M and adding a sunset to the SIP program, and the new legislation created a transparency requirement and added a school support fee structure to enterprise zone agreements, and increased the value of taxable property and the size of the eligible investments for SIP agreements. The LOC helped secure 7-year extensions for both enterprise zone programs, a 5-year extension to gain-share.

- 1) [HB 2009](#) - The economic development incentive omnibus bill combined extensions for key programs – the enterprise zone, long-term rural enterprise zone program, and gain-share which accompanies the Strategic Investment Program, and added new administrative requirements.

- 5) Community Resiliency & Wildfire Planning** - The LOC will support investments for climate and wildfire resiliency planning, as well as infrastructure upgrades, to fill existing gaps and assist cities in planning for extreme weather events, wildfire, and other natural disasters.

Wildfire Recovery and Reduced Wildfire Risk has been an important priority for LOC since the 2020 fire season. LOC continued its advocacy of state agency budgets that address community risk reduction and funding to assist communities impacted by wildfire have resources available for

helping them rebuild their communities. Our advocacy fell short of our expectations in the following:

- 1) [SB 80](#) – This Community risk reduction bill only provides \$3 million toward community-based risk reduction programs. The Oregon State Fire Marshal requested \$35 million, as part of their overall agency recommended budget. This funding level is well short of what’s needed to maintain the objective of SB 762 (Wildfire Policy) from the 2021 session.
- 2) [MWAP](#) – LOC made a budget priority request of \$3 million to re-fill the Municipal Wildfire Assistance Program to provide ongoing assistance to communities impacted by the 2020 fire season. This program was not funded, but LOC is preparing an Emergency Board request for later this year to re-fill this critical funding resource.

6) Transportation Safety Enhancement - The LOC supports legislation that improves the overall safety of the statewide transportation network in local communities.

LOC’s focus for this session was to advance a Transportation Public Safety Package. The three components of this package were:

- 1) [HB 2095](#) - Expand local authority for use of fixed and mobile photo radar, which was limited to just ten cites.
- 2) [HB 2099](#) - Increased qualifying streets for infrastructure investments in the “Safe Routes to School).
- 3) [HB 3113](#) - Added \$10 million to an ODOT funding allocation of \$50 million to the “Great Streets Program.” This program makes safety improvements focused on multi-modal transportation options.

7) Full Funding & Alignment for State Land Use Initiatives - The LOC will support legislation to streamline and fully fund local implementation of any recently adopted or proposed state land use planning requirements, including administrative rulemaking.

The 2023 legislature introduced a number of challenging bills and policy discussions related to housing development and land use. The LOC engaged in numerous complex bills and related negotiations to increase housing production while minimizing administrative burden, cost, and litigation for cities. The LOC was able to gain significant improvements to bills that passed ([HB 2001](#), [HB 2984](#), [HB 3395](#)), opposed bad bills, and gained funding needed for local implementation and land use updates.

8) Lodging Tax Flexibility - The LOC will advocate for legislation to enhance flexibility in cities’ use of transient lodging tax revenues. The goal is to help cities better serve visitors and improve local conditions that support the tourism industry.

Transient Lodging Tax flexibility faced severe opposition from the hospitality industry this legislative session. While there were no changes to lodging tax flexibility, it remains a priority for the LOC in the 2024 session.

In order to achieve success LOC will need a significant locally-driven effort from cities and counties and their local partners to advance any flexibility for the TLT.

2023 Priority Bill List

INFRASTRUCTURE

SB 5524 – Special Public Works Fund/Business Oregon Budget

Effective Date: July 1, 2023

Appropriates specified amount from the General Fund to the Special Public Works Fund which provides low-cost financing to eligible municipalities for planning, design, and construction of utilities and facilities essential to industrial growth, commercial enterprise, and job creation.

HB 5030 – Lottery Bond Authorization

Effective Date: July 1, 2023

Authorizes the issuance of lottery revenue bonds for specified projects – including \$30 million to recapitalize the Special Public Works Fund.

HOUSING AND HOMELESSNESS

HB 2001/HB 5019 – Affordable Housing and Emergency Homelessness Response Package

Effective Date: March 29, 2023

On her first day in office, Governor Kotek signed three executive orders aimed at tackling the state's housing and homelessness crisis by declaring a homelessness state of emergency; setting an ambitious state target to increase home construction; and directing state agencies to prioritize reducing and preventing homelessness in all areas of the state. In response, the Legislature passed HB 2001 and HB 5019, also known as the "60-day housing package" early in session with broad bipartisan support. The 60-day housing package includes the following:

- \$33.6 million to prevent homelessness statewide;
- \$85.2 million to rehouse people experiencing homelessness and expand shelter capacity in emergency areas;
- \$27.4 million to rehouse people experiencing homelessness and expand shelter capacity in the 26 rural counties that make up the Balance of State Continuum of Care;
- \$5 million to federally recognized Tribes to address homelessness needs among tribal members statewide;
- \$3.9 million for emergency management response (OHCS and ODEM);
- \$25 million for programs supporting unhoused youth;
- \$20 million for modular home production to rapidly deploy affordable housing;
- \$3 million in a revolving loan fund to incentivize housing development with predevelopment loans for moderate-income housing;
- \$5 million to improve on-site workforce housing for agricultural workers;

- A compromise between tenant advocates and landlords that provides renters faced with eviction for non-payment with more time to access rental assistance and other services that will help them stay in their homes. The proposal lengthens the eviction notice timeline from 72 hours to 10 days and includes a right of redemption; and
- Establishes and funds the Oregon Housing Needs Analysis (OHNA) program, which applies to cities at or above 10,000 population. The bill included \$3.5 million in funding at DLCD for local grants for housing planning updates. That funding, in addition to investments in the DLCD agency budget, provides a total of \$4.75 million for housing and urbanization grants available to all cities for the 2023-25 biennium.

HOUSING DEVELOPMENT AND LAND USE

HB 2984 – Commercial Conversions

Effective Date: January 1, 2024

HB 2984 requires cities to allow conversion of a building from commercial use to residential use without requiring a zone change or conditional use permit. The bill prohibits cities from enforcing parking minimums greater than the amount allowed for existing commercial use or the amount that may be required in lands zoned for residential uses that would allow the converted development. The LOC initially opposed the introduced bill, as it would have prohibited cities from charging System Development Charges (SDCs) for 15 years.

The final version of HB 2984 allows cities to charge SDCs provided the charge is based on a “specific adopted policy for commercial to residential conversions” adopted on or before **December 31, 2023** or if the charge is for water or wastewater and includes an offset for at least 100 percent of the water or wastewater system development charges paid when the building was originally constructed. Cities already tailor SDC charges to the specific impacts of each development and the LOC understands this provision will allow cities to continue charging SDCs accordingly. The bill is **not** intended to require cities to conduct a formal SDC methodology review or update by **December 31, 2023**.

SB 5511 – Oregon Housing and Community Services (OHCS) Budget Bill

Effective Date: Upon signing by the Governor.

SB 5511 is the agency budget bill for Oregon Housing and Community Services (OHCS), the state’s housing finance agency. In addition to funding for the wide range of affordable housing and stabilization services, the OHCS budget included \$24.1 million to support ongoing operations needs for certain categories of existing shelters, including project turnkey shelters. A detailed summary of the 2023-25 OHCS budget is available [here](#).

HB 3395 – End of Session Housing Package

HB 3395, known as the “Housing Package” incorporated several bills that had advanced earlier in the session, including an omnibus housing bill [SB 847](#), that may require cities to make changes to local housing development policies or processes. The bill also includes funding for local government capacity to support housing development. The sections most relevant to cities are described below:

- **Residential Use of Commercial Lands (Sections 1-2):** Requires cities to approve the siting and development of housing within commercial zones if it is affordable to 60% AMI or below or for mixed-use structures with ground floor commercial with residential units affordable to moderate income households. It does not require a city to update their comprehensive plan to implement, however this change in use may impact a city’s employment lands availability. The bill explicitly exempts cities from having to conduct a new economic analysis or comp plan update, however cities may still wish to consider the impact to goal 9 for economic development and reflect and accommodate these impacts at a later date. The bill requires cities to apply the residential density level most comparable to the density of commercial density currently allowed in zone and specifies that updates or analyses relating to economic development are not required.
- **Residential Approval Procedures (Sections 3-6):** Makes two changes to the LUBA appeals process intended to reduce land use appeals or reduce the duration of those appeals and workload on city staff. First, it provides an extra seven days for a city to take final action final action on an application for a permit, limited land use decision, or zone change, including resolution of appeals, after an application deemed complete. Second, it allows a local government or state agency to withdraw a decision under appeal with the Land Use Board of Appeals (LUBA), for reconsideration, including decisions related to the development of a residential structure.
- **Emergency Shelter Siting (Sections 6-7):** Continues the existing requirements for when cities must approve the siting of emergency shelters and updates some of the terms. It clarifies that cities do not have to hold a public hearing before approving a shelter siting application under the measure, awards attorney fees to a local government and any intervening applicant that prevail on appeal of approval, or applicant that prevails on appeal of denial, and updates the criteria for qualifying shelter operators. Notably, the shelter siting provisions will no longer sunset or lapse by a certain date but will now be in effect until the statewide point-in-time count for total sheltered and unsheltered homeless population falls below 0.18 percent of the state population.
- **Single Exit Multifamily Dwellings (Section 8):** Directs DCBS to review and adopt updates to the Structural Specialty Code through the Building Codes Structures Board to allow residential occupancies to be served by a single exit. Requires updates reduce, to extent practicable, costs and barriers to mid-sized multifamily dwelling construction while maintaining safety; and encourage less expensive housing types allowing single-exit residential dwellings consistent with adopted building codes such as those in Seattle, Washington.

- **Planned Community Act Exemptions (Section 9):** Clarifies that development established on or after **January 1, 2024**, in which each residential unit is subject to an affordability restriction or is owned by a public benefit or religious nonprofit corporation, is not defined in Oregon law as a “planned community.”
- **Regulation of Condominiums (Section 10-14):** Grants the state Real Estate Commissioner exclusive right to regulate submission of property to condominium provisions of Oregon statute. Prohibits other restrictions or prohibitions on condominium form of ownership, including charges, taxes, fees, review or approval processes, or additional permitting requirements or conditions. If a city has local regulations specifically related to condominium permitting, they may need to be updated or eliminated.
- **Subdividing for Development of Affordable Housing (Section 15):** Requires city or county to accept as other assurance, one or more award letters from public funding sources made to an affordable housing developer that is or will be subject to an affordability restriction or affordable housing covenant, provided those awards total an amount greater than the project cost. This section may require cities to update their external and internal processes and documents for analyzing and approving affordable housing development related to system development charges and entitlements.
- **Single Room Occupancies (Sections 16-19):** Defines “single room occupancy” (SRO) as a residential development with at least four independently rented, lockable units with living and sleeping space for exclusive use of an occupant, but with shared sanitary or food preparation facilities. Requires local governments to allow SRO development within an urban growth boundary, with up to six units per single-family zoned parcel, and with unit counts consistent with density standards of parcels allowing five or more units. Adds SROs to the definition of “needed housing.”
- **Siting Duplexes (Section 20-23):** Requires cities located outside the Portland metro area with a population between 2,500 and 10,000 to allow duplexes on lots zoned for single family detached dwellings. In other words, this extends the duplex requirements established in [HB 2001](#)(2019) to an additional 50 cities and requires those cities to adopt land use regulations or amend comprehensive plans no later than **June 30, 2025**. A city amending its comprehensive plan or land use regulations is not required to consider whether those amendments significantly affect existing or planned transportation facilities. The bill allows, no later than **June 30, 2024**, to request an extension from the **June 30, 2025** deadline and appropriates \$1,250,000 to the Department of Land Conservation and Development to provide grants to cities to assist them with the middle housing updates.
- **Affordable Housing on Public Utility Lands (Section 29):** Allows public utilities to sell at or below market price, or gift, interest in real property for purpose of developing affordable housing and requires such property to include an affordable housing covenant. The bill prohibits a public utility from recovering costs of the property sale or gift from customers.

- **Local Government Housing Support (Section 37-39):** Allocates \$5 million to the Department of Administrative Services (DAS) to provide grants to Councils of Governments (COGs) and Economic Development Districts (EDDs) to support housing and community development capacity within cities, counties, and tribes. COGs and EDDs are specifically directed to partner and consult with local governments, developers, financiers, the Department of Land Conservation and Development, the Oregon Housing and Community Services (OHCS), other relevant state agencies and other interested public and private partners to enable local governments throughout the region to encourage community development and the development of infrastructure and needed housing, by: (a) Bridging any information gaps; (b) Identifying and securing needed resources, including infrastructure and community facilities; (c) Connecting producers of needed housing with consumers of needed housing; and (d) Working with representatives of historically underrepresented groups to overcome community-specific barriers to obtaining housing.

TRANSPORTATION

HB 2095 – Photo Radar Authority

Effective date: January 1, 2024

Only 10 cities in Oregon (Albany, Beaverton, Bend, Eugene, Gladstone, Medford, Milwaukie, Oregon City, Portland and Tigard) can use mobile photo radar for managing speed under [ORS 810.438](#). Portland is the only city allowed to use fixed photo radar sites away from intersections, and only on roads where a high number of accidents have occurred.

This legislation extends authority for the use of fixed and mobile photo radar to all 241 cities in Oregon. In addition, all cities will be able to use mobile and fixed photo radar on “high-speed” corridors instead of being confined to a “high-crash” corridor. Finally, the local speed setting authority will allow cities to adjust local street speeds up to 10 miles per hour.

[HB 2099](#) – Safe Routes to Schools/Omnibus Transportation Bill

Effective Date: September 24, 2023

Safe Routes to schools have been a focal point for many communities and the state. The focus has been to improve safety along school access routes. The portion of this omnibus transportation bill includes improvements to the program by expanding eligibility criteria for Safe Routes to School grants and eliminating minimum cash match for grants. These changes should improve a more expansive program in the future.

[HB 3113](#) – Expanding Great Streets Program

Effective Date: July 1, 2023

This legislation allocated \$10 million general fund to Oregon Department of Transportation's (ODOT) [Great Streets](#) program. This is an effort to build on the infusion of \$50 million already programed by ODOT that was received as flexible federal transportation funds through the Infrastructure Investment and Jobs Act ([IIJA](#)). The Great Streets program is intended to improve mobility options and increase safety in communities on state facilities. Project funding for the program is based on a series of factors including proximity to main streets in communities.

WILDFIRE

[SB 80](#) – Community Risk Reduction

Effective Date: July 1, 2023

This legislation combines funding allocations for wildfire risk reduction plans and policy improvements. Despite the ongoing wildfire risk in communities the legislature only funded \$3 million for the Community Risk Reduction (CRR) program and did not meet a \$40 million funding request from the Oregon State Fire Marshal's office. Language the Wildfire Risk Map will now be referred to Wildfire Hazard Map (WHP). A series of other changes include notification of WHP will be limited to landowners in the extreme and high hazard categories. There are also additional details on the standard of public engagement to improve community engagement and education. Eligibility of home hardening will include an allocation of \$7 million, \$20 million committed to the landscape resiliency fund. For more details of the legislation you can go [here](#).

[SB 509](#) – Wildfire Omnibus Bill

Effective Date: Upon signing by the Governor.

This legislation establishes a grant and incentive program through the State Fire Marshal's office that will support communities, counties, and the public in reducing wildfire risk. In addition, the legislation will establish a neighborhood protection cooperative program to coordinate,

streamline, and improve programs that will assist with reducing wildfire risk in and around neighborhoods. A user-friendly website for the public to access information along with a 20-year strategic plan is part of this legislation. More details of this legislation can be found [here](#).

2023 Other Legislation of Importance

CYBER SECURITY AND BROADBAND

HB 2049 – Establishes Cyber Security Center of Excellence

Effective Date: October 1, 2023

Allocates \$4.9 million to the Higher Education Coordinating Commission (HECC) to establish the Cybersecurity Center of Excellence (CCOE) at Portland State University (PSU) and be jointly administered with Oregon State University (OSU) and the University of Oregon (UO). The center will coordinate, fund, and provide education, awareness, and training for public, private, and nonprofit sectors. The bill establishes a Workforce Development Fund and a Grant Program Fund to support the university's efforts to provide critical cyber support for local governments in addition to growing the cybersecurity workforce Oregon needs now and in the future. The Oregon Cybersecurity Advisory Council (OCAC) is established within the CCOE. This bill is a redraft of HB 4155 from the 2022 session.

Cities receive a direct spot on the Cybersecurity Advisory Council. This position will be appointed by the Governor in consultation with the director of the CCOE and the State Chief Information Officer. The CCOE will also provide direct assessment, monitoring, incident response, and competitive grants to local government bodies for cybersecurity-related goods and services.

Due to a significant lack of funding provided by the legislature, HB 2049 was amended in Joint Ways and Means to remove the full state matching funds for the federal State and Local Cybersecurity Grant Program and reduced the impact of the CCOE with a reduction in operation funds and wider financial support to other higher education institutions and community colleges throughout the state.

The LOC will monitor future opportunities for an LOC member to serve on the Cybersecurity Advisory Council and provide details for when the CCOE is running and available as a resource for local governments.

HB 2490 – Public Records Exemption - Cybersecurity

Effective Date: January 1, 2024

HB 2490 clarifies that state disclosure laws exempt public records concerning cybersecurity plans, devices and systems, including contractual and insurance records setting forth specifications, applications and coverages. This bill would allow cities to protect the confidential information and security details of their systems from the potential of being disclosed to malicious actors and used against them in a high threat environment. The concept was brought forward by the City of Eugene and supported by the LOC Telecom Policy Committee.

Cities have had the belief that previous statute allows them to prevent cybersecurity related information and documents from being disclosed through public records requests. This bill clarifies that belief for security purposes and removes the ambiguity of possible court challenges when withholding sensitive records that relate to the security of city systems.

HB 2490 amended the current statute to provide clarification for allowable public record exemptions. Cities need to know that records pertaining to cybersecurity plans, devices and systems, including contractual and insurance records setting forth specifications, applications and coverages will be exempt from public disclosure starting on **January 1, 2024**.

HB 3201 – Aligning Oregon Statute to Maximize Federal Funding for Broadband

Effective Date: Upon signing by the Governor.

HB 3201 seeks to align Oregon statute in the Oregon Broadband Fund with guidance and best practices from federal programs. The bill aligns speed and eligibility requirements with the BEAD and ARPA infrastructure programs to ensure Oregon can maximize the funding allocations while removing all requirements for future broadband funding that can be determined through rule or the programs they apply to. The bill also ensures that any changes in federal programs can trigger the ability for the Oregon Broadband Office (OBO) in consultation with the Oregon Broadband Advisory Council (OBAC) to update statute for the Broadband Fund to align with updated guidance or best practices.

Oregon is set to receive about \$900 million in total from the federal government for broadband infrastructure and digital equity purposes. The goal of this bill was to ensure that Oregon cities and potential applicants have as much flexibility to spend this funding according to what guidance allows. It removes barriers from previous speed definitions and eligibility requirements that could have prevented some cities from applying for these grants and the state's ability to receive the entirety of the funds that have been allocated.

The Broadband Office will update guidance and rules for the Oregon Broadband Fund to help determine how Oregon will make grant decisions with recommendations from the subgrant committees ([HB 4092 2022 session](#)). Cities need to start connecting with nearby communities, their County, local ISPs, community groups, and other interested parties to identify the broadband needs of

their communities and to partner together on creating grant applications prior to the funds becoming available.

ENERGY AND ENVIRONMENT

HB 3409 – Climate Package

Effective Date: Upon signing by the Governor with portions of the bill having separate operating dates.

HB 3409 is a climate package that includes multiple bills from the legislative session. Some of the sections impact cities while others have little to no impact on cities.

There are five sections that impact cities:

- **ENERGY PERFORMANCE STANDARDS FOR COVERED COMMERCIAL BUILDINGS** – Creates commercial building performance standards (BPS) for existing buildings. There are two tiers with separate timelines. Tier 1 includes local government buildings and commercial buildings that are 35,000 square feet or larger. If existing buildings do not meet the BPS, owners will be required to provide upgrades to the building to meet the standards set forth in rulemaking by the Oregon Department of Energy (ODOE). The bill is modeled after a similar policy in [Washington State](#), and is in line with the [American National Standards Institute's standards for Energy Efficiency in Existing Buildings \(ANSI/ASHRAE/IES Standard 100\)](#).
- The bill requires ODOE to create incentives that can be used to offset some of the costs of compliance that can be paired with federal incentives. Cities will retain the ability to create stronger standards for buildings six years or older. ODOE is to provide a support program to eligible building owners of covered commercial buildings including information and periodic training, technical assistance, and other efforts to assist eligible building owners to comply with the energy performance standard, applicable energy use intensity targets, and reporting requirements. ODOE may impose civil penalties for noncompliance. Some buildings that equal or exceed the square footage requirement may be exempt from the BPS, including buildings that are registered as historic buildings at the local, state or federal level.
 - By **July 1, 2025**, owners of tier 1 buildings must be notified of energy performance standard requirements.
 - Starting in **2028**, eligible tier 1 building owners must comply with the energy performance standard, with compliance timing based on building square footage. Owners of eligible tier 1 buildings are to report to ODOE concerning compliance with the energy performance standard every five years.
 - By **July 1, 2029**, ODOE is to update the energy performance standard.
- **COMMUNITY GREEN INFRASTRUCTURE GRANT PROGRAM** – Establishes Community Green Infrastructure Grant Program to provide direct social, environmental and economic benefits to communities across this state through green infrastructure. Provides the Department of Land

Conservation and Development (DLCD) with \$6.5 million to make grants available for 1.) offsetting the cost of planning and developing community green infrastructure projects or green infrastructure economic development projects; 2.) developing or supporting native seed banks or native plant nurseries; or 3.) supporting and implementing green infrastructure master plans. DLCD may appoint an Advisory Committee on Community Green Infrastructure Investment that will include city governments.

- **URBAN TREE CANOPIES** – The State Forestry Department will acquire and maintain an urban tree canopy assessment tool. They will develop and implement a program to provide technical and financial assistance to public bodies, including local governments. Assistance may be used for planning for, responding to and recovering from damage to habitats and urban tree canopies due to pests, diseases or other natural or human-created conditions that lead to loss of tree canopies. This includes loss of canopy due to wildfires, drought, or pests like the emerald ash borer infestation. The effective date is immediate upon the Governor’s signature.
- **RESIDENTIAL HEAT PUMP PROGRAM; AIR CONDITIONER AND AIR FILTER DEPLOYMENT PROGRAM** – Modifies existing law for the residential heat pump program for air conditioner and air filter deployment to provide clarity for the program. Clarifies eligibility and how to determine when entities are eligible. Money is appropriate to ODOE for the program and for the agency to work with OHCS on eligible entities. Eligible entities that can apply must serve or represent environmental justice communities or communities within a region and may partner with other eligible entities for the grant. This may include local governments as the eligible entity to apply and implement the grant. Becomes operative on **January 1, 2024**
- **RESILIENCE HUBS AND NETWORKS** - Requires the Department of Human Services (DHS) to provide grants, support, and technical assistance for resilience hubs and networks. Grants are to be awarded for planning and organizing expenses, expanding development and operations of resilience hubs and networks to provide protection from extreme weather or other potential disasters, and for community resources and services to respond to disasters. DHS is to consult with the Oregon Health Authority (OHA) and ODOE on implementation of this measure. Was appropriated \$10 million. Becomes operative on **January 1, 2024**

The final version had bipartisan support in the Senate but voted along party lines in the House. It’s awaiting a final signature from the Governor.

The LOC remained neutral on the bill through session but had major concerns about certain provisions and their unfunded costs to local governments. Specifically for commercial covered buildings, knowing that incentives that will be available will not cover the full cost to meet the building performance standards. The LOC negotiated having a place at the rulemaking advisory committee and was able to protect home rule throughout the bill’s development. The LOC’s advocacy helped to protect the bill from any preemptions.

The ODOE will adopt rules to establish building performance standards and must establish and consult an advisory committee that must include someone from local government. Building owners, including local governments, must receive notice by **July 1, 2025** of buildings that must meet

compliance and be notified of those requirements. Starting in **2028**, eligible tier 1 building owners must comply with the building performance standard, with compliance timing based on building square footage. Owners of eligible tier 1 buildings are to report to ODOE concerning compliance with the energy performance standard every five years after.

Additional detailed information about HB 3409 can be found [here](#). ODOE's full legislative report can be found [here](#).

[HB 3630](#) – ODOE Omnibus Programs Bill/Community Navigator Position in ODOE

Effective Date: Upon signing by the Governor

HB 3630 is a package of programs related to the Oregon Department of Energy (ODOE) from varying legislation throughout the session. During the legislative session, the LOC supported and advocated for SB 852 that creates and funds a community navigator program in ODOE and was included in the package.

Over the years, Congress and the state legislature have created a variety of new energy incentive programs like the Infrastructure Investments and Jobs Act (IIJA) and the Inflation Reduction Act (IRA). These investments will bring both state and federal funding to Oregon communities for energy projects. Navigating the myriad of programs and investments can be daunting and confusing. SB 852, now HB 3630 section 1, establishes a program designed to provide information about potential funding resources and technical assistance to local governments, rural communities, Tribal Governments, and other environmental justice communities. The program will work to develop energy projects or build energy related capacity for communities.

Many cities lack the capacity or resources to learn about and apply for many of the programs that are available. This program was designed for this purpose and will become a critical lifeline for cities as they consider potential energy projects and what support is available. This bill received bipartisan support in both chambers.

ECONOMIC DEVELOPMENT INCENTIVES

HB 2009 – Economic Development Incentive Omnibus

Effective Date: September 23, 2023

This legislation combined extensions and program changes for key local government economic development programs: the Enterprise Zone Program, Long-term Rural Enterprise Zone Program and the Strategic Investment Program (SIP) including gain-share.

Enterprise Zones

- The Enterprise Zone and Long-Term Rural Enterprise Zone programs are extended until 2032.
- Zone sponsors and school districts are required to establish a school support fee between 15-30%. The fee will only apply to years 4-5 of the standard enterprise zone abatement and years 6-15 of the long term rural, so companies receiving the enterprise zone would only receive the full abatement during the first 3 years of a standard enterprise zone agreement and during the first 5 years of the long-term rural agreement.
- Zone sponsors will need to post the terms of agreements publicly for 21 days before finalization, with the exception of confidential and proprietary information.
- Zone sponsors will need to notify neighboring jurisdictions about potential impacts to infrastructure resulting from enterprise zone investments.

❖ *The program changes apply to enterprise zone agreements entered after **September 23, 2023**. Enterprise zone agreements that have already taken place will not be affected.*

Strategic Investment Program

- The [Gain-Share program](#) is extended until 2030.
- Increases the eligibility value for SIP investments to \$150 million for urban projects and \$40 million for rural projects, increases yearly for inflation.
- Increases the amount of real market value of the property that is taxable.
- Raises the Community Service Fee cap from \$2.5M to \$3M, increases yearly for inflation.
- Emergency services will be included in negotiations.

❖ *The program changes apply to SIP agreements entered into after **September 23, 2023**. SIP agreements already in place will remain under the original terms of the agreement.*

GENERAL GOVERNMENT

SB 812 – Local Drone Regulatory Authority

Effective Date: January 2, 2024

SB 812 allows cities and other public entities who own parks to ban the take-off and landing of drones, also known as uncrewed arial vehicles, by ordinance or resolution. The Federal Aviation Administration controls regulation of drones after takeoff and SB 812 is the maximum extent of regulation allowed under federal law. The bill was introduced at the request of the LOC.

HB 3111 - Closing Public Employee Private Information Access

Effective Date: Upon signing by the Governor.

This legislation closes a loophole that allows the private information of public employees and volunteers to be released in a public records request. Previously that information was protected only if it was in a personnel file.

City employee's information related to home addresses, personal cell phone numbers, emergency contact information only if it was contained in a personnel file are protected from disclosure under this legislation, regardless of the type of record it is contained in.



July 12, 2023

TO: Interested Persons, Local Governments and State Agencies

FROM: Palmer Mason, Senior Policy Advisor
Alexis Biddle, Legislative and Policy Coordinator
Department of Land Conservation and Development



SUBJECT: 2023 DLCD Legislative Summary

2023 DLCD LEGISLATIVE SUMMARY

INTRODUCTION

Oregon legislators introduced more than 2,000 bills during the 2023 legislative session. DLCD tracked more than 200 of them, and about 50 stayed active until the final weeks of the session.

This report describes the legislative policies and statutory changes important to DLCD, local governments and the state's land use planning program from the 2023 legislative session. Sections of this report include Budget, Housing, Climate, Resource Lands, Coastal, Administrative and Miscellaneous, and active bills that did not pass.

I. BUDGET

TABLE 1.1

	2021-23 Legislatively Approved Budget	2023-25 Governor's Recommended Budget	2023-25 Legislatively Adopted Budget
General Fund	\$26,114,458	\$21,924,348	\$35,575,182
Other Funds	\$2,208,436	\$3,906,877	\$1,755,120
Federal Funds	\$6,748,006	\$7,662,988	\$9,215,256
Total Funds	\$35,070,900	\$33,494,213	\$46,545,558
Positions / Full-Time Equivalent (FTE)	68 / 66.35	74 / 72.80	78 / 75.93

Table 1.1 compares the 2021-23 Legislatively Approved Budget, the 2023-25 Governor's Recommended Budget, and the 23-25 Legislatively Approved Budget. It also includes the following grant dollars for local governments:

- \$1.78m – General Grant Program (HB 5027)

- \$3.5m – Housing related to Goals 10 and 14 (HB 2001)
- \$1.25m – Middle Housing for Small Cities (HB 3395)
- \$2.69m – Climate Friendly and Equitable Communities Program (HB 5506)
- \$6.5m – Community Green Infrastructure Grant Program (HB 3409)

TABLE 1.2

General Fund	Operations	Grants	Total GF	Positions	FTE
HB 5027	\$15,412,776	\$1,781,089	\$ 17,193,865	65	63.92
HB2001	\$2,675,884	\$3,500,000	\$ 6,175,884	7	7.00
HB 5506-CFEC	\$309,078	\$2,690,922	\$ 3,000,000	1	1.00
HB 5506/3409-TREES	\$768,741	\$6,500,000	\$ 7,268,741	4	3.13
HB 3409-Solar Siting	\$471,692	\$0	\$ 471,692	1	0.88
HB 3395 Housing	\$0	\$1,250,000	\$ 1,250,000	0	0.00
HB 2727	\$215,000	\$0	\$ 215,000	0	0.00
Totals	\$19,853,171	\$15,722,011	\$ 35,575,182	78	75.93
		OF	\$ 1,755,120		
		FF	\$ 9,215,256		
		TF	\$ 46,545,558		

Table 1.2 summarizes all funding, positions and FTEs from the 2023 legislative session. In total, DLCD will have about a \$46.5m budget, 78 positions and 75.9 FTE.

HB 5027 – DLCD Budget Bill

Summary: HB 5027 is DLCD's budget bill and allocates \$28,164,241 (~\$17.1 GF, ~\$1.7m OF, ~\$9.2m federal) to authorize and fund 65 positions. The bill largely continues current service level funding with a minor reduction (~3%) that does not require any cuts to our positions. The bill does include 3 Policy Option Packages (POPs) from the Governor's Recommended Budget including:

Habitat Coordinator (POP 206)

This position converts an existing position to permanent status, continuing work with partners to apply for and administer National Oceanic and Atmospheric Administration infrastructure dollars for habitat acquisition and restoration projects. Federally funded.

Chief Information Officer (POP 210)

This newly created position will lead the department as the Chief Information Officer (CIO) to update and implement the agency-wide IT Strategic Plan, systems integration, IT department management, ongoing systems modernization initiatives, along with data security and governance.

Technical Corrections (POP 211)

This position makes funding and classification adjustments for four positions.

Positions: 65 (all permanent)

FTE: 63.92

Status: Awaiting Governor's Signature

Effective Date: Upon passage

HB 5506 – End-of-Session Appropriations Bill

Summary: HB 5506 allocates additional funds to DLCD:

- HB 5506 appropriates \$6.5m to DLCD for the Community Green Infrastructure Fund (see HB 3409 below). This funding will be distributed to eligible grant applicants.
- The bill also appropriates \$3m to DLCD for Climate Friendly and Equitable Communities (CFEC) – approximately 90% of this funding is dedicated directly to local governments for CFEC implementation.

Positions: 1 (Permanent)

FTE: 63.92

Status: Awaiting Governor's Signature

Effective Date: Upon passage

II. HOUSING**HB 2001 – Oregon Housing Needs Analysis**

Chief Sponsors: Rep. Dexter, Rep. Helfrich, Sen. Jama, and Sen. Anderson

Summary: HB 2001 updates the statutory framework implementing Goal 10 to emphasize a measurable and accountable approach to housing production that provides needed units at all levels of affordability, promotes a greater range of housing options and types, and affirmatively furthers fair housing. Among its major provisions, this legislation includes the following:

Housing Need Methodology & Housing Production Targets

- Establishes the Oregon Housing Needs Analysis (OHNA) methodology within the Department of Administrative Services to project the statewide 20-year housing need, to allocate the proportional share of need to individual cities and counties, and to identify

housing production targets for each city over 10,000 and unincorporated urban areas of the Metro counties no later than January 1, 2025.

- Requires the 20-year allocation of housing need to include the following:
 - Population and household growth;
 - Current housing underproduction;
 - Housing needed for people experiencing homelessness; and
 - Housing units projected to be converted into second and vacation homes.
- Requires the OHNA methodology to report housing needs using the following household income levels:
 - Below 30% Median Family Income (MFI);
 - 30% to 60% MFI;
 - 60% to 80% MFI;
 - 80% to 120% MFI; and
 - Above 120% MFI.

Housing Production Dashboard

- Requires OHCS to publish no later than January 1, 2025, a housing production dashboard with assessments of the progress made by cities above 10,000 population on housing production targets.

Equity Analysis

- Requires OHCS to maintain a comprehensive statewide equity analysis, based on best available data, to provide baseline analysis that local jurisdictions must complete as part of a Housing Production Strategy to track equity-related housing outcomes.

Urbanization

- Outlines a set of clear principles that LCDC must follow in adopting or implementing housing rules that focus on making housing accessible and affordable, emphasize production and support to local governments, emphasize equitable outcomes and environmental justice, and avoid litigation or regulatory uncertainty.
- Directs LCDC to adopt rules that focus on providing flexibility and certainty in local compliance with Goals 10 and 14. Rules relating to housing production strategies and housing accountability are due on or before January 1, 2025, and rules relating to buildable land inventories and UGB amendments, land exchanges, and urban reserves on or before January 1, 2026.
- Allows LCDC to postpone the application of HB 2001 to cities currently adopting changes and updates under Goal 10 until January 1, 2026.

- *Note: This was amended to January 1, 2027 in HB 2889.*
- Requires cities to identify “development ready lands” as part of their buildable land inventories, focused on areas annexed and zoned to allow housing with clear and objective standards, readily served with public facilities or near-term improvements identified in the adopted capital improvement plan.
- Modifies the “Needed Housing” statute to reflect OHNA estimates and allocations. Cities will determine the type, characteristics, and locations of housing based on the allocation of housing need by DAS. Metro will estimate and allocate housing need to cities and urban, unincorporated areas within the Metro region.
 - *Note: HB 2889 shifted the allocation responsibility in the Metro region from Metro to DAS. This allocation will be based on the needs projection developed by Metro as part of the Growth Management Decision. Additionally, the OHNA policy estimates and allocates housing need for urban, unincorporated areas within the Metro with the expectation that policy recommendations for Goal 10 implementation will be developed for the 2024 Session.*

Housing Accountability

- Establishes a framework for DLCD to periodically evaluate housing production progress and refers underperforming cities to a housing acceleration program, effective January 1, 2025. Require DLCD to evaluate city progress and performance on production, affordability, and choice, and for cities that are underperforming, not completing HPS requirements by the deadline, or referred by an enforcement order, refer into the housing acceleration program.
- Expands the conditions under which LCDC may pursue an enforcement order and the types of actions that LCDC may compel from cities relating to the housing acceleration program, housing production strategies and local housing approvals.

Housing Production Strategies

- Establishes a clear state goal for housing production strategies of providing to further “housing choice for all”, ‘affirmatively furthering fair housing’. and fair and equitable housing outcomes
- Clarifies the types of actions that increase housing production, affordability, and choice, including ‘efficiency measures’ which were historically part of the buildable lands statute.
- Establishes a Housing Coordination Strategy required for Metro and optional for other regional/county entities, recognizing the coordinating role that regional governments play in housing planning and outlining the actions and tools that could be included in such strategies.

Population Forecasts

- Amends the population forecast statutes to require the Population Research Center and Metro to include race, ethnicity and disability in their projections. Further requires the Population Research Center to include tribal lands in its projections.

Requires complex rulemaking and a rules advisory committee.

Positions: 7 (all permanent)

FTE: 7

Status: Signed by Governor March 29, 2023

Effective Date: Upon passage

HB 3395 – Housing Omnibus Bill

Chief Sponsor: Speaker Rayfield, Rep. Dexter, Rep. Gomberg, and Sen. Jama

Summary: HB 3395 sets forth numerous policy changes related to residential development:

- Requires non-Metro cities between 2,500 – 10,000 residents to adopt ordinances allowing duplexes on any lot zoned for residential use that allows single family detached housing by June 30, 2025. DLCD will receive \$1.25m to provide grant assistance for those cities to update their local development codes.
- In areas within UGB boundaries and zoned for commercial use, directs local governments to allow housing units available to those households making 60% of area median income, or allow mixed use structures with ground floor commercial for those households with moderate incomes as defined in ORS 456.270 (80-120% AMI). This provision takes effect as of January 1, 2024.
- Provides local governments flexibility on their required timelines for final action on an application for a permit, limited land use decision or zone change. Specifically, when a local government tentatively approves an application for the development of a residential structure within an urban growth boundary, they may extend the deadline (100 days for counties, 120 days for cities) by up to seven days to ensure sufficiency of the final order. Additionally, it provides local and state government agencies the ability to withdraw final decisions for reconsideration on appeal for an application relating to the development of a residential structure. Collectively, these provisions are intended to reduce appeals that can substantially delay the development of housing by providing local governments more time and ability to address issues before they are appealed. These provisions take effect as of January 1, 2024.
- Makes permanent the requirement that local governments approve emergency shelters subject to certain conditions and operated by a local government, non-profit, religious corporation, or housing authority located on any property within the UGB or on rural residential lands. This provision does not apply when the point-in-time count indicates that homelessness comprises less than 0.18% of the total state population.

- Awards attorney fees to any local government or intervening applicant that prevails on the appeal of the local approval of an emergency shelter, and to any applicant that prevails on the appeal of a local denial.
- Exempts development established on or after January 1, 2024, in which each residential unit is subject to an affordability restriction, owned by a public benefit corporation or owned by a religious corporation from the definition of “planned community” provided in ORS 94.550. This provision takes effect as of January 1, 2024.
- Precludes local governments from reviewing and approving condominium plats, and prohibits any zoning, subdivision, building code or other regulation that imposes a tax or fee, approval process or permitting requirements upon any development or property proposed as condominium not also imposed on a different form of ownership. This provision takes effect as of January 1, 2024.
- Directs that cities and counties to accept as assurance for the provision of water and sewer services one or more award letters from public funding sources made to a person subdividing a property for affordable housing if the value of the award letters exceeds the total project cost. This provision takes effect as of January 1, 2024.
- Requires local governments to approve Single Room Occupancy development with up to 6 units on each lot zoned for single family detached housing and, if the lot allows the development of 5 or more units, then the SRO development must be approved up to the number of units allowed by the underlying density standard. This provision takes effect as of January 1, 2024.
- Amends the definition of “needed housing” in ORS 197.296 and 197.303 to include “single room occupancy” development, meaning that local governments must consider this development type when evaluating the amount of buildable land necessary for residential development over a 20-year timeframe and when preparing Housing Production Strategies to meet housing production goals. This provision takes effect as of January 1, 2024.
- Establishes a process for homeowner associations to remove discriminatory language from any declaration or bylaws adopted for a planned community or condominium established before September 1, 2021, to review these documents and amend such language on or before December 31, 2024.
- Allows the Public Utilities Commission to permit utilities to convey a real property interest at below market prices or as a gift provided the property is used for affordable housing. This provision takes effect as of January 1, 2024.

- Directs the Oregon Department of Administrative Services, in consultation with DLCD and OHCS, to provide grants to councils of government and economic development districts to support housing and community development capacity in local governments and the federally recognized tribes. HB 3395 appropriates \$5M for this purpose.

Requires conforming rulemaking.

Status: Awaiting Governor's Signature

Effective Date: Upon passage unless otherwise noted (underlined above).

HB 2127 – Pendleton UGB Expansion for Affordable Housing Pilot Extension

Chief Sponsor: Rep. Mannix

Summary: In 2016, the Oregon Legislative Assembly passed House Bill 4079, which established a pilot program for the construction of affordable housing. The program allowed two cities to approve affordable housing on land outside but adjacent to their urban growth boundary (UGB) under certain conditions, including the a demonstration selected projects that were likely to provide affordable housing that otherwise would not have been built. Ultimately, the cities of Bend and Redmond were selected. Later, in 2021, the Legislative Assembly enacted House Bill 2160, which allowed LCDC to consider an application from the City of Pendleton under the pilot project with a deadline for the application on June 30, 2023.

HB 2127 removed the deadline for the City of Pendleton to apply to a pilot project program for affordable housing and sunsets the program on January 2, 2028.

Status: Awaiting Governor's Signature

Effective Date: Upon passage

HB 2889 – Oregon Housing Needs Analysis Recommendations

Chief Sponsor: Rep. Dexter, Rep. Fahey, Rep. Marsh, Sen. Jama, and Sen. Gorsek

Summary: HB 2889 served as the “clean-up” legislation to HB 2001 adopted earlier to implement the Oregon Housing Needs Analysis (OHNA) framework and to update Goals 10 and 14 for improved housing production. The bill revises the OHNA Methodology process and targets to reflect the policy priorities to track the production of all levels of housing affordability. It also re-assigned the responsibility for allocating housing need in the Metro region from Metro Regional Government to Department of Administrative Services. Finally, HB 2889 includes other technical clarifications to correct errors, ensure the policy functions as intended, and avoid create potential unanticipated consequences.

Status: Awaiting Governor's Signature

Effective Date: Upon passage

HB 2898 – Extending Time for Siting Recreational Vehicles as Shelter

Chief Sponsors: Rep. Cate and Sen. Brock Smith

Summary: Since 2005, Oregon law has allowed the use of a recreational vehicle (RV) as a dwelling if all of the following conditions are met:

- the RV is located in a manufactured home park, mobile home park, or RV park;
- the RV is occupied as a residential dwelling; and
- the RV has lawful water and electric hook-ups and a sewage disposal system.

In response to the 2020 wildfires, the Legislative Assembly enacted House Bill 2809 (2021), which also permitted the siting of an RV as a dwelling on the lot of a manufactured or single-family home made uninhabitable by a natural disaster, until the home is made habitable or 24 months following the date it was made uninhabitable. House Bill 2898 extends the time allowance for living in an on-site RV to five years. The measure also specifies that, under applications to alter, restore, or replace a dwelling destroyed by the 2020 wildfires, the applicant is permitted to occupy an RV until December 30, 2030.

Status: Awaiting Governor's Signature

Effective Date: Upon passage

HB 2984 – Commercial to Residential Conversions Exemptions

Chief Sponsor: Rep. Marsh

Summary: HB 2984 requires local governments to allow conversion of a building from commercial to residential use without requiring a zone change or conditional use permit. It clarifies housing developed under these provisions may occur only within an urban growth boundary for cities with populations of 10,000 or greater, and not on lands zoned for heavy industrial use. It allows local governments to require payment of system development charge (SDC) if charge is based on specific commercial to residential conversion policy adopted by a local government on or before December 31, 2023; or is for water or wastewater and offset by any SDCs paid when building was originally constructed. Prohibits enforcement of parking minimums greater than those required for existing commercial or residential use.

Status: Awaiting Governor's Signature

Effective Date: Upon passage

HB 3442 – Allowing Affordable Housing In Hazard Areas

Chief Sponsor: Rep. Javadi and Sen. Brock Smith

Summary: HB 3342 allows local governments with urban growth boundaries within 10 miles of the Pacific Ocean to approve affordable housing on public lands, areas zoned for commercial use or religious assembly, or certain industrial areas within 100-year floodplains or on property constrained by land use regulations based on natural hazards and hazards, if, within the city's urban growth boundary, more than 60 percent of land is within a tsunami inundation zone or more than 30 percent is within a 100-year floodplain. HB 3442 limits this affordable housing to those locations meeting minimum federal standards required by the National Flood Insurance Program or equally or more stringent local standards, occurring outside of flood waterways, and having updated emergency response plans.

HB 3462 – Temporary Housing under Emergency Declarations

Chief Sponsor: Rep. Hartman

Summary: HB 3462 directs the Oregon Department of Emergency Management (OEM), Oregon Housing and Community Services (OHCS), or Department of Human Services (DHS) to ensure temporary housing provided in response to emergencies is safe and complies with nondiscrimination laws. These agencies may provide equivalent resources, as funding allows, to potential recipients otherwise ineligible for federal resources, including ineligibility due to immigration status.

Status: Awaiting Governor's Signature

Effective Date: Upon passage

III. CLIMATE

HB 3409 – Climate Package (Green Infrastructure and Solar Siting)

Chief Sponsors: Speaker Rayfield, Rep. Marsh, Rep. K. Pham, Senator Dembrow, and Senator Lieber

Summary: HB 3409 is a climate package with many components – not all of which apply to DLCD:

Community Green Infrastructure Grant Program

- Establishes the Community Green Infrastructure Grant Program, which is to be administered by DLCD for the purpose of awarding grants to offset the cost of planning and developing community green infrastructure projects or green infrastructure

economic development projects, developing and supporting native seed banks or native plant nurseries, and for implementing green infrastructure master plans.

- The measure requires DLCD to enter into an intergovernmental agreement with ODF for assistance with the design and implementation of the program, acquiring and administering federal funding related to green infrastructure projects, or technical advice or feedback on the grant review process.
- Requires DLCD to enter into an intergovernmental agreement with the Oregon Department of Transportation for technical advice concerning state transportation facilities and rights of way as they relate to the design and implementation of the program, acquiring and administering federal funding related to green infrastructure projects, and technical advice or feedback on the grant review process.
- Permits DLCD to appoint an Advisory Committee on Community Green Infrastructure Investments to provide consultation on the implementation of the grant program. No later than September 15 of each even-numbered year, the Advisory Committee is to submit a report on the implementation of the program to the appropriate interim Committee of the Legislative Assembly. The measure establishes the Community Green Infrastructure Fund with moneys in the fund continuously appropriated to DLCD to award grants, with 30 percent for grants for planning and developing green infrastructure economic development projects, 40 percent for grants to entities or projects located in green infrastructure improvement zones, and 30 percent for grants for entities or projects in tribal, rural, remote, or coastal communities. None of the funds are allocated for administration of the grant program.
- The measure appropriates \$6.5 million General Fund for grants. \$6.5 million Other Funds expenditure limitation will be added to SB 5506 (See above), as well as designating the General Fund appropriated to be deposited in the Community Green Infrastructure Fund, which will allow moneys to be expended in future biennia.
- Requires ODF to acquire and maintain a statewide urban tree canopy assessment tool that provides geospatial mapping and make it available on a website maintained by the Department. Lastly, the measure requires ODF to develop and implement a program to provide technical and financial assistance to public bodies, tribal governments, watershed councils, and community-based organizations for planning, responding to, and recovering damage to habitats and urban tree canopies due to pests, diseases, or other natural or human-created conditions that lead to loss of tree canopy.
- In addition to the \$6.5 million General Fund appropriation, the measure appropriates \$768,741 General Fund to DLCD in the 2023-25 biennium for new positions and related costs. The grant funding provided by this measure is a one-time appropriation and if all grant funding is not disbursed in the 2023-25 biennium, DLCD will retain the funding but need to request ongoing position authority and expenditure limitation for the 2025-27 biennium.
- **Positions:** 4 (all limited duration) **FTE:** 3.13

Finding opportunities and reducing conflict in siting photovoltaic solar power generation facilities

- Directs DLCD to conduct two rulemakings related to the siting of solar energy facilities. The first rulemaking is to include photovoltaic energy facilities as a “rural industrial use” for purposes of goal exceptions by November 3, 2023. The second rulemaking will establish conditions for local governments to prioritize areas for photovoltaic energy facilities siting least likely to conflict with natural and cultural resource values by July 1, 2025.
- Establishes the 17 member rules advisory committee for siting photovoltaic solar power generation facilities to advise DLCD on adoption of rules related to photovoltaic solar power generation facility siting. DLCD is to provide an initial report to an appropriate interim committee of the legislative assembly by September 15, 2025, and a final report to certain entities by December 31, 2025.
- The measure requires DLCD to contract with a third party to support the rules advisory committee, including to facilitate and coordinate meetings, and furnish maps, data, and technical assistance. Members of the rules advisory committee are entitled to compensation and expenses. These portions of the measure sunset January 2, 2026.
- Provides DLCD \$471,692 general fund in the 2023-25 biennium. Department anticipates hiring one full-time planner 4. This position would provide support for the rules advisory committee and allow DLCD to develop more policy and technical expertise in renewable energy issues.
- **Positions:** 1 (limited duration) **FTE:** .88

Natural Climate Solutions

- Establishes various funds to be appropriated to the Oregon Watershed Enhancement Board, Department of Fish and Wildlife, Oregon Department of Forestry, and Department of Agriculture. These funds will establish programs that provide incentives and financial support for technical assistance to help landowners, Indian tribes, land managers and environmental justice communities to adopt practices that support natural climate solutions.
- HB 3409 also directs the Oregon Department of Energy to consult with DLCD (among other entities) to establish and maintain a carbon sequestration and storage baseline and activity-based metrics used to evaluate progress toward increasing net biological carbon sequestration and storage in natural and working lands.

Status: Awaiting Governor’s signature**Effective date:** Upon passage

IV. RESOURCE LANDS

HB 2192 – Replacement Dwellings on Forest Land

Chief Sponsors: Rep. Wright and Sen. Brock Smith

Summary: On lands zoned for forest use, current law provides for alteration, restoration, or replacement of lawfully established dwellings as a permitted use if the dwelling "has" intact exterior walls, an intact roof structure, indoor plumbing connected to a sanitary waste disposal system, interior electric wiring, and a heating system. If the dwelling is being replaced, it must be removed, demolished, or converted to an allowable nonresidential use within three months of the completion of the replacement dwelling. Forestland dwelling statutes do not allow for alteration, restoration, or replacement of dwellings that no longer have intact walls and other structural components and do not meet requirements related to ad valorem taxation.

By contrast, on lands zoned for exclusive farm use, current law provides for alteration, restoration, or replacement of lawfully established dwellings as a permitted use if the dwelling "has" or "formerly had" intact structural features (HB 2746, 2013). Similarly, HB 2289 (2021) required that a local government approve an application to alter, restore, or replace a dwelling affected by the 2020 Labor Day wildfires if the former dwelling "had" intact structural features.

HB 2192 would modify requirements for a lawfully established forestland dwelling to be altered, restored, or replaced by aligning criteria applicable to the alteration, restoration, or replacement of lawfully established dwellings on forestland with the criteria for certain farmland dwellings. It allows for a lawfully established dwelling to be altered, restored, or replaced if:

- (1) the county determines that the dwelling formerly had intact exterior walls and roof structure, indoor plumbing, interior wiring for interior lights, and a heating system and
- (2) unless the value of the dwelling was eliminated as a result of destruction or demolition, the dwelling was assessed as a dwelling for purposes of ad valorem taxation since the later of five years before the date of the application or the date that the dwelling was built and became subject to property tax assessment; or if the value of the dwelling was eliminated as a result of destruction or demolition it was assessed as a dwelling for purposes of ad valorem taxation prior to the destruction or demolition and since the later of five years before the date of the destruction or demolition or the date that the dwelling was built and became subject to property tax assessment.

HB 2192 provides that applicable construction codes related to building, plumbing, sanitation, and health and safety may not be applied to the replacement dwelling if doing so would prohibit the siting of the replacement dwelling. An application for a replacement building must be filed within three years following the date that the dwelling last possessed all of the required qualifying features. Construction of the replacement dwelling must commence no later than four years after its application is approved and finalized. A replacement dwelling must comply with the construction provisions of section R327 of the Oregon Residential Specialty Code if the

dwelling is in an area identified as extreme or high wildfire risk on the statewide wildfire risk map or if no statewide wildfire risk map has been adopted.

Requires conforming rulemaking.

Status: Awaiting Governor's Signature

Effective Date: Upon passage

HB 3179 – Modifies Jurisdiction for Solar Photovoltaic Power Generation Facilities

Chief Sponsor: Rep. Helm

Summary: HB 3179 increases the maximum acreage for solar photovoltaic power generation facilities under county jurisdiction. On high-value farmland the maximum facility acreage increases from 160 to 240 acres; on land that is predominantly cultivated or composed of certain soil acreage increases from 1,280 to 2,560 acres; and on any other land the acreage for county jurisdiction increases from 1,920 to 3,840 acres. Facilities greater than these thresholds will continue under the jurisdiction of the Energy Facility Siting Council.

HB 3179 also requires renewable energy facility that is solar photovoltaic power generating facility using newly authorized acreage limit under HB 3179 to provide decommissioning plan to accomplish restoration of site to useful, nonhazardous condition, which includes bonding or other security as financial assurance. The bill prohibits the Oregon Department of Transportation and the county court or board of county commissioners from discriminating against or favoring a renewable energy facility in reviewing or granting siting permits for such facilities to be built on the right of way of state highways or county roads.

Requires conforming rulemaking.

Status: Awaiting Governor's Signature

Effective Date: Upon passage

HB 3197 – Limits Clear and Objective Requirements for Housing

Chief Sponsor: Rep. McLain

Summary: HB 3197 directs local governments to apply clear and objective standards to residential development within urban growth boundaries and, after July 1, 2025, to apply such standards to residential development within non-resource lands, areas zoned for rural residential, and unincorporated communities designated in county comprehensive plans. Similarly, for farmworker accessory housing, counties must apply additional standards beyond those under ORS Chapter 215 or DLCD rules as clear and objective. Finally, HB 3197 no longer limits the discretionary option to clear and objective standards to appearance and aesthetic

standards, allowing developers and local governments to agree alternative design and development standards.

Status: Awaiting Governor's Signature

Effective Date: Upon passage

HB 3630 – Statewide Energy Strategy

Chief Sponsors: Speaker Rayfield, Rep. K. Pham, Rep. Marsh, and Sen. Golden

Summary: HB 3630 requires the Oregon Department of Energy to adopt a statewide energy strategy and support energy resiliency planning in each county in Oregon. This bill will inform the work of DLCD's rulemaking on photovoltaic power generation facilities under HB 3409 (see above).

Status: Awaiting Governor's Signature

Effective Date: Upon passage

SB 70 – Rural Residential Rezoning in Eastern Oregon Border Region

Chief Sponsor: Sen. Findley

Summary: In 2017, the Legislative Assembly created the Eastern Oregon Border Economic Development Region (Border Region) and established the Eastern Oregon Border Economic Development Board (Board) through the enactment of HB 1012. The Border Region is defined in rule as the area within 20 miles of the Oregon border with Idaho, which includes the cities of Ontario, Vale, and Nyssa.

In 2021, the Board urged the legislature to pass SB 16 as a means to increase rural residential housing options in the Border Region in response to significant residential growth in Idaho. The Legislative Assembly enacted the bill, which authorizes counties to partition and rezone up to 200 acres of lands within the Border Region from exclusive farm use to residential use, provided that the rezoned lands are not high-value farmland and other specified requirements are met.

SB 70 amends the definition of "high-value farmland" for residential rezoning of lands within the (Border Region to allow for rezoning within the boundaries of an irrigation district, drainage district, water improvement district, water control district, or related corporation, and within a portion of the Snake River Valley viticultural area. The bill requires that the rezoned lands are within a rural fire protection district, comply with applicable fire prevention code requirements, and are not within an area designated as a 100-year floodplain on a current Federal Emergency Management Agency map. It changes county authority to "partition" to county authority to "divide" lands zoned for exclusive farm use within the Border Region, provided that certain conditions are met.

Status: Awaiting Governor's Signature

Effective Date: Upon passage

SB 80 - Wildfire Bill

Chief Sponsors: Senate Interim Committee on Natural Resources and Wildfire Recovery

Summary: SB 80 updates many of the requirements set forth in SB 762 (2021), the omnibus wildfire bill, including:

- Directs the State Department of Forestry to oversee the development and maintenance of a comprehensive statewide wildfire hazard map. The map's name has been updated to "hazard" from "risk" and purposes of the map have been defined.
- The hazard zones have been changed to three zones: low, moderate, and high, from five risk classes (none, low, moderate, high, and extreme). Property owner notice and appeal processes have been revised.
- Requirements for a robust community engagement process have been added, including holding eight in-person meetings with county commissioners and staff throughout the state and a follow up meeting for counties to be scheduled by Association of Oregon Counties.
- Requirements for State agencies that use the map layer that geospatially displays the locations of socially and economically vulnerable communities are detailed, including how resources are directed, how communities are identified, and how outreach is conducted. No date is specified for the map's release, it is to be "completed and released expeditiously."

Status: Awaiting Governor's Signature

Effective Date: July 1, 2023

SB 85 – Amending Concentrated Animal Feeding Operation Regulations

Chief Sponsors: Senate Interim Committee on Natural Resources and Wildfire Recovery

Summary: SB 85 requires local government to issue a land use compatibility statement for proposed concentrated animal feeding operations (CAFOs). It also allows local governments to require a buffer or setback for large CAFOs that would be adjacent to legal residences or structures that were legal when constructed.

Status: Signed

Effective Date: May 8, 2023

SB 644 – Accessory Dwelling Unit Standards in Rural Residential Zones

Chief Sponsor: Sen. Knopp, and Sen. Findley

Summary: **SB 644** allows **counties to approve** accessory dwelling units in rural residential zones constructed consistent with Section R327 of the Oregon Residential Specialty Code if no statewide map of wildfire risk has been adopted or is located in an area on an adopted state wildfire risk map that vulnerable to extreme or high wildfire risk. Note that SB 80 (see above) provides the Oregon Department of Forestry direction with regard to adopting a statewide wildfire risk map.

Status: Awaiting Governor's Signature

Effective Date: Upon passage

SB 1013 – Allowing Recreational Vehicles on Certain Rural Properties

Chief Sponsors: Sen. Hayden, Sen. Linthicum, and Sen. Brock Smith

Summary: SB 1013 authorizes counties to allow property owners in a rural residential zones to site one recreational vehicle (RV) subject to residential rental agreement on property, provided: the property is not within an urban reserve and includes a single-family dwelling occupied solely as property owner's primary residence; no other dwelling units are sited on the property; the property owner does not allow the use of the RV or RV space for vacation or other short-term occupancy; the RV is owned or leased by the tenant; and the property owner provides essential services to the RV.

SB 1013 allows a county to require a property owner to register RV siting with the county; enter into written residential rental agreement with RV tenant; limit payment amount property owner may accept from tenant; and hold RV to county inspection and siting standards.

SB 1013 defines "recreational vehicle" for purposes of Act as a recreational vehicle that has not been rendered structurally immobile and is titled with the Department of Transportation. The bill prohibits a state agency from prohibiting placement or occupancy of RV solely on grounds it is an RV if it meets provisions of Act. Finally, the bill clarifies RVs sited under the measure's provisions are not subject to the state building code.

Status: Awaiting Governor's Signature

Effective Date: Upon passage

V. COASTAL

HB 3382 – Creating Goal 16 Exception for Dredging in Coos Bay

Chief Sponsors: Rep. Javadi, Rep. Gomberg, Sen. Brock Smith, and Sen. Woods

Summary: HB 3382 allows local governments within the jurisdiction of the Port of Coos Bay to approve a “reasons exception” for Goal 16 (estuaries) to redesignate or rezone natural and conservation management units to allow for dredging of federally authorized deep draft navigation channels, access channels, and related structures. Applicants for this exception are limited to the International Port of Coos Bay and Oregon’s federally recognized tribes.

This exception requires that all dredging activities include mitigation of adverse impacts to ensure that “no net loss” of estuarine resources and the affected aquatic and shore areas and habitats.

The bill also provides that the rules and permitting authority of the Department of State Lands, The Department of Transportation, The State Parks and Recreation Department, The State Department of Fish and Wildlife, and the Department of Environmental Quality are not affected by this exception.

Status: Awaiting Governor’s Signature

Effective Date: Upon Passage

VI. ADMINISTRATIVE AND MISCELLANEOUS

HB 2727 – Early Childhood Education Facility Siting Study

Chief Sponsor: Rep. Marsh

Summary: HB 2727 requires DLCD to convene a work group to study barriers to the development of early childhood education facilities statewide. It includes \$215,000 to contract with a facilitator and support work group participation. A report from this work group is due by December 31, 2024.

Status: Awaiting Governor’s Signature

Effective Date: Upon passage

HB 3167 - Allows Notice In Digital Newspapers

Chief Sponsors: Rep. Marsh, Rep. Smith, Sen. Knopp, Sen. Patterson

Summary: HB 3167 modifies definitions with ORS 193.010 to include digital newspaper formats as an acceptable form of legal notice.

Status: Awaiting Governor's Signature

Effective Date: Upon passage

HB 3362 – Validation of Illegal Land Division Purchased by Innocent Purchasers

Chief Sponsors: Rep. Conrad and Rep. Wright

Summary: HB 3362 allows a county to approve an application to validate a unit of land acquired by an innocent purchaser prior to January 1, 2023 if the county: before the acquisition, approved an application for the recognition of the unit of land as a lawfully established unit of land and approved an application for a property line adjustment to that unit of land, and after acquisition, revoked these approvals. The bill exempts such applications from specified minimum lot or parcel sizes and sunsets county authority on January 2, 2025.

HB 3362 allows any person, notwithstanding standing requirements or deadlines, to file with the Land Use Board of Appeals (LUBA) a notice of intent to appeal a land use decision made by a county if: the challenged decision approved an application for a template dwelling, a legal lot verification, or a property line adjustment; the approval of the challenged decision was based on forged deeds or documents; the applicant is not an "innocent purchaser" under the definition provided in this Act; and the applicant owned the property that was the subject of the challenged land use decision on January 1, 2023.. Prohibits the county from approving a new application for a template dwelling on the lot or parcel if the challenged decision is overturned on appeal.

Status: Awaiting Governor's Signature

Effective Date: Upon Passage

SB 4 –Siting Authority for Semiconductor and Advanced Manufacturing

Chief Sponsors: Rep. Bynum, Rep. Wallan, Sen. Knopp, and Sen. Sollman

Summary: SB 4 allows the Governor to add lands by executive order to existing urban growth boundaries for use in semiconductor manufacturing, advanced manufacturing or supply chain development related to these industries. The lands must be designated on or before Dec. 31, 2024, contiguous to the city's existing urban growth boundary, entirely within three miles of that boundary and not located on an acknowledged urban reserve. Before designating any such lands, the bill requires the Governor to determine that suitable lands are not available within the

existing UGB boundary and to take public input on the potential designation. The Governor may designate up to 8 sites within specific acreage limits.

Any lands designated under SB 4 are considered an acknowledged urban growth boundary. DLCD must consider any designated lands included in a local ordinance adopted within 6 months of the executive order that zones the lands for semiconductor or advanced manufacturing uses as an acknowledged amendment to the local comprehensive plan or land use regulations. Lands added to UGBs may be removed upon order by the Governor if the lands will not receive federal semiconductor financial assistance.

Status: Awaiting Governor's Signature

Effective Date: Upon passage

SB 11 – Prompt Publishing of Commission Recordings

Chief Sponsor: Sen. Gorsek

Summary: SB 11 requires LCDC (among other state boards/commissions) to record and promptly publish public meetings through electronic means.

Status: Awaiting Governor's Signature

Effective Date: Upon passage

HB 3458 – Limiting Appeals of Remands to Issues Raised under Original Appeal

Chief Sponsor: Rep. McLain

Summary: HB 3458 prohibits a party from raising new issues before the Land Use Board of Appeals (LUBA) in cases where LUBA remands all or a portion of a decision related to an acknowledged comprehensive plan or land use regulation and the local government adopts the same changes following remand with revised findings and additional evidence responding to the remand. The bill also allows LUBA to partially affirm decisions if a local government demonstrates that a land use decision adopting a change to an acknowledged comprehensive plan or land use regulation contains a severability clause and specifically challenged portions of the changes are complete and capable of being executed with the legislative intent. HB 3458 applies to decisions made and petitions filed with LUBA on or after the effective date of this Act.

Status: Awaiting Governor's Signature

Effective Date: September 24th, 2023

VII. KEY BILLS THAT DID NOT PASS

HB 2659/SB 580 – Update Climate Friendly and Equitable Communities Rules

Chief Sponsors: Rep. Lively, Rep. Bynum, Sen. Prozanski

Summary: Both HB 2659 and SB 580 would have paused implementation of the current Climate Friendly and Equitable Communities rules and directed DLCD to update the rules in collaboration with local governments and with consideration for local plans and differing local capabilities and circumstances.

HB 3414 – Housing Accountability and Production, One-time UGB Expansions, and Awards of Attorney Fees

Sponsor: Joint Committee on Ways & Means (at the request of Governor Tina Kotek)

Summary: HB 3414 would have substantially changed the production of housing in the following ways:

Housing Accountability and Production Office

HB 3414 would have required DLCD and Oregon Department of Business and Consumer Services to establish the Housing Accountability and Production Office through an interagency agreement. The office would have been directed to:

- Support local compliance with state housing law through technical assistance and to reduce local permitting and land use barriers to housing production
- Serve as a resource for developers with questions about state and local housing requirements
- Investigate and respond to reasonable complaints about violations of state housing law
- Mediate disputes between developers and local governments relating to housing law

HB 3414 would have outlined a process for the office to investigate complaints of local government violations occurring after April 1, 2024, including how to provide assistance through voluntary agreements and, when necessary, to seek injunctive relief or initiate enforcement orders.

Adjustments to Local Design and Development Standards

HB 3414 would have required local governments to approve no more than 10 distinct “adjustments” to design and development standards for new residential development occurring within an urban growth boundary on land zoned for residential or mixed-use residential uses. The bill defined “adjustments” as a deviation from an existing land use regulation, excluding certain regulations related to health and safety, coastal development, environmental protections,

and natural hazards. HB 3414 also specified the types of design and development standards in which local governments must approve a requested “adjustment.”

One-time UGB Expansions

HB 3414 would have allowed cities outside of the Metro region to amend its UGB to include up to either 75 or 150 “net” residential acres (depending on city population), provided the site was located within a designated urban reserve, non-resource lands or an area with an acknowledged exception to Goal 3. Additionally, the city would have had to adopt a conceptual plan for the site as an amendment to its comprehensive plan. This plan would have addressed minimum density standards (varied by region), the integration of a transportation network (including non-vehicle options) and neighborhood commercial areas, open spaces and natural hazards, ensured the provision of necessary infrastructure, and provided that at least 30% of the residential units were available to households with incomes with less than 130% of area median income.

The bill would have also allowed Metro to review petitions for UGB amendments, along with approved conceptual plans, up to a total of 600 acres in the region.

HB 3414 would have directed DLCD to review any UGB amendment and conceptual plan for compliance with the statute and, in cases of non-compliance, remand to the city or Metro with specific issues and deficiencies.

The authority to adopt UGB amendments under this act would have expired as of January 2, 2033, and a city would have been limited to a single amendment under this act in this time.

Award of Attorney Fees

Finally, HB 3414 would have required the Land Used Board of Appeals to grant attorney fees to an applicant and a local government approving a development application if the court confirms the approval of the application or reverses the denial of the application.

SB 873 – Bioengineering Erosion Management Rulemaking

Chief Sponsor: Sen. Brock Smith and Sen. Anderson

Summary: SB 873 would have directed the LCDC to adopt rules to allow soil bioengineering systems to be used for shoreline stabilization in estuaries, coastal shorelands, and the ocean shore by January 1, 2026. Requires that the rulemaking include adopting a definition of “soil bioengineering systems” that includes natural materials that are dynamic and absorb wave energy, and that are meant to mimic natural systems.. The bill would have required that the rulemaking ensure that soil bioengineering systems conform with statewide land use planning goals and that land use management practices and nonstructural solutions are prioritized over structural solutions in addressing problems of erosion and flooding. SB 873 would have prohibited the Commission from substantively amending any process established by rule that allows Oregon Department of Transportation to perform actions or undertake projects that use

shoreline stabilization that includes structural methods, elements, or solutions. SB 873 would have authorized DSL and OPRD, by January 1, 2027, to adopt rules conforming or consistent with the rules adopted by the Commission.

SB 678 – Offshore Wind Energy Community Engagement and Public Benefits

Chief Sponsors: Sen. Knopp, Sen. Brock Smith, and Sen. Weber


Summary: SB 687 would have established policy of the State related to benefits from offshore wind energy development and local and regional communities and economies. The bill would have required DLCD to conduct outreach and engage and coordinate with state agencies, local governments, and affected communities to carry out policies of state established by the Act. Establishes policy of the State to:

- Support engagement between offshore wind energy developers and certain communities and entities;
- Minimize and mitigate adverse effects of survey activity related to offshore wind leasing while maximizing benefits; and
- Promote economic diversification and resilience.

SB 687 also requires DLCD to continue federal consistency review of offshore wind leasing and draft a report on the engagement and outreach, review state policies on offshore wind, provide recommendations for improving state policy.

If you have questions or comments about the report or other legislation, please contact DLCD Legislative and Policy Coordinator, Alexis Biddle, at (971) 718-4504, or Alexis.Biddle@dlcd.oregon.gov

Memorandum

To: Planning Commission/Commission Advisory Committee
From: Derrick I. Tokos, AICP, Community Development Director 
Date: August 10, 2023
Re: Outreach Plan for Bayfront Parking Management Strategy Rollout

Attached is a draft Frequently Asked Question (FAQ) flyer that we put together for the bayfront parking solution rollout. It was vetted with the Parking Advisory Committee at its August 3, 2023 meeting, and this version includes the groups' recommended edits. A separate document will be put together for the commercial fishing user group meeting, as there are details associated with how permitting will work with that stakeholder group that are not conducive to a general handout.

Most of the outreach will occur in September and we are still looking to implement in mid-October. A firm implementation date has not been set. We will be meeting with bayfront businesses, the fish processing plants, commercial fishing interests, and the Port of Newport.

The City Council, acting as the Local Contract Review Board, authorized city staff to proceed with a scaled down package of parking lot improvements that focuses on three lots that abut Bay Boulevard (i.e. Abbey Street Lot, Bay Blvd Lot, and Hatfield Lot). That work will occur in September and we will reach out to bayfront stakeholders so that they know when the lots are being closed for improvement. Other bayfront parking areas will be included in a future improvement package once the meter revenue starts to come in.

The draft FAQ can be produced in English and Spanish. Please take a moment to look over the FAQ and me know if you have any comments. I also look forward to any other feedback you have on how we can effectively engage those that will be impacted by the changes.

Attachments
Bayfront Parking FAQ
Implementation Schedule



What is the City's Plan for Managing Parking along the Bayfront?

The City's plan for managing parking is to establish paid parking, paid/permit, and permit/timed parking areas along the Bayfront streets and parking lots. The plan is based upon a parking study that the City completed with stakeholder input in 2018, and which was formally adopted in 2020.

Why Install "Pay to Park" Pay Stations and Charge for Permits?

The purpose of the parking pay stations and electronic permits is to increase vehicle turnover in high demand areas so that more parking is available to Bayfront users. This will reduce congestion and improve public safety.

For much of the year, available parking is over 85% utilized, meaning it is "functionally full." Users cannot find a place to park, which leads to congestion, frustrated drivers, and vehicles being parked in an unsafe manner. Meter revenues will be used to fund parking enforcement, improve parking areas, and enhance overall access to the Bayfront.

So... What is the Parking Plan?

Attached to the back of this FAQ is a map showing the locations and pricing of the paid and permit parking areas along the Bayfront. A limited number of electronic permits will be available for purchase online through the City of Newport website. Persons in paid parking areas will be able to pay by phone using a "text to pay" option or they can use one of the ten pay stations that the City will be installing. Pay stations include coin, credit card, and coupon code functionality.

Which Parking Areas will this apply to?

Public parking areas along the Bayfront. It will not apply to private lots and Port of Newport parking areas.

When will the Changes go into Effect?

While a specific date has not been set, the plan is to put the new rules in effect in mid-October, when the pay stations will only be active on weekends. The City will be resurfacing parking lots along Bay Blvd and installing new regulatory and parking signs prior to the implementation date. That work will begin in mid-September.

How will this Impact Parking Enforcement?

The City will provide a break-in period of at least 30-days to help educate users about the new rules. They will only be issuing warnings during that time period. The City has hired a new parking enforcement officer who will be using License Plate Recognition (LPR) technology to efficiently identify vehicles parked in violation of the City's parking rules.

Who do I Contact to Learn More about Upcoming Changes?

For additional information, you can contact the City of Newport Community Development Department at 541-574-0626 or publiccomment@newportoregon.gov. You can also attend Parking Advisory Committee meetings, which are typically held on the third Wednesday of the month at Newport City Hall.



Bay Front Paid / Permit Parking Plan



Paid Parking:
Pricing \$1 hr (no daily maximum)
11am to 7pm
7 Days a Week - May to October
Weekends Only - Nov to April

Timed Parking:
4 hr limit streets/lots
7 days a week - May to October
Weekends Only - Nov to April

Other dates
4 hr limit streets
16 hr limit parking lots

Permit Parking:
Tier I Pricing
\$45 mo. (12 hr daily maximum)

Tier II Pricing
\$25 mo. (12 hr daily maximum)

Commercial Fishing Community
Email Invitation to Apply from Port
Pricing \$45 mo. (valid 72 hr period)

Charter Day Permit \$8 (Valid 16 hrs)
Lodging Day Permit \$10 (valid 24 hrs)

Parking Stalls by Zone

Zone A Permit (Blue) - 115 Spaces

Zone B Permit (Red) - 107 Spaces

Zone C Permit (Yellow) - 155 Spaces

Zone D Permit (Brown) - 180 Spaces

E-Permits Available for Zones A & B: 225

E-Permits Available for Zones C & D: 400

CITY OF NEWPORT
 169 SW COAST HWY
 NEWPORT, OREGON 97365

COAST GUARD CITY, USA



phone: 541.574.0629
 fax: 541.574.0644
<http://newportoregon.gov>
 mombetsu, japan, sister city

Draft Bayfront Parking Management Solution Implementation Schedule

	2023						
Task	Apr	May	June	July	Aug	Sept	Oct
1. T2 Systems Contract Executed							
2. T2 Project Kick-off							
3. Stakeholder Outreach							
4. Parking System Setup (Mobile Pay, Permits, Enforcement)							
5. License Plate Recognition Install							
6. Parking Lot Improvements							
7. Sign Pole Purchase and Install							
8. Regulatory Sign Design and Install							
9. Pay Station Install & Configuration							
10. Launch Metering/Permit Program							
Legend							
★ Wrap-up Configuration		▲ Design		✱ Public Engagement Activities			
◆ Training Sessions		● Bid Project		■ Initiate Construction			

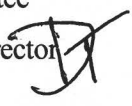
- T2 parking system configuration/training timeframes may change following May 19th Kickoff
- Public engagement to include rollout of planned implementation, pricing, etc.
 - Commercial Fishing User Group (Tentatively scheduled for 9/6/23)
 - Port Commission (Scheduled for 9/26/23)
 - Seafood Processors (TBD coordinate through Pacific Seafood and Bornstein Mangers)
 - Bayfront Businesses (TBD coordinate through Janell Goplen, Clearwater)
- Incorporate feedback into a round of adjustments and wrap-up configuration in September
- October public engagement to include information on upcoming changes and kick-off event
- 30-day minimum grace period on tickets to be provided after go live date (warnings only)

Memorandum

To: Planning Commission/Commission Advisory Committee
From: Derrick I. Tokos, AICP, Community Development Director
Date: August 9, 2023
Re: Community Development Department Web Based GIS Map

Ethan Bassett, the City's Geographical Information System (GIS) Analyst, picked up on previous work that was done to put together a web based, interactive zoning map for the City of Newport. The new map is finished and live on a revamped Community Development Department web page. Here is a link: <https://www.newportoregon.gov/dept/cdd/default.asp>. Please take a moment to test it out and let us know what you think, and if further improvements are needed.

Memorandum

To: Planning Commission/Commission Advisory Committee
From: Derrick I. Tokos, AICP, Community Development Director 
Date: August 9, 2023
Re: Second Review of Amendments to NMC Chapter 14.14, Parking and Loading Requirements

Enclosed is an updated set of draft amendments to NMC Chapter 14.14, Parking and Loading Requirements, that respond to Parking Study Comprehensive Plan Implementation Measure 3.2.3, which reads as follows:

Implementation Measure 3.2.3: Reduce or eliminate minimum off-street parking requirements for new development or redevelopment in metered and meter/permit zones.

Most of the proposed changes are to NMC Section 14.14.100, Special Area Parking Requirements, which apply to Nye Beach, City Center, and the Bayfront (map attached). Newport is moving ahead with a meter, meter/permit, and timed/permit parking management strategy for the Bayfront with planned implementation in mid-October. An implementation schedule is enclosed. The draft amendments to NMC Chapter 14.14 will reduce off-street parking requirements along the Bayfront in line with the Comprehensive Plan policy, and should be put in place concurrent with, or shortly after, the metering program is launched.

The draft amendments have been updated in response to feedback received from the Parking Advisory Committee on May 17, 2023, Planning Commission on May 22, 2023, and City Council on June 20, 2023. Minutes from those meetings are enclosed. Please note that reductions to off-street parking requirements will not apply to Nye Beach or City Center because metering or meter/permit zones are not proposed for those areas. Language has been added to Chapter 14.14 noting that the "Parking District Business License Annual Fee," established with Resolution No. 3864, shall stay in effect until such time as the City requires payment for the use of public parking in all or part of the special parking area. For the Bayfront, the business license fee will go away when the metering program is implemented. For Nye Beach it is likely to go away if a paid parking permit is implemented at some point in the future. In either case, a resolution would be adopted to repeal the fee for those areas.

If the Commission is generally comfortable with the changes, then it would be appropriate for a motion to be made at the regular meeting to initiate the legislative adoption process (as required by NMC 14.36.020). Staff will then send a copy of the draft amendments to the Oregon Department of Land Conservation and Development along with the required 35-day notice prior to the first evidentiary hearing.

Attachments

Draft Amendments to NMC Chapter 14.14, Parking and Loading Requirements
Special Parking Area Map
Bay Front Parking Solution Implementation Schedule
Resolution No. 3864
Minutes from the 6.20.23 City Council Meeting
Minutes from the 5.22.23 Planning Commission Meeting
Minutes from the 5.17.23 Parking Advisory Committee Meeting

(Unless otherwise specified, new language is shown in double underline, and text to be removed is depicted with ~~strike through~~. Staff comments, in *italics*, are for context and are not a part of the revisions.)

CHAPTER 14.14 PARKING AND LOADING REQUIREMENTS

14.14.010 Purpose

The purpose of this section is to establish off-street parking and loading requirements, access standards, development standards for off-street parking lots, and to formulate special parking areas for specific areas of the City of Newport. It is also the purpose of this section to implement the Comprehensive Plan, enhance property values, and preserve the health, safety, and welfare of citizens of the City of Newport.

14.14.020 Definitions

For purposes of this section, the following definitions shall apply:

Access. The point of ingress and egress from a public street to an off-street parking lot or loading and unloading area.

Aisle. Lanes providing access to a parking space.

Gross Floor Area. The total area of a building measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage.

Loading Space. A parking space for the loading and unloading of vehicles over 30 feet in length.

Parking Space. An area for the parking of a vehicle.

Site Plan. A map showing the layout of the building, parking, landscaping, setbacks, and any other pertinent information concerning the development of a site.

Use. Any new building, change of occupancy, or addition to an existing building.

14.14.030 Number of Parking Spaces Required

A. Off-street parking shall be provided and maintained as set forth in this section. Such off-street parking spaces shall

be provided prior to issuance of a final building inspection, certificate of occupancy for a building, or occupancy, whichever occurs first.

B. For any expansion, reconstruction, or change of use, the entire development shall satisfy the requirements of [Section 14.14.050](#), Accessible Parking. Otherwise, for building expansions the additional required parking and access improvements shall be based on the expansion only and for reconstruction or change of type of use, credit shall be given to the old use so that the required parking shall be based on the increase of the new use. For the purpose of this section “old use” is any use or structure on a property within the last 10 years.

C. Any use requiring any fraction of a space shall provide the entire space. In the case of mixed uses such as a restaurant or gift shop in a hotel, the total requirement shall be the sum of the requirements for the uses computed separately.

D. Required parking shall be available for the parking of operable automobiles of residents, customers, or employees, and shall not be used for the storage of vehicles or materials or for the sale of merchandise.

E. A site plan, drawn to scale, shall accompany a request for a land use or building permit. Such plan shall demonstrate how the parking requirements required by this section are met.

F. Parking shall be required at the following rate. All calculations shall be based on gross floor area unless otherwise stated.

1.	General Office	1 space/600 sf
2.	Post Office	1 space/250 sf
3.	General Retail (e.g. shopping centers, apparel stores, discount stores, grocery stores, video arcade, etc.)	1 space/300 sf
4.	Bulk Retail (e.g. hardware, garden center, car sales, tire stores, wholesale market, furniture stores, etc.)	1 space/600 sf
5.	Building Materials and Lumber Store	1 space/1,000 sf
6.	Nursery – Wholesale Building	1 space/2,000 sf 1 space/1,000 sf
7.	Eating and Drinking Establishments	1 space/150 sf
8.	Service Station	1 space/pump

August 9, 2023 Draft Amendments to NMC Chapter 14.14, Parking and Loading Requirements

9.	Service Station with Convenience Store	1 space/pump + 1 space/ 200 sf of store space
10.	Car Wash	1 space/washing module + 2 spaces
11.	Bank	1 space/300 sf
12.	Waterport/Marine Terminal	20 spaces/berth
13.	General Aviation Airport	1 space/hangar + 1 space/300 sf of terminal
14.	Truck Terminal	1 space/berth
15.	Industrial	1.5 spaces/ <u>1,000 sf</u>
16.	Industrial Park	1.5 spaces/5,000 sf
17.	Warehouse	1 space/2,000 sf
18.	Mini-Warehouse	1 space/10 storage units
19.	Single-Family Detached Residence	2 spaces/dwelling
20.	Duplex	1 space/dwelling
21.	Apartment	1 space/unit for first four units + 1.5 spaces/unit for each Additional unit
22.	Condominium (Residential)	1.5 spaces/unit
23.	Townhouse	1.5 spaces/unit
24.	Cottage Cluster	1 space/unit
25.	Elderly Housing Project	0.8 space/unit if over 16 dwelling units
26.	Congregate Care/Nursing Home	1 space/1,000 sq. ft.
27.	Hotel/Motel	1 space/room + 1 space for the manager (if the hotel/motel contains other uses, the other uses Shall be calculated separately
28.	Park	2 spaces/acre
29.	Athletic Field	20 spaces/acre
30.	Recreational Vehicle Park	1 space/RV space + 1 space/10 RV spaces
31.	Marina	1 space/5 slips or berths
32.	Golf Course	4 spaces/hole
33.	Theater	1 space/4 seats
34.	Bowling alley	4 spaces/alley
35.	Elementary/Middle School	1.6 spaces/classroom
36.	High School	4.5 spaces/classroom
37.	Community College	10 spaces/classroom

August 9, 2023 Draft Amendments to NMC Chapter 14.14, Parking and Loading Requirements

38.	Religious/Fraternal Organization	1 space/4 seats in the main auditorium
39.	Day Care Facility	1 space/4 persons of license occupancy
40.	Hospital	1 space/bed
41.	Assembly Occupancy	1 space/8 occupants (based on 1 occupant/15 sf of exposition/meeting/assembly room conference use not elsewhere specified

Staff: Section 14.14.030 has been broken up into distinct regulatory concepts. The language requiring that “for reconstruction or change of type of use, credit be given to the old use so that the required parking shall be based on the increase of the new use” is silent about whether or not a use that has ceased operation counts as an “old use.” Clarifying language is being added indicating that, for the purpose of this section, “old use” is any use or structure on a property within the last 10 years. That aligns with the period of time an individual can claim System Development Charge Credits for a prior use (NMC 12.15.065). A typo is being corrected for the Industrial use parking ratio.

14.14.040 Parking Requirements for Uses Not Specified

The parking space requirements of buildings and uses not set forth above shall be determined by the Planning Director or designate. Such determination shall be based upon requirements for the most comparable building or use specified in [Section 14.14.030](#) or a separate parking demand analysis prepared by the applicant and subject to a Type I decision making procedure as provided in [Section 14.52](#), Procedural Requirements.

14.14.050 Accessible and Electric Vehicle Parking

Parking areas shall meet all applicable accessible parking and electric vehicle charging infrastructure requirements of the Oregon Structural Specialty Code to ensure adequate access for disabled persons, and sufficient electric vehicle parking infrastructure for future users.

14.14.060 Compact Spaces

For parking lots of five vehicles or more, 40% of the spaces may be compact spaces measuring 7.5 feet wide by 15 feet long. Each compact space must be marked with the word "Compact" in letters that are at least six inches high.

14.14.070 Bicycle Parking

Bicycle parking facilities shall be provided as part of new multi-family residential developments of five units or more; new retail, office, and institutional developments; and park-and-ride lots and transit transfer stations.

- A. The required minimum number of bicycle parking spaces is as follows, rounding up to the nearest whole number:

Parking Spaces Required	Bike Spaces Required
1 to 4 ^a	1
5 to 25	1
26 to 50	2
51 to 100	3
Over 100	1/25

a. Residential developments less than 5 units are exempt from bicycle parking requirements.

- B. Bicycle parking for multiple uses (such as commercial shopping centers) may be clustered in one or several locations but must meet all other requirements for bicycle parking.
- C. Each required bicycle parking space shall be at least two and a half by six feet. An access aisle at least five feet wide shall be provided and maintained beside or between each row of bicycle parking.
- D. Bicycle parking facilities shall offer security in the form of either a lockable enclosure in which the bicycle can be stored or a stationary object (e.g., a "rack") upon which a bicycle can be locked.
- E. Areas set aside for required bicycle parking must be clearly marked and reserved for bicycle parking only.

14.14.080 Shared Parking

The off-street parking requirements of two or more uses, structures, or parcels may be satisfied by the same parking lot or loading spaces used jointly to the extent that it can be shown by the owners or operators of the uses, structures, or parcels that their parking needs do not overlap. If the uses, structures, or parcels are under separate ownership, the right to joint use of the parking space must be evidenced by a deed, lease, contract, or other appropriate written document to establish the joint use.

14.14.090 Parking Lot Standards

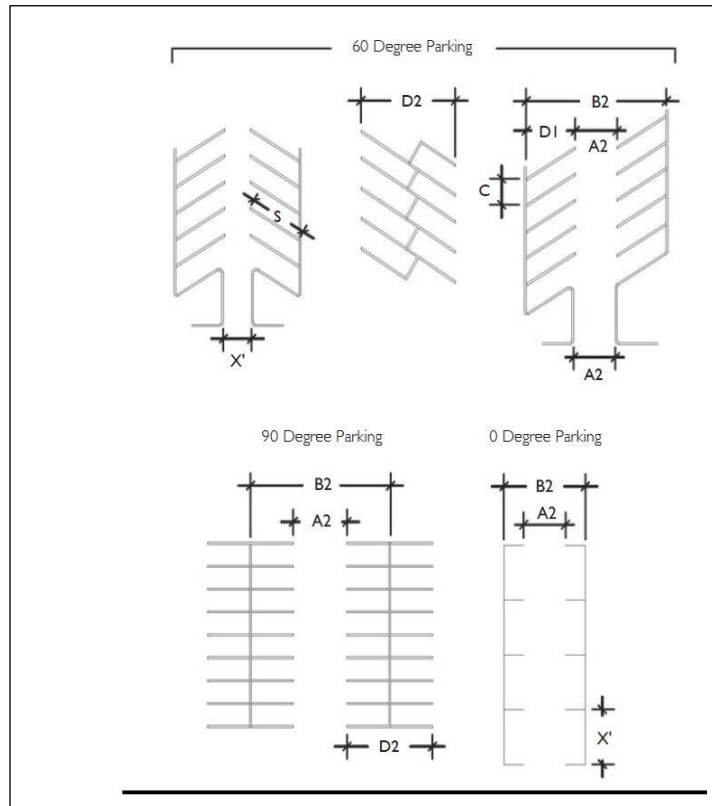
Parking lots shall comply with the following:

- A. Parking Lot Minimum Standards. Parking lots shall be designed pursuant to the minimum dimensions provided in Table 14.14.090-A and Figure 14.14.090-A.

Table 14.14.090-A. Parking Lot Minimum Dimensions for Standard Space

<u>PARKING</u> <u>ANGLE</u> <u>≤ °</u>	<u>CURB</u> <u>LENGTH</u>	<u>STALL DEPTH</u>		<u>AISE WIDTH</u>		<u>BAY WIDTH</u>		<u>STRIPE</u> <u>LENGTH</u>
		<u>SINGLE</u>	<u>DOUBLE</u>	<u>ONE</u>	<u>TWO</u>	<u>ONE</u>	<u>TWO</u>	
		<u>D1</u>	<u>D2</u>	<u>WAY</u>	<u>WAY</u>	<u>WAY</u>	<u>WAY</u>	
		<u>A1</u>	<u>A2</u>	<u>B1</u>	<u>B2</u>			
<u>90°</u>	<u>8'-6"</u>	<u>18'</u>	<u>36'</u>	<u>23'</u>	<u>23'</u>	<u>59'</u>	<u>59'</u>	<u>18'</u>
<u>60°</u>	<u>10'</u>	<u>20'</u>	<u>40'</u>	<u>17'</u>	<u>18'</u>	<u>57'</u>	<u>58'</u>	<u>23'</u>
<u>45°</u>	<u>12'</u>	<u>18'-6"</u>	<u>37'</u>	<u>13'</u>	<u>18'</u>	<u>50'</u>	<u>55'</u>	<u>26'-6"</u>
<u>30°</u>	<u>17'</u>	<u>16'-6"</u>	<u>33'</u>	<u>12'</u>	<u>18'</u>	<u>45'</u>	<u>51'</u>	<u>32'-8"</u>
<u>0°</u>	<u>22'</u>	<u>8'-6"</u>	<u>17'</u>	<u>12'</u>	<u>18'</u>	<u>29'</u>	<u>35'</u>	<u>8'-6"</u>

Figure 14.14.090-A. Parking Lot Minimum Dimensions



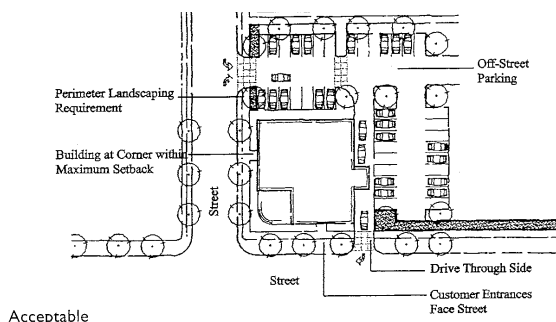
B. Surfacing.

1. All parking lots that are required to have more than five parking spaces shall be graded and surfaced with asphalt or concrete. Other material that will provide equivalent protection against potholes, erosion, and dust may be approved by the City Engineer if an equivalent level of stability is achieved.
2. Parking lots having less than five parking spaces are not required to have the type of surface material specified in subsection (1), above. However, such parking lot shall be graded and surfaced with crushed rock, gravel, or other suitable material as approved by the City Engineer. The perimeter of such parking lot shall be defined by brick, stones, railroad ties, or other such similar devices. Whenever such a parking lot abuts a paved street, the driveway leading from such street to the parking lot shall be paved with concrete from the street to the property line of the parking lot.

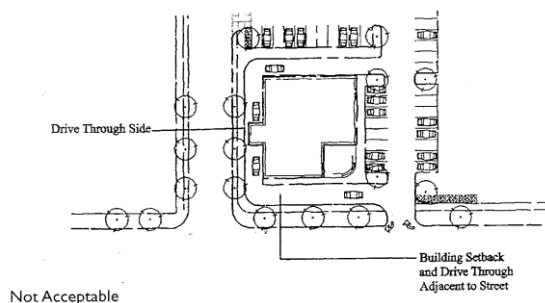
3. Parking spaces in areas surfaced in accordance with subsection (1) shall be appropriately demarcated with painted lines or other markings.
- C. Joint Use of Required Parking Spaces. One parking lot may contain required spaces for several different uses, but the required spaces assigned to one use may not be credited to any other use.
- D. Satellite Parking.
1. If the number of off-street parking spaces required by this chapter cannot be provided on the same lot where the principal use is located, then spaces may be provided on adjacent or nearby lots in accordance with the provisions of this section. These off-site spaces are referred to as satellite parking spaces.
 2. All such satellite parking spaces shall be located within 200 feet of the principal building or lot associated with such parking.
 3. The applicant wishing to take advantage of the provisions of this section must present satisfactory written evidence that the permission of the owner or other person in charge of the satellite parking spaces to use such spaces has been obtained. The applicant must also sign an acknowledgement that the continuing validity of the use depends upon the continued ability to provide the requisite number of parking spaces.
 4. Satellite parking spaces allowed in accordance with this subsection shall meet all the requirements contained in this section.
- E. Lighting. Lighting from parking lots shall be so designed and located as to not glare onto neighboring residential properties. Such lighting shall be screened, shaded, or designed in such a way as to comply with the requirement contained in this section. This section is not intended to apply to public street lighting or to outdoor recreational uses such as ball fields, playing fields, and tennis courts.

- F. Drive-Up/Drive-In/Drive-Through Uses and Facilities. Drive-up or drive-through uses and facilities shall conform to the following standards, which are intended to calm traffic, and protect pedestrian comfort and safety (Figures 1 and 2).

Figure 1 – Drive-Up and Drive-Through Facilities



1. The drive-up/drive-through facility shall orient to an alley, driveway, or interior parking area, and not a street; and
2. None of the drive-up, drive-in or drive-through facilities (e.g., driveway queuing areas, windows, teller machines, service windows, kiosks, drop-boxes, or similar facilities) are located within 20 feet of a street and shall not be oriented to a street corner. (Walk-up only teller machines and kiosks may be oriented to a street or placed adjacent to a street corner); and
3. Drive-up/in queuing areas shall be designed so that vehicles do not obstruct a driveway, fire access lane, walkway, or public right-of-way.



- G. Driveway Standards. Driveways shall conform to the requirements of Chapter 14.46.
- H. Landscaping and Screening. Parking lot landscaping and screening standards must comply with Section 14.19.050.
- I. Preferential Carpool/Vanpool Parking. Parking areas that have designated employee parking and more than 20 vehicle parking spaces shall provide at least 10% of the employee parking spaces, as preferential carpool and vanpool parking spaces. Preferential carpool and vanpool parking spaces shall be closer to the employee entrance

of the building than other parking spaces, with the exception of ADA accessible parking spaces.

14.14.100 Special Area Parking Requirements

A. The boundary of the ~~These~~ special areas are defined as follows:

A1. Nye Beach. That area bounded by SW 2nd Street, NW 12th Street, NW and SW Hurbert Street, and the Pacific Ocean.

B2. Bayfront. That area bounded by Yaquina Bay and the following streets: SE Moore Drive, SE 5th and SE 13th, SW 13th Street, SW Canyon Way, SW 10th, SW Alder, SW 12th, SW Fall, SW 13th, and SW Bay.

C3. City Center. That area bounded by SW Fall Street, SW 7th Street, SW Neff Street, SW Alder Street, SW 2nd Street, SW Nye Street, Olive Street, SE Benton Street, SW 10th Street, SW Angle Street, SW 11th Street, SW Hurbert Street, and SW 10th Street.

B. Uses within a special area where public parking meters are utilized, in all or part of the special area, may pay a fee in lieu of providing the off-street parking required in this section provided the parking demand does not exceed 20 spaces. Such fee shall be in the amount established by Council resolution. Uses with a parking demand in excess of 20 spaces must provide off-street parking sufficient to accommodate the excess demand. Parking ratios in subsection 14.14.030 or a parking demand analysis authorized under subsection 14.14.040 shall be used to determine a use(s) parking demand.

Staff: The proposed language responds to Parking Study Comprehensive Plan Implementation Measure 3.2.3, which calls for the City to reduce or eliminate minimum off-street parking requirements for new development or redevelopment in metered and meter/permit zones. It is a combination of Options B.2 and B.3, presented to the Parking Advisory Committee on May 17, 2023, the Planning Commission on May 22, 2023, and the City Council on June 20, 2023. Blending the two options was the clear preference coming out of the meetings, with Option B.2 requiring a one-time fee in lieu of a developer constructing off-street parking to serve their project and Option B.3 capping the amount of parking a

new development or redevelopment can place on the public parking system before the requirement for new off-street parking is triggered.

The draft code provisions outlined above would allow smaller scale development (i.e. that which generates a demand for less than 20 parking spaces) to occur without requiring they construct new off-street parking. Larger projects that generate a demand for more than 20 parking spaces would have to construct off-street parking to accommodate the additional demand. A one-time fee will be charged for new development or redevelopment that generate a demand for up to 20 parking spaces. This would create a modest amount of funding to help pay for new public parking, transit, etc. in concert with metering revenues. It is justifiable because new development or redevelopment places additional strain on the finite amount of parking available in these areas. The fee would be scaled to disincentivize development that places significant new demand on the public parking spaces. Here is an example of what that could look like:

Additional Demand:

<i>Spaces 1 to 5</i>	<i>\$0 ea.</i>
<i>Spaces 5 to 10</i>	<i>\$5,000 ea.</i>
<i>Spaces 10 to 15</i>	<i>\$7,500 ea.</i>
<i>Spaces 15 to 20</i>	<i>\$10,000 ea.</i>

At the Planning Commission meeting it was suggested that there be no fee for the first 5 required off-street spaces. That is consistent with the existing fee resolution that allows the first 5 spaces to be exempted where a parking business license surcharge is in place. That surcharge will go away though once a meter/permit program is in place.

Here are examples of how the one-time fee would play out:

Example 1: Convert 1,400 sf of retail to restaurant (About the size of the retail building where Noble Estates offered wine tasting (146 SW Bay Blvd)

9.33 spaces (new restaurant) - 4.67 spaces (existing retail) = 4.66 (5 spaces). \$0 fee.

Example 2: 12,000 sq. ft. of waterfront industrial with 4,000 sq. ft. of warehouse space (at old California Shellfish site 411 SW Bay Blvd).

20 spaces (new industrial/warehouse). No existing use credits. \$112,500 fee. While significant, this cost is less than what it would take to construct a lot of this size and could potentially be absorbed as part of the development costs.

Example 3: Construct 47 room hotel, 2,626 sf retail (Abbey Hotel project) on site previously occupied by a nightclub, restaurants, and retail. (836 - 856 SW Bay Blvd).

65 spaces (new hotel/retail use) - 49 spaces (credit for old use) = 16 spaces. Old use provided 20 off-street spaces, so impact of new project is 36 spaces. 43 parking spaces provided off-street. No fee.

Example 4: Construct 47 room hotel, 2,626 sf retail on a site where there was no prior use. 49 space impact. \$112,500 fee for first 20 spaces and developer would be required to construct 29 off-street parking spaces.

This language would only apply in special parking areas where meters are deployed, which is the plan for the Bayfront. It would not apply to Nye Beach or City Center.

C. Existing uses that provide off-street parking in order to comply with the provisions of this section, or prior parking ordinances, shall not be required to retain such parking if they are located within a special area where public parking meters are utilized, in all or part of the special area.

Staff: This language is needed to make it clear that the few businesses currently providing off-street parking in a meter or meter/permit area will no longer be bound to do so, meaning they can develop these properties. Accessible parking standards, electric vehicle parking requirements, and bicycle parking provisions key off of the number of off-street spaces provided. The City will need to consider accommodating those needs in public rights-of-way. The draft language has been revised to limit its applicability to metered areas, which for the time being is the Bayfront. Such change aligns with Parking Study Comprehensive Plan Implementation Measure 3.2.3, which calls for the City to reduce or eliminate minimum off-street parking requirements for new development or redevelopment in metered and meter/permit zones. Metered parking and meter/permit zones are not currently planned for Nye Beach and City Center.

D. Uses within a special area shall be subject to a “Parking District Business License Annual Fee” in an amount set by Council resolution, unless the City requires payment for the use of public parking in all or part of the special area. The annual business license fee established under this subsection shall exempt new development or redevelopment from having to provide up to five (5) off-street parking spaces. Uses that generate a demand for more than five (5) off-street parking spaces shall provide the additional spaces in accordance with the provisions of this section.

Staff: This subsection is needed for the Nye Beach and City Center special areas, where metered and meter/permit zones are not being implemented. It codifies language that is currently in Council Resolution No. 3864, a resolution that would be repealed if this language is adopted. Once this language is in place, and metering is operational, then the Bayfront will no longer be subject to a Parking District Business License Annual Fee. If Nye Beach implements a paid parking permit program at some point in the future, then it would also no longer be subject to a parking district business license fee.

14.14.110 Loading and Unloading Areas

Off-street loading and unloading areas shall be provided per this section.

- A. Whenever the normal operation of any use requires that goods, merchandise, or equipment be routinely delivered to or shipped from that use, a sufficient off-street loading and unloading area must be provided in accordance with this subsection to accommodate the delivery or shipment operations in a safe and convenient manner.
- B. The loading and unloading area must accommodate the numbers as set forth in Table A. At a minimum, a loading and unloading space must be 35 feet in length, 10 feet in width, and 14 feet in height. The following table indicates the number of spaces that, presumptively, satisfy the standard set forth in this subsection.

Table 14.14.110-A, Required Loading Spaces

Square footage of Building	Number of Loading Spaces
0-19,999	0
20,000 – 79,999	1
80,000 – 119,999	2
120,000+	3

- C. Loading and unloading areas shall be located and designed so that vehicles intending to use them can maneuver safely and conveniently to and from a public right-of-way or any parking space or parking lot aisle. No space for loading shall be so located that a vehicle using such loading space projects into any public right-of-way.
- D. No area allocated to loading and unloading facilities may be used to satisfy the area requirements for off-street parking, nor shall any portion of any off-street parking area be used to satisfy the area requirements for loading and unloading facilities.
- E. Whenever a change of use occurs after January 1, 1995, that does not involve any enlargement of a structure, and the loading area requirements of this section cannot be satisfied because there is insufficient area available on the lot that can practicably be used for loading and unloading, then the Planning Commission may waive the requirements of this section.
- F. Whenever a loading and unloading facility is located adjacent to a residential zone, the loading and unloading facility shall be screened per unloading facility shall be screened per [Section 14.18](#).

14.14.120 Variances

Variances to this section may be approved in accordance with provisions of [Section 14.33](#), Adjustments and Variances, and a Type III Land Use Action decision process consistent with [Section 14.52](#), Procedural Requirements.*



CITY OF NEWPORT
169 SW COAST HWY
NEWPORT, OREGON 97365

COAST GUARD CITY, USA



phone: 541.574.0629

fax: 541.574.0644

<http://newportoregon.gov>

mombetsu, japan, sister city

Draft Bayfront Parking Management Solution Implementation Schedule

	2023							
Task	Apr	May	June	July	Aug	Sept	Oct	
1. T2 Systems Contract Executed								
2. T2 Project Kick-off								
3. Stakeholder Outreach								
4. Parking System Setup (Mobile Pay, Permits, Enforcement)								
5. License Plate Recognition Install								
6. Parking Lot Improvements								
7. Sign Pole Purchase and Install								
8. Regulatory Sign Design and Install								
9. Pay Station Install & Configuration								
10. Launch Metering/Permit Program								
Legend								
★ Wrap-up Configuration			▲ Design			* Public Engagement Activities		
◆ Training Sessions			● Bid Project			■ Initiate Construction		

- T2 parking system config/training timeframes may change based on staff & material availability
- August public engagement to include rollout of planned implementation, pricing, etc.
 - Commercial Fishing User Group
 - Port Commission
 - Seafood Processors
 - Bayfront Businesses
- Incorporate feedback into a round of adjustments and wrap-up configuration in September
- October public engagement to include information on upcoming changes and kick-off event.
- 30-day minimum grace period on tickets to be provided after go live date (warnings only)

**CITY OF NEWPORT
RESOLUTION NO. 3864**

**RESOLUTION SETTING
PARKING DISTRICT BUSINESS LICENSE FEES**

WHEREAS, at the request of area business owners, the Newport City Council adopted Ordinance Nos. 1993, 2009, and 2020 establishing the Nye Beach, City Center and Bayfront Commercial Parking Districts ("Parking Districts") to generate funding to pay for parking system improvements in the respective commercial areas; and

WHEREAS, each of the Parking Districts is an economic improvement district pursuant to ORS Chapter 223, funded through a business license surcharge and authorized for an initial five year period; and

WHEREAS, the effective period of these economic improvement districts was extended with Ordinance Nos 1993, 2078, 2098, and 2134, with the districts now set to expire June 30, 2019; and

WHEREAS, the latest round of extensions were undertaken to provide an opportunity for a parking study to be performed to establish whether or not the Parking Districts should continue in their current form or whether an alternative approach should be pursued to address each of the areas parking needs; and

WHEREAS, while the parking study is complete, and has been vetted and revised with the assistance of a citizen advisory committee, recommendations on how best to address parking needs, including parking management and funding strategies, have not yet been finalized; and

WHEREAS, it is in the public interest that business license surcharges imposed within the Parking Districts remain in effect until parking management and funding strategies are finalized in order to provide a seamless transition; and

WHEREAS, this can most effectively be accomplished by allowing the economic improvement districts to expire and instead impose business license surcharges under Section 4 of the City Charter and the City's Constitutional Home Rule authority, as implemented through Chapter 4.05 of the Newport Municipal Code; and

WHEREAS, NMC 4.05.030(C) establishes that business license annual fees shall be determined by City Council resolution and the fees set forth herein serve as a portion of the business license annual fee for businesses operating within the Parking Districts.

THE CITY OF NEWPORT RESOLVES AS FOLLOWS:

Section 1. Parking Districts Established. The boundary of the Parking Districts shall be as established with Ordinance No. 1993, 2009, and 2020, as amended, as graphically depicted on Exhibit A.

Section 2. Parking District Business License Annual Fee. The business license annual fee, framed as a business license surcharge in the fee schedule, shall be as follows:

A. Nye Beach Parking District.

Business provides no off-street parking spaces:	\$250.00
Business provides 1-3 off-street parking spaces:	\$150.00

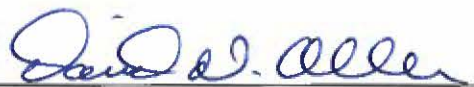
All other businesses:	\$100.00
B. City Center Parking District.	\$35.00
C. Bay Front Parking District.	
Fewer than 5 employees:	\$150.00
5 to 20 employees:	\$300.00
More than 20 employees:	\$600.00

Section 3. Relationship to Other Business License Fees. Fees set forth in Section 2, are in addition to other business license fees collected pursuant to NMC Chapter 4.05.

Section 4. Special Parking Area Requirements. NMC 14.14.100 provides that off-street parking within a Parking District shall be provided as specified by the Parking District. For that purpose, the business license annual fee established herein shall exempt new development or redevelopment from having to provide up to five (5) off-street parking spaces, just as it did when the economic improvement districts were effective. Businesses that require more than five (5) off-street parking spaces shall provide the additional spaces in accordance with applicable provisions of the Newport Zoning Ordinance (NMC Chapter 14).

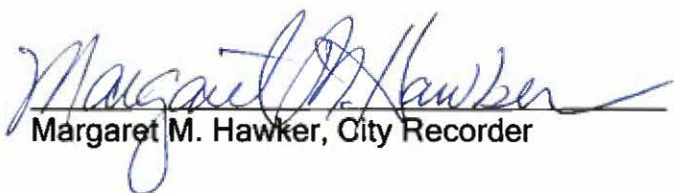
Section 5. Effective Date. This resolution is effective immediately upon adoption.

Adopted by the Newport City Council on June 17, 2019

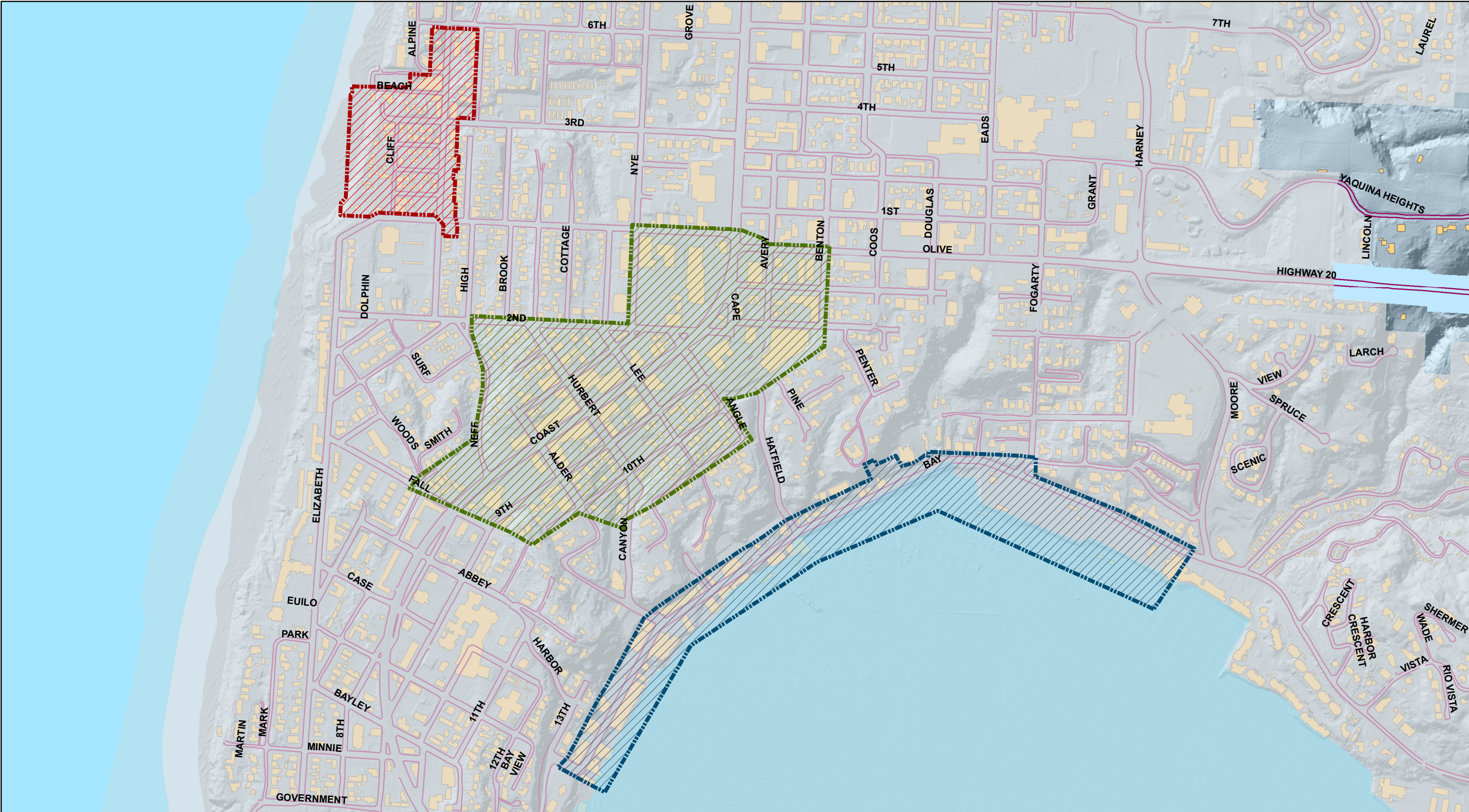



David N. Allen, Council President

ATTEST:



Margaret M. Hawker, City Recorder



 Bay Front Parking District Boundary (Ord. 2020)  City Center Parking District Boundary (Ord. 2009)  Nye Beach Parking District Boundary (Ord. 1993)

June 20, 2023
4:09 PM
Newport, Oregon

CITY COUNCIL WORK SESSION

The Newport City Council met on the above date and time in the City Council Chambers of the Newport City Hall. On roll call Jacobi, Parker, Goebel, and Kaplan.

City Staff in attendance were: Spencer Nebel, City Manager; Patty Riley; Executive Assistant. Also present were Steve Baugher, Finance Director; Derrick Tokos, Community Development Director; Jason Malloy, Police Chief.

CALL TO ORDER AND ROLL CALL

Kaplan called the meeting to order at 4:09 P.M. and Riley conducted roll call. Hall, Sawyer, and Botello were excused.

DISCUSSION ITEMS

City Manager's Report. Nebel presented the written City Manager Report saying on Tuesday, June 20 at 4 PM, the City Council will meet in a work session to discuss a possible provision of a city property maintenance code and revisions to parking codes. In addition, I am asking the City Council to schedule an executive session for purposes of labor negotiations immediately following the session. At 5:45 an Urban Renewal meeting has been scheduled for budget adoption and for considering the purchase of property. A regular City Council meeting will follow at 6 PM. Schedule for Meetings for Tuesday, June 20, 2023 1.) City Council Work Session at 4 PM 4:00 Discussion on Property Maintenance Code (20 minutes) 4:20 Revisions to Parking Codes (40 minutes) 5 PM Adjournment 2.) 5 PM Executive Session on labor negotiations (15 minutes). 4.) 5:45 PM Urban Renewal Meeting on Property Transactions (10 minutes) 5.) 6 PM Regular Council Meeting Discussion on Property Maintenance Code (20 minutes) Over the years we have presented a number of options to the City Council to provide some level of property maintenance code for the City of Newport. Beyond unsafe buildings and nuisances, the City has limited ability to address other types of property maintenance issues. Mike Walas has been invited to address the Council on Tuesday on this issue. He has expressed concerns in his neighborhood in Agate Beach regarding property maintenance issues. Revisions to Parking Codes and Revisions to Parking. (40 minutes) Derrick Tokos has provided a report on the status of meter/permit parking rollout for the Bayfront. This will require changes to the Municipal Code that will need to be made in order to facilitate these modifications. The goal at this point is to have the parking system fully implemented on the Bayfront in October. Please review the attached materials from Derrick Tokos and be prepared to provide your thoughts on steps necessary to proceed with the code changes consistent with the parking system that the City Council has authorized to be put into place on the Bayfront. Executive Session (15 minutes) Scheduling an executive session

pursuant to ORS 192.660(2)(d) to discuss labor negotiations. I would request that Council consider the following motion: I move to hold an executive session immediately following the work session held on Tuesday, June 20 to discuss negotiations with IAFF pursuant to ORS 192.660(2)(d)

Discussion on Property Maintenance Code. Malloy spoke regarding the agenda item advising the intent was to determine the Council interest in moving forward with a code. He presented the written staff report which said at the May 2, 2022 City Council Work Session, City Building Official Joseph Lease and Community Development Director Derrick Tokos presented Building Code Enforcement Activities to the Council. The presentation and discussion included building code enforcement and ordinance violations. The Council also briefly discussed maintenance requirements/violations in the City. The topic of maintenance often comes up as it relates to ordinance and nuisance enforcement. The City of Newport utilizes City Ordinances, Building Code and Fire Code when investigating/enforcing codes within the City. The City does not have an existing building maintenance code. Residential maintenance codes are common in many cities. Maintenance codes differ from building and fire codes. Maintenance codes exist to protect the health, safety and welfare of residents, to prevent deterioration of existing housing, to preserve and enhance the quality of life in residential neighborhoods, and to prevent or reduce urban blight by establishing minimum residential property maintenance standards. Maintenance codes cover many aspects of a residence. This includes, but is not limited to roofs, exterior walls, windows, doors, etc. An example of language related to a roof maintenance code is: 1. Roof drainage of a dwelling shall channel water into approved receivers and shall be adequate to prevent water buildup or ponding from causing dampness in the walls or interior portion of the building. Roof drains, gutters and downspouts of a dwelling shall be free from obstructions and maintained in good repair, so as not to be plugged, overflowing, or in a state of deterioration. Any building or structure having originally been designed for and fitted with gutters and downspouts shall continuously be maintained with such devices, in sound condition and good repair.

2. In any two-year period, tarps, tar paper or other similar materials shall not be exposed to weather on the exterior of a structure for a cumulative period of more than three months. Sample language related to exterior walls is: 1. Every exterior wall and weather-exposed exterior surface of a dwelling shall be free of holes, breaks, loose or rotting boards or timbers and any other conditions likely to admit water or dampness to the interior portions of the dwelling. Many jurisdictions have maintenance codes for residential and business structures. Sample maintenance codes reviewed identified violations as a public nuisance. Violations, penalties and remedies are similar to nuisance violations. The Police Department responds to many complaints related to poor maintenance. However, not all complaints can be resolved because existing codes are limited and don't govern maintenance. The City recently implemented a Housing Production Strategy, which committed to having staff research the viability of a rental housing maintenance code. Maintenance codes exist for all types of development; however, the City has only committed to looking into maintenance codes as it relates to rental housing, a subset of the residential market. Does the City Council want to explore options for implementing a maintenance code? Fiscal Notes: If implemented, enforcement of a maintenance code will require additional staff time. Alternatives: Continue only utilizing the building code and ordinances that apply to violations related to

reported poorly maintenance residences. Attachments: Rental Housing Maintenance Code Feasibility.

Tokos reported an action item from the Housing Production Strategy was to research the feasibility of a maintenance code for rental housing, and expected the review to come back by the end of 2024. Malloy reported an expansion of that to all housing and commercial properties in Newport may be wise. The Council had a brief discussion Parker inquired about what other cities do?

Goebel referenced a concern about gutters, and them not being necessary on some houses and some houses are not connected to a storm drain system. Malloy advised that the City has not drafted a code, but is exploring the interest in moving forward on this or not.

Nebel advised that Michael Walas a concerned resident who brought this topic forward, was present to speak on the item. He advised he moved to Newport in 2017, and wanted to share some thoughts as he was concerned. He referenced a variety of items saying he interested in Yaquina Bay Bridge - concerns with Art Deco "Ghetto", due to vacant buildings etc. Not maintained. AB&R Laundry's building. There is no sense of urgency. Properties that are not being maintained. Junk yard/cars in front & back/bio-hazards/tarp on the roof. Also a matter of property values. Commercial and residential blight.

Tokos detailed the ability to leverage state funds for a feasibility study on the topic.

It was the general consensus of Council to proceed, and for administration to bring a report back on potential next steps for future Council discussion.

Revisions to Parking Codes to Facilitate Bayfront Metering. Tokos spoke and presented the written staff memo which said the purpose of this work session is to update the City Council on the status of the meter/permit rollout for the Bayfront and to begin to review the Municipal Code changes needed in order for it to happen. We are looking to fully implement along the Bayfront in October, and the Parking Advisory Committee supports a fall implementation, as it will provide affected stakeholders more time to adjust to the new parking requirements. Attached is an implementation schedule. Design of the parking lot improvements is complete and the Public Works Department is putting them out for bid on June 16th with proposals being due July 10, 2023. At the same time, they will bid concrete work for the pay station foundations, installation of 63 new traffic sign posts, and the removal/replacement of 37 existing posts. Proposals for that work will also be due July 10th. City staff is working with T2 Systems, Inc. on parking system setup and training, which will extend through the summer. With respect to parking code changes, attached is a set of revisions that will need to be made to the Municipal Code to provide a framework for the metering, parking permit, and enforcement program. They include amendments to Chapter 1.50, Penalties; Chapter 6.15, Parking in Rights-of-Way; and Chapter 6.25, Recreational Vehicle Parking. Existing Chapter 6.20, City Parking Lots, will be replaced with a new Chapter 6.20, Metered Parking Zones. In addition to this regulatory framework, revisions are also being made to the City's land use regulations to reduce or eliminate off-street parking requirements along the Bayfront. The changes respond to the following implementation measures in the parking study that the City Council adopted in 2020 (Ordinance No. 2163) Implementation Measure 1.3.1: Pursue metered zones, hybrid paid/permit, and hybrid permit/timed zones for high demand areas along the Bayfront; and Implementation Measure 3.2.3: Reduce or eliminate minimum off-

street parking requirements for new development or redevelopment in metered and meter/permit zones. A number of cities have eliminated off-street parking minimums altogether, particularly in commercial core areas where public parking is available and where they have transitioned to demand management. Here is an online article with an interactive web map of the cities: <https://www.lincolnst.edu/publications/articles/2022-10-shifting-gears-eliminating-off-street-parking-requirements> The Planning Commission had an opportunity to review the draft changes on May 22, 2023 (minutes enclosed) and The Parking Advisory Committee is working through them at their May 17, 2023 and June 21, 2023 meetings. I'll be prepared to walk through the changes and look forward to hearing your thoughts on the various revisions and options.

Attachments: Implementation Schedule, Draft Revisions to NMC Chapters 1.5, 6.15, 6.20, 6.25 and 14.14, Special Parking Area Map, Draft minutes from the 5/17/23 Parking Advisory Committee Meeting and 5/22/23 Commission Meeting.

Tokos spoke advising this effort should go live in October, the vendor is under contract pay stations at the shop and the License plate recognition is on order.

He added the sign installation project is out for bid, for 100 sign posts new or swap outs and 10 pay station posts.

Parker inquired about concerns on theft of signage and if they had any built in theft deterrents? Tokos reported that security cameras were an item. Tokos detailed the public outreach efforts, having a separate work session in August, and doing additional outreach in August and September. He added that the public would be asked to provide feedback on final pricing, and there was a need to do work on the municipal code to support this. Tokos shared the project was expected to be fully paid back within a couple of years

Goebel inquired about impacts on Fish Plant trucks? Tokos advised timed loading zones would be an looked at.

Council reported outreach was important. Jacobi inquired about how the City could encourage businesses to provide transportation/shuttle services?

Kaplan reported that reviewing prior minutes on this topic may shed some light.

EXECUTIVE SESSION

Scheduling an Executive Session Pursuant to ORS 192.660(2)(d) to Discuss Labor Negotiations

MOTION was made by Goebel, seconded by Parker to move to hold an executive session immediately following the work session held on Tuesday, June 20 to discuss negotiations with IAFF pursuant to ORS 192.660(2)(d). The motion carried unanimously in a voice vote.

ADJOURNMENT

There being no further business, the meeting was adjourned at 5:20 PM

MINUTES
City of Newport Planning Commission
Work Session
Newport City Hall Council Chambers
May 22, 2023
6:00 p.m.

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

Planning Commissioners Absent: Marjorie Blom (*excused*).

PC Citizens Advisory Committee Members Present: Dustin Capri.

PC Citizens Advisory Committee Members Absent: 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. **Comments from Thompson Sanitary on Draft Trash Enclosure Amendments.** Tokos thanked Thompsons for providing comments and input on the amendments. He noted that Walter Budzik with Thompsons responded to the request to give comments on the enclosure standards. Budzik asked if they would be adding language to calculate the volume of solid waste that was going to be needed. Tokos reported they were trying to avoid this. Thompsons offered to produce a document that could be added to a building permit application to provide guidance to multifamily and commercial developers in terms of how to size the enclosures. Tokos said there was also a suggestion to add compostables to the language, even though they didn't currently provide the service. This could change in the future, and he didn't think it was a problem to include this. Tokos reported that Thompsons was also willing to go down to 10 feet for the driveways. They also asked if Thompsons could be involved with the review process and sign off on all applications. Tokos noted this would be tricky for all sign offs, because the city by state law had to have a clear and objective path to approval for multifamily. Any discretion would be a problem that would hang up the approval process. Tokos cautioned the Commission to be thoughtful on how they did this so they didn't get in a spot where multifamily developers were saying they couldn't navigate forward because a third party didn't agree with their approach.

Rob Thompson addressed the Commission and noted he thought it was helpful to developers and citizens to be upfront on what their needs were. When they didn't have the option to provide adequate service, problems would arise, which wasn't good for anyone. Thompson felt good about the examples that had been shared. He explained that they had asked Budzik to respond because he came from McMinnville and had experience with provisions for enclosures. Thompson said they were willing to give back on the size requirements for the driveway and wanted to ask about being a part of the sign off. This would give them a direct review in order to sign off any problems. Thompson didn't have a problem not pursuing this at that time and thought the one-page document they could add to the permit applications would be more than adequate. Tokos agreed that getting the developers into

communication with Thompsons was the biggest first step to making sure they were thinking about enclosures, and especially advantageous when it was early on in the design phase so they could make adjustments. Thompson noted that the Surf View apartments were a good example of where the design for enclosures was done the cheapest way and the management company was managing inside of a budget, which couldn't be done. This was what brought Thompsons into the enclosure discussion. Surf View only had one compactor and Thompsons thought they should have had three. Escobar asked if their management or Thompsons was in charge of cleaning up Surf View's enclosures. Thompson explained they could do it for an additional fee, but it was Surf View's responsibility. The cost for Thompsons to do it was high, and they preferred the property management do it. Thompson thought that they should have a maintenance person who monitored this on a daily basis to see the best results. Escobar asked if Thompsons could ever threaten not having service if there were problems. Thompson reported they had the option to do this, but they preferred that a remedy be found before this was done.

Berman asked what Thompson's thoughts were concerning roofs on the enclosures to keep the weather out. Thompson didn't have a problem with roofs and thought they were workable. He thought it would be up to the Commission to make that decision. Updike asked if they went with Option C.1 and a developer came in with a roof proposal, would the Commission have to approve it. Tokos reported they wouldn't. He asked how Thompsons typically serviced drop boxes or compactors if they were roofed. Thompson explained for drop boxes and compactors, the trucks would hook the front of the box with a line and pull it out of the enclosure before it was lifted and rolled up onto the truck body. He noted they needed to have 50 feet in front of the compactors to be able to have enough access. Thompson reported they had seen plans for compactors in parking garages and thought this would be terrible for their trucks because they were so big. They wouldn't want to be put in a position where they had to drag a box a long distance, because the trucks weren't designed for that.

East asked how they were dealing with the enclosures at the Wyndhaven apartments. Thompsons said they didn't have any problems with them because they had more staff to monitor them. Tokos noted one of their buildings wouldn't be within 150 feet and moving forward this type of project would require them to have another enclosure location. Thompson reported that he looked at Wyndhaven's current set up and noted they could have put in a corral for auxiliary recycling or garbage if they wanted to get away from the compactor and the staffing.

Capri asked if they could require developers to provide a sanitary letter from Thompsons as part of the permit process to help take the administrative burden off of the city. Tokos thought they could have developers submit something from Thompsons confirming they had a conversation about service and what their service requirements were. Thompson pointed out that this was the intention of the McMinnville code, and he was open to that. Capri thought they should do this for large commercial developments. Tokos noted they needed to be clear that the letter wasn't an approval. It was a letter saying they had a conversation and gives the city a heads up about how they could get things resolved. Amy Thompson addressed the Commission and noted this would have helped them in the case of Surf View. Berman thought it was a good idea.

Berman asked if Thompsons wanted to see the five-foot swinging doors secured. Thompson thought it was a great idea. Capri asked if overhangs were going to be a part of the proposed code language. Tokos said it wasn't included and recommended this be left up to the person designing the enclosure.

Tokos asked if the 10 feet width was okay for drop boxes in the compactors. Thompson said it was and noted that a compactor needed to fit on a truck going down the highway, which was an eight feet maximum.

Tokos reported the amendments would come before the Commission on their June 12th meeting where they would give a recommendation to the City Council. Thompson thought having a letter in the file that said the proposed plans did or didn't meet Thompson's recommendations would be helpful for the city to have as a backstory.

- B. Revisions to Parking Codes to Facilitate Bayfront Metering.** Tokos reviewed the draft code changes needed to facilitate the installation of parking meters along the Bayfront. The changes to NMC Chapters 6.15, 6.20, and 6.25 were provided for context, but they didn't require Planning Commission approval. The city was looking at implementing the meters on the Bayfront in October. The City had a commitment as a matter of policy to reduce or eliminate off street parking requirements when the meters were implemented.

Tokos reviewed the updates to Chapter 14.14.030(B). He noted that these changes would have applied to the considerations for the new Abbey Hotel build as far as the number of credits that would be given for the old use over the last 10 years. Tokos explained that since a new dwelling had credits for the use over the previous 10 years, it made sense logically to do a credit for the last 10 years for commercial.

Tokos reviewed the changes to 14.14.100. He covered the three options for off-street requirements. Option B.1. would eliminate off street parking requirements in areas where the city required payment for the use of public parking. Capri asked if the original parking analysis found that there wouldn't be any need for off street parking for development based on the turnover from the meters. Tokos explained that the policy adopted was to reduce or eliminate parking. Capri asked if there would be an analysis based on the turnover generated from parking meters. Tokos explained the parking study didn't delve into it that far. It established that we are at functional capacity on the Bayfront at over 85 percent observed utilization, which was the general bar communities used to institute demand management such as a metering program. There was nothing in the parking study that said by instituting metering, you're going to free up a certain percentage of utilization. He noted that how much turnover increase and relief it provided was not quantified in the study. Capri thought this was pitched as there were undeveloped lots and limited opportunities for development. If the requirements weren't lifted, properties wouldn't be able to be developed because the lots were too small to do so. Capri feared that if the parking requirements weren't lifted, there would only be two lots on the Bayfront that could be developed. Tokos thought that the different options would help address Capri's concerns. Option B.1 would lift the parking requirement, but it had the potential to bring in a heavy parking demand that they would be stuck with. Option B.2 would allow developers to pay a onetime fee in lieu of providing the off-street parking required. They could structure it so that the more demand a development placed on parking, the stiffer the fee on parking it would be. Capri thought these didn't address the parking issue in the area and the whole point of metering was to improve the flow of parking. There was a public perception that they were already adding fees for meters. Someone who wanted to do new development would be able to pay for parking they couldn't provide, and it would cost even more money. Tokos noted the principle was that you could use this to disincentivize somebody coming in would be placing a tremendous impact on the available supply. Escobar noted that around 1977 there was a fee charged for those who didn't provide off street parking. He didn't think any of this money collected had been used to generate new parking. Escobar was opposed to developers being able to pay money to build something and not have adequate parking. The impact of the development's parking affected everyone on the Bayfront. Escobar thought the if someone was to build something they should provide parking. Tokos noted the payment in lieu fee was discontinued around 2009-2010 and the \$250,000 collected had been used to get the meters installed.

Berman noted the problem he had with Option B.2 was that it put a burden on the parking system and there was no kind of offset to provide additional parking. He thought this would be more of a penalty rather than a fee. It wouldn't be a deterrent in any of the discussed developments other than building a new hotel. Hanselman thought that someone who paid the in-lieu fees who paid off all of the parking they needed to have for 20 years or less, didn't add up to him. He noted that the amount of parking would increase with a payment in lieu, and a business would get away with only having to pay a onetime fee. Tokos reminded the commitment that was made in the council policy in the Comprehensive Plan was to reduce or eliminate off street parking requirements, not to keep them in place. They had to come up with a program that reduced in a meaningful way or eliminated off street parking requirements for these businesses. Option B.2 disincentivized somebody developing on the Bayfront who would put heavy demand on those street parking spaces and create additional revenue that could be used to add supply down the road. One way to disincentivize somebody from coming down to the Bayfront and redeveloping in a manner that took up a bunch of the streets supply was to add a financial disincentive. Capri thought that would affect the small businesses more because they couldn't absorb the costs. If he were to pick anything besides Option B.1, it would be Option B.3 because it would target the high demand user and avoid the small businesses. Tokos noted he knew a restaurant could do this because he sat down with a restaurant owner who had to put in 8 to 10 parking spaces. The cost to install a parking lot was \$70,000 and asking for \$15,000 would be easier to pay. Capri liked Option B.1 the best and also liked B.3 because set a cap and allowed developers to do a small infill project without paying a bunch of money.

Tokos reviewed Option B.3 that lifted the requirements only if the development exceeded a certain threshold. He had listed the spaces at 25, but it could be changed to 20. Berman thought 25 was too high. Tokos thought they could set it at 20 instead which would mean there could be a 12,000 square foot size if it was on the water side.

Udike liked all three options. He thought for those that generated one to five spaces, there should be no fee. The ones that generated six to 20 should pay a fee. Then over 20 would pay a higher price. Udike thought they needed to find a way to incentivize the small mom and pop stores that had a nominal impact to parking. Udike thought the larger developments should provide parking spaces. Tokos noted they already had a track record of allowing the first five spaces to be exempt from the business license fee, which helped modestly for projects. Berman asked what would happen to the fee people were paying on their business licenses when this went into effect. Tokos reported the fee would go away. He noted that the total annual collections on this fee had been around \$14,000. Tokos thought they shouldn't go over five spaces for those that wouldn't pay anything.

Hanselman questioned how they could have more businesses on the Bayfront without more parking. He thought that if they infilled all the properties on the Bayfront, it would bring in more people. They would have metering to help with turnover, but there would still be many more people that walked on the sidewalks there. Tokos reminded that the principal to doing the meters and permits was to adjust the rates until they got them right. Capri asked how the fees would be adjusted. Tokos explained it would be done by City Council resolution.

Berman asked if there would be anything to keep existing private parking lots from being developed if this went into effect. Tokos thought that part of the agreement was to allow these to be developed. He reported that there was somewhere between 65 and 90 spaces that were tied up in private lots on the Bayfront that could get redeveloped reasonably easy. Tokos reminded that this was part of the deal when they changed to metering. Capri noted that there would be a lot of developers that wouldn't do development without providing parking because the industry demanded they provide them. Hanselman thought if they did the parking fees correctly, they could make enough money to have a

shuttle. He thought they should raise the fees for the business owners and have them pay into providing a shuttle bus because they would be the ones benefiting from it. Tokos noted once they had the meter and permit revenues, they would have enough money to do transit if that was what policymakers wanted to do. They could also subsidize a carpool/vanpool program. Tokos thought that either of these would meet different demands, they just needed funds to support them.

Hanselman thought the concept of reducing parking and increasing business wasn't reasonable. Tokos noted that the meters had a positive track record across many communities in terms of turnover. Hanselman thought the metering was a separate issue than development. Tokos explained that cities who were eliminating their off-street parking minimums in their commercial core areas were doing this because they had demand management in place. There was a risk that they would get a business that came in who had a significant demand on supply. Hanselman thought they should put in the parking meters and see what happened first before making decisions on these options. Escobar asked what the proposed rate for meters was. Tokos reported \$1 per hour. Berman was concerned that the permits would be bought out by employers for staff and block out all of the parking. Tokos reported the committee was comfortable with this price going out as the baseline and agreed that in the meter/permit zone they wouldn't make more permits available than the spaces that were available. Capri asked what the consultant thought about the rates. Tokos reported that they recommended it be \$1 an hour. The committee also proposed permit fees that were higher than what the study recommended at \$45 a month for the high demand areas and \$25 a month for lower areas. Hanselman asked if all the permits had been purchased in other communities. He was concerned that if all of the permits weren't purchased it meant that there would be permit spaces left open because they were permit only spots. Tokos reminded these were both permit and meter parking areas and there would be no reserved parking for permits. Every spot would have a meter. Tokos said the less desirable areas that were permit timed were areas where people could park free for four hours or if they had a permit they could park over a period of time. These areas were where they wanted a lot of people to park. In those cases, they were looking at having around 140 percent of the stalls sold in terms of permits. Hanselman asked if the Port suggested they would provide more parking or fishermen. Tokos reported they weren't. They were still working through their own issues, but their permit fees were cheaper than the city's.

Capri thought Option B.3 was a reasonable approach because it allowed development to occur and gave the City control over big development. Tokos thought that if they chose B.3, it would be justifiable to peg the number of spaces at 20 rather than 25, but they wouldn't want to go much lower. Tokos reported the Parking Advisory Committee liked combining B.2 and B.3, where they could set it at requiring nothing for a small impact and then hit developers with fees as the impact intensified. He thought they could set the prices at \$0 for 0 to 5 spaces, \$5,000 for 5 to 10 spaces, \$7,500 for 10 to 15 spaces, \$10,000 for 15 to 20 spaces, then stop it at that. They could also change B.3 to not exceed 20 spaces instead of 25. The Commission was in general agreement with this.

Berman was concerned about the fees for Option B.3 and asked if they talked about making the amounts smaller and changing them to annual fees. Tokos pointed out they were trying to avoid annual fees. The concern with annual fees was that they could go on for an extended period of time and there was the potential to lose sight on what the fees were for in the first place. Berman thought charging the one-time fee didn't have any value over an extended period of time. Tokos explained that one of the reasons they discontinued annual fees was that over time it became a situation where some businesses were paying more than others, while some didn't pay at all. He explained that policy makers didn't think that was fair.

Tokos reiterated that he would bring back a revision showing \$0 for 0 to 5 spaces, \$5,000 for 5 to 10 spaces, \$7,500 for 10 to 15 spaces, \$10,000 for 15 to 20 spaces, and then changing B.3 down to 20 spaces. Capri asked if there was any leniency for big developers. Tokos said there wouldn't be because everyone would be on the same playing field. If there was an existing use on a property, the new development would have a credit for parking based on that use. A discussion ensued regarding examples of how different property uses had changed over the years and how their credits worked. Tokos reminded the changes would be the bar for what someone could do to meet the parking requirements. There would still be an adjustment process for different requirements, such as a parking demand analysis or request an adjustment to a dimensional requirements.

Berman asked if Section 14.14.100(C) meant that existing uses weren't required to retain parking. Tokos confirmed that was true and noted that this was what the business community supported when they included the Comprehensive Plan policies that reduced or eliminated off street parking requirements for those that were previously constructed. They couldn't tell one person to keep their parking while allowing another to come in and not have to provide anything. Tokos noted that Section 14.14.100(D) memorialized that Nye Beach and the City Center would continue to pay their business license annual fees until they had an alternative program where there was payment for the use of public parking. This was already a resolution.

Capri asked how this would be evaluated later. Tokos reported there were firms who did this. He thought that it would make sense to wait until the meter program was up and running for a couple of year before they evaluated it. Tokos noted they would have good data because T2 Systems would be able to track the data by permit zone.

Escobar asked how the permits would work for someone who bought one permit and had three cars. Tokos explained this would something more so for Nye Beach, not the Bayfront. The Bayfront had commercial fishermen who had multiple vehicles, and the Advisory Committee discussed adding a surcharge for additional vehicles that fell under one permit. Capri asked if there was a way to know if two vehicles were being used on the permits. Tokos reported there would be license plate technology that would ping each license plate to know this. It would be set up that when someone has exhausted their time, they couldn't just go to another available space in the same zone because they would be set up by permit zone. Berman asked if someone parked with a permit in a meter space, would they need to go to a kiosk to register they were parking. Tokos reported if they had the right permit for the area, they could park without having to go to the kiosk. Berman asked if the permits were for a certain number of hours. Tokos reported they would be 12 hours, and the commercial fishermen permits would be done by invite and they would be 72 hours. Capri asked who made the final determination on the fee amounts. Tokos said the City Council would. Capri asked if anyone had brought up inflation in the discussions. Tokos reported they had, and it was why they adjusted the fees to \$25 and \$45 from what they were set at previously. This was a work in progress that they would key it to an inflationary adjustment right off the bat. Berman asked if someone could buy annual permits. Tokos reported they hadn't gone down that path and were pretty much dealing with just monthly permits. Branigan guessed they wouldn't do annual permits because there would be questions on proration for people who switched cars. Berman thought it was a good idea not to do an annual permit.

Tokos asked for comments on other sections. Berman thought that for Section 6.20.02(C) emergency vehicles should be able to park anytime, not just in emergencies. Tokos thought this had been doubled up in the language and they had already included an exemption for government vehicles. He would confirm for this. Berman questioned Section 6.20.030(D) because it was hard to unload a truck in 30 seconds. Tokos noted this was in their code and suggested it be changed to five minutes. Berman thought 15 minutes would work better.

Berman noted that in Section 6.20.040(F) he didn't know what a space reservation device was. Tokos reported they could define this. He pointed out there would be instances such as special events or construction permit authorizations where someone would have to put up space reservations. Updike thought these devices could come in many shapes and forms, and why it was kept generic.

Berman pointed out that the text in Section 6.20.045 was written as if they were referring to the meters with the old galvanized steel posts with a head on them. Tokos would clean the language up. It should have been written for a kiosk. Berman questioned Section 6.20.050 that said that if there were to disable placards they behaved like everyone else and if there was a wheelchair placard, they didn't have to do anything. Tokos reported this was the state law.

Tokos noted the non-land use updates would go into place before the meters were implemented. He explained that there would be public outreach in August and September, and another opportunity to do one round of refinements to the meter/permits options after. Berman asked if they would have a sample of the machine at the outreach meetings. Tokos didn't know if they would have one at the outreach meetings. He reported they had just ordered them, and they would arrive in around four weeks. Public Works was working on the parking lot revisions, and they would be putting out bids in June to get it lined up to do the improvements to the parking lots in September. There were 110 sign poles that needed to be either swapped out or put in new, then the pay stations and regulatory signs installed and then go live. There would also be a break in period where people received warnings for a while. The meters would only be live on the weekends during the off season starting in October, which would help the public get used to them.

Berman asked if someone parked longer than they were metered for and received a ticket, would the meter collect the ticket amount if they came back to park. Tokos explained there would be an enhanced level enforcement for what's called scofflaw, where if somebody has a certain number of unpaid parking tickets, they would get tagged and it would be elevated in terms of its level of enforcement. They were working with the Police Department on how to do this. Tokos noted there were certain circumstances where a parking ticket would be an automatic hit when someone was renting a car and got a ticket. The ticket would go on their rental bill. Enforcement of this was done by license plate recognition. Tokos reported when people didn't pay their tickets, T2 Systems would be acting in the capacity of the city to look up people how didn't pay and send out an automatic letter with information on additional fees due. The intent was to have this be as light of an impact on the police officers as possible.

Tokos reported that the City Council voted in favor of the appellant for the appeal for the new Abbey Hotel. They felt it was essential to consider the previous development when weighing the relative impact of the project and felt the project had less of an impact than the prior development given the parking they were going to construct. The final order would be brought to the City Council on June 5th. Berman asked if they formally acknowledged the other adjustments. Tokos reported the acknowledge the adjustment on the yard and authorized the package on a 5 to 2 vote.

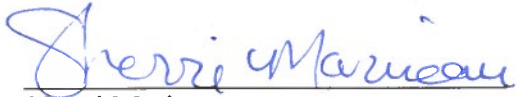
Hanselman asked if the parking kiosks would be cash or credit card, or both. Tokos reported there was a coin option and credit card option. Hanselman asked if the city considered collecting tickets by charging them directly to the ticket holder's credit cards. Tokos would share where this ended up with the Commission and would talk to T2 Systems on this. He thought that the public would have the right to contest whether a ticket was properly issued. Most people didn't pay for the tickets on the fly. Tokos reminded that rental cars agree in advance that if they had a ticket they would be charged on their rental fees.

C. **Planning Commission Work Program Update.** No discussion was heard.

2. **New Business.** None were heard.

3. **Adjourn.** The meeting adjourned at 7:44 p.m.

Respectfully submitted,



Sherri Marineau,
Executive Assistant

MINUTES
Parking Advisory Committee
Meeting #11
Newport City Hall Council Chambers
May 17, 2023

Committee Members Present: Janell Goplen (*by video*), Bill Branigan (*by video*), Aracelly Guevara (*by video*), Aaron Bretz, Doretta Smith, Jan Kaplan, and Robert Emond.

Committee Members Absent: Gary Ripka.

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

1. **Call to Order & Roll Call.** Meeting started at 6:05 p.m.
2. **Approval of Minutes.** Bill Branigan reported minor corrections to the minutes.

MOTION was made by Aaron Bretz, seconded by Doretta Smith, to approve the April 19, 2023 Parking Advisory Committee meeting minutes with minor corrections. The motion carried unanimously in a voice vote.

3. **E-Permit Pricing and Availability.** Tokos reviewed the staff memorandum and noted there would be a kickoff meeting happening with T2 Systems and city staff that Friday. He reviewed the ePermitting pricing and talked through some of the options with the group. Tokos covered the Bayfront parking permit zone options for Zones A through D and the number of parking spaces available in each. He noted interest on the permits would be different on the east and west sides of the Bayfront. He thought that Zone A would sell more permits than the number of spaces that were available. It was a common practice for more permits to be sold than spaces were available, because they never assumed 100 percent utilization at any given time. Tokos suggested they over subscribe the number of Tier 2 timed permits and thought 120 percent would be appropriate. If they took the approach of 100 percent of spaces in Tier 1 areas (Zones A and B) then 120 percent of available parking stalls for Tier 2 (Zones C and D) there would be around 630 permits available.

Emond asked if 120 percent overflow would be enough and questioned if it should be more than 120. Tokos noted that the 120-140 range was typically what they would see. Smith asked what other cities did. Tokos reported they were all over the place on this. He thought that Newport would want to make sure in the metered permit zones that there as a healthy number of spaces available for people who were arriving and wanted pay at the meters. This way they wouldn't get too high on the numbers. Tokos thought they could be comfortable changing it to 140 percent in the Tier 2 areas. Emond pointed out they could always changes this the next year. Bretz noted the people that purchased the permits would be revolving. The people who wanted them in the summer would be different from those that wanted them in the winter. Bretz thought that because the permit was for one month, it would be sufficient to set it at 120 percent on Tier 2. Emond asked if that included both the 72 hour permits and the 12 hour permits. Tokos noted the 72 hour permits would be done by Port invite only in either Zones B or D. He noted this was part of the thinking to break it up by west and east ends. This wasn't an issue on the west end at all. Tokos noted it would be 100 percent on the Tier 1 pricing zones, which were Zones A and B, and 120 percent on the Tier 2 zones, which would be Zones C and D. The commercial fishing would be by email invitation, which was the 72 hour period and limited to zones B and D, which would be the east end zones. Smith thought that a commercial fishermen who paid \$45 a month for a permit wouldn't be happy if permits were oversold and they had no parking spots.

Bretz thought it was hard to gauge this because the Port's permits were so inexpensive. Tokos reminded that the people who would engaged in commercial fishing permits would also have the Port parking available for them. Bretz reiterated that it was hard to tell how many permits they would need. They had somewhere around 260 Port property permits. It was hard to compare both because they were a different price and product. Tokos reminded that all of the permits had no guarantee of parking spaces.

Goplen asked how often they could change the rules once things were set. Tokos thought they would have flexibility and if they saw something wasn't working they could make changes. There would be reports to the Committee about permit uptake. Goplen thought the Tier 1 pricing was too low. Emond suggested picking a number and sending out invites. Then, when they saw the response they would know how many permits to provide. Guevara thought they should start low and increase the numbers later. Smith thought they were going to have PR issues when implementing the system, and didn't want to start upsetting people right off the bat. She thought they should start off low. Tokos suggested they start with 100 percent in the Tier 1 and 120 percent in Tier 2, then give it three to six months to see what happened.

Goplen asked if this would be implemented in October, when would the meters go in. Tokos reported the installs would be done in late September or early October. This would be an advantage because they wouldn't be implemented in the busy season. Tokos noted the article Goplen shared about what Newport, Rhode Island did was something they should look to do for the next summer season.

Branigan asked if businesses should be allowed to buy a bunch of the permits for their employees. He also asked if they would allow employees to have first crack at getting permits before opening them up to the general public. Tokos noted they didn't have any limitations on who got the permits, so if an employer wanted to cover the cost for their employee's permits they could do that if the permits were available. He thought they should do one launch date instead of multiple dates. The commercial fishing permits would be done by an invite only and they would coordinate this with the Port. Smith questioned who else, besides an employee would want a monthly permit. Branigan thought employees would want the permits the most, but there would be others who came to Newport multiple times that would want them. Goplen thought an Uber or an Airbnb might want them as well.

Emond asked how the daily lodging permits and charter fishing permits would work. Tokos said they would be separate from what they were talking about here. The charters and hotels would have a number of permits that they would hand out. Emond thought it would be nice to be able to track this. Tokos reminded they would have the data from the system that would show how many were handed out.

Tokos asked if the Committee was generally okay with the zone break out. Goplen thought Tier 1 should be more expensive. Bretz wanted the commercial fishing permits to be 96 hours instead of 72 hours. Emond was concerned that people who worked on the Bayfront would be upset when they saw the fishermen had more time to park. Tokos didn't have a problem with setting the commercial fishing permit to 96 hours if that was functionally what they needed. He didn't think a retail person should pay the same as them and asked if \$65 was better for extended stay. Bretz thought if they were going to do that they should leave it at 72 hours. Then if they got blowback on the 72 hours they could say that we can add more time, but it would be more expensive. Emond thought it should be \$55 for fishermen so it was a nominal price difference. Kaplan agreed but noted they didn't want to make this too complicated. He thought it got confusing when there were too many different options. Smith didn't think it would be because the commercial fishermen would be concentrating on their own price. Tokos noted he was inclined to go with \$65 for 96 hours. Bretz reminded that fishermen still had the option to go with the Port parking if they were going to be out for a fourth day. He thought \$65 might be at

the point that a lot of the fishermen wouldn't purchase them. Goplen reminded they could always change this, but they wouldn't want to post a lower price upfront and then say price was being bumped up. Bretz thought if they were going to be bumping it up with a new product it would be okay. Smith was concerned that retail staff would be paying \$45 for 12 hours a day then fishermen were paying \$45 a month for 72 hours. Tokos reminded that on the flip side of this, it met both needs because why would someone who worked retail need more than 12 hours. Tokos said what he was hearing was the Committee thought this was a reasonable framework for this currently, and then look to adjust the fees based on the feedback they received.

Tokos reported that they held the meter cost at a \$1 an hour. Some jurisdictions were bumping this up and he asked if \$1.25 an hour made more sense. Emond and Goplen thought \$1 was too cheap. Bretz reminded this was saying the cost would be \$1 an hour and he didn't think it would price anyone out. Smith questioned if locals would say it was unfair to charge them and mean that cause them to choose not to shop local. Goplen reminded they had discussed allowing businesses to do parking validation for customers. Tokos confirmed they would have the coupon codes for this. Bretz noted the current people parking weren't paying for anyone to maintain the parking areas. He thought it was reasonable to have local people pay for a couple of hours which would go into maintenance and add to turnover.

4. **Updating Special Parking Area Requirements for the Bayfront.** Tokos reviewed the updates to NMC 14.14.100 for the special area parking requirements. He noted that when the City Council adopted the Parking Study into the Comprehensive Plan, they agreed that when metering was implemented there would be a reduction or elimination of off-street parking requirements. The draft of these revisions would achieve this and would become effective at the same time that metering was live.

Tokos reviewed three options of revisions, starting with Option B.1 that would eliminate off-street parking requirements. This would only apply to the Bayfront because it would be the only area where the city required payment for parking. Smith asked if the purpose of B.1 would just be for new development. Tokos said it applied to both new development and redevelopment. Kaplan noted Nye Beach was mostly residential and asked if this would apply to Nye Beach once the metering was implemented there. Tokos said it would, and pointed out B.1 would be the easiest of the option to implement because it was straightforward and there were no off street parking requirements.

Tokos covered Option B.2. that would allow developers to pay a onetime fee in lieu of providing the off street parking required in special areas where payment was required for the use of public parking. Goplen asked if they could build housing on the Bayfront. Tokos explained they could put housing on anything other than street grade, but they wouldn't expect to realistically see anything meaningful come in because of terrain constraints. Option B.2 gave a fee in lieu which gave progressively expensive options for the additional parking demand they placed. Tokos reviewed the examples of how much it would cost for eliminating parking space requirements. Goplen pointed out the retail use example that was listed on the document wasn't currently being used for retail. Tokos said this would have a credit for the previous use. The parking code said that the city was to give credit for the old use, but it didn't say for how long. They may have to put a fixed timeframe on the credits with this policy change, and he guessed that policy makers would want that number to be that same as System Development Charges, which was 10 years. Goplen asked if they had the number of spaces currently necessary for all the businesses in Newport. Tokos could get it but thought it was around 60-90. Goplen thought if they removed this and let people build, it would change how people viewed the meter conversation and all the work the Committee was doing. Tokos noted there was an equity issue when they had some businesses providing zero parking spaces and others providing some. It would become a question on why someone would be obligated to dedicate what was a pretty expensive chunk of real estate for off street parking, when others are doing nothing. Tokos thought a fairness piece would be

to eliminate the parking requirement, and then not allow major development and keep development to a smaller scale.

Emond asked if it was possible that this ordinance wouldn't apply to all three districts because he thought each district had radically different needs. Tokos thought that was fair but expected they would have further adjustments once they had solutions set for Nye Beach. Since they didn't know what the solutions would be for Nye Beach, there was no reason to sort out what the special parking area would be for it. Kaplan reminded that the special district areas already had different requirements. Tokos agreed and noted that the existing requirements would stay in place for 90 days and codified after the last changes were adopted. Emond asked if these code changes would be drafted and adopted by the City Council after public input. Tokos confirmed they would. Emond thought this made it harder to make changes. He noted this was why he questioned whether or not they wanted to put down rules that would be harder to change in the future. Tokos said this was something they would expect when dealing with when rolling out a new demand management program for areas like this. He reminded there would be residential permits in Nye Beach that weren't in the Bayfront, which would have to be dealt with it at that time.

Tokos reviewed Option B.3 that would give a hard wire a limit on the demand a project could place on the limited supply of available public parking before off-street parking must be provided. He covered the examples of what this would look like. Goplen asked if the five examples were current projects that were waiting on the changes to go through. Tokos said they didn't have any specific projects that were waiting. Emond thought this option made more sense for retail and restaurants, but made less sense for fish plants or industrial use. He asked if they could limit this to retail and restaurants, and have B.2 apply to industrial. Tokos thought this might create an equity issue. He thought they could go with B.3 and scale it with fees. They could also hybridize it with B.2 and B.3. Emond thought because retail and restaurants had a higher turnover, this would be fine for them. He had a problem with uses that required their employees to be there all the time, who created congestion. Edmond thought this was contrary to what they set the goal for turnover at.

Tokos asked for the Committee's thoughts on the three options. Smith asked which option Tokos leaned toward. Tokos favored B.2, or a combo of B.2 and B.3. He also liked the simplicity of B.1 but was concerned it would lead to some unintended consequences. Emond liked basing it on the number of parking spots and the building use type because different uses had different customers. Tokos thought they could look at the ratios which would be citywide. The ratios were development based and typically done by the types of uses. Tokos asked if there were any other options that the Committee had in mind to loosen up the rules. Emond thought they should do B.3 at a smaller number and B.2 as an overage. They should set things at a number of spaces, then if demand was over that they could then charge a fee for additional spaces. Tokos asked if what he was saying was to pair B.2 and B.3 and then do something smaller than 25 spaces. Emond thought that was fine, but thought 25 would work on the Bayfront but wouldn't work in other areas. Goplen needed some time to think about it. Tokos asked the Committee to send him a note on their thoughts.

Kaplan asked if B.3 was saying a business was not required to put in parking. Tokos explained was for redevelopment in a manner that was more intense than what the use was currently, or for new development. Tokos gave examples of the properties on the Bayfront that might develop with these changes. Bretz pointed out that it wasn't economical to put parking spaces over the water. If someone was looking to put in a processing plant, they would want a parking lot across the street. Bretz asked if having parking across the street would be allowed. Tokos confirmed it could be allowed as satellite parking. Bretz liked a mixture of B.2 and B.3. Before they establish the fees they look at what it was that they were looking to be incentivize and discourage. They needed to determine if they wanted the added fees to be difficult to be absorbed by the developer or not. Then they could answer what the city

would want to do with the funds. Tokos thought they would look for it to go into the parking fund to supplement the meter revenues so they had money to make a go at constructing a parking structure at some point.

Tokos reviewed the addition of Section C which would make it clear that the few businesses currently providing off-street parking in a meter or meter/permit area would no longer be bound to do so, meaning they could develop these properties. Kaplan reminded that they were trying to manage parking demand. If they decreased the supply it would be contrary to what they were trying to do. If they didn't have a way to obligate additional parking, they would be adding more demand without resources. Emond thought this went back to how B.2 and B.3 worked best in Nye Beach, and B.2 worked only on the Bayfront. Tokos stated he wouldn't expect a gold rush of people eliminating their off street parking that was privately held. In most cases, they were there for a reason. Tokos noted how other jurisdictions who had eliminated off street parking requirements was working for them because they wouldn't generally have businesses coming in that were going to be a massive traffic generator. Smith asked if they adopted B.2 would there be any forgiveness for housing on the Bayfront. Tokos said the direction the state was going was to have a full blanket prohibition on requiring off street parking for residential development because of the housing crisis. Smith thought this would make residents have to use street parking and would set up a whole new dilemma. Tokos thought that this got to the City Center area, where he didn't see a lot of residential opportunity because they couldn't add additional stories to the buildings given their conditions. He also didn't see any real estate available for multifamily projects. Tokos reminded that the residential demand for parking was different than commercial use. Kaplan was in favor of more housing than more commercial. Emond noted this was why he like B.3 because it didn't eliminate all of the parking requirements, just a few. Tokos asked for feedback on the examples from the Committee. Emond thought the examples were good. Bretz thought that for over the water they should look at how far away the parking should be. Tokos explained that not all of the Bayfront was eligible for housing. The areas that were water dependent were not allowed to have houses in the water.

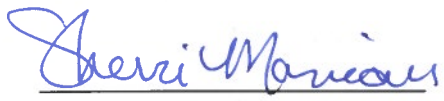
5. **Timing and Location for Outreach with Affected Stakeholders.** Tokos reviewed the implementation schedule, and the list of public engagement groups they would like to engage. Bretz thought that having commercial fishing group meeting in August would work best with the help of the Port. He thought it would work better for businesses if they were directly contacted them directly to get them involved in the engagement instead of sending a blanketed notice.

Tokos reported they would be working on the license plate recognition to get it linked up and the officers trained. He reviewed the parking lot improvements timeline; the sign pole installation; the regulatory sign install timelines; and the pay station install timeline. Tokos noted this schedule was subject to change.

Tokos asked if there was anything the Committee wanted him to bring forward to the next meeting. Smith wanted to see information about the general public outreach that would be done. Goplen thought the city could be more proactive how the information came out. Smith reminded that everyone on the Committee had connections to different groups who they could present to. Emond asked if they were set on the pricing. Tokos thought they figured out pretty much where people wanted to start with.

6. **Public Comment.** None were heard.
7. **Adjournment.** Having no further business, the meeting adjourned at 7:53 p.m.

Respectfully submitted,



Sherri Marineau
Executive Assistant

Tentative Planning Commission Work Program

(Scheduling and timing of agenda items is subject to change)



July 10, 2023

Regular Session

- Findings and Final Order on Conditional Use Permit for Samaritan Drug/Alcohol Rehab Facility Offices
- Findings and Final Order on Sign Variance for Port of Newport at Port Dock 1
- Hearing on File 3-VAR-23, Front Yard Variance for J.T. Roth Construction at 1515 NW Spring Street

July 24, 2023

Work Session

- City Center Revitalization Project Update and Revised Scope of Work
- Review Concept for DLCD Grant Application to Evaluate Feasibility of a Rental Housing Maintenance Code
- Discuss Options for Amending Affordable Housing CET Code and Market Rate Multi-Family Incentives

July 24, 2023

Regular Session

- Final Order & Findings for File 3-VAR-23, Front Yard Variance for J.T. Roth Construction at 1515 NW Spring St

August 14, 2023

Work Session

- Review 2023 State of Oregon Legislative Changes (Land Use and Related Bills)
- Outreach Plan for Bayfront Parking Management Plan Rollout
- Community Development Department Web GIS Map
- Second Review of Amendments to Special Parking Area Regulation (Relates to Bayfront Pkg Management Plan)

August 14, 2023

Regular Session

- Initiate Legislative Amendments to Special Parking Area Regulations (Relates to Bayfront Pkg Management Plan)

August 28, 2023

Work Session

- Initial Review of Land Use Amendments to Facilitate Needed Housing (Implementing the HPS)
- Review Draft Amendments to Affordable Housing CET Code (Implementing the HPS)
- Status of South Beach Island Annexation Project

August 28, 2023

Regular Session

- TBD

September 11, 2023

Work Session

- Discussion about potential craft/cottage industry code language for Nye Beach, City Center, and the Bayfront (Carol Shenk/Janet Webster).
- Schedule for Fall Outreach and Engagement for City Center Revitalization Project
- Review of Legislative Amendments to Comply with 2023 Oregon Legislative Mandates

September 11, 2023

Regular Meeting

- Initiate Legislative Amendments to Comply with 2023 Oregon Legislative Mandates
- Hearing on File 1-PD-23, Amended Final Development Plan for OSU Student/Faculty Housing in Wilder

September 25, 2023

Work Session

- Second Review of Land Use Amendments to Facilitate Needed Housing (Implementing the HPS)
- Discuss HOLTE Homebuyer Incentives and Changes to Affordable Housing Excise Tax (HPS Recommendations)

September 25, 2023

Regular Session

- Hearing on Amendments to Special Parking Area Regulation (Relates to Bayfront Pkg Management Plan)
- Initiate Legislative Land Use Amendments to Facilitate Needed Housing (Implementing the HPS)
- Final Order and Findings for Amended Final Development Plan for OSU Student/Faculty Housing in Wilder

October 9, 2023

Work Session

- Land Use Training, Brett Estes, DLCD North Coast Regional Representative (firm)