



AGENDA & Notice of Planning Commission Work Session Meeting

The Planning Commission of the City of Newport will hold a work session meeting at **6:00 p.m., Monday, December 8, 2014**, at the Newport City Hall, Conference Room "A", 169 SW Coast Hwy., Newport, OR 97365. A copy of the meeting agenda follows.

The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired, or for other accommodations for persons with disabilities, should be made at least 48 hours in advance of the meeting to Peggy Hawker, City Recorder, 541-574-0613.

The City of Newport Planning Commission reserves the right to add or delete items as needed, change the order of the agenda, and discuss any other business deemed necessary at the time of the work session.

NEWPORT PLANNING COMMISSION Monday, December 8, 2014, 6:00 P.M.

AGENDA

A. Unfinished Business.

1. Discussion regarding potential changes to the off-street parking code considering the upcoming expirations of the existing parking districts.

B. Adjournment.

Memorandum

To: Newport Planning Commission/Citizen Advisory Committee
From: Derrick Tokos, Community Development Director 
Date: December 3, 2014
Re: Expiration of Bay Front, Nye Beach, and City Center Parking Districts

In 2010 and 2011, business owners in the Nye Beach, Bay Front, and City Center areas formed parking districts. Each is an economic improvement district, funded through a business license surcharge, and is authorized for a period of (5) years. The first of the districts, in Nye Beach, is scheduled to expire on July 1, 2015.

Enclosed is a June 12, 2014 summary of parking district accomplishments provided to the City Council as part of a joint work session that they held with the parking district advisory committees. It outlines major accomplishments and includes observations as to how the districts have performed.

At this work session, I'd like to talk to you about changes the Commission may want to make to the off-street parking code in advance of the July 1, 2015 date in the event the parking districts are not renewed (ref: NMC 14.14.100 (attached)), and to obtain your feedback on a strategy for engaging the three parking district advisory committees as the expiration dates approach.

It might be best to allow each of the districts to expire. However, if that occurs then developers would again have the option of paying a fee in lieu of providing required off-street parking spaces. That has proven to be unwieldy in the past. Therefore, I suggest that the Commission initiate amendments to the off-street parking code to accomplish the following (a) adjust the boundaries for each of the "special parking areas," (b) eliminate the option for payment-in-lieu, and (c) clarify language related to the formation of parking districts to make it clear that if such districts are formed by the Council that they may supersede the zoning code with respect to the regulation of parking in these "special parking areas." This would mean that off-street parking spaces would have to be provided unless districts are formed.

A parking district does not have to be a type of economic improvement district. What I would like to propose to the parking district advisory committees is that a parking study be performed to evaluate the viability of eliminating off-street parking requirements in these areas in favor of a program that relies instead on public parking spaces to meet demand that cannot be satisfied with available off-street spaces. The study should be performed during

the peak tourism season, and would include an inventory of available spaces and field survey work to document peak hour utilization and the frequency that spaces turnover. Lastly, the study would use the data to provide recommendations for how the city might adjust its parking regulations to achieve the stated objective, including the calibration of a metering program to generate revenue to maintain spaces or finance the construction of new spaces to meet demand (as is likely the case in the Bay Front). Such a study should provide ample opportunities for public involvement and be customer driven.

Funding for the study could come from the parking districts. Once it is complete then the City Council would have sufficient information to craft an ordinance to create the districts. An ordinance would also be needed to authorize metering. Ongoing citizen involvement will be important. This could be achieved with a single advisory committee as opposed to the three that now exist. That would facilitate better participation and is more manageable from a staffing perspective.

My sense is that a study will show that metering is appropriate in Nye Beach and the Bayfront; whereas, it may be advantageous to keep parking free in the City Center area for redevelopment purpose. Funds from metering could be used for maintenance and upgrades to existing spaces in Nye Beach (along with improved pedestrian connectivity), and as part of a financing program for a parking structure along the Bay Front. In fact, a simplified capital program should probably be part of the study as it would be relevant to how the metering would be calibrated.

The Oregon Transportation Growth Management Program has released a good publication titled "Parking Made Easy: A Guide to Managing Parking in Your Community." It covers a lot of the factors we may want to consider in a study. It is too voluminous to attach; however, here is a link if you would like to review the document online:

<http://www.oregon.gov/lcd/tgm/docs/parkingprimerfinal71213.pdf>.

I look forward to our conversation on Monday. Have a wonderful weekend!

Attachments

- June 12, 2014, Parking District Update
- Parking District Implementing Ordinances
- NMC Chapter 14.14, Parking, Loading and Access Requirements
- ORS Chapter 223.112 et. seq. relating to Economic Improvement Districts

Memorandum

To: Newport City Council
From: Derrick Tokos, Community Development Director
Date: June 12, 2014
Re: Parking District Update

The following is a brief overview and list of accomplishments associated with each of the City's three parking districts (Bay Front, City Center, and Nye Beach). General observations are included at the end of the memo. Implementing ordinances for each of the three districts are enclosed, and advisory committee members have been invited to attend the Council work session and share their observations as well.

Bay Front District

Created with Ord. No. 2020, effective October 19, 2011

Advisory Committee Members: Gary Ripka, Janet Webster, Cris Torp, Gabrielle McEntee-Wilson, Mike Pettis and Kevin Greenwood.

Resources: FY 14/15 beginning fund balance of \$33,782. Annual revenue from business license surcharge and fixed contribution from the Port of Newport in the amount of \$18,900. District also has \$231,646 available to it from the old "payment-in-lieu" parking fund.

Accomplishments: Assessed the viability of expanding the Lee Street parking lot; made targeted improvements to pedestrian crossings, sidewalks, and ADA ramps to improve safety; funded striping of additional parking spaces at Port Dock 7; assessed and funded construction of a section of sidewalk on Bay Street and is exploring opportunities for seasonal shuttle service and funding requirements for structured parking.

City Center District

Created with Ord. No. 2009, effective January 5, 2011

Advisory Committee Members: Bill Bain, Frank Geltner, and Tom McNamara.

Resources: FY 14/15 beginning fund balance of \$5,051. Annual revenue from business license surcharge in the amount of \$3,368.

Accomplishments: Funded the resurfacing and striping of the 9th and Hurbert parking lot, adjusted the location of timed parking and loading zones to improve the availability of parking spaces, and identified and corrected barriers to pedestrian movement within the district.

Nye Beach District

Created with Ord. No. 1993, effective July 1, 2010

Advisory Committee Members: Jody George, Kathy Cleary, Linda Neigebauer, Wendy Engler, Dave Teem.

Resources: FY 14/15 beginning fund balance of \$23,525. Annual revenue from business license surcharge in the amount of \$8,700.

Accomplishments: Partially funded improvements to 3rd Street sidewalks with the district's share of the "payment-in-lieu" parking funds. Instituted changes to timed parking limitations in the district by standardizing limits at 3-hours and adjusting the type and location of signage and loading areas. Additionally, the district instituted a parking sticker program, extended striping for parallel parking on NW Coast and NW 3rd Streets, secured changes to parking lot location and directional signage, addressed pedestrian obstructions, and funded streetscape enhancements at the entrance to the Nye Beach Turnaround. Existing funds are being reserved as potential contributions towards resurfacing the Nye Beach turnaround, sidewalk improvements in the vicinity of the old dry cleaners, or improving lighting along NW 3rd Street.

Observations: Nye Beach has been the most active district, at times meeting as frequently as every 6-weeks to review the status and provide feedback and general direction on projects. The district has been inactive this year, with a majority of the members volunteering time on the Planning Commission's Nye Beach design review ad-hoc committee. Bay Front and City Center districts have typically met once or twice a year. Districts could be more active and might potentially accomplish more in the way of projects if they had additional staff resources. This has been a limiting factor.

With that said, the amount of funding generated within each district is not sufficient to pay for major improvements to the parking system. This limits the scope of projects that the parking districts can undertake to those associated with maintenance of existing parking and pedestrian improvements, correcting and adjusting signage and striping to improve efficiencies, and addressing gaps in the system such as missing sidewalk connections. New or alternate funding sources will need to be pursued if more substantial improvements are desired, such as a structured parking lot in the Bay Front or Nye Beach areas.

Forming economic improvement or "Parking Districts" that use a business license surcharge to collect funds for parking system improvements has proven to be more effective than the previous approach of customized "payment-in-lieu" agreements with property owners who could not provide off-street parking that would otherwise have been required with new development. It has been far easier to administer, and business owners appear to be satisfied that this approach is ensuring that they are all participating in an equitable manner. By ordinance, the payment-in-lieu system will become the norm again if the districts are not extended at the end of the 5 year term, and there should be some thought as to whether or not there might be a better alternative.

Creating advisory committees has led to greater involvement from area business owners in the management of public parking assets and they have proven to be a very helpful sounding board for city staff on projects. The 3rd Street sidewalk work is a good example, with Public Works staff regularly vetting design issues with the committee and committee members participating in public outreach efforts. Achieving quorums has been an issue at times with the City Center and Bay Front Districts. This is due to the small size of the City Center Advisory Committee (just three members) and the Bay Front Advisory Committee having an even number of representatives from fishing and tourist-oriented business interests.

Like the prior "payment-in-lieu" program, parking districts provide relief from a limited number of off-street parking spaces for new development or redevelopment. This has been somewhat helpful, facilitating the leasing of vacant retail space in the Bay Front area for example; however, by in large it hasn't been a significant factor. Providing wholesale relief from off-street parking standards would have a more meaningful impact. This would likely need to be coupled with some sort of funding package sufficient to support the construction of new spaces, such as structured parking, in order for it to be feasible given the limited supply of parking in Nye Beach and the Bay Front.

CITY OF NEWPORT
ORDINANCE NO. 1993

AN ORDINANCE AMENDING ORDINANCE NO 1979, ESTABLISHING AN ECONOMIC IMPROVEMENT DISTRICT PURSUANT TO ORS 223.144 IN THE NYE BEACH AREA FOR PARKING SYSTEM IMPROVEMENTS AND ASSESSMENT OF A SURCHARGE ON BUSINESS LICENSE FEES FOR BUSINESSES WITHIN THE DISTRICT

WHEREAS, the Newport Zoning Ordinance allows businesses in the Nye Beach, Bayfront, and City Center areas to pay an annual fee of \$175 per space "in lieu" of providing an off-street parking space that would otherwise be required (Section 2-3-6.050).

WHEREAS, the payment in lieu option was put in place in the 1980's and the annual fee has not changed over time.

WHEREAS, the Mayor appointed a Payment in Lieu of Parking Task Force, confirmed by City Council, to evaluate the fee charged with the payment in lieu of parking program. The Task Force held a series of public meetings in 2006 and 2007, which resulted in a recommendation to change the annual fee of \$175 per space to a one time charge of \$7,500 per space. The Planning Commission and City Council held hearings on the Task Force recommendations, and the Council adopted the recommendations in February of 2008.

WHEREAS, during the hearings, a number of individuals expressed an interest in forming parking districts as an alternative to the existing payment in lieu approach, which they viewed as outdated, and the Task Force recommendations, which they viewed as untenable for many businesses. Council directed staff to assist them in developing concepts and on February 4, 2008, set the Task Force recommendations aside for 18 months to allow the work to proceed. On September 8, 2009, the Council extended the 18 month period for an additional 12 months, to August 4, 2010.

WHEREAS, the City sponsored workshops on the basics of forming a parking district on April 27, 2008. On July 29, 2008 City staff met with interested individuals in the Nye Beach area regarding the potential formation of a parking district in Nye Beach. City Staff continued to meet with individuals interested in forming a parking district in Nye Beach through the balance of 2008 and early 2009 to answer questions and assist in preparing materials, which culminated in an Economic Development Plan for Nye Beach parking system improvements. The Plan included a business license surcharge as a proposed method of financing the improvements.

WHEREAS, the City Council met on May 18, 2009 to consider the Economic Development Plan and associated business license surcharge fee and chose to initiate the process of forming the Nye Beach Commercial Parking District by adopting Ordinance No. 1979.

THE CITY OF NEWPORT ORDAINS AS FOLLOWS:

Section 1: Findings: The City Council adopts the following findings of fact:

- (a) The City Council held public hearings on July 6, 2009 and August 17, 2009 regarding the establishment of an economic improvement district for parking improvements in Nye Beach;
- (b) Written notice to the affected property owners was mailed no less than thirty (30) days prior to each hearing announcing the Council's intent to form the district and to impose a business license fee upon persons conducting business within the district to pay for the improvements;
- (c) Notice of said hearings included the amount of the proposed surcharge and time and place of the hearing at which affected persons could appear to support or object to the formation of a district and proposed business license fee;
- (d) Fewer than 33 percent of persons conducting business within the boundaries of the proposed district who will be subject to the business license surcharge submitted written objections to the fee;
- (e) The area within the boundaries of the proposed district is zoned commercial;
- (f) A preliminary estimate of the probable cost of the economic improvements to be funded pursuant to Section 2 of this Ordinance is \$7,500 to \$10,000 per year, and the proposed schedule for apportioning costs is set forth in Section 3 of this Ordinance;
- (g) The business license surcharge to be assessed is in proportion to the benefit that each business may derive from the district.

Section 2: Establishment of a Nye Beach Commercial Parking District (NBCPD).

- (a) The City Council hereby approves and creates the "Nye Beach Commercial Parking District" ("District").
- (b) The District is created for the purpose of making economic improvements as defined in ORS 223.141(4), and in particular, for the purpose of the improvement in parking systems in the Nye Beach commercial area as allowed under ORS 223.141(4)(e). The economic improvement projects to be undertaken or constructed include:
 - i. Parking improvements on available public or private land and undeveloped public rights-of-way;
 - ii. Sidewalk improvements that provide connectivity between areas of available parking and Nye Beach commercial areas;

- iii. Leasing of private parking lots for public or employee use with a focus on private parking lots that are not fully utilized by the existing property owners during peak summer weekends. Such leases are subject to Section 4(e) below;
- iv. Parking system improvements such as signage, stripping, parking time limitations and similar improvements;
- v. Support of transportation alternatives such as bicycle facilities or bus shuttle service.

(b) The boundaries of the District are depicted on Exhibit A to this ordinance.

Section 3: Enactment of a Business License Surcharge Fee.

- (a) Businesses within the District shall be assessed a business license surcharge in accordance with the following schedule:
 - i. \$250 per business license where no off-street parking spaces are provided; or
 - ii. \$150 per business license where 1-3 off-street parking spaces are provided for the business; or
 - iii. \$100 per business license for all other businesses operating within the district.
- (b) Surcharges shall be assessed annually on a fiscal year basis, commencing July 1 and ending June 30 of the following year, or such other timeframe as provided in the Newport Municipal Code.
- (c) The amount each business is required to pay under the schedule in (a) above shall be established by the District's Advisory Committee on an annual basis.
- (d) City shall establish a separate account into which shall be paid all revenues from the business license surcharge, and such monies shall be reserved and managed for exclusive use of the District.
- (e) Annual surcharges shall apply to businesses that are otherwise exempt from business license fees.

Section 4: Establishment of a District Advisory Committee.

- (a) Council shall establish an advisory committee to develop a plan for the completion of improvements and to allocate expenditure of monies for activities within the scope of the plan. An association of persons conducting business within the District may be designated to serve in the capacity of an advisory committee.
- (b) In appointing members to a committee, the Council shall include persons conducting business within the District.

- (c) An association of persons conducting business within the District ("Association") may be designated to serve in the capacity of an advisory committee. If this occurs the City and the Association will execute an agreement describing each party's respective responsibilities regarding the District. After entering into an agreement with the City, the Association may enter into agreements with third parties to perform improvements.
- (d) The advisory committee or Association may request that the City perform improvements. Should the City elect and be allowed under law to perform improvements, such services will be charged in the amount and manner allowed by law and will be paid for through revenues from the business license surcharge.
- (e) Lease arrangements, as envisioned in this ordinance, may only be executed between an Association serving as an advisory committee, and a willing party. The City will not be signatory to, or participate in the preparation or implementation of lease agreements nor any improvements made on, to, or involving private property.

Section 5: Reporting Requirements: An Association or advisory committee shall maintain records of all expenditures made towards the completion of economic improvements and shall provide such records to the City when requested.

Section 6: Availability of Parking Fund Revenues:

- (a) In addition to monies generated through a business license surcharge, an Association or advisory committee may develop an improvement plan and make a recommendation on the expenditure of funds the City specifically budgets for use by parking districts. Authorization for the use of such funds shall be subject to City Manager approval and public contracting requirements.
- (b) The City Manager is authorized to provide an Association appointed by the Council to serve as the advisory committee, with up to \$1000 of parking fund revenues, to prepare the Association to perform its advisory responsibilities.

Section 7: Payment in Lieu of Parking Fees.

- (a) As allowed under NZO Section 2-3-6.050, businesses within the District that pay a business license surcharge shall not be subject to payment in lieu of parking fees for up to five (5) off-street parking spaces per business. 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. The City shall determine the amount of off-street parking a business must provide.
- (b) All agreements between the City and businesses within the district for payment in lieu of parking fees shall terminate as of the effective date of this ordinance.
- (c) City shall provide a final invoice to each business with a balance due for payment in lieu fees prior to the effective date of this ordinance. Notwithstanding the termination

of any agreement as set forth in subsection (b) above, the City reserves the right to collect all sums due to the City as reflected on the invoice.

Section 8: City Approval Required: City approval is required for economic improvements within public rights-of-way.

Section 9: Exemptions. The provisions of this Ordinance shall not apply to the following:

- (a) Residential real property or any portion of a structure used primarily for residential purposes; or
- (b) Businesses operated on an occasional basis for not more than one or two days per week or one month a year.

Section 10: Duration. The District shall be in effect for five (5) consecutive years, commencing upon the effective date of this ordinance. Council may extend the duration of the District, after following the public notice procedure outlined in ORS 223.147. In the event the District is not renewed, then payment in lieu of parking shall apply to the extent provided for in the Newport Zoning Ordinance in effect at the time the District is dissolved.

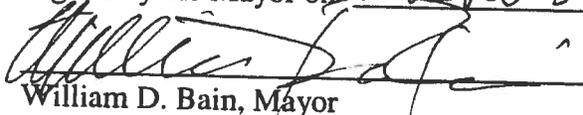
Section 11: Severability. The sections of this ordinance are severable. The invalidity of a section or part of a section shall not affect the validity of the remaining sections or parts of sections.

Section 12: Effective Date: This ordinance shall become effective on July 1, 2010.

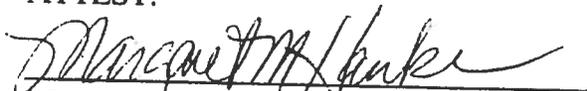
Date adopted on initial vote and read by title only: November 2, 2009

Date adopted on final roll call vote: November 2, 2009

Signed by the Mayor on November 5, 2009.


William D. Bain, Mayor

ATTEST:


Margaret M. Hawker, City Recorder

CITY OF NEWPORT
ORDINANCE NO. 2009

**AN ORDINANCE AMENDING ORDINANCE NO 2007, ESTABLISHING AN
ECONOMIC IMPROVEMENT DISTRICT PURSUANT TO ORS 223.144 IN THE CITY
CENTER AREA FOR PARKING SYSTEM IMPROVEMENTS AND ASSESSMENT OF
A SURCHARGE ON BUSINESS LICENSE FEES FOR BUSINESSES
WITHIN THE DISTRICT**

WHEREAS, the Newport Zoning Ordinance allows businesses in the Nye Beach, Bayfront, and City Center areas to pay an annual fee of \$175 per space “in lieu” of providing an off-street parking space that would otherwise be required for new development or redevelopment that increases the demand for parking on a property (Section 2-3-6.050).

WHEREAS, the payment in lieu option was put in place in the 1980’s and the annual fee has not changed over time.

WHEREAS, the Mayor appointed a Payment in Lieu of Parking Task Force, confirmed by City Council, to evaluate the fee charged with the payment in lieu of parking program. The Task Force held a series of public meetings in 2006 and 2007, which resulted in a recommendation to change the annual fee of \$175 per space to a one time charge of \$7,500 per space. The Planning Commission and City Council held hearings on the Task Force recommendations, and the Council adopted the recommendations in February of 2008.

WHEREAS, during the hearings, a number of individuals expressed an interest in forming parking districts as an alternative to the existing payment in lieu approach, which they viewed as outdated, and the Task Force recommendations, which they viewed as untenable for many businesses. Council directed staff to assist them in developing concepts and, on February 4, 2008, temporarily set aside the Task Force recommendations to allow the work to proceed.

WHEREAS, the City subsequently sponsored workshops on the basics of forming parking districts and City staff met with interested individuals in the City Center area to answer questions and assist in preparing materials. This effort led to the development of an economic development plan, prepared by business owners in the City Center area, which was offered to the City as the basis for forming an economic improvement district for parking system improvements.

WHEREAS, proponents of the City Center area’s economic development plan contend that ample parking exists in the City Center area, and that the issue is a lack of effective parking management and utilization of existing spaces that can be addressed through the imposition of a modest annual business license surcharge of \$35 rather than \$7,500 per space.

WHEREAS, the City Council met on September 7, 2010 to consider the economic development plan and associated business license surcharge fee and chose to initiate the process of forming an economic improvement district in the City Center area for parking system improvements by adopting Ordinance No. 2007.

THE CITY OF NEWPORT ORDAINS AS FOLLOWS:

Section 1: Findings: The City Council adopts the following findings of fact:

- (a) The City Council held public hearings on September 7, 2010 and December 6, 2010 regarding the establishment of an economic improvement district for parking improvements in the City Center area;
- (b) Written notice to the affected property owners was mailed no less than thirty (30) days prior to each hearing announcing the Council's intent to form the district and to impose a business license fee upon persons conducting business within the district to pay for the improvements;
- (c) Notice of said hearings included the amount of the proposed surcharge and time and place of the hearing at which affected persons could appear to support or object to the formation of a district and proposed business license fee;
- (d) Fewer than 33 percent of persons conducting business within the boundaries of the proposed district who will be subject to the business license surcharge submitted written objections to the fee;
- (e) Lands within the boundaries of the proposed district include properties that are zoned for commercial or industrial use;
- (f) A preliminary estimate of the probable cost of the economic improvements to be funded pursuant to Section 2 of this Ordinance is \$2,500 to \$3,500 per year, and the proposed schedule for apportioning costs is set forth in Section 3 of this Ordinance;
- (g) The business license surcharge to be assessed is in proportion to the benefit that each business may derive from the district.

Section 2: Establishment of a City Center Commercial Parking District.

- (a) The City Council hereby approves and creates the "City Center Commercial Parking District" ("District").
- (b) The District is created for the purpose of making economic improvements as defined in ORS 223.141(4), and in particular, for the purpose of the improvement in parking systems in the City Center area as allowed under ORS 223.141(4)(e). The economic improvement projects to be undertaken or constructed include:
 - i. Installation of signage, parking time limitations, new striping, repair of parking surfaces and similar activities to improve the functionality of publicly accessible parking spaces;
 - ii. Streetscaping, crosswalk improvements and related enhancements to public areas that make it more desirable for the traveling public to utilize available parking;

iii. Other activities deemed by the District Advisory Committee as needed to improve the availability and functionality of existing publicly accessible parking spaces.

(b) The boundaries of the District are depicted on Exhibit A to this ordinance.

Section 3: Enactment of a Business License Surcharge Fee.

- (a) Businesses within the District shall be assessed a business license surcharge of \$35.00 per business license.
- (b) Surcharges shall be assessed annually on a fiscal year basis, commencing July 1 and ending June 30 of the following year, or such other timeframe as provided in the Newport Municipal Code.
- (c) City shall establish a separate account into which shall be paid all revenues from the business license surcharge, and such monies shall be reserved and managed for exclusive use of the District.

Section 4: Establishment of a District Advisory Committee.

- (a) Council shall establish an advisory committee to develop a plan for the completion of improvements and to allocate expenditure of monies for activities within the scope of the plan. An association of persons conducting business within the District may be designated to serve in the capacity of an advisory committee.
- (b) In appointing members to a committee, the Council shall include persons conducting business within the District.
- (c) An association of persons conducting business within the District ("Association") may be designated to serve in the capacity of an advisory committee. If this occurs the City and the Association will execute an agreement describing each party's respective responsibilities regarding the District. After entering into an agreement with the City, the Association may enter into agreements with third parties to perform improvements.
- (d) The advisory committee or Association may request that the City perform improvements. Should the City elect and be allowed under law to perform improvements, such services will be charged in the amount and manner allowed by law and will be paid for through revenues from the business license surcharge.

Section 5: Reporting Requirements: An Association or advisory committee shall maintain records of all expenditures made towards the completion of economic improvements and shall provide such records to the City when requested.

Section 6: Availability of Parking Fund Revenues:

- (a) In addition to monies generated through a business license surcharge, an Association or advisory committee may develop an improvement plan and make a recommendation on the expenditure of funds the City specifically budgets for use by parking districts. Authorization for the use of such funds shall be subject to City Manager approval and public contracting requirements.
- (b) The City Manager is authorized to provide an Association appointed by the Council to serve as the advisory committee, with up to \$1000 of parking fund revenues, to prepare the Association to perform its advisory responsibilities.

Section 7: Payment in Lieu of Parking Fees.

- (a) As allowed under NZO Section 2-3-6.050, businesses in existence as of the date the District is formed shall not be subject to payment in lieu of parking fees.
- (b) All agreements for payment in lieu of parking fees between the City and existing businesses within the district shall terminate as of July 1, 2011.
- (c) City shall provide a final invoice to each existing business with a balance due for payment in lieu fees prior to July 1, 2011. Notwithstanding the termination of any agreement as set forth in subsection (b) above, the City reserves the right to collect all sums due to the City as reflected on the invoice.
- (d) For new development, redevelopment or building expansions that generate a demand for more than five (5) new off-street parking spaces, such off-street parking spaces shall be provided in accordance with applicable provisions of the Newport Zoning Ordinance. The City shall determine the amount of off-street parking a business must provide.

Section 8: City Approval Required: City approval is required for economic improvements within public rights-of-way.

Section 9: Exemptions. The provisions of this Ordinance shall not apply to the following:

- (a) Residential real property or any portion of a structure used primarily for residential purposes;
or
- (b) Businesses operated on an occasional basis for not more than one or two days per week or one month a year.

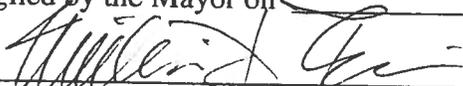
Section 10: Duration. The District shall be in effect for five (5) consecutive years, commencing upon the effective date of this ordinance. Council may extend the duration of the District, after following the public notice procedure outlined in ORS 223.147. In the event the District is not renewed, then payment in lieu of parking shall apply to the extent provided for in the Newport Zoning Ordinance in effect at the time the District is dissolved.

Section 11: Severability. The sections of this ordinance are severable. The invalidity of a section or part of a section shall not affect the validity of the remaining sections or parts of sections.

Section 12: Effective Date: This ordinance shall take effect 30 days after passage.

Date adopted: December 6, 2010

Signed by the Mayor on _____, 2010.



William D. Bain, Mayor

ATTEST:



Margaret M. Hawker, City Recorder

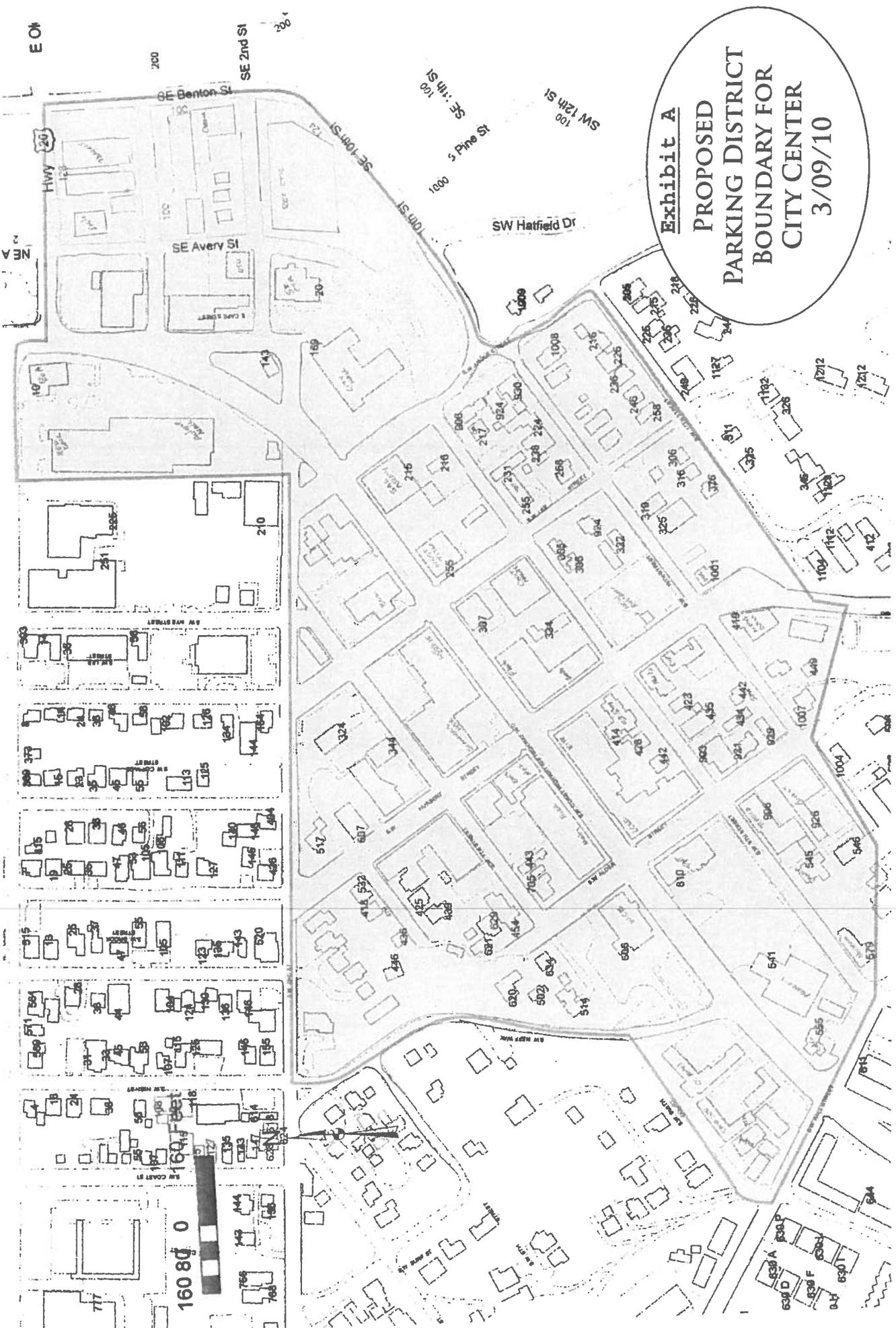


Exhibit A
PROPOSED
PARKING DISTRICT
BOUNDARY FOR
CITY CENTER
3/09/10

16080 0

CITY OF NEWPORT
ORDINANCE NO. 2020

AN ORDINANCE ESTABLISHING AN ECONOMIC IMPROVEMENT DISTRICT IN THE BAY FRONT AREA FOR PARKING SYSTEM IMPROVEMENTS AND IMPOSITION OF A BUSINESSLICENSE SURCHARGE FEE PURSUANT TO ORS 223.144 AND NEWPORT ORDINANCE 2013

WHEREAS, the Newport Zoning Ordinance (NZO) allows businesses in the Nye Beach, Bay Front, and City Center areas to pay an annual fee of \$175 per space "in lieu" of providing an off-street parking space that would otherwise be required for new development or redevelopment that increases the demand for parking on a property (Section 2-3-6.050).

WHEREAS, the payment in lieu option was put in place in the 1980's and the annual fee has not changed over time.

WHEREAS, the Mayor appointed a Payment in Lieu of Parking Task Force, confirmed by City Council, to evaluate the fee charged with the payment in lieu of parking program. The Task Force held a series of public meetings in 2006 and 2007, which resulted in a recommendation to change the annual fee of \$175 per space to a one-time charge of \$7,500 per space. The Planning Commission and City Council held hearings on the Task Force recommendations, and the Council adopted the recommendations in February of 2008.

WHEREAS, during the hearings, a number of individuals expressed an interest in forming parking districts as an alternative to the existing payment in lieu approach, which they viewed as outdated, and the Task Force recommendations, which they viewed as untenable for many businesses. Council directed staff to assist them in developing concepts and, on February 4, 2008, temporarily set aside the Task Force recommendations to allow the work to proceed.

WHEREAS, the City subsequently sponsored workshops on the basics of forming parking districts and City staff met with interested individuals in the Bay Front area to answer questions and assist in preparing materials. This effort led to the development of an economic development plan, prepared by an ad hoc group of individuals representing tourism, fishing, and economic development interests along the Bay Front, which was offered to the City as the basis for forming an economic improvement district for parking system improvements.

WHEREAS, proponents of the Bay Front area's economic development plan contend that a parking district with a modest assessment on area businesses and contribution

from the Port of Newport provides a source of revenue to fund incremental improvements to the parking system while at the same time facilitating economic growth. They further view such an approach to be more effective and equitable than the existing payment in lieu of parking program.

WHEREAS, the City Council met on April 4, 2011 to consider an initial draft of the economic development plan and business license surcharge fee and chose to initiate the process of forming an economic improvement district in the Bay Front area for parking system improvements by adopting Ordinance No. 2013.

WHEREAS, the City Council held a public hearing on May 16, 2011 at which affected persons could appear to support or object to the proposed parking system improvements and business license surcharge fee. The Council accepted the proposal that businesses within the district bear the cost of the improvements unless the Council otherwise determines that it is appropriate to allocate funding from other sources. The Council further encouraged business owners, fisherman and other interested parties to refine the economic development plan into the concept that has been incorporated into this ordinance.

WHEREAS, ORS 223.141, et seq., authorizes imposition of a "business license fee" to fund certain economic improvements within districts created pursuant to procedural and substantive requirements. The terms "business license surcharge fee" and "business license surcharge" as used herein are synonymous with this statutorily allowed "business license fee." The term "surcharge" is used to distinguish this economic improvement fee from the City's general business license fee imposed pursuant to Newport Municipal Code Section 4.05.

THE CITY OF NEWPORT ORDAINS AS FOLLOWS:

Section 1: Findings: The City Council hereby adopts the above recitals and the following findings of fact as the basis for this Ordinance:

- A. The City Council held public hearings on May 16, 2011 and September 6, 2011 regarding the establishment of an economic improvement district for parking improvements in the Bay Front area, as more specifically described on the map attached as Exhibit A, and incorporated herein by this reference;
- B. Written notice to the affected property owners was mailed no less than thirty (30) days prior to each hearing announcing the Council's intent to form the district and to impose a business license fee upon persons conducting business within the district to pay for the improvements;
- C. Notice of said hearings included the amount of the proposed surcharge and time and place of the hearing at which affected persons could appear to support or object to the formation of a district and proposed business license fee;

- D. Fewer than 33 percent of persons conducting business within the boundaries of the proposed district who will be subject to the business license surcharge submitted written objections to the fee;
- E. Lands within the boundaries of the proposed district include properties that are zoned for commercial or industrial use;
- F. A preliminary estimate of the probable cost of the economic improvements to be funded pursuant to Section 2 of this Ordinance is between \$19,000 and \$20,000 per year, and the proposed schedule for apportioning costs is set forth in Section 3 of this Ordinance;
- G. The business license surcharge to be assessed, and contribution from the Port of Newport, is in proportion to the benefit that each business, the Port and other affected parties may derive from the district.

Section 2: Establishment of a Bay Front Commercial Parking District.

- A. The City Council hereby approves and creates the "Bay Front Commercial Parking District" ("District"). The boundaries of the District as depicted on Exhibit A to this ordinance correspond with water-dependent and water-related zoning in the Bay Front area.
- B. The District is created for the purpose of making economic improvements as defined in ORS 223.141(4), and in particular, for the purpose of the improvement in parking systems in the Bay Front area as allowed under ORS 223.141(4)(e). The economic improvement projects to be undertaken or constructed include:
 - 1. Parking improvements on available public or private land and undeveloped right-of-way;
 - 2. Leasing private parking lots for public or employee use with a focus on lots that are underutilized;
 - 3. Improving signage and striping;
 - 4. Enhancing the streetscape and sidewalks to encourage pedestrian access;
 - 5. Supporting transportation alternatives such as shuttles, bus systems and bicycles;
 - 6. Developing and/or enhancing seasonal pay parking and time limitations in select areas; and
 - 7. Other activities identified by the District Advisory Committee organized under Section 5 of this Ordinance, as needed to improve the availability or functionality of parking in the Bay Front District.

- C. When identifying projects authorized under subsection 2(b), above, the District Advisory Committee shall consider impacts the projects will have on existing users. Projects that disproportionately impact a particular user group should only be pursued if the District Advisory Committee concludes that reasonable accommodations have been made to offset those impacts.
- D. The District Advisory Committee may identify one or more projects that are outside of the District boundaries if, in the opinion of the Advisory Committee, the project(s) primarily benefit businesses within the District.

Section 3: Enactment of a Business License Surcharge Fee.

- A. Businesses within the District shall be assessed a business license surcharge that is based upon the number of persons employed by the business, as follows:
 - 1. Fewer than 5 employees: \$150.00
 - 2. 5 to 20 employees: \$300.00
 - 3. More than 20 employees: \$600.00
- B. The business license surcharge set forth in subsection 2(a), above, shall be reduced to \$100 for those businesses that provide off-street parking for their customers.
- C. Business license surcharge fees shall be assessed annually upon renewal of a business license pursuant to the schedule set forth in Newport Municipal Code Section 4.05.
- D. For new businesses, a surcharge shall be prorated on a monthly basis, unless such surcharge was paid by the prior occupant, in which case a surcharge is not due until the next business license renewal period.
- E. Businesses shall be assessed a surcharge for each location at which they operate within the District. City will provide businesses in multiple locations with a single invoice listing the fees attributed to each location.
- F. City shall establish a separate account into which shall be paid all revenues from the business license surcharge, and such monies shall be reserved and managed for exclusive use of the District.
- G. Annual surcharges shall apply to businesses that are otherwise exempt from business license fees. Such payments shall be made annually, pursuant to the schedule for business license renewals set forth in Newport Municipal Code Section 4.05.

Section 4: Contribution from the Port of Newport.

- A. Pursuant to an Intergovernmental Agreement between the Port of Newport and City of Newport dated October 6, 2011, the Port of Newport will make an annual monetary contribution to the Bay Front Commercial Parking District in an amount of \$6,000. As a potentially impacted party, the Port of Newport is voluntarily participating in the district on behalf of the fisherman and other Port users and its payments shall be considered a contribution from both the Port, as well as from fisherman and other individuals mooring at Port facilities.
- B. Payment from the Port shall be due at the end of each fiscal year.
- C. Port payments shall be made out to the City of Newport, and City shall place such monies into the same account as the business license surcharge fees established under Section 3(f), above.

Section 5: Establishment of a District Advisory Committee.

- A. Council hereby establishes an advisory committee to develop a plan for the completion of improvements per Section 2(b) (Plan) and to allocate expenditure of monies for activities within the scope of the Plan.
- B. In appointing members to a committee, the Council shall include at least one person conducting business within the District, one individual that represents fishing interests, and one representative from the Port of Newport.
- C. The Advisory Committee shall consist of an even number of individuals. The specific number of individuals to serve on the Committee shall be determined by the Council. In making Committee appointments, the Council shall seek to ensure that neither tourism nor fishing business interests are disproportionately represented.
- D. An association of persons conducting business within the District ("Association") may be designated to serve in the capacity of an advisory committee, provided it includes a representative from the Port of Newport. If this occurs, the City and the Association will execute an agreement describing each party's respective responsibilities regarding the District. After entering into an agreement with the City, the Association may enter into agreements with third parties to perform improvements identified in the Plan established under Section 5(a) of this ordinance.
- E. The Advisory Committee or Association may request that the City perform Plan improvements. Should the City elect and be allowed by law to perform Plan improvements, such services will be charged in the amount and manner allowed by law and will be paid for through revenues from the Bay Front Commercial Parking District or augmented with other City funds identified by the City Council if the Council determines that City should bear a portion of the improvement costs.

Section 6: Reporting Requirements: An Association or Advisory Committee shall maintain records of all expenditures made towards the completion of economic improvements and shall provide such records to the City upon request.

Section 7: Availability of Parking Fund Revenues:

- A. In addition to monies generated through a business license surcharge and Port of Newport contribution, an Association or Advisory Committee may develop an improvement plan and make a recommendation on the expenditure of funds the City specifically budgets for use by parking districts. Authorization for the use of such funds shall be subject to City Manager approval and public contracting requirements.
- B. The City Manager is authorized to provide an Association appointed by the Council to serve as the advisory committee, with up to \$1000 of parking fund revenues, to prepare the Association to perform its advisory responsibilities.

Section 8: Payment of Fees in Lieu of Parking.

- A. As allowed under NZO Section 2-3-6.050, the Council hereby waives the requirement for commercial and industrial properties within the District to pay fees in lieu of parking, as of the date this District is formed.
- B. City shall provide notice of conditional use permit applications to the District Advisory Committee. Written comments that the District Advisory Committee elects to provide on an application in regards to the suitability or availability of parking shall be construed by the City decision making authority as expert testimony.
- C. All agreements for payment of fees in lieu of parking between the City and existing businesses within the District shall terminate as of July 1, 2012.
- D. City shall provide a final invoice to each existing business with a balance due for payment of incurred fees in lieu of parking, prior to July 1, 2012. Notwithstanding the termination of any agreement as set forth in subsection (b) above, the City reserves the right to collect all sums due to the City as reflected on the invoice.
- E. For new development, redevelopment or building expansions that generate a demand for more than five (5) new off-street parking spaces, such off-street parking spaces shall be provided in accordance with applicable provisions of the Newport Zoning Ordinance. The City shall determine the amount of off-street parking a business must provide.

Section 9: City Approval Required: City approval is required for economic improvements within public rights-of-way.

Section 10: Exemptions. The provisions of this Ordinance shall not apply to the following:

- A. Residential real property or any portion of a structure used primarily for residential purposes; or

- B. Businesses operated on an occasional basis for not more than one or two days per week or one month a year.
- C. Persons mooring boats at Port of Newport facilities, as their contribution is covered by the Port's annual payments to the District pursuant to the Intergovernmental Agreement referenced under Section 4(a) of this ordinance.

Section 11: Duration. The District shall be in effect for five (5) consecutive years, commencing upon the effective date of this ordinance. Council may extend the duration of the District, after following the public notice procedure outlined in ORS 223.147. In the event the District is not renewed, then payment in lieu of parking shall apply to the extent provided for in the Newport Zoning Ordinance in effect at the time the District is dissolved.

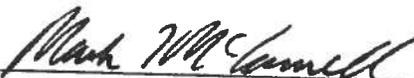
Section 12: Severability. The sections of this ordinance are severable. The invalidity of a section or part of a section shall not affect the validity of the remaining sections or parts of sections.

Section 13: Effective Date: This ordinance shall take effect 30 days after passage.

Date adopted on initial vote and read by title only: September 19, 2011.

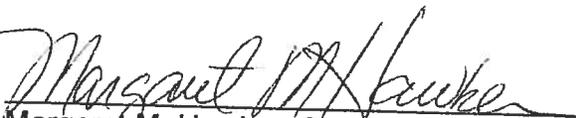
Date adopted on final roll call vote: October 3, 2011.

Signed by the Mayor on 10-14, 2011.



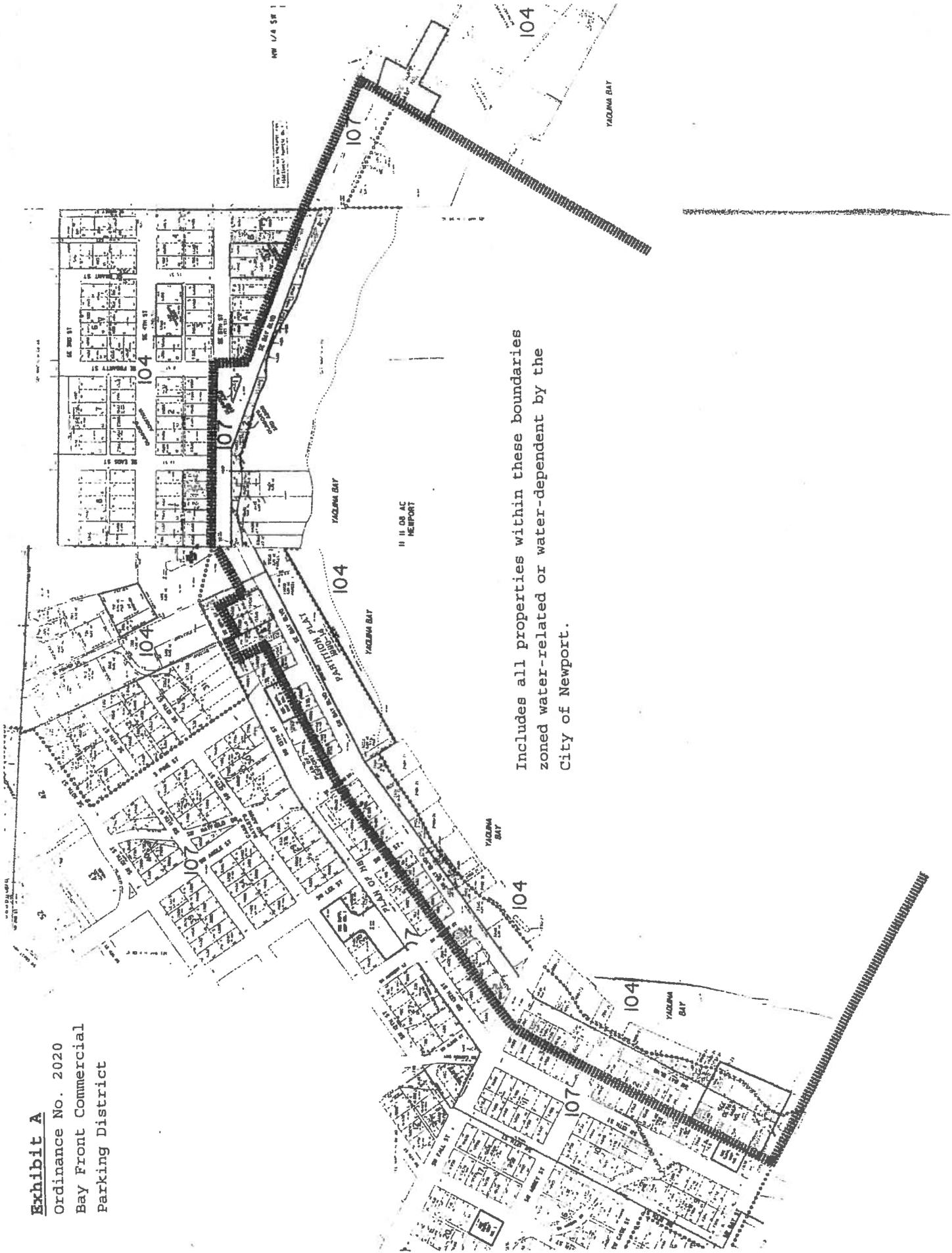
Mark McConnell, Mayor

ATTEST:



Margaret M. Hawker, City Recorder

Exhibit A
Ordinance No. 2020
Bay Front Commercial
Parking District



Includes all properties within these boundaries
zoned water-related or water-dependent by the
City of Newport.

CHAPTER 14.14 PARKING, LOADING, AND ACCESS 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. 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. 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. 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. 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. 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.

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

*(*Section previously amended by Ordinance No. 1332 (5-23-83), Ordinance No. 1447 (12-16-85), Ordinance No. 1462 (5-3-86), Ordinance No. 1548 (8-21-89), Ordinance No. 1638 (7-20-92), and Ordinance No. 1622 (10-7-91); section amended in its entirety by Ordinance No. 1780 (11-17-97); and amended in its entirety by Ordinance No. 2010 (1-6-2011).)*

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

9. Service Station with Convenience Store	1 space/pump + 1 space/200 sq. ft. of store space
10. Car Wash	1 space/washing module + 2 spaces
11. Bank	1 space/300 sq. ft.
12. Waterport/Marine Terminal	20 spaces/berth
13. General Aviation Airport	1 space/hangar + 1 space/300 sq. ft. of terminal
14. Truck Terminal	1 space/berth
15. Industrial	1.5 spaces/1,000 sq. ft.
16. Industrial Park	1.5 spaces/5,000 sq. ft.
17. Warehouse	1 space/2,000 sq. ft.
18. Mini-Warehouse	1 space/10 storage units
19. Single-Family Detached Residence (one space may be the driveway between garage and front property line)	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. Elderly Housing Project	0.8 space/unit if over 16 Dwelling units
24. Congregate Care/Nursing	1 space/1,000 sq. ft. Home
25. Hotel/Motel	1 space/room + 1 space for the manager (if the hotel/motel contains

other uses, the other uses
Shall be calculated
separately)

26. Park	2 spaces/acre
27. Athletic Field	20 spaces/acre
28. Recreational Vehicle Park	1 space/RV space + 1 space/10 RV spaces
29. Marina	1 space/5 slips or berths
30. Golf Course	4 spaces/hole
31. Theater	1 space/4 seats
32. Bowling Alley	4 spaces/alley
33. Elementary/Middle School	1.6 spaces/classroom
34. High School	4.5 spaces/classroom
35. Community College	10 spaces/classroom
36. Religious/Fraternal Organization	1space/4 seats in the main auditorium
37. Day Care Center	1space/4 persons of license occupancy
38. Hospital	1 space/bed
39. Assembly Occupancy	1 space/8 occupants (based on 1 occupant/15 square feet of Exposition/Meeting/ Assembly Room Conference Uses Not Elsewhere Specified

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 14.52.001, Procedural Requirements.

14.14.050 Accessible Parking. Parking areas shall meet all applicable accessible parking requirements of the Oregon Structural Specialty Code to ensure adequate access for disabled persons.

14.14.060 Compact Spaces. For parking lots of four vehicles or more, 40% of the spaces may be compact spaces, as defined in Section 14.14.090(A). Each compact space must be marked with the word "Compacts" 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 four units or more and new retail, office, and institutional developments.

A. The required minimum number of bicycle parking spaces is as follows:

<u>Parking Spaces Required</u>	<u>Bike Spaces Required</u>
1 to 4	0
5 to 25	1
26 to 50	2
51 to 100	3
Over 100	1/50

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. Size of Spaces. Standard parking spaces shall be nine (9) feet in width by 18 feet in length. Compact spaces may be 7.5 feet wide by 15 feet long. Wherever parking areas consist of spaces set aside for parallel parking, the dimensions of such parking space(s) shall be not less than eight (8) feet wide and 22 feet long. Lines demarcating parking spaces may be drawn at various angles in relation to curbs or aisles so long as the parking spaces so created contain within them the rectangular area required by this section.

B. Aisle Widths. Parking area aisle widths shall conform to the following table, which varies the width requirement according to the angle of parking:

Parking Angle

Aisle Width	0°	30°	45°	60°	90°
-------------	----	-----	-----	-----	-----

One-Way Traffic 13 11 13 18 24

Two-Way Traffic 19 20 21 23 24

C. 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.

D. 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.

E. Satellite Parking.

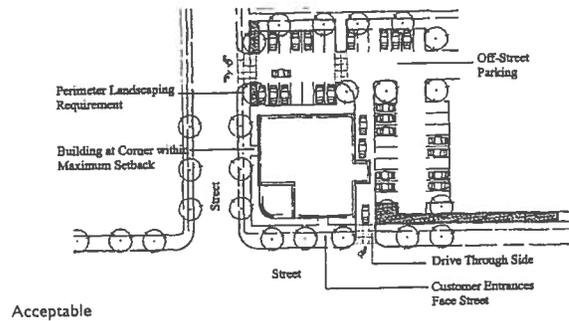
1. If the number of off-street parking spaces required by this chapter cannot be provided on the same lot where the principal use is located, then spaces may be provided on adjacent or nearby lots in accordance with the provisions of this section. These off-site spaces are referred to as satellite parking 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.

F. 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.

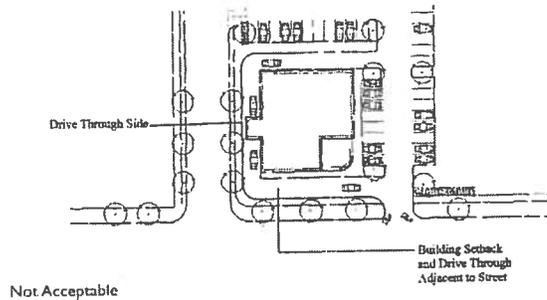
G. Drive-Up/Drive-In/Drive-Through Uses and Facilities. Drive-up or drive-through uses and facilities shall conform to the following standards, which are intended to calm traffic, and protect pedestrian comfort and safety (Figures 1 and 2).

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.

14.14.100 Special Area Parking Requirements. These special areas are defined as follows:

- A. Nye Beach. That area bounded by SW 2nd Street, NW 6th Street, NW and SW High Street, and the Pacific Ocean.
- B. Bay Front. That area bounded by Yaquina Bay and the following streets: SE Fogarty, SE 5th and SE 13th, SW Canyon Way, SW 10th, SW Alder, SW 12th, SW Fall, SW 13th, and SW Bay.
- C. 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, and SW 10th Street.

Uses within a special area are not required to provide the parking required in this section. However, in lieu of providing that parking, the use shall be required to pay into a parking fund in an amount established by resolution of the City Council. The City Council may amend the resolution from time to time. The fee charged shall be based on a reasonable estimate on the cost of providing one surface parking space plus a proportionate share of other requirements such as driveways, aisles, and landscaping.

If a parking district authorized by the City Council is formed in all or part of the special area, the requirements for payment in lieu of providing parking may be waived upon adoption of a motion of the City Council.

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 A

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 Section 14.18.001.

14.14.120 Access.

- A. Access to parking lots shall be from a public street or alley. Access to loading and unloading areas shall be from a public street, an alley, or a parking lot.
- B. Access to nonresidential parking lots or loading and unloading areas shall not be through areas that are zoned residential.

- C. All accesses shall be approved by the City Engineer or designate.
- D. Driveway accesses onto Arterial streets shall be spaced a distance of 500 feet where practical, as measured from the center of driveway to center of driveway.
- E. Each parcel or lot shall be limited to one driveway onto an Arterial street unless the spacing standard in (D) can be satisfied.
- F. Access Consolidation. Accesses shall be consolidated unless demonstrated to be unfeasible as determined by the City Engineer.

14.14.130 Variances. Variances to this section may be approved in accordance with provisions of Section 14.33.001, Adjustments and Variances, and a Type III Land Use Action decision process consistent with Section 14.52.001, Procedural Requirements.*

eral benefit and use of the people of the city, including but not limited to appropriation for an aviation field, park, city hall, city buildings, jail, or to protect the city from overflow by freshets.

(2) Appropriate any real property, water, watercourse and water and riparian rights, including power sites, to any public or municipal use or for the general benefit and use of the people within or without the city, and to build dams, reservoirs and conduits for the purpose of storing and using water to aid in developing the necessary power to generate electricity for the use and benefit of the people within or without the city.

(3) Condemn for its use private property for the purpose of erecting and maintaining electric lines thereon for the purpose of generating and conveying power to light and heat the city, and to be used and sold by the city for manufacturing, transportation, domestic and other purposes, either within or without the corporate limits of the city, and for the purpose of constructing electrical systems for municipal uses. [Amended by 1971 c.134 §1]

223.010 Right of city to enter upon, survey, examine and select property to be condemned. For the purposes of ORS 223.005, a city may enter upon, survey and examine property in the manner provided by ORS 35.220 and may select any such property or rights for the purpose of constructing any ditch, drain, dam, dike, canal, flume, sewer, reservoir, septic tank, filter bed, sewer form or purifying plant or laying or constructing and maintaining any pipe, sewer, drain, aqueduct, dam, dike, canal, flume, reservoir, septic tank, filter bed, sewer form or purifying plant or other plant, building or electric lines or system for municipal uses, including but not limited to, aviation fields, parks, city hall, city buildings, jails, docks, piers, slips, shore and terminal structures. [Amended by 1971 c.134 §2; 2003 c.477 §4]

223.015 Manner of condemnation; compensation. After selection of such rights and property under ORS 223.010 in such manner as the council provides, the city seeking to make the appropriation may proceed in the manner prescribed by the statutes for the appropriation of land for corporate purposes, and not otherwise, unless otherwise provided by law, to have such property appropriated and the compensation therefor determined and paid. However, the compensation for such condemnation by a city shall be paid by a deposit in the court of an order drawn upon the city treasurer for the amount of compensation.

223.020 Scope of condemnation. Appropriation of property under ORS 223.005 may extend beyond the corporate limits of the city to or along and including any lake, spring, stream or power site.

~~223.025~~ [Repealed by 1963 c.297 §1]

~~223.030~~ [Repealed by 1963 c.297 §1]

~~223.035~~ [Repealed by 1963 c.297 §1]

~~223.040~~ [Repealed by 1963 c.297 §1]

MUNICIPAL CONDEMNATION PROCEEDINGS

223.105 Proceedings to condemn property for city improvements when owner and city disagree on price. (1) The provisions of this section apply to every city, whether organized under general law or otherwise.

(2) Whenever the council of any incorporated city deems it necessary to take or damage private property for the purpose of establishing, laying out, extending or widening streets, or other public highways and places within any city, or for rights of way for drains, sewers or aqueducts, or for widening, straightening or diverting channels of streams and the improvement of waterfronts, and the council cannot agree with the owner of the property as to the price to be paid, the council may direct proceedings to be taken under the general laws of this state to procure the same.

~~223.110~~ [Repealed by 1971 c.741 §38]

ECONOMIC IMPROVEMENT DISTRICTS

223.112 Definitions for ORS 223.112 to 223.132. As used in ORS 223.112 to 223.132, unless the context requires otherwise:

(1) "Council" means the city council or other controlling body of a city.

(2) "Economic improvement" means:

(a) The planning or management of development or improvement activities.

(b) Landscaping or other maintenance of public areas.

(c) Promotion of commercial activity or public events.

(d) Activities in support of business recruitment and development.

(e) Improvements in parking systems or parking enforcement.

(f) Any other economic improvement activity for which an assessment may be made on property specially benefited thereby. [1985 c.576 §1; 1991 c.902 §4]

223.114 Economic improvement; assessment ordinance. (1) A council may enact an ordinance establishing a procedure to be followed by the city in making assessments for the cost of an economic improvement upon the lots which are specially benefited by all or part of the improvement.

(2) In any ordinance adopted under subsection (1) of this section, a city shall not be authorized to:

(a) Levy assessments in an economic improvement district in any year that exceed one percent of the real market value of all the real property located within the district.

(b) Include within an economic improvement district any area of the city that is not zoned for commercial or industrial use.

(c) Levy assessments on residential real property or any portion of a structure used for residential purposes. [1985 c.578 §2; 1989 c.1018 §3; 1991 c.459 §360; 1991 c.902 §6]

223.115 [Repealed by 1971 c.741 §38]

223.117 Requirements of assessment ordinance. (1) An ordinance adopted under ORS 223.114, shall provide for enactment of an assessment ordinance that:

(a) Describes the economic improvement project to be undertaken or constructed.

(b) Contains a preliminary estimate of the probable cost of the economic improvement and the proposed formula for apportioning cost to specially benefited property.

(c) Describes the boundaries of the district in which property will be assessed.

(d) Specifies the number of years, to a maximum of five, in which assessments will be levied.

(e) Contains provision for notices to be mailed or delivered personally to affected property owners that announce the intention of the council to construct or undertake the economic improvement project and to assess benefited property for a part or all of the cost. The notice shall state the time and place of the public hearing required under paragraph (f) of this subsection.

(f) Provides for a hearing not sooner than 30 days after the mailing or delivery of notices to affected property owners at which the owners may appear to support or object to the proposed improvement and assessment.

(2) The ordinance shall also:

(a) Provide that if, after the hearing held under subsection (1)(f) of this section, the council determines that the economic improvement shall be made, the council shall determine whether the property benefited shall bear all or a portion of the cost and shall determine, based on the actual or estimated cost of the economic improvement, the

amount of assessment on each lot in the district.

(b) Require the city recorder or other person designated by the council to prepare the proposed assessment for each lot in the district and file it in the appropriate city office.

(c) Require notice of such proposed assessment to be mailed or personally delivered to the owner of each lot to be assessed, which notice shall state the amount of the assessment proposed on the property of the owner receiving the notice. The notice shall state the time and place of a public hearing at which affected property owners may appear to support or object to the proposed assessment. The hearing shall not be held sooner than 30 days after the mailing or personal delivery of the notices.

(d) Provide that the council shall consider such objections and may adopt, correct, modify or revise the proposed assessments.

(e) Provide that the assessments will not be made and the economic improvement project terminated when written objections are received at the public hearing from owners of property upon which more than 33 percent of the total amount of assessments is levied. [1985 c.578 §3; 1989 c.1018 §4]

223.118 Remonstrance against assessment; exclusion of property. (1) In addition to the requirements listed in ORS 223.117 (2), an assessment ordinance adopted under ORS 223.114 and 223.117 may, at the discretion of the council, provide that:

(a) When the council receives written objections at the public hearing only from owners of property upon which less than 33 percent of the total amount of assessments is levied, the economic improvement project may be undertaken or constructed, but that assessments shall not be levied on any lot or parcel of property if the owner of that property submitted written objections at the public hearing. Notwithstanding any other provision of law, an owner of property who fails to submit written objections at the public hearing as provided for in the ordinance shall be deemed to have made a specific request for the economic improvement services to be provided during the period of time specified in the assessment ordinance.

(b) The council, after excluding from assessment property belonging to such owners, shall determine the amount of assessment on each of the remaining lots or parcels in the district.

(c) Notice of such proposed assessment be mailed or personally delivered to the owner of each lot to be assessed, which notice shall state the amount of the assessment

proposed on the property of the owner receiving the notice.

(2) When assessments are levied against property within an economic improvement district in accordance with an assessment ordinance that contains the provisions described in subsection (1) of this section:

(a) Any new owner of benefited property in the district or any owner of benefited property who excluded the property from assessment by submitting written objections to the council may subsequently agree to the assessment of the owner's property in the district. The council shall apportion the costs to the property for the remaining time in which assessments will be levied.

(b) The assessed property may not be relieved from liability for that assessment.

(c) If the council considers it necessary to levy assessments upon property in the district for longer than the period of time specified in the assessment ordinance, the council shall enact an ordinance that provides for continued assessments for a specified number of years and grants to property owners in the district the notice and right of remonstrance described in ORS 223.117 (2)(b) to (e) and subsection (1)(a) to (c) of this section. [1991 c.773 §2]

223.119 Advisory committee; functions. An ordinance adopted under ORS 223.114, may require creation, for each economic improvement district, of an advisory committee to allocate expenditure of moneys for economic improvement activities within the scope of ORS 223.112 to 223.132. If an advisory committee is created, the council shall strongly consider appointment of owners of property within the economic improvement district to the advisory committee. An existing association of property owners or tenants may enter into an agreement with the city to provide the proposed economic improvement. [1985 c.576 §4; 1989 c.1018 §5]

223.120 [Repealed by 1971 c.741 §38]

223.122 Effect of urban renewal districts or local improvement districts. The existence of local improvement districts or urban renewal districts in a city does not affect the creation of economic improvement districts under ORS 223.112 to 223.132. [1985 c.576 §5]

223.124 Extension of assessment period. When the council considers it necessary to levy assessments upon property in an economic improvement district for longer than the period of time specified in the assessment ordinance that created the district, the council shall enact an ordinance that provides for continued assessments for a specified number of years and grants to property owners in the district the notice

and right of remonstrance described in ORS 223.117 (2)(b) to (e). [1985 c.576 §6]

223.125 [Repealed by 1971 c.741 §38]

223.127 Application of certain assessment statutes to economic improvement districts. (1) ORS 223.387 and 223.391 to 223.395 apply to economic improvement districts created by a city in accordance with ORS 223.112 to 223.132.

(2) The rights and duties accorded local governments and the owners of property for financing assessments under ORS 223.205 and 223.210 to 223.295 apply to assessments levied upon property in an economic improvement district for financing all or part of the cost of an economic improvement. [1985 c.576 §7; 1991 c.902 §6; 2003 c.802 §3]

223.129 Expenditure of assessment revenues; liability for unauthorized expenditures. (1) A city council shall not expend any moneys derived from assessments levied under ORS 223.112 to 223.132 for any purpose different from the purpose described in the ordinance adopted under ORS 223.114.

(2) Any public official who expends any moneys derived from assessments levied under ORS 223.112 to 223.132 for any purpose different from the purpose described in an ordinance adopted under ORS 223.114 shall be civilly liable for the return of the moneys by suit of the district attorney of the county in which the city is located or by suit of any taxpayer of the city. [1985 c.576 §8]

223.130 [Repealed by 1971 c.741 §38]

223.132 Formation of economic improvement districts as additional power of cities. The authority granted to cities by ORS 223.112 to 223.132, is in addition to any other authority a city may have under state law, its charter or its ordinances to create or finance economic improvement districts. [1989 c.1018 §2]

223.135 [Repealed by 1971 c.741 §38]

223.140 [Repealed by 1971 c.741 §38]

223.141 Definitions for ORS 223.141 to 223.161. As used in ORS 223.141 to 223.161, unless the context requires otherwise:

(1) "Business license fee" means any fee paid by a person to a city for any form of license that is required by the city in order to conduct business in that city.

(2) "Conducting business" means to engage in any business, trade, occupation or profession in pursuit of gain including activities carried on by a person through officers, agents and employees as well as activities carried on by a person on that person's own behalf.

(3) "Council" means the city council or other controlling body of a city.

(4) "Economic improvement" means:

LOCAL IMPROVEMENTS AND WORKS GENERALLY

223.151

(a) The planning or management of development or improvement activities.

(b) Landscaping or other maintenance of public areas.

(c) Promotion of commercial activity or public events.

(d) Activities in support of business recruitment and development.

(e) Improvements in parking systems or parking enforcement.

(f) Any other economic improvement activity for which an assessment may be made on property specially benefited thereby. (1991 c.698 §1)

223.144 Economic improvement district; business license ordinance. (1) A council, on its own motion or after receiving a petition for the formation of an economic improvement district signed by 33 percent or more of persons conducting business within the proposed district, may enact an ordinance establishing a procedure to be followed by the city in imposing a business license fee to raise revenue for the cost of an economic improvement. The business license fee authorized under this subsection may be in the form of a surcharge on an existing business license fee imposed by the city on any business, trade, occupation or profession carried on or practiced in the economic improvement district.

(2) In any ordinance adopted under subsection (1) of this section, a city shall not be authorized to:

(a) Include within an economic improvement district any area of the city that is not zoned for commercial or industrial use.

(b) Impose a business license fee to raise revenue for an economic improvement that does not primarily benefit persons conducting business within the economic improvement district. (1991 c.698 §2)

223.146 [Repealed by 1971 c.741 §38]

223.147 Requirements of business license fee ordinance. (1) An ordinance adopted under ORS 223.144, shall provide for enactment of a business license fee ordinance that:

(a) Describes the economic improvement project to be undertaken or constructed.

(b) Contains a preliminary estimate of the probable cost of the economic improvement.

(c) Describes the boundaries of the district in which property will be assessed.

(d) Specifies the number of years, to a maximum of five, in which business license fees for the economic improvement will be imposed.

(e) Contains provision for notices to be mailed or delivered personally to affected persons that announce the intention of the council to construct or undertake the economic improvement project and to impose a business license fee upon persons conducting business within the district for a part or all of the cost. The notice shall state the time and place of the public hearing required under paragraph (f) of this subsection.

(f) Provides for a hearing not sooner than 30 days after the mailing or delivery of notices to affected persons at which the persons may appear to support or object to the proposed improvement and business license fee.

(2) The ordinance shall also:

(a) Provide that if, after the hearing held under subsection (1)(f) of this section, the council determines that the economic improvement shall be made, the council shall determine whether the businesses benefited shall bear all or a portion of the cost and shall determine, based on the actual or estimated cost of the economic improvement, the amount of the business license fee.

(b) Require notice of such proposed business license fee to be mailed or personally delivered to each person conducting business within the proposed economic improvement district, which notice shall state the amount of the business license fee. The notice shall state the time and place of a public hearing at which affected persons may appear to support or object to the proposed business license fee. The hearing shall not be held sooner than 30 days after the mailing or personal delivery of the notices.

(c) Provide that the council shall consider the objections of persons subject to the proposed business license fee and may adopt, correct, modify or revise the proposed business license fee.

(d) Provide that the business license fee will not be imposed and the economic improvement project terminated when written objections are received at the public hearing from more than 33 percent of persons conducting business within the economic improvement district who will be subject to the proposed business license fee. (1991 c.698 §3)

223.150 [Repealed by 1971 c.741 §38]

223.151 Advisory committee; functions. An ordinance adopted under ORS 223.144, may require creation, for each economic improvement district, of an advisory committee to develop a plan and to allocate expenditure of moneys for economic improvement activities within the scope of ORS 223.141 to 223.161. If an advisory committee is created, the council shall appoint persons conducting business within the economic im-

provement district to the advisory committee. An existing association of persons conducting business within an economic improvement district may enter into an agreement with the city to provide the economic improvement. [1991 c.698 §4]

223.154 Extension of business licensing period. When the council considers it necessary to impose business license fees upon persons conducting business in an economic improvement district for longer than the period of time specified in the ordinance that created the district, the council shall enact an ordinance that provides for continued business license fees for a specified number of years and grants to persons conducting business in the district the notice and right of remonstrance described in ORS 223.147 (2)(b) to (d). [1991 c.698 §5]

223.155 [Repealed by 1971 c.741 §38]

223.157 Expenditure of business license revenues; liability for unauthorized expenditures. (1) A city council shall not expend any moneys derived from business license fees levied under ORS 223.141 to 223.161 for any purpose different from the purpose described in the ordinance adopted under ORS 223.144.

(2) Any public official who expends any moneys derived from business license fees levied under ORS 223.141 to 223.161 for any purpose different from the purpose described in an ordinance adopted under ORS 223.144 shall be civilly liable for the return of the moneys by suit of the district attorney of the county in which the city is located or by suit of any taxpayer of the city. [1991 c.698 §6]

223.160 [Repealed by 1971 c.741 §38]

223.161 Effect of urban renewal districts or local improvement districts. (1) The existence of local improvement districts or urban renewal districts in a city does not affect the creation of economic improvement districts under ORS 223.141 to 223.161.

(2) The authority granted to cities by ORS 223.141 to 223.161 is in addition to any other authority a city may have under state law, its charter or its ordinances to create or finance economic improvement districts. [1991 c.698 §7]

223.165 [Repealed by 1971 c.741 §38]

223.170 [Repealed by 1971 c.741 §38]

223.175 [Repealed by 1971 c.741 §38]

FINANCING LOCAL IMPROVEMENTS (BANCROFT BONDING ACT)

223.205 Scope and application; validation of bond issues by cities of 100,000 or more. (1) ORS 223.205 and 223.210 to 223.295 may be cited as the Bancroft Bonding Act.

(2) The provisions of the Bancroft Bonding Act are not mandatory. Any governmental body having charter provisions, or ordinance provisions authorized by charter, for bonding improvement assessments and selling bonds may follow those provisions or the provisions of the Bancroft Bonding Act, or the provisions of any other statute.

(3) All bonds issued prior to March 20, 1939, in accordance with the charter provisions of any city which, as of March 20, 1939, has or after that date attains a population of 100,000 or more inhabitants, according to the published federal census, and all action taken and proceedings adopted by a city prior to that date for issuing bonds in accordance with charter provisions are ratified, approved and confirmed. [Amended by 1967 c.103; §1; 1969 c.653 §1; 1965 c.283 §2; 1975 c.642 §1; 1991 c. 902 §7]

223.207 Purpose of ORS 223.208. The Legislative Assembly hereby declares that the purpose of ORS 223.208 and this section is to provide purchasers of homes or multi-family dwellings with Bancroft financing of system development charges as an alternative to absorbing those charges into the long-term permanent financing of their homes. [1977 c.722 §2]

223.208 System development and connection charges of local government subject to Bancroft Act. (1) Subject to subsection (2) of this section, the rights and duties accorded local governments and the owners of property for financing and assessments under ORS 223.205 to 223.775 shall apply to the following:

(a) A system development charge designed to finance the purchase or development of a public park or recreational facility or the construction, extension or enlargement of a street, community water supply, storm sewer or sewerage or disposal system as defined in ORS 199.464 imposed by a local government as a condition to issuance of any occupancy permit or imposed by a local government at such other time as, by ordinance, it may determine.

(b) That portion of a connection charge imposed by a local government that is greater than the amount necessary to reimburse the local government for its costs of inspection and installing connections with system mains.

(2) Notwithstanding ORS 223.230, the financing of system development or connection charges under this section may, at the option of the governing body, be a second lien on real property, which lien shall be inferior only to the mortgage or other security interest held by the lender of the owner's purchase money. Bonds issued under this subsection shall be issued separately from



Notice of Cancellation of Planning Commission Meeting

There will not be a 7:00 p.m. regular session of the City of Newport Planning Commission meeting held on the evening of **Monday, December 8, 2014**. **There will be a 6:00 p.m. work session, however.**



Notice of Cancellation of Planning Commission Meetings

There will be neither a 6:00 p.m. work session nor a 7:00 p.m. regular session of the City of Newport Planning Commission meetings held on the evening of **Monday, December 22, 2014**, due to the proximity of the holidays.

2015 Meeting Schedule

January

S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

February

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March

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29	30	31				

April

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May

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31						

June

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July

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August

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September

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November

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29	30					

December

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 City Council

 Holiday

 Planning Commission