

**MINUTES**  
**City of Newport**  
**Planning Commission Work Session**  
**City Hall Conference Room "A"**  
**Monday, October 10, 2011**

**Planning Commissioners Present:** Jim Patrick, Glen Small, Gary East, and Rod Croteau.

**Planning Commissioners Absent:** Jim McIntyre, Mark Fisher, and Melanie Sarazin (excused).

**Citizens Advisory Committee Members Present:** Lisa Mulcahy and Bill Branigan.

**Citizens Advisory Committee Members Absent:** Dustin Capri (excused).

**City Staff Present:** Community Development Director (CDD) Derrick Tokos and Executive Assistant Wanda Haney.

**ODOT Representative Present:** John deTar.

**Audience Members present:** Bonnie Serkin, Will Emery, and Mr. & Mrs. Don Huster.

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

**A. New Business.**

1. Review draft Trip Budget Overlay for South Beach. Tokos handed out a diagram showing the South Beach transportation analysis zones. He noted that this is the first actual draft the Commission has seen with language that might be added to the TSP, and he wanted to talk about that potential language. This puts in place policies for a trip budget program. Tokos noted that what he included in the packet were sections that would be added to the TSP. The first encouraged mode shifts. It is to encourage new retail, office, and industrial developments to incorporate or facilitate alternative modes of transportation methods such as requiring them to provide dedicated parking for van pools, bike parking, and transit facilities. Mulcahy said that one thing she thought of that wasn't mentioned is that maybe there is a way to encourage major businesses to encourage employees to carpool. Croteau suggested the use of a website posting. Patrick noted that it does mention providing vanpool and carpool dedicated or preferential parking. East added that parking for carpool vehicles could be up close to the building. Small said he couldn't figure the scenario that there would be large enough businesses to encourage that. For retail there wouldn't be that much carpooling. He thought it would have to be a major entity where they have many employees. Patrick thought it might be for employee parking for something like Fred Meyer, Wal-Mart, or Home Depot. Small wondered what we were anticipating that would be large enough that it would make that work. Patrick thought it should be left in there in case we ever get one of those employers. He thought it was more to encourage existing businesses like SPCH and HMSC. Branigan talked about the Aquarium, which has employees who are really into environmentalism and recycling. He said that they have a bike to work week where the department that had the most people bike to work got a pizza party or something. He thought that maybe the City could encourage something like that with a quarterly plaque or something for businesses. He said that businesses like hospitals and banks appreciate that recognition. Small agreed that he thinks about human nature and the results of requiring or rewarding. He said it seems that if the City were to reward a business for encouraging their employees that would be more effective, but he doesn't know how the City could reward them. Tokos said there are ways; perhaps it could be in terms of business license fees. The City could impact the financial side, or through the Chamber of Commerce. He said there are avenues that we could use. Tokos said that what he is hearing from the discussion is why not language talking about existing versus new. He said that seems that should be a point of emphasis. Patrick thought it should apply to existing also. East said it would be interesting to know what existing businesses have in place. Tokos said the City could explore an SDC discount too. We may have a rationale for capturing that if there is a solid program in place. Tokos continued that the last implementation action has to do with requiring that a development demonstrate that they are designing circulation that will be attractive for pedestrians. That might need to lead to some changes in the parking code. We would have to have some standards in place to give developers an understanding of what we are looking for. Tokos noted that next are some specific recommendations of encouraging the transit system along the lines of coordinating with Lincoln County Transit. Branigan talked about transit from Corvallis. deTar noted that in three counties there is ride match, but he thought it sounds like this group is telling him that needs to be more visible. He said he can bring that back to the Council of Governments. Patrick said that he thinks the City can work on the physical amenities part of the transit system because shelters, signage, and benches are pretty sketchy. Tokos noted that the implementation actions for the transit system involve coordinating with Lincoln County to work on barriers to ridership, needed enhancements, and impediments to providing service. The City will continue to work with Lincoln County Transit, ODOT, and other partners. Tokos said this is the language that is going into the TSP on transit improvements. Patrick asked about the "queue-jump" opportunities for buses. deTar said it gives riders a reason to be on the

bus rather than having to get in the queue with everybody else. For example, they are the ones going across the bridge first, and it helps the buses stay on schedule.

Moving on to the next document, Tokos noted that it has language adding policy direction to create a South Beach Overlay Zone (SBOZ) to implement the Trip Budget Program. Tokos covered what is in the code. South Beach was divided into the Transportation Analysis Zones (TAZs) shown on the map he handed out earlier. Review and approval of trip allocations is an over-the-counter ministerial action. The Traffic Impact Analysis (TIA) being done for certain types of development is discussed. There is some language about monitoring the trip budget program, and discussion about amending the program. Small asked why 65% is used as a benchmark for re-evaluation of the TSP. Tokos said it is arbitrary, but his sense is that it was designed to be a peak number in order to have enough time to review it before hitting 100%. deTar added that it is the point where you initiate reconsideration so it doesn't affect development that would exceed that capacity or beyond. He said it is the point where we need to reconsider before it gets away from us and is out of control. Croteau asked if any land use action in the SBOZ is going to trigger an assessment letter or an actual impact analysis or if it's a question of scale. Tokos said that when we get into the zoning level piece, the over-the-counter transportation analysis is more involved and has a discretionary element.

With that, Tokos moved right into the actual overlay zone itself. Section 2-5-12 creates the South Beach Overlay Zone (SBOZ). He noted that the map he just handed out gives a sense of the boundaries of the overlay zone. The purpose of the SBOZ is to promote development in South Beach in a way that maintains an efficient, safe, and functional transportation system and doesn't impact uses at all. Tokos noted that as deTar had pointed out to him, under definitions the opening wording "gross trips" and "net trips" are flipped. Small asked about the reduction percentage under gross trips (which should be net trips) and whether there is a formula that calculates trips. deTar said that the ITE Trip Generation Manual by trip type defines which type of uses can expect a lot of pass-by trips. He said pass-by traffic is something already on the road that pulls off to visit one use and then gets back on the road; like fast-food or gas stations. Tokos wondered if this is where we will pick up discounts for uses primarily for the local area like a grocery store in South Beach. deTar said even that kind of use has some pass-by trips. He said the whole context of how we deal with a use we would like to have in South Beach (like a gas station) and how we account for it still needs some more discussion. Tokos asked the Commission if for a use like a grocery store we want to make sure to do something in the overlay that gives them a discount. Small said he would like to see that. He thought a grocery store in South Beach in some respect would reduce the number of trips across the bridge. deTar noted that a big store would draw from the north side of the bridge. Audience member Will Emery said that it seems that the City's approach should be not to let the bottle neck of the bridge drive all decisions. deTar said maybe there is a way to deal with this with reductions in SDCs or some other credit. There could still be a way to make it more attractive. Patrick said we need to put a hook where there is credit for trips in South Beach, but he doesn't know how to set it up. He said if a developer can show that the use holds people in South Beach and will prevent them from going over the bridge, maybe that can be used. deTar agreed that we have to figure something that makes sense. Tokos discussed saying that these are the desirable uses there because they capture and keep trips locally and are convenient for people living in the South Beach area. He added that there would have to be some side bars to that. He said maybe scale is something we could use to come up with an appropriate discount. Maybe it's arbitrary, but as long as it is reasonable. We can work on something that makes it more attractive for that use. deTar agreed that this whole concept is something to have more discussion on. He said there are some uses you want to have in South Beach, and you want to figure out how to make that happen. Tokos went through the structure of the overlay. The department will maintain a trip budget ledger. The way this is set up, small-scale development will follow a ministerial process. At the counter, we will look up ITE, figure the number of trips, document it, and keep the information in a ledger. We will inform the State so they know where we stand. A TIA would trigger for larger-scale uses. Croteau asked what the rationale was for not allowing transfers. Tokos said it gets too complicated if there's a transfer from one TAZ to another or one property to another. Patrick asked about a change of use and gave an example of Toby Murry going to a Home Depot or something like that. Tokos said that is a commercial zone now and the trips would be allocated. If you have changes to the Comp. Plan, you get into more traffic assessment. If you are changing from commercial to industrial or residential to commercial, you have to do a full TIA. deTar noted that on page 4 is discussion about when you get to a TIA. He said we may also want to say if an existing use increases the number of trips 50 or more. That might be the way to get to that change in land use activity. Tokos confirmed that Section 2-5-13 on page 4 is talking about when a TIA is needed rather than just a letter. Those are a Comprehensive Map amendment, direct access to 101, 50 or more or increases by 50 or more peak hour trips, increases in use of adjacent street by large vehicles, access driveways don't meet spacing, or to pull out of the Trip Reserve Fund. In answer to a question, deTar noted that 50 PM peak-hour trips is the number the Legislature set for ODOT to look at. Previously it was lower. He said that 50 trips in the peak hour is enough to start having an impact on an intersection. He noted they are not looking at the whole day's trips; just the effect of the peak hour. Tokos said he could bring examples of typical developments and where they would fall. Tokos said effectively what this is setting out here is if it's under that threshold, it's ministerial and wouldn't be going through review. We are just capturing how many trips. If it's under that threshold, we document it with a letter. At some point, we will hit a cap and it will get more involved for those developing property at that time. Until we get there, it's just a matter of documenting it in a ledger. From the audience, Serkin asked when that documentation in the ledger is done. Tokos said that he would like to do it with the platting on residential property. We can pick it up with the plat rather than on an individual lot by lot basis. A TIA would be triggered at the appropriate time. If it's a large enough plat, it would be done at

that time. He said that was his intent, and the others thought that sounded agreeable. deTar noted that at the bottom of page 7, he doesn't think this really gets to that, and what Tokos discussed seems to make more sense. In that way, once a developer is ready to begin the development process, they would have some assurance that they are going to be able to build. deTar agreed that language needs to be worked on. Tokos noted that the TIA will apply citywide. The City currently doesn't have anything in place for requiring TIAs. Our access standards only apply to arterial roadways. Patrick thought it should be clarified if this is just new accesses onto arterials or if it's a change of use in existing development as well. Tokos asked if it should just be for new. deTar said that just the popularity of a business, which can fluctuate, wouldn't be characterized as a change of use. It's based on the square footage of the building and how much that activity brings in. If they double the size of the building, then there is the opportunity to go back in and revisit that use. But, if for example, a 3,000 square-foot restaurant changes its menu and then becomes very popular, that is not a basis for change of use. Patrick mentioned the driveway standard of every 500 feet, which is about every other block. He noted that in South Beach you are looking at long distances between. When doing developments you can plan for that. It also means a lot of those properties are going to be unusable. deTar said it means that we need to take a closer look at it, and that is what a TIA allows. Again, Tokos asked if the access standards should be for new or new and existing. Patrick thought new, and the others agreed that access applies to new. Tokos asked if these thresholds seem to make sense, and the consensus was that they do. Before leaving the discussion about 50 trips, deTar wanted to note that Corvallis uses 30 and Albany uses 50. He said that Newport would be in the ballpark of what the other cities use. Tokos discussed what is required to be submitted when a TIA is required. A pre-application conference is required. The pre-application conference requires a report prepared by a licensed engineer qualified to perform TIAs. Intersection analysis is needed if the analysis shows 50 or more trips can be expected. The TIA requires TPR compliance. deTar explained that if the intersection where the development connects to the highway is increased by 50 trips, that is the only one analyzed. For a larger use, say a McDonald's, maybe 300 trips at first intersection, then 200 at next, and 100 at the next. The study area is out as far as you go with it at 50 trip units. If it's down to 30 trips, then you are not looking at that intersection any more. Tokos said the next section talks about the study area and what needs to be looked at. These are all site-access points, roads through and adjacent to the site, intersections that receive site-generated trips that comprise at least 10%, all intersections needed for signal progression, and anything else the City Engineer determines is warranted. Tokos explained that the approval process follows a Type II decision-making process, which is staff level and appealable to the Planning Commission. Tokos covered the approval criteria, which are that the analysis complies with 2-5-13.010 that talks about basically all the elements required to be included in the analysis, that the TIA needs the City's level of service standards (which presently we have not adopted) or highway mobility standards (which would be under the alternate mobility framework), and that the site design and traffic circulation includes mitigation measures to have the least negative impact on the system. Tokos noted that we need to define what negative means. deTar noted that he and Tokos also discussed that the impact analysis would be 50 at State intersections and 100 at the City street intersections, which is not in here. Tokos asked deTar what standard they are trying to achieve with criterion 'C'. deTar said he will have to ask the consultants what they are thinking about here because he doesn't know what they had in mind. Tokos said that unless the consultants can give a compelling reason why this is here that he can convey to the Commission, it goes away. He said that criterion 'B' seems to cover it. He noted that a level of service standard needs to be achieved, and we have to establish that. If the level of service standard can't be met, and we want to allow some development under certain circumstances, maybe we can put something in there so an overtaxed City street won't put a stop to all development. Patrick agreed that was a good point. Since this will apply all through the City, he would like the City to have an out some way. Tokos said that criterion 'C' needs more work. He continued that the next provision allows conditions of approval to be imposed. There is also some language that we asked the consultants to put in that the City can collect in-lieu-of fee if a developer can't make improvements right away. This allows the City to collect a fee if it's not practical for improvements to happen right away. If the development is required to widen the street and put in curbs and sidewalks, but the City can live with a half-street because of other potential development; they now can contribute as a payment in lieu of doing the actual frontage improvements, and the City will pick it up down the road. Everyone agreed that made sense.

Tokos asked if this was starting to take the trip budget from fuzzy to more concrete and if it is doing it in the right way with some adjustments we are talking about. He said the Commission will see this again in work session with some of these changes and the alternative mobility standard worked in. There will be drafts a couple of more times before it goes to hearing. The consensus was that this was going in the right direction.

Tokos noted that the TSP is a combination of 1997 projects and the projects added on the north side with the 2008 amendment. This is where we would be inserting the policy language. We need to do this trip budget process. We will be updating the project lists to include the proposed traffic network. The policy language for the TIA is something we should be doing citywide. There will be an amendment to this TSP chapter and separate zoning code amendments.

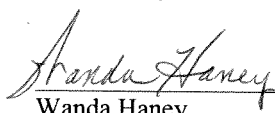
From the audience, Will Emery wanted to add that South Beach is the location of the City's industrial land bank. He noted that he has recently cleared and is looking to prepare 5-15 acres of industrial ground served by 50<sup>th</sup> Street. He noted that this industrial track is what the City has for someone that may be looking for a large piece of industrial land. He asked that we not forget that. He talked about the trip cap they are under. He just wanted to mention the industrial aspect of it. Tokos asked deTar if it's right that the way this is set up, if we have an industrial user of any size down at 50<sup>th</sup> Street, they are going to be under the TIA under this program and until that is done, they are not going to know what they are to do in terms of road

improvements. deTar said you can have an industrial user look at how they work their shifts. You may want to think of that when setting up alternate modes and such. Encourage large employers not to work on shifts. Actually set up shift changes to be at 3:00 p.m. rather than 4:00 or 5:00. 50<sup>th</sup> Street number of trips available in the TAZ may be okay if not completely allocated, and you have the general trip reserve that could be allocated to that use. deTar talked about shovel ready land. He said maybe the City can build into their program something that addresses not only grocery stores and gas stations, but also when development is on a shovel-ready site, trips are allocated to it. It could be something like when shovel-ready land is created for industrial purposes, “x” number of trips are allocated. In that way, they would be able to reserve the trips so the development doesn’t have nearly as much of a process to go through and doesn’t get beaten to the punch by something else in the TAZ that might not be quite as desirable. You can look into the mechanism. Tokos said it gets difficult keeping track of the reserve. deTar said he can turn this over to the consultant to determine if there is some mechanism. He said that if someone has gone to the point of getting land shovel ready, and that is what the City wants; ODOT is not trying to prevent that from happening. Tokos said the trip caps we are talking about here are pretty generous. It’s a 20-year time frame of growth; and when we are talking about hitting the cap, that will be 20 years down the road, and we will already have had a number of industrial developers. Tokos summed up that we will start working on revisions here and bring back a more finalized version.

2. Ordinance for Tree City USA designation. Tokos noted that the City Council is looking for the Planning Commission to put something together for Tree City USA designation. He outlined in his memo what that could be. He said we are looking to do the minimum to get the designation. He noted that there are things the City should probably already be doing; and if we do that, we can get Tree City designation. Essentially we have to have a tree board, and he envisions that board to be the Parks and Recreation committee. That would require amendments to the Municipal Code to expand their authority. They would put together a list of appropriate plantings and also provide feedback on development codes when planting within a public right-of-way. These are some prudent things that we should be doing already such as rules for care and placement of trees in existing rights-of-way and a permitting process. Public Works already requires a permit to remove trees in the public right-of-way. We have a structure in the code for where this would fit. The way this works is if it’s in the public right-of-way, then we would be requiring that kind of detail; not on private property. We have sidewalks, curbs, and utilities cracking because of improper plantings. Branigan wondered how much it costs the City to become a Tree City. Tokos said whatever the program is. Patrick thought \$2,000 per citizen. He noted a lot of the necessary things are already being done by Parks and Recreation and Public Works. Croteau asked if we were looking for something along the lines of Seaside’s or Coos Bay’s approach, and Tokos confirmed that. Tokos said that we can put in to authorize the board for the Heritage Program, and they can get into it if they want to. Tokos would recommend staying away from the Lincoln City approach for preservation. He noted there is an issue now that we have vision clearance in two sections of the code that say different things. The Tree Committee can also be in charge of Arbor Day observances. Patrick thought this language sounded about right. Tokos said he will put together an ordinance for the Planning Commission to look at later.

C. Adjournment. Having no further business to discuss, the work session meeting adjourned at 7:30 p.m.

Respectfully submitted,

  
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Wanda Haney  
Executive Assistant