

**MINUTES**  
**City of Newport**  
**Planning Commission Work Session**  
**City Hall Conference Room "A"**  
**Monday, June 27, 2011**

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

**Planning Commissioners Absent:** Gary East.

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

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

**ODOT Representative Present:** John deTar.

**Lincoln County Representative:** Valerie Soilihi, Director of Lincoln County Dept of Planning & Development.

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

**A. Unfinished Business.**

1. Update on City Council action regarding the amendments to the population and housing elements of the Comprehensive Plan. Tokos noted that on June 20<sup>th</sup>, the City Council adopted the housing and population amendments to the Comp. Plan as recommended by the Planning Commission and the TAC. They also accepted the ranking of priorities from the Commission, which are land bank and housing fund number one, metrics number two, ADUs number three, and park models number four. The Council put in place a housing fund and put \$10,000 in it, which is enough to cover the City's contribution toward the land trust to which other jurisdictions have been contributing funds in the past. The balance is available to get the land bank up and running.

2. Briefing and discussion on Newport South Beach TSP Update and Alternate Mobility Standards. Tokos noted that the next South Beach TSP open house had been tentatively scheduled for July 13<sup>th</sup> but has been shifted to July 27<sup>th</sup>. He believes that in terms of timing, that is when ODOT's consultant would have materials ready and it fits with the schedule of ODOT staff. The open house will be here at City Hall on Wednesday, July 27<sup>th</sup> from 5:00-7:30 p.m. Tokos noted that one thing in the Commissioners' packets was a discussion about the alternative mobility standard and what the components would be. Tokos said that basically when talking about an alternate mobility standard, we are talking about something other than the basic standard that ODOT applies elsewhere in the state, which is based on a volume to capacity test when development is proposed. Tokos explained that volume to capacity is .75 and is based on the 30<sup>th</sup> highest hour, which for us is basically summer with all the background traffic. That is why we are pursuing an alternate mobility standard. Adding infrastructure to address this would be cost prohibitive, and we also have a bridge that is a major congestion point. Tokos said a lot of work has been done on this process. We are trying to get a handle on potential growth in South Beach. Also in the packet was some information about a trip budget approach. Tokos said that they did talk to developers like Landwaves, the HMSC, and the Port of Newport to see what they anticipate seeing. So they did talk to some folks to see what that might look like and looked at historical development in the City. He said what the memo does is start to describe what a mobility standard can look like and breaks it down into components. This is what will be presented at the next open house.

Tokos went through the memo. The first component is the location aspect; where we measured along the highway system to see if there was an issue about congestion. The recommendation in this memo is selected signalized and un-signalized intersections. He thinks where staff left it was signalized intersections only. deTar said that the most important thing to think about is there is one traffic signal in South Beach; nothing else. The other signals at 40<sup>th</sup> and 50<sup>th</sup> Streets will only happen with the authorization of traffic signal warrants, which involves a mathematic formula that points out a signal is needed. He noted that we don't know when that will be there. He said it's the kind of process that until we have those three signals in place, we want to continue to measure 40<sup>th</sup> and 50<sup>th</sup>. In the long term, we may be looking at signals, but in the short term, we at least have some place to look at to get the overall condition that is happening in South Beach other than just the signal at 32<sup>nd</sup>. When that gets moved to 35<sup>th</sup>, 32<sup>nd</sup> would operate as a stop sign street. deTar said that at that location, we are not measuring those vehicles trying to get on the highway; we are just measuring how well the highway is flowing. At some intersections, we will wind up with long wait times before they can get into the flow of traffic. Tokos asked deTar to share what we could be looking at in terms of volume to capacity at the time the signal warrant would trip. He wondered if it would be something below .75 or above. deTar said it is a combination of how many travel lanes and how much traffic volume is on the side street

before it really becomes a burden level of congestion. It would be more than .75. That intersection would be working worse before a signal is triggered. He said that sometimes it can be in conversation with a major development. The analysis work for a big box store could show that they would need a traffic engineer. Tokos said that it definitely would be signalized intersections, and there is the potential that some others could be looked at. We certainly want to set up a system where we are not penalizing developers for high congestion if it's unsignalized. We still have some discussion on that. Ritzman said that most times they have an alternative to go to a signalized intersection. For clarification, Fisher asked that the State makes the decision on signal installation, and deTar confirmed that. He added to the extent that development in an area determines when that traffic signal would be warranted. He said ODOT is not in the practice of installing ahead of time. Tokos said that whatever comes of this process, if it's adopted by the City and the Oregon Transportation System that is a new set of rules ODOT has to adhere to. Whatever is in there in coordination is what ODOT and the City will follow. Tokos said the other options the memo discusses are posted speed where more congestion would be allowed potentially, a corridor level alternative, and geography-based alternative. We could measure in segments or try to arrange under one. Tokos said the consensus was that gets very difficult to administer. Asking developers to do this analysis when proposing new construction gets very complicated. The other has to do with analysis period. These are all based on volume to capacity. You can look at different analysis periods; off-season weekday p.m. peak hour, average annual weekday peak hour, or the 30<sup>th</sup> highest hour. The initial consensus from staff was that off-season peak would be the most appropriate way to go. It would be more comparable to what other cities have to stand to. ODOT has some concern with off-season. It's not something they have done before. Seaside is using average weekday peak hour. We would have coastal communities under different standards, which is a concern of theirs. The technical representatives that were hired by developers to do this analysis don't use off-season peak hour. It could potentially be difficult to put that information together. The ITE trip generation figures include weekday peak hour; they don't have off-season. ODOT is concerned that traffic generation would be considered more because of looking at off-season. They are concerned there are more question marks with the weekday peak hour. Tokos said they are trying to work through this. Also there is the potential for some adjustment with average weekday peak hour. It may at the end of the day provide for as much growth as off-season peak hour. Branigan said that regardless of what we do, we still have a potential bottleneck, and that is the bridge. Capri asked if access lanes had been looked at to handle people coming on and going off the highway. Tokos said that through lanes are part of this consideration. deTar said part of the consideration is local street system. He said they are working on the street network off the highway for circulation. Discussing access lanes, deTar said when building a roadway to handle a certain capacity, you will need a certain number of lanes, and you end up getting a wide right-of-way demand on development in the area. There will need to be four travel lanes and a center turn lane; and a couple of intersections will be providing right turn lanes and a double left at 40<sup>th</sup> Street. Patrick said that he can see how off-season can get more room; but the average peak day is more reality. Mulcahy said that early spring and late fall we may not get a significant drop in trips at that time. Patrick wondered where the numbers come from. deTar said there is an automatic traffic counter between Fred Meyer and Wal Mart that measures traffic year round, so they have a good idea how much traffic varies over the year in Newport. They also do periodic traffic counts at other locations. The seasonal flow that gets measured at that alternate traffic counter was incorporated in this analysis. deTar said if you are looking at the whole year, the range of traffic is 45% change between the lowest and the highest months of the year. The numbers come from the automatic counter and the periodic traffic count. He noted that some of the technology is quite old; so as new traffic signals are installed, new hardware will be installed, and automatic traffic counters can be included. They will be able to get better and better information. Several points from the analysis group is that we need traffic recorders south of the bridge. The next one is in Florence. Croteau wondered if the coastal seasonal variations are more extreme than inland. deTar said that is typical for the Oregon coast. He said he hasn't looked at Bend, but the Willamette Valley and the coast are a consistent percentage. It's 48% in north coast closer to Portland. Newport is closer to Florence or Coos Bay. There is a big bump in the summertime months on the coast. Ritzman noted that the 30<sup>th</sup> highest hour for us is Saturday afternoon in August. Portland's could be a weekday afternoon during rush hour. They figure thirty events annually that would increase it and discount those unexpected events. Tokos noted that time of implementation is a factor being decided. We can implement at adoption by the City, in conjunction with roadway projects, or when a signalized intersection project is completed. Staff's general consensus was that it would need to be implemented at adoption. The other things will follow as development occurs. In terms of allowed congestion level, the 30<sup>th</sup> highest hour right now lands somewhere between .75 and 1.0. deTar said that it is a difficult concept. During the summertime the intersection at Highways 20 and 101 is over capacity. The signal doesn't process all traffic coming to it. The queues get a little longer. Wait time can be more than one or two cycles. That is considered failure of that intersection because there is not enough capacity to process all of the traffic. He noted that Seaside traffic during most of the summer will back up to the south end all the way out to the interchange with Highway 26, and it will take hours for that to clear. What we are looking at here is that in South Beach it is not that bad right now; but in 30 years with development, things will change. That is why we are trying to look at the future and plan for it. Small asked if anything above 1.0 would be a system failure during that hour it is happening. Ritzman noted that when he walks home for lunch, he sees the backup at Highway 20 and 101, and then an hour later he sees a big change; so they do clear within an hour. Branigan asked if waiting more than two signals is a failure. deTar said that certainly would be. The intersection can't handle the traffic, and it just keeps on going through the whole hour. He noted that the other hours are called shoulder hours when traffic continues in such a way that the intersection can't handle it. Tokos said some concepts we are thinking about in terms of alternate mobility standards are .75 and 1.0. Even .99 for example is going to lead to circumstances where there are significant backups and people won't make it through signals as quickly as they would like to. For South Beach to have reasonable development will have significant congestion in the

summertime. Ritzman said that if we are using off-peak, we are not taking summer time peak. Mulcahy said that the elephant in the room is the large rigs on the highway. Fisher said the larger elephant is the bridge. He said a little earthquake, and it will be red flagged. He noted that no one is planning where to put it if that happens. Patrick said that it is background tourist traffic that is driving Newport's traffic to increase, and we will get there even if there is no growth at all. He said we have to have something. Tokos said that is the first piece of this package (description of alternate mobility standard).

Tokos asked if the breakdown makes sense. He said it is difficult to convey in a way that makes sense to the public. The hope is to put in plain examples so the public can visualize this. Branigan wondered if the completion of the Highway 20 project is being factored in as far as what that might do to tourist traffic. Tokos said that he didn't know if that would have a monumental impact by shaving 5-10 minutes off. deTar said that saving 10 minutes is pretty significant when talking about a 50 minute travel time from Corvallis. Patrick said one thing that would do is take truck traffic off Newport because they will not have to go down 101 to Highway 26. deTar noted that truck and RV traffic had been mentioned, and that is one reason the signal is moving from 32<sup>nd</sup> to 35<sup>th</sup>. They can get to running speed before starting to climb the bridge rather than just starting off there. Branigan asked about the closure of Ferry Slip Road at 101. deTar said that will be when Ash Street is completed. Tokos noted that is because fewer access points on the highway increases traffic flow. Small wondered about treating it as on off-ramp (exit only), and Fisher thought that made sense. However, it was noted that when the signal is moved back to 35<sup>th</sup>, that would be too close to Ferry Slip.

Moving into the land use policies, Tokos noted that it included some incentive pieces, including more carpooling, bike paths, and bridge adjustments. Lincoln County Planning Director Soilhi thought there should be a restriction of bikes on the bridge pavement. She said it seems like in special circumstances in the interest of reducing congestion, there could be an exception to them being on the sidewalk. Tokos noted that with carpooling and transit, some gains would be made. We have a large planned development in Wilder and other residential lands in South Beach. To the extent we can encourage bike and pedestrian access to the South Beach area, it will help. Capri wondered about requiring paths. He thinks that is something missing in town right now along 101. He said that we are limited in Newport right now, but because development hasn't happened that much in South Beach, we have an opportunity to make it so people can walk along 101. Tokos said these concepts should be perfected. We recognize they are just a small piece of the puzzle. He noted that the other tool has to do with zoning amendments. Currently the code doesn't have standards for transportation impact analyses. They are done from time to time to demonstrate compliance with other criteria. There is nothing that says when you prepare a traffic impact analysis you are trying to achieve certain things. For this alternative mobility standard to work, there would have to be a traffic analysis standard at some point. This is just a general recommendation that it will have to be there. The other aspect of zoning changes is an option, with which he has serious reservations, and that is whether to look at uses allowed and pull some of those out. He said that if we get into that conversation, it will side track us really fast; and we will lose what we are trying to accomplish and get into property rights. Capri asked about the cost of traffic studies, and Tokos said that his sense with traffic impact analyses is that as long as developers are not getting stuck with \$10,000 of study fees, it will be okay. If it's a significant development, they are accustomed to doing traffic analyses. They are not as concerned about the cost, but rather what is in the standards and are they predictable. Capri wondered if the traffic study is not okay, if the City would help find some way to help or would we just say no because they will make the road fail. Tokos said the best we can hope for is to put in enough language that makes that process as predictable as possible so they have a clear understanding of what is available to them. Ritzman added if they know the amount when they start, they will know whether they can meet it or not. Tokos noted that in terms of improvements to the highway corridor, there are two ways to fund them; either with City through urban renewal or the developer. It's not ODOT. We can't expect funds from the State for the next 20 years. deTar said that their ability to fund anything is through the gas taxes and vehicles registration fees. In 2009, the legislature approved a gas tax increase but also set that this money will be directed to certain projects in Oregon. So, it's a circumstance where they can't say they have any revenue going to be able to dedicate to any projects other than those the legislature identified. Also, the legislature didn't allocate enough money for the projects they identified. The legislature hasn't taken any action to correct this issue during this session. Patrick said that is why we want to think about doing transportation system analyses when doing developments. The City may set up a fund that will eventually build a signalized intersection. Either the developer or the City is going to do that. Tokos wondered if there should be some up-front contribution so we have more insurance to build these things. Individual developers aren't going to be able to afford it. deTar said that he doesn't know if the legislature is going to correct this. They say in the next 20 years they will make money available. He said that time and time again he has seen local jurisdictions buy their way to the front by having funds to match State funds. This program does that for Newport. Even if ODOT winds up with money, the City can say "we want to move forward and here is our share". He said it happens all the time. Tokos agreed it would give us more of a competitive edge. Patrick noted that the developer and the City can pay for a signalized intersection, but not have the lanes or the bridge capacity; so we have to have our ducks in a row. Tokos said that he believes the estimate in 2008 for additional lanes for the bridge was just short of \$15 million.

Tokos said the last piece of this is the trip budget process, which is covered on a separate memo. He said that from staff level, this has been flushed out more than other concepts. That is where we are gravitating toward as a potential implementation tool for South Beach for giving folks a greater degree of predictability in terms of what they can do with their property without getting into sticky land use. They still have flexibility and some predictability. The concept essentially is to make traffic

analysis zones (TAZs). That is the assumed growth, and we say within each TAZ this is the number of trips and take a certain percentage of that and put it in a reserve pool so they're not bound by those boundaries. That free pool would be something set up; as a matter of process and managed by the Planning Commission and/or City Council. It would be a process with fixed criteria. It can be set up with "x" trips per acre before they can ask for trips out of the free pool. That can also be set up as "in-lieu-of". That can be set up say as a cost per trip contribution. Those generating more would have a bigger contribution to a lane widening pool. This would be an overlay like a zoning overlay that would have trip allocation to it. Capri wondered if it is just one time when going for a permit. Tokos said it is a policy choice whether we do it at all. It can be without monetary requirement. deTar explained that they first tried to identify an area that was primarily going to be linked to an intersection or intersections. For example, 40<sup>th</sup> for the Wilder area is one zone. Also an area along the highway relying on driveways would be identified. They were trying to identify those that have connections to the highway in one or two places. That would be a traffic contribution area. Tokos said however this is scaled, it would need to generate a significant amount of money to be meaningful. Patrick said it is not paying the full amount; it is seed money to prime the pump for ODOT. Soilihi wondered if it would be based proportionately on impact. Patrick said it would be based on trip count. Tokos said it would be based on nature of use. Patrick said that one of the features is that you can contribute to things South Beach really needs to try in order to lower trip count.

Tokos said that is the package at this point. He asked what the Commissioners thought about the land use tools and whether a trip budget concept might be doable. For the open house on the 27<sup>th</sup>, the objective is not to say this is what it will look like, but to say these are the different options. This is where we are leaning in terms of different options. Patrick said it all will help with predictability. Tokos agreed that we are trying to provide developers an opportunity to know what it will take to get there.

3. Debrief on the joint City Council/Planning Commission meeting and set priorities. Tokos said that the last thing on the agenda is to briefly discuss what came out of the joint City Council/Planning Commission meeting. He had listed the projects on the board, which included: SIC update, vacation rentals, erosion control, land bank, street renaming, sidewalk exactions, economic development, tree city, and TSP update. Tokos noted that we talked about sidewalks several months ago. Patrick said that we are working on vacation rentals and SIC update. Croteau said economic development was important from the City Council's point of view. Tokos said that we do have some funds that we can use for match of grants to do work on the economic development front. We can approach it with a mainstream program and try to tackle the city center and maybe pursue façade improvement grants or things of that nature. It's about what the city center should look like. Should we hold to the small town main street, or is it really primed for redevelopment and a different future. We can also have an issue where we have a responsibility to provide for a range of different parcel sizes of commercial and industrial lands. When we did the 2005 South Beach Plan, one key finding was the need to do more work on that. We could get a grant for that. A larger 101 corridor looks at areas of South Beach that haven't been annexed yet and tries to get those lands into the City. Ritzman noted that some of those have signed agreements to annex when it becomes possible. What was holding them up was Seal Rock Water. Tokos said that the TSP is part of getting our ducks lined up. The Mayor is looking at pulling together an economic development strike team this summer. Tokos said that there will be a conversation later in July about the interest in pushing the marine science research angle in South Beach. The idea is to attract businesses that are a good fit in Newport. The economic development side would be some Comprehensive Plan amendments and adjustments to zoning to improve the predictability of our rules. Patrick said that the TSP and the SIC can be added into those. Tokos said he is trying to get a sense of what the relative priorities are so he has a better sense of what to focus on. Patrick said that street renaming and tree city could go at the bottom. Croteau noted that someone was going to look at Portland and give some input on the tree city aspect. Tokos said that a street renaming ordinance isn't very hard to do. Fisher said that if there are some things that we can get done easily, to get them off the list. He said that there was something that Councilor Dean Sawyer wanted to bring to the Commissioners, but he wasn't here. So Small handed out a proposed policy regarding street renaming. He noted that it is a starting point. It explains what the criteria are and what would be required in a petition for street renaming. Somebody wanting to rename a street would come with a petition that clearly describes the street intended to be renamed. The petition would need to be signed by no fewer than 100 eligible voters living within the City limits. Small noted that naming a brand new street is entirely a different thing. He said that one of the things they thought was important is that if it impacts businesses or homeowners, they need to go along with the change; so signed consents would have to be received from 51% of them. Under the criteria, one is that the individual for which the street is being renamed would have to have been deceased for three years, the individual made significant contribution to the betterment of the City, the proposed name change is in the best interest of the City and will not cause undo adverse impact or hardship, and the cost can be reasonably borne by the City or assigned to the petitioner as a condition of approval. There is an escape clause that other extraordinary circumstances can be considered. Tokos thought that the 51% signatures would throw them out. He noted that for a street vacation, the 2/3 signatures within the notification areas is a very difficult thing to bear. If this was any street of consequence, that would be impossible. On the flip side, with a 51% threshold, if they are able to get that many signatures, then it is not going to have a major hardship. Tokos asked if the Commission wanted him to bring something back to look at that incorporates this. The consensus was yes. Croteau thought that we could get guidance on the tree city elsewhere too. Tokos noted that the SIC and vacation rental codes are in process. Erosion control hasn't started. He said it is a pretty big deal, and he is not in a position to start that right now. He said he knows there will be push back on some of that, so there will have to be outreach. Ritzman noted that Lincoln City implemented their own erosion control code and enforce it themselves. We would have to determine how to enforce it ourselves. In response to a question

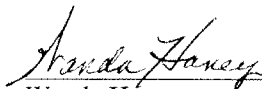
from Croteau regarding the geologic code, Tokos said that we would want to do something with erosion that is more simple and basic outside the geologic area. Tokos noted that the land bank concept was top priority, and the City Council bought off on that. We will work on the housing piece first. He is thinking it will be a Fall project. Branigan thought that tied in with the economic development piece. Tokos noted that not many jurisdictions are doing land banking. We are on the cutting edge, so it will require something other than a “cookie cutter” approach. Patrick thought the land bank could also be used for commercial. Tokos said we will push forward with what is active; the SICs, the vacation rentals, and the TSP. We will do anything that is simple such as the street renaming and a conversation about tree city. We will get to the others as time permits.

Fisher asked if the City ever had a sidewalk code. Ritzman said it is with new development. Tokos said it is a requirement in land divisions with new subdivisions. Ritzman noted that the City has a code providing that owners are responsible for replacing and repairing sidewalks in front of their property if already there. It doesn’t require that they put it in. He said that the ordinance pertaining to subdivisions was changed about fifteen years ago. Prior to that, the City didn’t require sidewalks. Tokos noted that with a planned development, they have an avenue with conditional use permits. He added that it’s not perfect. Patrick said one thing we were looking at on infill was to have an in-lieu-of fee to pay for sidewalks they don’t have to put in. Ritzman noted that would take a master inventory. It possibly could be tied to improvements on a property. Patrick added that there need to be some standards in order to know where sidewalks need to be. Fisher asked if this money goes to the general fund, and Ritzman said it could be a secure fund. Tokos noted that there is a separate fund for the parking fees. He could come back with language that says “distributed proportionately with what they contribute”. He said he would imagine it would have to be in a separate fund. Ritzman explained that it would have to do with whether a sidewalk is warranted on that side of the street. If not, then those would contribute into a fund equal to what they would have paid if they put it in. Those funds could go somewhere else such as maybe where a retaining wall is needed. If sidewalk won’t go in at the time of development because the street is not improved at the time, then the money can go into the fund. Patrick said we would have standards. There was some brief discussion regarding sidewalk ADA requirements.

Tokos thanked everyone for the feedback.

**B. Adjournment.** Fisher raised a question about not having a regular meeting on July 11<sup>th</sup>, and Tokos noted that both sessions were cancelled on the 11<sup>th</sup> because there were no agenda items, and he will be in another meeting. 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