



Meeting Notice

Please note that there will not be a 6:00 p.m. Newport Planning Commission work session meeting held prior to the regular 7:00 p.m. session on **Monday, July 8, 2013.**



AGENDA & NOTICE OF PLANNING COMMISSION MEETING

The Planning Commission of the City of Newport will hold a meeting at **7:00 p.m. Monday, July 8, 2013**, at the Newport City Hall, Council Chambers, 169 SW Coast Hwy., Newport, OR 97365. A copy of the meeting agenda follows.

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

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

NEWPORT PLANNING COMMISSION Monday, July 8, 2013, 7:00 p.m. AGENDA

A. Roll Call.

B. Approval of Minutes.

1. Approval of the Planning Commission work session and the regular session meeting minutes of May 28, 2013, and the work session of minutes June 24, 2013.

C. Citizens/Public Comment.

1. A Public Comment Roster is available immediately inside the Council Chambers. Anyone who would like to address the Planning Commission on any matter not on the agenda will be given the opportunity after signing the Roster. Each speaker should limit comments to three minutes. The normal disposition of these items will be at the next scheduled Planning Commission meeting.

D. Consent Calendar.

E. Public Hearings.

Legislative actions:

1. File No. 1-CP-13. Consideration of proposed legislative text amendments to the "Port Facilities" section of the "Public Facilities" element of the Newport Comprehensive Plan to incorporate projects in the Port of Newport's January 2013 Capital Improvement Plan (CIP) update. The amendments also include goals and policies for how the City and the Port will collaborate on implementation of the CIP. The Planning Commission will make a recommendation on this matter to the City Council.

F. New Business.

G. Unfinished Business.

H. Director Comments.

I. Adjournment.

Draft MINUTES
City of Newport Planning Commission
Work Session
Newport City Hall Conference Room ‘A’
Monday, May 28, 2013

Planning Commissioners Present: Bill Branigan, Jim Patrick, Rod Croteau, and Jim McIntyre.

Planning Commissioners Absent: Mark Fisher (*excused*), Glen Small (*excused*), and Gary East.

Citizens Advisory Committee Members Present: Lee Hardy, Suzanne Dalton, and Bob Berman.

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

Chair Patrick called the Planning Commission work session to order at 6:02 p.m. and turned the meeting over to CDD Tokos.

A. Unfinished Business.

1. Review the draft amendment of the Port Facilities element of the Newport Comprehensive Plan. Tokos noted that the packet included the new draft of the Port Facilities element, which was discussed at an earlier work session. He did include the old, out-of-date Port Facilities language that is in the Comprehensive Plan. The capital improvements listed in the existing plan date to the 80s and are no longer relevant. Because the Port just completed their new Strategic Business Plan and Capital Improvements Plan, it is time for the City to update our Comprehensive Plan to roll in their priorities and put in policy for how the City and the Port should coordinate with each other. Tokos said that he has shared this with Port General Manager Don Mann; and when this moves to actual hearing, Don will be in attendance to testify. Tokos noted that he borrowed a lot from the Port's planning documents and reworked it so it was more abbreviated. The document begins with the Port's background, explaining that the Port District was formed in 1910 to promote water-related commerce in Lincoln County. It talks about the boundaries. The vision statement comes from Port documents. Berman noted that it says "we will be" one of the top Oregon coast ports. He wondered if Newport isn't number one. Tokos said he will change that language to "strives to be". Tokos said the vision and mission statements get at the focus being on waterborne commerce that will respect the natural environment while maintaining a working water front. It recognizes recreational fishing and ocean observing. There is a reference to economic development. The Port took that economic development work the City did and used that for a lot of what they did. The mission statement talks about economic development and working with partners. The Governance section notes that the Port District is governed by a Board of Commissioners. The Existing Port Facilities section talks about where those are located. The Service Facilities section is descriptive about what facilities the Port has and lists those located on the south side and those on the north side. There are more details in the appendix. Then there is the estimated value of their assets. A typographical error in the first sentence of the last paragraph (prior to the table) under service facilities was pointed out where the word "are" should be removed. Under the Utilities section, it notes that the Port has a detailed utilities plan, which is cross referenced. The Design Criteria and Level of Service section Tokos worked in because it is useful when talking about capital improvements so it seemed to be a logical piece. This section covers the Port's docks, piers, buildings, and parking areas. The next section is Capital Improvement Projects, which explains what constitutes a capital improvement and presents how projects have been prioritized. The projects have been listed here with an estimated cost of improvements. Additional details are included in the actual facilities plan. Then the document goes into the Financing section. This lists different funding options, and Tokos did add a few such as the marine board grants because the Port pursues those periodically. Tokos said that is the part of the Comprehensive Plan under the Public Facilities component, which is the descriptive piece. He said the next part moves into the goals and policies. The City had goals and policies for water, wastewater, storm drainage, and airport; but never for the Port before. So Tokos put together language for the goals for the Port and two policies. The goal is for the City to collaborate with the Port on the implementation of its Capital Improvement Plan. Policy 1 is that the City will coordinate with the Port when planning to upgrade public facilities within the Port District and seek to partner on projects to achieve mutually beneficial outcomes. Policy 2 is that the City will assist the Port in its efforts to secure funding for capital projects. When looking for grants, funding agencies are looking to see that we do communicate and coordinate. There are certain types of grants where the City has to be the lead. This is committing us to do that sort of thing from time to time. This says that yes we do coordinate. He said this is almost just housekeeping; things we should do so information is current and coordinates well with the Ports policies. Berman wondered if it was appropriate that their capital improvement projects should be listed in our plan; or just as a cross-reference. He wondered if we would have to update everything when the Port does; for instance, if they prioritize annually. Tokos said that the Port hadn't updated since the Newport Urban Renewal District paid for the last update, which was the early 90s. It is not a routine document they update. He said that it should be good for the next ten to fifteen years. He noted that the City's Public Works Department looks at this part of the Comprehensive Plan, which gives them something to compare. Croteau agreed that it is a forward-looking document, and it should be another ten years before we see it again.

2. Review draft language regarding park models for an amendment to the Newport Zoning Ordinance. Tokos noted that this is the additional material distributed tonight that the Commissioners didn't have the benefit of reviewing prior to the meeting; so he wanted to walk through it. The first piece was the excerpt from the Housing element of the Comprehensive Plan. He noted that when the City did the housing study and needs analysis that was adopted in 2011, one of the key priorities of the Planning Commission was to do some work on encouraging park model RVs in residential districts to make it more of a housing option. That is noted under Implementation Measure 8.2 in this text. Tokos thought this was a good opportunity to talk about this and make sure that everyone is on the same page as to what a park model is, create a regulatory plan, and for him to get the Commission's direction on this. Tokos had included some illustrations of what these structures look like. The next page of materials provided answers to common questions about park models from the State Building Codes Division. Tokos noted that park models basically are RVs covered under those statutes and designed under RV codes. The first answer defines a park model as an RV that does not exceed 400 square feet, built on a single chassis, mounted on wheels, and may be connected to utilities. They are basically small manufactured dwellings. They may have a deck or carport. That is the definition in state law, and our rules dovetail with that. Tokos noted that park models are designed to look more like homes and typically are not hauled around. The wheels and other trailer features are taken off at the site. Branigan asked that if we do the zoning change, what the difference would be if someone hauled in a 40-foot travel trailer. Tokos said that is what the Commission needs to talk about. He said that he can bring examples of how other jurisdictions tackle it. He noted that it excludes motorized vehicles. Lofts are not included in the square footage. The next FAQ is how a park model should be titled or registered. If a park model is 8.5 feet or less, it can be titled and registered with the DMV. If it is more than 8.5 feet wide, it is defined as a manufactured structure and ownership documents are recorded as a conventional manufactured home would be. The Q and A talks about permits to transfer; which would be an oversize permit or a trip permit. A park model can be installed in manufactured dwelling parks. Tokos noted that we made changes to the manufactured home and RV code in order to make it consistent with state law. An issue has to do with the minimum lot size the Commission set. When you look at the RV park rules, if you put two or more RVs on a single lot, you have an RV park. Park models can be parked on individual lots with the approval of the local planning department. Park models do require installation permits, which is covered under OARs. That talks about the need for specific anchoring, which is in Lincoln County because of high winds; skirting; etc. The transporter or manufacturer who delivered the park model can remove the axles, wheels, tires, and hitch; but the detached transportation equipment must be left on the site somewhere for future use. Installers have to be licensed contractors and have proper certifications. The Q and A talks about decks adjacent to a unit, which would be covered under the typical state residential structural code. That is the same for a cabana. Cabanas are limited to a maximum of 240 square feet by OAR. Tokos noted that when dealing with RVs, park models, and manufactured dwellings, a lot of the rules are under OARs or state statutes; so the City has to live by those, and sometimes they may not make a whole lot of sense. Tokos said that limitations of zoning are that RV parks are not allowed in all residential districts, and when you put two RVs on a lot, that makes it an RV park; which is a different set of rules. Patrick noticed that it says that you can't use the RV to power a cabana. Tokos said that is because the electrical system is designed for the park trailer itself; and anything accessory has to be separate. Tokos said that the next sheet of paper is from the OAR. It talks about the allowable floor area, which is 400 square feet. That does not apply to a motorized RV. With a fifth wheel, you get a little extra square footage; 430 square feet. It goes into some other specific elements; bay windows, use of awnings, etc. Details are spelled out in the Administrative Rule. Safety Standards talks about standards for RVs as published by the National Fire Protection Assn. and other agencies. These are not standards that we apply to houses and not things that the Building Official applies; they are implemented at the manufacturer. Accessory structures are the only one that triggers for us; the residential code applies to accessory structures on the property. The next page contains definitions. There are three for RVs in the zoning code. The RV definition mentions the 400 square-foot limitation. These definitions were added in 2010. Patrick wondered if we needed to put in the 430 square feet for a fifth wheel. Tokos agreed that we could. He noted that the RV park definition conforms to state law. The RV storage is for more than two with no occupancy allowed. The next pages are the Manufactured Dwellings and RV code itself (Chapter 14.6). It contains the rules for manufactured dwellings on individual lots, which does not permit RVs. We have rules for manufactured dwelling parks and then for RVs generally (14.05.050). If we allow park models to be set up for habitation, we would have to change 14.06.05 (A) and (B). Item (C) about it being unlawful to discharge waste water unless connected to sewer would be okay. RV parks are limited to R-4 districts, where it is a conditional use. Then the code goes into that RV spaces shall not be less than 600 square feet. Tokos said the Commission had a lot of conversation about that.

One thing under Manufactured Dwelling Parks was a standard under 14.06.040(D) that each manufactured dwelling space shall contain at least 5,000 square feet. That 5,000 square feet requirement would have to be worked with for park models. There is no way that with that kind of lot size it could pencil out for such a modest structure. Patrick said that Longview Hills probably has lots that size; but Pacific Shores isn't anywhere near that. Tokos said that Pacific Shores would be nonconforming and would fall under those rules. Tokos said that setting some sort of minimum lot size for park models might be something to consider. The decision would be whether the minimum size is adequate or if we should allow a smaller lot. Another question is if we should allow this type of use in all residential districts. Tokos said that is the kind of feedback he needs. He can draft rules in a range of different scenarios. Tokos said that he needs guidance for where these units would be appropriate within the community. Berman wondered what the minimum lot size is in nonresidential districts, and Tokos said typically 5,000 square feet. Nye Beach is different with its old platted lots.

Tokos said that the next thing for the Commission to look at were examples to see what park models look like. He said that these are Oregon companies that manufacture park models. He said that looking at the Fleetwood information; they have a value model that Tokos said to him looks basically like a modular office. He said that looking at the floor plan; you have a living area, dining, bedroom, bathroom, and little kitchen. It doesn't necessarily come with washer and dryer space, but that is an option in some of the other models. He said it is pretty basic. There is an optional porch, and an optional closet. Moving on to the Dream Park model, which is at the top end, it has more architectural features. It has a dormer, a more elaborate porch, interior loft space, more windows, and a specific area for a washer and dryer. Tokos said that the Cascadia value series is a mirror image of the Fleetwood. There are some bay window options. The McKenzie has two different rooflines and looks less boxy. There is more in the way of windows. Croteau wondered what the cost range was, but Tokos said that he didn't print that off. The assumption was that prices would be more modest than manufactured dwellings; in a more affordable range. Tokos said that the Cascadia series offers more loft space, roof options, bay windows, and optional porch. Tokos said that his point is that if the Commission is looking for standards to differentiate between fifth wheels and park models, some of these features could be specified. Tokos said that if the Commission is looking to put together clear and objective standards that can be applied by staff, requirements could be put in for varied roofs, must have a porch, and things like that that would force them out of the basic model and into the higher end. In that way, staff is not left to something more objective; which we want to avoid. Tokos noted that these pictures and floor plans would give the Commissioners a sense of what a park model would look like. Just for information, Suzanne noted that she had just typed in park models in her search engine and got a cost of \$21,000. She had a question of what the timeline was for whether we establish a policy or code and the timeline for implementation. She said she was feeling a responsibility to first drive around town. Tokos said that we are not in a rush and there is no specific timeline to move this package forward. This is just one of the recommendations that came out of the housing piece. He said we will take a few work sessions where the Commission can put language together and put together a timeline that you want to move on. He said we will want to move quickly enough though that the subject matter remains fresh. We will move through it in a reasonable timeline, but there is no specific timeline.

Tokos said that, in terms of what to focus on, the Commission can look at this narrowly and make this easier to put park models in manufactured dwelling parks or on individually-owned lots. You can look at allowing them in the full scope of residential districts or just in high density. Does the Commission want to see design standards in place for park models or just as they are? Tokos said that is the kind of feedback he would like to start with. For the next round of discussions, Tokos can bring more information; but he needs a better sense of what type of information the Commission would like. Hardy wondered if Tokos had any idea of the life span of park models versus manufactured homes versus stick-built. She said that might be some of the consideration for where you want to allow them.

Croteau said that he looks at these differently than ADUs and sees them as being fairly more high density. He said it defeats the purpose of the 50' x 100' lots. Hardy noted that the larger lots would allow them to have a garage and storage however. Berman noted that the objective is to have affordable housing. Croteau thought if density is a consideration that requiring a 5,000 square foot lot will likely preclude this type of structure. Smaller lots which increase density will allow them. Croteau thought that is a big issue we need to face. Patrick wondered if they could be allowed as ADUs, which can be detached. Tokos said that an ADU can't be over a certain percentage of the size of the primary dwelling; so park models wouldn't have an ADU. Park models could be an ADU, he could see that desire if the RV code were changed. Patrick said that he has no problem putting park models in manufactured home parks. He said if we allow park models on individual lots, he thinks we would have to have some standards for architectural treatments because that is the only way to separate them from trailers and fifth wheels. Dalton noted that Tokos had mentioned other jurisdictions and wondered if he could get examples of what they have done. Tokos said that they are more common in the county, but he will try to find cities that have allowed park models. Patrick said that it is state law that a manufactured home can be placed anywhere. Tokos agreed that we can't treat a manufactured home any differently than a stick-built home, but some CC&Rs can prevent them. Berman asked what about these in a geologic hazard area as it had been set up in the original draft of that code. Tokos said these would be handy on moving land. Tokos asked if for purposes of zoning, the Commission wanted to see language that would allow park models in typical residential zones. He said that he can bring a map and have further conversation whether other districts would be appropriate. Can we limit them just to parks or allow on individual lots? Patrick said that we have to be careful about opening it up. Maybe we need to designate an area and have an overlay. Tokos said that he is unsure park models could meet the architectural treatment requirements in Nye Beach. Perhaps they could with custom work, but most designs would run into problems with the overlay standards. Patrick agreed that we have to look at the zoning map to see if there are places for these. He said that there is a lot of R-3 zoning being used as single family because they have large lots. Croteau noted that there is language for RV parks now. That is R-4 and is conditional. Tokos said that the reason for RV parks being a conditional use is because of the review. RV parks have to have common area and some common facilities, consolidated storage areas maybe, and some common parking area. All of that gets looked at. That is why those standards exist. Croteau asked if when trying to adapt RV park language to park models there is an issue of their size and lot size. Tokos said that lot size is not driving it. They could put two on a lot if we keep the lot size high. He said we haven't been approached to put these on 5,000 square foot lots because the value of property is too high. Croteau said we have to have a way of making it square foot appropriate for park models to fit into what we already have for RV park language. Tokos said it will be independent of that. He said we need

to think about it in terms of an RV pad versus an individual lot pad. He said that maybe the Commissioners want to drive around and visualize if we make it more permissible, how will that transform neighborhoods and affect values. Patrick said that the area in Lincoln City south of Devils Lake would be a good area to see. Tokos suggested maybe if the Commissioners have time to drive around and take a look and think about that. Then when we get back to the conversation, you will have that context. Tokos agreed that we want to be very careful about how we approach these. He said it is different than ADUs.

B. Adjournment. Having no further discussion, the work session meeting adjourned at 7:00 p.m.

Respectfully submitted,

Wanda Haney
Executive Assistant

Draft Minutes
City of Newport Planning Commission
Regular Session
Newport City Hall Council Chambers
Monday, May 28, 2013

Commissioners Present: Jim Patrick, Jim McIntyre, Rod Croteau, and Bill Branigan.

Commissioners Absent: Mark Fisher (*excused*), Glen Small (*excused*), and Gary East.

City Staff Present: Community Development Director Derrick Tokos and Executive Assistant Wanda Haney.

A. Roll Call. Chair Patrick called the meeting to order in the Council Chambers of Newport City Hall at 7:02 p.m. On roll call, McIntyre, Croteau, Patrick, and Branigan were present; with Fisher and Small absent but excused, and East absent.

B. Approval of Minutes.

1. Approval of the Planning Commission regular session meeting minutes of May 13, 2013.

MOTION was made by Commissioner Croteau, seconded by Commissioner McIntyre, to approve the Planning Commission minutes as presented. The motion carried unanimously in a voice vote.

C. Citizen/Public Comment. No comments on non-agenda items.

D. Consent Calendar. Nothing on the consent calendar.

E. Action Items.

1. Motion to initiate amendments to the Port Facilities element of the Newport Comprehensive Plan. Tokos noted that we haven't always done this; but this is the cleanest way to do it. By initiating the action by motion, there will be a record that the amendment was initiated. Later on, the Planning Commission will have a hearing.

MOTION was made by Commissioner Croteau, seconded by Commissioner Branigan, to initiate an update to the Comprehensive Plan by working on an amendment to the Port Facilities element.

F. Public Hearings.

Legislative Actions:

1. File No. 1-Z-13: Consideration of proposed legislative text amendments to Section 14.01.020 (Definitions), Subsection 14.03.050 (Residential Uses), and Chapter 14.16 (Accessory Uses and Structures) of the Newport Zoning Ordinance as codified in the Newport Municipal Code to create standards for permitting Accessory Dwelling Units (ADUs) on residential properties. The Planning Commission will make a recommendation on this matter to the City Council.

Patrick opened the public hearing for File No. 1-Z-13 by reading the summary of the file from the agenda. He presented the statement of rights and relevance and asked for the staff report. Tokos noted that the packets included the draft amendments to the Newport Zoning Ordinance that would provide the option to construct ADUs on residential lots with very specific standards spelled out in detail. This would implement Policy 4, Goal 2 of the Housing element of the Newport Comprehensive Plan in order to facilitate affordable housing. The Housing element encourages providing housing in a price range that working folks might be able to achieve. Tokos explained that an ADU is a dwelling unit ancillary to a primary dwelling on a piece of property. The standards spell out how the ADU shall architecturally match the primary dwelling. The ADU shall share the same primary utilities, which are spelled out. An ADU is limited in square footage to 50% of the primary dwelling or no more than 600 square feet. An ADU may be adjoined to the primary dwelling, over a garage, or free-standing. Tokos said that this type of housing is viewed as being constructed for rental income, and he expects that will happen in some cases. Tokos noted that the only place where ADUs are currently permitted are in the Wilder development where they came in with specific language, which the Planning Commission reviewed and approved. That is what this code is largely modeled after. There is one unit in Wilder, which Tokos believes is for rental because it is close to the college. Tokos said you can also expect this to be a favorable option for someone who has aging parents and want to care for them on their property. For the elderly who need a caregiver, an ADU can provide a place for the caregiver to live on site. Or it could be for an older child still trying to find their way in life. The setback requirements that apply are spelled out in the standards. Tokos noted that he had the entire record with him. He said that the Planning Commission has conducted a number of work sessions, and the language is more or less the way they want it. If the

Commissioners have any changes, this meeting is the time to bring that up. Branigan asked if the ADU requires the same geologic clearances whether attached or detached. Tokos said yes, the trigger mechanisms are the same irrespective of construction. The ADU would be viewed the same as any other structure. He said that if it's free-standing for example, and there is enough earth movement so that it is not exempted, that triggers the requirement right there. If the ADU is on the second floor that wasn't designed for that weight and there has to be foundation work then that triggers it. If it is on a second floor that was designed for the additional load and it is not altering the footprint, that wouldn't trigger the need for a geo report. Branigan noted that one off-street parking space is required for an ADU. An ADU could be for rental purposes, and we just modified the vacation rental code. One of the things we set up there was that every bedroom required an off-street parking space, but they couldn't pave over the existing foliage to make parking spaces and there were landscaping requirements for vacation rentals. He wondered if those would still apply to an ADU. Tokos said that if the ADU was used for vacation rental purposes, it would. They would have to get an endorsement, and all standards apply. Tokos said that one of the ADU standards is that at least one of the units has to be owner-occupied. One incentive is that they are exempted from the density standards in residential districts. Tokos said this is an option we will see materialize in many areas of the community.

MOTION was made by Commissioner McIntyre, seconded by Commissioner Branigan, to approve the changes to the Accessory Uses and Structures code (Chapter 14.16) and related sections to address ADUs and forward a favorable recommendation to the City Council. The motion carried unanimously in a voice vote.

G. New Business. No new business.

H. Unfinished Business. No unfinished business.

I. Director's Comments.

1. Tokos updated the Commission on the Teevin TIA. An appeal of their decision of approval was received. At their meeting on June 3rd, the Council will decide how they want to deal with the appeal. They have three options. They can find that circumstances warrant another full evidentiary hearing; in which case they would have to find that new information came up that was not available at the Planning Commission level or there is enough community interest. They have some discretion on how that plays out. Another option is that they can have an on-the-record review hearing. As part of the appeal, the appellant had to pay for preparation of a verbatim transcript. That is prepared, and that is what the Council would be looking at. Arguments can be made that are specific to what is already in the record. The third option is for the Council to say that they respect the Commission's decision and to recommend denying the appeal without holding a hearing and accept the Planning Commission's decision as the final decision from the City. If no hearing is held, the City will refund the appellant's fees they paid. An appeal could then be taken to LUBA. LUBA wouldn't look favorably on the City if we kept the money when no hearing was held. The Council's decision for the last option would be largely based on the fact that the staff decision and the Planning Commission decision are essentially the same. We have now had two full decisions where we came out with the same outcome, so it's really not in the Council's interest to do a third meeting. Had the decisions been different, that may warrant a third hearing.

2. Tokos noted that he and Councilor Sawyer went to Albany to position ourselves for state funding of over a million dollars for projects in South Beach. That whole project involving the relocation of the light from 32nd to 35th and Ferry Slip realignment is about \$2.6 million. Our share out of the South Beach Urban Renewal is \$1.5 million. The state grant is over \$1 million. Ours is the only project in our area they are looking at that involves road construction. Our project should get a top recommendation out of our area. Then we will be considered against other areas. Urban Renewal may not be available for match down the road. A decision on this will happen this fall.

3. Tokos said that the budget meetings are continuing. The next meeting is on Thursday, and he thinks that will be the last one. Tokos will cover Community Development, Urban Renewal, and System Development Charges. He believes that economic development will be discussed in great detail. Discussion will be whether the City helps fund a business recruitment coordinator. The Budget Committee is struggling with competing demands and additional utility fees. They are considering whether or not to take general fund dollars to backfill what would otherwise be higher utility rates. Tokos said that the Commissioners are welcome to attend on the 30th at 6:00 p.m. He said that they may end up talking about housing as well. The transit will probably also be discussed. There is a recommendation expected for whether funding of the \$90,000 for the loop system that is coming out of room tax should continue at this point or not. Right now it's not in the budget. This affects a number of policies. It is part of the TSP. He said hopefully we can avoid this. The Council may be looking at a number of areas for policy obligations and how to carry those out.

4. The final meeting of the group that was formed to make a recommendation for an alternative to John Moore Road to the Port facility was held last week. Tokos believes that group is simply going to make a recommendation of things to consider for establishing such a route and not try to establish a route because it is not viable to actively pursue that right now. They feel they can at least sign in on a recommendation of what some factors should be once it's time for that conversation.

Croteau wondered if on the appeal of the Commission's decision, there was some new basis stated. Tokos said that wasn't necessary at all. It's not uncommon for someone to try to come up with new arguments, but they didn't try to do that. It is basically the same.

Croteau said that he felt that the Commission spent some good effort on the ADU code. He said we have to make affordable housing, and ADUs are a good step in that direction. With our aging population, it may benefit a lot more people than we are thinking about at this time.

J. Adjournment. Having no further business to discuss, the meeting adjourned at 7:25 p.m.

Respectfully submitted,

Wanda Haney
Executive Assistant

Draft MINUTES
City of Newport Planning Commission
Work Session
Newport City Hall Conference Room 'A'
Monday, June 24, 2013

Planning Commissioners Present: Bill Branigan, Jim Patrick, Rod Croteau, Mark Fisher, Glen Small.

Planning Commissioners Absent: Jim McIntyre and Gary East (*excused*).

Citizens Advisory Committee Members Present: Lee Hardy and Bob Berman.

Citizens Advisory Committee Members Absent: Suzanne Dalton (*excused*).

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

Chair Patrick called the Planning Commission work session to order at 6:02 p.m. and turned the meeting over to CDD Tokos. Tokos noted that he had included in the packet a letter received from some Nye Beach residents. The Design Review ordinance requires that a public hearing be held before the City Council by the end of the year to determine whether there is a need to do anything to the Nye Beach code. When the City Council held their town hall meeting recently in Nye Beach, they were approached by some of these folks about that ordinance; and the Council has asked that before that hearing is held that Tokos meet with the Nye Beach Merchants Association to find out if there are specific concerns so there is some focus when that meeting is held. The City Council will discuss whether there is sufficient need to direct the Planning Commission to do an ordinance review. Tokos noted that the letter mentions a Transportation and Growth Management Grant, and he agreed to meet with these folks later this week. Tokos said that he will fall back to what the City Council asked him to do. He felt that this letter is getting ahead of the game in presuming there is a need for change when that hasn't been determined yet. Because Patrick was copied, Tokos just wanted to share this letter with the entire Commission. He said there are a few people in the district that feel there is a need for changes; but he doesn't feel there is a strong desire in the larger Nye Beach area to do a full re-do of the overlay code. He feels that what we are seeing is more their frustration with the slowing in the pace of development, which is a function of the economy more than anything. He agreed that there are some things in the code that need to be cleaned up. Parking is one. The concept when the code was drafted changed a bit when the parking district formed. These things are more targeted than doing a whole new neighborhood plan. He doesn't see that happening, but the process is set by ordinance. Fisher asked if Nye Beach can't do another urban renewal district. Tokos said that they could seek to form a new district that includes portions of Nye Beach. There are limits on the amount of a city that can be in urban renewal districts; and that could be an issue. The north side district of US 20 and 101 came out of the economic analysis as the place to focus. There is no hard and fast rule that they can't put Nye Beach in a new district. It gets into how much of the land in the City is in urban renewal.

A. New Business.

1. Draft Presentation on System Development Charges (SDCs). Tokos said that the City Council asked for this overview, and he will be presenting this to them on July 1st. He wanted to get the Commission's take on this and if it makes sense and to get their thoughts on how the City's process to adjust the methodology should be. Tokos handed out a sheet with questions and answers on SDCs from the League of Oregon Cities. In his presentation he didn't spend a lot of time on that. He noted that five years have passed since the new methodology was adopted. Going through the slides, he noted that the purpose of SDCs is to impose a portion of the cost of capital improvements on developments and redevelopments that create the need for or increase the demands on capital improvements. He said these can be considered upgrades to the capital system. These fees are assessed on new development so they can help cover the enhancements. SDCs are driven by growth. These are improvements above what would normally be paid for. The thought is that at least some portion should come from new development. The definition of SDC is a reimbursement fee, an improvement fee, or a combination that is assessed at the time of increased usage of a capital improvement or issuance of a development permit, building permit, or connection to the capital improvement. He noted that the City can't charge SDCs for activities that we don't collect for a building permit; and that has been a rubbing point. The capital improvements are broken into five categories; wastewater, water, drainage, transportation, and parks and recreation. Newport is collecting all that jurisdictions can by law. Not all jurisdictions are doing that. He noted that on the League of Oregon Cities website, they have a 2010 study that lists what a lot of jurisdictions do. Capital improvements do not include costs for the operation of routine maintenance of these facilities; rates are supposed to cover that. SDC fees have to be kept in separate accounts and have to be spent in accordance with a plan. They can only be spent on SDC projects and only at the amount SDC eligible. He gave an example of restructuring the John Moore Road and Bay Blvd. intersection. Only 10% may be SDC eligible because of existing development. Tokos said the City has been charging SDCs as long as statutes have been in place; at least since 1981, maybe even earlier. How we calculated them was different back then.

There are two types of fees: improvement where we collect fees to build facilities; and reimbursement where the facility is already built using other funds, but now a certain amount can be paid back to cover future growth. He added that the City doesn't do that enough. Giving the history of SDCs, Tokos noted that it used to be fixture-based for water and sewer (how many fixtures were being added to a structure). Off-street parking demand was how it was assessed for streets, and it was based on dwelling units for parks. The City didn't collect for storm drainage until 2008 with the new methodology. That is when it was changed to an equivalent dwelling unit (EDU) basis. It was an impervious surface based approach for storm drainage; everything else was EDU. Water usage and number of vehicle trips was quantified in the methodology for nonresidential uses to establish equivalent units. For instance 1,000 square feet of restaurant would be equivalent to four dwellings. Fisher asked if that means that for gravel parking someone wouldn't be paying storm water SDCs; but for pavement they would. Tokos said that if a use adds five or more parking spaces, it has to be a paved surface on the lot. A new restaurant would be putting in pavement and would be paying for that. Patrick, having been on the committee reviewing SDCs back in 2008, noted the huge increase in fees for a single-family residence with total fees more than doubling. Tokos noted that homebuilders ran into situations where jurisdictions were all over the board with their SDC methodologies. They, along with others, convinced legislators there was a need to set ground rules for collecting SDCs. Every jurisdiction has to do it a certain way so they are treated as fairly as possible. State law does provide certain ground rules. SDCs have to be based on a Capital Improvement Plan for those systems, which notes that these are the projects we need to construct, and those capital projects should be based on growth projections. There needs to be evidence that capacity needs to be improved and that projected costs have to be passed on. We determine certain projects need to be done, and then the projected cost is what we base the SDC on. It is only taken on the new development portion because it is attributed to future demand. To determine the amount of SDC fee to charge per EDU, we take the SDC eligible cost and divide it by the projected growth in EDUs. Patrick noted that the Parks SDC turned out to be the biggest, but got cut in half. Tokos noted that jurisdictions are not required to collect 100% of eligible costs.

Tokos presented a slide showing a chart that provides an example of the SDC eligibility for water. It lists all the projects that are in the water system master plan that do not have dedicated funding sources. At the time this methodology was created, the City knew there would be an obligation bond for the water treatment plant, so it was taken off. Tokos said one conversation to have with the Council is now that the water treatment plant is constructed, the City should think about setting that up as a reimbursement fee. A portion for future growth is eligible for reimbursement. Each project is given a percentage of eligibility. The reimbursement fees are listed. Both are tallied up to get the maximum reimbursement SDC and the maximum improvement SDC. These are divided by the total growth EDUs to get the SDC fee per EDU. Tokos noted that this was in 2007 and adopted in 2008. The methodology suggested more robust development would occur than has in the last five years. Your SDC goes way up when you look at this. Tokos said that periodically we need to think critically if everything on that project list is needed. If they are not needed within 20 years, they shouldn't be on the list and we shouldn't be collecting an SDC for it. We need to look at growth projections and see if they are realistic. If it is overly rosy, we won't be collecting a lot in SDCs. Tokos said that he thinks a five year window is reasonable time to assess the methodology and decide whether certain projects should remain on the list. After five years, we are where we can take a hard look at how close we are; or if we have to make an adjustment. There is no requirement by statute for how often we review an SDC. The replacement of the dams is not in here. We would need to know the likely costs and what the timeframe will be. We can use SDC funds to update the capital plan itself. We could use the SDC for the parks master plan update for instance.

The next slide explained how the eligibility of capital projects for SDC assessments is determined. Based on the maximum daily demand and the projected demand, a ratio is established to determine the percentage that is for replacing existing capacity and the percentage to satisfy growth needs. Only that portion that is needed for future capacity is eligible for expenditure of SDC fees. Patrick noted that why a lot of this got taken out was the potential effect of this because the numbers hadn't been changed for ten to fifteen years. He said that now we are far enough along that we can add some of those back in. Croteau asked when the fees are paid. Tokos said that the fees need to be paid before the City can issue a building permit. Tokos said that part of this gets at managing the program. He said that a program can cost almost as much to administer. They have to get a building permit, so that is a good time to collect SDCs. It is easier to do it that way. The reason the City is not collecting on those where a building permit is not required is that we can't collect SDCs if we don't know something exists until someone tells us. By then, it has already been constructed and we hit them up to do what they should have.

Tokos discussed what triggers an SDC assessment, which would be new construction or alteration, expansion or replacement that increases usage. Fees are payable upon issuance of a building permit. Fees would trigger if someone connects to water or sewer systems or if there is a development permit. If someone goes and does it without a building permit and one was required, they have to pay and get a building permit.

The next couple of slides showed what we have collected since the new SDC system went on line; by year from 2008 to current, and by type. Small wondered at what point the level of the SDCs would actually discourage development. Tokos said it is tricky, but on the balance, he doesn't think it really has much. It would be more discouraging to small-scale development. The challenge with SDCs is that we can't treat small-scale development differently. Small said that the economy is driven by the small-scale; not the big developments. Patrick noted that on a remodel of a house, if there is an existing residence, they don't pay. Tokos noted that the fees are not fixture based anymore; so if someone is adding a bathroom, they are not paying SDCs. Tokos said the

storm drainage has fundamental problems with the methodology right now. Most projects don't pay; but the City didn't collect fees for storm drainage until 2008. Something to think about is why we are giving credits for something that was never paid for. A lot of those projects happen without permits. Someone (like the South Beach Church) paves a parking lot with no storm drainage; there is no permit, so they don't pay the SDC fee. If they take out a plumbing permit for storm drainage, they pay for adding impervious surface. Tokos said it's not fair. How can the City collect if we don't know it's occurring? We maybe would pick it up at a later date when they came in for something that requires a permit. Tokos said that SDCs are not coming in in a meaningful way.

Next, Tokos presented a graph showing how Newport stacks up against our peers; and he noted that we are on the inexpensive side. He noted that some jurisdictions have different costs based on elevation. Most jurisdictions are sitting in the \$12,000 to \$15,000 range; and we are sitting at \$10,400. He said the point is that this chart is helpful to see where we are in comparison with others. When looking at a change in the methodology, we don't want to be close to the \$30 thousand per EDU where West Linn is in some cases. Those that have similar terrain to us could have challenges similar to us. He noted that Newberg is mostly flat; but Depoe Bay is pretty similar to us. He said that Portland has similar issues, and they are at \$18 thousand per EDU. Lincoln City is ahead of us by a couple of thousand dollars base. Not all of these jurisdictions are EDU based. Some are fixture based, but on their website they provide what a typical number of fixtures are per dwelling unit.

Tokos had a pie chart showing how heavily influenced our collections are by large projects. It showed the amount collected for the NOAA MOC-P compared to all other projects in FY 2010 and FY 2011. Next, Tokos showed a comparison of collections versus transfers to capital projects. He noted that one of the things in the last few years is that we transferred funds to capital projects a lot more than what was collected; and that has to stop. Those water and sewer accounts are tapped out; there are no more SDC monies in the bank. The next pie chart showed the percentages collected by construction type. Most were paid on residential. Institutional was 16%. Patrick suggested that Tokos also run a slide showing the comparison in money. The next slide showed how much we are eligible to collect. Berman suggested that if it refers to a 20-year period, it should say that on the slide. Tokos said that this second slide shows that if we continue to collect at the rate we have been, after 20 years, we will have collected a little over 10% of what we said we need to for water; over 30% for sewer; less than 10% for streets; less than 10% for parks, and about 10% for storm drainage. Patrick said that means that realistically we would have to add 90%.

Tokos said that he is not trying to say to jack up the SDCs. That is way too hard. There is no way we are close to pulling all the SDCs. The projected need is driven by growth. This was the project list and what is SDC eligible back then. Tokos said the water treatment plant can be put back in as reimbursement SDC. Patrick thought that we could realistically cut the projects in half given the current growth rate. Tokos agreed that we have more projects on the list than the growth justifies right now. Growth projections are a little lower than was predicted. There have been some inappropriate credits that have peeled away revenue. He said that this feeds into the City Council conversation about having other revenue sources. There has been a lot of discussion happening about the 15% increase in water rates for example. That doesn't assume that we get a dime of SDCs. Public Works doesn't rely on that when pitching that. When they are looking at those rates, they are looking to cover capital projects with rates. We need to look hard at what we assume we need to build and make sure it is realistic in terms of need and thinking. Tokos said the question is if that list makes sense and is that what we really need. Maybe we can get by with a list that is more modest and reasonable. Berman wondered where the list comes from. Tokos said typically in the master plan updates. He said the storm water master plan will be fired up relatively soon; and there will be a sewer master plan, which hasn't been done since the 80s or early 90s. The water master plan was done in 2008, but it certainly needs tweaks. The transportation plan was just done. Patrick said that he knows there are projects that have been in there a while. Tokos said that just because a project is in the master plan doesn't mean it is in the SDCs. They are 20-year plans and have timing of 1-5 years, 5-10 years, and 15 plus years. It had different categories. It is taken from that into here. It will be a separate piece of that contract to work on the SDC methodology. Fisher wondered if the County have similar fees. Tokos said that he didn't look at the County. They have different development; they are rural. He would have to see if the rules are the same. Patrick thought the County has fees for streets. They are limited; they can't do water and sewer.

As far as amending SDC fees, some adjustments can be made without notice by resolution. Annually the methodology calls for adjusting the SDCs based on the construction cost index. Generally they go up; but one year they went down. The adjustment is a very small percentage. Changes to the methodology or an addition of a project that increases SDC fees requires a public hearing before the City Council with at least a 30-day notice to people requesting written notice. Nobody has made that request at this point.

Branigan asked what happens to fees collected and then a project disappears. Tokos said they are not on a project-specific basis. They are collected as a sum total. We collect based on total number of projects. Once complete, we have administrative responsibilities. We are not required to take them off the list per se. If collecting for a 20-year period, we are still collecting this rate for 20 years. There is a matter of housekeeping, like with the water treatment plant, by moving it into reimbursement fee as opposed to eligible fees. Berman wondered if fire protection falls into the same when a new fire station or new equipment is needed. Tokos said that state law defines the scope of what we can collect SDCs for, and that would be what we do.

Regarding authorized expenditures, reimbursement fees may only be spent on capital improvements associated with the systems for which the fees are assessed; improvement fees may only be spent on capital improvements that add capacity to the system (SDC eligible) and must be funded out of the account into which like type fees were collected. Any capital improvement receiving SDC funds must be included in the CIP and list of SDC eligible projects. Fees may be expended on updates to CIP and activities necessary to comply with SDC statutes. We collect 4.18% administrative fees. Patrick noted that transportation has all those projects, and some were to be done in five years. We still have to hold them on the list; but it's about what part should get into the SDC list.

Tokos talked about SDC credits. He noted that there is one that is required by law, which is if a developer has financed qualified public improvements. It is a dollar-for-dollar credit. None of the others are required; although a lot of jurisdictions do the second and third credits listed on the slide. If SDCs were paid in the past, a developer receives credit for what was paid. Credits are deducted from what is due. We go a step further and do something a little more generous. We provide credits for existing uses or development on the property that didn't pay SDCs. Walgreens paid zero SDCs; although the existing structures predated the SDC code, and SDCs were never paid. Tokos said that we need to take a hard look at being more generous than other jurisdictions are. We give credits for prior uses or developments that existed within the last 30 years; and no other jurisdiction does that. Because there was a log yard there 22 years ago, Teevin Bros. paid zero for transportation SDCs. They are putting in new asphalt so they are on the hook to pay the storm water SDC because there never was pavement. Tokos said because of this 30-year credit, we get weird things. There was a water meter left out there that was never utilized, but Teevin gets credit for a 2 inch meter. Patrick said a lot of this came about because of how high the SDC fees changed. It was a trade-off at that time. Berman wondered if SDCs could trigger with a change in ownership; but Tokos said that is tough. Tokos noted that any SDC credit that has been given has to be expended in 10 years so someone can't pay their SDC fees and hold off a long time on development in order to avoid higher fees. Tokos noted that because of what happened with the coffee shop where their SDC fees were going to be 40% of their overall project, we may want to add a cap of 20%. That is close to the 25% of project value that the State has for how much a developer would have to pay in terms of ADA accessibility on a project. We could set a credit that in no case can SDCs exceed 20% of the value of the project. NOAA was at about 4% of their project cost; Teevin is about 4.5% on storm water.

Small noted that you are paying the same \$10,400 SDCs whether you are doing a \$200,000 or a \$300,000 house; and he thought that seems discouraging for affordable housing. Tokos said that he is not saying that it's not worth looking at. It would require changing the methodology. Sometimes fixture-based gets at that, but that's still not perfect. Patrick said that any low-priced house has higher impact than a higher-priced house. The higher-priced homes are usually ocean view vacation homes; and the people are here only half the year. It's not the same impact as with workforce housing. Croteau agreed we could get bogged down looking at this. Patrick said that is why the committee went with EDUs; it's simpler.

Tokos went to the last slide listing recommendations. These are to deal with credits independently and consider revising them to eliminate those that are eliminating SDCs. Reviewing the CIP list to see if a project is actually needed in 20 years is important. He said it seems to make sense to do that review for the storm water and the sewer as those master plans are developed. For others that we are not looking at for a while in their master plans, such as transportation, we could do those separately. We might want to look at growth projects and if they are accurate. Tokos asked if these recommendations seemed reasonable. Patrick thought Tokos might want to add cutting the 30-year window for credits down to 10 years or something more reasonable. That ties into the 10-year life for SDC credits. Tokos wondered if we may want to charge some percentage for those that never paid SDCs to begin with. We could set a flat 50% if we want; it would have to be formula based. He said that could be a discussion.

Fisher asked if the City Council is bound by these or if they could just adjust the SDCs. Like if there is an appeal, they have flexibility of 25%. Tokos said the legislature put limits on SDCs to make sure we weren't treating people differently; so there wouldn't be too much flexibility. He said the only appeal option is if someone took offense with how the City spent SDC money. Small wondered if there was a way to build in incentives like in the Deco District to encourage people to address that. Tokos said we can't geographically say we are offering the city center credit. The way it has been done, like in Gresham, is that they waived the SDC in the city center as a business incentive. Then they actually used urban renewal funds and utility rates to pay them; but they couldn't waive the fees. They were paid by other city revenue sources so the developer didn't have to pay. Small thought it seemed like a legitimate urban renewal project. Tokos agreed that they are being used to offset development costs.

Tokos wondered if the structure of this presentation made sense. When he presents this to the City Council on July 1st, he will make similar recommendations to them. He said some of the information will also be digested by the task force working on paying for infrastructure. The presentation is to show them what SDCs are, how they perform, where we currently are in terms of how the system is working, and how they relate to urban renewal, utility rates, and bonding.

Tokos said that as the next step, we will probably be redoing the methodology for storm water at the same time as we work on that master plan. We will likely see changes done in bits and pieces; or we could push for a more holistic way. The challenge is knowing what Public Works is moving forward. Tokos knows that the storm water master plan is about to move; so it doesn't make much sense to do something on that separately. Sewer may come a year later as a master plan piece. We can tackle the

credits and how long we hold them, and reimbursement of the water plant. Transportation is done. He said the comparison chart is good tool to make sure we are not out of sync with our peers. We need to do something about growth projections. That was done as part of the housing and economic studies; and it's just a matter of working it back into here. If we reduce the projected growth, we should be taking projects off the CIP. Patrick thought for now we should stay away from sewer and parks, but definitely take a look at water and transportation projects.

B. Unfinished Business.

1. Additional information regarding park models. Tokos noted that included in the packet was a minimum code change, which might address the immediate need. He wanted to see if the Commission was in agreement, or if more work is needed. What he did was a targeted change to eliminate the 5,000 square-foot minimum lot size in manufactured dwelling park space size and that it be at least an acre in size. The existing code requires at least one acre of contiguous land, no more than six spaces per acre, and that each dwelling has at least 5,000 square feet of space. That issue came up during testimony when the manufactured dwelling code was being cleaned up to comport with state law. The thought was that if we require 5,000 square feet, there is no way they would use park models. Tokos is proposing to eliminate the square footage requirement that says your park has to be so big and each lot has to be divided a certain way, and just go with density. It can't exceed the maximum density permitted in the district. The change requires that there be at least some common space. Portland took that route and does require at least some common open space so they are not stacking up. It is number of units; how many units per acre. The other change he's proposing has to do with the recreational vehicle provision, which is that you are allowed to let RVs in manufactured dwelling parks if you want to do so. It is a clarification piece.

Fisher noted that on page 1, it says a manufactured dwelling is allowed in any residential district, but it doesn't say it has to meet the standard setbacks and such. Tokos said they are still subject to setbacks. He said that he didn't set the code up for going with park models on individual lots. He couldn't find any examples where other jurisdictions allowed that. Small asked if this is consistent with what we are talking about for ADUs as well. Tokos said this is targeted to parks, and he can't see ADUs in parks. Patrick added that park models can't be put in as ADUs because they can't meet the requirements for ADUs. We can't permit it because it is an RV. Tokos said why jurisdictions don't allow park models on individual lots is the liability. If a park model burns down and takes out a block and the city has allowed it, does the city have liability for damages? But this code makes it so you can use park models in RV parks. Tokos said that he isn't optimistic that we will see a lot of change; but if the park owner were motivated to do park models, they would have the ability. Tokos said he can bring this forward as a package of code changes.

B. Adjournment. There was brief discussion about the intent of appeal to LUBA that has been filed for the approval of the Teevin Bros. TIA; and having no further discussion, the work session meeting adjourned at 7:45 p.m.

Respectfully submitted,

Wanda Haney
Executive Assistant

PLANNING STAFF MEMORANDUM
FILE No. 1-CP-13

I. Applicant: City of Newport. (Initiated pursuant to authorization of the Newport Planning Commission).

II. Request: Revisions to the Port Facilities and Goals and Policies sections of the Public Facilities element of the Newport Comprehensive Plan to align with the Port of Newport's Strategic Business and Capital Improvement Plans, dated January 2013, and to establish that it is a City priority to assist the Port in the implementation of its plans.

III. Planning Commission Review and Recommendation: The Planning Commission will review the proposed amendments and provide a recommendation to the City Council. At a later date, the City Council will hold an additional public hearing prior to any decision on the amendments.

IV. Findings Required: The Newport Comprehensive Plan Section entitled "Administration of the Plan" (p. 287-288) requires findings regarding the following for the proposed amendments:

- A. **Data, Text, Inventories or Graphics:** (1) New or updated information.
- B. **Conclusions:** (1) Change or addition to the data, text, inventories, or graphics which significantly affects a conclusion that is drawn for that information.
- C. **Goals and Policies:** (1) A significant change in one or more conclusion; or (2) a public need for the change; or (3) a significant change in community attitudes or priorities; or (4) a demonstrated conflict with another plan goal or policy that has a higher priority; or (5) a change in a statute or statewide agency plan; or (6) applicable statewide planning goals.
- D. **Implementation Strategies:** (1) a change in one or more goal or policy; or (2) a new or better strategy that will result in better accomplishment of the goal or policy; or (3) a demonstrated ineffectiveness of the existing implementation strategy; or (4) a change in the statute or state agency plan; or (5) a fiscal reason that prohibits implementation of the strategy.

These findings are addressed in the proposed ordinance, attached to this report.

V. Planning Staff Memorandum Attachments:

Attachment "A"	Draft of the proposed Ordinance, with exhibits
Attachment "B"	Notice of Public Hearing
Attachment "C"	Minutes from the April 8, 2013 and May 28, 2013 Planning Commission Meetings

VI. Notification: Notification for the proposed amendments included notification to the Department of Land Conservation & Development (DLCD) in accordance with the DLCD requirements on June 3, 2013 Notice of the Planning Commission hearing was published in the Newport News-Times on July 3, 2013 (Attachment "B").

VII. Comments: As of July 3, 2013, no written comments have been submitted on the proposed amendments.

VIII. Discussion of Request: Port of Newport facilities are part of the City's infrastructure, and there is a Port section in the Public Facilities element of the Newport Comprehensive Plan. This section of the Plan was last updated in 1986 and is outdated. The Port of Newport updated its Strategic Business Plan and Capital Improvement Plan in January of 2013. These documents are posted on the Port of Newport's website at: <http://www.portofnewport.com/>.

The City of Newport and Port of Newport have had a longstanding collaborate working relationship. Both organizations promote economic development and maintain infrastructure critical to such development. Incorporating the Port's business and infrastructure priorities into the Newport Comprehensive Plan allows the City to assess how those priorities align with its other capital needs. This promotes the timely, orderly, and efficient provision of public facilities and services consistent with Statewide Planning Goal 11. Establishing as a matter of policy that it is a City priority to coordinate with the Port on infrastructure projects and to support the Port's capital improvement plan will assist the Port and City in securing outside funds for projects. This is critical in a time where there is limited federal and state resources for maintaining and upgrading infrastructure needed to support economic growth.

IX. Conclusion and Recommendation: The Planning Commission should review the proposed amendments and make a recommendation to the City Council. As this is a legislative process, the Commission may recommend changes to the amendments if the Commission chooses to do so. The City Council may also make changes to the proposal prior to adoption of a final decision.



Derrick I. Tokos AICP
Community Development Director
City of Newport

July 8, 2013

CITY OF NEWPORT

ORDINANCE NO. _____

**AN ORDINANCE AMENDING ORDINANCE NO. 1621
(AS AMENDED) TO REPEAL AND REPLACE THE PORT FACILITIES SECTION AND
AMEND THE GOALS AND POLICIES SECTION OF THE PUBLIC FACILITIES ELEMENT
OF THE COMPREHENSIVE PLAN
(Newport File No. 1-CP-13)**

Summary of Findings:

1. On May 28, 2013 the Newport Planning Commission initiated amendments to the "Public Facilities" element of the Newport Comprehensive Plan. The Port Facilities section of the Plan has been rewritten so that it aligns with the Port of Newport's Strategic Business and Capital Improvement Plans, dated January 2013. Further, the Goals and Policies section of the Plan has been amended to establish that it is a City priority to assist the Port in the implementation of its plans.
2. Port of Newport and its appurtenant waterfront facilities support commercial fishing fleets, recreational fishing, tourism, marine research, and international commerce all of which are vital to the economic health of the City of Newport.
3. In order to effectively serve these industries the Port of Newport must creatively leverage limited resources to maintain and expand upon its facilities and infrastructure. To this end, the Port has updated its strategic business plan and capital improvement plans to identify its most critical infrastructure needs and funding strategies for meeting those needs.
4. City similarly maintains waterfront infrastructure, along with a network of streets, sewer, water and storm drainage improvements that support Port activities. It is therefore essential that the City and Port coordinate capital investments so that they are mutually beneficial and best leverage limited resources.
5. Updating the Port Facilities section of the Newport Comprehensive Plan ensures that the City has current information on the Port's infrastructure priorities and how those priorities relate to the City's other capital needs.
6. City and Port have historically worked closely together to coordinate infrastructure projects and to facilitate economic growth within the community. Memorializing this relationship as a matter of policy provides both organizations with a competitive edge when seeking to secure outside funds for projects.
7. These amendments to the "Public Facilities" element of the Newport Comprehensive Plan are consistent with applicable Statewide Planning Goals in that the changes:
 - a. Have been developed and vetted with the City of Newport Planning Commission and its Advisory Committee consistent with Statewide Planning Goal 1, Public Involvement; and
 - b. Update the Newport Comprehensive Plan's technical inventory with respect to the condition of Port facilities, infrastructure investment priorities, and funding strategies that will facilitate fact based land use decision making processes consistent with Statewide Planning Goal 2, Land Use Planning; and

- c. Complement economic development strategies contained in the Comprehensive Plan that call for the City to coordinate with the Port of Newport on waterfront related development and to help facilitate growth of employment in commercial fishing, tourism, international commerce, and marine research, consistent with Statewide Planning Goal 9; and
- d. Provide for the timely, orderly, and efficient arrangement of public facilities and services by ensuring the Port infrastructure priorities are identified in conjunction with the City's other capital project needs, as encouraged by Statewide Planning Goal 11, Public Facilities and Services.

8. No other Statewide Planning Goals are applicable to the proposed changes to the "Public Facilities" element of the Newport Comprehensive Plan.

9. The Newport Planning Commission reviewed the proposed changes to the "Public Facilities" element of the Newport Comprehensive Plan, as they were being developed, at work sessions on April 8, 2013 and May 28, 2013. The Planning Commission held a public hearing on July 8, 2013, and voted to recommend [or forgo] adoption of the amendments.

10. The City Council held a public hearing on August 5, 2013 regarding the question of the proposed revisions, and voted in favor of [or to forgo] their adoption after considering the recommendation of the Planning Commission and evidence and argument in the record.

11. Information in the record, including affidavits of mailing and publication, demonstrate that appropriate public notification was provided for both the Planning Commission and City Council public hearings.

THE CITY OF NEWPORT ORDAINS AS FOLLOWS:

Section 1. The Port Facilities section of the Public Facilities element of Ordinance No. 1621 (as amended) is repealed and replaced as illustrated in Exhibit "A".

Section 2. The Goals and Policies section of the Public Facilities element of Ordinance No. 1621 (as amended) is repealed and replaced as illustrated in Exhibit "B".

Section 3. This ordinance shall take effect 30 days after passage.

Date adopted and read by title only: _____

Signed by the Mayor on _____, 2013.

Sandra Roumagoux, Mayor

ATTEST:

Margaret M. Hawker, City Recorder

PORT FACILITIES¹

BACKGROUND

The Port District was formed in 1910 to promote water-related commerce in Lincoln County. The Port is located on the central Oregon coast and encompasses the Yaquina Bay estuary. The Port boundaries extend north to Otter Rock, east up to six miles inland, south to Seal Rock, and west to the Pacific Ocean. The Port of Toledo is adjacent to the Port of Newport's eastern boundary and the Port of Alsea adjoins the Seal Rock boundary.

VISION AND MISSION

Vision: The Port of Newport will serve as the premier Oregon coast port for the commercial fishing fleets, for recreational fishing and tourism, and for ocean observation and marine research support. We will be one of the top two Oregon coast ports for waterborne commerce while protecting and enhancing the beauty and integrity of the natural environment which is the foundation of our working waterfront community.

Mission: Build and maintain waterfront facilities, and promote/support projects and programs in cooperation with other community organizations and businesses that will retain and create new jobs and increase community economic development.

GOVERNANCE

The Port District is governed by a Board of Commissioners that is elected, at large, from the territory within the District and is responsible for policy setting and providing strategic direction to its professional staff. The Board is comprised of five members elected for four year terms. The terms are staggered.

EXISTING PORT FACILITIES

The Port of Newport was originally formed to promote water related commerce in Lincoln County and throughout its history has evolved and refined the provision of services to the commercial and recreational fishing fleets, to tourists, and for ocean observation and marine research support.

Port facilities are situated in three distinct areas bordering portions of the Yaquina Estuary. The South Beach facilities primarily support the recreational fleet, ocean observation and marine research and tourism activities. The Ports' "Bay Front" facilities on the north shore of the bay primarily support the commercial fishing fleet along with some tourism. The Port's International Terminal is also located on the north shore of the

¹ Most of the information contained in this section is taken from the Port of Newport's Strategic Business and Capital Facilities Plans, prepared by the Northwest Port Planning Team, and dated January 2013.

Staff Note: If adopted, this language would replace the Port Facilities component of the Public Facilities Element of the Newport Comprehensive Plan (pages 175 to 181).

Bay, to the east of the “Bay Front” facilities, adjacent to the Northwest Natural Gas LNG tank.

Service Facilities

The South Beach Port facilities consist of a 600 berth recreational boat basin originally installed in 1978-79, a four lane boat launch facility with parking which was installed to replace the original marina launch facility in 2005, a 92 space RV Park installed in 2006, an older 52 space RV Park, the NOAA Marine Operations Center – Pacific (MOC-P) pier, office/operations building and Warehouse, completed in 2012, and several buildings leased to Oregon Brewing and other leased properties associated with ocean observation and marine research organizations (Oregon State Hatfield Marine Science Center, USA of Fish and Wildlife Service, Oregon Coast Aquarium, etc).

The Commercial Marina facilities consist of Port Dock’s 3, 5, 7, Swede’s Dock and the Hoist Dock along with upland dry storage and parking. The Port’s Bay Front facilities also include Port Dock 1, which is used for some transient vessel berthing along with providing a tourist platform for bay viewing and sea lion observation.

The International Terminal area contains facilities which consist of the Terminal Dock Facility (currently under complete reconstruction), along with some commercial fleet dry storage area and several leased properties and structures. A detailed map of existing leased facilities is included as Appendix A to Capital Facilities Plan for the Port of Newport, prepared by the Northwest Port Planning Team, dated January 2013.

A comprehensive inventory of Port owned facilities associated with all properties are is presented in Appendix B of the same Capital Facilities Plan. The inventory includes an estimated current value of each facility along with an estimated replacement cost. The following table indicates a summary of Port owned facilities and estimated current values and replacement costs.

	Replacement Costs	Estimated Existing Value
Buildings	\$ 30,200,295	\$ 26,611,254
Docks/Piers	\$ 52,283,864	\$ 36,883,726
Parking	\$ 4,889,105	\$ 3,854,041
Other Facilities & Structures	\$ 787,000	\$ 338,999
Equipment	\$ 759,500	\$ 496,000
	\$ 88,919,764	\$ 68,184,020

While the numbers presented above are estimated, they give a perspective of the extent of what the Port owns and is responsible for.

Utilities

Along with the more visible Port owned facilities used for providing Port services and associated with leaseholds, there exists considerable utility infrastructure supporting the Port and its operations. Much of the utilities providing services to the Port are owned and operated by outside agencies (City of Newport, Central Lincoln PUD, etc) however, the Port does own and operate some underground utilities primarily associated with storm drainage and area lighting. Appendix C to the Capital Facilities Plan for the Port of Newport includes an inventory of utilities situated on Port properties that are necessary for Port Operations. It also identifies the controlling agency of the Utility. Appendix D to the Capital Facilities Plan contains maps of existing utilities serving the Port's various service areas.

DESIGN CRITERIA AND LEVEL OF SERVICE

Design Life of Improvements

The design life of the Port's infrastructure components is sometimes referred to as its useful life or service life. The selection of a design life is a matter of judgment based on such factors as the type and intensity of use, type and quality of materials used in construction, and the quality of workmanship during installation. The estimated and actual design life for any particular component may vary depending on the above factors. The establishment of a design life provides a realistic projection of service upon which to base an economic analysis of new capital improvements. The typical design life for system components are discussed below.

Floating Docks

Modern concrete floating docks are estimated to have a useful life of 35 to 50 years. Lightweight dock systems, such as timber, aluminum and steel typically have a life of 20 to 30 years.

Piling Supported Docks/Piers

On average, industry experts estimate that a galvanized, epoxy coated or galvanic protected steel pile has 8-10 years before it will require constant maintenance and up keep. These piles typically have a lifespan of 30 years. Steel pile lifespan can be significantly extended with the use of HDPE sleeves and caps. The service life of timber pile in a marine environment is dictated by the type of wood used and treatment. The life span of a treated timber pile in a marine setting ranges from 30-50 years. The disadvantage of timber pile is the limited diameter choices and difficulty in splicing for longer lengths needed for many applications.

Buildings, Upland Structures and Equipment

Major structures and buildings should have a design life of approximately 50 years. Mechanical equipment such as motors, pumps, lifts etc. usually have a useful life of about 15-20 years. The useful life of equipment can be extended when properly maintained.

Asphalt Surfaced Parking/Storage Areas

Asphalt surfaces for parking and storage areas typically have practical service lives of 15-20 years in the mild coastal climate. With the absence of base material failures (as typically represented by extensive cracking or “alligating” asphalt surface life may be extended an additional 5-10 years through seal coating.

CAPITAL IMPROVEMENT PROJECTS

The term “capital improvement” refers to new or expanded physical facilities for the Port that are of relatively large size, are relatively expensive, and are considered permanent with respect to usefulness to service area customers. Large-scale replacement and rehabilitation of existing facilities also falls within this category.

In 2012 the Port Commission and its staff engaged stakeholders in the community to identify the District’s capital improvement needs. Projects were evaluated on a basis of physical need, desire, importance and availability of funding. The prioritization process placed the projects in three priority categories, Priority 1-3. The priority 1 projects are projects to be scheduled for work by 2018. Priority 2 projects are to be scheduled by 2023, and Priority 3 projects by 2028. The following is an initial cost and priority summary table of the identified projects for the Port:

Project Description	Priority	Estimated Cost of Improvement
Port Dock 7 Replacement	1	\$3,400,000
Wash down facility for South Beach Marina fish waste trash bins	1	\$40,000
Hoist Dock (Center Section) Replacement	1	\$637,500
Reconstruction of Recreational Marina Docks	1	\$130,000
Port Dock 5 Improvements	1	\$775,000
New Port Offices/Parking Area	1	\$878,149
Marina Dredging	1	\$4,732,302
SUBTOTAL -PRIORITY 1 PROJECTS		\$10,592,951
Renovate RV Park Annex	2	\$660,000
Rogue Brewery (Dry Moorage Building) North Wall/Siding Replacement	2	\$150,000
Electrical Load Center South Beach Marina	2	\$100,000

Staff Note: If adopted, this language would replace the Port Facilities component of the Public Facilities Element of the Newport Comprehensive Plan (pages 175 to 181).

International Terminal Fire Water Line Loop	2	\$127,355
Wastewater Pump Station Replacement -South Beach	2	\$30,000
Port Dock 1 Replacement	2	\$750,000
SUBTOTAL -PRIORITY 2 PROJECTS		\$1,917,355
South Beach/Fishing Pier Storm Sewer Outfall Replacement	3	\$80,685
Picnic Bunker Rebuild	3	\$36,000
Pavement Reconstruction/Seal Coating (all areas)	3	\$400,030
Fishing Pier Replacement	3	\$1,567,000
Old Boat Ramp Fill	3	\$64,116
SUBTOTAL -PRIORITY 3 PROJECTS		\$2,147,831
TOTAL ALL PROJECTS		14,658,137

FINANCING

Grant and Loan Programs

The Port of Newport is eligible for federal and state funding assistance in the form of grants or low interest loans. Many of these programs are also available to the City of Newport. The following is a list of the major funding programs, which are typically utilized to assist qualifying ports in the financing of improvements.

- Oregon Business Development Department (OBDD) Community Development Block Grants. May be used for infrastructure or facilities development. The Port is only eligible if the grant is sponsored by the City of County on its behalf.
- OBDD Special Public Works Fund. Provides loan and grant funds for publically owned facilities that support economic and community development.
- OBDD Water/Wastewater Financing Program. A loan program that funds the design and construction of public infrastructure needed to ensure compliance with the Safe Drinking Water Act or the Clean Water Act.
- Connect Oregon. A multimodal transportation fund established by the Oregon Legislature. Subject to periodic reauthorization.
- Oregon Port Revolving Fund. A loan program to assist Oregon ports in the planning and construction of facilities and infrastructure.
- Oregon Port Planning and Marketing Fund. A grant program to help ports fund planning or marketing studies related to expanding their trade and commerce activities.
- Oregon Marine Navigation Improvement Fund. Provides grants and loans that fund either a federally authorized project that needs matching funds; or a non-federally authorized project that directly supports or accesses an authorized navigation improvement project.
- Oregon Marine Board Boating Facility Grant Program. Funds planning, design and construction, or rehabilitation of public recreational boat access and vessel waste collection facilities.

Staff Note: If adopted, this language would replace the Port Facilities component of the Public Facilities Element of the Newport Comprehensive Plan (pages 175 to 181).

- Oregon Marine Board Boating Infrastructure Grants. Similar to the above, but larger scale and competitive nationally.
- Oregon Marine Board Clean Vessel Act Funds. A grant program that funds public and private vessel waste collection systems (pumpouts, dump stations, etc.)
- Property Taxes. Includes taxes from permanent rates, local option levies, and bond levies.

Each of the government assistance programs has its own particular prerequisites and requirements. These assistance programs promote such goals as aiding economic development, benefiting areas of low to moderate-income families, and providing for specific community improvement projects. Not all ports or projects may qualify for all programs.

DRAFT

GOALS AND POLICIES PUBLIC FACILITIES ELEMENT*

GENERAL

Goal: To assure adequate planning for public facilities to meet the changing needs of the City of Newport urbanizable area.

Policy 1: The city shall develop and maintain public facilities master plans (by reference incorporated herein). These facility plans should include generalized descriptions of existing facilities operation and maintenance needs, future facilities needed to serve the urbanizable area, and rough estimates of projected costs, timing, and probable funding mechanisms. Public facilities should be designed and developed consistent with the various master plans.

Policy 2: In order to assure the orderly and cost efficient extension of public facilities, the city shall use the public facilities master plans in the capital improvement planning.

Policy 3: The city shall work with other providers of public facilities to facilitate coordinated development.

Policy 4: Essential public services should be available to a site or can be provided to a site with sufficient capacity to serve the property before it can receive development approval from the city. For purposes of this policy, essential services shall mean:

- > Sanitary Sewers
- > Water
- > Storm Drainage
- > Streets

Development may be permitted for parcels without the essential services if:

- > The proposed development is consistent with the Comprehensive Plan; and
- > The property owner enters into an agreement, that runs with the land and is therefore binding upon future owners, that the property will connect to the essential service when it is reasonably available; and
- > The property owner signs an irrevocable consent to annex if outside the city limits and/or agrees to participate in a local improvement district for the essential service.

*entire chapter repealed & replaced by Ordinance No. 2049 (3-21-13)

Policy 5: Upon the annexation of territory to the City of Newport, the city will be the provider of water and sewer service except as specified to the contrary in an urban service agreement or other intergovernmental agreement.

WATER

Goal: To provide the City of Newport with a high quality water system that will supply residents and businesses with adequate quantities for consumption and fire protection.

Policy 1: The city will comply with state and federal laws concerning water quality and will take appropriate steps consistent with those laws to protect and maintain drinking water source areas.

Implementation Measure 1: The City shall work to establish a source water protection buffer in the Big Creek Watershed. The City declares the Big Creek Watershed a public facility consistent with the definition of Public Facility Systems in OAR 660-011-0005(7)(a)(A). The City will work to establish a source water protection buffer that is consistent with the findings of the Oregon Department of Environmental Quality / Oregon Health Department source water assessment report (PWS #4100566).

Policy 2: The water system will be designed and developed to satisfy the water demand of the various users under normal and predictable daily and seasonal patterns of use, and at the same time provide sufficient supplies for most emergency situations.

Policy 3: The city may extend water service to any property within the city's urban growth boundary, and may extend water service beyond the urban growth boundary if the extension of service is not inconsistent with an urban service agreement or other intergovernmental agreement. The city may require a consent to annexation as a condition of providing water service outside the city limits.

Policy 4: The city will acquire lands within the municipal watershed when available or necessary to protect water quality or improve its water system.

Policy 5: The city will reconstruct its municipal raw water storage and distribution facilities to address identified structural deficiencies to Big Creek Dam #1 and Big Creek Dam #2.

Implementation Measure 1: The city shall conduct necessary and appropriate engineering studies to determine the safest and most cost-effective approach to ensure the integrity of the municipal water supply. The studies shall identify the cost and timing of needed capital projects to address identified structural

deficiencies and comply with Policy 2 of this section.

Implementation Measure 2: The city shall explore financing mechanisms, and prepare a financing plan to fund construction needed to resolve the structural deficiencies by 2030.

Implementation Measure 3: The city shall use data and findings from Implementation Measures 1 and 2 of this section to update the Water Supply section of the Public Facilities element of the Newport Comprehensive Plan to reflect new information as a result of the engineering and finance studies.

WASTEWATER

Goal: To provide a wastewater collection and treatment system with sufficient capacity to meet the present and future needs of the Newport urbanizable area in compliance with State and Federal regulations.

Policy 1: On-site sewer systems shall not be allowed unless the city's sanitary sewer system is greater than 250 feet away. In any case, a subsurface permit from the Lincoln County Sanitarian must be obtained prior to any development that will rely on an on-site sewer system.

Policy 2: City wastewater services may be extended to any property within the urban growth boundary. Except for the very limited circumstances allowed by state law and regulations, the city will not generally provide wastewater services outside the urban growth boundary. The city may require a consent to annexation as a condition of providing wastewater service outside the city limits. Nothing in this policy obligates the City to provide wastewater services outside of the city limits. For property outside the city limits but within the urban growth boundary, wastewater services may be provided at the City's discretion only for:

- a) residentially zoned lands as allowed by county zoning without full services, and
- b) commercial and industrial zoned lands to existing lawful uses as of the date (9/4/07) of this amendment.

Policy 3: The city will design and develop the wastewater collection and treatment system in a way that addresses the demands of the various users under normal and predictable daily and seasonal patterns of use.

TRANSPORTATION

Transportation Goals and Policies repealed by Ordinance No. 1802 (January 4, 1999).

STORM WATER DRAINAGE

Goal: To provide a storm water drainage system with sufficient capacity to meet the present and future needs of the Newport urbanizable area.

Policy 1: The city will comply with state and federal laws concerning water quality.

Policy 2: The city will use existing, natural drainage systems to the greatest extent possible.

AIRPORT

Goal: To provide for the aviation needs of the City of Newport and Lincoln County.

Policy 1: The city will ensure through zoning and subdivision ordinance provisions that the airport will be able to operate safely and efficiently.

Policy 2: The city will cooperate with state and federal agencies in the development of the airport.

PORT OF NEWPORT

Goal: To collaborate with the Port of Newport on the implementation of its Capital Improvement Plan.

Policy 1. The city will coordinate with the Port of Newport when planning to upgrade or construct new public facilities within the Port District and will seek to partner on capital projects to achieve mutually beneficial outcomes.

Policy 2. The city will assist the Port of Newport in its efforts to secure funding for capital projects.

Andrew Bacon, left, is pursued by Josh Marean over the bike section of the Olalla Lake Triathlon on Saturday, June 29. Both men competed in the shorter, "sprint" race, with Marean winning and Bacon taking second place. (Photos by Rockne Roll)



Katy Swaim dashes out onto the running course along Olalla Lake during the triathlon Saturday, June 29. Swaim was the fastest woman in the event, finishing the sprint course in 2:09:55.

couple of them wished they'd done the shorter one; it is challenging, the hills out there make it a lot of fun."

Participants in both races said they'd be back next year, including Marean.

"I love the off road course," he said. "I'm so glad the City of Newport is doing an off-road one."

"People had a really good time, and lots of folks say they want to come back and do it next year," Hughes added. "For me, that's the big one."

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TOURNAMENT Continued from page C1

divisions played both at Betty Wheeler Park and Frank Wade Park, with the majors games using Cubs Field and the rookies games playing on Volunteer Field.

"Traditionally, we've been at Betty Wheeler, so we try to keep the tradition," Malloy added.

Malloy noted that all of the concession stands and facilities crews, as well as the umpires for the games, were staffed by volunteers.

"We had probably 80 volunteers," she said. "Almost all the volunteers are parents of kids; we had a few grandparents who volunteered, friends of friends. For our umpires, we try to use kids who have gone through our program who are now young adults." "It was probably the best tournament we've had. It was fabulous," Malloy added. "It was just a good mix of people. It was just good family fun."

Teams from North Bend won all three divisions of the tournament. Newport's minors division team took third place, and the majors and rookies teams advanced from pool play into the consolation bracket.



Newport's Brennan Wood tries to outrun a throw to first base during the opening game of the McCurry Tournament's majors division against Nestucca on Friday, June 28. (Photo by Rockne Roll)

PUBLIC NOTICES

LEGAL DEADLINES:

IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR THE COUNTY OF LINCOLN PROBATE DEPARTMENT IN THE MATTER OF THE ESTATE OF STACY JAY BITTLER
CASE NO. 13-1667

NOTICE TO INTERESTED PERSONS
NOTICE IS HEREBY GIVEN that Seann Heppich has been appointed personal representative of the estate of Stacy Jay Bittler. All persons having claims against the estate are required to present them, with vouchers attached, to the personal representative at 344 Sunset Drive, Eugene, OR 97403, within four months after the date of first publication of this notice, or the claims may be barred. All persons whose rights may be affected by the proceedings may obtain additional information from the records of the court, the personal representative, the attorneys for the personal representative, Brian Waggener, OSB #980589, Minor, Bantons & Henery, P.C., PO Box 510, Newport, OR 97365, (541) 65-8888. Dated and first published June 19, 2013. J-19, 26, J-3 (16 03)

NOTICE OF A LAND USE PUBLIC HEARING
The following request will be reviewed by the City of Toledo Planning Commission at a public hearing on July 10, 2013, at 7:00 a.m. in the Council Chambers at City Hall, 208 N. Main St., Toledo, OR. Any comments you wish to make will be appreciated. Contact Aneta Syman at (541) 336-2247 for more information. Information City file AMP-1-13 is an application from David Davis and Tom and Nissa Constantin for a Minor Partition of approximately 85 acres to create two parcels. Respondent Parcel 1 would be approximately 26,526 square feet and proposed Parcel 2 would be approximately 10,530 square feet. The property is identified as Lincoln County Assessor's Map 11-10, DC Tax Lot 4601 and located at 615W Hwy 20. Decision Criteria: MFC 16.08.070 (Minor Partition Criteria for Evaluation). Testimony can be presented at the public hearing or provided in written comments to the City Planning Department prior to the hearing date. The amendments must be directed toward the relevant criteria in the zoning Ordinance, Comprehensive Plan, or other City plans or policies which will be used in making the decision. Failure to raise an issue in person or by letter, or failure to provide comments or evidence sufficient to afford the Planning Commission an opportunity to respond to the issue, means that

WEDNESDAY EDITION: 5:00pm THURSDAY Prior

an appeal based on that issue cannot be filed with the State Land Use Board of Appeals. The applicant, all applicant documents, and the applicable criteria can be reviewed at City Hall at no cost and copies can be provided at a reasonable cost. The staff report and recommendation to the Planning Commission will be available for review at no cost seven days before the hearing and a copy can be provided on request at a reasonable cost. J-26, J-3 (23-03)

PUBLIC SALE
On June 9th 2013 at 2:00 p.m., a public sale will be held at Ideal Storage, 150 Dahl Ave., Westport, Oregon. We reserve the right to reject and/or all bids/sales. Contents of unit # WBC28 rented by Mike or Renee Varbles will be for sale. The aforementioned party can contact us prior to the sale at 235 SW Dahl Ave or call 541-583-8111. J-3 (24-03)

NOTICE OF A PUBLIC HEARING
The City of Newport Planning Commission will hold a public hearing on Monday, July 8, 2013, at 7:00 p.m. in the City Hall Council Chambers to review and make a recommendation to the Newport City Council on a Comprehensive Plan text amendment (File No. 1-CP-13). (Minor Partition Criteria for Evaluation). Testimony can be presented at the public hearing or provided in written comments to the City Planning Department prior to the hearing date. The amendments must be directed toward the relevant criteria in the zoning Ordinance, Comprehensive Plan, or other City plans or policies which will be used in making the decision. Failure to raise an issue in person or by letter, or failure to provide comments or evidence sufficient to afford the Planning Commission an opportunity to respond to the issue, means that

FRIDAY EDITION: 5:00PM TUESDAY Prior

the proposed amendment may be recommended and made through the public hearing process and those changes may also be viewed or a copy purchased. Contact Derrick Tokos, AICP Newport Community Development Director, (541) 574-0826, email address d.tokos@newportoregon.gov (mailing address above). J-3 (24-03)

NOTICE
North Lincoln Fire & Rescue District #1 will hold a meeting of the Board of Directors on Tuesday, July 9, 2013 at 6:00 p.m. at the Taft Fire Station, 4520 SE Highway 101, Lincoln City, OR. The agenda includes payment of bills, and other District business. J-3 (24-03)

NOTICE
North Lincoln Fire & Rescue District #1 will hold a meeting of the newly formed Civil Service Commission. The agenda includes the Board of Directors will include payment of bills, and other District business. J-3 (24-03)

LOCAL PUBLIC NOTICE
For Newspaper: On June 19, 2013, an application was filed with the Federal Communications Commission seeking its consent to the assignment of license from King Broadcasting Company, Inc. (KBCO-TV), Department City, 169 SW Coast Hwy, Newport, OR 97385, must be received by 5:00 p.m. the day of the hearing to be included as part of the hearing or must be personally presented during testimony at the public hearing. Material related to the proposed amendment may be reviewed or a copy purchased at the Newport Community Development (Planning) Department (address above). Please note that this is a legislative public hearing process and changes to

HOOP IT UP Continued from page C1

with less than one minute left in the allotted game time.

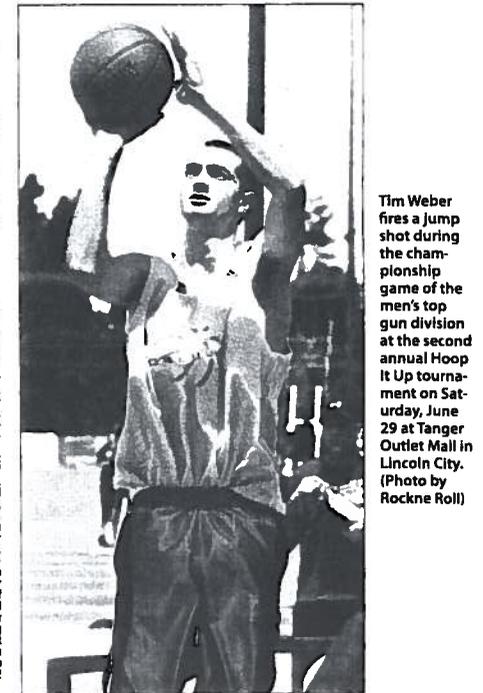
"I wouldn't want to win any other way," Tim Weber said. "Two good teams going at it, it was a battle."

Henderson, though he has gotten his on court redemption, said that he's planning on re-

turning next year.

"I liked pretty much everything about it, the festivities and all," he said. "I liked the court the main hoop, playing top level, everyone's watching, it's awesome."

Further results were unavailable as of press time.



Tim Weber fires a jump shot during the championship game of the men's top gun division at the second annual Hoop It Up tournament on Saturday, June 29 at Tanger Outlet Mall in Lincoln City. (Photo by Rockne Roll)

News-Lines 7/3/13

**MINUTES
CITY OF NEWPORT PLANNING COMMISSION
WORK SESSION
NEWPORT CITY HALL, CONFERENCE ROOM A
MONDAY, APRIL 8, 2013
6:00 P.M.**

Planning Commissioners Present: Gary East, Mark Fisher, Jim Patrick, Rod Croteau, Glen Small, and Jim McIntyre.

Planning Commissioner Absent: Bill Branigan.

Citizens Advisory Committee Members Present: Lee Hardy, Suzanne Dalton, and Bob Berman.

City Staff Present: Community Development Director (CDD) Derrick Tokos and City Recorder/Special Projects Director Peggy Hawker.

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

A. Unfinished Business.

1. Review and discuss draft code relating to accessory dwelling units (ADU's). Tokos reviewed the definition of "Accessory Dwelling Unit." He reported that the draft includes "Accessory Dwelling Unit" as a permitted use in all residential zoning districts. Tokos reviewed Chapter 14.16 "Accessory Uses and Structures," and specifically 14.16.050 "Accessory Dwelling Unit Standards." A discussion ensued regarding the floor area of Accessory Dwelling Units. Berman addressed 14.16.020 "General Provisions," and specifically that accessory uses and structures, pursuant to this section, are not intended for habitation by people, and would not apply to an Accessory Dwelling Unit. A discussion ensued regarding the maximum height of an accessory building in a residential zoning district. Tokos noted that accessory buildings are separate from accessory dwelling units. It was noted that height restrictions must apply if an accessory dwelling unit is not attached to the primary building. It was also noted that the height of the primary structure must meet the height restrictions of the district, while a separate structure cannot exceed the height of the primary building. If the garage was separate, it would not be allowed to exceed the height of the primary dwelling, but if the garage is a part of the primary dwelling, the height restriction that would apply is that of the zoning district. A discussion ensued regarding the front yard setback requirements for accessory dwelling units. It was noted that the rear yard setback for smaller accessory structures may be reduced to five feet for a one-story detached accessory building if the structure does not exceed 625 square feet and 15 feet in height.

Tokos reviewed the following accessory dwelling unit standards: floor area; type, one unit; exemption from density limits; architecture; utilities; owner-occupied; and off-street parking. Tokos suggested that it might be worth foregoing the off-street parking requirement unless there is a reasonable expectation that there will be additional impact on the system. It was the consensus of the group to leave the off-street parking requirement as it stands. Tokos reported that 14.16.060 contains provisions for conditional use permits if one or more standards cannot be met.

Tokos reported that he would make changes suggested this evening, and that the changes would be scheduled for a public hearing at the second meeting in May.

B. New Business.

1. **Review of the Appeal Procedure.** Tokos reviewed the city's procedures for handling appeals of quasi-judicial decisions (14.52.080 of the Newport Municipal Code). He noted that the Commission will hear the appeal on the Teevin Brothers log yard traffic impact analysis on April 22. Tokos noted that if Commissioners have had ex parte contact, it must be disclosed. He added that if a Commissioner has a fiduciary stake in the proposal; this must be disclosed, and the Commissioner must step down. He noted that it must also be disclosed if a Commissioner has read about the proposal in the news. He reiterated that anyone having a business relationship with Teevin Brothers would have to step down. It was reported that the boundary is 200 feet from the property, and Tokos noted that he notified everyone who provided comment throughout the process. He added that the hearing is only in regard to the present proposal. Tokos reported that a Commissioner must step down if he/she cannot make an impartial decision, and that individual Commissioner participation can be challenged.

Tokos stated that it is anticipated that the appeal will span at least two meetings. He noted that it is within the purview of the Commission to ask folks to state the standard they do not think is being met. He added that the Commission can ask questions after public testimony. Tokos noted that the applicant may not attend the hearing. He stated that speakers will be asked to sign up to speak by completing the speaker request slips. When all the speakers have had an opportunity to talk, the Chair should ask for others who wish to comment. He added that if the applicant is not in attendance, the Chair should ask for others attending in support of the proposal.

Tokos stated that new testimony can be presented at the hearing. He stated that a copy of the appeal with the staff response will be included in the packet.

Tokos explained continuances, noting that the record must be left open if requested, but that the Commission is not obligated to continue the hearing. He noted that he will not have the findings and final order at this meeting, but will be looking for direction from the Planning Commission in crafting the findings.

Tokos noted that if there is no applicant, there will be no rebuttal.

Tokos reported that the appeal document was timely filed. He added that he will include in the upcoming packet where we are in the 120-day clock.

It was noted that the hearing begins at 6:00 P.M., on April 22.

2. Review Port of Newport's New Strategic Business Plan and New Capital Facilities Plan and Discuss Corresponding Updates to the Port Element of the Newport Comprehensive Plan. Tokos discussed the Port Facilities section of the Newport Comprehensive Plan and the related Goals and Policies element. He reported that the Port has completed a Strategic Business Plan and Capital Facilities Plan. He noted that the Comprehensive Plan should be amended to include the Capital Facilities Plan, and that a policy and goal could be developed that addresses this collaboration. He asked the Commission to let him know if there is something that should not be included as a priority. He added that he does not see anything that would impact upland zoning or estuary rules.

Adjournment. Having no further business, the meeting adjourned at 6:50 P.M.

Margaret M. Hawker, City Recorder

Draft Minutes
City of Newport Planning Commission
Regular Session
Newport City Hall Council Chambers
Monday, May 28, 2013

Commissioners Present: Jim Patrick, Jim McIntyre, Rod Croteau, and Bill Branigan.

Commissioners Absent: Mark Fisher (*excused*), Glen Small (*excused*), and Gary East.

City Staff Present: Community Development Director Derrick Tokos and Executive Assistant Wanda Haney.

A. Roll Call. Chair Patrick called the meeting to order in the Council Chambers of Newport City Hall at 7:02 p.m. On roll call, McIntyre, Croteau, Patrick, and Branigan were present; with Fisher and Small absent but excused, and East absent.

B. Approval of Minutes.

1. Approval of the Planning Commission regular session meeting minutes of May 13, 2013.

MOTION was made by Commissioner Croteau, seconded by Commissioner McIntyre, to approve the Planning Commission minutes as presented. The motion carried unanimously in a voice vote.

C. Citizen/Public Comment. No comments on non-agenda items.

D. Consent Calendar. Nothing on the consent calendar.

E. Action Items.

1. Motion to initiate amendments to the Port Facilities element of the Newport Comprehensive Plan. Tokos noted that we haven't always done this; but this is the cleanest way to do it. By initiating the action by motion, there will be a record that the amendment was initiated. Later on, the Planning Commission will have a hearing.

MOTION was made by Commissioner Croteau, seconded by Commissioner Branigan, to initiate an update to the Comprehensive Plan by working on an amendment to the Port Facilities element.

F. Public Hearings.

Legislative Actions:

1. File No. 1-Z-13: Consideration of proposed legislative text amendments to Section 14.01.020 (Definitions), Subsection 14.03.050 (Residential Uses), and Chapter 14.16 (Accessory Uses and Structures) of the Newport Zoning Ordinance as codified in the Newport Municipal Code to create standards for permitting Accessory Dwelling Units (ADUs) on residential properties. The Planning Commission will make a recommendation on this matter to the City Council.

Patrick opened the public hearing for File No. 1-Z-13 by reading the summary of the file from the agenda. He presented the statement of rights and relevance and asked for the staff report. Tokos noted that the packets included the draft amendments to the Newport Zoning Ordinance that would provide the option to construct ADUs on residential lots with very specific standards spelled out in detail. This would implement Policy 4, Goal 2 of the Housing element of the Newport Comprehensive Plan in order to facilitate affordable housing. The Housing element encourages providing housing in a price range that working folks might be able to achieve. Tokos explained that an ADU is a dwelling unit ancillary to a primary dwelling on a piece of property. The standards spell out how the ADU shall architecturally match the primary dwelling. The ADU shall share the same primary utilities, which are spelled out. An ADU is limited in square footage to 50% of the primary dwelling or no more than 600 square feet. An ADU may be adjoined to the primary dwelling, over a garage, or free-standing. Tokos said that this type of housing is viewed as being constructed for rental income, and he expects that will happen in some cases. Tokos noted that the only place where ADUs are currently permitted are in the Wilder development where they came in with specific language, which the Planning Commission reviewed and approved. That is what this code is largely modeled after. There is one unit in Wilder, which Tokos believes is for rental because it is close to the college. Tokos said you can also expect this to be a favorable option for someone who has aging parents and want to care for them on their property. For the elderly who need a caregiver, an ADU can provide a place for the caregiver to live on site. Or it could be for an older child still trying to find their way in life. The setback requirements that apply are spelled out in the standards. Tokos noted that he had the entire record with him. He said that the Planning Commission has conducted a number of work sessions, and the language is more or less the way they want it. If the

Commissioners have any changes, this meeting is the time to bring that up. Branigan asked if the ADU requires the same geologic clearances whether attached or detached. Tokos said yes, the trigger mechanisms are the same irrespective of construction. The ADU would be viewed the same as any other structure. He said that if it's free-standing for example, and there is enough earth movement so that it is not exempted, that triggers the requirement right there. If the ADU is on the second floor that wasn't designed for that weight and there has to be foundation work then that triggers it. If it is on a second floor that was designed for the additional load and it is not altering the footprint, that wouldn't trigger the need for a geo report. Branigan noted that one off-street parking space is required for an ADU. An ADU could be for rental purposes, and we just modified the vacation rental code. One of the things we set up there was that every bedroom required an off-street parking space, but they couldn't pave over the existing foliage to make parking spaces and there were landscaping requirements for vacation rentals. He wondered if those would still apply to an ADU. Tokos said that if the ADU was used for vacation rental purposes, it would. They would have to get an endorsement, and all standards apply. Tokos said that one of the ADU standards is that at least one of the units has to be owner-occupied. One incentive is that they are exempted from the density standards in residential districts. Tokos said this is an option we will see materialize in many areas of the community.

MOTION was made by Commissioner McIntyre, seconded by Commissioner Branigan, to approve the changes to the Accessory Uses and Structures code (Chapter 14.16) and related sections to address ADUs and forward a favorable recommendation to the City Council. The motion carried unanimously in a voice vote.

G. New Business. No new business.

H. Unfinished Business. No unfinished business.

I. Director's Comments.

1. Tokos updated the Commission on the Teevin TIA. An appeal of their decision of approval was received. At their meeting on June 3rd, the Council will decide how they want to deal with the appeal. They have three options. They can find that circumstances warrant another full evidentiary hearing; in which case they would have to find that new information came up that was not available at the Planning Commission level or there is enough community interest. They have some discretion on how that plays out. Another option is that they can have an on-the-record review hearing. As part of the appeal, the appellant had to pay for preparation of a verbatim transcript. That is prepared, and that is what the Council would be looking at. Arguments can be made that are specific to what is already in the record. The third option is for the Council to say that they respect the Commission's decision and to recommend denying the appeal without holding a hearing and accept the Planning Commission's decision as the final decision from the City. If no hearing is held, the City will refund the appellant's fees they paid. An appeal could then be taken to LUBA. LUBA wouldn't look favorably on the City if we kept the money when no hearing was held. The Council's decision for the last option would be largely based on the fact that the staff decision and the Planning Commission decision are essentially the same. We have now had two full decisions where we came out with the same outcome, so it's really not in the Council's interest to do a third meeting. Had the decisions been different, that may warrant a third hearing.

2. Tokos noted that he and Councilor Sawyer went to Albany to position ourselves for state funding of over a million dollars for projects in South Beach. That whole project involving the relocation of the light from 32nd to 35th and Ferry Slip realignment is about \$2.6 million. Our share out of the South Beach Urban Renewal is \$1.5 million. The state grant is over \$1 million. Ours is the only project in our area they are looking at that involves road construction. Our project should get a top recommendation out of our area. Then we will be considered against other areas. Urban Renewal may not be available for match down the road. A decision on this will happen this fall.

3. Tokos said that the budget meetings are continuing. The next meeting is on Thursday, and he thinks that will be the last one. Tokos will cover Community Development, Urban Renewal, and System Development Charges. He believes that economic development will be discussed in great detail. Discussion will be whether the City helps fund a business recruitment coordinator. The Budget Committee is struggling with competing demands and additional utility fees. They are considering whether or not to take general fund dollars to backfill what would otherwise be higher utility rates. Tokos said that the Commissioners are welcome to attend on the 30th at 6:00 p.m. He said that they may end up talking about housing as well. The transit will probably also be discussed. There is a recommendation expected for whether funding of the \$90,000 for the loop system that is coming out of room tax should continue at this point or not. Right now it's not in the budget. This affects a number of policies. It is part of the TSP. He said hopefully we can avoid this. The Council may be looking at a number of areas for policy obligations and how to carry those out.

4. The final meeting of the group that was formed to make a recommendation for an alternative to John Moore Road to the Port facility was held last week. Tokos believes that group is simply going to make a recommendation of things to consider for establishing such a route and not try to establish a route because it is not viable to actively pursue that right now. They feel they can at least sign in on a recommendation of what some factors should be once it's time for that conversation.

Croteau wondered if on the appeal of the Commission's decision, there was some new basis stated. Tokos said that wasn't necessary at all. It's not uncommon for someone to try to come up with new arguments, but they didn't try to do that. It is basically the same.

Croteau said that he felt that the Commission spent some good effort on the ADU code. He said we have to make affordable housing, and ADUs are a good step in that direction. With our aging population, it may benefit a lot more people than we are thinking about at this time.

J. Adjournment. Having no further business to discuss, the meeting adjourned at 7:25 p.m.

Respectfully submitted,

Wanda Haney
Executive Assistant