



PLANNING COMMISSION WORK SESSION AGENDA

Monday, July 08, 2019 - 6:00 PM

City Hall, Conference Room A, 169 SW Coast Hwy, Newport, OR 97365

The meeting location is accessible to persons with disabilities. A request for an interpreter for the DEAF AND HARD OF HEARING, 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 at 541.574.0613.

The agenda may be amended during the meeting to add or delete items, change the order of agenda items, or discuss any other business deemed necessary at the time of the meeting.

1. CALL TO ORDER

2. UNFINISHED BUSINESS

3. NEW BUSINESS

3.A Review Framework for a New Tsunami Hazard Overlay Zone.


[Memorandum and Materials.pdf](#)

3.B Review Draft Public Parking Facilities Element to the Newport Comprehensive Plan.

[Memorandum and Materials.pdf](#)

4. ADJOURNMENT

Memorandum

To: Planning Commission/Commission Advisory Committee
 From: Derrick I. Tokos, AICP, Community Development Director 
 Date: July 3, 2019
 Re: Review Framework for a New Tsunami Hazard Overlay Zone

In 2017 the City of Newport, along with a number of other coastal communities, secured grant funding from the Department of Land Conservation and Development (DLCD) to (a) improve the capacity of coastal jurisdictions to prepare and plan for, absorb impacts of, recover from, and/or adapt to extreme weather events and climate-related hazards; and (b) identify activities that restore habitat to strengthen the resilience of coastal ecosystems and decrease the vulnerability of coastal communities to extreme weather events and climate-related hazards.

Some of the funding is being used by the Oregon Department of Geology and Mineral Industries (DOGAMI) to prepare “beat the wave” time/distance maps for tsunami inundation areas within the partner jurisdictions. This includes socio-economic vulnerability and potential structural damage assessments for the affected areas. DOGAMI presented the preliminary results of that effort to the Commission in March of 2018.

A second phase of the project, and the primary topic for this work session, is development of a tsunami hazard overlay. When the Commission discussed this issue in January of 2018, there was general agreement that the ORS Chapter 455 prohibitions on new essential facilities and special occupancy uses within tsunami inundation areas were sufficient, and there wasn’t a need for the City to restrict additional uses. There was; however, interest in (a) integrating the development and improvement of tsunami evacuation infrastructure into the land use and development review processes, and (b) providing incentives for development design that reduce risk and increase resiliency.

On June 25, 2019 the Governor signed HB 3309, which repeals the ORS Chapter 455 prohibitions. With this change, the Commission may want to reconsider whether or not it is in the public interest to prohibit new essential facilities and special occupancy uses within tsunami inundation areas via a zoning overlay. Enclosed is a copy of DLCD’s model tsunami overlay ordinance, along with a sample ordinance adopted by the City of North Bend. Staff will be prepared to walk through the model ordinance at the work session. Meg Reed with DLCD and Rachel Cotton from our office will be in attendance. We are looking for your feedback regarding aspects of the model ordinance you like or don’t like, so that a refined draft can be prepared for review at a future work session.

Attachments

DLCD Model Ordinance (i.e. Code) Provisions

City of North Bend Ordinance No. 2028

HB 3309 with Governor’s Signing Letter

Email from Randi Bishop, dated May 24, 2019

The New Yorker Article Titled “Oregon’s Tsunami Risk: Between the Devil and Deep Blue Sea,” by Kathryn Schulz

[DLCD MODEL CODE] City of Newport – Tsunami Land Use Project: Land Use Provisions

Part 1: Comprehensive Plan Provisions

**Red text indicates staff recommended additions and/or discussion items for PC. Blue text indicates notes from DLCD staff.*

This document includes a set of sample (model) plan policies related to this effort and a sample (model) tsunami related text section that can be included within the Goal 7 (Natural Hazards) section of the community's comprehensive plan. The comprehensive plan text section can be used as it is or modified and tailored to better meet the needs of a specific community. The comprehensive set of draft plan policies can be reviewed, tailored, and used to support development code provisions identified for community use.

Sample Comprehensive Plan Tsunami Related Policies

This section includes a set of sample comprehensive plan policies related to tsunami preparedness and recovery that can be included within the Goal 7 (Natural Hazards) section, and other applicable sections of the community's comprehensive plan. The sample comprehensive plan policies should be used and tailored to meet the needs of a specific community. They are designed to be used with and support the sample development code provisions and/or other strategies within the Tsunami Land Use Guide. The sample policies are as indicated below. These policies are extensive; pick the ones that are most applicable to the City.

Goal 7: Areas Subject to Natural Hazards

General Policies

To protect life, minimize damage and facilitate rapid recovery from a local source Cascadia Subduction Zone earthquake and tsunami, the City will:

1. Support tsunami preparedness and related resilience efforts.
2. Take reasonable measures to protect life and property to the fullest extent feasible, from the impact of a local source Cascadia tsunami.
3. Use the Oregon Department of Geology and Mineral Industries (DOGAMI) Tsunami Inundation Maps applicable to Newport to develop tsunami hazard resiliency measures.
4. Adopt a Tsunami Hazard Overlay Zone for identified tsunami hazard areas to implement land use measures addressing tsunami risk.
5. Enact design or performance implementing code components in identified tsunami hazard areas.
6. Consider potential land subsidence projections to plan for post Cascadia event earthquake and tsunami redevelopment.
7. **Require a tsunami hazard acknowledgement and disclosure statement for new development in tsunami hazard areas.**
8. Identify and secure the use of appropriate land above a tsunami inundation zone for ~~temporary housing, business and community functions post event~~ **public purposes** post event
9. As part of a comprehensive pre-disaster land use planning effort, consistent with applicable statewide planning goals, identify appropriate locations above the tsunami inundation for

[DLCD MODEL CODE] City of Newport – Tsunami Land Use Project: Land Use Provisions

relocation of housing, business and community functions post event.

10. Require needed evacuation route improvements, including improvements to route demarcation (wayfinding in all weather and lighting conditions) and vegetation management, for new development and substantial redevelopment in tsunami hazard areas, **in accordance with the Lincoln County Natural Hazards Mitigation Plan**

Evacuation Policy Concepts

To facilitate the orderly and expedient evacuation of residents and visitors in a tsunami event, the City will:

1. Provide for the development of vertical evacuation structures in areas where reaching high ground is impractical.
2. Evaluate multi-use paths and transportation policies for tsunami evacuation route planning.
3. Install signs to clearly mark evacuation routes and implement other way finding technologies (e.g. painting on pavement, power poles and other prominent features) to ensure that routes can be easily followed day or night and in all weather conditions.
4. Prepare informational materials related to tsunami evacuation routes and make them easily available to the public.

Goal 12: Transportation

The City will:

1. Develop multi-use paths that both enhance community livability and serve as tsunami evacuation routes.
2. Coordinate evacuation route and signage planning in conjunction with existing or proposed transportation system plan pedestrian and bicycle route planning efforts.

[DLCD MODEL CODE] City of Newport – Tsunami Land Use Project: Land Use Provisions

Part 2: Draft Tsunami Hazard Overlay Zone

The Tsunami Hazard Overlay zone is designed to serve as the principal implementation mechanism for land use measures addressing tsunami risk. As the name indicates, it is designed to be applied in the form of an overlay zone, i.e. in combination with underlying base zones. The boundaries of the overlay would correspond to the area of the jurisdiction subject to inundation from a local source tsunami as indicated in Section 4.1.2 below. In form and application, it is similar to the flood hazard overlay zones in place in most jurisdictions. *In general, most of the individual sections of the overlay zone are “severable,” that is they can be used on an individual basis, or in any combination, when being adapted for use in a community’s land use code.*

4.1.1 Tsunami Hazard (TH) Overlay Zone

1.100 Definitions for Section 1.110

As used in Section 1.110:

1. “Essential Facilities” means:
 - a. Hospitals and other medical facilities having surgery and emergency treatment areas;
 - b. Fire and police stations;
 - c. Tanks or other structures containing, housing or supporting water or fire- suppression materials or equipment required for the protection of essential or hazardous facilities or special occupancy structures;
 - d. Emergency vehicle shelters and garages;
 - e. Structures and equipment in emergency preparedness centers; and
 - f. Standby power generating equipment for essential facilities.

2. “Hazardous facility” means structures housing, supporting or containing sufficient quantities of toxic or explosive substances to be of danger to the safety of the public if released.

3. “Special occupancy structures” means
 - a. Covered structures whose primary occupancy is public assembly with a capacity greater than 300 persons;
 - b. Buildings with a capacity of greater than 250 individuals for every public, private or parochial school through secondary level or child care centers;
 - c. Buildings for colleges or adult education schools with a capacity of greater than 500 persons;
 - d. Medical facilities with 50 or more resident, incapacitated persons not included in subsection (a) through (c) of this paragraph;
 - e. Jails and detention facilities; and
 - f. All structures and occupancies with a capacity of greater than 5,000 persons.

(Note: The above definitions are taken from ORS 455.446)

[DLCD MODEL CODE] City of Newport – Tsunami Land Use Project: Land Use Provisions

4. “Substantial improvement” means any repair, reconstruction, or improvement of a structure, the cost of which exceeds 50 percent of the real market value of the structure.
5. “Tsunami vertical evacuation structure” means a building or constructed earthen mound that is accessible to evacuees, has sufficient height to place evacuees above the level of tsunami inundation, and is designed and constructed with the strength and resiliency needed to withstand the effects of tsunami waves.
6. “Tsunami Inundation Maps (TIMs)” means the map, or maps in the DOGAMI Tsunami Inundation Map (TIM) Series, published by the Oregon Department of Geology and Mineral Industries, which cover(s) the area *within the [City of Newport](#)*.

4.1.2 Tsunami Hazard Overlay Zone

1. Purpose. The purpose of the Tsunami Hazard Overlay Zone is to increase the resilience of the community to a local source (Cascadia Subduction Zone) tsunami by establishing standards, requirements, incentives, and other measures to be applied in the review and authorization of land use and development activities in areas subject to tsunami hazards. The standards established by this section are intended to limit, direct and encourage the development of land uses within areas subject to tsunami hazards in a manner that will:
 - a. Reduce loss of life;
 - b. Reduce damage to private and public property;
 - c. Reduce social, emotional, and economic disruptions; and
 - d. Increase the ability of the community to respond and recover.

Significant public and private investment has been made in development in areas which are now known to be subject to tsunami hazards. It is not the intent or purpose of this section to require the relocation of or otherwise regulate existing development within the Tsunami Hazard Overlay Zone. However, it is the intent of this section to control, direct and encourage new development and redevelopment such that, over time, the community’s exposure to tsunami risk will be reduced.

2. Applicability of Tsunami Hazard Overlay Zone. All lands identified as subject to inundation from the [XXL] magnitude local source tsunami event as set forth on the applicable Tsunami Inundation Map(s) (TIM) published by the Oregon Department of Geology and Mineral Industries (DOGAMI) are subject to the requirements of this section.

Note: The overlay zone should include all of the area subject to inundation by the highest local source tsunami event, XXL, depicted on the DOGAMI TIMs. By using the limits of the XXL event, all of the area subject to tsunami risk will be included. However, the regulatory and other standards may be applied differentially within the overlay, based on the different levels of risk for the five modeled events, the purpose of the standard, and overall community objectives.

[DLCD MODEL CODE] City of Newport – Tsunami Land Use Project: Land Use Provisions

- 3. Uses. In the Tsunami Hazard Overlay Zone, except for the prohibited uses set forth in subsection (4), all uses permitted pursuant to the provisions of the underlying zone may be permitted, subject to the additional requirements and limitations of this section.
- 4. Prohibited Uses. Unless authorized in accordance with subsection (5), the following uses are prohibited in the specified portions of the Tsunami Hazard Overlay Zone:

Note: Under ORS 455.446, the uses listed in subsection (a) are prohibited within the tsunami inundation zone as adopted by the DOGAMI governing board, currently the Tsunami Regulatory Maps or "SB 379 Maps." The governing board is reconsidering the limit of the prohibition area and may choose the "L" local source event as the regulatory area in the future. Based on individual circumstances and overall risk to the community, local governments may consider establishing further limits on uses based on the need to reduce exposure to tsunami risk. This could include extending the prohibition to include other important and/or high risk uses, expanding the area subject to the prohibition by specifying a larger (e.g. XXL) design event, or some combination of these methods. The provisions of subsection (b) provide one example of an approach to extending use limitations beyond the minimum prohibitions of ORS 455.446. In any case, use prohibitions and/or limitations beyond the minimum requirements of ORS 455.446 should be based on the risk tolerance, overall exposure to risk, and individual needs of the community.

- a. In areas identified as subject to inundation from the [XXL] magnitude local source tsunami event as set forth on the Tsunami Inundation Map (TIM), the following uses are prohibited:
 - i. Hospitals and other medical facilities having surgery and emergency treatment areas.
 - ii. **Fire and police stations.**
 - iii. Structures and equipment in government communication centers and other facilities required for emergency response.
 - iv. Buildings with a capacity greater than 250 individuals for every **public**, private or parochial **school** through secondary level or child care centers.
 - v. Buildings for colleges or adult education schools with a capacity of greater than 500 persons.
 - vi. Jails and detention facilities.

Note: The following Essential Facilities and Special Occupancy Structures are currently permitted in the tsunami inundation zone, subject to consultation with DOGAMI regarding mitigation for tsunami risks. See ORS 455.447(4). It is recommended that local governments evaluate these uses and relative levels of risk to determine whether it is appropriate to place additional limitations on these uses in higher risk areas, as provided in the example below.

[DLCD MODEL CODE] City of Newport – Tsunami Land Use Project: Land Use Provisions

- b. In areas identified as subject to inundation from the [*choose design event; recommend "M"*] magnitude local source tsunami event as set forth on the Tsunami Inundation Map (TIM), the following uses are prohibited:
- i. Tanks or other structures containing, housing or supporting water or fire-suppression materials or equipment required for the protection of essential or hazardous facilities or special occupancy structures.
 - ii. Emergency vehicle shelters and garages.
 - iii. Structures and equipment in emergency preparedness centers.
 - iv. Standby power generating equipment for essential facilities.
 - v. Covered structures whose primary occupancy is public assembly with a capacity of greater than 300 persons.
 - vi. Medical facilities with 50 or more resident, incapacitated patients.

Note: The following uses are not subject to regulation or review under ORS 455.446-447, but in adopting land use standards for tsunami risk reduction, it is suggested that local governments consider placing limitations on some or all of these uses, particularly in higher risk areas (e.g. M event), based on the overall needs of their community.

- vii. Residential uses, including manufactured home parks, of a density exceeding 10 units per acre. (*Max density in R-1 zones is 5.8 units per acre and in R-3 and R-4 zones is 34.8 units/acre*)
 - viii. Hotels or motels with more than 50 units.
- c. Notwithstanding the provisions of [*cite non-conforming use section of code*], the requirements of this subsection shall not have the effect of rendering any lawfully established use or structure nonconforming.

Note: The Tsunami Hazard Overlay is, in general, not intended to apply to or regulate existing uses or development. A provision such as (c) is recommended to preclude the application of nonconforming use restrictions.

5. Use Exceptions. A use listed in subsection (4) of this section may be permitted upon authorization of a Use Exception in accordance with the following requirements:
- a. Public schools may be permitted upon findings that there is a need for the school to be within the boundaries of a school district and fulfilling that need cannot otherwise be accomplished.
 - b. Fire or police stations may be permitted upon findings that there is a need for a strategic location.
 - c. Other uses prohibited by subsection (4) of this section may be permitted upon the following findings:
 - i. There are no reasonable, lower-risk alternative sites available for the proposed use;

[DLCD MODEL CODE] City of Newport – Tsunami Land Use Project: Land Use Provisions

- ii. Adequate evacuation measures will be provided such that life safety risk to building occupants is minimized; and,
 - iii. The buildings will be designed and constructed in a manner to minimize the risk of structural failure during the design earthquake and tsunami event.
 - d. Applications, review, decisions, and appeals for Use Exceptions authorized by this subsection shall be in accordance with the requirements for a Type III procedure as set forth in Section *[cite administrative/procedural section of code]*.
6. Evacuation Route Improvement Requirements. Except single family dwellings on existing lots and parcels, all new development, substantial improvements and land divisions in the Tsunami Hazard Overlay Zone shall incorporate evacuation measures and improvements, including necessary vegetation management, which are consistent with and conform to the adopted Tsunami Evacuation Facilities Improvement Plan, or Transportation System Plan. Such measures shall include:

*Note: The following provisions are largely dependent upon an adopted **Tsunami Evacuation Facilities Improvement Plan (TEFIP)** that identifies evacuation needs, designates routes, establishes system standards, and identifies needed improvements to the local evacuation system. Such a plan is essential to the implementation of evacuation route development/ improvement in conjunction with the land use review and approval process. Every jurisdiction is urged to develop such a plan as a tool to enhance the development of evacuation infrastructure. Please see Chapter 6 of the [Tsunami Land Use Guide](#) for detailed guidance on the development of a TEFIP.*

- a. On-site improvements:
 - i. Improvements necessary to ensure adequate pedestrian access from the development site to evacuation routes designated in the Tsunami Evacuation Facilities Improvement Plan in all weather and lighting conditions.
 - ii. Frontage improvements to designated evacuation routes that are located on or contiguous to the proposed development site, where such improvements are identified in the Tsunami Evacuation Facilities Improvement Plan. Such improvements shall be proportional to the evacuation needs created by the proposed development.
 - iii. Where identified in the Tsunami Evacuation Facilities Improvement Plan as the only practicable means of evacuation, tsunami evacuation structure(s) of sufficient capacity to accommodate the evacuation needs of the proposed development.
 - iv. *Reedsport and North Bend have some examples of more specific required improvements like info brochures and wayfinding signage that Newport may want to consider.*
- b. Evacuation route signage consistent with the standards set forth in the Tsunami Evacuation Facilities Improvement Plan. Such signage shall be adequate to provide

[DLCD MODEL CODE] City of Newport – Tsunami Land Use Project: Land Use Provisions

necessary evacuation information consistent with the proposed use of the site.

- c. Evacuation route improvements and measures required by this subsection shall include, at a minimum, the following:
 - i. Improved streets and/or all-weather surface paths of sufficient width and grade to ensure pedestrian access to designated evacuation routes in all lighting conditions;
 - ii. Improved streets and paths shall provide and maintain horizontal clearances sufficient to prevent the obstruction of such paths from downed trees and structure failures likely to occur during a Cascadia earthquake; and
 - iii. Such other improvements and measures identified in the Tsunami Evacuation Facilities Improvement Plan.
- d. When it is determined that improvements required by this subsection cannot be practicably accomplished at the time of development approval, payment in lieu of identified improvements shall be provided in accordance with *[cite applicable section of code establishing standards and requirements for payment-in-lieu]*.

ORDINANCE NO. 2028

AN ORDINANCE AMENDING THE CITY OF NORTH BEND COMPREHENSIVE PLAN AND NORTH BEND CITY CODE TITLE 18 INCLUDING THE ZONING MAP TO INCORPORATE TSUNAMI RESILIENCY INFORMATION, POLICIES, AND IMPLEMENTING MEASURES THAT SERVE TO REDUCE RISK TO PEOPLE AND PROPERTY IN IDENTIFIED TSUNAMI HAZARD AREAS.

WHEREAS, the City has authority under the laws of the State of Oregon and the City’s Charter to take final action on an amendment to the text of the comprehensive plan and zoning ordinance; and

WHEREAS, an application to amend the City of North Bend Comprehensive Plan and Title 18 of North Bend City Code and to amend the Zoning Map has been submitted by the City Planning Department with the help of Oregon Department of Conservation and Land Development ; and

WHEREAS, the City Planning Commission held a public hearing as per the requirements set forth in the zoning ordinance for amendment procedures; and

WHEREAS, the City Planning Commission forwarded to the City Council a recommendation to approve and adopt the proposed amendments based on findings that the proposal complies with the laws of the State of Oregon and the City of North Bend Comprehensive Plan Provisions and Policies, and meets the criteria set forth in North Bend City Code Title 18 for amendment procedures; and

WHEREAS, the City Council adopted the findings, conclusions, and recommendation of Planning Commission attached hereto as **Exhibit A** and incorporated herein by reference as Planning Commission Recommendation to Approve, Case File No. AMD 2-18;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NORTH BEND DOES ORDAIN AS FOLLOWS:

Section 1. The Tsunami Hazard Overlay Zone is added to the City of North Bend Zoning Map as a Special Overlay Zone.

Section 2. Chapter 18.50, Tsunami Hazard Overlay Zone, is added to North Bend City Code Title 18 to read as follows:

18.50.010 Purpose.
The purpose of the Tsunami Hazard Overlay Zone is to increase the resilience of the community to a local source Cascadia Subduction Zone (CSZ) tsunami by

establishing standards, requirements, incentives, and other measures to be applied in the review and authorization of land use and development activities in areas subject to tsunami hazards. The standards established by this section intend to limit, direct, and encourage the development of land uses within areas subject to tsunami hazards in a manner that will: reduce loss of life; reduce damage to private and public property; reduce social, emotional, and economic disruptions; and, increase the ability of the community to respond and recover.

There is significant public and private investment in development in areas that are now known to be subject to tsunami hazards. It is not the intent or purpose of this section to require the relocation of or otherwise regulate existing development within the Tsunami Hazard Overlay Zone. However, it is the intent of this section to control, direct, and encourage new development and redevelopment such that, over time, the community's exposure to tsunami risk is reduced.

18.50.020 Definitions.

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter the most reasonable application.

- (1) "Essential Facilities" means:
 - (a) Hospitals and other medical facilities having surgery and emergency treatment areas;
 - (b) Fire and police stations;
 - (c) Tanks or other structures containing housing or supporting water or fire-suppression materials or equipment required for the protection of essential or hazardous facilities or special occupancy structures;
 - (d) Emergency vehicle shelters and garages;
 - (e) Structures and equipment in emergency preparedness centers; and
 - (f) Standby power generating equipment for essential facilities.
- (2) "Hazardous facility" means structures housing, supporting or containing sufficient quantities of toxic or explosive substances to be of danger to the safety of the public if released.
- (3) "Special occupancy structures" means:
 - (a) Covered structures whose primary occupancy is public assembly with a capacity greater than 300 persons;
 - (b) Buildings with a capacity of greater than 250 individuals for every public, private or parochial school through secondary level or child care centers;
 - (c) Buildings for colleges or adult education schools with a capacity of greater than 500 persons;
 - (d) Medical facilities with 50 or more resident, incapacitated persons not included in subsection (a) through (c) of this paragraph;
 - (e) Jails and detention facilities; and
 - (f) All structures and occupancies with a capacity of greater than 5,000 persons.

- (4) "Substantial improvement" means any repair, reconstruction, or improvement of a structure, the cost of which exceeds 50 percent of the real market value of the structure.
- (5) "Tsunami vertical evacuation structure" means a building or constructed earthen mound that is accessible to evacuees, has sufficient height to place evacuees above the level of tsunami inundation, and is designed and constructed with the strength and resiliency needed to withstand the effects of tsunami waves.
- (6) "Tsunami Inundation Maps (TIMs)" means the maps in the DOGAMI Tsunami Inundation Map Series, published by the Oregon Department of Geology and Mineral Industries, which cover the area within the City of North Bend.

18.50.030 Lands to which this chapter applies.

All lands identified as subject to inundation from the XXL magnitude local source tsunami event as set forth on the applicable Tsunami Inundation Map (TIM) published by the Oregon Department of Geology and Mineral Industries (DOGAMI) are subject to the requirements of this section.

18.50.040 Uses.

In the Tsunami Hazard Overlay Zone, except for the prohibited uses set forth in NBCC 18.50.050, all uses permitted pursuant to the provisions of the underlying zone may be permitted, subject to the additional requirements and limitations of this section.

18.50.050 Limitations on Use.

Unless authorized in accordance with NBCC 18.50.060, the following uses are prohibited in the specified portions of the Tsunami Hazard Overlay Zone:

- (1) In areas identified as subject to inundation from the XXL magnitude local source tsunami event as set forth on the Tsunami Inundation Map (TIM), the following uses are prohibited:
 - (a) Hospitals and other medical facilities having surgery and emergency treatment areas.
 - (b) Fire and police stations.
 - (c) Structures and equipment in government communication centers and other facilities required for emergency response.
 - (d) Buildings with a capacity greater than 250 individuals for every public, private or parochial school through secondary level or child care centers.
 - (e) Buildings for colleges or adult education schools with a capacity of greater than 500 persons.
 - (f) Jails and detention facilities.
- (2) In areas identified as subject to inundation from the L magnitude local source tsunami event as set forth on the Tsunami Inundation Map (TIM), the following uses are prohibited:
 - (a) Tanks or other structures containing housing or supporting water or fire

suppression materials or equipment required for the protection of essential or hazardous facilities or special occupancy structures.

- (b) Emergency vehicle shelters and garages.
 - (c) Structures and equipment in emergency preparedness centers.
 - (d) Standby power generating equipment for essential facilities.
 - (e) Covered structures whose primary occupancy is public assembly with a capacity of greater than 300 persons.
 - (f) Medical facilities with 50 or more resident, incapacitated patients.
 - (g) Residential uses, including manufactured home parks, of a density exceeding 10 units per acre.
 - (h) Hotels or motels with 50 to 150 units.
- (3) Notwithstanding the provisions of Chapter 18.76 NBCC, the requirements of this section shall not have the effect of rendering any lawfully established use or structure nonconforming.

18.50.060 Use Exceptions.

A use listed in NBCC 18.50.050 may be permitted upon authorization of a use exception in accordance with the following requirements:

- (1) Public schools may be permitted upon findings that there is a need for the school to be within the boundaries of a school district and fulfilling that need cannot otherwise be accomplished.
- (2) Fire or police stations may be permitted upon findings that there is a need for a strategic location.
- (3) Other uses prohibited by NBCC 18.50.050 may be permitted upon the following findings:
 - (a) There are no reasonable, lower-risk alternative sites available for the proposed use;
 - (b) Adequate evacuation measures will be provided such that life safety risk to building occupants is minimized;
 - (c) The buildings will be designed and constructed pursuant to the current edition of ASCE 7 Minimum Design Loads, as adopted by the State of Oregon, in a manner to minimize the risk of structural failure during the designated tsunami event as provided in NBCC 18.50.050.
- (4) Applications, review, decisions, and appeals for use exceptions authorized by this section shall be through an administrative conditional use permit process.
- (5) Hotels or motels with more than 150 units shall be authorized by subsection (3) of this section in accordance with the requirements for a conditional use permit as set forth in Chapter 18.60 NBCC.

18.50.070 Evacuation Route Improvement Requirements.

Except single family dwellings on existing lots and parcels, all new development, substantial improvements and land divisions in the Tsunami Hazard Overlay Zone shall incorporate evacuation measures and improvements, including necessary

vegetation management, as needed to provide pedestrian access from the development site to evacuation routes identified in the Transportation System Plan. Such measures shall include:

On-site improvements:

- (1) Paths, sidewalks, or similar improvements as needed to provide adequate pedestrian access from the development site to identified evacuation routes in all weather and lighting conditions.
- (2) Wayfinding signage adequate to provide necessary evacuation information consistent with the proposed use of the site.

18.50.080 Tsunami Vertical Evacuation Structures.

- (1) All tsunami vertical evacuation structures shall be of sufficient height to place evacuees above the level of inundation for the XXL local source tsunami event.
- (2) Tsunami vertical evacuation structures are not subject to the building height limitations of this title except as provided in NBCC 18.56.060.

18.50.090 Flexible Development Option.

- (1) The purpose of the Flexible Development Option is to provide incentives for, and to encourage and promote, site planning and development within the Tsunami Hazard Overlay Zone that results in lower risk exposure to tsunami hazard than would otherwise be achieved through the conventional application of the requirements of this chapter. The Flexible Development Option is intended to:
 - (a) Allow for and encourage development designs that incorporate enhanced evacuation measures, appropriate building siting and design, and other features that reduce the risks to life and property from tsunami hazard; and,
 - (b) Permit greater flexibility in the siting of buildings and other physical improvements and in the creation of new lots and parcels in order to allow the full realization of permitted development while reducing risks to life and property from tsunami hazard.
- (2) The Flexible Development Option may be applied to the development of any lot, parcel, or tract of land that is wholly or partially within the Tsunami Hazard Overlay Zone.
- (3) The Flexible Development Option may include any uses permitted outright or conditionally in any zone, except for those uses prohibited in NBCC 18.50.050.
- (4) Overall residential density shall be as set forth in the underlying zone or zones.
- (5) Yards, setbacks, lot area, lot width and depth, lot coverage, building height, and similar dimensional requirements may be reduced, adjusted or otherwise modified as necessary to achieve the design objectives of the development and fulfill the purposes of this section.
- (6) Applications, review, decisions, and appeals for the Flexible Development Option shall be in accordance with the requirements for a conditional use permit as set forth in Chapter 18.60 NBCC.
- (7) Approval of an application for a Flexible Development Option shall be based on

findings that the following criteria are satisfied:

- (a) The applicable requirements of subsections (2) and (4) of this section are met; and,
- (b) The development will provide tsunami hazard mitigation and/or other risk reduction measures at a level greater than would otherwise be provided under conventional land development procedures. Such measures may include, but are not limited to:
 - (i) Providing evacuation measures, improvements, way finding techniques and signage at a level greater than required by subsection (6) of this section; and,
 - (ii) Providing tsunami evacuation structure(s) which are accessible to and provide capacity for evacuees from off-site; and,
 - (iii) Incorporating building designs or techniques which exceed minimum structural specialty code requirements in a manner that increases the capacity of structures to withstand the forces of a local source tsunami; and,
 - (iv) Concentrating or clustering development in lower risk portions or areas of the subject property, and limiting or avoiding development in higher risk areas.

18.50.100 Hazard Acknowledgement and Disclosure Statement.

All applications for new development or substantial improvements in the Tsunami Hazard Overlay Zone shall be accompanied by a Hazard Acknowledgement and Disclosure Statement, executed by the property owner, which sets forth the following:

- (1) A statement that the property is subject to inundation by a local source Cascadia event tsunami, including the DOGAMI scenarios (S, M, L, XL, or XXL) that could potentially flood the site, and that development thereon is subject to risk of damage from tsunami;
- (2) A statement that a local source tsunami poses a potential life safety threat to occupants of the property, and that the protection of life safety will require occupants to evacuate to high ground in the event of a local source tsunami; and
- (3) A statement acknowledging that the property owner accepts and assumes all risks of damage from tsunami associated with the development of the subject property.
- (4) A statement that North Bend, its agents and employees are released from any and all claims which may arise as a result of damages, losses, or injuries sustained by the property owner and his/her heirs, successors and assigns from local tsunami hazards affecting the subject property.

Section 3. The DOGAMI Tsunami Inundation Map for the City of North Bend is added to the list of maps and documents incorporated as part of the City of North Bend Comprehensive Plan Provisions and Policies document.

Section 4. Article 5.7.100 of the Comprehensive Plan is amended to read as follows:

Article 5.7.100 – Strategies for Implementation:

1. Develop methods to address the questions involving construction of sidewalks, the improvement of cross-streets, the vacation of certain cross-streets, and the extent to which the City should open and provide maintenance to unimproved streets.
2. Utilize the Traffic Circulation Plan and the Transportation System Plan in conjunction with improvements of the City's street system.
3. Utilize zoning and subdivision ordinances to ensure that newly constructed streets associated with new developments are up to City standards.
4. Cooperate with local and regional governments and agencies toward gaining improvements in the regional transportation network.
5. Consider the use of special improvement districts as a mechanism to improve City streets, as well as any other practical methods directed toward street improvements.
6. Seek state and federal funds to develop street improvement programs.
7. Designate major and minor arterials and collectors in accordance with the volume and nature of traffic on City streets.
8. Utilize the North Bend Airport Master Plan and Commercial Airport Siting Element, in conjunction with improvements and further development of the North Bend Municipal Airport.
9. Identify a designated bike path in North Bend and consider seeking funds to aid in its construction.
10. Utilize the Traffic Circulation Plan and the Transportation System Plan to minimize adverse social, economic and environmental impacts and costs and to improve transportation services.
11. Develop multi-use paths that both enhance community livability and serve as tsunami evacuation routes.
12. Coordinate evacuation route and signage planning in conjunction with existing or proposed transportation system plan pedestrian and bicycle route planning efforts.
13. Locate new transportation facilities outside the tsunami inundation zones where practical.
14. Where practical design and construct new transportation facilities to withstand a Cascadia event earthquake and be resistant to the associated tsunami.
15. Utilization of available special area and regional plans, in addition to those mentioned above, which may include, but are not limited to:
 - A. Coos Bay-North Bend Urban Area Preliminary 1990 Land Use Plan
 - B. Goals for the Coos Bay-North Bend Urban Area
 - C. Coos-Curry 1990 Regional Comprehensive Plan
 - D. Coos Bay-North Bend Urban Area Preliminary Community Facilities and Traffic Circulation Report
 - E. Coos-Curry Transportation Study, Volume I: Needs and Alternatives for Senior Citizens and Other Special Client Groups.
 - F. Coos-Curry Transportation Study, Volume II: Survey of Trip Characteristics

and Transportation Needs

G. Coos County Natural Hazards Mitigation Plan

Section 5. Policy 15 is added to Article 6.7.100 of the Comprehensive Plan to read as follows:

15. The City will consider and address tsunami risks and evacuation routes and signage when planning, developing, improving, or replacing public facilities and services.

Section 6. Article 6.8.100 of the Comprehensive Plan is amended to read as follows:

Article 6.8.100 – Recommended Strategies for Implementation:

1. The City will assess its future needs and develop long-range capital improvement programs to accommodate those needs.
2. Maintain and update sanitary and storm sewer improvement programs.
3. Support fire and police training programs.
4. Maintain coordination between the City and local entities concerned with providing public services, including the Coos Bay/North Bend Water Board, School District #13, the Bay Area Health District, and other affected districts, agencies and groups.
5. Utilize the most recent North Bend Municipal Airport Master Plan and Commercial Airport Siting Element in conjunction with improvements and further development of the North Bend Municipal Airport.
6. Through utilization of the Transportation System Plan, the City will identify the areas where sidewalks are most needed.
7. Consider the formation of sidewalk improvement districts.
8. Develop an inventory of staircases presently existing within the City and identify areas where additional staircases may be needed.
9. The City will update public facility plans to plan, fund, and locate future facilities outside of the tsunami inundation zone, whenever possible.
10. Utilization of available special area and regional plans, which may include, but are not limited to the following:
 - A. Bay Area Transportation Study, May 1995
 - B. A Comprehensive Water, Sewerage and Public Facilities Plan, Coos County.
 - C. Wastewater Treatment Plan
 - D. North Bend Municipal Airport Master Plan, May 1997
 - E. 1993 Coos County Water Plan
 - F. Transportation System Plan
 - G. Coos County Natural Hazard Mitigation Plan

Section 7. Section 8.2.102 – Tsunami is added to Article 8.2.100 of the Comprehensive Plan to read as follows:

Section 8.2.102 – Tsunami:

The Oregon coast is a zone of great geologic instability and vulnerability. Coastal Oregon is subject to the potentially catastrophic effects of a Cascadia Subduction Zone (CSZ) earthquake event and related tsunami. The geologic record shows that the largest of these large CSZ earthquakes and accompanying tsunamis occur about every 500 years, plus or minus 200 years. The last such earthquake and tsunami occurred over 300 years ago. We are in the time window where a destructive CSZ earthquake and tsunami could occur and the probability of that occurrence will continue to increase over time. To address this increasing risk and substantially increase resilience within our community, the City is proactively addressing tsunami preparedness and mitigation within its land use program. Land use planning that addresses tsunami risk is an essential tool to help increase resilience to a potentially catastrophic tsunami event within the City.

Tsunami Hazard Maps: The Department of Geology and Mineral Industries (DOGAMI) has developed Tsunami Inundation Maps (TIMs) which provide the essential information for defining tsunami risk along the Oregon coast. The City has adopted the TIM applicable to North Bend, and its urban growth boundary, as a part of its comprehensive plan hazard inventory. This map is also referenced within this natural hazards element of the comprehensive plan and is the basis for establishing the boundaries of North Bend's Tsunami Hazard Overlay Zone (THOZ). The TIM is referenced in the tsunami related plan policies and within the overlay zone for purposes of differentiating between areas of higher versus lower risk.

Tsunami Related Policies: The City has adopted a set of comprehensive plan policies related to tsunami preparedness and recovery that are included within this and other applicable sections of the comprehensive plan. These policies have been developed to address the resilience goals of North Bend. They are designed to support the City's resilience efforts within the comprehensive plan and implementing codes.

Tsunami Hazard Overlay Zone (THOZ): North Bend has adopted an overlay zone that utilizes the applicable DOGAMI Tsunami Inundation Maps (TIMs). The overlay zone includes all areas identified as subject to inundation by the largest (XXL) local source tsunami event that ensures that life safety and evacuation route planning and development are adequately addressed. Other land use resilience strategies and requirements included within the overlay zone, which are not life safety or evacuation related, are applied within a subset of the overlay to smaller inundation scenario areas. These measures are included within the overlay zone provisions and reflect the community's risk tolerance, application of mitigation measures, and ORS 455.446-447 requirements. The overlay zone boundary has been adopted as an amendment to the official zoning map for North Bend.

Evacuation Route Plan Maps: The City, as part of its land use program for tsunami preparedness, has also adopted a Tsunami Evacuation Route Improvement Plan and

associated map(s) as part of its comprehensive Transportation System Plan. This evacuation route plan identifies evacuation routes, assembly areas, and other components of the local evacuation system.

Section 8. Article 8.5.100 of the Comprehensive Plan is amended to read as follows:

Article 8.5.100 – Policies:

1. Developments shall not be planned or located in known areas of natural disasters and hazards without appropriate safeguards.
2. North Bend will endeavor to limit development in the floodway portion of flood plains to low intensive uses, such as open spaces, recreational areas and other appropriate uses that would not be substantially damaged by flooding.
3. North Bend will promote and maintain the “City of North Bend Emergency Plan”.
4. North Bend will endeavor to protect life, minimize damage, and facilitate rapid recovery from a local source Cascadia Subduction Zone (CSZ) earthquake and tsunami.
5. North Bend will develop plans to facilitate the orderly and expedient evacuation of residents and visitors in a tsunami event.
6. North Bend will implement measures to reduce development risk in high tsunami risk areas.
7. North Bend will facilitate hazard mitigation planning.
8. North Bend will facilitate tsunami awareness education and outreach.
9. North Bend will explore measures to facilitate management of tsunami debris post-disaster.

Section 9. Article 8.6.100 of the Comprehensive Plan is amended to read as follows:

Article 8.6.100 – Recommended Strategies for Implementation:

1. Consider the need for standards in the zoning ordinance or a special ordinance addressing development that results in open sand areas, particularly in the western portion of the City.
2. Participation in the HUD National Flood Insurance Program.
3. Maintain and update the portions of the Comprehensive Plan that identify areas subject to natural disasters.
4. Consider the need for a special zone in the zoning ordinance pertaining to development in the Pony Creek area.
5. Participate in the Federal Emergency Management Agency National Flood Insurance Program for flood-prone areas in North Bend.
6. Maintain and follow the City of North Bend Emergency Plan.
7. Support tsunami preparedness and related resilience efforts.
8. Take reasonable measures to protect life and property to the fullest extent practical from the impact of a local source Cascadia tsunami.

9. Use the Oregon Department of Geology and Mineral Industries (DOGAMI) Tsunami Inundation Maps applicable to North Bend to develop tsunami hazard resiliency measures.
10. Adopt a Tsunami Hazard Overlay Zone (THOZ) for identified tsunami hazard areas to implement land use measures addressing tsunami risk.
11. Enact design or performance implementing code components in identified tsunami hazard areas.
12. Implement land division provisions to further tsunami preparedness and related resilience efforts.
13. Consider potential land subsidence projections to plan for redevelopment after a CSZ earthquake event and related tsunami.
14. Require a tsunami hazard acknowledgement and disclosure statement for new development in tsunami hazard areas.
15. Identify and secure the use of appropriate land above the tsunami inundation zone for temporary housing, business, and community functions after a CSZ earthquake event and related tsunami.
16. As part of a comprehensive pre-disaster land use planning effort, consistent with applicable statewide planning goals, identify appropriate locations above the tsunami inundation zone for relocation of housing, business, and community functions after a CSZ earthquake event and related tsunami.
17. Identify current and projected tsunami evacuation needs, designate routes and assembly areas, establish system standards, and identify needed improvements to the local evacuation system as part of the City's transportation system plan.
18. Ensure zoning allows for adequate evacuation storage and shelter facilities.
19. Provide development or other incentives to property owners that donate land for tsunami evacuation routes, assembly areas, and potential shelters.
20. Require needed tsunami evacuation route improvements, including improvements to route demarcation (wayfinding in all weather and lighting conditions) and vegetation management for new development and substantial redevelopment in tsunami hazard areas.
21. Work with neighboring jurisdictions to identify inter-jurisdictional tsunami evacuation routes and assembly areas where necessary.
22. Provide for the development of vertical tsunami evacuation structures in areas where reaching high ground is impractical.
23. Evaluate multi-use paths and transportation policies for tsunami evacuation route planning.
24. Encourage suitable structures to incorporate vertical evacuation capacity in areas where evacuation to high ground is impractical.
25. Install signs to clearly mark evacuation routes and implement other wayfinding technologies (e.g. painting on pavement, power poles, and other prominent features) to ensure that tsunami evacuation routes can be easily followed day or night and in all weather conditions.

26. Prepare informational materials related to tsunami evacuation routes and make them easily available to the public.
27. Prohibit comprehensive plan or zone map amendments that would result in increased residential densities or more intensive uses in tsunami hazard areas without, also, implementing adequate mitigation measures. Mitigation measures should focus on life safety and tsunami resistant structure design and construction.
28. Encourage open space, public and private recreation, and other minimally developed uses within the tsunami inundation zone area.
29. Prohibit the development of those essential facilities and special occupancy structures identified in ORS 455.446 and ORS 455.447 within the XXL tsunami inundation zone.
30. Consider the use of transferrable development credits as authorized by ORS 94-531-95.538 to facilitate development outside of tsunami inundation zones.
31. Encourage, through incentives, building techniques that address tsunami peak hydraulic forces that will minimize impacts and increase the likelihood that structures will remain in place.
32. Protect and enhance existing dune features and coastal vegetation to promote natural buffers and reduce erosion.
33. Address applicable tsunami hazards and associated resilience strategies within the Coos County Natural Hazard Mitigation Plan.
34. Incorporate and adopt relevant sections of the Coos County Natural Hazard Mitigation Plan by reference into the comprehensive plan.
35. Ensure applicable Coos County Natural Hazard Mitigation Plan action items related to land use are implemented through the comprehensive plan and implementing ordinances.
36. Encourage and support tsunami education and outreach, training, and practice.
37. Implement a comprehensive and ongoing tsunami preparedness community education and outreach program.
38. Collaborate with local, state, and federal planners, and emergency managers for the purpose of developing a culture of preparedness supporting evacuation route planning and other land use measures that minimize risk and maximize resilience from tsunami events.
39. Identify and work to secure the use of suitable areas within the tsunami inundation zone for short and long-term, post-disaster debris storage, sorting, and management.
40. Work with other public and private entities to establish mutual aid agreements for post-disaster debris removal and otherwise plan for needed heavy equipment in areas that may become isolated due to earthquake and tsunami damage.

Section 10. Policy 5 is added to Article 14.6.100 of the Comprehensive Plan to read as follows:

5. In the event the urban growth boundary is expanded to relocate existing development out of the tsunami hazard area, the City will limit the allowable uses on the vacated property in the tsunami hazard area. Such limitations shall include permitting only low risk uses, or requiring uses which implement adequate protection or mitigation measures for seismic and tsunami hazards.

Section 11. Article 14.7.100 of the Comprehensive Plan is amended to read as follows:

Article 14.7.100 – Recommended Strategies for Implementation:

1. Maintain the joint management agreement with Coos County for the purpose of managing the lands within the Urban Growth Boundary.
2. Review the need for a larger Urban Growth Boundary at regular intervals throughout the planning period.
3. If it is decided in the future that the Urban Growth Boundary needs to be modified, the City will follow the procedure specified in the State Land Use Planning Goals and Guidelines to make the necessary change.
4. The City will restrict the development of lodging facilities and higher density residential housing in tsunami inundation zones or require the implementation of protective measures.
5. The City will Plan for the location or relocation of critical facilities outside of tsunami hazard area when conducting the land needs analysis.
6. The City will include pre- and post-tsunami disaster planning as part of urban reserve planning processes.
7. Utilization of available special area and regional plans, which may include, but are not limited to the following:
 - A. Coos Bay-North Bend Urban Area Preliminary 1990 Land Use Plan
 - B. Downtown Master Plan
 - C. Airport Master Plan
 - D. Pony Creek Area Master Plan.
 - F. Downtown Waterfront District Master Plan
 - G. Coos County Natural Hazard Mitigation Plan

These changes shall become effective thirty (30) days from the date of passage.

Passed and enacted by the Council of the City of North Bend on January 8th, 2019.

A handwritten signature in cursive script, appearing to read "Rick Wetherell", written over a horizontal line.

Rick Wetherell, Mayor

ATTEST:

A handwritten signature in cursive script, appearing to read "Rene Collins", written over a horizontal line.

Rene Collins, City Recorder



KATE BROWN
Governor

June 25, 2019

The Honorable Peter Courtney
President of the Senate
S-201 State Capitol
Salem, OR 97301

The Honorable Tina Kotek
Speaker of the House
H-269 State Capitol
Salem, OR 97301

Re: House Bill 3309

Dear President Courtney and Speaker Kotek:

Today, I am signing House Bill 3309, which repeals the statutory authority of the Department of Geology and Mineral Industries (DOGAMI) to prohibit construction within a tsunami inundation zone.

For years, Oregon has aimed to adopt policies that facilitate continued economic vitality within our coastal communities, while keeping those communities safe. In 1995, the Legislature passed Senate Bill 379, which prohibited construction of certain essential facilities within tsunami inundation zones, with exceptions provided by DOGAMI. In the ensuing decades, however, Senate Bill 379's bright-line restriction has become problematic, as it has created barriers to economic development while separating communities from the services that they need.

House Bill 3309 restores much-needed flexibility, while ensuring that our coastal communities remain safe. By repealing the moratorium against construction of essential services within inundation zones, the bill could provide local communities with an alternative path to ensure public safety. Over the coming year, the state will assess what public safety and resiliency standards, including the new ASCE 7-16 standards, need to be in place to protect coastal communities from a major tsunami event. If adopted, the ASCE 7-16 standards would provide more flexibility to the coast to address resiliency and put Oregon in alignment with West Coast – including Alaska and Hawaii.

I want to thank the Tsunami Workgroup for spearheading the discussion around this regulatory issue and to the legislature for facilitating this outcome. Public safety and resiliency is a top priority for our state, and as Governor I strongly advocate for all of Oregon's communities to be prepared in the event of a natural disaster.

Sincerely,

A handwritten signature in black ink that reads "Kate Brown".

Governor Kate Brown

KB:smg

254 STATE CAPITOL, SALEM OR 97301-4047 (503) 378-3111 FAX (503) 378-8970
WWW.GOVERNOR.OREGON.GOV



Enrolled
House Bill 3309

Sponsored by Representatives MCKEOWN, SMITH DB, GOMBERG

CHAPTER

AN ACT

Relating to the State Department of Geology and Mineral Industries; amending ORS 401.950, 455.446, 455.447 and 517.750.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 517.750 is amended to read:

517.750. As used in ORS 517.702 to 517.989, unless the context requires otherwise:

- (1) "Board" means the governing board of the State Department of Geology and Mineral Industries.
- (2) "Completion" means termination of surface mining activities including reclamation of the surface-mined land in accordance with the approved reclamation plan and operating permit.
- (3) "Cooperating agency" means the State Department of Agriculture, the State Department of Fish and Wildlife or any agency that has statutory responsibility related to a mining operation but that does not issue a permit for the mining operation.
- (4) "Department" means the State Department of Geology and Mineral Industries.
- (5) "Exploration" means all activities conducted on or beneath the surface of the earth for the purpose of determining presence, location, extent, grade or economic viability of a deposit. "Exploration" does not include prospecting or chemical processing of minerals.
- (6) "Explorer" means[*notwithstanding the provisions of ORS 517.810 (2), any individual, public or private corporation, political subdivision, agency, board or department of this state, any municipality, partnership, association, firm, trust, estate or any other legal entity whatsoever*] **a person** that is engaged in exploration.
- (7) "Landowner" means:
 - (a) The person possessing fee title to the natural mineral deposit being surface mined or explored; and
 - (b) The owner of an equitable interest in land that is subject to a deed of trust.
- (8) "Minerals" includes soil, coal, clay, stone, sand, gravel, metallic ore and any other solid material or substance excavated for commercial, industrial or construction use from natural deposits situated within or upon lands in this state.
- (9) "Operator" means any individual, public or private corporation, political subdivision, agency, board or department of this state, any municipality, partnership, association, firm, trust, estate or any other legal entity whatsoever that is engaged in surface mining operations.
- (10) "Overburden" means the soil, rock and similar materials that lie above natural deposits of minerals.
- (11) "Person" means any person, any federal agency or any public body, as defined in ORS 174.109.

(12) "Processing" includes, but is not limited to, crushing, washing, milling and screening as well as the batching and blending of mineral aggregate into asphalt and portland cement concrete located within the operating permit area.

(13) "Reclamation" means the employment in a surface mining operation or exploration of procedures reasonably designed to:

(a) Minimize, as much as practicable, the adverse effects of the surface mining operation or exploration on land, air and water resources; and

(b) Provide for the rehabilitation of surface resources adversely affected by the surface mining operations or exploration through the rehabilitation of plant cover, soil stability and water resources and through other measures that contribute to the subsequent beneficial use of the explored, mined or reclaimed lands.

(14) "Reclamation plan" means a written proposal, submitted to the department as required by ORS 517.702 to 517.989 and subsequently approved by the department as provided in ORS 517.702 to 517.989, for the reclamation of the land area adversely affected by a surface mining operation or exploration and including, but not limited to the following information:

(a) Proposed measures to be undertaken by the operator in protecting the natural resources of adjacent lands.

(b) Proposed measures for the rehabilitation of the explored or surface-mined lands and the procedures to be applied.

(c) The procedures to be applied in the surface mining operation or exploration to control the discharge of contaminants and the disposal of surface mining refuse.

(d) The procedures to be applied in the surface mining operation or exploration in the rehabilitation of affected stream channels and stream banks to a condition minimizing erosion, sedimentation and other factors of pollution.

(e) The map required by ORS 517.790 (1)(e) and such other maps and supporting documents as may be requested by the department.

(f) A proposed time schedule for the completion of reclamation operations.

(g) Requirements of the exploration permit.

(15) "Surface impacts of underground mining" means all waste materials produced by underground mining and placed upon the surface including, but not limited to, waste dumps, mill tailings, washing plant fines and all surface subsidence related to underground mining.

(16)(a) "Surface mining" includes:

(A) All or any part of the process of mining minerals by the removal of overburden and the extraction of natural mineral deposits thereby exposed by any method by which more than 5,000 cubic yards of minerals are extracted or by which at least one acre of land is affected within a period of 12 consecutive calendar months, including open-pit mining operations, auger mining operations, processing, surface impacts of underground mining, production of surface mining refuse and the construction of adjacent or off-site borrow pits, [(except those constructed for use as access roads)].

(B) Removal or filling, or both, within the beds or banks of any waters of this state that is the subject of a memorandum of agreement between the Department of State Lands and the State Department of Geology and Mineral Industries in which the State Department of Geology and Mineral Industries is assigned sole responsibility for permitting as described in ORS 517.797.

(b) "Surface mining" does not include:

(A) Excavations of sand, gravel, clay, rock or other similar materials conducted by the landowner or tenant for the primary purpose of construction, reconstruction or maintenance of access roads on the same parcel or on an adjacent parcel that is under the same ownership as the parcel that is being excavated;

(B) Excavation or grading operations, reasonably necessary for farming;

(C) Nonsurface effects of underground mining;

(D) Removal of rock, gravel, sand, silt or other similar substances removed from the beds or banks of any waters of this state pursuant to a permit issued under ORS 196.800 to 196.900;

(E) Excavations or reprocessing of aggregate material, or grading operations, within the highway right of way reasonably necessary for the construction, reconstruction or maintenance of a highway as defined in ORS 801.305;

(F) Excavation or movement of materials on site at a landfill, as defined in ORS 459.005, for the primary purpose of construction, reconstruction or maintenance of access roads or for landfill operations, including but not limited to landfill cell construction and daily, interim and final cover operations, if the excavation or movement of materials is covered by a permit issued by the Department of Environmental Quality under ORS 459.205 to 459.385; *[or]*

(G) Excavation or grading operations necessary for construction and maintenance of utilities or drainage facilities, where the excavated material is used on site and is not sold into the commercial market as aggregate material[.]; **or**

(H) Excavation or grading operations that:

(i) Are associated with on-site construction activities; and

(ii) Do not result in any excavated materials being sold into the commercial market.

(17) "Surface mining refuse" means all waste materials, soil, rock, mineral, liquid, vegetation and other materials resulting from or displaced by surface mining operations within the operating permit area, including all waste materials deposited in or upon lands within the operating permit area.

(18) "Underground mining" means all human-made excavations below the surface of the ground through shafts or adits for the purpose of exploring for, developing or producing valuable minerals.

SECTION 2. ORS 455.446 is amended to read:

455.446. *[(1)(a) New essential facilities described in ORS 455.447 (1)(a)(A), (B) and (G) and new special occupancy structures described in ORS 455.447 (1)(e)(B), (C) and (E) may not be constructed in the tsunami inundation zone established under paragraph (c) of this subsection. The provisions of this paragraph apply to buildings with a capacity greater than 50 individuals for every public, private or parochial school through secondary level and child care centers.]*

[(b)] (1) The State Department of Geology and Mineral Industries shall establish the parameters of the area of expected tsunami inundation based on scientific evidence that may include geologic field data and tsunami modeling.

[(c)] (2) The governing board of the State Department of Geology and Mineral Industries, by rule, shall determine the tsunami inundation zone based on the parameters established by the department. [The board shall adopt the zone as determined by the department under paragraph (b) of this subsection except as modified by the board under paragraph (d) of this subsection.]

[(d) The board may grant exceptions to restrictions in the tsunami inundation zone established under paragraph (c) of this subsection after public hearing and a determination by the board that the applicant has demonstrated that the safety of building occupants will be ensured to the maximum reasonable extent:]

[(A) By addressing the relative risks within the zone.]

[(B) By balancing competing interests and other considerations.]

[(C) By considering mitigative construction strategies.]

[(D) By considering mitigative terrain modification.]

[(e) The provisions of paragraph (a) of this subsection do not apply:]

[(A) To fire or police stations where there is a need for strategic location; and]

[(B) To public schools if there is a need for the school to be within the boundaries of a school district and fulfilling that need cannot otherwise be accomplished.]

[(f) All materials supporting an application for an exception to the tsunami inundation zone are public records under ORS 192.005 to 192.170 and must be retained in the library of the department for periods of time determined by its governing board.]

[(g) The applicant for an exception to the tsunami inundation zone established under paragraph (c) of this subsection shall pay any costs for department review of the application and the costs, if any, of the approval process.]

[(2) The definitions in ORS 455.447 apply to this section.]

[(3) *The provisions of this section do not apply to water-dependent and water-related facilities, including but not limited to docks, wharves, piers and marinas.*]

[(4) *Decisions made under this section are not land use decisions under ORS 197.015 (10).*]

SECTION 3. ORS 455.447 is amended to read:

455.447. (1) As used in this section, unless the context requires otherwise:

(a) "Essential facility" means:

(A) Hospitals and other medical facilities having surgery and emergency treatment areas;

(B) Fire and police stations;

(C) Tanks or other structures containing, housing or supporting water or fire-suppression materials or equipment required for the protection of essential or hazardous facilities or special occupancy structures;

(D) Emergency vehicle shelters and garages;

(E) Structures and equipment in emergency-preparedness centers;

(F) Standby power generating equipment for essential facilities; and

(G) Structures and equipment in government communication centers and other facilities required for emergency response.

(b) "Hazardous facility" means structures housing, supporting or containing sufficient quantities of toxic or explosive substances to be of danger to the safety of the public if released.

(c) "Major structure" means a building over six stories in height with an aggregate floor area of 60,000 square feet or more, every building over 10 stories in height and parking structures as determined by Department of Consumer and Business Services rule.

(d) "Seismic hazard" means a geologic condition that is a potential danger to life and property that includes but is not limited to earthquake, landslide, liquefaction, tsunami inundation, fault displacement, and subsidence.

(e) "Special occupancy structure" means:

(A) Covered structures whose primary occupancy is public assembly with a capacity greater than 300 persons;

(B) Buildings with a capacity greater than 250 individuals for every public, private or parochial school through secondary level or child care centers;

(C) Buildings for colleges or adult education schools with a capacity greater than 500 persons;

(D) Medical facilities with 50 or more resident, incapacitated patients not included in subparagraphs (A) to (C) of this paragraph;

(E) Jails and detention facilities; and

(F) All structures and occupancies with a capacity greater than 5,000 persons.

(2) The Department of Consumer and Business Services shall consult with the Seismic Safety Policy Advisory Commission and the State Department of Geology and Mineral Industries prior to adopting rules. Thereafter, the Department of Consumer and Business Services may adopt rules as set forth in ORS 183.325 to 183.410 to amend the state building code to:

(a) Require new building sites for essential facilities, hazardous facilities, major structures and special occupancy structures to be evaluated on a site specific basis for vulnerability to seismic geologic hazards.

(b) Require a program for the installation of strong motions accelerographs in or near selected major buildings.

(c) Provide for the review of geologic and engineering reports for seismic design of new buildings of large size, high occupancy or critical use.

(d) Provide for filing of noninterpretive seismic data from site evaluation in a manner accessible to the public.

(3) For the purpose of defraying the cost of applying the regulations in subsection (2) of this section, there is hereby imposed a surcharge in the amount of one percent of the total fees collected under the structural and mechanical specialty codes for essential facilities, hazardous facilities, major structures and special occupancy structures, which fees *[shall be]* **are** retained by the juris-

diction enforcing the particular specialty code as provided in ORS 455.150 or enforcing a building inspection program under ORS 455.148.

(4) Developers of new essential facilities, hazardous facilities, [and] major structures [described in subsection (1)(a)(E), (b) and (c) of this section and new] and special occupancy structures [described in subsection (1)(e)(A), (D) and (F) of this section] that are located in an identified tsunami inundation zone, as described in ORS 455.446 (2), shall consult with the State Department of Geology and Mineral Industries for assistance in determining the impact of possible tsunamis on the proposed development and for assistance in preparing methods to mitigate risk at the site of a potential tsunami. Consultation [shall] must take place prior to submittal of design plans to the building official for final approval.

SECTION 4. ORS 401.950 is amended to read:

401.950. (1) As used in this section:

(a) "Transient lodging facility" means a hotel, motel, inn, condominium, any other dwelling unit or a public or private park that is made available for transient occupancy or vacation occupancy as those terms are defined in ORS 90.100.

(b) "Tsunami inundation zone" means an area of expected tsunami inundation, based on scientific evidence that may include geologic field data and tsunami modeling, determined by the governing board of the State Department of Geology and Mineral Industries, by rule, as required by ORS 455.446 (1)[(b)] and [(c)] (2).

(2) The Office of Emergency Management, in consultation and cooperation with the State Department of Geology and Mineral Industries, shall:

(a) Develop and adopt by rule tsunami warning information and evacuation plans for distribution to transient lodging facilities located in a tsunami inundation zone; and

(b) Facilitate and encourage broad distribution of the tsunami warning information and evacuation plans to transient lodging facilities and other locations within tsunami inundation zones frequented by visitors to the area.

(3) The office is not required to carry out the duties assigned under subsection (2) of this section if sufficient moneys are not available under ORS 401.955.

Passed by House June 10, 2019

.....
Timothy G. Sekerak, Chief Clerk of House

.....
Tina Kotek, Speaker of House

Passed by Senate June 17, 2019

.....
Peter Courtney, President of Senate

Received by Governor:

.....M.,....., 2019

Approved:

.....M.,....., 2019

.....
Kate Brown, Governor

Filed in Office of Secretary of State:

.....M.,....., 2019

.....
Bev Clarno, Secretary of State

Rachel Cotton

From: Derrick Tokos
Sent: Friday, May 24, 2019 3:42 PM
To: Rachel Cotton
Subject: FW: Contact Us - Web Form

Categories: Tsunami

Please include this email exchange with the tsunami overlay zone materials.

Derrick

-----Original Message-----

From: Derrick Tokos
Sent: Friday, May 24, 2019 3:41 PM
To: 'rbishop1934@gmail.com' <rbishop1934@gmail.com>
Subject: RE: Contact Us - Web Form

Hi Mr. Bishop,

Thank you for sharing your concerns. The Newport Planning Commission is considering a package of land use changes that may prohibit facilities, such as the one at 411 SE 35th Street, from being located in a tsunami inundation area moving forward. The new rules would not apply to this particular site because it would be, as you say, grandfathered. A copy of your comments will be shared with the Commission.

Derrick I. Tokos, AICP
 Community Development Director
 City of Newport
 169 SW Coast Highway
 Newport, OR 97365
 ph: 541.574.0626 fax: 541.574.0644
 d.tokos@newportoregon.gov

-----Original Message-----

From: rbishop1934@gmail.com [mailto:rbishop1934@gmail.com]
Sent: Friday, May 24, 2019 9:39 AM
To: Derrick Tokos <D.Tokos@NewportOregon.gov>
Subject: Contact Us - Web Form

City of Newport, OR :: Contact Us - Web Form

The following information was submitted on 5/24/2019 at 9:39:26 AM

 To: Derrick Tokos

Name: randall bishop
Email: rbishop1934@gmail.com
Phone: 541-961-7323
Subject: South Beach Manor

Message: I am curious,very concerned about permitting a memory care unit for 40 medically fragile folks in the tsunami zone. These folks will have no chance of survival. the staff ratio does not support a successful rescue. It seems beyond belief that the City would permit this,even tough it might have been "grandfathered" in. Most cities are now moving their essential services and schools OUT of the zone. Why don'y our seniors deserve the same consideration? Thank you,Randi Bishop

THE
NEW YORKER

OREGON'S TSUNAMI RISK: BETWEEN THE DEVIL AND THE DEEP BLUE SEA



By Kathryn Schulz 5:00 A.M.



Houses in Cannon Beach, Oregon, sit just inside a tsunami-evacuation zone, an area that will be destroyed when a tsunami hits—even though it's now legal for new public facilities to be built there.

Photograph by National Geographic / Getty

Other than asteroid strikes and atomic bombs, there is no more destructive force on this planet than water. Six inches of it, flowing at a mere seven miles per hour, will knock a grown man off his feet. Two feet of it will sweep away most cars. Two cubic yards of it weighs well over a ton; if that much of it hits you at, say, twenty miles per hour, it will do as much damage to your body as a Subaru. In rough seas, a regular ocean wave can break with a force of two thousand pounds per square foot, more than enough to snap a human neck. A rogue wave—one that is more than twice the height of those around it—can sink a nine-hundred-foot ship.

Keep scaling up the water, and you keep scaling up the trouble. Eight years ago, a tsunami struck the northeast coast of Japan. A tsunami is not like a regular wave, and it is not like a rogue wave; it is more like a rogue ocean. It forms, most often, when an earthquake shifts the seabed and displaces all of the water above it. That displaced water does not crest and fall; it simply rises, like an extremely high tide, until the entire water column is in motion, from seafloor to surface. Then it rolls inland, with ten or twenty or sixty miles of similar waves at its back, and demolishes everything in its path. The tsunami that struck Japan swept over eighteen-foot protective barriers, rushed through towns and cities, and tore them apart, so that those towns and cities became part of the wave, cars and trucks and warehouses and real houses swirling in the water. It reached a hundred and thirty feet high at its apex, travelled up to six miles inland, and killed almost twenty thousand people. Seven years earlier, a similar tsunami rose up out of the Indian Ocean on the day after Christmas, poured outward to

India, Sri Lanka, Thailand, and Indonesia, and left more than two hundred and eighty thousand people dead.

Four years ago, I wrote an article for this magazine about a little-known fault line just off the coast of the Pacific Northwest that periodically produces earthquakes of magnitude 9 and greater—which, in turn, produce tsunamis equal in enormity to those that struck Indonesia and Japan. When that fault line next unleashes a full-scale quake, it will affect some hundred and forty thousand square miles of the West Coast. The impact of the tsunami, meanwhile, will be more localized but more thoroughgoing: it will obliterate everything inside a skinny swath of coastline, seven hundred miles long and up to three miles deep, from the northern border of California to southern Canada. That region is known as the tsunami-inundation zone, which is exactly what it sounds like: the area that, according to seismologists, will be completely underwater when the wave arrives.

Last week, the governor of Oregon signed a law that, among other things, overturns a 1995 prohibition on constructing new public facilities within the tsunami-inundation zone. When the law, known as HB 3309, goes into effect, municipalities will be free to build schools, hospitals, prisons, other high-occupancy buildings, firehouses, and police stations in areas that will be destroyed when the tsunami strikes. (Individuals and private entities were already allowed to build everything from hotels to nursery schools to nursing homes in the inundation zone.) Put differently, the law makes it perfectly legal to use public funds to place vulnerable populations—together with the people professionally charged with responding to emergencies and saving lives—in one of the riskiest places on earth.

That is not an exaggeration. If there is anything that my reporting on the

Cascadia subduction zone made horrifyingly clear, it is that, when the tsunami hits, virtually nothing and almost no one within the inundation zone will survive. (“There aren’t many injuries in the tsunami zone,” one seismic expert with the Oregon Department of Geology and Mineral Industries, or DOGAMI, told me at the time. “People just die.”) Those who are in it when the earthquake starts will have just ten to thirty minutes to evacuate—a timeframe that, however viable it might be under other circumstances, will be made desperately inadequate by the impact of the earthquake itself. That quake will leave people in the inundation zone—as across the Pacific Northwest—injured, in shock, and anxious to ascertain the safety of their colleagues, friends, and loved ones. In that condition, they will need to escape damaged or destroyed buildings and make their way to higher ground, despite crumpled roads, collapsed bridges, downed electrical lines, and all the secondary disasters an earthquake can trigger, from power outages and fires to landslides and liquefaction.

MORE FROM
NEWS DESK

The First Democratic Debates of 2019: All the Coverage in The New Yorker

By The New Yorker

How Rogue Republicans Killed Oregon’s Climate-Change Bill

By Carolyn Kormann

The L: Easy to Iran

By Ben



All that is bad enough. But when you factor in the kinds of obstacles that

HB 3309 renders inevitable—being seven years old, say, or recovering from heart surgery, or sitting in an emergency room waiting for your broken leg to be X-rayed—a timely evacuation becomes next to impossible. Yet those who do not make it out of the inundation zone will not make it, period. When the tsunami hits the Oregon coast, it will be, at its lowest reaches, twenty feet high, and moving somewhere between ten and twenty miles per hour. Whatever the supporters of HB 3309 would have you believe, or are trying to convince themselves to believe, the fact of the matter is that, if schools and hospitals and prisons are built in the inundation zone, some of their occupants will still be there when that wave hits, and those who are will not survive. Schoolkids will die, together with their teachers. The sick and the injured will die, together with any hospital workers who stay to try to help them. As for the incarcerated, regardless of what sentences they are meant to be serving, they will be condemned to death by drowning.

Meanwhile, by allowing police stations and firehouses to be built within the inundation zone, Oregon is directly endangering the people tasked with showing up when disaster strikes—and, in doing so, doubly abandoning everyone else to their fate. Even if first responders who are based in the inundation zone are able to evacuate, their equipment will be destroyed, leaving communities without the fire trucks and ambulances that they will so urgently need in the aftermath of the catastrophe. The same goes for putting hospitals in the inundation zone: in addition to gravely endangering all the patients, family members, and employees who are in them when the tsunami strikes, it means that, after the ground has stopped shaking and the water has receded, there will be no functioning medical facility to receive the injured and no advanced medical equipment on hand to help save lives.

How did a law with such high stakes sail through the Oregon legislature, where Democrats hold a majority, with a combined eighty-four votes in favor and just five opposed? One answer is that HB 3309 was passed without any public input or formal debate. According to Jay Wilson, the current resilience coordinator for Clackamas County Disaster Management and a former chair of the Oregon Seismic Safety Policy Advisory Commission, even relevant state entities, O.S.S.P.A.C. included, were either discouraged or prevented from participating. The only public testimony came from the members of the Oregon Legislative Coastal Caucus, all but one of whom supported repealing the law—unsurprisingly, as the caucus has historically been antagonistic to mandatory measures to improve earthquake and tsunami safety. Indeed, some observers suspect that the law was largely designed to discredit and further defang the already underfunded DOGAMI, the state entity that has done the lion's share of work in mapping the tsunami-inundation zone and trying to keep critical infrastructure and vulnerable citizens out of it.

VIDEO FROM THE NEW YORKER

Doomsday Preppers Get Ready for the Apocalypse

Last week, Republican Representative David Brock Smith, who voted in favor of HB 3309, likened the risk that Oregonians face from the tsunami to the risk Oklahomans face from tornadoes. It's hard to say if he was being deliberately disingenuous or is simply ignorant, but, either way, the analogy is wildly wrong. Never mind, for a moment, the difference in scale between a mile-wide tornado and a seven-hundred-mile-long tsunami. To survive a tornado, you just need a tornado shelter; a simple cellar will suffice. To survive a tsunami in the inundation zone, you need a multimillion-dollar building constructed to the highest possible safety standards. But HB 3309 does not mandate that new buildings in the inundation zone meet those standards.

That's probably because any genuinely useful building code would roughly double the price of construction—an outcome unlikely to appeal to lawmakers, many of whom cited economic reasons to explain their support for HB 3309. Back in April, Representative David Gomberg, a Democrat from Oregon's central coast, championed the bill as a means of attracting

and retaining residents in coastal communities. “Who will buy a house in a neighborhood too dangerous for a police station?” he asked. “Who will start a business in an area where fire stations are not allowed?” A better question would have been, Who would deliberately endanger their police and firefighters—to say nothing of their sick, their injured, and their children—in order to lure homeowners and businesses to an area that’s known to be so unsafe?

What makes arguments like Gomberg’s particularly maddening is that they aren’t merely based on bad morals; they’re based on bad math. No matter how you crunch the numbers, it’s impossible to imagine any road to financial security that runs through the inundation zone. In places where there’s truly no other evacuation option available, it’s obviously better to have a tsunami-resistant building than nothing at all. But even if the political will suddenly materializes to mandate them, such buildings are expensive to construct, not always foolproof, and, if outcomes in Japan are any indication, likely to be abandoned and destroyed after the tsunami comes. A far better option is simply to start moving citizens and infrastructure out of harm’s way. However daunting the price tag on doing so might seem now, it pales in comparison to how much it will cost to *not* have done so by the time catastrophe strikes. (On average, every dollar invested in disaster mitigation saves six dollars in emergency response—and, out of all natural disasters, those involving water are by far the most expensive.) And that time might not be very far off: in the next fifty years, Oregon faces a one-in-three chance of experiencing a tsunami comparable to those that recently devastated Japan and Indonesia. If lawmakers truly want the state’s coastal communities to thrive, they need a fiscal vision that doesn’t amount to throwing taxpayer dollars—and taxpayers—into the ocean.

But vision seems to be in short supply in the state of Oregon right now. The same day that the Democratic governor, Kate Brown, signed HB 3309 into law, the Democratic president of the Senate, Peter Courtney, announced the death of Oregon's landmark climate-policy bill. The bill, which had already passed the House, would have capped carbon emissions in the state and required polluters to pay for greenhouse-gas emissions. Courtney's announcement, which surprised and angered many of his colleagues, came after three Democratic senators refused to support the bill, and after the entire Republican senatorial caucus fled the state, deliberately making it impossible to achieve the necessary quorum to hold a vote. (One of those Republicans, Senator Brian Boquist, threatened to shoot any state troopers dispatched to bring him home. "Send bachelors," he told Governor Brown, "and come heavily armed.") Between the passage of the one bill and the failure of the other, Oregon's message to its residents seems clear: we are turning our backs on danger; we are turning our backs on the future; we are turning our backs on you. That message is particularly upsetting because of how clearly it echoes the register of our times, how squarely it is in keeping with our era of reversals and regression, of failures to do and of undoing.

More than eight decades ago, Robert Frost, that least sentimental of poets, conjured an everyday beach scene, happy and holiday-ish on its surface, full of people sprawled on the sand and gazing out toward the sea. Like so many of his poems, this one carries on for a while with deceptive simplicity, calmly taking in the terrain, pausing now and again to admire a seagull or a ship. But Frost, as he always did, saw through the daily condition to the existential one, and the poem ends, as this past week has, by reminding us of our terrible shortsightedness:

They cannot look out far.

They cannot look in deep.
But when was that ever a bar
To any watch they keep?



*Kathryn Schulz joined *The New Yorker* as a staff writer in 2015. In 2016, she won the Pulitzer Prize for feature writing and a National Magazine Award for “The Really Big One,” her story on the seismic risk in the Pacific Northwest. [Read more »](#)*

Video

The Really Big One: Earthquake Preparedness in The Pacific Northwest
Kathryn Schulz, a staff writer for The New Yorker, moderates a panel on the earthquake that is expected to devastate the Pacific Northwest. She is joined by the geology and geophysics expert Chris Goldfinger, the research engineer Stephen Mahin, and Carmen Merlo, the director of the Portland Bureau of Emergency Management.


CONDÉ NAST

© 2019 Condé Nast. All rights reserved. Use of and/or registration on any portion of this site constitutes acceptance of our User Agreement (updated 5/25/18) and Privacy Policy and Cookie Statement (updated 5/25/18). Your California Privacy Rights. The material on this site may not be reproduced, distributed, transmitted, cached or otherwise used, except with the prior written permission of Condé Nast. *The New Yorker* may earn a portion of sales from products and services that are purchased through links on our site as part of our affiliate partnerships with retailers. Ad Choices

City of Newport

Community Development Department

Memorandum

To: Planning Commission/Commission Advisory Committee
 From: Derrick I. Tokos, AICP, Community Development Director 
 Date: July 3, 2019
 Re: Draft Public Parking Facilities Element to the Newport Comprehensive Plan

Enclosed is a draft set of amendments to the capital facilities element of the Newport Comprehensive Plan that sets out a policy framework for how the City should manage and invest in its public parking assets in the Nye Beach, City Center, and Bayfront areas. The concepts build upon recommendations contained in a March 9, 2018 Parking Management Plan by Lancaster StreetLab, and have been molded and informed by an advisory committee and public feedback.

At its final meeting on June 4, 2019 the advisory committee, consisting of representatives from the now defunct commercial parking districts, recommended this package of amendments be forwarded to the Planning Commission for its consideration. They further recommended that the Commission initiate a public hearings process for potentially adopting the amendments. A few targeted changes were requested by committee members, as outlined in the minutes from the June 4th meeting (enclosed). Those revisions are included in the draft now before you.

Please take a moment to review the materials, which include an inventory of parking assets, assessment of maintenance needs, list of potential capital projects, and policy recommendations. The documents also include background information and a summary of the key findings from the Lancaster Parking Management Plan. Any comments you may have are welcome.

If, after that meeting, the Commission is comfortable formally initiate the legislative process, then a public hearing would be scheduled for August 26th or September 9th. Prior to the hearing, staff will provide the 35-day required notice to the Department of Land Conservation and Development and reach out to affected stakeholders.

Also available for the Commission's consideration, is an ordinance establishing a standing parking advisory committee. The three advisory committees for the commercial parking districts came together to work on the parking management plan. Now that the plan is finished and the districts have expired it timely to take up this issue.

Lastly, I want to bring to your attention that on June 17, 2019 the City Council adopted Resolution No. 3864, a resolution continuing business license surcharges within the former commercial parking districts. This was done under the City's charter and home rule authority to impose business licenses fees as opposed to the economic improvement district statutes used to create the now expired commercial parking districts. It is expected that these fees will stay in place until a new program for managing parking is formally put in place.

Attachments:

Draft Public Parking Facilities Element Amendment to the Newport Comprehensive Plan, dated 7-3-19
 Draft Ordinance Establishing a Standing Parking Advisory Committee
 Resolution No. 3864 Setting Parking District Business License Fees (adopted by the City Council on 6-17-19)
 Minutes from the 6/4/19 Parking Study Advisory Committee Meeting

PUBLIC PARKING FACILITIES

In 2016, the City of Newport commissioned the preparation of a Parking Management Plan to identify strategies to maximize available parking supply in the Bay Front, Nye Beach, and City Center areas of Newport to support a vibrant working waterfront, tourist and general retail oriented commercial businesses, and mixed use neighborhoods. Each of these areas within the City is densely developed with much of the parking demand being met with on-street spaces and public parking lots.

Historically, persons developing commercial property in these areas have been allowed to pay a fee to the City in lieu of providing new off-street parking spaces to address the impacts attributed to their projects. That program proved outdated, and beginning in 2009 business owners petitioned the City to establish Economic Improvement or “Parking Districts” to fund parking system improvements through a business license surcharge. While the Parking Districts have been easier for the City to administer than a “payment in lieu” program, and have allowed for greater involvement from area business owners, neither approach provides a clear, long term strategy for how public parking assets should be managed nor have they generated sufficient funding to make meaningful improvements to the parking system.

Characteristics of each of the study areas is summarized as follows:

Bay Front: A working waterfront with a mix of tourist oriented retail, restaurants, fish processing facilities (e.g. Pacific Seafood), and infrastructure to support the City’s commercial fishing fleet. The Port of Newport is a major property owner and a boardwalk and fishing piers provide public access to the bay. The area is terrain constrained, with steep slopes rising up from commercial sites situated along Bay Boulevard.

City Center: A “main street” style cluster of commercial buildings oriented along US 101 between the intersection of US 101 and US 20 and the Yaquina Bay Bridge. Many of the City’s public buildings are within this district, including the Lincoln County Courthouse, Newport City Hall, 60+ Center, Recreation & Aquatic Center, and the Samaritan Pacific Hospital.

Nye Beach: A mixed-use neighborhood with direct beach access anchored by Performing Arts and Visual Art Centers. Commercial development is concentrated along Beach Drive and Coast Street, both of which include streetscape enhancements that encourage a dense pedestrian friendly atmosphere. This area includes a mix of retail, dining, lodging, professional services, galleries, single family homes, condominiums, long term and short term rentals.

The Parking Management Plan, prepared Lancaster StreetLab, dated March 9, 2018, includes an inventory and assessment of the condition of public parking assets in these commercial areas; detailed field survey data illustrating the utilization and turnover rates of parking spaces during peak and off-peak periods; a list of capital improvements needed to maintain and improve available parking, including possible upgrades to transit service; and financing strategies to fund needed improvements.

Development of the Parking Management Plan, summarized in this Public Facilities Element of the Newport Comprehensive Plan, was informed by public input from outreach events and the project advisory committee. That committee consisted of individuals representing tourist-oriented retail businesses, commercial fishing interests, seafood processors, residents, and affected government entities. Once the Parking Management Plan was complete, additional outreach was conducted with stakeholders in the community and the project advisory committee, over a period of several months, further refined many of the Plan’s concepts and maps resulting in a the final set of recommendations contained in this document.

Existing Public Parking Assets

To inform the preparation of the Parking Management Plan, city staff and the consultant inventoried the public parking assets in the Bay Front, Nye Beach, and City Center areas. Additionally, city staff conducted a field survey to assess the pavement condition of the public parking lots. Much of the work was performed in the spring/summer of 2016. Results were presented to the project advisory committee at its November 2016 meeting, and are summarized in Tables 1 through 3 below.

Table 1: Parking Lots

Facility	Size (SF)	District	# Spaces	Condition
Abbey Street Lot	21,200	Bayfront	53 standard 2 ADA accessible	Poor
Abbey Street (right-of-way)	5,800	Bayfront	10 standard 2 ADA accessible	Good
Case Street (right-of-way)	3,600	Bayfront	6 standard 1 ADA accessible	Good
Canyon Way Lot	23,000	Bayfront	33 standard	Fair
Fall & Bay Street	8,600	Bayfront	13 standard 1 ADA accessible	Poor
Fall & 13 th Street	11,800	Bayfront	22 standard	Fair
Hurbert (right-of-way)	13,400	Bayfront	28 standard	
Lee Street	11,000	Bayfront	19 standard	Good
Hatfield Lift Station	2,000	Bayfront	5 standard	Poor
13 th Street (right-of-way)	3,200	Bayfront	7 standard	Poor
Angle Street Lot	30,000	City Center	53 standard 4 Recreational vehicle 3 ADA accessible	Good
City Hall Campus	57,900	City Center	107 standard 9 ADA accessible	Good
9 th and Hurbert	29,700	City Center	39 standard 5 Recreational vehicle 2 ADA accessible 2 EV charging stations	Fair
US 101 & Hurbert	9,200	City Center	18 standard 2 ADA accessible	Fair
Don & Ann Davis Park	9,800	Nye Beach	25 standard 2 ADA accessible	Good
Performing Arts Center	74,800	Nye Beach	143 standard 8 ADA accessible	Good
Jump-off Joe	6,100	Nye Beach	10 standard	Good
Nye Beach Turnaround	40,400	Nye Beach	45 standard 3 ADA accessible	Poor
Visual Arts Center	12,900	Nye Beach	21 standard 2 ADA accessible	Poor

Table 2: Striped On-Street Spaces

District	Streets	Striping (LF)	# Spaces
Bayfront	Bay Street, Bay Blvd, Canyon Way, Fall Street, Hatfield Drive, Lee Street, Naterlin Drive	5,280	386
City Center	Alder Street, Angle Street, Fall Street, Hurbert Street, Lee Street, US 101, 7 th Street, and 9 th Street	4,830	293
Nye Beach	Coast Street, Olive, and 3 rd Street	2,570	249

Pavement Condition Assessment

A simplified Good-Fair-Poor asphalt pavement rating system was used to gauge the condition of the surface parking areas, with the resulting information being used to estimate funds needed to maintain the lots in good condition.

A Good condition rating was defined as a lot that appeared stable, with minor cracking that is generally hairline and hard to detect. Minor patching and deformation may have been evident.

A Fair condition rating was given to parking surfaces that appeared to be generally stable with minor areas of structural weakness evident. Cracking in these areas was easier to detect. Patching areas may have existed, but were not excessive and deformation may have been more pronounced.

A Poor condition rating was provided for parking areas with visible areas of instability, marked evidence of structural deficiency, large crack patterns (alligatoring), heavy or numerous patches, and/or deformation that was very noticeable.

The following is a brief description of factors that show the degree to which wearing surfaces are worn:

Fatigue Cracking: Sometimes called alligator cracking due to the interconnected cracks which resemble an alligator's skin, fatigue cracking is caused by load-related deterioration resulting from a weakened base course or subgrade, too little pavement thickness, overloading, or a combination of these factors.

Deformation: A distortion in asphalt pavement that is often attributed to instability of an asphalt mix or weakness of the base or subgrade layers. This type of distress may include rutting, shoving, depressions, swelling and patch failures.

Edge Cracking: Edge cracks are longitudinal cracks which develop within one or two feet of the outer edge of pavement. They form because of a lack of support at the pavement edge; which in this case would be poorly managed drainage that is undermining the road surface

Raveling: Raveling is the wearing away of the asphalt cement from the aggregate particles. This can occur as a result of normal wear over time and it can be exacerbated by such conditions as oil dripping from vehicles.

Structural weakness: When pavement conditions wear to the point that there is substantial fatigue cracking, deformation, and/or patching, it can no longer be preserved with a slurry seal and will need to be reconstructed.

The pavement condition assessment was for the travel surface only and did not factor in striping, signing, drainage, railing, sidewalk or other repairs that may be needed.

Fatigue Cracking – Abbey Street Lot (2016)



Maintenance Schedule

The pavement condition assessment informed the development of a maintenance schedule to identify the level of funding the City should reserve annually to maintain the travel surfaces of the public parking lots (Table 3). Lots that are in good condition can be maintained with a chip seal or slurry seal every 5-10 years, and this is typically done up to three times before the surface is reconstructed. Those in fair condition will need to be rebuilt sooner, and those in poor condition are not candidates for a seal coat, as such treatment is unlikely to extend the useful life of the pavement surface.

Annual estimates were further prepared to account for striping and other ancillary repairs that may be needed, such as drainage, sidewalk, or curb replacement. Placeholders were also provided for administration of a permit parking program and metering, should those elements be implemented. The annual maintenance needs were then broken out by commercial area (Table 4).

Table 3: Parking Lot Surface Maintenance Needs.

Parking Lot	District	Size (sf)	Spaces	Condition	1-5 Years	5-10 Years	10-15 Years	15-20 Years
Angle Street Lot	City Center	30,000	65	Good		Seal \$60,000		Seal \$79,500
City Hall	City Center	57,900	112	Good		Seal \$115,800		Seal \$153,435
Don Davis Park	Nye Beach	9,800	25	Good		Seal \$19,600		Seal \$25,970
Performing Arts Center	Nye Beach	74,800	151	Good		Seal \$149,600		Seal \$198,220
Jump-Off Joe	Nye Beach	6,100	10	Good		Seal \$12,200		Seal \$16,165
Lee Street	Bay Front	11,000	19	Good		Seal \$22,000		Seal \$29,150
Abbey (ROW)	Bay Front	5,800	10	Good		Seal \$11,600		Seal \$15,370
Case (ROW)	Bay Front	3,600	6	Good		Seal \$7,200		Seal \$9,540
9 th & Hurbert	City Center	29,700	48	Fair	Seal \$51,678		Rebuild \$198,099	
US 101 & Hurbert	City Center	9,200	20	Fair	Seal \$16,008		Rebuild \$61,364	
Fall & 13 th	Bay Front	11,800	22	Fair	Seal \$20,532		Rebuild \$78,706	
Hurbert (ROW)	Bay Front	13,400	28	Fair	Seal \$23,316		Rebuild \$89,378	
Canyon Way	Bay Front	23,000	33	Fair	Seal \$40,020		Rebuild \$153,410	
Nye Beach Turnaround	Nye Beach	40,000	45	Poor	Rebuild \$203,616		Seal \$92,920	
Visual Arts Center	Nye Beach	12,900	21	Poor	Rebuild \$65,016		Seal \$29,670	
Fall & Bay	Bay Front	8,600	13	Poor	Rebuild \$43,344		Seal \$19,780	
Abbey Lot	Bay Front	21,200	53	Poor	Rebuild \$106,848		Seal \$48,760	
13 th (ROW)	Bay Front	3,200	7	Poor	Rebuild \$16,128		Seal \$7,360	
Hatfield Lift Station	Bay Front	2,000	5	Poor	Rebuild \$10,080		Seal \$4,600	
					Cost: \$596,586	\$398,000	\$784,047	\$527,350
							Total Cost:	\$2,305,983
							Annual	\$115,299

Table 4: Annual Maintenance Expenses

Parking District	Lot Resurfacing ¹	Ancillary Repairs ²	Striping	Permit Program ³ (if implemented)	Metering ³ (if implemented)	Total
Bayfront	\$37,850	\$9,450	\$1,850	\$10,000	\$28,800	\$87,950
City Center	\$36,800	\$9,200	\$1,900	Not recommended	Not recommended	\$47,900
Nye Beach	\$30,500	\$7,650	\$1,450	\$10,000	\$13,200	\$62,800

1. Costs from pavement condition assessment prepared as part of parking study. Resurfacing costs proportioned by district with the cost of the Nye Beach Turnaround project being backed out since it has been funded with other resources.

2. Ancillary costs include repairs to drainage system, sidewalks, walls and railing when lots are resurfaced. Assumes 25% of resurfacing cost.

3. Annual maintenance costs are as outlined in the Study (\$500/pay station and \$100/sign).

Outreach

Buy-in from business owners, residents, and other affected parties is essential to the success of a parking management plan. To this end, a series of public meetings were held at the outset of work on the Parking Management Plan, with the goal of obtaining public input on opportunities and constraints with regard to parking management.

Meetings were held from 6:00 to 8:00 pm during the second week of April, 2016. One meeting was held for each of the three Parking Districts. The City Center district meeting was held on Tuesday April 12th; the Nye Beach district meeting was held on Wednesday April 13th, and the Bayfront District Meeting was held on Thursday April 14th. All meetings were open to the public and advertised publicly in advance of the meeting.

Before each of the above meetings, a walking tour of the study area took place that included the consulting team and a small handful of local stakeholders and business owners. These were advertised to local business owners and other stakeholders who have been active within management of the existing parking districts. In tandem with the formal meetings in the evening, this process provided an opportunity for additional public input during which some issues and potential solutions were discussed and incorporated into the Parking Management Plan.

Once the study was completed an additional round of outreach was conducted during the summer of 2018 with Bayfront, Nye Beach, and City Center businesses; the Port of Newport and commercial fishing community; Bayfront processors; Chamber of Commerce, and Rotary. Members of the project advisory committee and city staff attended each meeting and provided an overview of the study's recommendations. Feedback obtained at these meetings was used by the advisory committee to fine tune the studies recommendations.

Parking Management Plan Methodology

In order to gain an understanding of parking demand within each of the respective parking management areas, a detailed study of parking demand and utilization was conducted. The primary study days were Saturday August 27, 2016 and Saturday December 10, 2016. These days were selected because they were expected to represent typical weekend days (i.e., no special events or other unusual factors) during the peak tourism season and the slowest period of the year for tourism, respectively. Additional observations were conducted on Thursday August 25, 2016 in order to study differences between weekday and weekend demand patterns. The results of this analysis heavily inform the management recommendations that follow, and were used to project potential revenues and maintenance needs.

The methodology employed for this analysis consisted of two steps: an inventory of parking supply, including the number and types of stalls, followed by peak and off-peak occupancy and demand observations. To complete the first step, an inventory of the supply of parking stalls was conducted, tracking the number and location of parking spaces along each block face as well as designated users, maximum time stays, and other pertinent information as applicable. Locations and capacities of parking lots were recorded, and for on-street spaces, whether or not a space was marked was recorded. The inventory was conducted utilizing a tablet PC. Data collected in this step was used to set up data collection tools in the form of spreadsheets, to be used during the following step.

Following the inventory step, parking demand data was collected. The study area consisted of routes containing approximately 30 to 35 block faces of on-street parking as well as any lots along the route. Four routes were in Nye Beach, three were the Bayfront, and one was within the City Center district. Route sizes and configurations were designed such that data collectors were able to walk and collect data over the entire route once per hour without needing to work excessively quickly. Each parking space within the study area was thus visited once per hour from 10:00 AM to 7:00 PM.

The data were collected on tablet PCs utilizing the route-optimized spreadsheets created during the inventory phase. During each hourly orbit of a given route, the first four digits of the license plate of each vehicle parked in a stall along the route were recorded, to allow for analysis of both occupancy and duration of stay.

Occupancy curves in Figures 1 to 3 below show overall parking occupancy throughout the study area for weekdays. In these figures, the time of day is shown on the horizontal axis and the percent of available parking that was observed to be occupied is shown on the vertical axis. Additionally, a line indicating an occupancy level of 85% is shown—this occupancy level is generally considered to be indicative of ‘functionally full’ parking. At parking occupancies at or near 85%, high instances of illegal parking, congestion attributed to vehicles cruising for parking, and other undesirable behaviors are often observed from frustrated drivers. Parking areas that are functionally full are candidates for “metering” as a tool to improve parking turnover.

Figure 1: City Center Parking Utilization

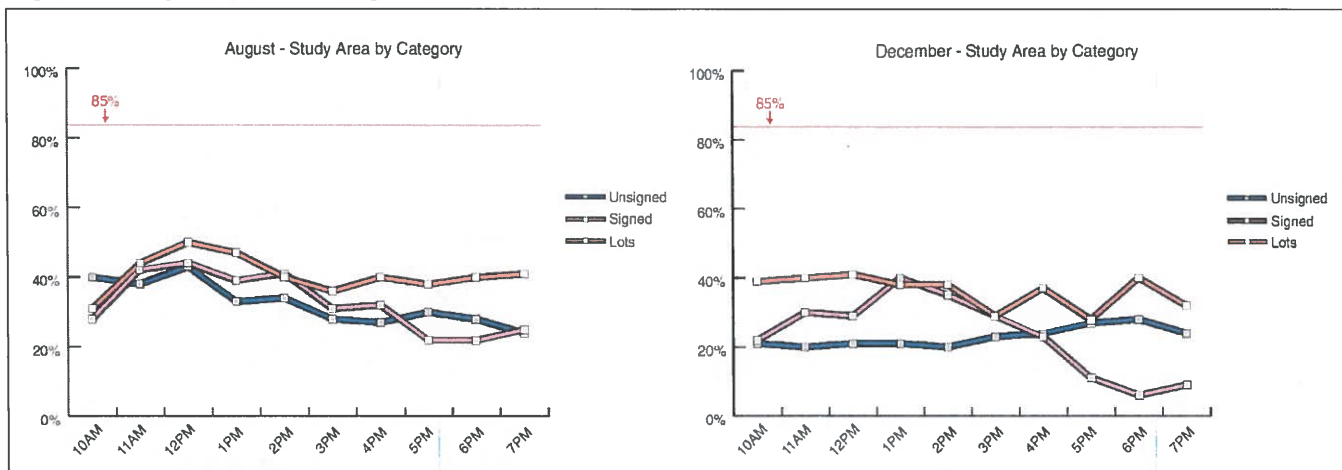


Figure 2: Nye Beach Parking Utilization

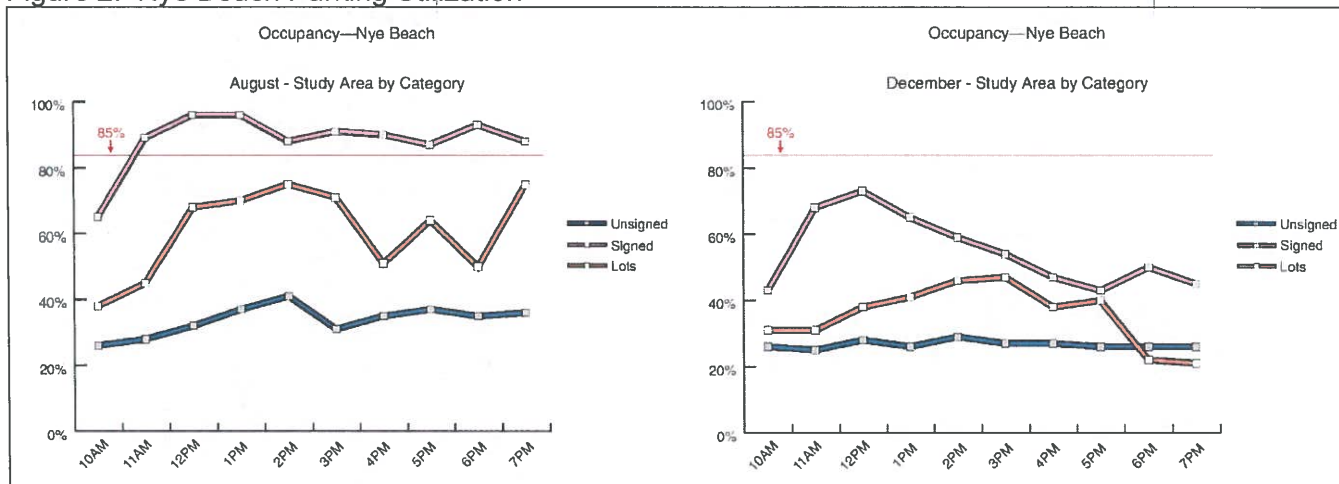
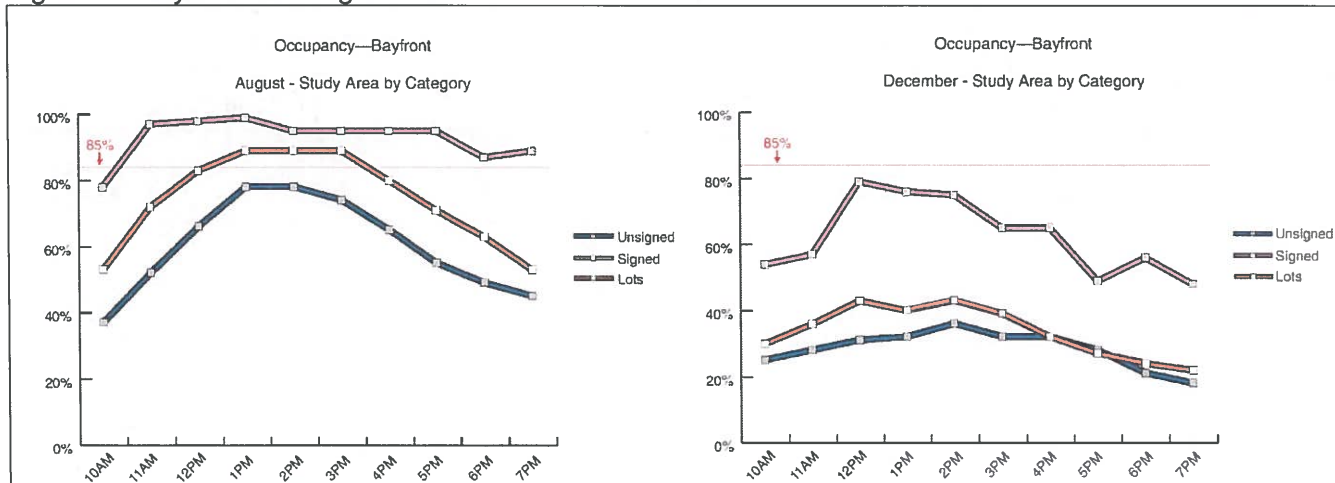


Figure 3: Bayfront Parking Utilization



Survey data was also used to identify the percentage of overall occupancy (hourly), percentage occupancy by street block (hourly), average stay length (Signed, Unsigned, Overall Study Area), percentage overstays (Signed Stalls), Unique Vehicle Served Daily (Signed Stalls). It is broken down in charts graphics, with more detailed analysis, in the Lancaster Parking Management Plan, included in the appendices to this Plan.

Recommendations

Recommendations from the Lancaster Parking Management Plan, as amended by the project advisory committee, are summarized below and further refined in the goals and policies section of the Public facilities Element of the Newport Comprehensive Plan.

Demand Management

- Implement metered zones, permit zones, and hybrid permit/meter zones for high demand areas along the Bayfront as generally depicted in Figure 4 below. Conduct further outreach with the Nye Beach community to assess whether or not a scaled down metering concept, focused on core commercial areas as depicted in Figure 5 below, is acceptable or if a non-metering option that consists of fees and/or permit parking is preferable.
- Support metering with permit program for residents, businesses and the fishing community.
- Meter revenues in excess of administrative costs should be dedicated to prioritized parking system investments.
- Evaluate measures on an ongoing basis with attention to economic, land use and related factors that influence parking demand.

Wayfinding and Lighting

- Improve branding of city-owned parking lots and facilities and wayfinding between parking areas and destinations.
- Focus wayfinding efforts on under-utilized facilities such as the Hurbert Street lots and Performing Arts Center lot.
- Adjust signage to encourage RV parking and circulation outside of high demand areas along the Bayfront and in Nye Beach.
- Improve street lighting to create a better walking environment and to help activate under-utilized parking in poorly lit areas.

Parking Improvements

- Explore opportunities for the City and Port of Newport to partner on a project to add an east gangway access to Port Dock 5 to make Port property more attractive for parking
- Coordinate with the Port on opportunities to more efficiently store and/or rack gear to free up parking on Port property
- Restripe side street parking areas and lots with worn pavement markings (e.g. Canyon Way) to improve efficiently
- A key component is metering public parking in portions of the Bayfront and potentially Nye Beach.

Code Revisions

- Add code provisions to allow pervious pavement and other comparable alternatives to paved surfaces for areas suitable for temporary parking
- Allow temporary parking on undeveloped properties during extreme demand periods
- Eliminate minimum off-street parking requirements for new development and redevelopment in metered and permit zones (for most uses)

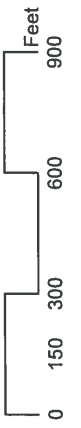
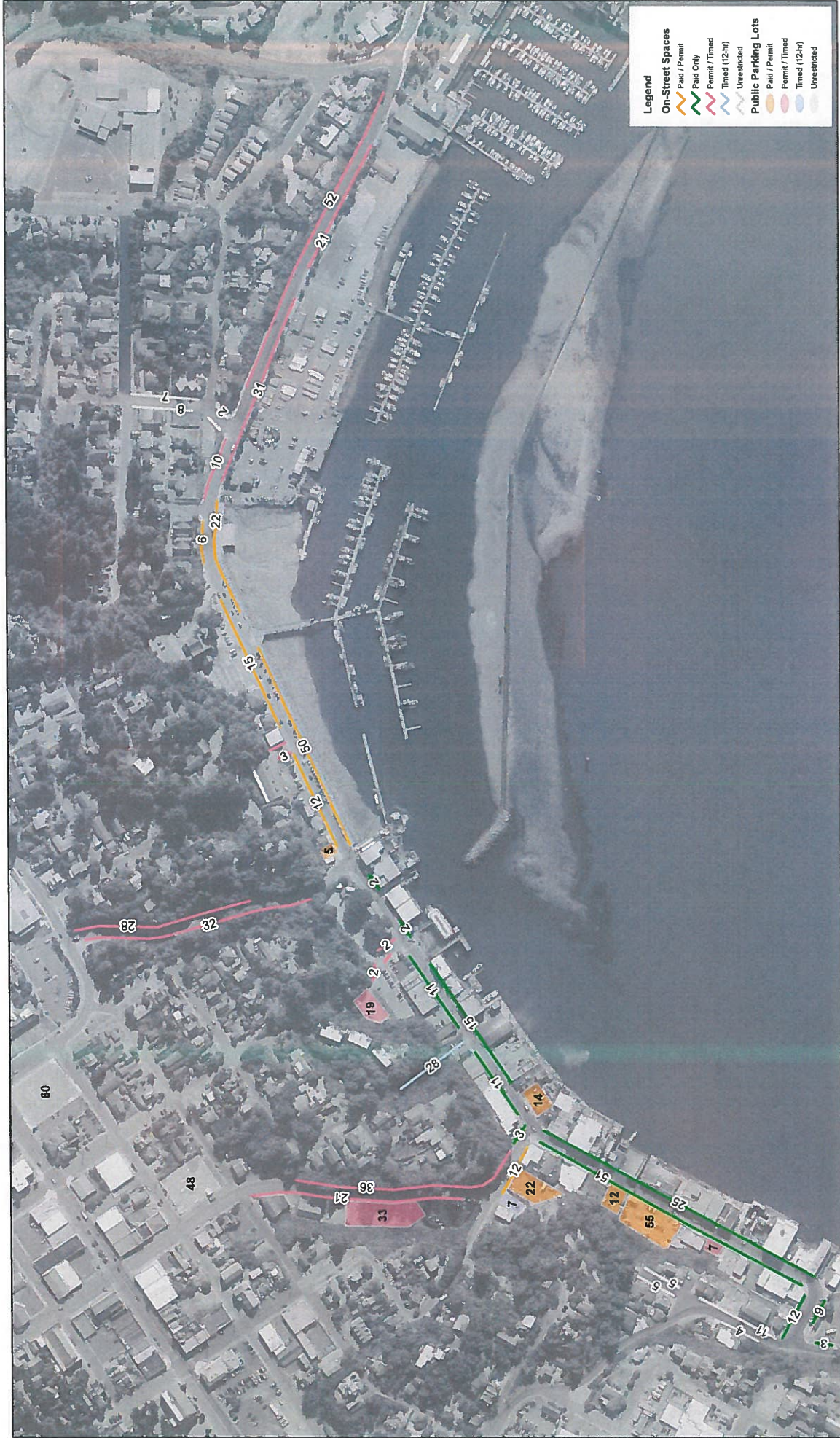


Figure 4: Bay Front Parking Management Alternative

Image Taken July 2018
 4-inch, 4-band Digital Orthophotos
 Quantum Spatial, Inc. Corvallis, OR

City of Newport
 Community Development Department
 169 SW Coast Highway
 Newport, OR 97365
 Phone: 1.541.574.0623
 Fax: 1.541.574.0644

NEWPORT
 OREGON
 This map is for informational purposes only. It is not intended for legal, engineering, or planning purposes. It is not a substitute for a site plan or other engineering documents. The City of Newport assumes no responsibility for the compilation or use of data and areas of this information are cautioned to verify. All information with the City of Newport Community Development Department.



NEWPORT City of Newport
 Community Development Department
 169 SW Coast Highway Phone: 1.541.574.0629
 Newport, OR 97365 Fax: 1.541.574.0644

Figure 5: Nye Beach Parking Management (Alternative)

This map is for informational use only and has not been prepared for, nor is it suitable for, legal, engineering, or surveying purposes. It includes data from multiple sources. The City of Newport assumes no responsibility for its completion or use and users of this information are cautioned to verify all information with the City of Newport Community Development Department.

Image Taken July 2018
 4-inch, 4-band Digital Orthophotos
 Quantum Spatial, Inc. Corvallis, OR



Metering, in conjunction with permit and timed parking, is the most significant change recommended by the Parking Management Plan and is proposed as a demand management option at this time because:

- There are not enough parking spaces along the Bay Front and portions of Nye Beach to meet demand.
- Metering with permit parking is an opportunity to improve turnover in high demand areas while enhancing revenues for needed parking improvements.
- Existing revenue is insufficient to address maintenance needs let alone pay for additional supply.
- Resulting condition creates significant congestion and safety issues.
- Timed parking alone, coupled with enforcement will not address the supply problem (observed overstays 5-7%).
- Improvements to wayfinding and lighting, while important, similarly cannot contribute a meaningful number of additional spaces.
- Development opportunities, particularly on the Bayfront, are constrained by the lack of parking.
- Opportunities to add supply or supplement transit services are expensive and require dedicated revenue sources that do not presently exist.

A standing parking advisory committee, with representatives from the three commercial areas should be established to provide oversight. Responsibilities could include:

- Engage policy makers, city committees, staff, and partner organizations to plan for, and facilitate the implementation of parking and other transportation related improvements;
- Provide recommendations regarding city parking policies and programs, including maintenance of parking and related infrastructure, fees, wayfinding, and parking enforcement;
- Advocate and promote public awareness of parking and related initiatives, community engagement, and other efforts to achieve desired policy outcomes.

Capital Projects

The following is a list of capital projects recommended to enhance the availability or improve the supply of available parking. A transit option was explored to provide users an alternative method of transportation to and from the Bay Front, City Center and Nye Beach. A vanpool/carpool option was also discussed; however, further analysis is needed to determine how the mechanics of such a program would work given the employment dynamics in these areas.

Table 5: Potential Capital Projects

Parking System Enhancements (Per study except for refined meter information)

Description	Upfront Cost	Annual Cost (2018)
Implementation of Metered Areas (Bay Front and Nye Beach)	\$634,750	\$42,000
Implementation of Metered Areas (Bay Front Only)	\$435,000	\$28,800
Newport Transit Loop		\$200,000+
Expanded Striping to Un-Marked Spaces (ref: difference between Table 2 and Table 6)	\$10,000	\$5,000
Improved Lighting at 3 rd & 6 th Street	\$235,000	\$45,000
Gangway from Port parking area to east end of Port Dock 5	\$250,000 - \$750,000	\$7,500
Enhance City-Wide Wayfinding System	\$25,000 - \$125,000	\$5,000
Nye Beach Area Structured Parking	\$2,400,000	\$15,000
Bayfront Structured / On-Pier Parking	\$4,000,000	\$25,000

The Lincoln County adopted a new transit development plan at the same time the Parking Management Plan was being developed. The transit plan includes an enhanced loop between Nye Beach and the Bayfront that utilizes City Hall as a transfer station.

Time: 15-minutes from Nye Beach to City Hall and City Hall to the Bayfront.

Equipment: One new bus

Cost: \$201,000 year

Financing

Outlined below are metering and non-metering options for funding parking system improvements. The metering options are limited to the Bayfront and Nye Beach and align with the concept for paid only, paid/permit, and permit/timed concepts depicted on Figures 4 and 5. A breakdown of the spaces that would be subject to these concepts is listed below in Table 6. Accessible parking spaces in these areas would not be subject to meter limitations.

Table 6: Public Parking in Meter/Permit Concepts

Parking Stall Management (By Type)

District	Type	Paid Only	Paid / Permit	Permit / Timed	Unrestricted
Bay Front	On-Street ¹	144	117	242	72
	Public Lot	0	103	52	23
Nye Beach	On-Street ¹	9	105	268	747
	Public Lot	45	0	21	186

¹ Includes unstriped parallel parking spaces in the totals, leading to a larger count than the figures reflected in Table 2.

Table 7: Paystation Pricing

Meter Options

Parking District	# Spaces	# Paystations ¹	Paystation Cost ¹	Signage Cost ²	Total Cost
Bay Front	364	43	\$344,000	\$91,000	\$435,000
Nye Beach	159	20	\$160,000	\$39,750	\$199,750

¹ Roughly one kiosk per eight spaces with adjustments based on lot/street configuration. Price of \$8,000 per kiosk as noted in Study.

² Signage cost of \$1,250 (sign and post) and assumes one sign per five parking spaces (per the Study). There would likely be cost savings attributed to re-use of existing poles.

Figure 6: Newport Transit Loop

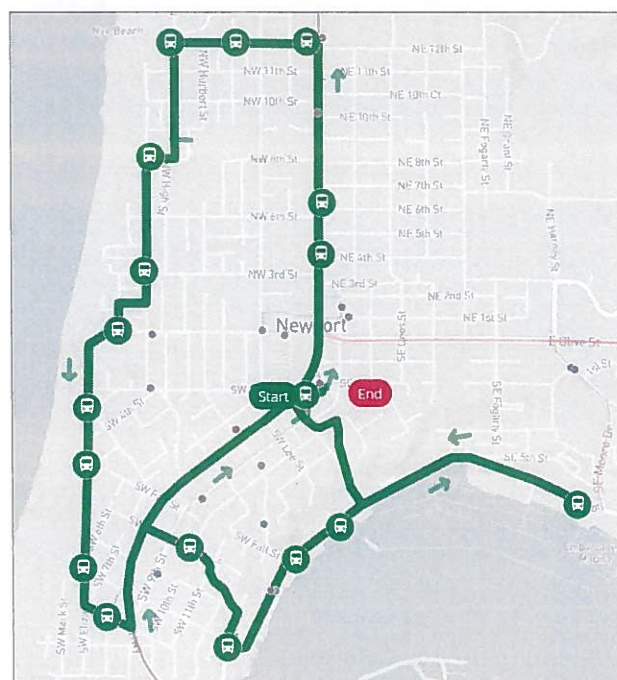


Table 8: Meter Revenues

Annual Revenues (Assumes no Business License Surcharge)

Parking District	Meter ¹	Permit (Aggressive) ²	Permits (Conservative) ³
Bay Front	\$292,000	\$37,000	\$25,700
Nye Beach	\$134,000	\$28,400	\$19,700

1 Peak demand assumes \$1.00 hour seven days a week from 11am – 5pm, June through September. Meters are weekends only for other months. Assumes same Phase 1 per stall revenue as study.

2 Assumes annual sales at 120% of available spaces in all paid permit and permit timed areas. Priced at \$60.00 per permit. Could be district specific or area wide.

3 Assumes annual sales at 50% of available spaces in all paid permit and permit timed areas. Priced at \$100.00 per permit. Could be district specific or area wide.

Initial installation of meters would need to come from existing city funding sources. Once implemented, anticipated meter revenue is expected to exceed annual expenses and would provide a funding stream to enhance the parking system. The non-meter option (Table 9) relies upon business license and permit parking fees, which could be supplemented with other city funding sources to maintain status quo and low cost enhancements (i.e. striping and wayfinding). For Nye Beach, new revenue could be generated by expanding the boundary of the area where business license surcharges are collected. There is less of an opportunity to do the same in the Bay Front; however, reinstating contributions from the Port of Newport coupled with increases to existing business license surcharges may generate sufficient funds if paired with a parking permit program.

Table 9: Non-Meter Alternative

No-Metering Alternative (Timed Parking with Permits)

	Bayfront		Nye Beach
Maintenance Needs (Table 4)	\$58,350	Maintenance Needs (Table 4)	\$49,600
Current Business License Surcharge Revenue ¹	\$13,750	Current Business License Surcharge Revenue	\$6,450
Maintenance Shortfall	-\$44,600	Maintenance Shortfall	-\$43,150
New Revenue from Parking Permits ²	\$25,700	New Revenue from Parking Permits ¹	\$19,700
New Revenue from Business License Surcharge Fees ³	\$18,900	New Revenue from Business License Surcharge Fees ²	\$23,450

1 This amount would be increased by \$6,000 if the Port of Newport and City of Newport were to execute a new intergovernmental agreement committing the Port to ongoing annual contributions on behalf of the commercial fishing interests.

2 Assumes annual sales at 50% of available spaces in all areas identified as paid, paid permit, or timed permit. Priced at \$100.00 per permit. Could be district specific or area wide.

3 Fees are scalable and the amounts listed reflect what is needed to cover anticipated maintenance costs.

Consideration should be given to phasing fee increases in over time. If other revenue sources become available that can be dedicated to maintenance and/or enhancement of the parking assets then adjustments should be made to the fee structure to ensure equitable contributions from various user groups.

GOALS AND POLICIES PUBLIC FACILITIES ELEMENT

PUBLIC PARKING

Goal 1: Maximize the available parking supply in Nye Beach, Bay Front, and City Center areas to support a vibrant working waterfront and retail-oriented, tourist commercial businesses, and mixed-use neighborhoods.

Policy 1.1: Promote the use of under-utilized public parking areas.

Implementation Measure 1.1.1: Improve branding of City-owned parking lots and facilities and wayfinding between parking areas and destinations.

Implementation Measure 1.1.2: Add street lighting to create a better walking environment and to help activate parking in poorly lit areas.

Implementation Measure 1.1.3: Adjust signage to encourage RV parking in the Hurbert Street lot and along Elizabeth Street.

Implementation Measure 1.1.4: Identify specific measures that can be taken to enhance visibility and increase the use of the Hurbert Street lots and Performing Arts Center lot.

Policy 1.2: Promote alternative modes of transportation to reduce vehicle trips to and from Nye Beach and the Bayfront.

Implementation Measure 1.2.1: Support efforts to establish a rapid transit loop between the Bayfront, City Center, and Nye Beach as outlined in the Lincoln County Transit Development Plan (April 2018).

Implementation Measure 1.2.2: Coordinate with area employers on opportunities to expand carpool or vanpool options.

Implementation Measure 1.2.3: Continue to expand the bicycle and pedestrian network to improve connectivity and user options.

Policy 1.3: Consider demand management strategies to improve parking turnover for public parking areas where occupancies are “functionally full” (i.e. at or near 85% percent during peak periods).

Implementation Measure 1.3.1: Pursue metered zones, hybrid paid / permit, and hybrid permit / timed zones for high demand areas along the Bayfront.

Implementation Measure 1.3.2: Support metering, where implemented, with a parking permit program.

Implementation Measure 1.3.3: Conduct outreach with the Nye Beach community to assess whether or not a scaled down metering concept, focused

on core commercial areas is acceptable or if a non-metering option that consists of fees, permit parking, or other dedicated funding sources is preferable.

Policy 1.4: Investigate opportunities to enhance the supply of public and privately owned parking through strategic partnerships in a manner that best leverages limited funding.

Goal 2: Maintain public parking assets so that they are suitable to meet the needs of all users.

Policy 2.1: Develop financing strategies that secure equitable contributions from parties that benefit from and utilize public parking.

Implementation Measure 2.1.1: Metering should be directed to peak demand periods, as opposed to year round, with a baseline for pricing that is consistent with the recommendations contained in the Newport Parking Management Plan (March 2018).

Implementation Measure 2.1.2: In areas where metering is not implemented, fees from businesses and users should be adjusted to cover anticipated maintenance costs, unless other revenue sources are identified for that purpose.

Implementation Measure 2.1.3: Revenues generated from public parking meters, permits or other fees should be dedicated to public parking, and not used to support other city programs.

Implementation Measure 2.1.4: Business license surcharge fees now imposed in the Bayfront, Nye Beach, and City Center should be expanded to apply to short-term rentals, but otherwise maintained in their present form until other funding sources are established.

Policy 2.2: Establish a program for routine maintenance of public parking lots.

Implementation Measure 2.2.1: Incorporate scheduled resurfacing, striping, and reconstruction of the public parking lots into the City's Capital Improvement Plan.

Policy 2.3: Consider adjustments to funding maintenance of public parking areas in City Center once the urban renewal funded transportation system planning effort for that area is complete.

Policy 2.4: Evaluate parking management practices at the City Hall Campus to ensure available parking is sufficient to meet anticipated needs.

Goal 3: Implement changes to how the City manages public parking in a manner that is easily understood by the public, meets the needs of area businesses and residents, recognizes seasonality of certain uses, and is effectively enforced.

Policy 3.1: Ensure city codes and policies provide a clear administrative framework for implementing metering, permitting, or other regulatory tasks.

Policy 3.2: Identify opportunities to facilitate economic development and enhance livability in areas where parking is limited.

Implementation Measure 3.2.1: Add code provisions to allow pervious pavement and other comparable alternatives to paved surfaces for areas suitable for temporary parking.

Implementation Measure 3.2.2: Allow temporary parking on undeveloped properties during extreme demand periods.

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

Policy 3.3: Scale code enforcement resources commensurate to the demands of the parking program.

Goal 4: Provide opportunities for the public to inform city decision making related to the management of public parking areas.

Policy 4.1: Provide a structured method for members of the public to advise policy-makers and staff on how the city might best leverage and invest in its parking and transportation-related assets.

Implementation Measure 4.1.1: Establish a standing parking advisory committee, with representation from affected areas.

Implementation Measure 4.1.2: Utilize public processes to evaluate parking measures on an ongoing basis with attention to economic, land use and related factors that influence parking demand.

CITY OF NEWPORT

ORDINANCE NO. _____

**AN ORDINANCE AMENDING CHAPTER TWO OF THE
NEWPORT MUNICIPAL CODE BY ADDING
SECTION 2.05.085 ESTABLISHING A PARKING ADVISORY COMMITTEE**

WHEREAS, the city has established special parking areas in its Bayfront, Nye Beach, and City Center districts; and

WHEREAS, businesses and residents within these parking areas rely upon public parking to meet their needs; and

WHEREAS, city recognizes that public parking assets in these areas must be maintained, enhanced, and supplemented in order for the districts to remain vibrant; and

WHEREAS, the city wishes to provide opportunities for individuals or entities that own property or businesses within special parking areas to advise policy makers and staff on how the city might best leverage and invest in its parking and transportation-related assets; and

WHEREAS, the Mayor and City Council find that establishing a standing committee with a liaison to city staff is a means of fulfilling those goals.

THE CITY OF NEWPORT ORDAINS AS FOLLOWS:

The Newport Municipal Code is hereby amended by the addition of Section 2.05.085 establishing the Parking Advisory Committee, to read as follows:

2.05.085 Parking Advisory Committee

A. **Parking Advisory Committee Established.** There is hereby established a Parking Advisory Committee. The Committee shall consist of seven (7) members. Members shall be appointed by the Mayor and confirmed by the City Council. To be eligible for appointment, members shall reside, own property, own a business, or work within a special parking area as defined in Section 14.14.100. The Parking Advisory Committee membership shall include:

1. Two members each from the Bayfront, Nye Beach, and City Center special parking areas; and
2. At least one of the representatives from the Bayfront shall be affiliated with the commercial fishing industry or Port of Newport; and
3. At least one of the representatives from Nye Beach shall reside within the boundaries of the special parking area.

B. **Term of Office.** Appointments will be made for a term of three years or until successors are appointed. Initial appointments will serve staggered terms. Terms of office shall

begin the first day of the calendar year. Any vacancy shall be filled for the remainder of the unexpired term in the same manner provided in A. above.

C. **Committee Leadership and Meetings.** A Chair and Vice-Chair shall be elected by the Committee members at the first meeting of each calendar year. The Committee will hold quarterly meetings with additional special meetings as needed.

D. **General Powers and Duties.** The Parking Advisory Committee shall have the following powers, duties, and functions as it relates to special parking areas:

1. Engage policy makers, city committees, staff, and partner organizations to plan for, and facilitate the implementation of parking and other transportation related improvements;
2. Provide recommendations regarding city parking policies and programs, including maintenance of parking and related infrastructure, fees, wayfinding, transit, sidewalk connectivity, and parking enforcement;
3. Advocate and promote public awareness of parking and related initiatives, community engagement, and other efforts to achieve desired policy outcomes.

E. **Administrative Support.** The Community Development Department shall perform administrative functions for the Parking Advisory Committee.

Effective Date. This ordinance shall take effect 30 days after its adoption.

Adopted by the Newport City Council on _____, 2019

Signed by the Mayor on _____, 2019.

Dean Sawyer, Mayor

ATTEST:

Peggy Hawker, City Recorder

APPROVED AS TO FORM:

Steven E. Rich, City Attorney

**CITY OF NEWPORT
RESOLUTION NO. 3864**

**RESOLUTION SETTING
PARKING DISTRICT BUSINESS LICENSE FEES**

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

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

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

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

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

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

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

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

THE CITY OF NEWPORT RESOLVES AS FOLLOWS:

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

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

A. Nye Beach Parking District.

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

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

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

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

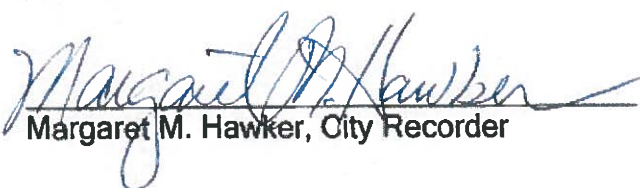
Section 5. Effective Date. This resolution is effective immediately upon adoption.

Adopted by the Newport City Council on June 17, 2019

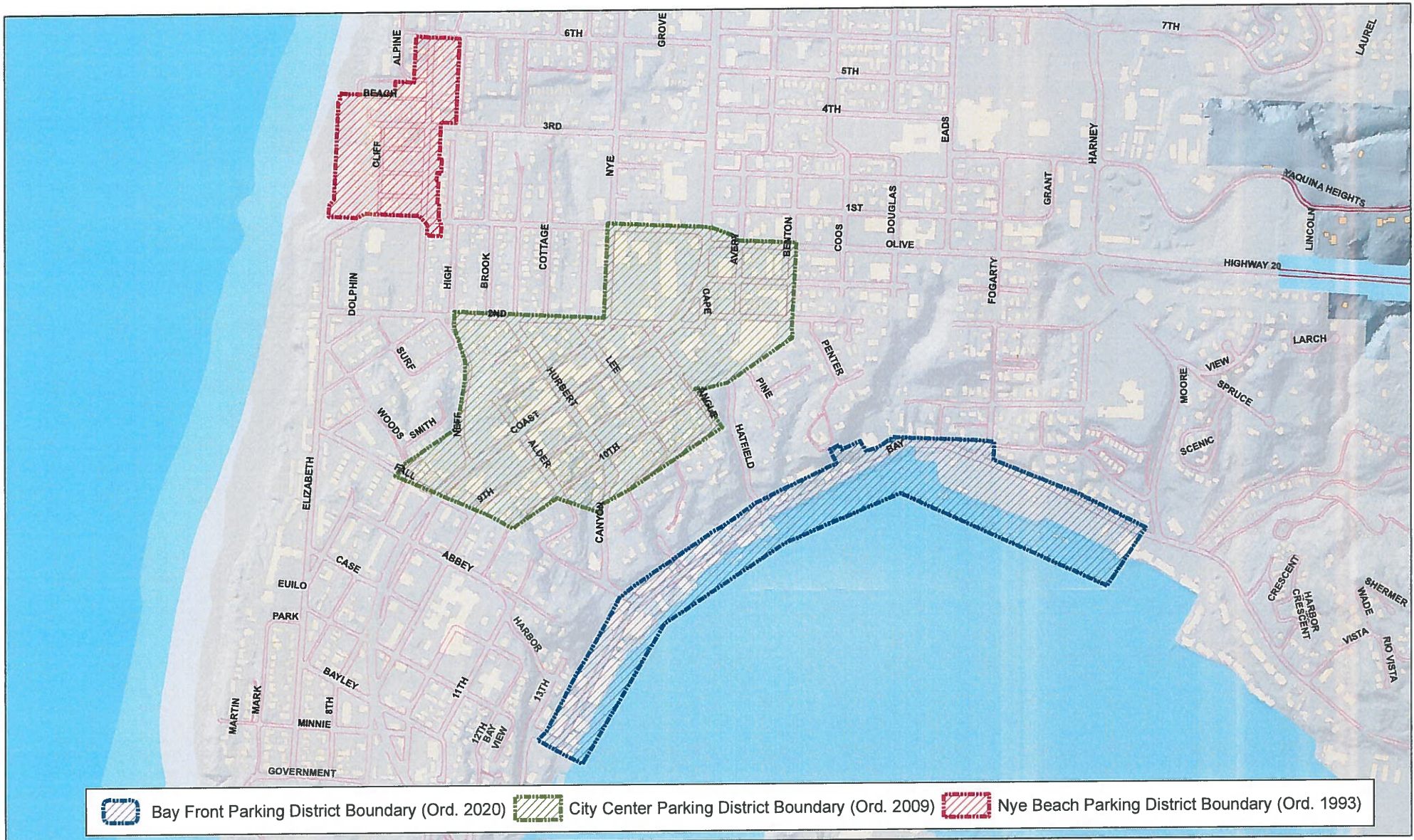


David N. Allen, Council President

ATTEST:



Margaret M. Hawker, City Recorder



Draft MINUTES
Parking Study Advisory Committee
Meeting #16
Newport City Hall Council Chambers
June 4, 2019

Committee Members Present: Cris Torp, Janet Webster, Bill Branigan, Linda Neigebauer, Gary Ripka, Frank Geltner, and Jody George.

Committee Members Absent: Jeff Lackey (*excused*), Wendy Engler, Sharon Snow, Aaron Bretz, Laura Anderson, Julie Kay, Kathy Cleary, Cynda Bruce, Tom McNamara, and William Bain.

City Staff Present: Community Development Director (CDD); Derrick Tokos; Police Chief, Jason Malloy; and Executive Assistant, Sherri Marineau.

Public Present:

1. **Call to Order & Roll Call.** Meeting called to order at 3:00 p.m.
- 1a. **Review and Amend Agenda, as Needed.** Tokos asked the Parking Study Advisory Committee (PSAC) to move the Comprehensive Plan agenda item to the end of the meeting.
- 1b. **Approval of Minutes.** Torp asked that future minutes include names of any public members present.

Motion was made by Torp, seconded by Webster, to approve the April 30, 2019 minutes. All approved.

- 2a. **Draft Ordinance Establishing a Standing Parking Advisory Committee.**

Discussion Items:

- Neigebauer wanted to discuss the parking district for Nye Beach to be extended down to 2nd Street. Tokos said the map was pulled from the ordinance that established the parking districts. He felt this would be a discussion that would happen with Nye Beach merchants.
- Neigebauer noted that businesses on Hurbert Street like the Canyon Way Restaurant and Bookstore, and the new Tap Room should be a part of a parking district. Tokos explained that special parking areas were established before the economic districts. The parking district boundaries were established, along with economic improvement district areas. Tokos explained that special parking areas had different boundaries than the economic improvement districts. Torp asked why the city didn't improve the economic improvement districts in 2009. Tokos explained that one of the discussions they had at that time was to determine the boundaries in which businesses would have to pay a business license surcharge. These areas were smaller areas than the overall boundaries. Neigebauer said parking was no longer about economic improvements and more about parking demand in the overall area. She thought the boundary should be bigger and everyone should pay into it. Tokos requested this topic be discussed in the fee resolution discussion.
- Webster asked what would happen to the parking district if the PSAC's resolution went into effect on July 1, 2019. Tokos explained that the Parking Advisory Committee (AC) would take over when the parking districts went away.
- Webster asked if they would do away with the Wayfinding Committee as a separate committee. Tokos explained that Wayfinding would be in the scope of what the AC reviewed. Webster thought it would be good to collapse Wayfinding in the committee. Geltner reported there wasn't a current Wayfinding Committee.

Motion made by Webster, seconded by Torp to forward the ordinance to the City Council for consideration. All in favor.

Geltner asked if a member of City Council would be on the AC. Tokos said if it became a standing committee they would have a liaison appointed with a member as a backup. George asked if Wayfinding had been referenced. Tokos said it was in section D2. Neigebauer asked what they would do if they couldn't get two people from each district on the AC. Tokos suspected they could find two but the AC would operate with open spots. Neigebauer was concerned about getting a quorum if they didn't have the two members from the City Center. Geltner asked if the hospital could have one of the a representatives according to the ordinance as part of the special parking area. Tokos reviewed the parking district boundaries and noted that the hospital did not fall within the city center parking district.

A discussion ensued regarding the location of the boundaries of the parking districts and who could be included as representatives for the AC. Webster asked if the boundaries could be expanded. Tokos said the Transportation System planning outreach would start up in the fall and would be a forum to discuss if it was appropriate to adjust the boundaries. Webster reconsidered her motion and wanted to include an adjustment to the boundaries. Tokos suggested Webster do a separate motion for this. The PSAC was in general agreement that the boundary adjustments should be an issue that should be addressed. Tokos noted that Canyon Way was included in the special parking areas but not in the economic improvement districts.

Geltner asked if the PSAC favored Canyon Way being a part of City Center or the Bayfront. Ripka thought it should be part of the Bayfront district because of the meters. Geltner though this should be a part of a motion to recommend what district Canyon Way should be included with.

Motion by Webster, seconded by Torp that if the Parking Advisory Committee was established by ordinance, that they address the boundaries of the special parking areas as a priority issue, and give additional recommendations that the special parking areas become contiguous so parking could be dealt with holistically through the corridors from the Bayfront to Nye Beach. All approved.

Ripka asked the PSAC to consider the number of people that would be on the AC and if the extra person should be from the Bayfront.

Motion by Ripka, seconded by Neigebauer, to recommend that the seventh person on the Parking Advisory Committee be from the Bayfront. All approved.

Torp thought that the AC would need to have some sort of historical perspective on the difficulties the PSAC shared and worked through, and felt that the PSAC recommendations needed some weight. Webster thought the new AC needed some flexibility. She noted that vacation rentals were a hot topic on the Bayfront and may need more flexibility on the Bayfront. George stated she thought that Nye Beach had the same concerns, but felt it was a reasonable idea that the Bayfront have three people represented on the new AC.

2b. Draft Resolution Continuing Existing Parking District Business License Fees. Tokos reviewed the resolution to continue existing parking district business license fees.

Discussion Items:

- Webster asked if the new AC would be looking at fees. Tokos confirmed they would.
- Geltner asked if Section 1 of the resolution applied to the PSAC's earlier discussions. Tokos said it didn't. It was saying parking districts were where the fees applied. Tokos noted that it was set up then, the parking districts were a subset of the special parking areas. He explained this could be changed because it was a fee resolution and the standing committee would have authority to make recommendations to things in that regard.

- Neigebauer asked if vacation rentals were being assessed a parking district fee. Tokos said vacation rentals in the Nye Beach boundary would have to pay the fees. Neigebauer asked if they would pay based on the use of the lot. Tokos explained that it was based off the number of off-street parking spaces they could provide and the fees were the current fees they had been charged.
- Neigebauer asked if hotels paid these fees. Tokos said they would if they were within the boundaries.
- Ripka asked if the Farmers Market had to have a business license. Tokos said they had a single license for the market and their vendors were under their one license. Neigebauer asked if they were not-for-profit. Neither Tokos or Malloy knew this.
- Webster asked if they went ahead with meters/permitting on the Bayfront, would the business license surcharge go away. Tokos said the discussion was that it would go away because the revenues would compensate for the surcharge fee. This was addressed in the resolution.

Motion by Webster, Seconded by George to adopt the resolution setting parking district business license fees. All in favor.

2c. Chris Torp Email Discussion. Torp reviewed his email and thoughts that the City Council would have timeline and process issues going forward. He wanted to see more ways to incentivize difficulties for parking on the Bayfront and ways to make these incentives equitable. Torp felt metering in just one area of the City on the Bayfront would be a disadvantage. Ripka disagreed because he thought that the Bayfront was such a destination and where people came when visiting Newport. Webster thought locals wouldn't come down to the Bayfront and not a part of the problem. Ripka didn't think locals were a problem, but tourism was. Webster thought the discussion for the new committee was to get back to incentives and how they could get businesses to think about employee parking. A discussion ensued regarding incentivizing. Torp thought permit costs needed to be addressed. Webster thought the \$60 parking permit fee should be at least \$100.

2d. Draft Pubic Parking Facilities Element Amendment to the Newport Comprehensive Plan. Tokos reviewed the Comprehensive Plan amendments. He noted that at the last meeting, the PSAC discussed driving metering in the Bayfront and the revenue generated from meters would be targeted back to that district.

Discussion Items:

- Webster asked if meters were equitable if Nye Beach wasn't included. Tokos said this would mean less attention to the lots in Nye Beach unless revenues picked up in that area.
- George was concerned that it would be a big task for the new AC to figure out how Nye Beach would generate revenues without meters. Tokos thought it might make more sense for them to tackle each district one at a time, starting with the Bayfront, instead of all at the same time. Neigebauer noted they would be doing permitting already and suggested changing meters to timed parking and permits to get people used to the idea.
- Webster asked if the public parking facilities would be forwarded to the Planning Commission for review. Tokos said it would be forwarded to them and they would initiate a legislative process with public hearings.
- Neigebauer was concerned about code revisions that eliminated minimum off-street parking requirements for new development and redevelopment. Tokos explained that this section was saying it would look to reduce or eliminate in areas where the City metered and in meter/permit zones only. He noted this wouldn't apply to Nye Beach at that time. Neigebauer stated she was serious about eliminating residential from an exemption for off-street parking. She thought "non-residential" needed to be added to this section. Tokos thought these concerns would be a part of the re-write of the parking requirements in the Nye Beach parking district. He didn't think there was good rationale to add "non-residential". Tokos explained this provision came into play if the location of the development/redevelopment was in a meter or permit/meter zone. If meters came into play for Nye Beach there would be a lengthy discussion about it beforehand. Tokos reminded

that these were just polices. A discussion ensued regarding the reasoning for eliminating off-street parking requirements for the Nye Beach area in anticipation of meters and meter/permit zones being established.

- Webster thought that “livability of the area” needed to be added to Goal Policy 3.2. A discussion ensued regarding new single family residences that were being built in the Nye Beach area and thoughts on how they affected the livability of the area. Tokos suggested the PSAC do a second motion for this so the Planning Commission had a chance to work on it. He reminded that this wasn’t a zoning code but more of a philosophy. When dealing with residential, the State of Oregon said for needed housing the city was legally obligated to provide a path that was clear and objective standards.
- Webster asked if Malloy was collecting parking fees right now. Malloy said they were collecting fees now but they would be going up in July. Ripka asked if enforcement could be done for larger vehicles that stuck out in traffic on the Bayfront. Malloy said there were things to address for this but the Police Department was working with Public Works on getting better signage to help. Malloy reported that Officer Garbarino was doing a lot of outreach on the Bayfront.
- Webster suggested adding to Goal 3 that it meets the needs for businesses and “residents” so it wasn’t just businesses.
- Webster asked if Policy 1.3.2 should be just along the Bayfront. Tokos said it went hand in hand with where there were meters, you support them with a permit zone. Webster asked if it should say specifically along the Bayfront because 1.3.1 said along the Bayfront. Tokos said it could say “to support metering where implemented with a permit program”. Webster questioned if “for residences, businesses and the fishing community” should be taken out.
- Webster was concerned about saying if Nye Beach wanted to do a permitting system, they would do outreach. She questioned if they truly would do the outreach. Tokos thought it would be okay to leave it in Implementation Measure 1.3.3.
- Webster asked if the Goals and Policies went in the Comprehensive Plan, would it ever removed. Tokos said sometimes there would be re-writes to sections or chapters.
- Webster asked how the PSAC’s concerns were conveyed to the Planning Commission (PC). Tokos said he would let everyone know when the PC work session meeting was so the PSAC could share their thoughts with them. Branigan thought the PC would like this. Torp suggested the PC invite the PSAC to specific meetings so they knew there was a time on the agenda for a discussion.

Motion made by Torp, seconded by Webster to recommend the Newport Planning Commission initiate the legislative process to amend the Newport Comprehensive Plan to add a new Public Parking Facilities Element as outlined in the draft set of amendments dated May 31, 2019, with one amendment. All approved.

3. **Public Comment/Questions.** None were heard.

4. **Adjournment.** Having no further business, the meeting adjourned at 4:42 p.m.

Respectfully submitted,

Sherri Marineau
Executive Assistant