



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, January 11, 2016.**



AGENDA & NOTICE OF PLANNING COMMISSION MEETING

The Planning Commission of the City of Newport will hold a meeting at **7:00 p.m. Monday, January 11, 2016**, 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, January 11, 2016, 7:00 p.m. AGENDA

A. Roll Call.

B. Approval of Minutes.

1. Approval of the Planning Commission work session and regular meeting minutes of December 14, 2015.

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. Action Items.

1. Second outreach meeting regarding the City's assumption of the mechanical program for properties within city limits.
2. Election of Commission Chair and Vice Chair for 2016.
3. Discussion about the Parking Study RFP and possible action should the Commission wish to recommend a Planning Commission member to sit on the Advisory Committee.

F. Public Hearings.

1. File No. 1-VAR-15. Continued hearing on a request for approval of a Type III Variance submitted by Jayanti & Saroj Patel (Motel 6) (Dennis Bartoldus, authorized representative) to allow a wall sign on the north side of the motel to be placed at a height of 43 feet and a wall sign to be placed at a height of 38 feet on the south side of the building. The applicant is further requesting a variance to allow a total of five signs; four of which would be wall signs, and the fifth a freestanding sign. The Commission opened this hearing on December 14, 2015, and at the request of the applicant, continued the hearing to this meeting.

G. New Business.

H. Unfinished Business.

I. Director Comments.

J. Adjournment.

Draft MINUTES
City of Newport Planning Commission
Work Session
Newport City Hall Conference Room A
December 14, 2015
6:00 p.m.

Planning Commissioners Present: Jim Patrick, Lee Hardy, Rod Croteau, Mike Franklin, and Bob Berman.

Planning Commissioners Absent: Gary East, and Bill Branigan (*excused*).

PC Citizens Advisory Committee Members Present: Dustin Capri.

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 6:01 p.m. and turned the meeting over to CDD Tokos.

A. Unfinished Business.

1. Continued review of the draft changes to the Local Improvement District (LID) Code. Tonight Tokos wanted to run through the code changes and come back to the policies if time permits. He noted that this is the draft code that Todd Chase and company put together on 10/21. He said previously the Commission had made it through the definitions, and he captured the one comment that was made at that time. Berman said the 10-year thing pops up later too. Tokos wondered if there was anything else that needs to be addressed in definitions. Berman said it should be broader. Can you pay earlier? Why is it fixed at 10 years? He said it would seem to make a little more sense to leave it up to your discretion. He said depending on the magnitude of the assessments, it may be impossible to pay back over 10 years; especially with a third of the assessed value being available for LID. Berman said he would like to see it be more flexible.

Tokos noted that under “initiation of LIDs” he has noted that the term “benefitted property” should be defined. Hardy said the term “benefit” should be defined. Tokos said he will take a look at that. It depends on how it plays with the Statutes. Hardy said a benefit is really subjective evaluation of impact. There should be a way to make it objective. Tokos said certainly with methodology. There would still be disagreements whether it constitutes a benefit or not. It can deal with impact and value of impact. Hardy said that’s measurable. Tokos said the owner may still come in and remonstrate. Croteau wondered if “improved” would be any better. That implies something is better than what it was before. Hardy said you could establish a standard. Tokos will put in a comment, “spell out methodologies.” Hardy said you could get rid of property benefit and say affected by. Tokos said he would like to look at the Statutes. If they use that term, we should use that term. That way if it’s contested, we can stand behind it. Under number 5 was another comment the group talked about, “why should “broader public benefit” be a factor to allow an LID to be initiated?” If we’re talking about public rights-of-way that everyone can use, wouldn’t the degree of public benefit be a factor whether the LID is region-wide or local? Tokos said it absolutely will play into the number of properties. There could be less than 25% affected, but because it’s a collector, it’s spread across the region.

In answer to a question from Hardy, Tokos said since 2009 he thinks of only two or three initiated by owners. The City had a more aggressive use of this tool back in the 80s and actually financed infrastructure improvements for subdivisions like Shore Pine Hills and Lake wood Hills. Patrick recalled that one of those the City ended up getting back twice. Tokos said we have in Lakewood Hills. In Shore Pine Hills there was a large parcel never divided. Hardy asked if this was a developer asking the City to put in infrastructure and he will build a subdivision. Tokos said there were partnerships. Patrick said that was during the time of Bancroft bonds, and after that Bancroft bonds got nixed. Hardy asked how come there’s a reference to Bancroft. Tokos said he thinks the rules just changed. Hardy asked, so it’s still a tool; and Tokos confirmed that.

Capri asked why in 12.05.010 (B) (2) that last sentence is part of this paragraph. He said it’s about health and safety and asked if that shouldn’t be dropped. He said someone could argue that it doesn’t enhance value. Tokos agreed it’s not necessary. It’s about health and safety; not value. Value is addressed separately. They’re two different discussions and should be separate.

Hearing no other comments on section .010, Tokos moved on to 12.05.015 (Preliminary Engineer’s Report). Berman questioned the process in (A) (3). Tokos said typically you think of that more in terms of a reimbursement district. He will ask Todd Chase about it. The City doesn’t have history with reimbursement districts. Berman noted that number 4 doesn’t seem that it should be in the engineer’s report. He asked what it matters. Tokos said it shouldn’t be merged into (4). He said that the first part talks about coming up with what should be assessed. There should be separate analysis of what is the capacity of each property to share this burden. It should be in a separate section. Patrick said probably after number 5. Capri said that he has no issue with the first part of (4), but wondered if there’s a way to do that; allocate who pays what portion. Tokos said in some degree. It

depends on the nature of the project being formed by the LID. The cost of a street could be broken up by lineal feet of improvement. It could be different for a sewer that serves more. A traffic signal is not going to be a lineal thing; it's going to be more of a traffic generation thing where heavier users pay more, and those using it less pay less. There are standard trip generation ratios for different types of uses in the ITE manual, and that's how we would do that. Patrick asked how about for a flag lot if you're doing a street. Tokos said there are different ways to assess it; trip generation or frontage. Croteau said you have to have some way to weigh the benefit; improvement. Patrick asked if somewhere in assessments there's a method where you get credit for something that's already there, like sidewalk. Croteau said that's a level of detail that's impossible to specify. Patrick said just issue some methodology to reimburse for something that's already there. Berman said you could say this is how much it costs to put in sidewalk, and anybody who has one doesn't have to participate in that. Franklin said, and there could be a question of whether the existing sidewalk is up to code. Patrick asked and is there credit for curbs already set. Tokos said there's one more comment noted under number 6 that we talked about; "how are these costs accounted for if an LID doesn't get formed." There possibly could be some recommendation in terms of a deposit.

Under section 12.05.020 there weren't any other comments other than the one that was already noted.

Moving on to section 12.05.025 (Notice of Hearing on District Formation), Hardy asked a question just as a point of clarification. She noted that under (B) (6) it says you're not allowing remonstrance at the hearing itself; it has to be submitted prior? Berman said that remonstrance takes a letter. It would be difficult to try to pull it out of oral testimony. Hardy asked if there's a separate statement required. Patrick said it has to be in writing and ten days prior to the hearing. Croteau said what it does is separate testimony from a remonstrance. Patrick said somebody may come and submit testimony and not submit a remonstrance. Franklin said maybe that's so the Planning Commission has it before so we are aware of them. Tokos said it's supposed to be two steps; 2 hearings. The first is where you accept testimony and choose whether or not to proceed with it. At the first hearing you're not receiving remonstrances because you haven't decided whether to proceed with the district. He thinks that is what this is getting at. He said when we have the initial hearing on whether or not to form the district, we would determine things like should it be a full street or a narrow street, should we bury overhead utilities. What is our real public interest here, and do we agree with the concept that the engineers put together in terms of benefit? If it's decided to proceed, we will set a hearing with this specific proposal. That's when remonstrances will come in. At the end of the day, we may decide that we don't want to fund it with an LID. Patrick said that's not what this says here; this says the only way to remonstrate is against this hearing. Doesn't it say you have to do it here? Croteau said it probably should be moved and put in the context of the second hearing, Section 12.05.030 (Hearing on District Formation). Berman said it has a lot more than notice in there. He said maybe it needs organization. He asked Tokos about the non-remonstrance agreements he has in his office. He wondered if they are just that "I will participate in any LID that the City comes up with." Tokos said more often than not, it's that they will participate in a street or a sewer or a water and sewer LID. It's usually specific to the deficiencies at the time they are doing the development. Berman asked if you have a non-remonstrance agreement for street, and the engineer says street and bury utilities, does the agreement become void because you have a different scope of work. Tokos said you still have it, but it's not operable any more. Capri said for instance on his street where there's an old water line, in theory the City could say this should be an LID and we want all owners to pay for that. Tokos said potentially the City could initiate an LID to replace the water line and all homeowners get hit. Capri asked if there's a line when the City doesn't do that work and uses LIDs to replace infrastructure. If so, in a way a policy could be implemented that every single property owner could be replacing city infrastructure. Tokos thought that gets back to the policies; and we spent a fair amount of time talking about the policy level. Capri said, and this code is what you have to go by. Tokos said our elected officials have to follow policy; they are backed by that. They are going to be judicious in using an LID. They have clear policies. Croteau said that emergencies have to be real emergencies. Like a chronic failure that is really common. Then they are on solid ground to do it. Tokos said emergencies or Urban Renewal because they are trying to stretch resources. An area could be identified as LID eligible with Urban Renewal buy down. While Urban Renewal is alive, it can buy down what you would normally be paying. If you're paying half of what you normally would, then there's a record. It would be matching funds. If they choose not to do an LID, the Urban Renewal Agency can repurpose those funds for something else. Tokos said we're looking for policies to also include direction for staff. Otherwise, we're guessing what is or isn't appropriate. The policies provide direction for when to start an LID or not. The policies are the general framework. The code says this is the actual process. It was noted that in (C) (4) and elsewhere there's reference to 12.05.025 (C), which isn't accurate. Tokos made a note to clarify the procedural steps.

Under Section 12.05.030 (B) Berman noted that you have a 2/3 number. The policy says if it's 50% or more, they're not going to think about it. Tokos agreed we usually had a percentage in there. Berman said there should be some consistency. Capri asked why sidewalks and emergencies are separate. Berman said maybe sidewalks aren't as much cost. Tokos noted that, but said the Statute may make reference to sidewalks being slightly different. Hardy said maybe it's an accessibility issue. Tokos said, yes, like ADA guidelines.

Tokos asked for comments on Section 12.05.035 (Final Plan and Specifications). Patrick said on (B) he likes the part about the procedure for if the estimate is over 10%. Capri asked if on (A) the City could require easements for private residences. Tokos said the City could. Patrick said he thought it would be in case improvements run through private property. Capri asked if the City could write in the surveyor's cost if you're having to be responsible for it. Tokos said we certainly could do that. He said

we are always acquiring easements for the benefit of the City. It often has to be paid for; it's not always donated. Capri said what if you get an easement that doesn't benefit the City. Tokos said he didn't see us doing an LID where an easement didn't benefit the City. Even for a sewer line, the LID would fund the extension of a public sewer main, not a private lateral. Anything the City would be responsible for would be public. Tokos said the broader concern has to do with the fact that those are common costs. It's not something we really want to delegate after the Council decision. The consensus was that should be part of the engineer report; identify any required rights-of-way or easements with estimated costs. Tokos said that it will need to be in front of the Council for them to say that they agree to initiate with this estimated cost.

No one had any comments on Section 12.05.040 (Construction).

Section 12.05.045 (Cost Included in Assessment). Berman noted that both (B) and (E) mention engineering survey. It's repeated and should be in (B).

Going back to Section .040 (B), Capri asked if we should put a dollar amount, or more than 10% of the fee, or say something rather than just saying significantly.

On Section 12.05.050 (Method of Assessment) Berman said it's too hard to wrap your head around all of these scenarios. Hardy asked in (C) (1) if there isn't a word missing, like "shall." Berman noted that "shall" is above in the sentence. Capri said on (A) (2) as long as staff feels comfortable that they can come up with something to advise them on. Tokos said the Council will rely on them. He will ask Todd Chase to put samples in here. It's kind of worked in a little bit; but put in methods. Put something like, "common approaches include" or "acceptable approaches may include the following." Croteau agreed, put more specificity to the possibilities. Berman said that (D) in its entirety (numbers 1-4) talk about various improvements that can happen. There are lots of other kinds of improvements that could happen. He expected number 5 to talk about those; but it's "corner lots" and is not parallel. Tokos said that's code structure there. Berman noted that number 6 says no less than 60 feet, so that addresses flag lots. Franklin said and cul-de-sac lots.

Under Section 12.05.05, Berman wondered if Urban Renewal could be worked in where it lists the funding sources. Croteau noted that it says "may use other means." Berman said, but Urban Renewal is going to be a big one. Tokos said we can throw that in. He noted that it lists topographic concerns and other characteristics. If we get too specific, then there are a thousand other things that should be listed. But he thinks topography is a really good one for the development potential of properties. Berman said it really doesn't have anything to do with allocation. Capri said if the City uses it a lot or an unusual situation that puts the burden on the property owner. Tokos said if they determine that there's such potential that it has to be an excessively long sewer line or road, then they kick in some funds. Croteau said the way it's written provides a pretty large possibility. He thinks it should be left this way.

No comments were made on Sections 12.05.060 (Final Assessment) or .065 (Notice of Assessment).

On Section 12.05.070 (Financing of Program) Berman asked if a local improvements fund exists. Tokos said we may end up coming up with something else. The interest earnings were from enterprise funds; and those are required to be used for other purposes. You want it to be something you can use on general funds.

Regarding Section 12.0.075 (Payment), Berman gave an example that he's a property owner traveling for two months and an LID passes. Thirty days go by and now he's on the hook for the whole thing because he needed to make financing arrangements, but wasn't around within the 30-day time period. Tokos said he will compare this against other utilities' defaults. Berman said that could be large amounts of money to come up with within 30 days. Patrick said it allows you to defer payments. Berman said not if you don't request it in 30 days. Tokos said 30 days unless you go the installments route. Berman said he would like more time. In the final sentence it gives 90 days before foreclosure or collection. Tokos said is that for up-front costs. It has to be limited. Berman said how much up-front cost would there be in thirty days. Hardy asked how the City will foreclose on mortgaged properties. It was discussed that there's a hierarchy. Tokos said we also try to position this so the City is the most likely to receive payment. Berman said that (B) is worse. It says ten days from the date it was mailed to apply for installments. He noted that here you are looking at locking into ten years, too. Tokos said we talked about that. Croteau noted that (D) says if it's not paid, the City Council can declare it due and payable at once. Berman said it also would be nice to have it say that you can pay it off any time with no pre-payment penalty. Tokos said you're responsible for interest accrued up to the date you make the payment. Berman asked if there's a document signed if you make installments. Tokos said it's in the current title report to know you have the ability to lien the property. There are some things we have to do. Berman asked if (E) is typical, and Tokos confirmed it is; and Hardy agreed. Capri asked if people could pay the assessment right away, and that was confirmed. Tokos said he will take a look at the interest rates off (C). He said our Finance Director would like to see that as high as possible because they don't like financing. It should be not so onerous. They shouldn't be set at penalty rate. Patrick said it could be written so it's prime plus whatever, pick a rate; so if the rates start going up.

Tokos said the rest of the sections are pretty straightforward. Patrick asked if in (C) under 12.05.080 (Lien and Foreclosure) you can set it up so that the City shall be superior. Tokos said there is a legal structure where these types fall with other liens. He will take a look at it and how it fits with priority language. He will talk to the City Attorney. Berman asked if Tokos wasn't also going to re-work the local improvements fund in 12.05.070. Tokos will look into that.

B. Adjournment. Having no further time for discussion, the meeting adjourned at 7:01 p.m.

Respectfully submitted,

Wanda Haney
Executive Assistant

Draft MINUTES
City of Newport Planning Commission
Regular Session
Newport City Hall Council Chambers
Monday, December 14, 2015

Commissioners Present: Jim Patrick, Rod Croteau, Lee Hardy, Bob Berman, and Mike Franklin.

Commissioners Absent: Gary East and Bill Branigan (*excused*).

City Staff Present: Community Development Director (CDD) Derrick Tokos, Building Official Joseph Lease, and Executive Assistant Wanda Haney.

A. Roll Call. Chair Patrick called the meeting to order in the City Hall Council Chambers at 7:02 p.m. On roll call, Hardy, Berman, Croteau, Patrick, and Franklin were present. East was absent, and Branigan was absent but excused.

B. Approval of Minutes.

1. Approval of the Planning Commission work session and regular meeting minutes of November 23, 2015.

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

C. Citizen/Public Comment. No public comments.

D. Consent Calendar. Nothing on the Consent Calendar.

E. Action Items.

1. Outreach meeting for the City's assumption of the mechanical permitting program for properties within city limits. Tokos noted that on October 1st the City filed with the Oregon Building Codes Division asking for the transfer of the mechanical program for properties within city limits. This is the only piece of permitting that the City doesn't have because we didn't have a Building Official qualified to do that work. Our current Building Official, Joseph Lease, who was present at this meeting, has those certifications. Tokos said he had included in the packets a cover memo and a link to where the materials are posted. He said this is a lengthy application process. The Building Codes Division is reviewing our request at this point. If they agree that this is appropriate, the transfer will be effective the start of the fiscal year, July 1st. The City has had conversations with the County. They elected not to comment. They want to work on the Intergovernmental Agreement on how we coordinate and how they can provide backup to us. Mechanical permitting is the smallest program in terms of permitting annual revenue. Tokos said why the City is looking at this is because it offers us the ability to bundle all permits. For instance someone who is building a single-family home can obtain all permits needed to do that home without having to coordinate with the City and the County. It allows us to be more efficient in that regard. We also can bundle inspections. There's a single point of jurisdictional contact for people. It increases the depth of mechanical permitting expertise in the county. We don't have a lot of depth between the county and cities in terms of building officials with these various licenses. The more depth we have and the more we can support each other, the better off we are. It puts us in a better position to serve our clientele. Tokos noted that as part of the process, the State wants us to do some outreach meetings. This is the first of a couple of which we are planning on doing. He thought the Planning Commission would be a good forum. A few of the Commissioners have some expertise on the construction side. This gives us a chance to make sure we get everything on minutes and are in a position to respond to folks if we can't answer their questions tonight.

Patrick opened up the meeting for public testimony on this action. Nobody was in attendance to testify on this matter. Tokos noted that we did send notices to the contractors and to the County; not just the mechanical contractors but also plumbing contractors who are licensed to do mechanical work. So they all received direct notice of this. Hardy said

we missed at least half of them based on that list in the packet. Tokos asked her to let us know because we will be doing another one of these.

Hardy asked if the Commissioners could ask questions, and Tokos confirmed that they certainly could. Hardy said Tokos' memo referred to using the mechanical for one- and two-family structures. She asked if that's the extent of it; excluding the larger multi-family or commercial structures. Lease said it would include pretty much the whole mechanical program. So it would include commercial as well. Hardy asked if an individual will be able to choose between the City and the County depending on scheduling restrictions that Lease may have as a single individual. Lease said they wouldn't be able to do that once the program is transferred. Tokos added that it doesn't work that way. That is basically what the Intergovernmental Agreement we're going to be updating with the County gets at; how we mutually support each other to ensure that we provide reasonably convenient inspection times. So if Lease is on vacation, a County individual would back him up; and if the county person is on vacation, Lease would back him up. That's the thought process. Hardy asked where the quality control as far as thoroughness of inspections would be. What standards do you have to meet as a public entity performing these inspections? Tokos said the Oregon State Building Codes Division is the one that does the licensing oversight of inspectors. Lease submitted for review to the Building Codes Division and received approval from them for him to do the mechanical plans review and the mechanical inspections. So they're satisfied that he understands mechanical code sufficiently and has enough on-the-ground experience to perform these types of inspections and reviews in the State of Oregon. He said if somebody were to take issue with Lease's work, it would be an appeal to the Oregon Building Codes Division. Hardy asked, not to his employer, the City. Tokos said they could certainly raise issue with the City. They can raise an issue with us; but if it comes to a dispute whether or not a code is being properly followed, that goes to the Building Codes Division.

Franklin asked if the cost of permit would be the same. Lease said we have yet to adopt mechanical fees, but we're anticipating we're going to adopt the County fees. Tokos added that we are going to adopt fees in a manner that is consistent with the County. One place where it may differ is that it doesn't appear that the County has updated their fees in a very long time. So we will check to make sure we are charging fees that are in line with State rules. If their fees were inconsistent with a particular State provision, we would adjust there. Otherwise, we will try to stay consistent with theirs.

Croteau asked then at this point if the Building Codes Division approves the transfer; it's done. Tokos said yes, then it's a done deal. We would expect to do the intergovernmental agreement probably in February because we will need to get that agreement updated with the County in time for both of our respective jurisdictions to do budget work.

Berman asked why the intention to administer the program for a minimum of four years. Does that imply another look in four years to see how well the integrated program is working? Patrick said he believes that came from the State. The State's the backup if all of a sudden this gets dropped. Tokos said they want to make sure jurisdictions have the capacity to do this type of work. He said it's not as big a deal for this type of request because typically they're trying to make a program assumption on a whole package. This is an odd situation where we already do everything but mechanical. So the State doesn't really have any concerns. They know we know how to do it. We've been doing it for years with electrical, plumbing, and structural. Mechanical is another piece; but in terms of its administration, it's very similar in terms of how you handle the money, how you do permit intake. That's all very similar; it's just the expertise in terms of the mechanical plan review and permitting, which Lease happens to have and our prior building official didn't.

Franklin said so this would be just this one inspector instead of as in the past a mechanical inspector having to be called out separately from the County. Lease is going to be the one guy that comes out and inspects everything? That was confirmed. Franklin said that actually is going to save a lot of time, and the others agreed.

2. Initiate amendments to Public Facilities Element of the Newport Comprehensive Plan to establish policies for forming LIDs. Tokos noted that the Commission has looked at the Comp Plan policies a couple of times so he thought it would be reasonable for the Commission to initiate the amendments at this point in time. What that would allow him to do is send the notice to the State that we're initiating some work on this. We can then hold the public hearing in a couple of months. He said what's ultimately adopted doesn't have to look like what you initiate right now. But until the Commission initiates the amendments, he can't send that notice; and once he sends that notice, it's another 35 days until we're holding our first hearing.

MOTION was made by Commissioner Berman, seconded by Commissioner Franklin, to initiate the process of making amendments to the Comprehensive Plan to cover the subject of Local Improvement Districts. The motion carried unanimously in a voice vote.

F. Public Hearings. Patrick opened the public hearing portion of the meeting at 7:15 p.m. by reading the statement of rights and relevance. He asked the Commissioners for declarations of conflicts of interest, ex parte contacts, bias, or site visits. Croteau and Berman declared site visits. Patrick called for objections to any member of the Planning Commission or the Commission as a whole hearing this matter; and none were heard.

1. **File No. 2-NCU-15.** A request for approval of a Nonconforming Use Permit submitted by Philip Zlatnik of Northwest Natural (Mary Fierros Bower, authorized representative) for the replacement of a nonconforming office use with a new 3,893 square-foot office in the W-1 zone.

Patrick opened the hearing for File No. 2-NCU-15 at 7:16 p.m. by reading the summary of the file from the agenda. He called for the staff report. Tokos noted that before the Commission tonight was an application filed by Northwest Natural for a new control building, or office, at the LNG plant property at 1702 SE Bay Boulevard. In their packets, the Commissioners had the staff report along with the applicant's submittals, which were attachments to that report. He noted also that he had the full case record, should the Commission have any questions about any of the other materials. Tokos explained that if a use was permitted under older rules and after it was originally permitted and constructed the land use rules changed such that it's no longer permissible, that's a nonconforming use under our code. NMC Chapter 14.32 sets out the requirements for making modifications to nonconforming uses. It does require a land use proceeding, which in this case has to go to the Planning Commission since it's nonresidential in nature. The NW Natural LNG facility, which is well documented in the applicant's submittals, was established in the 70s. That was prior to the adoption of the current water-dependent zoning, which would not allow utility facilities of this nature since they are by their nature not dependent upon property or access to the water. Tokos noted that the applicant did a good job of documenting when the plant was built. And they also provided information in the packet documenting the various maintenance and upgrades that were done to the facility since it was originally constructed in the late 70s. It opened in 1977, as indicated in the report. Tokos said that he believes there is sufficient information in the packet for the Planning Commission to find first that this is a nonconforming use that was lawfully established at a time when the water-dependent zoning didn't apply, and that zoning was later applied rendering it nonconforming. And that it has been maintained in good condition since it was originally opened in the late 70s. Turning from there, you then look at what are the criteria that you need to evaluate this application against given that it is a nonconforming use and this is a proposed change to that nonconforming use. He said that those standards are set out in the staff report. They speak to such things as character and history of development of the surrounding area; the comparable degree of noise, vibration, dust, odor, fumes, glare, or smoke; the adequacy of infrastructure to accommodate the use; the comparative numbers and kinds of vehicular trips to the site; the comparative amount and nature of outside storage, loading, and parking; the comparative visual appearance; the comparative hours of operation; the comparative effect on solar access and privacy; and any other factors that impact the character or needs of the neighborhood. Tokos noted that the staff report includes findings on these. The applicant provided narrative explaining how they believe each of these standards have been met. Tokos said that he believes each of these standards have been met and has outlined the reasons in the staff report. He noted that this is an industrial area. The properties to the north and to the west are either heavy industrially developed, such as the International Terminal, or are likely to develop in an industrial or water-dependent nature in the future. We've had some discussions about the possibility of a log yard coming out here; and that's still in the works and would happen north of this property. This is a relatively isolated facility. Traffic to those industrial properties or other water-dependent properties doesn't rely upon crossing this property because they orient to Bay Boulevard. The nature of the use here is a control building. It's an office. It's not expanding the size of the tank. It's not an increase of a volatile material here, which may increase the potential of a larger blast zone or anything of that nature. We are talking about a control building; an office use. Tokos thinks as you go through the criteria, regarding the comparative degree of noise, it's not going to generate any more noise than what is out there now. Infrastructure's adequate to support this use. It doesn't have a very significant demand on existing services. As he pointed out, you don't have sewer service there at this point in time; and sewer service is more than 250 feet away, so they don't have to connect to city sewer. They are addressing their parking needs. The plans show they are providing parking for their facility; paved parking. They're addressing accessibility issues. Regarding comparative visual appearance, they provided exterior elevations showing how they are using architectural elements that are consistent with what's out there now. They are taking measures to protect their own staff in terms of berm and blast barrier that they've built into the design. Hours of operation will be the same. Solar access and privacy really aren't

an issue when you're talking about a property such as this that's much larger in size and somewhat isolated. He said there weren't any other factors per se that appear to be relevant to this. Tokos said he believes the Commission has everything they need to find that this application satisfies the standards for approval of a Nonconforming Use Permit; and he has provided a final order and draft findings to that effect if the Commission agrees.

Franklin asked if they aren't on septic out there, and Tokos said that he believes so. Franklin asked if they will tie into the new area when sewer's brought out into that area; or is sewer being brought out there? Tokos said not anytime soon. Sewer would be done as part of the McLean Point Urban Renewal Plan. At that point we would be putting a pump station out there along Bay Boulevard and would extend sewer down there. It certainly would be something they would probably want to think about; but they're not obligated to. If they have a fully-functioning septic system that's working and meets their needs, then they're fine. If we had sewer within 250 feet and they had to replace that septic system, then they would have to connect at that point in time.

Croteau asked if he understands that this is NW Natural property; and Tokos confirmed that. Croteau asked if Tokos could clarify the ownership lease arrangement and the role of the Port in all of this. Tokos said with respect to this request the Port doesn't really have a role. This is NW Natural property. The only connection is the Port did do some mitigation work related to the NOAA facility. So they provided some constituent access to the bay and did some improvements in that regard. But there's no formal agreement that allows the public to cross NW Natural's property to access the estuary. The improvements the Port put down there are nice, but there is no formal tie to NW Natural in that regard.

Proponents: The applicant, Philip Zlatnik, on behalf of Northwest Natural, 220 NW 2nd Avenue, Portland, OR 97209, came forward to testify. Zlatnik said he thinks this is a terrific idea. The plant is thirty-eight years old, and the building is in need of improvement. They will build a purpose-built control building off to the side. He thinks this is a very good idea.

Berman said he noticed on their plans that that building is about as far away from everything else as possible. He asked why they chose that location. Zlatnik said it's further away and allows a separation between the processing equipment and the processing building where the operators will be housed to actually operate the plant. Berman asked if that's a safety issue. Zlatnik said it's basically up wind of processing. There is going to be a level of safety because it's further away. That's also why the berm is there. Berman noted that on a personal level, he's started walking all the way around even though there's a small no trespassing sign one direction, but you don't see one going the other way. He asked if that's something that they plan to allow. Zlatnik thinks they have to study the impacts related to that. Berman said that it's fabulous for the dogs, and literally hundreds of people use it on a regular basis. Zlatnik said he knows it's very popular; but there is potential for access issues coming down the road. There are a lot of things involved with that; especially if the log yard gets developed. He thinks they will have to look at access. Safety has to be a primary concern, and that has to be balanced with public access. Berman said the public really appreciates the ability to be able to walk there, and the new benches are nice.

Croteau said that he notices the building has an occupancy of nine, but only seven parking spaces. Zlatnik said they're actually increasing it to fifteen, which are not reflected on those plans, plus one ADA-accessible van space.

Franklin asked what happens to the existing processing building. Zlatnik said it's going to stay right there. The existing control building will become purpose-built, it will remain purposeful for the NCC control gear. They are going to move the controllers out of that building and into the new control building, and the electrical gear will stay in that building. Franklin asked if the current septic system is able to handle the old needs and the new needs. Zlatnik said there's no increase in personnel on site. They're just simply moving operations over to this new building.

There were no other proponents present to testify.

Opponents or Interested Parties: There were no opponents or interested parties present to testify.

Patrick closed the hearing at 7:29 p.m. for Commission deliberation. Hardy said she had no problem with the request. Berman echoed that. Croteau said it's a straight shot; no problem. Franklin said that he mentioned the septic issue a couple of times, and the only reason he said that is because of the proximity to the bay down there. He noted that when a septic tank is figured out for a home, it goes off the number of rooms and potential occupants. Building this

new structure, even though you're saying there's going to be the same number of operators on site, you could potentially have more people there. He asked the age of the existing septic system. Is that being considered in this? Is that something the City should look at? Tokos noted that the septic systems are actually handled by the County Sanitarian. They are pretty rare in the city limits these days since we have sewer to most areas. Any change to the system would be evaluated by the Sanitarian. Berman asked if it would be reasonable to attach a condition to the permit that says when sewer become available within 250 feet that there will be hookups made and septic be phased out. Tokos didn't think that's something we want to stipulate on this because the service isn't within 250 feet right now. We have Comprehensive Plan policy and city code that apply to that. When we do have service within 250 feet, if there is some issue with the functionality of that system, we have existing municipal code language that would compel the connection at that point in time. Continuing deliberation, Patrick noted that he also agrees that it meets the criteria. As far as the septic field, they have so much ground out there that if they couldn't find another spot to put a septic field, he'd be amazed. He has no problem with the request. Franklin said the building looks great by the way.

MOTION was made by Commissioner Croteau, seconded by Commissioner Franklin, to approve File No. 2-NCU-15. The motion carried unanimously in a voice vote.

MOTION was made by Commissioner Croteau, seconded by Commission Franklin, to adopt the final order as presented for File No. 2-NCU-15. The motion carried unanimously in a voice vote.

2. File No. 1-VAR-15. A request for approval of a Type III Variance submitted by Jayanti & Saroj Patel (Motel 6) (Dennis Bartoldus, authorized representative) to allow a wall sign on the north side of the motel to be placed at a height of 43 feet and a wall sign to be placed at a height of 38 feet on the south side of the building. The applicant is further requesting a variance to allow a total of five signs; four of which would be wall signs, and the fifth a freestanding sign. *(Please note that at the request of the applicant's representative, this hearing will be opened and continued to January 11, 2016.)*

Patrick opened the public hearing for File No. 1-VAR-15 at 7:32 p.m., noting that the applicant has requested a continuance.

MOTION was made by Commissioner Croteau, seconded by Commissioner Berman, to continue the hearing for File No. 1-VAR-15 to January 11, 2016. The motion carried unanimously in a voice vote. Croteau noted that at that time, he would hope to see a pretty good set of data on this one. He said it looks like a real request of quite the variance. He wants to see a complete record on this one.

G. New Business. No new business to discuss.

H. Unfinished Business.

1. Ordinance regarding business license endorsement for recreational marijuana facilities. Tokos noted that the City Council did adopt the changes to the business license code, and they did elect to adopt it with the provision that retail recreational marijuana facilities will have to be at least a thousand feet from child care facilities; and it's those child care facilities that are documented on official City maps. The reason that was done was because, unlike schools, child care facilities pop up from time to time, and we're not always aware of those changes. So we wanted to set ourselves up so we don't put ourselves in a position where we're set up to fail because we allow a retail facility to go in not knowing there was a child care facility within a thousand feet. We agreed to make sure the child care facilities map will be updated annually, and we will use that map for purposes of identifying whether or not a retail marijuana facility is within a thousand feet of a child care facility. Franklin asked if that's existing child care facilities; it's not the other way around. So if a recreational dispensary goes in, a child care facility can then open up around the corner from them. Tokos said absolutely. A child care facility could open up next to an existing retail marijuana facility, and what that means is the existing marijuana facility would be good to go as long as they maintain their existing license; but they would not be able to sell to a new retail facility. He noted that's how the State rules work, too, for schools. If a new public school opens up next to a retail marijuana facility, under the State's rules that existing operator is fine; but they couldn't sell the business to a new operator. Franklin said, so if someone gets their license taken away, that location is no longer valid. Croteau asked how day care facilities are tracked; State licensing? Tokos said there's the State Office of Child Care that does license certain types of child care; it's the larger ones. Hardy said it's the number of children you have in the day care that generates the need for licensing. Franklin said even if you have

in-home daycare facility, you have to have a license from the City; it doesn't matter about the number of children. Hardy said from the City; but the State doesn't care. Tokos said that he thought it was three or less; there's a threshold. It's something like that; you don't have to bother with any State licensing if it's like three kids other than your own. Berman asked to Tokos' knowledge if any of the existing medical marijuana dispensaries are within a thousand feet of a daycare. Tokos said that two of the four are within a thousand feet. Under the provisions of this rule, they are being treated as retail marijuana already. All four are operating in that capacity under Health Authority rules, so they are fine as long as they want to stay there. Berman asked, so they wouldn't get shut down; and Tokos confirmed they wouldn't. Tokos noted that all of those existing facilities could convert over to retail facilities under OLCC rules should they choose to. It's just those two are locked into their current ownership; another person couldn't come in there. Those are all lease arrangements anyway. He doesn't believe any of those own their particular building. They're all leasing. Patrick asked if that won't affect them if they decide to improve their building or if they decide to expand. Tokos said as long as they maintain their current license, they're fine. So, if they wanted to expand or improve or make changes to improve their business, that's fine.

I. Director Comments.

1. Debrief of the December 7th City Council work session on affordable and workforce housing. Tokos noted that the City Council is going to be meeting in early January to think about where it wants to go on affordable housing. It's going to take a look at its existing agreement with the Lincoln Community Land Trust. Patrick said he recalls this meeting. It's where he volunteered the Planning Commission. Tokos said the Council recognizes that it really didn't put together a process for identifying property it might want to make available for workforce housing above and beyond the agreement it made with Habitat. He said the bottom line is that the Planning Commission will likely have a role early next year to help map out some additional tangible steps that the City can take to further affordable housing issues. He said there's some consternation by some of the Council members that the Land Trust was putting together a proposal for a piece of property next to Don Davis Park that the City owned; although a proposal hadn't been formally made to the City. Then he thinks there's some concern about how much, if any, additional City property should even be made available or whether the City should be pushing other avenues for getting affordable housing. Tokos said we've talked repeatedly, and the Council knows, that there are a range of different strategies the City needs to pursue; no single strategy is sufficient. He thinks there's going to be some further discussion, certainly at the City Council level, about what all the City should be doing on the affordable housing front.

Croteau asked what the origin was of the proposal that never got completed with the facility around Don Davis Park. Tokos said the Commissioners may recall that the City Council entered into a Memorandum of Understanding with Lincoln County and Lincoln City to fund the administrative costs of the Land Trust. Newport, Lincoln City, and Lincoln County all put in \$30 thousand a year. Another part of that agreement was that all of the parties would, without making a commitment to specific property, make every effort within the law to provide property and/or revolving loans for the purpose of expanding workforce housing in our respective communities. The Land Trust took that to mean they're going to have an opportunity to look at the City's properties. Proud Ground, who is managing the Land Trust's program, is a much larger land trust out of the Portland Metro area and has a much larger staff to draw from. They assessed all of the properties that the City has in our inventory that are suitable for residential development. Likewise, they've looked at properties in Lincoln City and are starting to look at foreclosed properties in the County. From that assessment, it was determined by the Land Trust's Board based on Proud Ground's work that the most viable property was this one next to Don Davis Park because the property is zoned for high density residential development and all services are available to the property. Unlike Habitat the Trust is not a developer. So the Trust decided to see if they couldn't get a public/private partnership. They wanted to see what a public/private partnership might look like where a developer comes in, builds a certain number of units, gets to take a small percentage of those and make available at market, and all of the others get reserved for affordable or workforce housing. To that end, the Trust put out an RFP; and a couple of developers responded. No commitments were made that the property was ever going to be made available. In hindsight, the RFP that Proud Ground put together wasn't as clear as possible about that, although it was made clear to the developers. Diane Lind with Proud Ground made that clear to the Council. Somebody in the community got hold of the RFP and said there's some backroom deal being done by the City when that was not the case. That's how it got up to a work session, and the Council said they didn't know; and they really didn't know because nobody made a proposal to them. On the flip side, they hadn't mapped out a process. They know they made the commitment, but they never made a process for how to identify properties. Maybe they wouldn't have thought this was a good property had they set out a process. Tokos said it came up awkwardly.

Patrick said he was watching the work session go round and round and finally just said why not give it to the Planning Commission as a task because we've been dealing with this stuff. There needs to be some criteria for identifying properties. Croteau said the RFP was premature. Patrick said he didn't think it was bad intentions on either side. But it's one of those things where there's no communications either way. All of a sudden it showed up. Tokos said that he absolutely thinks a process should be mapped out for that purpose; and he thinks that's where things fell apart. He also thinks you can't talk about a public/private partnership in too fluffy of terms; you actually do have to map it out, what it would look like. That does take some engagement. If at some point the City does get to a position it's looking at that kind of stuff again, it needs to put some thought to it because you can't just have a conversation conceptually about something like that. You actually need to try to pen out what it looks like. Otherwise, you can't have a really intelligent conversation. People start running around saying you're giving property away to a developer. Nobody's giving anything away to anybody. That sounds terrible. But what if it's a developer gets four units, and the community gets a dozen units of workforce housing out of it? That sounds a little bit better. If it doesn't make sense on a certain property, you have to be able to map it out to a point where you'll be able to say it doesn't make sense, let's not even take this to the public. Patrick said he was of the opinion that you need some rules. We need to lay out a process and put some guidelines on it.

The other comment Patrick wanted to make was that most of the people in or around Nye Beach are of the opinion that piece of property was being reserved as a parking lot. Tokos said, that isn't the case by the way. He looked back through the records and can't find anything. Patrick thought it had been mentioned in meetings, but no action was ever taken on it. Tokos said to be honest, if parking lot was pushed, he doesn't know that that would have broad community support either because there were a number of folks who said they would like it for sculptures or green space. Patrick said there's a bunch of competing interests for that piece of property. He said it wouldn't have been the one he would have picked to run with workforce housing. He said it makes sense if you're sitting in Portland. Tokos said frankly it may very well be that the City doesn't have any additional properties in its inventory at this time that are suitable. Patrick said he's not certain that it does. Tokos said frankly that's the only piece of property that's actually fully serviced. He thinks there needs to be a legitimate conversation about what to do with it because it's a very valuable piece of property. If it's going to be park land, that's another consideration. It's fully serviced; it has all utilities available to it, it has good public access; and prior plans did not reserve it as a park. Prior plans even when they did all the streetscape improvements showed it as being developed. But maybe that's changed, and maybe that's not where community sentiment is. That's fair. Patrick said that's where we set up the conversation; we figure out what kind of process we want to have and how we get to make decisions about these things. He said we kind of fell into the Habitat thing. He was for it, but we just kind of did it. That's really not the way we should be doing these things. We should put some sideboards on it and figure out how we get to that point. Croteau said it's important enough to have a good plan.

2. Advisory Committee vacancies. Tokos said we still only have one application for the Advisory Committee. He asked the Commissioners if they knew of anybody who might be interested to please encourage them to apply. That's why he hasn't brought this back because we have two vacancies and only one applicant right now. He said to put some thought to folks that they think might be a really good fit for that. Croteau wondered if we keep active applicant files from prior appointments to this position. Is it something we can do to contact those people? Let them know there's an opening and their application can still be alive. Tokos said we'll take a look at it. His fear is that most of those people we had in prior applications actually were appointed. Berman said there were a bunch of people that applied for Planning Commission. Tokos said that's definitely something we could take a look at. That's a good point. This advisory position is a common stepping stone to the Commission. Croteau thought there are people out there who might still be willing; but if they were not appointed the first time around, they may be hesitant to try again. A positive action might be bringing them forward.

3. No more Planning Commission meetings this year. Tokos noted that we don't have a meeting on December 28th. The next meeting will be January 11th. There will be some organizational things on that docket as is typical for the first of the year.

J. Adjournment. Having no further business, the meeting adjourned at 7:50 p.m.

Respectfully submitted,

Wanda Haney
Executive Assistant

Memorandum

To: Newport Planning Commission/Citizen Advisory Committee
From: Derrick Tokos, Community Development Director 
Date: January 8, 2016
Re: Public Comment on Transfer of Mechanical Program

On October 1, 2015 the City of Newport filed paperwork with the Oregon Building Codes Division asking that it transfer the Mechanical Permitting Program from Lincoln County to the City of Newport for properties that are located within the city limits. If the request is approved, the transfer will be effective July 1, 2016.

As part of this process, the City is required to provide opportunities for the public to comment on the proposal. That is the purpose of this meeting. This is the second of two planned meetings. Notice of this meeting was sent to an expanded list of contractor's pursuant to feedback received from the Planning Commission at the December 14, 2015 outreach meeting.

A complete copy of the City's request to take over the Mechanical Permitting Program is available on the Oregon Building Codes Division website at:
http://www.bcd.oregon.gov/jurisdictions/program_assumptions.html.

Newport Building Official Joseph Lease will be in attendance to field questions.

Attachments

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mombetsu, japan, sister city

NOTICE OF A PUBLIC OUTREACH MEETING

The City of Newport has filed documentation with the State of Oregon Building Codes Division regarding its intent to assume mechanical permitting, plan review, and inspection responsibilities from Lincoln County for properties that are within the corporate limits of the City of Newport. The program transfer would be effective July 1, 2016.

The mechanical program is the only common permitting function not currently administered by the City of Newport. Assuming this program creates the ability for the City to offer a complete combination permit (Structural, Electrical, Plumbing, and Mechanical) for 1 & 2 family dwellings, simplifying the permit issuance process for builders, owner/builders, and city staff. It allows for increased efficiencies in the inspection process since underground, underfloor, rough, and final inspections could be combined for the multiple disciplines and performed by one inspector, reducing the number of inspection requests and site visits. It provides one jurisdictional point of contact for customers on all required building-related permits for a project. In the past, the City did not have a Building Official on staff capable of taking on these responsibilities. Its current Building Official, employed with the City since January 2, 2015, possesses the necessary certifications.

An outreach meeting will be held before the Newport Planning Commission at 7:00 p.m. on January 11, 2016, in the Council Chambers of the Newport City Hall at 169 SW Coast Street to receive public comment regarding the City's proposal to assume these responsibilities. The City Building Official, Joseph Lease, and the Community Development Director, Derrick Tokos, will be available at the meeting to answer questions.

For more information, contact Derrick Tokos, Community Development Director, City of Newport, 169 Coast Highway, d.tokos@newportoregon.gov 541.574.0626.

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LINCOLN PLUMBING
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SILETZ OR 97380

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CITY OF NEWPORT, OREGON

REQUEST FOR PROPOSALS

for

CONSULTING SERVICES TO PREPARE A PARKING MANAGEMENT PLAN FOR THE BAY FRONT, NYE BEACH AND CITY CENTER AREAS OF NEWPORT

PROPOSALS DUE: January 28, 2016, by 5:00 pm

SUBMIT PROPOSAL TO:

**Derrick I. Tokos, AICP
Community Development Director
City of Newport
169 SW Coast Highway**



Newport, Oregon 97365

CITY OF NEWPORT, OREGON

Request for Proposals

Consulting Services to Prepare a Parking Management Plan for the Bay Front, Nye Beach, and City Center Areas in Newport

1. INTRODUCTION

The City of Newport is seeking proposals from qualified individuals, firms, teams (hereinafter referred to as Consultant), with demonstrated experience in developing effective parking management strategies through a process of active public engagement.

2. PROJECT OVERVIEW

The purpose of this project is to identify strategies that will maximize available parking supply in the Bay Front, Nye Beach, and City Center areas of Newport to support a vibrant working waterfront and retail-oriented, tourist commercial businesses. Each of these commercial areas within the City is densely developed with much of the parking demand being met with on-street spaces and public parking lots. Historically, persons developing commercial property in these areas have been allowed to pay a fee to the City in lieu of providing new off-street parking spaces to address the impacts attributed to their projects. That program proved outdated, and led business owners to petition the City to establish Economic Improvement or “Parking Districts” to fund parking system improvements through a business license surcharge. These Parking Districts will soon expire and the boundaries of those districts define the study area for this project (See Exhibits A, B, and C).

While the Parking Districts have been easier for the City to administer than a “payment in lieu” program with some customized agreements and greater involvement from area business owners, neither approach provides a clear, long term strategy for how parking assets should be managed nor have they generated sufficient funding to make meaningful improvements to the parking system.

This Parking Management Plan is intended to address these shortcomings. Work will include an inventory of existing parking assets and regulatory practices; stakeholder engagement to identify opportunities; constraints to improving the availability of parking; transit and/or van pool services; a parking demand analysis to establish parking utilization and turnover rates; and a capital needs assessment, financial strategies, and policy recommendations.

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

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

City Center: A “main street” style cluster of commercial buildings oriented along US 101 between the intersection of US 101 and US 20 and the Yaquina Bay Bridge. Many of the City’s public buildings are within this district, including the Lincoln County Courthouse, Newport City Hall, 60+ Center, Recreation Center, and the Samaritan Pacific Hospital. A new aquatic facility is being constructed next to City Hall and is expected to open in December of 2016.

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

This plan should consider City off-street parking requirements and provide recommendations for how they might be adjusted within the business districts, including the likely ramifications of lifting such requirements. The plan should further outline financing strategies the City can pursue to maintain existing parking assets, enhance transit services, and provide additional parking to support growth and vitality of area businesses. Each of the business districts experiences significant increases in traffic during summer months, and the analysis and recommendations that result from the plan should factor in seasonal variations in availability and demand for parking spaces.

The City desires to complete the parking management plan, including any recommended changes to City ordinances or agreements, by February 1, 2017 to inform the preparation of the Fiscal Year 2017/2018 budget. City envisions and consultant should anticipate that a citizen advisory committee will be formed, with representation from the business districts, to assist in the preparation of the plan.

3. DRAFT SCOPE OF WORK

This draft scope of work represents the City’s best estimate of the work needed to accomplish the objectives for this project. The City is open to alternative approaches that may deviate from this scope to better meet project objectives.

A. Project Kick-off. Staff will provide Consultant with relevant background information in an electronic format, where available. This may include, but is not limited to:

1. Comprehensive Plan, maps and text
2. Development regulations, zoning maps, and text
3. Transportation System Plan, including draft of current update
4. Bayfront Parking District ordinance and supporting materials
5. Nye Beach Parking District ordinances and supporting materials
6. City Center Parking District ordinance and supporting materials
7. Newport Northside Urban Renewal Plan
8. Nye Beach Design Guidelines
9. Meyer-Reed Wayfinding Study
10. Bay Front Plan
11. Peninsula Urban Design Plan (Glick Report)
12. Vision 2020 and Strategic Action Plan
13. Tax Lot, contour, aerial imagery, natural features, and other GIS data relevant to the project areas

Consultant shall review the background materials and meet with City staff to clarify study objectives and confirm key policies and background information that could inform the work. At this meeting, consultant and staff will also confirm the range of key stakeholders that will need to be engaged, public outreach opportunities that will be pursued, and any other issues necessary to clarify the scope and schedule.

Product: Memo documenting meeting outcomes and final scope of work.

- B. Existing Conditions Maps. Consultant shall prepare scaled maps of the Bay Front, Nye Beach, and City Center areas identifying available parking spaces and depicting relevant existing conditions for use in later tasks. The maps should identify the location of parking assets, transit stops and routes, and areas with regulatory limitations (no parking, accessible spaces, timed parking, etc.). The maps should also include property boundaries, building locations, streets, shorelines, natural features, and/or other information to orient users and provide context.

Product: An electronic copy and two scaled hardcopy drawings (“D” or “E” size) of the maps for each area.

- C. Opportunity and Constraints. Consultant will conduct a site visit to gain familiarity with the project area and take photographs for use in subsequent tasks. Consultant shall conduct meetings with stakeholders in the Bay Front, Nye Beach and City Center areas to solicit input regarding opportunities to improve the availability of parking, transit and/or van pool services as well as “constraints” regarding customer parking, employee parking, parking for tourists/fisherman, delivery vans, and semi-trailers. Any major capital improvements believed to be critical to the success of the business districts (e.g. parking structure, transit funding, etc.) should be identified. City will identify appropriate venues for the outreach meetings and will provide notice to stakeholders and members of the general public. It is the City’s desire that, to the extent possible, outreach meetings occur concurrent with consultant site visits.

Product: Electronic copies of the photographs and materials summarizing the results of the stakeholder meetings.

- D. Parking Demand Analysis. Consultant shall conduct field surveys of parking assets during peak and off-peak periods to establish utilization and turnover rates of the parking spaces in each commercial area. Off-peak analysis should be performed in the March/April or November/December timeframe and should be coordinated with the City to avoid the Seafood and Wine festival or other major events that might skew the results. Peak period analysis should be performed in the July/August timeframe.

Product: Field notes, working drawings, and a graphic memo/maps summarizing the analysis (with supporting data).

- E. Capital Needs Assessment. Consultant, with the assistance of City, shall assess the condition of public parking assets and prepare planning level cost estimates for periodic maintenance and upgrades to these facilities. Planning level estimates shall also be prepared for any new facilities, such as a parking structure, parking lot, or the purchase and installation of parking meters. If enhancements to transit service are recommended then the assessment should identify an appropriate service provider and, in consultation with that provider, identify capital and operational expenses required for the service adjustment.

Projects shall be prioritized, with stakeholder input, for short, medium, and long term periods using a 20-year planning horizon.

Product: Schematic drawings, cost estimate worksheets and a memo summarizing capital needs.

- F. Financial Strategies. Consultant shall assess potential funding tools or a combination thereof needed to implement the capital program. This may include locations where metering could be utilized and how meter charges should be calibrated considering an equipment payback period, capital needs, and the parking demand analysis; whether or not businesses should contribute funding through a business license surcharge or similar funding tool; and whether or not permit parking should be instituted in any of the plan areas. Gap analysis should be performed for large capital projects (e.g. parking structure) with recommendations for how the gap could be filled with alternative funding sources.

Product: Financial strategies memo with supporting maps and tabular data sufficient to convey the concepts to policy makers. The document should include recommendations relative to the strengths and weaknesses of the different strategies.

- G. Final Report. Consultant shall prepare a final report incorporating the analysis from the previous tasks with recommended parking management strategies and implementation measures to put them into effect. The report must summarize the public engagement process, alternatives considered, and the rationale for recommended strategies. Planning level cost estimates shall be refined as needed, such that they are suitable for use in updating City facility plans. The report shall also be formatted such that the graphics and text can be readily incorporated by the City into other planning documents. Consultant shall provide a draft of the report to the City for one round of edits, and shall be available for presentation of the final report to the Newport Planning Commission and City Council.

Product: An electronic copy and six (6) hardcopies of the final report.

Consultant shall coordinate as needed with City staff throughout the process. Unless otherwise specified, it is the City's preference that work product be delivered in an electronic format. Should Consultant develop any GIS data layers in conjunction with this project, such data shall be provided to the City with delivery of the final report. It is the City's expectation that Consultant will be able to utilize technical data from City's existing facility plans, where available, to inform the development of planning level cost estimates.

4. BUDGET AND SOURCE OF FUNDS

A total of \$45,000 is budgeted for this project. Of that amount, \$15,000 is from the City of Newport General Fund, \$15,000 is from the Bay Front Parking District, \$10,000 is from the Nye Beach Parking District and \$5,000 is from the City Center Parking District.

5. PROJECT PROPOSAL REQUIREMENTS

Proposals should be organized in the following format:

- A. Cover Letter. Provide a cover letter, signed by a duly constituted official legally authorized to bind the proposer to both its proposal and cost estimate. The cover letter must include

the name, address, and telephone number of the proposer submitting the proposal and the name, title, address, telephone number, fax number, and email address of the person, or persons, to contact whom are authorized to represent the proposer and to whom correspondence should be directed.

- B. Project Approach and Understanding. Provide a detailed description of the Consultant's proposed approach demonstrating how the City's objectives will be accomplished as outlined in the above draft Scope of Work. Clearly describe and explain the reason for any proposed modifications to the methods, tasks and products identified in the draft Scope of Work outlined in Section 3 of this RFP.
- C. Project Organization and Team Qualifications. Identification of all services to be provided by the principal firm and those proposed to be provided by subcontractors and information regarding the firm(s) assigned to the project including size of firm(s) and overall capabilities of each as considered relevant to this project. Provide information regarding all personnel assigned as team members to this project including names, prior experience, position, role and level of responsibility in the project. The City reserves the right to reject any proposed firm or team member or to request their reassignment. The project manager shall be identified by name and shall not be changed without written approval by the City. The principal consulting firm must assume responsibility for any sub-consultant work and shall be responsible for the day to day management and direction of the project.
- D. Project Timeline. Proposed timeline for accomplishing the project, including critical paths and milestones, and specific consulting staff by task based on the draft Scope of Work.
- E. Project Coordination and Monitoring. Describe the process for ensuring effective communication between the Consultant, Stakeholders, and the City, and for monitoring progress to ensure compliance with approved timeline, budget, staffing and deliverables.
- F. Proposed Cost of Services. Provide a budget summary broken down by task, time, personnel, and hourly rate, number of hours and cost for each team member including those employed by subcontractors. Fee information should be formatted to correspond to tasks identified in this RFP; however, this format may be modified to suit the consultant's approach to this project. The summary shall include a budget for reimbursable expenses. The final cost of consulting services may be based on a negotiated detailed scope of work. The budget summary shall also include all required materials and other direct costs, administrative support, overhead and profit that will apply.
- G. Similar Project Experience. Specific examples of comparable work which best demonstrate the qualifications and ability of the team to accomplish the overall goals of the project under financial and time constraints. Provide names, addresses and telephone numbers of clients associated with each of these projects. Through submission of a proposal, all respondents specifically agree to and release the City of Newport to solicit, secure and confirm information provided.

6. SELECTION OF PROPOSALS

Proposals will be evaluated based on the following criteria:

Thoroughness, quality and conciseness of submittal.	20 pts.
Project understanding and approach for accomplishing the City's objectives.	20 pts.
Qualifications of the project manager and project team, and proven ability to successfully complete projects of similar scope.	20 pts.
Proposed cost of services.	15 pts.
Ability to complete the Scope of Work within twelve (12) months of when the consulting contract is signed.	15 pts.
References from past and present clients.	10 pts.
<hr/>	
Total	100 pts.

7. PROPOSAL SUBMITTAL AND SCHEDULE

Parties interested in submitting a proposal should contact Derrick Tokos, Newport Community Development Director, to indicate their interest in submitting a proposal and specify the manner to receive any amendments to the RFP.

Four (4) copies of the proposal shall be submitted to the City of Newport, Attention: Derrick I. Tokos, AICP, Community Development Director, 169 SW Coast Highway, Newport, Oregon 97365, **no later than 5:00 P.M., January 28, 2016**. Envelopes should be marked: "Newport Parking Management Strategy Project."

Proposals must be submitted in a sealed envelope. All proposals must be completed in ink or typewritten. Facsimile proposals will not be accepted. Questions may be addressed to Derrick I. Tokos, AICP, Community Development Director, (541) 574-0626, d.tokos@newportoregon.gov.

Any amendments to this RFP will be in writing and will be issued to all persons or businesses that have indicated an interest to receive RFP amendments. No proposal will be considered if it is not responsive to any issued amendments.

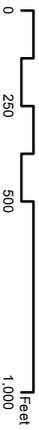


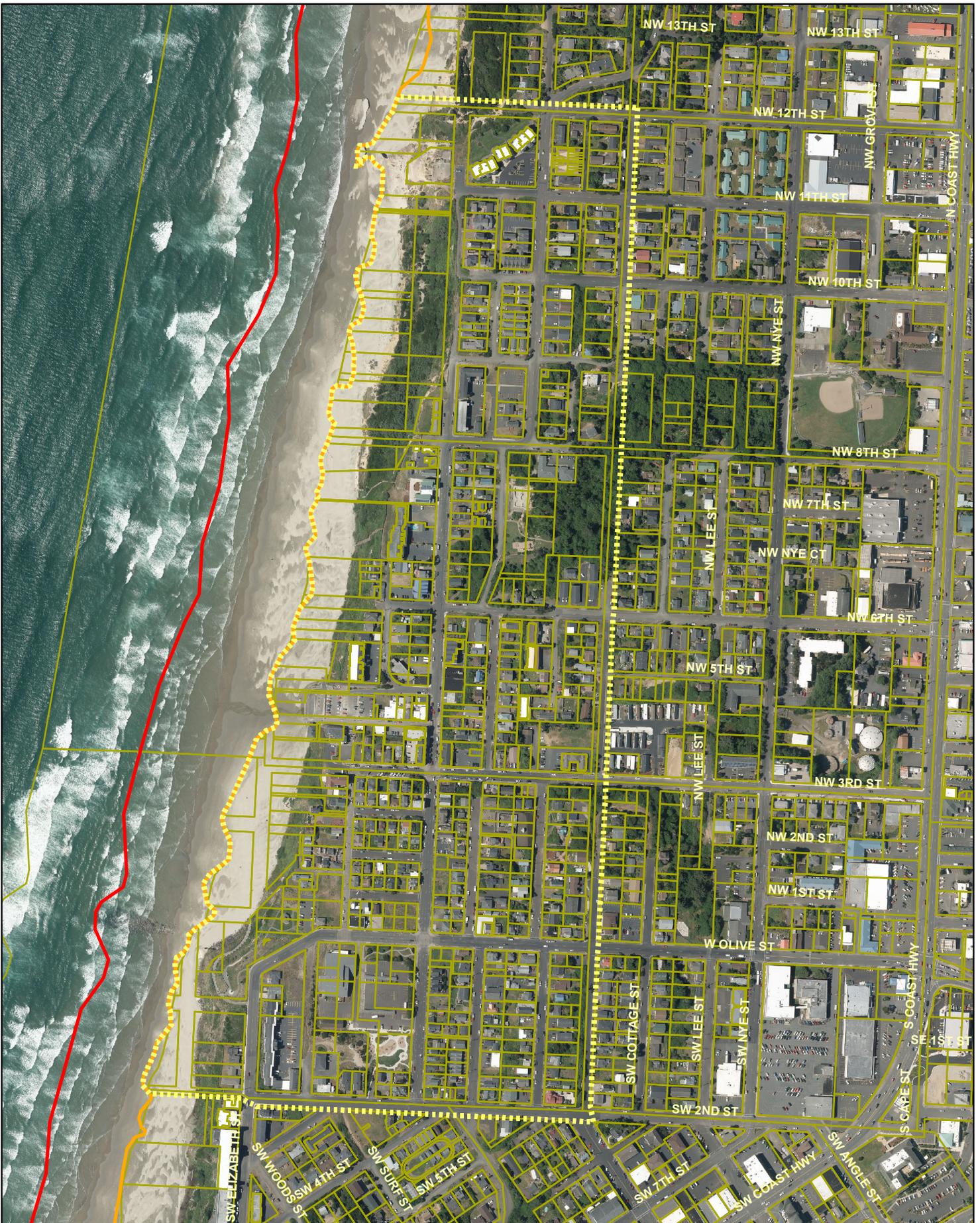
City of Newport
Community Development Department
 189 SW Canal Highway
 Newport, OR 97365
 Phone: 541.574.0839
 Fax: 541.574.0644

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

Bay Front Special Parking Area

Image Taken July 2013
 4-inch, 4-band Digital Orthophotos
 David Smith & Associates, Inc. Portland, OR

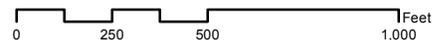




City of Newport
Community Development Department
 169 SW Coast Highway
 Newport, OR 97365
 Phone: 1.541.574.0629
 Fax: 1.541.574.0644

Nye Beach Special Parking Area

Image Taken July 2013
 4-inch, 4-band Digital Orthophotos
 David Smith & Associates, Inc. Portland, OR



N



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

PLANNING STAFF REPORT
File No. 1-VAR-15

- A. **APPLICANTS & OWNERS:** Jayanti and Saroj Patel (Dennis Bartoldus, authorized representative).
- B. **REQUEST:** Approval of Type III variance pursuant to Section 10.10.130(A) of the City of Newport Municipal Code to allow to allow (1) wall signs to be installed on the north and south elevations of the motel that exceed the City's 30-foot maximum sign height limitation; (2) a total of five signs, four of which would be wall signs and the fifth a freestanding sign, which exceeds the City's limit of three signs, one of which may be other than a wall sign; and (3) a maximum display area for all signs of 324.75 sq. ft., which exceeds the City's 200 sq. ft. limit of display area for a business.

The City sign height limitation is listed in Newport Municipal Code (NMC) Section 10.10.085(J), the restriction on the maximum number of signs is listed under NMC 10.10.085(C), and the maximum aggregate display area limitation is listed at 10.10.085(G).

- C. **LOCATION:** 2633 SE Pacific Way (Assessor's Map 11-11-17-AC; Tax Lots 301 and 1100)
- D. **LOT SIZE:** Approximately 30,492 square feet per County assessment records.
- E. **STAFF REPORT:**

1. **REPORT OF FACT:**

- a. **Plan Designation:** Commercial.
- b. **Zone Designation:** C-2/"Tourist Commercial."
- c. **Surrounding Land Uses and Zoning:** Surrounding uses include an RV park to the north and east, Rogue Brewery to the north, the Oregon Coast Aquarium to the south and east, and residential development to the west opposite US 101.
- d. **Topography:** The property is sloped and situated below the elevation of the adjoining highway.
- e. **Existing Structures:** A motel.
- f. **Utilities:** All are available to the subject property.
- g. **Past Land Use Actions:** None known.

h. **Notification:** All affected property owners within 200 feet, applicable City departments, and other agencies were notified on November 24, 2015. See Planning Staff Report Attachment "B" (Public Hearing Notice and Map). The public hearing notice was published in the Newport News-Times on December 4, 2015. The original hearing date was December 14, 2015. The applicant requested the hearing be continued to January 11, 2016 so that they could provide survey information for signs that will exceed the maximum height and building setbacks from property lines. They also wanted the opportunity to submit supplemental narrative in support of the application. The Planning Commission granted the continuance request at its December 14, 2015 meeting.

i. **Attachments:**

- Attachment "A" – Application w/ attachments, received 11/20/15
- Attachment "A-1" – Request for continuance, dated 12/10/15
- Attachment "A-2" – Survey information from Gary Nyhus, received 1/6/16
- Attachment "A-3" – Supplemental narrative and photos, received 1/7/16
- Attachment "B" – Public hearing notice
- Attachment "C" – Zoning map of the area
- Attachment "D" – Schematic drawing of the existing monument sign
- Attachment "E" – Lincoln County Assessor's reports for the property
- Attachment "F" – Municipal Code Chapter 10.10 (Sign Regulations)

2. **Explanation of the Request:**

On November 20, 2015, Dennis Bartoldus, on behalf of owners Jayanti and Saroj Patel, filed a variance application that seeks approval for additional signage for the Motel 6 lodging establishment at 2633 SE Pacific Way.

They are asking permission to install wall signs on the north and south elevations of the motel in excess of the City's 30-foot height limitation (NMC 10.10.085(J)), and want to add wall signs on the west and east elevations of the structure, which would increase the total number of signs to five, as they also have an existing monument sign. The City's sign code limits the property to a maximum of three signs, one of which may be other than a wall sign (NMC 10.10.085(C)). The display area of the signs is as follows:

Wall Signs

- West – 85.375 sq. ft.
- East – 97.375 sq. ft.
- North – 25 sq. ft.
- South – 25 sq. ft.

Monument Sign

- Display (per face) – 60 sq. ft.
- Reader Board (per face) – 32 sq. ft.

Photo renderings of the wall signs are included with the application (Attachment "A"). A schematic drawing of the existing monument sign is included as Attachment

“D.” The City has a 200 sq. ft. maximum aggregate display area limitation for signs (NMC 10.10.085(G)). The total proposed display area is 324.75 sq. ft.

Pursuant to Section 10.10.130 (Variance Requirements) of the Newport Municipal Code, the applicant may seek a variance to the numerical provisions of the code. The Planning Commission is the designated approval authority.

3. **Evaluation of the Request:**

a. **Written Comments:** As of January 7, 2016, the Community Development (Planning) Department has received no comments from any of the affected parties.

b. **Applicable Criteria (Newport Municipal Code Section 10.10.130):**

Section 10.10.130 states that: "approval of the request is the minimum necessary to alleviate special hardships or practical difficulties faced by the applicant and that are beyond the control of the applicant."

c. **Staff Analysis:**

In order to grant the variance, the Planning Commission must review the application to determine whether it meets the criteria. With regard to those criteria, the following analysis could be made:

Approval of the request is the minimum necessary to alleviate special hardships or practical difficulties faced by the applicant and that are beyond the control of the applicant.

In regard to this criterion, the Planning Commission should consider whether the applicant has sufficiently demonstrated that the request is the minimum necessary to alleviate special hardships or practical difficulties faced by the applicant and that are beyond the control of the applicant.

The applicant's representative, Dennis Bartoldus, has submitted findings addressing the criteria. See Planning Staff Report Attachment "A" and "A-3". With respect to the height variance, Mr. Bartoldus points out that the original motel, the "Ashley Inn" (later the Inn at Yaquina Bay) was designed with signage at the same height that is now proposed for Motel 6. Exterior elevation drawings are included in the application showing this to be the case. Mr. Bartoldus also notes that the motel was constructed at an elevation that is well below US 101 and that without signage at this height the business would be significantly disadvantaged in terms of visibility from US 101 and that there is precedent for height variances of this nature, such as the nearby Holiday Inn Express.

With respect to signage on the east and west elevations, Mr. Bartoldus notes that the owners are seeking to improve the visibility of the motel from SE Ferry Slip Road, SW Abalone Street, and Marine Science Drive and tourist oriented venues along these roads such as the Oregon Coast Aquarium and Rogue Brewery.

4. **Conclusion:** If the Planning Commission finds that the applicant has met the criteria established in the Newport Municipal Code for granting a variance, then the Commission should approve the request and ask staff to prepare findings and a final order for consideration at its next meeting (January 25, 2016). As always, the Commission may attach any reasonable conditions of approval necessary to carry out the purposes of the Ordinance as conditions of approval are permissible under NMC Section 10.10.130 (Variance Requirements – specifying that the Planning Commission utilizes the procedure and process of zoning variances, including conditions of approval). If, on the other hand, the Commission finds that the request does not comply with the criteria, then the Commission should make findings for denial. Staff would then prepare findings and a final order to that effect for the Commission’s consideration.

- F. **STAFF RECOMMENDATION:** It is reasonable for the Commission to conclude that a variance to the height limitation should be granted to allow the applicant to install the signage requested on the north and south elevations of the structure. It is clear from the information provided by Mr. Bartoldus that the original motel had signage at the height requested so that the business would be visible to north and south bound travelers on US 101. This was accepted by the City when the original motel was constructed, and it would be reasonable for the Commission to find that denying the current owner that same opportunity would create a practical difficulty or special hardship because they would not be able to advertise their business in as effective a manner as the original motel. US 101 visibility tends to be a major factor for lodging establishments since they are oriented to out of town travelers that have either made advance reservations or are passing through the community. This is a factor that the Commission should consider. Additionally, it is reasonable for the Commission to find that such hardship or practical difficulty was beyond the applicant’s control since they did not construct the existing motel and therefore had no influence over site grading or the orientation and design of the building. If the Commission elects to go down this path, the only variance would be to the height limitation. The number of signs and aggregate amount of display area would fall within the parameters of the sign code.

With respect to wall signs on the east and west face of the building, the applicant’s arguments appear to be primarily related to improving visibility of the business from the smaller city streets (as opposed to US 101). While this would undoubtedly be nice for them, they have not made a clear case that a variance of this nature is the minimum necessary to alleviate special hardships or practical difficulties that are beyond their control. There is no history of such signage on this building, so it would not be reasonable for the owner to expect that this type of signage would be approved (as opposed to the height variance). Landowners are responsible for understanding City regulations in effect

at the time they purchase property. Therefore, it would be reasonable for the Commission to conclude that it was within the applicant's control to decide whether or not the City's sign code limitations were enough of an issue that they would be better off not buying the motel.



Derrick I. Tokos, AICP
Community Development Director
City of Newport

January 8, 2016



City of Newport Land Use Application

RECEIVED

Applicant Name(s): Jayanti N. Patel	Property Owner Name(s) <i>if other than applicant</i>
Saroj J. Patel	
Applicant Mailing Address: PO Box 1900	Property Owner Mailing Address: same
Clackamas, OR 97015	
Applicant Phone No. 541-419-9460	Property Owner Phone No. same
Applicant Email: jaymadras@hotmail.com	Property Owner Email same
Authorized Representative(s): <i>Person authorized to submit and act on this application on applicant's behalf</i>	
Dennis L. Bartoldus	
Authorized Representative Mailing Address: PO Box 1510, Newport, OR 97365	
Authorized Representative Telephone No. 541-265-5400	
Authorized Representative Email. dennis @bartolduslaw.com	

Project Information

Property Location: <i>Street name if address # not assigned</i>	
2633 SE Pacific Way, Newport, OR 97365	
Tax Assessor's Map No.: 11-11-17-AC	Tax Lot(s): 1100, 301
Zone Designation: C-2	Legal Description: <i>Add additional sheets if necessary</i> see attached
Comp. Plan Designation: Commercial	
Brief description of Land Use Request(s): Height variance for 2 signs on side of building (one on north and one on south)	
<i>Examples:</i>	
1. <i>Move north property line 5 feet south</i>	
2. <i>Variance of 2 feet from the required 15-foot front yard setback</i>	
Existing Structures: if any motel building	

Topography and Vegetation: **Generally level but north side of property is lower. Landscaping around perimeter with lawn & bushes.**

Application Type (please check all that apply)

- | | | |
|--|---|--|
| <input type="checkbox"/> Annexation
<input type="checkbox"/> Appeal
<input type="checkbox"/> Comp Plan/Map Amendment
<input type="checkbox"/> Conditional Use Permit
<input type="checkbox"/> PC
<input type="checkbox"/> Staff
<input type="checkbox"/> Design Review
<input type="checkbox"/> Geologic Permit | <input type="checkbox"/> Interpretation
<input type="checkbox"/> Minor Replat
<input type="checkbox"/> Partition
<input type="checkbox"/> Planned Development
<input type="checkbox"/> Property Line Adjustment
<input type="checkbox"/> Shoreland Impact
<input type="checkbox"/> Subdivision
<input type="checkbox"/> Temporary Use Permit | <input type="checkbox"/> UGB Amendment
<input type="checkbox"/> Vacation
<input checked="" type="checkbox"/> Variance/Adjustment
<input type="checkbox"/> PC
<input type="checkbox"/> Staff
<input type="checkbox"/> Zone Ord/Map
<input type="checkbox"/> Amendment
<input type="checkbox"/> Other |
|--|---|--|

FOR OFFICE USE ONLY

File No. Assigned: 1-VAR-15		
Date Received: 11-20-15	Fee Amount: 591 00	Date Accepted as Complete:
Received By: VM	Receipt No. 1031494	Accepted By:

City Hall
 169, SW Coast Hwy
 Newport, OR 97365
 541.574.0629



City of Newport Land Use Application

I understand that I am responsible for addressing the legal criteria relevant to my application and that the burden of proof justifying an approval of my application is with me. I also understand that this responsibility is independent of any opinions expressed in the Community Development and Planning Department Staff Report concerning the applicable criteria.

I certify that, to the best of my knowledge, all information provided in this application is accurate.

Applicant Signature(s)

11/20/15

Date

Property Owner Signature(s) (if other than applicant)

11/20/15

Date

Authorized representative Signature(s) (if other than applicant)

Date

Please note application will not be accepted without all applicable signatures.

Please ask staff for a list of application submittal requirements for your specific type of request.

INFORMATION SUBMITTED BY JAY PATEL IN SUPPORT OF A HEIGHT VARIANCE
FOR TWO SIGNS AT MOTEL 6 IN SOUTH BEACH

Jay Patel is requesting a variance for the placement of two signs on the Motel 6 property in South Beach. The property is a three-story motel building located just east of Highway 101 at 2633 SE Pacific Way in Newport, Oregon. The property has a plan designation of commercial and a zone designation of C-2. The property is approximately .6 acres in size. The height of the building at the highest point is approximately 45 feet.

The motel was built in 1996 and has previously had two names. First, the motel was the Ashley Inn and later was known as the Inn at Yaquina Bay. Both the Ashley Inn and the Inn at Yaquina Bay had signs on the upper portion of the building. In fact, both the Ashley Inn and the Inn at Yaquina Bay had signs that were much larger than the ones being proposed by Motel 6.

Mr. Patel is requesting that the Motel 6 signs be allowed at a height of 38 feet on the south side of the building and 43 north side of the building. The north side of the building is just slightly higher from ground level because of the change in topography of the property. It is important to recognize that the sign requested by Motel 6 on the north and the south is a 5' x 5' sign which makes each sign a total of 25 sq. feet. By contrast, the square footage on the Ashley Inn sign and the Inn at Yaquina Bay signs were approximately 80 sq. ft. Therefore, the requested sign is far less than half the size of either the Ashley Inn or Inn at Yaquina Bay sign.

Before addressing the individual criteria in the zoning ordinance described for obtaining a variance, I think it is important to address some general concepts that are very significant. Newport's economy to a large degree is tourist driven. Many of our local residents are employed in the hospitality industry. The Chamber of Commerce and the City have placed great emphasis on attracting tourists to Newport. This is a worthy goal because many jobs are provided by this industry and the tourists support other local businesses. The transient room tax raises significant

sums of money for the City. At the same time, the community is rightfully concerned about preserving the visual beauty of the area and making sure adequate rules are followed to keep Newport from looking too “glitzy”. One of the ways the City has chosen to address the visual beauty of the area is through the sign ordinance. The sign ordinance was first adopted in 1983 and has been amended on a number of occasions since that time.

Many of the motels in Newport have been here for a long time and have signs on the buildings that are higher than 30 feet in height. Please keep in mind that neither the Ashley Inn or the Inn at Yaquina Bay had to obtain a variance for the placement of signs on the buildings. Yet, those signs were totally appropriate for the building, given the size and design of the building and given the topography in the area where the motel is located.

Previously, the City Council of Newport granted a height variance to the Holiday Inn which is only a couple blocks from the Motel 6 property. The height on the sign on the Holiday Inn property is approximately 48 feet high to top of sign. That sign is totally tasteful and is not a problem whatsoever.

As noted, historically, signs on what are now the Motel 6 property were in excess of 30 feet in height. Likewise, signs on the Best Western Agate Beach motel and the Elizabeth Street Inn also exceeded 30 feet in height.

Signage is important to motels because many folks staying in motels prefer to stay with certain chains because they have come to “know the brand” and like a known commodity or they know they will be able obtain a reasonably priced motel by staying at certain chains.

It is important for these motels to succeed because they are an important component of Newport’s economy and pay significant taxes. Last year alone, the Motel 6 property paid over

\$35,000 to local taxing entities simply on the basis of real property taxation. This does not include revenue generated under the transit room tax.

The topography is also an important consideration in requesting the variance in this case. As you approach the motel from the north, you are driving over the bridge and the motel is tucked down below the level of the bridge. Likewise, as you approach the motel property from the south, the motel sits off to the right and is below the level of the hill that serves as the bridge approach. The only part of the motel that is readily visible as you head north is the top portion of the building where the sign is proposed.

With this background, we will review the criteria set forth in Section 14.33.060 of the Newport Municipal Code regarding variances.

The first criteria set forth is that the circumstance of condition applies to the property or to the intended use that does not apply generally to other property in the same vicinity or zoning district. The ordinance then lists various considerations that may be considered.

As previously noted, and as shown through pictures that are submitted with the application, the subject property sits below the grade of the highway. The building is not readily visible from Highway 101. Therefore, in terms of visibility from the surrounding area the sign is not more than 30 feet above what I will term the “visible grade” from Highway 101. In fact, under that standard it is well under 30 feet. Likewise, when viewing the property from the north, the bridge is an intervening factor and the building is not readily seen from Highway 101 while heading south because of the structure of the bridge.

The improvements have existed on the property for approximately 20 years. The building presently fits well upon the lot and there is no plan to change the exterior structure or design of the building.

It is very significant to note that since its construction the building has had signs in the location being proposed for the current signage. In fact, the new sign will be significantly smaller than the previous signs that have existed at the proposed elevation on the building. Also, as had been discussed earlier, signage is very important to a motel. It is important that the signage be seen from Highway 101.

As was also noted earlier, there are other motel signs in Newport that are placed on the sides of buildings that are higher than 30 feet. We have already discussed a number of the motels that have signage higher than 30 feet and that information will not be repeated here.

The consideration of the surrounding area is also important. To the north of the subject property is Port property on which the Rogue Brewery is located. It has significant signage along the south side of its building. Immediately north of the motel property is an RV park located on Port of Newport property. RVs park adjacent to the motel. Immediately south of the subject property is a parking lot for the Oregon Coast Aquarium and just to the south of that are two motels, one of which has a wall sign that is higher than 30 feet. In short, the subject property is in a well traffic area with other commercial uses with significant signage. The signs will in no way affect any residential area or area than what is zoned for commercial development.

The second criteria to be considered is that the circumstances just discussed are not of the applicant's or present property owner's making and does not result solely from personal circumstances of the applicant or property owner.

The building on which the sign is to be located was not constructed by the present property owner. In fact, the building was constructed by a previous owner in compliance with all of Newport's rules and regulations, including the sign ordinance. The location at which the sign is to be placed is the location for which signs have historically existed on the building. To repeat yet once again, the sign proposed for the building is significantly smaller than the previous signs that have been located on the property. Quite candidly, if for some reason the variance was denied, then the applicant would need to consider larger signage on both the north and south side of the motel which would be more intrusive than the small sign proposed for the historical location.

The third criteria is that there is practical difficulty or unnecessary hardship to the property owner and the application of the dimensional standard.

As has previously been addressed, it is important that the signs be placed in the proposed location so they will be visible from the north and the south. Without placing the signs in these locations, they would not be readily visible from the adjoining highways. At the same time, the signs will be small enough that they will not be unattractive or a detraction. The signs will be a simple Motel 6 logo sign with interior lighting. The signs will not flash or in any way direct light into the eyes of those on surrounding properties.

In essence what the applicant is requesting is to have signs at the same location as many other motels around Newport. Also, as has previously been addressed, the requested height makes sense given the topographical features that have been previously addressed.

The next criteria is that the authorization of the variance will not result in substantial adverse physical impacts to the property in the vicinity or zoning district in which the property is located, or adversely affect the appropriate development of adjoining property. Adverse physical

impacts may include, but are not limited to, traffic beyond the carrying capacity of the street, unreasonable noise, dust, or loss of air quality.

The authorization of the variance will not result in adverse impacts to the vicinity. As was previously noted, there are other signs that are larger than the ones being proposed for the Motel 6 property. The additional sign will not have any effect on the carrying capacity of the streets, will not create unreasonable noise, dust or loss of air quality.

The area where the sign is located is a commercial area where there is much activity which includes other motels, the Rogue Brewery and associated Rogue operations on the Port property, an RV park, tourist attractions, restaurants and other commercial activity. The area on the east side of Highway 101 in this area is also for some type of commercial or water related development and there is no residential zoning on the east side of the bridge in this area.

The next criteria is that the variance will not interfere with the provision of or access to appropriate utilities, including sewer, water, storm drainage, streets, electricity, natural gas, telephone or cable services nor will it hinder fire access.

The requested variance will absolutely not cause any interference with any utilities. It will also absolutely not hinder fire access.

The final criteria is that any impacts resulting from the variance are mitigated to the extent practical. That mitigation may including, but is not limited to, such considerations as provision for adequate light and privacy to adjoining properties, adequate access, and a design that addresses the site topography, significant vegetation and drainage.

The signs are being placed at an elevation that is consistent with previous signage on the building and signage on other motels throughout the city. In fact, the signs proposed for the building are smaller than the previous signs that have existed since its construction.

The signs are placed in such a manner that they do not reflect or shine onto any residential property. Motel signs have long existed on this property in the location being proposed for the present signs and I would dare say that the City has probably not received any complaints as a result of the signs as they were located on the building.

The requested variance also complies with the purposes of the Newport Sign Code that are found in Section 10.10.010 of the Newport Code. Eight criteria are listed under the purpose section.

A. To protect and promote the health, safety, property and welfare of the public, including but not limited to promotion and improvement of traffic and pedestrian safety.

The so-called health, safety and welfare clause that is found in many ordinances is generally very broad and can have a different meaning depending upon the community and the ordinance. The specific concern listed in the first criteria is the promotion and improvement of traffic and pedestrian safety. The placement of the sign at the requested location certainly has no effect on pedestrian safety and in fact improves traffic safety. When signs are easier to see and more visible, drivers who are using the adjoining roadways have an easier time locating them and this promotes better traffic safety.

B. The second criteria is to promote the neat, clean and orderly appearance of the city for aesthetic purposes.

Again, aesthetics are generally in the eye of the beholder. However, a sign placed in a location where a sign has been historically been placed promotes and orderly appearance. Also, the sign requested is smaller than the previous signs located at the same height on the building.

C. The third criteria is to allow the erection and maintenance of signs consistent with the restrictions of the Newport Sign Code.

The only variance being requested in this application is for the height of two wall signs on the side of the building. The City has the ability to grant variances and the placement of sign in the location with the granting of the variance is in compliance with the restrictions in the Newport Sign Code.

D. The fourth criteria is to prevent distraction of motorist, bicyclist and pedestrians.

As noted above, the easier the signs are to see and read, the less distraction there is to motorist, bicyclist and pedestrians. Given the location of the motel vis-a-vi Highway 101, the sign at the proposed location will be the easiest to see for passing motorist and will cause less distraction. Also, the sign at that proposed location allows the signs to be smaller.

E. The fifth criteria is to allow clear visibility of traffic signs and signal devices, pedestrians, driveways, intersections, and other necessary clear visionaries.

The proposed location of the wall signs will not interfere with visibility of traffic or pedestrians in any way and will in no way impede the visibility at intersections or other necessary clear vision areas.

F. The sixth criteria is to provide for safety to the general public and especially for firemen who must have clear and unobstructed access near and on roof areas of the buildings.

The sign does nothing to obstruct the access on the roof. The sign is located on a wall and will not impede the movement on the roof.

G. The seventh purpose is to preserve and protect the unique scenic beauty and the recreational and tourist character of Newport.

As is noted by this purpose, Newport has a recreational and tourist character. Motels are part of the services provided for recreational users and tourists. It is conducive to these characteristics that motels are easy to locate. The signs proposed on the walls of Motel 6 will

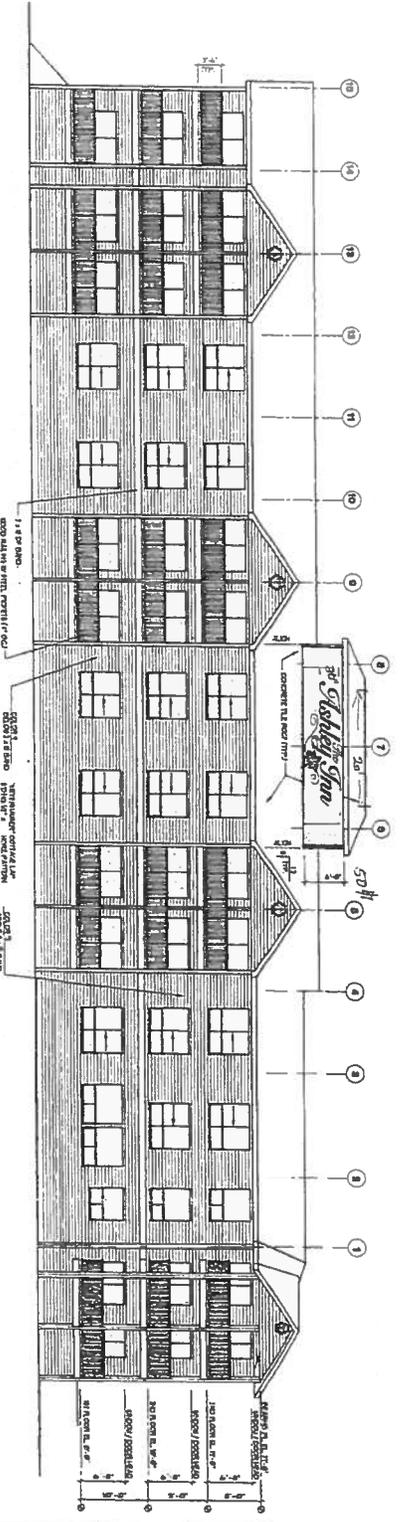
allow the property to be visible while not being intrusive. The signs will be located where signs have historically been located and certainly do not detract from the scenic beauty of the area.

H. The last purpose of the Newport Sign Code is to regulate the construction, erection, maintenance, electrification, illumination, type, size, number and location and signs.

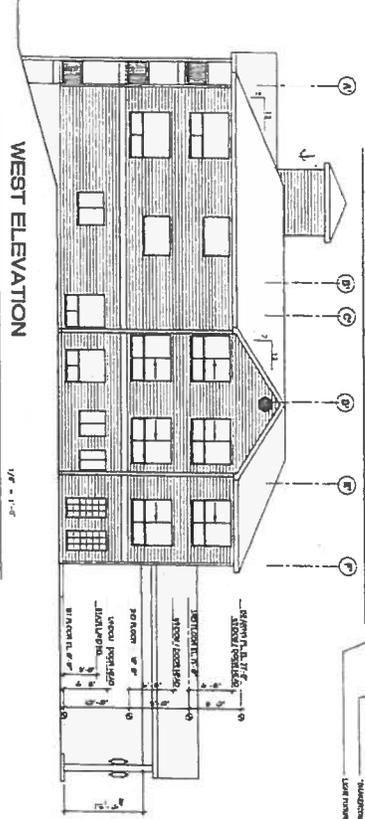
By reviewing the variance, the City is regulating the factors that are described under this purpose. It is also to be noted that the sign is significantly smaller than another wall sign could be and that the sign is internally illuminated and there is no glare caused by the sign.

When all factors are considered, it is clear that the variance is appropriate and should be granted.

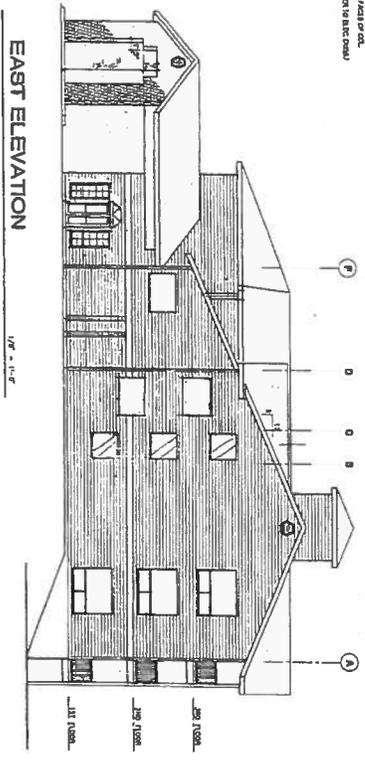
NORTH ELEVATION



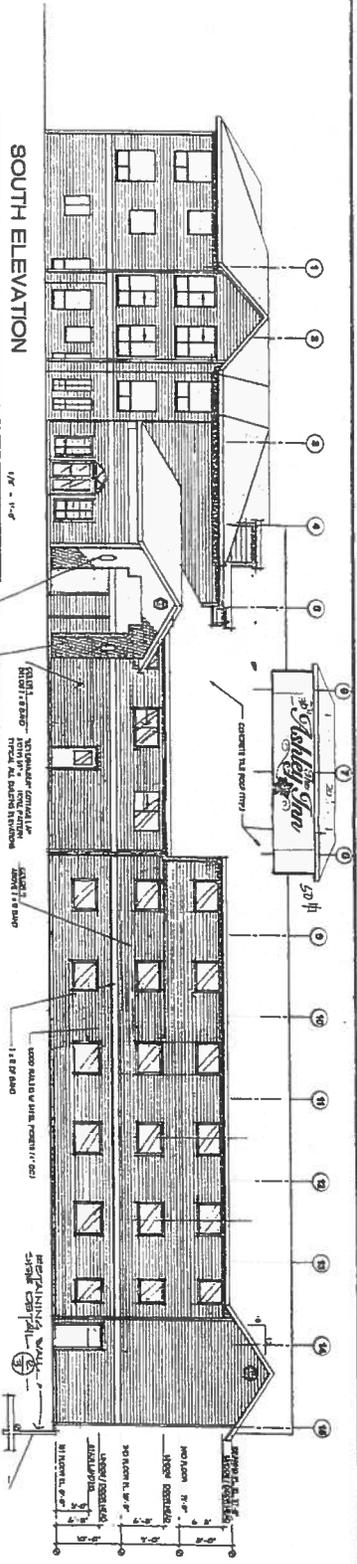
WEST ELEVATION



EAST ELEVATION



SOUTH ELEVATION



SHEET NO.
OF (17)

DRAWING TITLE
ELEVATIONS

MOTEL - 50 UNITS
NEWPORT, OREGON
ASHLEY INN

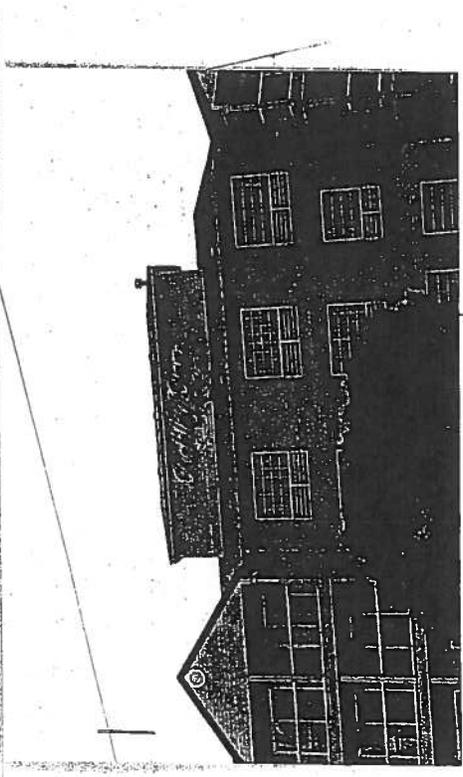
JOB NO. 8540
DATE 10/1/54
DWN. BY DS
CADD.
RVS. [Signature]

CC CHARLES C. HAGEL
architect-planners
1035 S.W. HAMPTON 820-3322
TIGARD, OREGON 97223

REGISTERED ARCHITECT
STATE OF OREGON



EXISTING SIGNS



NORTH SIDE

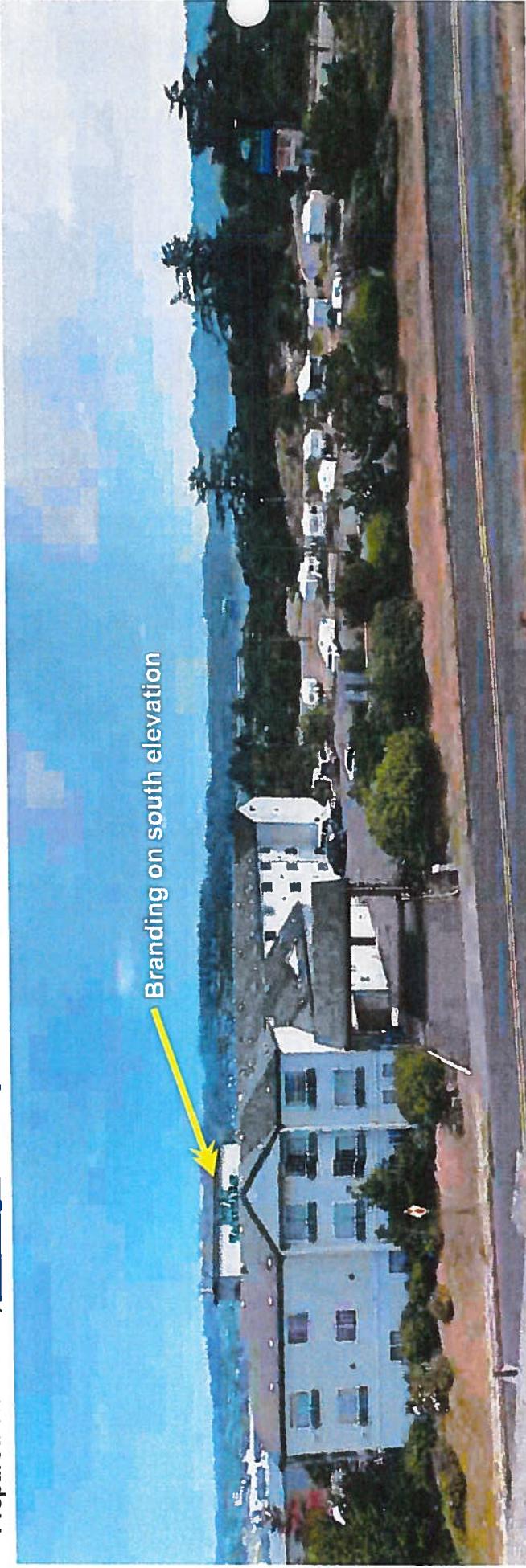
EXISTING SIGNS



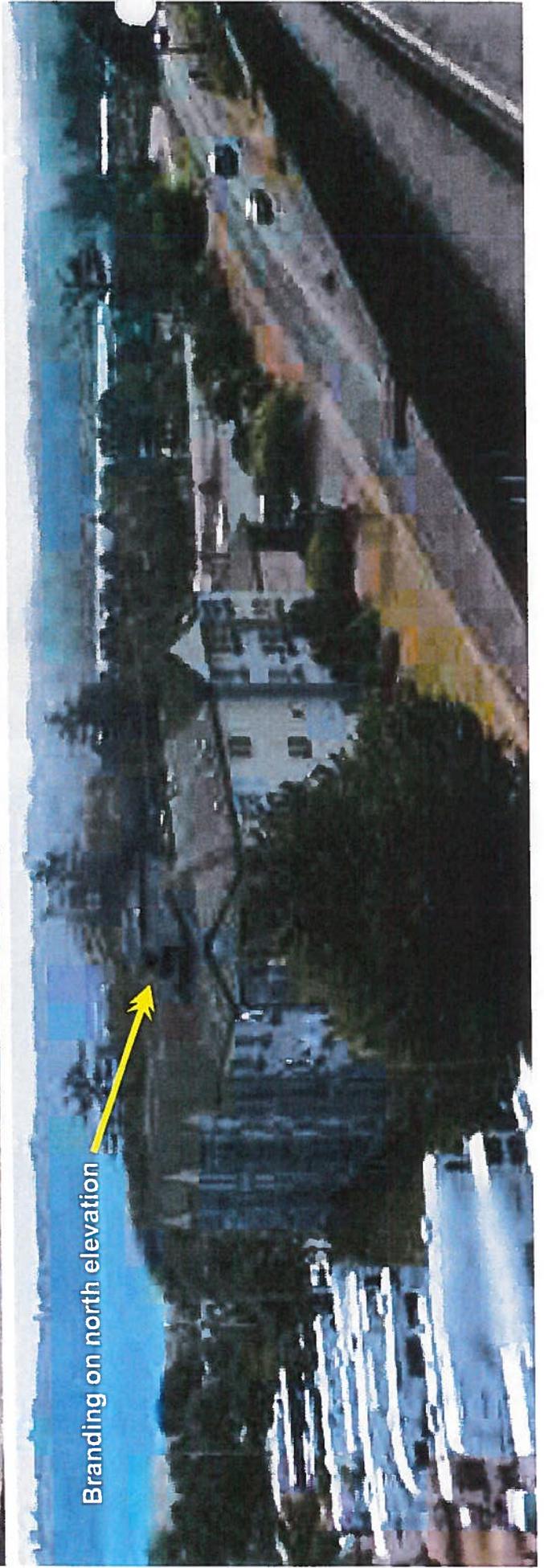
SOUTH SIDE



Motel 6 (formerly Inn at Yaquina Bay) 2633 S E Pacific Way, Newport, OR, (541) 867-7055 file: Inn at Yaquina Bay branding photos.cdr
Storefront channel letters on North and South elevations, prior to change of branding to Motel 6 on 01/01/2015.
Prepared 10/28/2015, kdwells@carlsonsign.com, from Google database, street view.



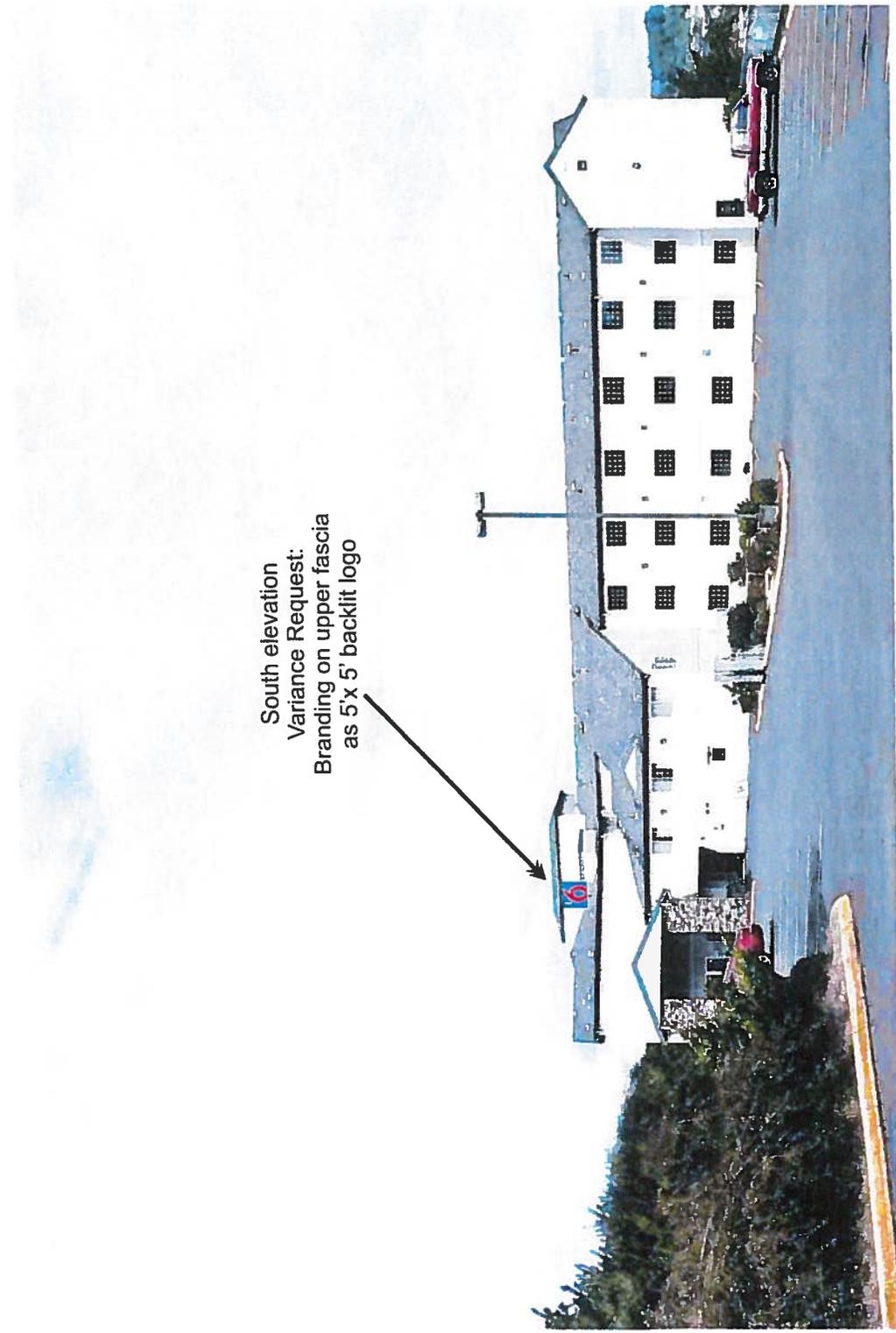
Branding on south elevation



Branding on north elevation

Motel 6, 2633 S E Pacific Way Newport, OR, (541) 867-7055

South elevation
Variance Request:
Branding on upper fascia
as 5' x 5' backlit logo



 <p>1805 NE Forbes Road, Bend, Oregon 97701 Tel: (541) 382-2198 Fax: (541) 382-2198</p>	<p>File: Motel6\Atty Docs Newport 2015 Motel 6.cdr Scale: perspective Client: Jay Patel 541-419-9460 Dwg By: Kevin Wells, kdwells@carlsonsign.com Date: 10/28/2015</p>	<p>Approves color, design, size, & spelling. Date: _____ ALL LANDLORD APPROVALS ARE BY CLIENT This design is the exclusive property of Carlson Sign Co. Others using this design will be subject to prosecution.</p>
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**Motel 6 (formerly Inn at Yaquina Bay) 2633 S E Pacific Way
Newport, OR, (541) 867-7055**



North elevation
Variance Request:
Branding on upper fascia
as 5'x 5' backlit logo

South elevation
Variance Request:
Branding on upper fascia
as 5'x 5' backlit logo

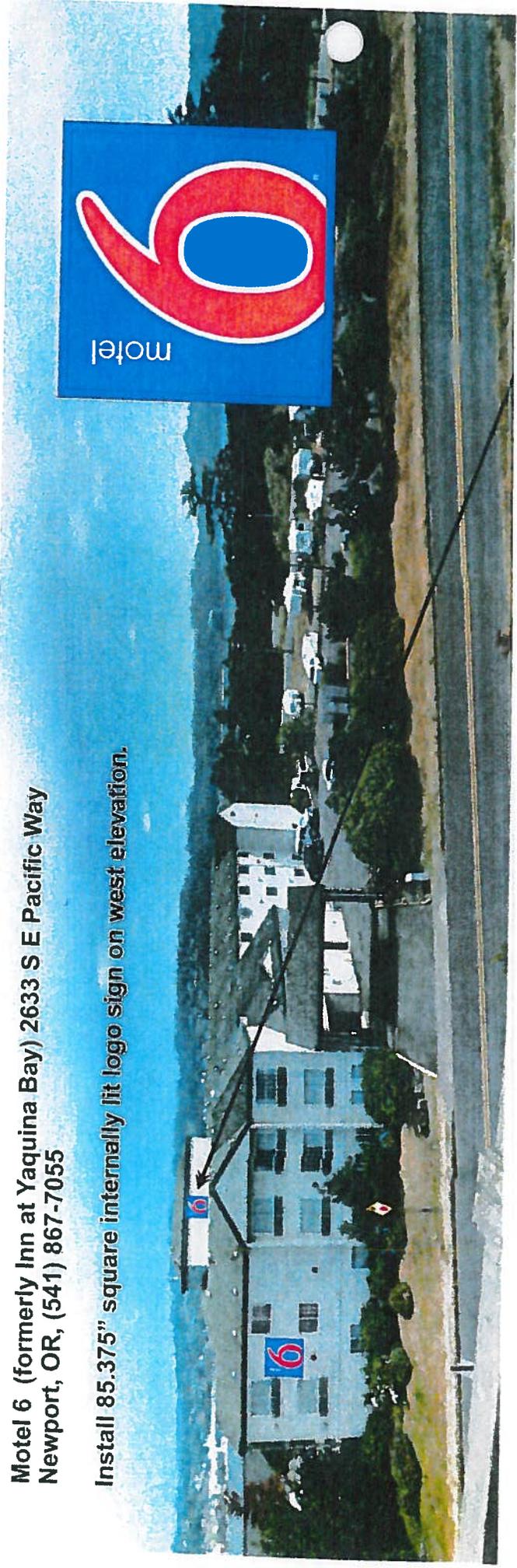


File: MccallVltyDess Newport 2015 Motel 6.pdf
Scale: perspective
Client: Jay Patel 541-419-9460
Dwg By: Karvin Wehn, kwehn@carlsonsign.com
Date: 10/28/2015

Approves color, design, size, & spelling / Date
ALL UNDISAPPROVED APPROVALS ARE BY CLIENT
This design is the exclusive property of Carlson Sign Co
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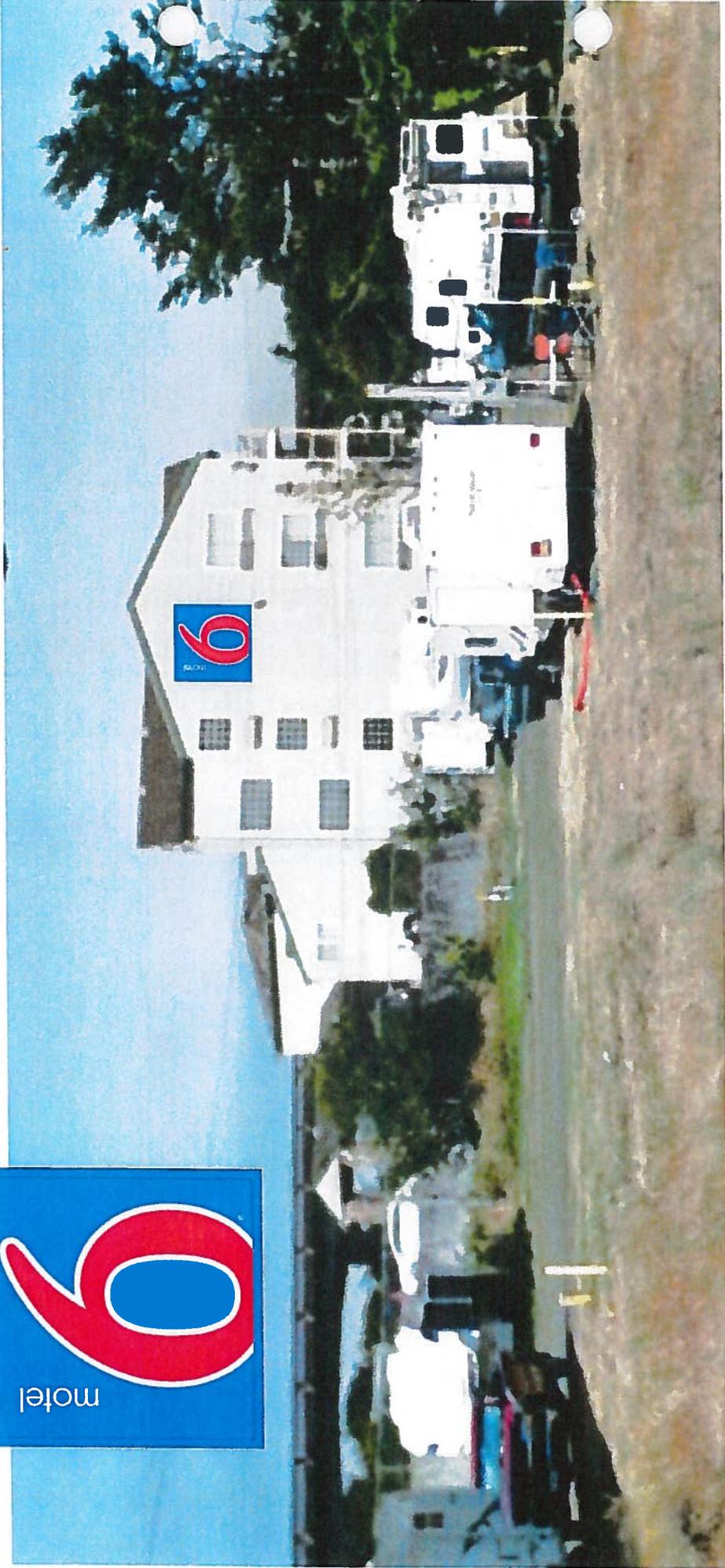
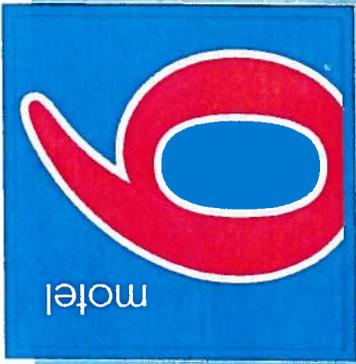
**Motel 6 (formerly Inn at Yaquina Bay) 2633 S E Pacific Way
Newport, OR, (541) 867-7055**

Install 85.375" square internally lit logo sign on west elevation.



**Motel 6 (formerly Inn at Yaquina Bay)
2633 S E Pacific Way Newport, OR, (541) 867-7055**

East elevation logo sign @ 97.375" square.



 <p>1665 NE Parka Road, Bend, Oregon 97701 Tel: (541) 382-2132 Fax (541) 382-2196</p>	<p>File: Motel6/Newport 2015 Scale: as noted Client: Jay Patel 541-419-9460 Dwg By: Kevin Wells, kdwell@carlsonsign.com Date: 10/01/2015</p>	<p>Approves color, design, size, & spelling. Date: _____ ALL LANDLORD APPROVALS ARE BY CLIENT This design is the exclusive property of Carlson Sign Co. Others using this design will be subject to prosecution.</p>
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Select Search Sketch Advanced Print [Help](#)

Map Layers Services Results

Assessment

- Taxlots
- Taxlots
- Taxlot Text
- Tax Notes
- Taxlines

Survey Map

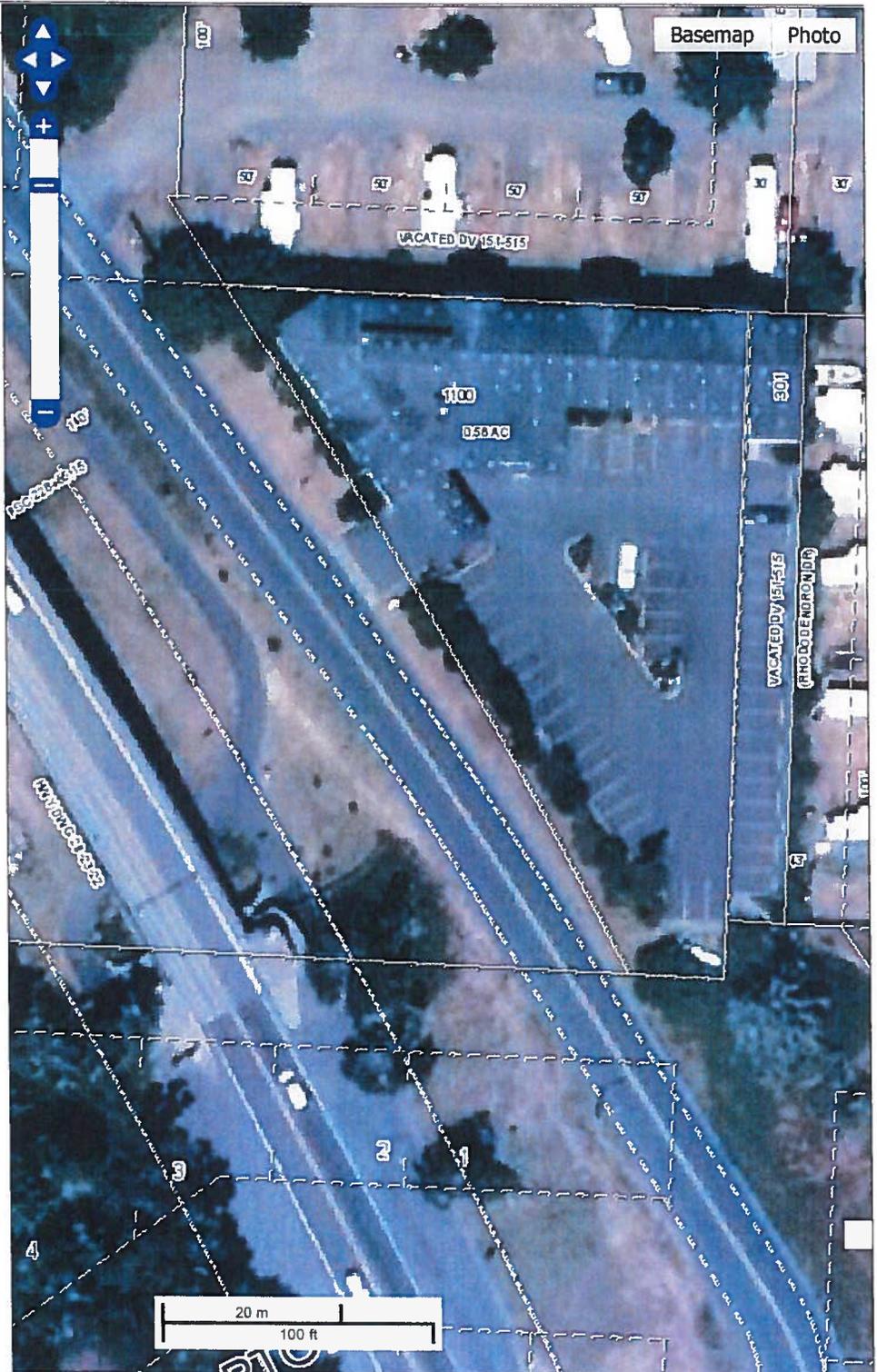
- Surveys

Base Map

- Basemap

Background

- 2005 Aerial Imagery
- 2007 Aerial Imagery
- 2009 Aerial Imagery
- 2011 Aerial Imagery
- 2013 Aerial Imagery
- USGS Topography



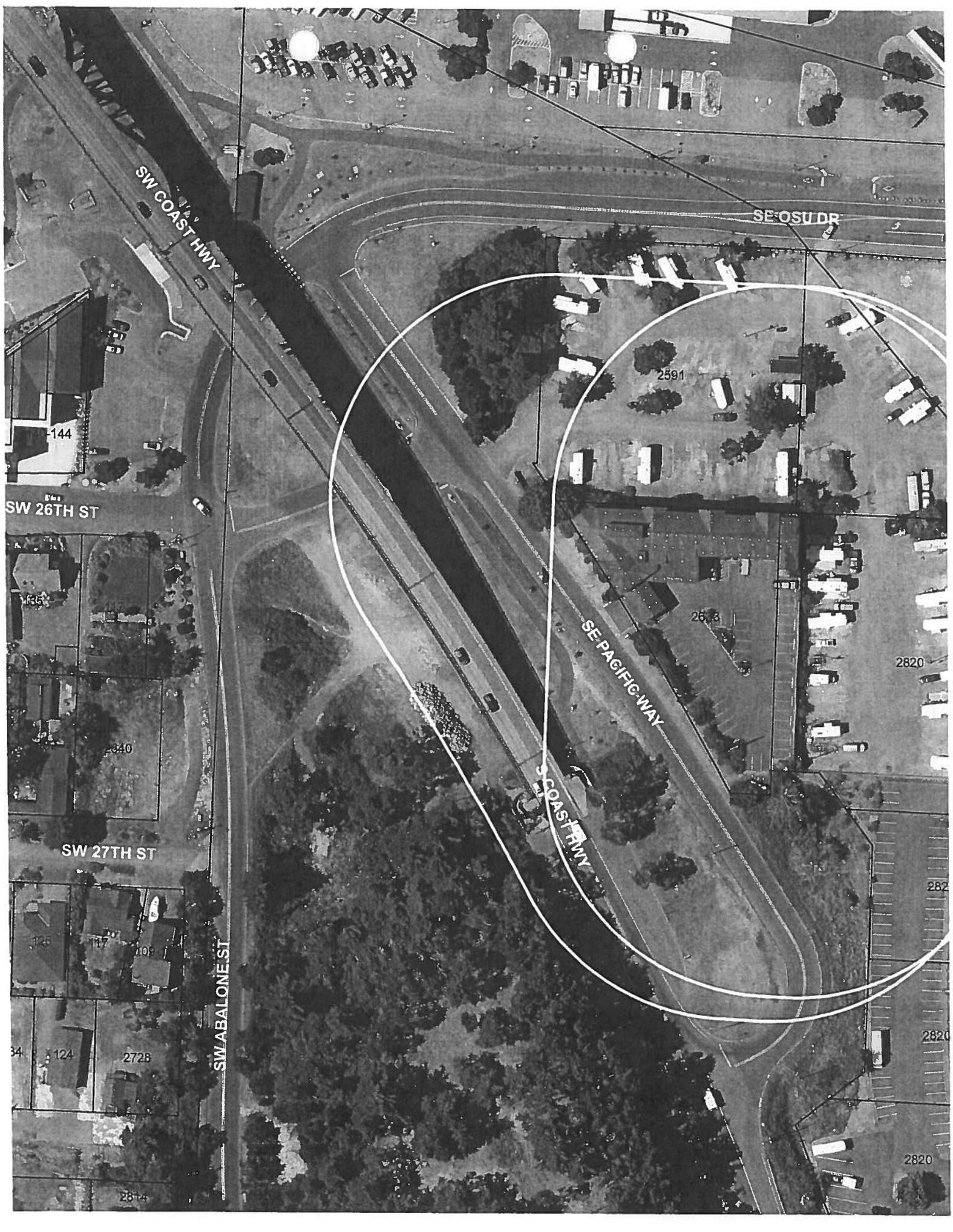
Zoom To

Lat, Lon: 44.619, -124.052 Scale:

1:509

Limitations of Use

Lincoln County Website



SW COAST HWY

SE OSU DR

2591

144

SW 26TH ST

SE PACIFIC WAY

2618

2820

SE COAST HWY

SW 27TH ST

SW ABALONE ST

640

2822

125

117

109

2820

34

124

2728

2820

2814

Lincoln County Property Report

Account # & Prop. Info		Account Details		Owner & Address	
Account #:	R144426	Neighborhood:	S136	Owner and	PORT OF NEWPORT
Map Taxlot:	11-11-17-AC-00100-00	Property Class:	991	Mailing Address:	600 SE BAY BLVD NEWPORT, OR 97365
Tax Map:	11s11w17AC			Site Address(es):	
Web Map:	View Map				
Info:	HARBORTON, BLOCK B & PTN VAC ST, MF217-2320				
Tax Code:	124				
Acres:					

Improvements								Value History			
Description	Area	Yr Built	Found	Heat	Plumb	BDMS	Value	YearImp.	Land	Total Market	Total Assessed
MAIN AREA	0 sq ft						\$12,830				
Foundation Code List Heating/AC Code List Plumbing Code List											
								2014	12,830	275,400	230
								2013	13,320	275,400	288,720
								2012	14,960	289,530	304,490
								2011	16,600	322,680	339,280
								2010	16,600	322,680	339,280
								2009	16,600	432,390	448,990
								Sales History			
No Sales Data											

Land				Related Accounts		Disclaimer
Description	Acres	Market Value	Special Use Value			This report was produced using the Lincoln County assessment information. This information is maintained by the county to support its governmental activities. The County is not responsible for errors, omissions, misuse or misinterpretation. Tax data exported 10/2014.
COM DEV BAYVIEW SITE	1.08	275,400				

Today's Date: 11/20/2015

Lincoln County Property Report

Account # & Prop. Info		Account Details		Owner & Address	
Account #:	R149182	Neighborhood:	S136	Owner and	PORT OF NEWPORT
Map Taxlot:	11-11-17-AC-00300-00	Property Class:	991	Mailing Address:	600 SE BAY BLVD NEWPORT, OR 97365
Tax Map:	11s11w17AC			Site Address(es):	2820 SE FERRY SLIP RD
Web Map:	View Map				
Info:	HARBORTON, BLOCK 3, LOT 1-3,6-8 & PTN VAC STS, MF217-2320				
Tax Code:	124				
Acres:					

Improvements							Value History				
Description	Area	Yr Built	Found	Heat	Plumb	BDMS	Value	YearImp.	Land	Total Market	Total Assessed
MAIN AREA	0 sq ft						\$21,390				
Foundation Code List Heating/AC Code List Plumbing Code List											
								201421,390	295,800	317,190	0
								201322,190	295,800	317,990	0
								201224,920	310,720	335,640	0
								201127,660	346,290	373,950	0
								201027,660	346,290	373,950	0
								200927,660	464,030	491,690	0
							Sales History				
No Sales Data											

Land				Related Accounts		Disclaimer
Description	Acres	Market Value	Special Use Value			This report was produced using the Lincoln County assessment information. This information is maintained by the county to support its governmental activities. The County is not responsible for errors, omissions, misuse or misinterpretation. Tax data exported 10/2014.
COM DEV BAYVIEW SITE	1.16	295,800				
Today's Date: 11/20/2015						

Lincoln County Property Report

Account # & Prop. Info		Account Details		Owner & Address	
Account #:	R156333	Neighborhood:	S116	Owner and	OREGON COAST AQUARIUM
Map Taxlot:	11-11-17-AC-00700-00	Property Class:	981	Mailing Address:	ATTN GOULETTE RICK 2820 SE FERRY SLIP RD NEWPORT, OR 97365
Tax Map:	11s11w17AC			Site Address(es):	2820 SE FERRY SLIP RD
Web Map:	View Map				
Info:	HARBORTON, BLOCK 5, LOT 2,3,PTN OF 4 & VAC ST, MF257-1204				
Tax Code:	124				
Acres:					

Improvements	Value History		
	Year	Imp.Land	Total Market Total Assessed
No Inventory	20140	122,960	122,960 0
	20130	122,960	122,960 0
	20120	283,540	283,540 0
	20110	316,000	316,000 0
	20100	316,000	316,000 0
	20090	316,000	316,000 0
	Sales History		
	Sale Date	Price	Document Type Code
	02/17/1993	\$250,000	MF257-1204 27 WD

Land				Related Accounts	Disclaimer
Description	Acres	Market Value	Special Use Value		This report was produced using the Lincoln County assessment information. This information is maintained by the county to support its governmental activities. The County is not responsible for errors, omissions, misuse or misinterpretation. Tax data exported 10/2014.
COM DEV BAYVIEW SITE	0.53	122,960			
Today's Date: 11/20/2015					

Lincoln County Property Report

Account # & Prop. Info		Account Details		Owner & Address	
Account #:	R158682	Neighborhood:	S116	Owner and	OREGON COAST AQUARIUM
Map Taxlot:	11-11-17-AC-00800-00	Property Class:	981	Mailing Address:	ATTN GOULETTE RICK 2820 SE FERRY SLIP RD NEWPORT, OR 97365
Tax Map:	11s11w17AC			Site Address(es):	2820 SE FERRY SLIP RD
Web Map:	View Map				
Info:	HARBORTON, BLOCK 5, LOT 6,7,PTN 5 & VAC ST, MF217-2320				
Tax Code:	124				
Acres:					

Improvements	Value History			
	Year	Imp.Land	Total Market	Total Assessed
No Inventory	20140	88,160	88,160	0
	20130	88,160	88,160	0
	20120	203,290	203,290	0
	20110	226,570	226,570	0
	20100	226,570	226,570	0
	20090	226,570	226,570	0
	Sales History			
	No Sales Data			

Land				Related Accounts	Disclaimer
Description	Acres	Market Value	Special Use Value		This report was produced using the Lincoln County assessment information. This information is maintained by the county to support its governmental activities. The County is not responsible for errors, omissions, misuse or misinterpretation. Tax data exported 10/2014.
COM DEV BAYVIEW SITE	0.38	88,160			
Today's Date: 11/20/2015					

LAW OFFICE OF DENNIS L. BARTOLDUS

380 SW 2nd Street
PO Box 1510 Newport, OR 97365
541-265-5400/541-265-7633 fax
www.bartolduslaw.com

Dennis L. Bartoldus
dennis@bartolduslaw.com

Clifford G. Collard
of Counsel
cliff@bartolduslaw.com

December 10, 2015

Derrick Tokos
Community Development Director
City of Newport
169 SW Coast Highway
Newport, OR 97365

RE: Continuation of Motel 6 Hearing – Patel

Dear Derrick:

This will formalize the applicant's request to continue the hearing on the sign variance until January 11, 2016.

We will hopefully have the surveying information soon and I will get it to you as soon as I have it.

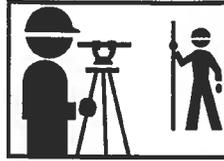
Thank you.

Very truly yours,

Dennis L. Bartoldus

DENNIS L. BARTOLDUS

DLB/ms
Cc: clients



Nyhus Surveying, Inc.

Gary K. Nyhus, PLS

P.O. Box 206 / 740 E. Thissell Rd. • Tidewater, OR 97390 • 541-528-3234 • (Fax) 541-528-3234
nyhussurveying@peak.org

STATEMENT OF PROPOSED SIGN HEIGHTS AND PROPERTY LINE SETBACKS FOR 11-11-17-AC TAX LOTS 301 AND 1100

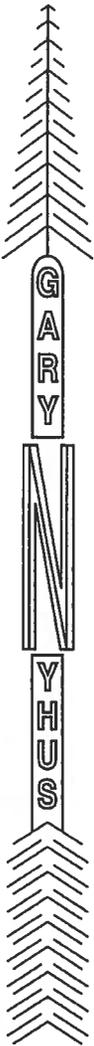
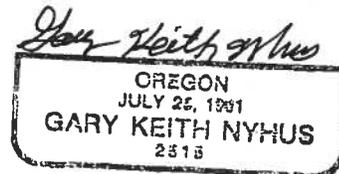
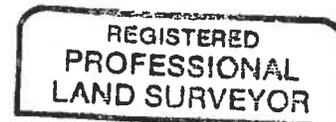
I, Gary Keith Nyhus, a Registered Professional Land Surveyor in the State of Oregon, certify that on December 31, 2015 I measured the proposed sign heights and property line setbacks for the Variance Request at the Newport Motel 6 property (11-11-17-AC tax lots 301 & 1100).

PROPOSED TOP OF SIGN HEIGHTS

Proposed Northerly sign is 42.4 feet above ground.
Proposed Southerly sign is 36.6 feet above ground.

DISTANCE FROM ADJACENT PROPERTY LINES

Proposed Northerly sign: 5.1 feet.
Proposed Easterly sign: 4.9 feet.
Proposed Southerly sign: 186.6 feet.
Proposed Westerly sign: 4.0 feet.



**ADDITIONAL INFORMATION SUBMITTED BY JAY PATEL IN SUPPORT OF
SIGN VARIANCES AT MOTEL 6 IN SOUTH BEACH**

Previously, I submitted on behalf of Jay Patel justification for variance for signs on the Motel 6 property in South Beach. The previous submittal primarily addressed the requested height variance for the two signs to be placed toward the top of the building.

In this document, I want to explain and review the request for a sign variance to allow signs on the west side and the east side of the building. Along with this submittal are photos of the proposed signs on the east side and the west of the building, as well as additional photos that are submitted in support of the application.

The height variances requested on the north side of the building and the south of the building are driven largely by the location of the building, because the property is below the grade of Highway 101. The approach to the bridge from the south is higher than the surrounding properties. The elevation of the surrounding properties on which buildings are constructed is significantly lower than the highway, particularly where the structure of the bridge begins. Given the heavy nature of the concrete railings and their height, it is difficult to see over or through the railings on the south portion of the bridge.

One of the driving factors in requesting a variance to allow signs on the east side of the building and west side of the building is the street locations in the area.

Aside from SE Pacific Way which is the street immediately adjacent to the motel on the west, there are two other major streets in the area. The first is SE Marine Science Drive aka OSU Drive and the other is SE Ferry Slip Road.

Ferry Slip Road is located approximately one block east of the motel property. It is the main frontage road along the Oregon Coast Aquarium property. As we are all aware, the Oregon Coast Aquarium draws a tremendous number of visitors each year. Likewise, the Port of Newport facility in South Beach, the Marine Science Center and the Rogue facilities all draw huge volumes of tourists each year. It is interesting to note when we look at this carefully that the Motel 6 pole sign along SE Pacific Way and the two signs near the top of the building cannot be seen from these streets.

Let's first look at the situation from the east side.

We are submitting photographs that show the Motel 6 property from the main entrance and exit to the Oregon Coast Aquarium. It is located across Ferry Slip Road. As you can see from the photograph, the pole sign on SE Pacific Way and the sign on the upper portion of the building are not visible from that location and from along much of Ferry Slip Road. Likewise, I am submitting a photograph that was taken at the entrance to the South Beach Marina and Rogue complex that is directly north of Ferry Slip Road. The photo was taken from the entrance to the facility directly across from Ferry Slip Road. As you can see, the pole sign and the signs near the top of the building are not visible from that location, yet a huge number of people pass through that area during tourist season. It would be helpful and convenient for them to see that a motel is located in that area.

Likewise, when coming south on Highway 101 and turning right at the first road off the bridge which circles back under the bridge, there are areas from that well-traveled street where the signs on the north and south of the building and the pole sign are not visible. Photos are submitted that show the main access road located just west of the bridge. As you can see from those photos, when coming off the bridge and using the access road, the other signs on the building are not visible. A sign located on the westerly side of the building would depict the property as a Motel 6 property.

In summary, there are a number of major roads in the vicinity that are used by tourists, people who would patronize the motel. Given the size of the building and the size of the property, the signs being proposed are reasonable for the circumstances.

Since the motel property became a Motel 6, the Patels have made an effort to improve the property and make sure it is well run and managed. Since they have undertaken operation of the motel on this location, the room tax revenues to the City for the property have significantly increased. This benefits the City of Newport and the projects that are funded by the room tax. Having the signage also makes the motel readily visible which is convenient for those looking for the property and also adds an increased safety factor as drivers do not need to be searching for the signs.

Therefore, we believe the variances to allow these signs on the east and the west is appropriate as well.

Description of attached photos:

- Photo 1- View of Motel 6 property heading north on Hwy 101
- Photo 2- View of Motel 6 property near the intersection with SE Pacific Way
- Photo 3- View of Motel 6 property from the north side of SE Pacific Way
- Photo 4- Photo of motel building from the south
- Photo 5- Photo of Motel 6 property from south end of bridge; concrete in foreground is bridge rail
- Photo 6- Photo of north side of Motel 6 property from bridge; concrete in foreground is bridge railing
- Photo 7- Photo of north side of Motel 6 property from SE Marine Science Drive
- Photo 8- Photo of north side of Motel 6 property from Rogue parking area
- Photo 9- Photo of north side of Motel 6 property from SE Marine Science Drive
- Photo 10- Photo of Motel 6 property from SE Ferry Slip Road
- Photo 11- View of Motel 6 property from entrance/exit to Oregon Coast Aquarium along Ferry Slip Drive
- Photo 12- Photo of Motel 6 property taken from entrance to South Beach Marina directly across from Ferry Slip Road
- Photo 13- Photo of Motel 6 property taken from west access road coming off bridge
- Photo 14- Photo of Motel 6 property taken from west access road coming off bridge
- Photo 15- Proposed sign for east side of property
- Photo 16- Proposed sign for west side of property

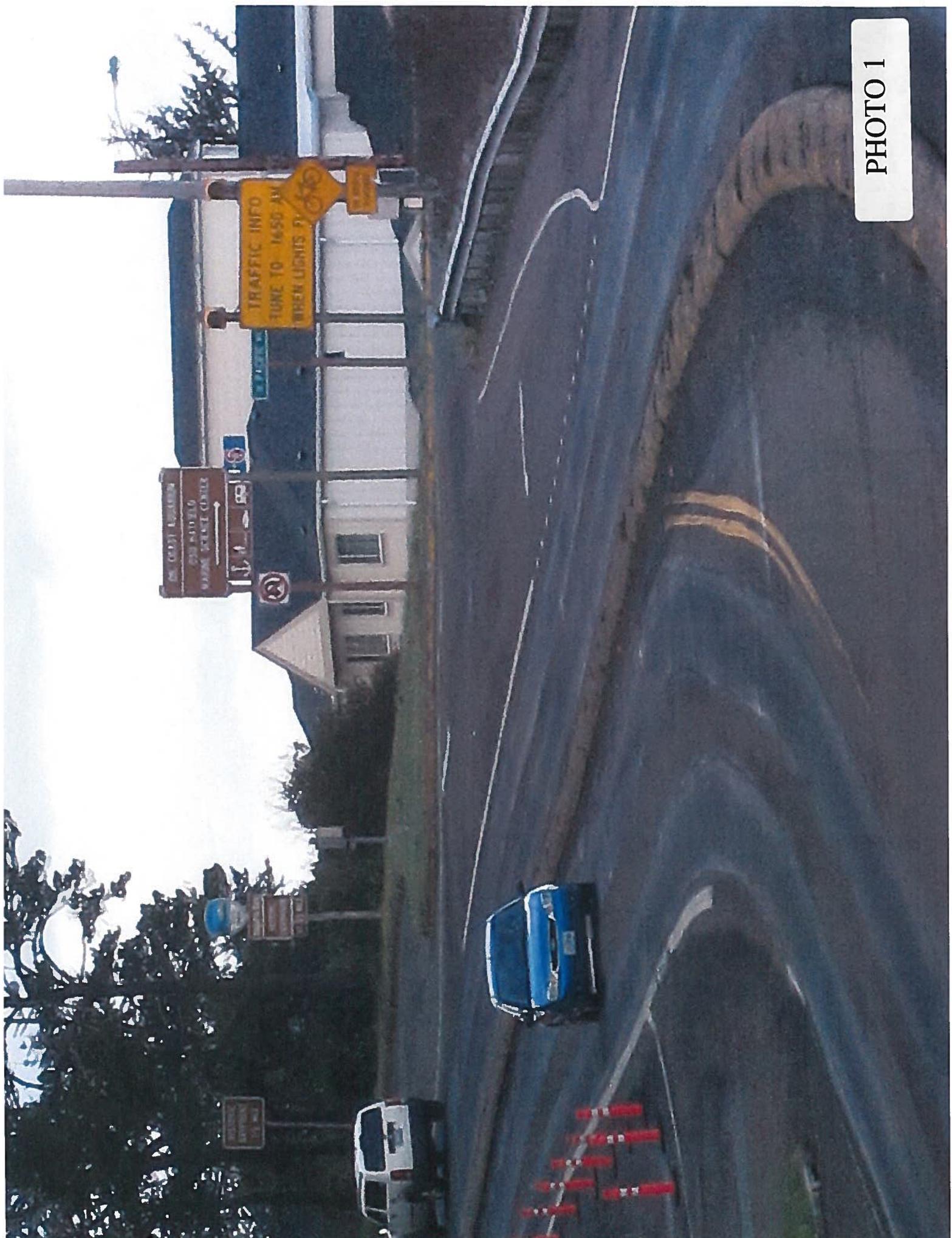


PHOTO 1



PHOTO 2



PHOTO 3

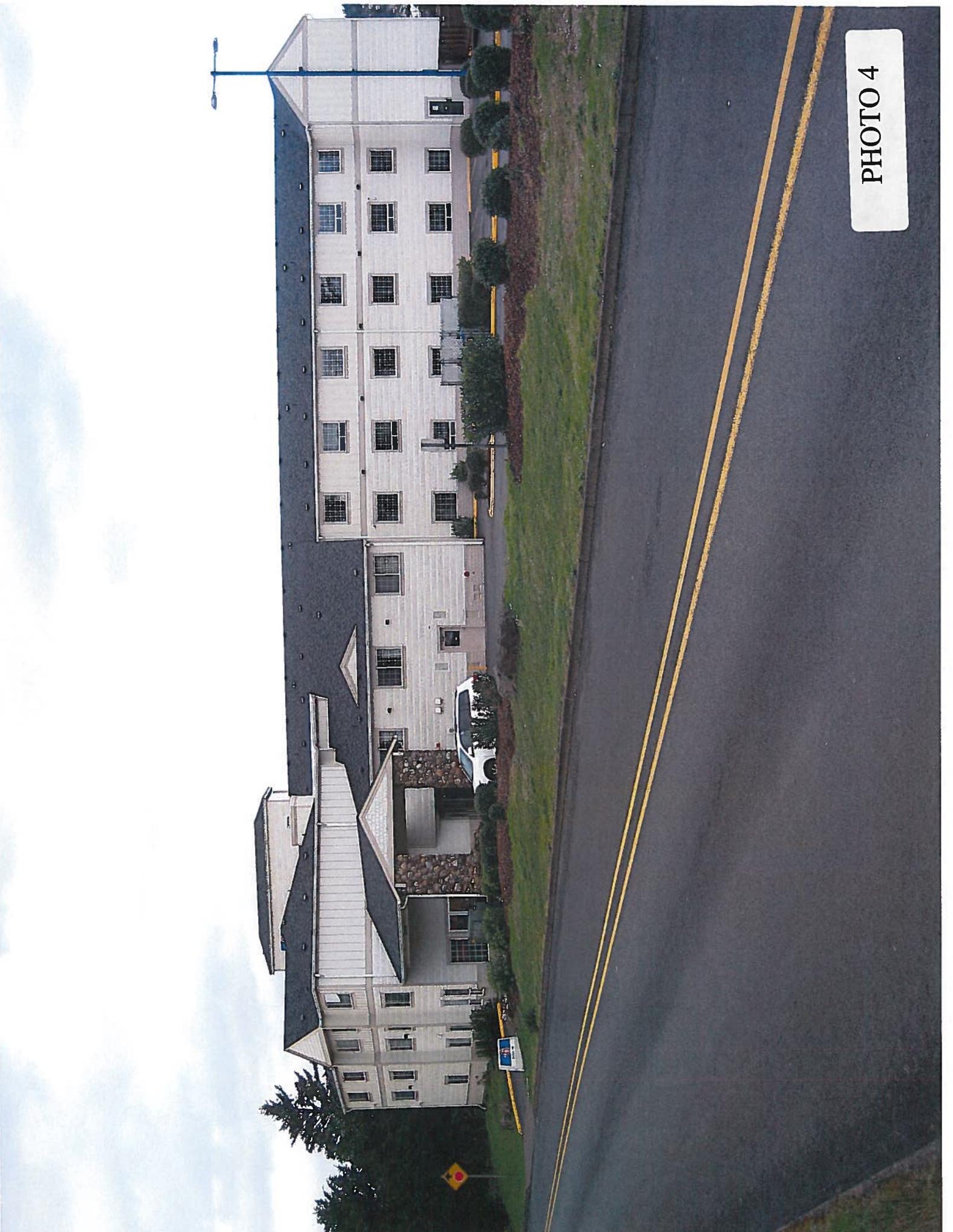


PHOTO 4

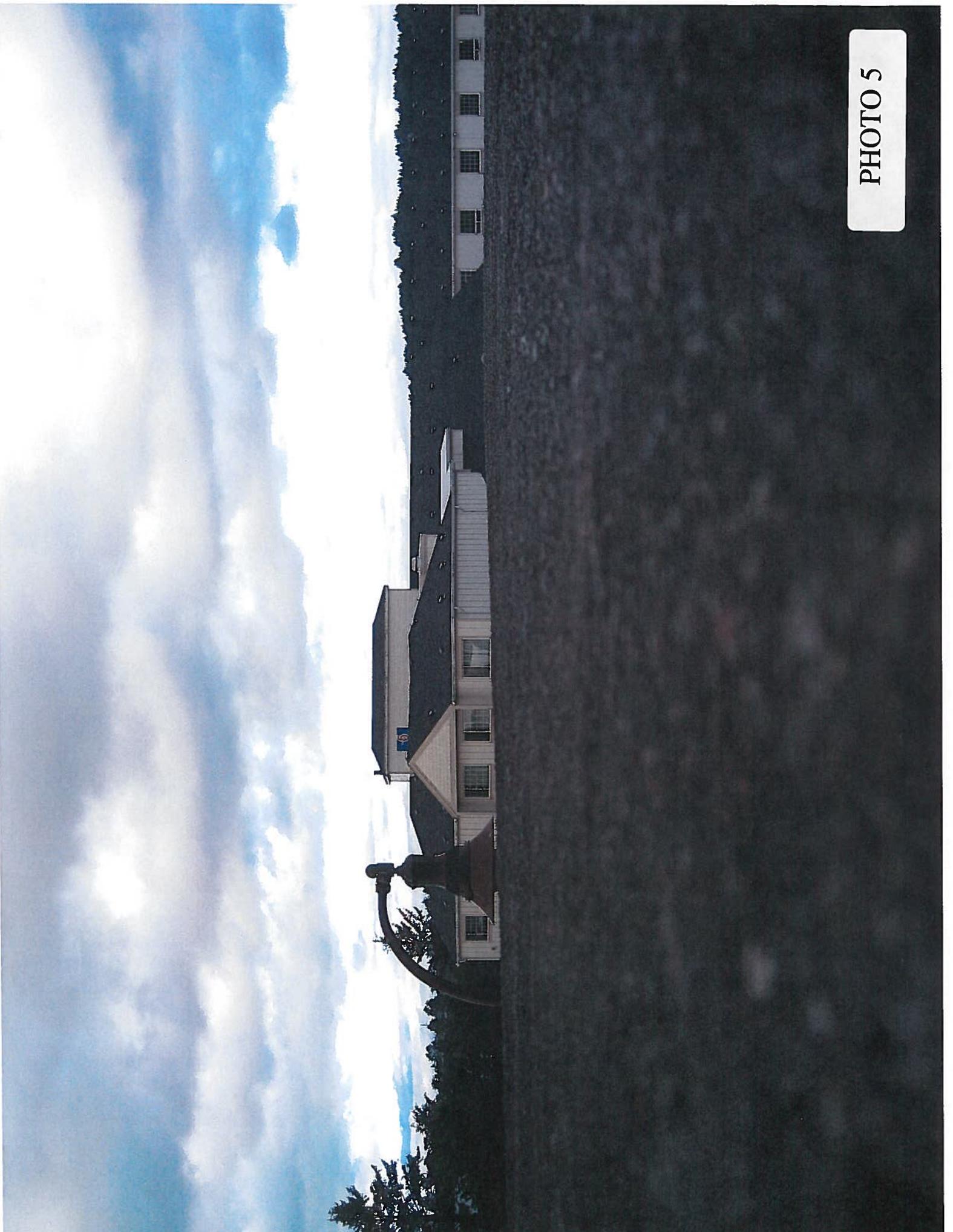


PHOTO 5

PHOTO 6

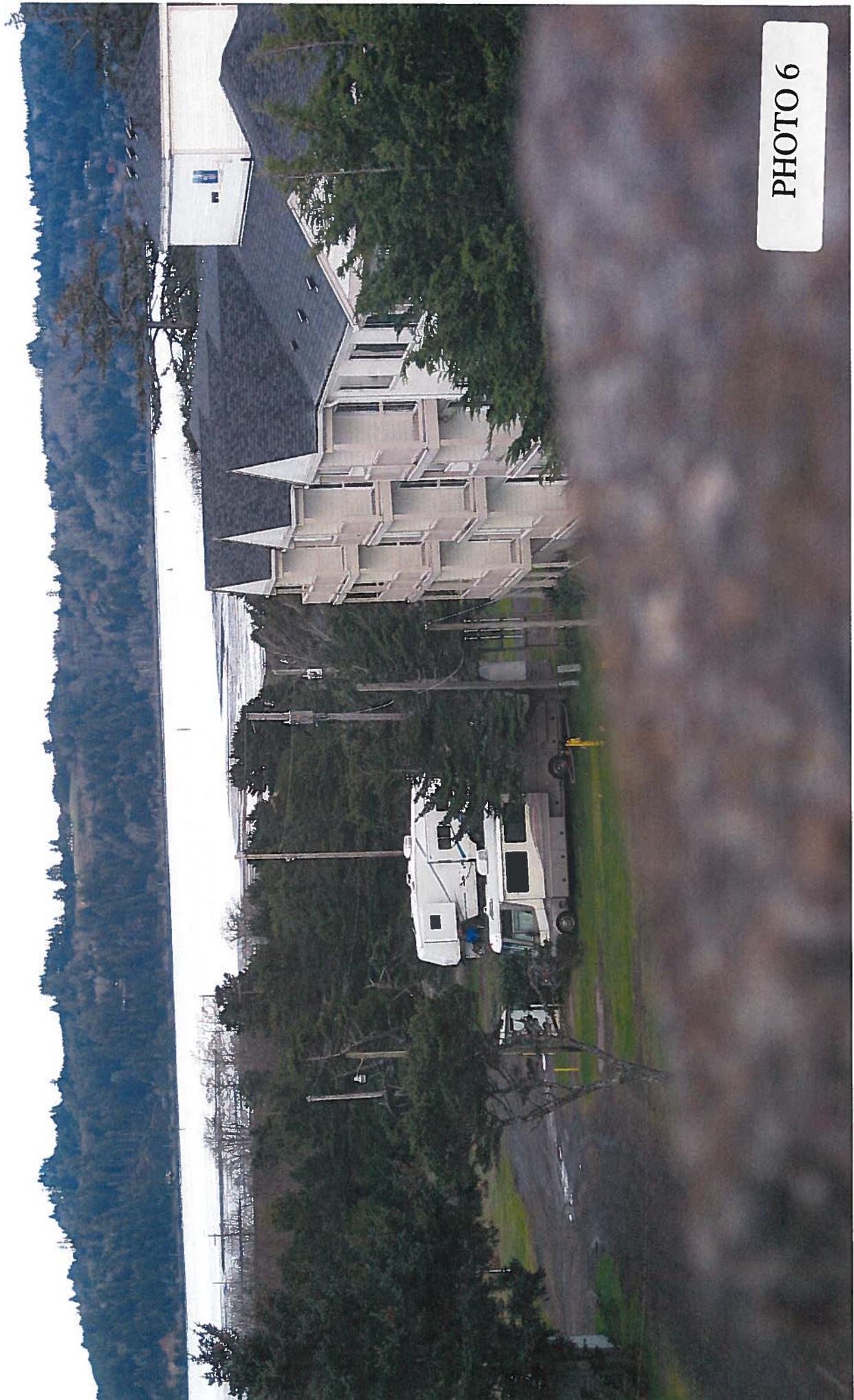




PHOTO 7

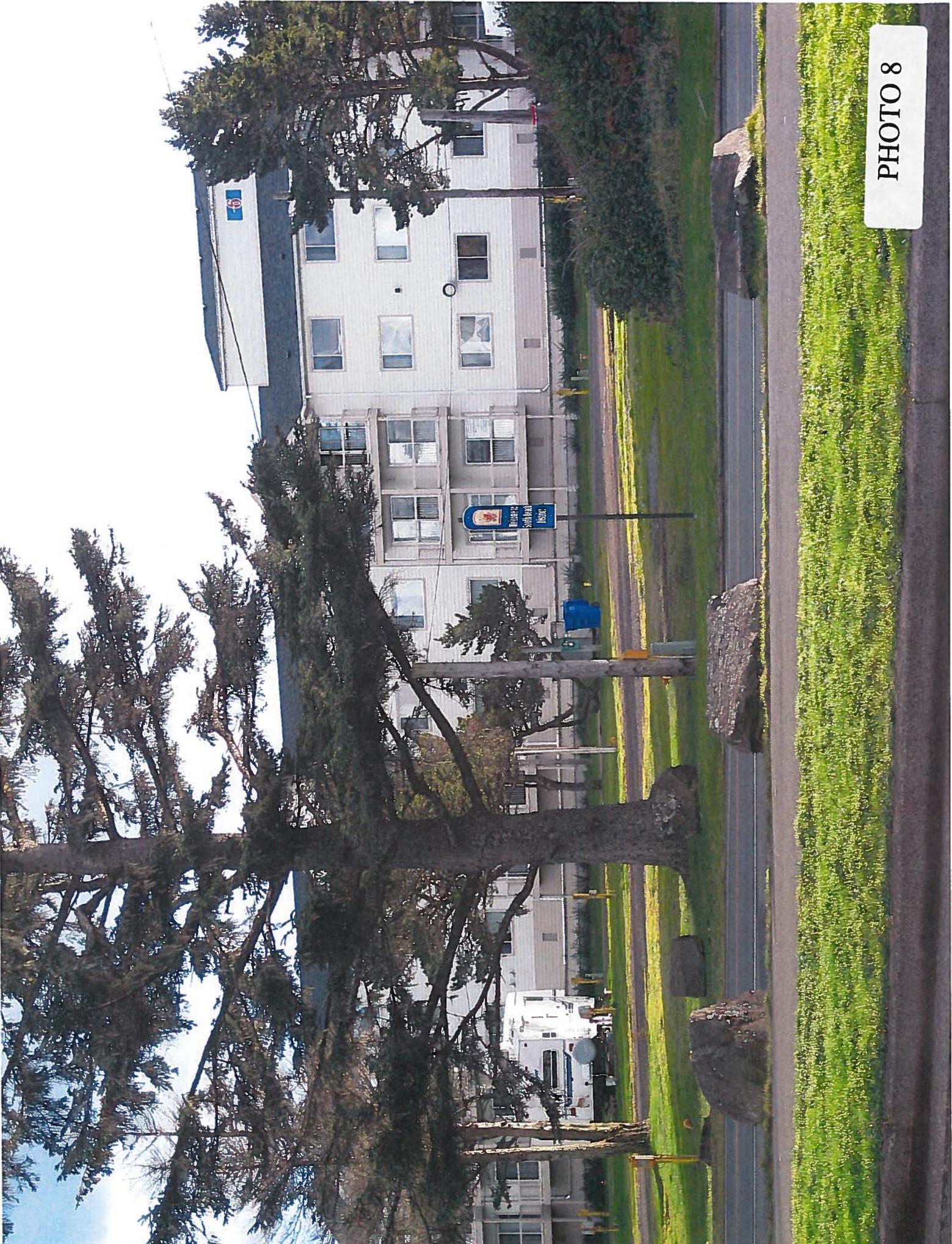


PHOTO 8

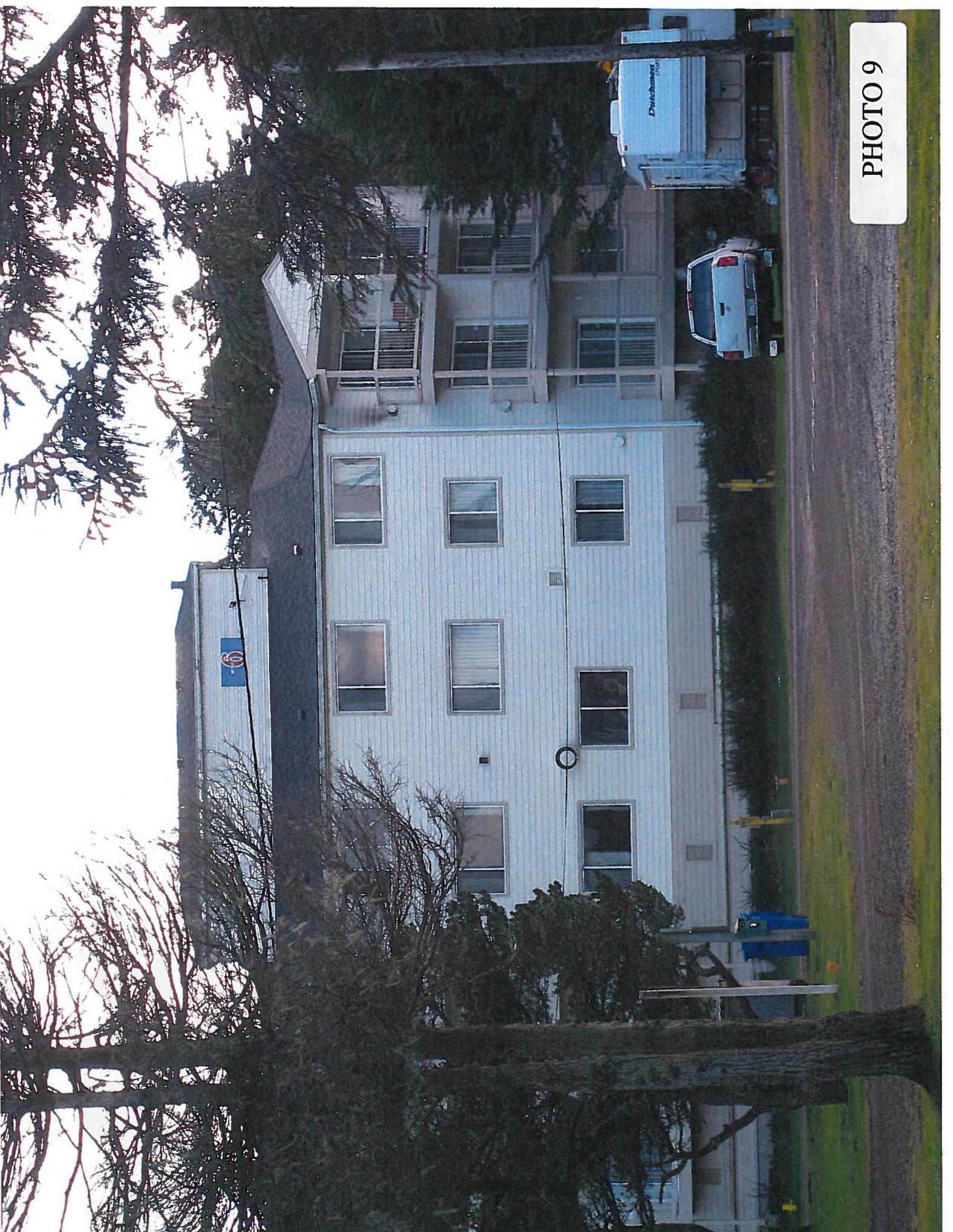


PHOTO 9



PHOTO 10



PHOTO 11



PHOTO 12



PHOTO 13

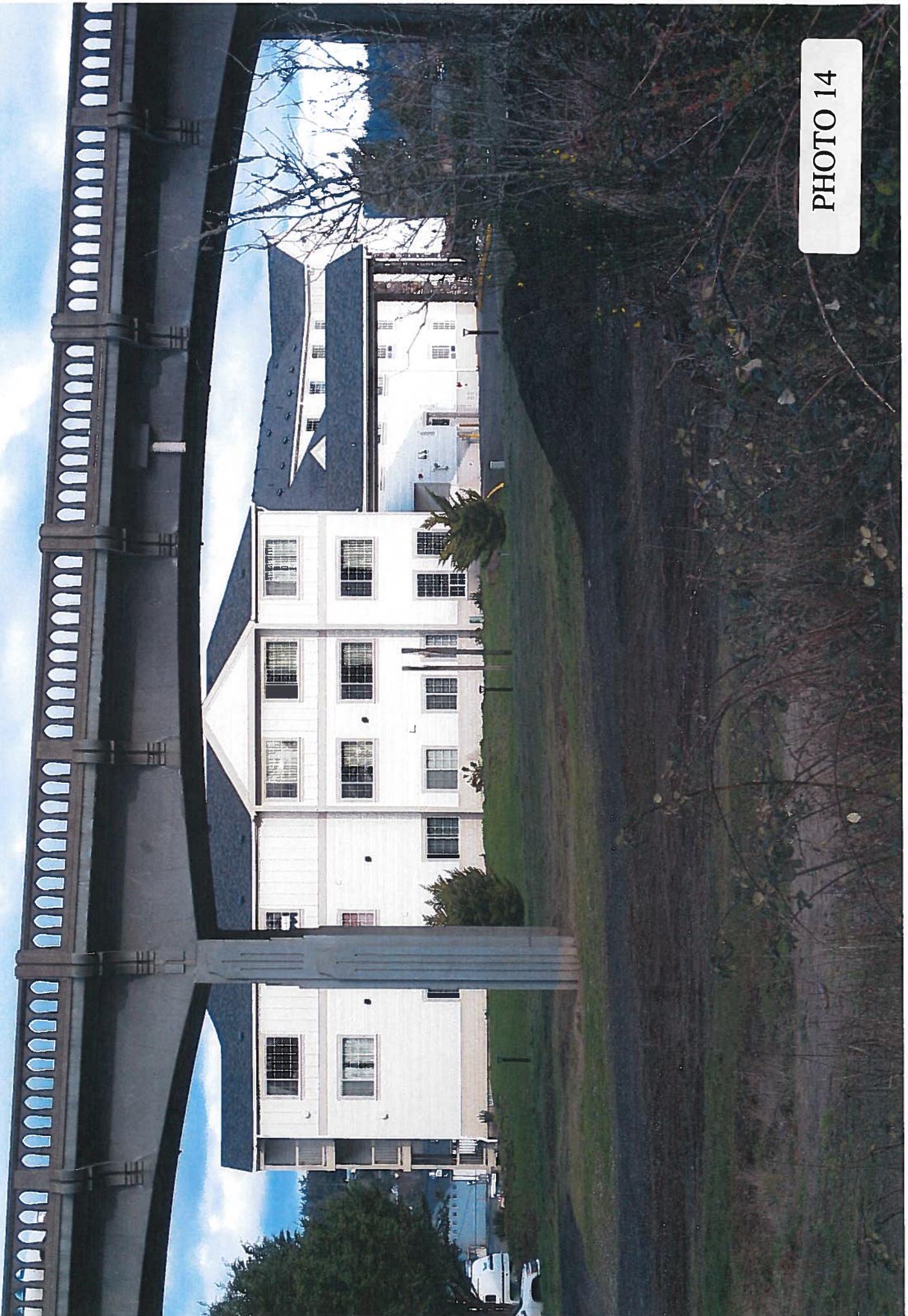
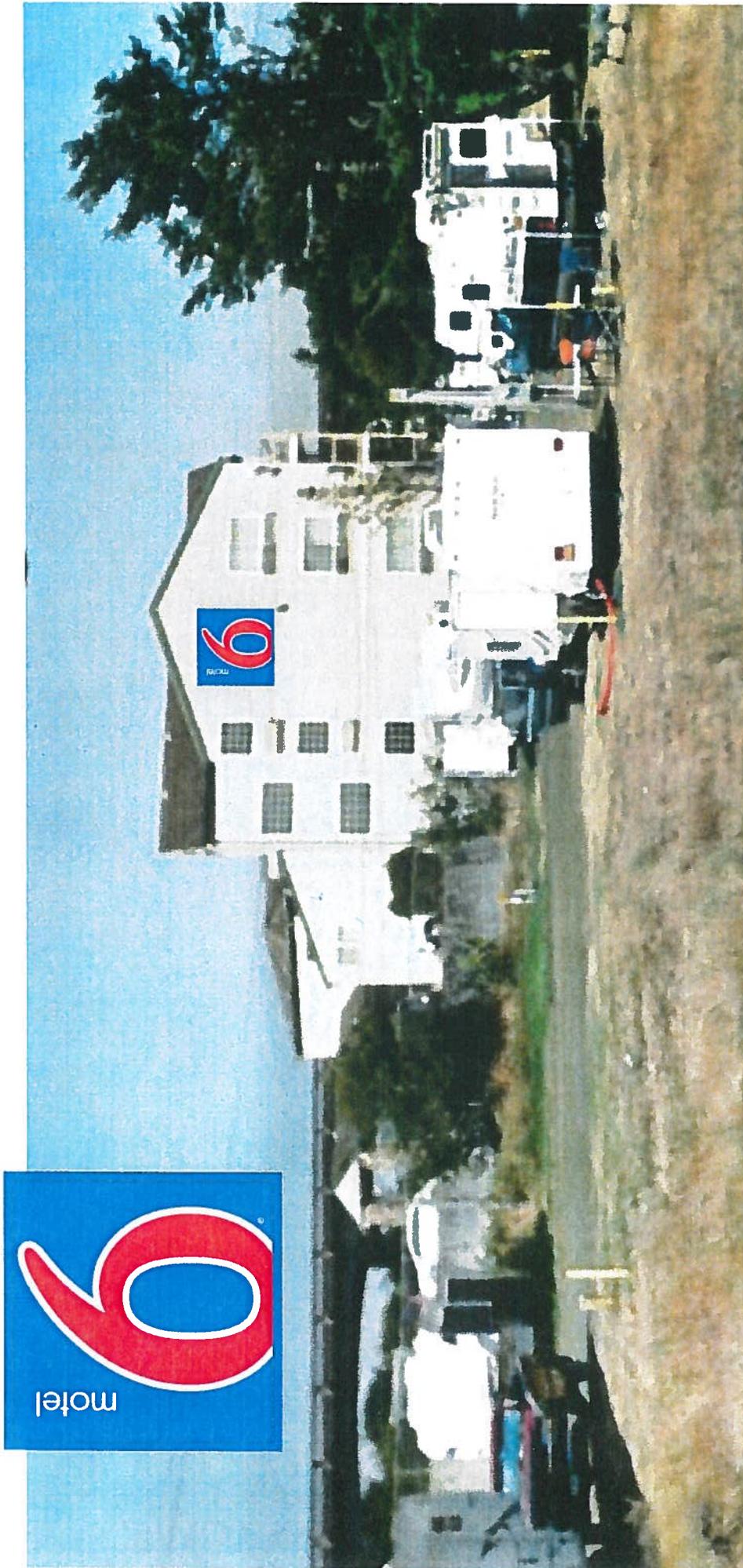


PHOTO 14

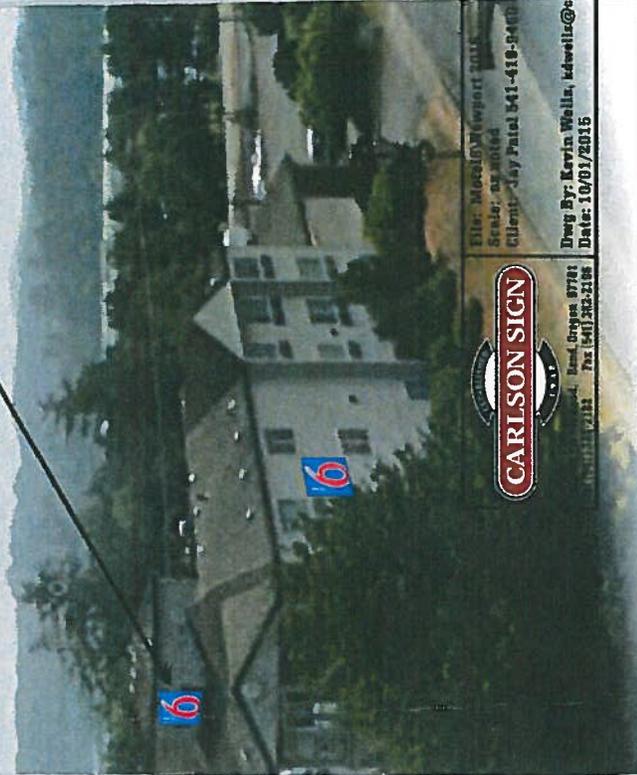
Motel 6 (formerly Inn at Yaquina Bay)
2633 S E Pacific Way Newport, OR, (541) 867-7055

East elevation logo sign @ 97.375" square.



 <p>1695 NE Forbes Road, Bend, Oregon 97701 Tel (541) 382-2182 Fax (541) 382-2196</p>	<p>File: Motel6\Newport 2015 Scale: as noted Client: Jay Patel 541-418-9460 Dwg By: Kevin Wells, kdwallo@carlsonsign.com Date: 10/01/2015</p>	<p>Approves color, design, size, & spelling. Date _____ ALL LANDLORD APPROVALS ARE BY CLIENT This design is the exclusive property of Carlson Sign Co. Others using this design will be subject to prosecution.</p>
--	---	--

North elevation
Variance Request:
Branding on upper fascia
as 5'x 5' backlit logo



File: ModelViewpart 2016
Scale: as noted
Client: Jay Patel 541-418-9460



Drawn By: Kevin Wells, kwells@ci
Date: 10/01/2015

Carlson Sign, Inc., 97701
Portland, OR 97217 | Tel: (503) 263-2106 | Fax: (503) 263-2106

Derrick Tokos

From: Sara Wedel <swedel@newportnewstimes.com>
Sent: Tuesday, November 24, 2015 3:18 PM
To: Derrick Tokos
Subject: RE: City of Newport Legal Notice

This notice will publish as requested. Thank you,
Sara

Sara Wedel

Project Manager
News-Times
541-265-8571 ext. 215
www.newportnewstimes.com

From: Derrick Tokos [mailto:D.Tokos@NewportOregon.gov]
Sent: Tuesday, November 24, 2015 3:10 PM
To: 'swedel@newportnewstimes.com'
Cc: Wanda Haney
Subject: City of Newport Legal Notice

Hi Sara,

Attached is a notice of a hearing before the Planning Commission for publication once on Friday, **December 4, 2015**. Please confirm receipt of this email and if the notice will publish on that day.

Thank you,

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

CITY OF NEWPORT NOTICE OF A PUBLIC HEARING

The Planning Commission of the City of Newport, Oregon, will hold a public hearing in the City Hall Council Chambers at 7:00 p.m. on December 14, 2015 to consider File No. 1-VAR-15, which is a request submitted by Jayanti and Saroj Patel (Dennis Bartoldus, authorized representative) pursuant to Newport Municipal Code (NMC) Section 10.10.130(A), for approval of the following sign variances to allow a wall sign on the north side of the motel to be placed at a height of 43-feet and a wall sign to be placed at a height of 38-feet on the south side of the structure. Section 10.10.085(J) of the Newport Municipal Code limits sign height to 30 feet from grade to the top of the sign. The applicant is further requesting a variance to allow a total of five signs, four of which would be wall signs and the fifth a freestanding sign. The wall signs would be placed on each elevation of the motel. Section 10.10.085(C) of the Newport Municipal Code limits the total number of signs at this location to three, one of which may be other than a wall sign. The subject property is located at 2633 SE Pacific Way, Newport OR 97365 (Assessor's Map 11-11-17-AC; Tax Lots 301 and 1100). Per NMC Section 10.10.130, a variance request must be the minimum necessary to alleviate special hardships or practical difficulties faced by the applicant and that are beyond the control of the applicant. Testimony and evidence must be directed toward the criteria described above or other criteria in the Comprehensive Plan and its implementing ordinances which the person believes to apply to the decision. Failure to raise an issue with sufficient specificity to afford the city and the parties an opportunity to respond to that issue precludes an appeal, including to the Land Use Board of Appeals, based on that issue. Testimony may be submitted in written or oral form. Oral and written testimony will be taken during the course of the public hearing. Letters to the Community Development/Planning Department, City Hall, 169 SW Coast Hwy, Newport, OR 97365, must be received by 5:00 p.m. the day of the hearing or be personally entered into the record during the hearing. The hearing will include a report by staff, testimony (both oral and written) from those in favor or opposed to the application, rebuttal by the applicant, and questions and deliberation by the Planning Commission. Pursuant to ORS 197.763 (6), any person prior to the conclusion of the initial public hearing may request a continuance of the public hearing or that the record is left open for at least seven days to present additional evidence, arguments, or testimony regarding the application. The staff report may be reviewed or a copy purchased at the Newport Community Development Department seven days prior to the hearing. The application materials and the applicable criteria are available for inspection at no cost or copies may be purchased at this address. Contact Derrick Tokos, Community Development Director, (541) 574-0626 (address above).

(FOR PUBLICATION ONCE ON FRIDAY, DECEMBER 4, 2015)

CITY OF NEWPORT
NOTICE OF A PUBLIC HEARING¹

NOTICE IS HEREBY GIVEN that the Planning Commission of the City of Newport, Oregon, will hold a public hearing to consider the following variance request:

Applicant: Jayanti and Saroj Patel (Dennis Bartoldus, authorized representative). **File No. 1-VAR-15.**

Request: Approval of a Type III variance pursuant to Section 10.10.130(A) of the City of Newport Municipal Code to allow a wall sign on the north side of the motel to be placed at a height of 43-feet and a wall sign to be placed at a height of 38-feet on the south side of the structure. Section 10.10.085(J) of the Newport Municipal Code limits sign height to 30 feet from grade to the top of the sign. The applicant is further requesting a variance to allow a total of five signs, four of which would be wall signs and the fifth a freestanding sign. The wall signs would be placed on each elevation of the motel. Section 10.10.085(C) of the Newport Municipal Code limits the total number of signs at this location to three, one of which may be other than a wall sign.

Location: 2633 SE Pacific Way, Newport OR 97365 (Assessor's Map 11-11-17-AC; Tax Lots 301 and 1100).

Applicable Criteria: Newport Municipal Code Section 10.10.130 (Variance Requirements)/Criteria for approval of a Type III Variance: Approval of the request is the minimum necessary to alleviate special hardships or practical difficulties faced by the applicant and that are beyond the control of the applicant.

Testimony: Testimony and evidence must be directed toward the criteria described above or other criteria in the Comprehensive Plan and its implementing ordinances which the person believes to apply to the decision. Failure to raise an issue with sufficient specificity to afford the city and the parties an opportunity to respond to that issue precludes an appeal, including to the Land Use Board of Appeals, based on that issue. Testimony may be submitted in written or oral form. Oral and written testimony will be taken during the course of the public hearing. Letters to the Community Development/Planning Department (address under "Reports/Materials") must be received by 5:00 p.m. the day of the hearing or be personally entered into the record during the hearing. The hearing will include a report by staff, testimony (both oral and written) from those in favor or opposed to the application, rebuttal by the applicant, and questions and deliberation by the Planning Commission. Pursuant to ORS 197.763 (6), any person prior to the conclusion of the initial public hearing may request a continuance of the public hearing or that the record be left open for at least seven days to present additional evidence, arguments, or testimony regarding the application.

Reports/Materials: The staff report may be reviewed or a copy purchased at the Newport Community Development Department, City Hall, 169 S.W. Coast Hwy, Newport, Oregon, 97365 seven days prior to the hearing. The application materials and the applicable criteria are available for inspection at no cost or copies may be purchased at this address.

Contact: Derrick I. Tokos, AICP, Community Development Director, (541) 574-0626 (address above in "Reports/Materials").

Time/Place of Hearing: Monday, December 14, 2015; 7:00 p.m.; City Hall Council Chambers (address above in "Reports/Materials").

MAILED: November 24, 2015.

PUBLISHED: December 4, 2015/News-Times.

¹This notice is being sent to affected property owners within 200 feet of the subject property (according to Lincoln County tax records), affected public utilities within Lincoln County, and affected city departments

Port of Newport
600 SE Bay Blvd.
Newport, OR 97365

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Port of Newport
600 SE Bay Blvd.
Newport, OR 97365

Oregon Coast Aquarium
2820 SE Ferry Slip Rd.
Newport, OR 97365

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Oregon Coast Aquarium
2820 SE Ferry Slip Rd.
Newport, OR 97365

NW Natural
ATTN: Alan Lee
1405 SW Hwy 101
Lincoln City, OR 97367

Charter Communications
355 NE 1st St
Newport OR 97365

CenturyLink/Qwest
ATTN: Corky Fallin
740 State St
Salem OR 97301

Central Lincoln PUD
ATTN: Randy Grove
PO Box 1126
Newport OR 97365

email
DLCD Coastal Services Ctr

Oregon Dept of Transportation
Right-of-Way Section MS #2
4040 Fairview IND DR SE
Salem, Oregon 97302

Joseph Lease
Building Official

Rob Murphy
Fire Chief

Tim Gross
Public Works

Victor Mettle
Code Administrator/Planner

Mark Miranda
Police Chief

Mike Murzynsky
Finance Director

Ted Smith
Library

Jim Protiva
Parks & Rec

Spencer Nebel
City Manager

EXHIBIT 'A'
(Affected Agencies)

ATTACHMENT "C"
File No. 1-VAR-15
Zoning map of the area



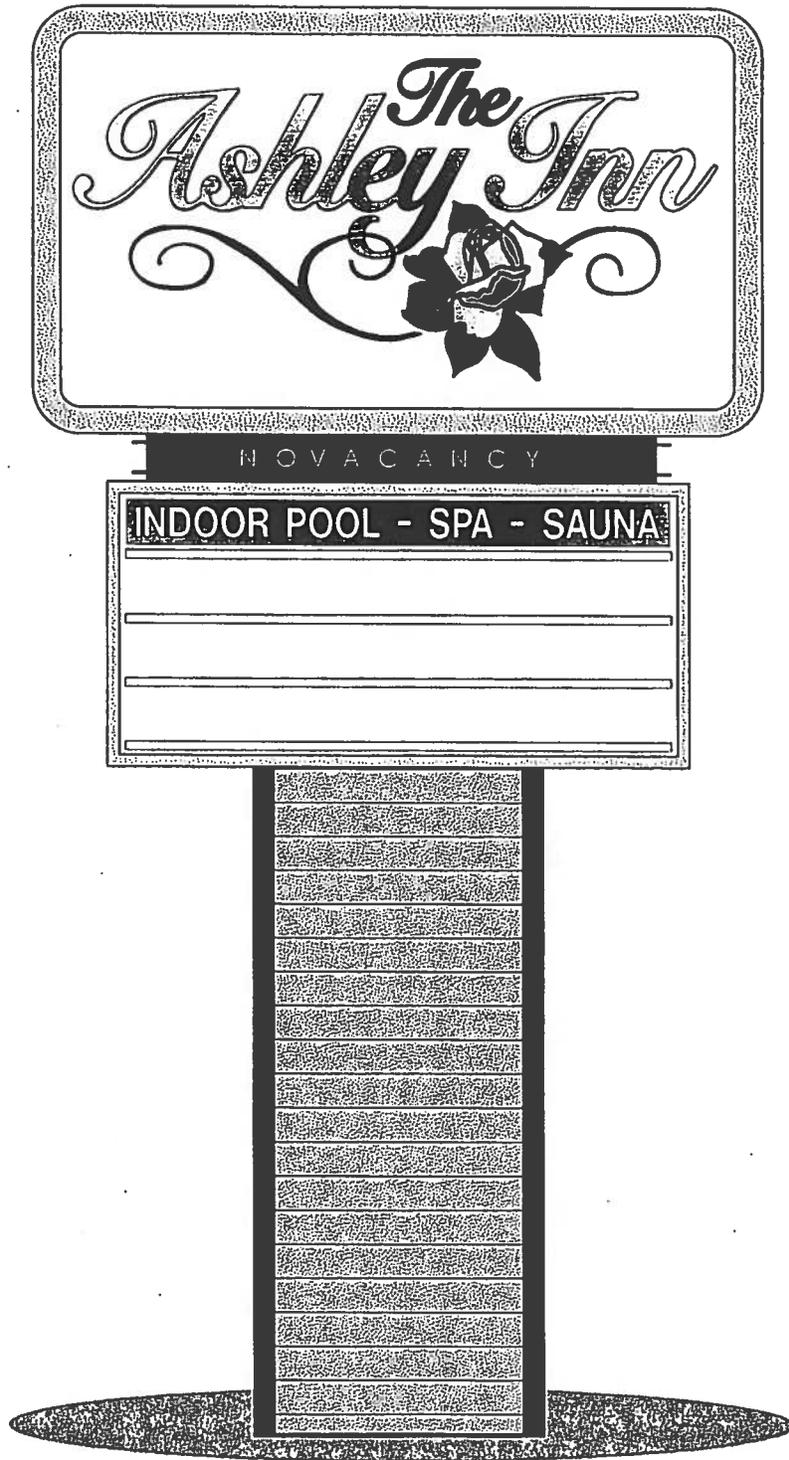
Zoning Map: 2633 SE Pacific Way

Image Taken July 2013
4-inch, 4-band Digital Orthophotos
David Smith & Associates, Inc. Portland, OR

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



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



SCALE = 3/8" = 1'0"



U. B. C. CRITERIA

WIND 100(C) MPH
CLASS IV SOILS
F_y = 35 KSI (MIN)
F_c = 2500 PSI

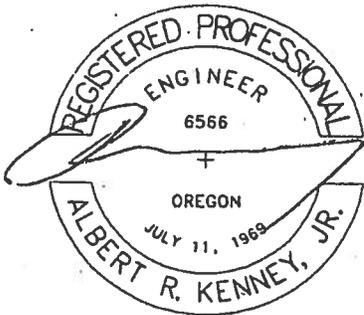
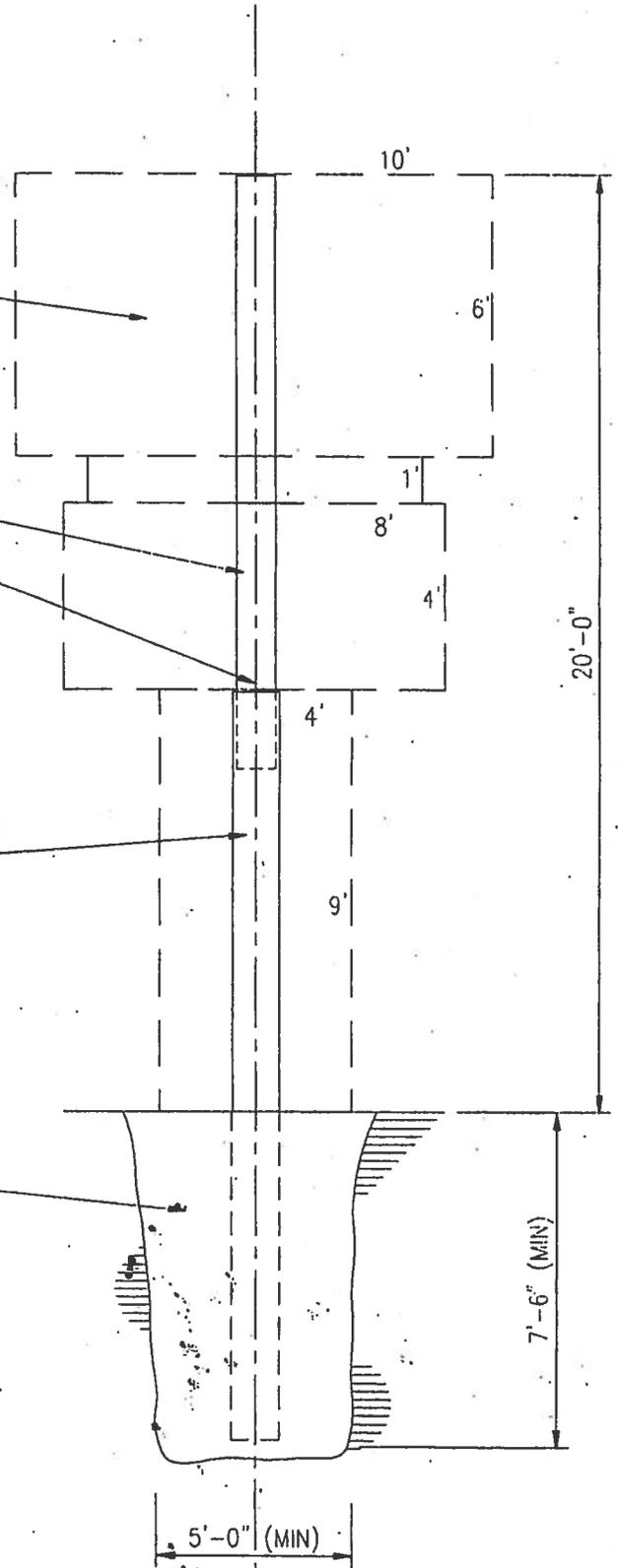
DOUBLE FACED PLEX SIGN

8" Ø SCH 40 PIPE S = 16.8
(OPTIONAL)

STANDARD SLIP CONN. (OPT)

10" Ø SCH 40 PIPE S = 29.9
(MAY BE FULL HT)

4' (MIN) X 3' (MIN) X 7'-6" (MIN) DEEP
CONCRETE FOOTING POURED AGAINST FIRM
UNDISTURBED SOIL



ELEVATION 1/4" = 1'-0"

A SIGN STRUCTURE FOR:

Ashley Inn Motel

~~Living City, OR~~
~~Newport, OR~~

CLARK SIGN CO.

DATE: 9-4-95

JOB # 95005AI

SHT 1 OF 2



ALBERT R. KENNEY, JR.
CONSULTING ENGINEER

9500 SW BARBUR BLVD. STE 111
PORTLAND OR 97219 (503)244-9811

Lincoln County Property Report

Account # & Prop. Info		Account Details		Owner & Address	
Account #:	R151400	Neighborhood:		Owner and	CHO MAN SUNG
Map Taxlot:	11-11-17-AC-00301-00	S114		Mailing Address:	515 NW INLET AVE LINCOLN CITY, OR 97367
Tax Map:	11s11w17AC	Property Class:	201	Site Address(es):	
Web Map:	View Map				
Info:	HARBORTON, LOT PTN VAC ST ADJ TO BLK 3, DOC201100967				
Tax Code:	124				
Acres:					

Improvements	Value History		
No Inventory	Year	Imp.Land	Total Market Total Assessed
	20140	78,340	78,340 13,740
	20130	81,040	81,040 13,340
	20120	62,450	62,450 12,960
	20110	69,600	69,600 12,590
	20100	69,600	69,600 12,230
	20090	69,600	69,600 11,880

Sales History			
Sale Date	Price	Document	Type Code
03/20/1996	\$269,000	MF315-0170	33 WD

Land				Related Accounts	Disclaimer
Description	Acres	Market Value	Special Use Value		This report was produced using the Lincoln County assessment information. This information is maintained by the county to support its governmental activities. The County is not responsible for errors, omissions, misuse or misinterpretation. Tax data exported 10/2014.
COM DEV BAYVIEW SITE	0.12	78,340			

Today's Date: 01/08/2016

Lincoln County Property Report

Account # & Prop. Info		Account Details		Owner & Address	
Account #:	R165705	Neighborhood:		Owner and	CHO MAN SUNG
Map Taxlot:	11-11-17-AC-01100-00	S114		Mailing Address:	515 NW INLET AVE LINCOLN CITY, OR 97367
Tax Map:	11s11w17AC	Property Class:	201	Site Address(es):	2633 SE PACIFIC WAY
Web Map:	View Map				
Info:	TWNESH 11, RNG 11, ACRES 0.58, DOC201100967				
Tax Code:	124				
Acres:	0.58				

Improvements				Value History			
Description	Area	Yr Built	Found Heat Plumb BDMS Value	YearImp.	Land	Total Market	Total Assessed
MAIN AREA	26569 sq ft	1996	\$1,447,590	2014	1,447,590	19,160,966,750	1,966,750
Foundation Code List Heating/AC Code List Plumbing Code List				2013	1,506,080	532,580,038,660	1,959,730
				2012	1,681,540	378,340,059,880	1,902,660
				2011	1,871,630	421,670,293,300	1,847,250
				2010	1,871,630	421,670,293,300	1,793,450
				2009	1,871,630	421,670,293,300	1,741,220

Sales History			
Sale Date	Price	Document	Type Code
03/22/1999	\$2,435,000	MF378-2113 32	WD
10/30/1995	\$147,100	MF308-0476 28	WD

Land		Related Accounts		Disclaimer	
Description	Acres	Market Value	Special Use Value		
COM DEV BAYVIEW SITE	0.58	389,160		This report was produced using the Lincoln County assessment information. This information is maintained by the county to support its governmental activities. The County is not responsible for errors, omissions, misuse or misinterpretation. Tax data exported 10/2014.	
COMMERCIAL SITE		130,000			
DEVELOPMENT					

Today's Date: 01/08/2016

CHAPTER 10.10 SIGNS

10.10.005 Short Title

This chapter may be referred to as the Newport Sign Code.

10.10.010 Purpose

The purposes of the Newport Sign Code are:

- A. To protect and promote the health, safety, property, and welfare of the public, including but not limited to promotion and improvement of traffic and pedestrian safety.
- B. To improve the neat, clean, and orderly appearance of the city for aesthetic purposes.
- C. To allow the erection and maintenance of signs consistent with the restrictions of the Newport Sign Code.
- D. To prevent distraction of motorists, bicyclists and pedestrians.
- E. To allow clear visibility of traffic signs and signal devices, pedestrians, driveways, intersections, and other necessary clear vision areas.
- F. To provide for safety to the general public and especially for firemen who must have clear and unobstructed access near and on roof areas of buildings.
- G. To preserve and protect the unique scenic beauty and the recreational and tourist character of Newport.
- H. To regulate the construction, erection, maintenance, electrification, illumination, type, size, number, and location of signs.

10.10.015 Scope

All signs shall comply with this chapter. Provided however, that any signs in the Agate Beach area annexed in 1998 shall comply with Chapter 10.15, and in the event of an inconsistency between the two chapters, Chapter 10.15 shall prevail as to any property within the Agate Beach area.

10.10.020 Prohibited Signs

No sign may be erected, maintained, or displayed except as expressly authorized by this chapter.

10.10.025 Conflicting Provisions

If any provisions of this chapter conflict with any law or regulation requiring a sign or notice, the law or regulation requiring the sign or notice shall prevail.

10.10.030 Definitions

The definitions in this section apply in this chapter.

- A. **Adjacent** means immediately next to and on the same side of the street.
- B. **Awning** includes any structure made of cloth, metal, or similar material with a frame attached to a building that may project outwards but can be adjusted to be flat against the building when not in use.
- C. **Building** shall include all structures other than sign structures.
- D. **Bulletin Boards**. A bulletin board is a surface for posting posters, cards, or notices, usually of paper, and not illuminated or electrical.
- E. **Business** means the premises where a duly licensed business is conducted. Multiple businesses conducted within the same premises shall be subject to the same limits as would a single business on the same premises.
- F. **Canopy** includes any structure made of cloth, metal, or similar material projecting out from a building that is fixed and not retractable.
- G. **Clearance** is the distance between the highest point of the street, sidewalk, or other grade below the sign to the lowest point of the sign.
- H. **Display Area** means the area of a regular geometric figure that encloses all parts of the display surface of the sign. Structural supports that do not include a display or message are not part of the display area.

- I. **Erect** means to build, attach, hang, place, suspend, paint, affix, or otherwise bring into being.
- J. **Externally Illuminated Sign** is a sign illuminated by an exterior light source that is primarily designed to illuminate the sign.
- K. **Face** means any part of a sign arranged as a display surface substantially in a single plane.
- L. **Grade** means the surface of the ground at the point of measurement. Height shall be measured from the lowest point of the grade immediately below the sign or any sidewalk or street within 5 feet of the sign and the top of the sign.
- M. **Internally Illuminated Sign** shall mean a sign illuminated by an interior light source, which is primarily designed to illuminate only the sign.
- N. **Multiple Business Property** means a property used for business or commercial purposes under a single ownership or control and containing less than 40,000 square feet of land area and on which three or more separate businesses or commercial enterprises are located.
- O. **Painted** includes the application of colors directly on a wall surface by any means.
- P. **Person** means individuals, corporations, firms, partnerships, associations, and joint stock companies.
- Q. **Premise** means a lot, parcel, or tract of land.
- R. **Reader Board** is a sign designed so that the sign face may be physically or mechanically changed, but does not include electronic message signs.
- S. **Shopping Center** means any property used for business or commercial purposes under a single ownership or control having at least 40,000 square feet of land area and on which are located business or commercial improvements containing at least 20,000 square feet of floor space.

- T. **Sign** means any medium, including structure and component parts, which is used or intended to be used to display a message or to attract attention to a message or to the property upon which such sign is located.
1. **Electronic Message Sign** means a permanent sign consisting of text, symbolic imagery, or both, that uses an electronic display created through the use of a pattern of lights in a pixilated configuration allowing the sign face to intermittently change the image without having to physically or mechanically replace the sign face, including an LED (Light Emitting Diode) sign, as distinguished from a static image sign.
 2. **Freestanding Sign** means any sign permanently attached to the ground that is not affixed to any structure other than the sign structure.
 - a. **Pole Sign** means a freestanding sign that is mounted on a pole or other support that is not as wide as the sign.
 - b. **Monument Sign** means a freestanding sign in which the sign structure is at least as wide as the sign.
 3. **Mural Sign** means a sign that is painted directly on the wall of a building or retaining wall, without any sign structure or additional surface.
 4. **Portable Sign** means a sign that is not attached to the ground or any structure and is movable from place to place. "Portable sign" does not include any sign carried or held by an individual.
 5. **Projecting Sign** means a sign attached to the wall or roof of a building with a sign face that is not parallel to the wall or roof.
 6. **Roof Sign** means a sign attached to a roof of a building, or a sign attached to a wall of a building but extending above the top edge of the wall where the sign is located.
 7. **Temporary Sign** means any sign, regardless of construction materials, that is not permanently mounted and is intended to be displayed on an irregular basis for a limited period of time

- 8. **Wall Sign** means any sign attached to a wall of a building that does not extend above the wall of the building and is parallel to and within one foot of the wall.
- 9. **Window Sign** shall mean any sign placed inside or upon a window facing the outside and which is visible from the exterior.
- U. **Sign Business** means the business of constructing, erecting, operating, maintaining, leasing, or selling signs.
- V. **Sign Structure** means the supports, upright braces, and framework of the sign.

10.10.035 Application, Permits, and Compliance

- A. Except as exempted by this chapter, no person shall erect, replace, reconstruct, move, or remove any permanent sign without a sign permit, or place a temporary or portable sign without a sign permit. All signs shall comply with this chapter and any other applicable law. Any sign permit may be withdrawn for violation of this chapter or any other applicable law.
- B. Written applications on city forms are required. The applicant shall provide the following information:
 - 1. Name, address, and telephone number of the applicant.
 - 2. Proposed sign location, identifying the property and any building to which the sign will be attached.
 - 3. A sketch, plan, or design showing the method of attachment, structure, design, and such other information necessary to allow a determination of compliance. Nothing in this section requires the applicant to provide any information regarding the content of any message displayed on the sign.
 - 4. Grade, height, dimensions, construction materials, and specifications.
 - 5. Underwriter Laboratories certification in the case of an electrical sign.

6. Name and address of the person, firm, corporation, or other business association erecting the structure.
- C. The city shall issue a sign permit based on a determination that the proposed sign complies with this chapter and other applicable law. Construction of the sign must be completed within 90 days after issuance of the sign permit. An extension of the 90-day period may be granted. If a sign was partially constructed and not completed within the 90-day period or any extension, the partially completed work shall be removed. Permits shall specify the location, size, and type of sign, and any conditions applicable to the sign. Permits for temporary signs and portable signs in rights of way shall specify the duration of the permit and/or the times when the signs may be in place.
 - D. When electrical permits are required, they shall be obtained and the installation approved prior to making connection to the electrical power source.
 - E. Permit fees shall be established by resolution of the City council, and paid with submission of the sign permit application, as follows:
 1. For the erection, placement, replacement, reconstruction, or relocation of a sign. Such fee shall be supplemented by a surcharge for a mural sign that exceeds the maximum permissible size for a wall sign in the same location. Non-profit organizations are exempt from the requirement to pay the supplemental fee for a mural sign.
 2. For the repair, demolition, or removal of an existing sign and/or its supporting structure.
 3. For temporary signs placed in the right of way. Non-profit organizations are exempt from the requirement to pay this fee.
 4. For portable signs placed in the right of way. Such fee shall include a monthly charge for use of the public right-of-way. Non-profit organizations are exempt from the requirement to pay either fee required by this section.

10.10.040

Signs in Public Rights-of-Way

- A. Except as provided in this section, permanent signs wholly located within rights-of-way are prohibited. A sign permit does not allow a sign to project into any part of any public right-of-way unless expressly stated in the permit. Each applicant shall determine the location of the public right-of-way and whether any proposed permanent sign will project into any public right-of-way. Any sign permit that allows a sign projecting into any public right-of-way shall be revocable at any time by the city with or without cause.
- B. Permits are required for temporary or portable signs within rights-of-way and may be issued only if authorized in this section.
 1. Permits for temporary and/or portable signs in rights-of-way may be granted if the sign is to be in place for no more than five consecutive days and no more than 10 total days in a calendar year.
 2. Permits for portable signs within rights-of-way for more than five consecutive days and more than 10 total calendar days in a year may be granted if the portable sign is placed adjacent to a business location operated by the permittee, the sign is removed at all times when the business is not open, and the sign is within the following areas:
 - a. On SW Coast Highway between SW Angle Street and SW Fall Street.
 - b. On SW Bay Street between SW Naterlin Drive and SW Bay Boulevard. On Bay Boulevard between SW Bay Street and SE Moore Drive.
 - c. On Hurbert Street between SW 7th Street and SW 9th Street.
 - d. In the area bounded by Olive Street on the south, NW 6th Street on the north, SW High Street and NW Coast Street on the east and the Pacific Ocean on the west, including both sides of each named street. For purposes of this section, "Olive Street" means both Olive Street and the area that Olive Street would occupy if it continued straight to the Pacific Ocean west of SW Coast Street.

- e. On SE Marine Science Drive/SE OSU Drive between SE Pacific Way and Yaquina Bay.
- f. In that portion of the South Beach area of Newport, east of Highway 101, west of Kings Slough, south of the intersection of Highway 101 and 40th Street and north of the intersection of Highway 101 and 50th Street.

(Chapter 10.10.040(B.)2.(f.) was added by the adoption of Ordinance No. 2001, adopted on March 16, 2010; effective April 15, 2010.)

- 3. Permits may be granted under Subsections B.1 and B.2 of this section only if:
 - a. The sign is not within any vehicle travel lane;
 - b. The sign does not restrict clear vision areas at intersections and driveway access points; and
 - c. The sign does not prohibit pedestrian movement on a sidewalk.
- C. The following signs are exempt from the prohibitions and requirements of this section:
 - 1. Sign placed by the city or other governmental entity with responsibility for the right-of-way.
 - 2. Permanent signs placed in a location where allowed by a license or easement from the city to an adjacent property owner to occupy the right-of-way. Signs allowed by this exemption must comply with all other requirements of this chapter, and the display area of the signs will be included in the calculation of the maximum display area of the adjacent property.
 - 3. Signs not exceeding one square foot on a pole in the right-of-way placed on the pole by its owner.
- D. Signs placed in ODOT right-of-way may also require approval from ODOT.
- E. No permit may be issued for a sign in the right-of-way unless the applicant provides proof of liability insurance in an amount determined to be sufficient by the city manager.

(Section 10.10.045 amended by Ordinance No. 1986, adopted on September 8, 2009; effective October 8, 2009.)

10.10.045 Prohibited Signs

No sign shall be constructed, erected, or maintained:

- A. That uses lights unless effectively screened, shielded, or utilized so as not to direct light directly into the eyes of motorists traveling on any street or highway.
- B. That includes any single light bulb that creates more light than a 60 watt incandescent bulb (800 lumens).
- C. That uses neon tubing on the exterior surface of a sign for sign illumination where the capacity of such tubing exceeds 300 milliamperes rating for white tubing or 100 milliamperes rating for any other color of tubing.
- D. That uses flashing or intermittent light.
- E. That uses any type of rotating beacon light, zip light, or strobe light, or any light not directed to or part of the illumination of the sign.
- F. That uses wind-activated devices or devices which flutter in the wind, such as propellers, but excluding flags, banners, and pennants.
- G. That is flashing, blinking, fluctuating, or animated, that has parts that are flashing, blinking, fluctuating, or animated; or that includes similar effects.
- H. That uses a guy wire for support of a sign, except where there exists no other means of support for a sign otherwise conforming to the requirements of this chapter.
- I. That has any visible moving parts, visible revolving parts, visible mechanical movement of any description, or any other apparent visible movement achieved by electrical, electronic, or kinetic means, including intermittent electrical pulsations or movement or action by wind currents.
- J. That is erected at the intersection of any street that substantially obstructs free and clear vision of motorists, pedestrians and cyclists, or at any location where it may

interfere with, obstruct, or be confused with any authorized traffic sign.

- K. While subject to these prohibitions, this section shall not be construed to prohibit electronic message signs where expressly permitted elsewhere in this chapter.

10.10.050 Projection and Clearance

- A. Signs shall not project more than 3 feet over any public right-of-way, and in no case shall be within 2 feet of a traveled roadway.
- B. The minimum clearance of any sign over driveways, parking lots, or public right-of-ways is 16 feet, excepting that the minimum clearance of any sign over a sidewalk is 8 feet, unless the sidewalk is used as a driveway.

10.10.055 Exempt Signs

The following signs are exempt from regulation under this chapter:

- A. Signs erected or maintained by or on behalf of a federal, state, or local governmental body. This exemption shall not apply to signs that are otherwise prohibited under Section 10.10.045 except when the sign is placed in a public right-of-way by the entity responsible for managing the public right right-of-way as allowed under Section 10.10.040 (C)(1).
- B. Signs not visible from a public right-of-way or from property other than the property where the sign is located. For purposes of this section, "property where the sign is located" includes all property under common ownership," and "visible" means that the sign face is visible.

10.10.060 Partially Exempt Signs

- A. The following signs are exempt from the permit requirement and, except as expressly provided to the contrary, do not count towards maximum display area:
 - 1. One sign not exceeding two square feet on each property with a separate street address, placed flat against the building.

2. In a residential zone on a property where a home occupation is legally conducted, a non-illuminated sign not exceeding two square feet in area, placed flat against the building.
 3. Signs placed on post boxes.
 4. Non-illuminated signs on private property oriented towards internal driveways and parking areas, not to exceed 3 square feet in area.
 5. Signs that are an integral part a building, including those cut into any masonry surface, as well as signs integrated into the structure of a building constructed of bronze or other non-combustible materials.
 6. Signs placed within a public right of way place by the public entity with responsibility for administering the right of way.
 7. Flags.
- B. Each religious institution is allowed to have, in addition to signage otherwise allowed, additional signage not to exceed 48 square feet in area, including each face of any multiple faced sign. No single sign face may exceed 24 square feet, except reader boards, which may not exceed 32 square feet and bulletin boards, which may not exceed 16 square feet. The sign(s) allowed by this subsection are exempt from the maximum total display area standard.
- C. Each community center and educational institution is allowed one reader board not exceeding 32 square feet in area in addition to other allowed signs. The sign allowed by this subsection is exempt from the maximum total display area standard.
- D. Temporary signs complying with all of the following are permitted in all zones without a permit, in addition to any other permitted signs:
1. The signs must be entirely on private property and outside of any vision clearance areas.
 2. The signs do not exceed 20 square feet of display area or any horizontal or vertical dimension of 8 feet.

3. The signs are not erected more than 90 days prior to the date of an election and they are removed within 30 days after the election.
 4. They are erected or maintained with the consent of the person or entity lawfully in possession of the premises and any structure to which they are attached.
- E. One temporary portable sign per business placed on private property is permitted. Temporary portable signs shall be made of permanent, durable materials and shall be maintained in a good condition. Temporary signs (portable and attached) in the aggregate may not exceed 24 square feet for all display area surfaces on a single property. Temporary signs shall not be included in the calculation of total maximum display area. All portable signs shall be weighted, anchored, or constructed so that they will not move or collapse in the event of wind, or otherwise create a hazard.

(Chapter 10.10.070(E.) was added by the adoption of Ordinance No. 2001 on March 16, 2010; effective April 15, 2010.)

10.10.065 Signs at Subdivision Entrances

One permanent sign per subdivision entrance not to exceed 16 square feet in area is permitted. Signs at subdivision entrances may be illuminated but which shall not obstruct any required vision clearance area.

10.10.070 Vehicle Signs

Any sign attached to or imprinted upon a validly licensed motor vehicle operating legally upon the streets and highways of the State of Oregon is exempt from this chapter while the vehicle is traveling upon any street or highway, or while such vehicle is parked to carry out an activity incidental to interstate commerce, but is otherwise not exempt unless:

- A. The sign is painted or otherwise imprinted upon, or solidly affixed to, the surface of the vehicle, with no projection at any point in excess of 6 inches from the surface of the vehicle.
- B. The vehicle, with the sign attached, complies with all applicable requirements of the Motor Vehicle Code required for the lawful operation thereof.

10.10.075 R-1, R-2, and R-3 Residential Districts

In all R-1, R-2, and R-3 residential districts, the following signs are allowed:

- A. One non-illuminated sign not exceeding 2 square feet.
- B. One non-illuminated temporary sign not exceeding 8 square feet in area.
- C. One non-internally illuminated sign not exceeding 20 square feet in area placed flat against the building for each apartment complex.

10.10.080 R-4 Residential District

In an R-4 residential district, the following signs are allowed:

- A. For residential uses, signs allowed in the R-1, R-2 and R-3 districts.
- B. For hotels, motels, recreational vehicle parks, and movie theaters, no more than two illuminated signs that do not exceed 100 square feet in total area. The signs may be internally or externally illuminated, but may not include electronic message signs.
- C. For all other uses, a maximum of 20 square feet of sign area per street frontage. The maximum area shall be a combination of wall and freestanding signs. Freestanding signs shall be set back a minimum of 10 feet from all property lines and shall not exceed 8 feet in height. No sign may be internally illuminated.

10.10.85 Commercial, Industrial, and Marine Districts

In commercial, industrial, and marine zoning districts, signs are allowed subject to the following parameters:

- A. The maximum total area for roof and wall signs is two square feet of display area for each lineal foot of street frontage.
- B. The maximum total area for projecting and freestanding signs is one square foot of display area for each lineal foot of street frontage. Projecting and freestanding signs

having two sides facing in opposite directions shall be counted as having only one face, which shall be the larger of the two faces if not of equal size. Only the larger face of back-to-back signs within two feet of each other and signs on opposite parallel ends of awnings shall be counted towards total maximum size.

- C. Each street frontage of a business shall be limited to not more than 2 signs, only one of which may be other than a wall sign unless there is more than 200 lineal feet of street frontage, in which case one additional sign is permitted. Where a property contains an electronic message sign, only one freestanding sign is permitted.
- D. Window signs shall not exceed 16 square feet in area. Window signs are not included in the calculation of total display area.
- E. Except within marine zoning districts or the Historic Nye Beach Design Review District, electronic message signs on properties with no more than one freestanding sign of up to 20 feet in height, provided the electronic message sign:
 - 1. Is less than or equal to thirty-five percent (35%) of the total allowable sign area per sign face.
 - 2. Displays text, symbolic imagery, or a combination thereof for a period of time in excess of (5) minutes before a change occurs. This provision does not apply to the display of time, date and temperature information.
 - 3. Changes the entire display text, symbolic imagery, or combination thereof within two (2) seconds.
 - 4. Is turned off between the hours of 11 p.m. and 6:00 a.m. unless the sign is associated with a business that is open to the public, in which case the sign may stay illuminated until the business is closed.
 - 5. Does not contain or display animated, moving video, flashing, or scrolling messages.
 - 6. Contains a default mechanism that freezes the sign in one position if a malfunction occurs.

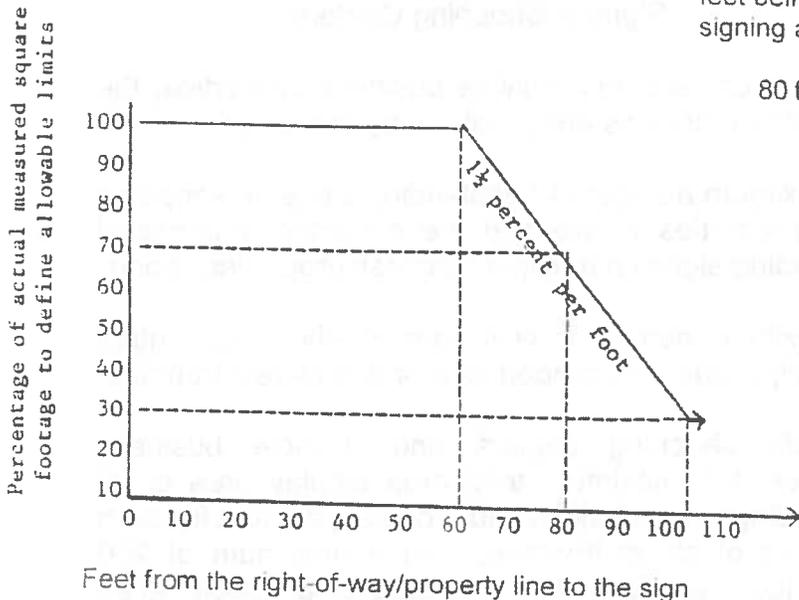
- 7. Automatically adjusts the intensity of its display according to natural ambient light conditions.
- 8. Adheres to a maximum night-time illumination standard of 0.3 foot-candles as measured from a distance, in lineal feet, from the sign that is equivalent to the square root of the display area, in square feet, multiplied by 100.

F. Mural signs.

G. Each street frontage of a business shall be limited to no more than 200 square feet of display area for all non-exempt signs other than mural signs.

H. Notwithstanding any limitation on total sign area, each separate business is allowed at least 50 square feet of display area.

I. The maximum display area allowed shall be adjusted based on distance from the nearest property line, using the graph below:



E.g., 60 foot setback of a measured 100 square foot sign results in 100 square feet being charged to the allowable signing area.

80 foot setback of a measured 100 square foot sign results in 70 square feet being charged to the allowable signing area.

105 foot setback of a measured 100 square foot sign results in 32.5 square feet being charged to the allowable signing area.

e.g., 60-foot setback of a measured 100 square foot sign results in 100 square feet being charged to the allowable sign area.

80 foot setback of a measured 100 square foot sign results in 70 square feet being charged to the allowable sign area.

105 foot setback of a measured 100 square foot sign results in 32.5 square feet being charged to the allowable sign area.

J The maximum height of all signs other than mural signs shall be no greater than 30 feet above grade.

K. The maximum horizontal or vertical dimension of the display surface of any sign other than mural signs shall not exceed:

1. Thirty feet for freestanding and roof signs on properties adjacent to Highways 101 or 20 that are located at least 125 feet from the center line of the highway and at least 76 feet from the center line of any other street.

2. Fifty feet or the width of the wall for wall sign horizontal dimension.

3. Except as otherwise provided by this chapter, the maximum horizontal or vertical dimension of any display surface shall not exceed 20 feet.

10.10.90 Signs in Shopping Centers

For shopping centers and multiple business properties, the number and size of signs are governed by this section.

A. The maximum number of freestanding signs on shopping center properties is two and the maximum number of freestanding signs on multiple business properties is one.

B. The maximum number of wall signs for shopping centers and multiple business properties is one per street frontage.

C. For both shopping centers and multiple business properties, the maximum total area display area of all freestanding and wall signs and is one square foot for each lineal foot of street frontage, with a maximum of 200 square feet per sign. Only one side of a double-faced freestanding sign shall be including in the calculation of display area, provided that the sign faces are 180 degrees opposed and separated by two feet or less.

- D. In addition to the signs allowed by subsections A through C, each individual business may erect wall signs on the premises controlled by the individual business of up to two square feet of display area for each lineal foot of frontage. For the purposes of this subsection, the term frontage means the distance, measured in a straight line, along any one wall of the business premises facing and providing public access to the separate premises of the business. Where a business has entrances allowing public access on more than one frontage, wall signs may be erected for each frontage, but the display area maximum shall be calculated separately for each frontage.
- E. The provisions of NMC 10.10.085 for signs in commercial, industrial, or marine districts apply to shopping centers and multiple business properties except as modified by this subsection.

10.10.095 P1, P-2, and P-3 Public Districts

In public zoning districts, signs are allowed subject to the following parameters:

- A. The maximum total area for roof and wall signs is two square feet of display area for each lineal foot of street frontage.
- B. The maximum total area for projecting and freestanding signs is one square foot of display area for each lineal foot of street frontage. Projecting and freestanding signs having two sides facing in opposite directions shall be counted as having only one face, which shall be the larger of the two faces if not of equal size. Only the larger face of back-to-back signs within two feet of each other and signs on opposite parallel ends of awnings shall be counted towards total maximum size.
- C. Each street frontage of a property shall be limited to not more than 2 signs, only one of which may be other than a wall sign unless there is more than 200 lineal feet of street frontage, in which case one additional sign is permitted. Where a property contains an electronic message sign, only one freestanding sign is permitted.
- D. Window signs shall not exceed 16 square feet in area. Window signs are not included in the calculation of total display area.

E. Electronic message signs on properties with no more than one freestanding sign of up to 20 feet in height, provided the electronic message sign:

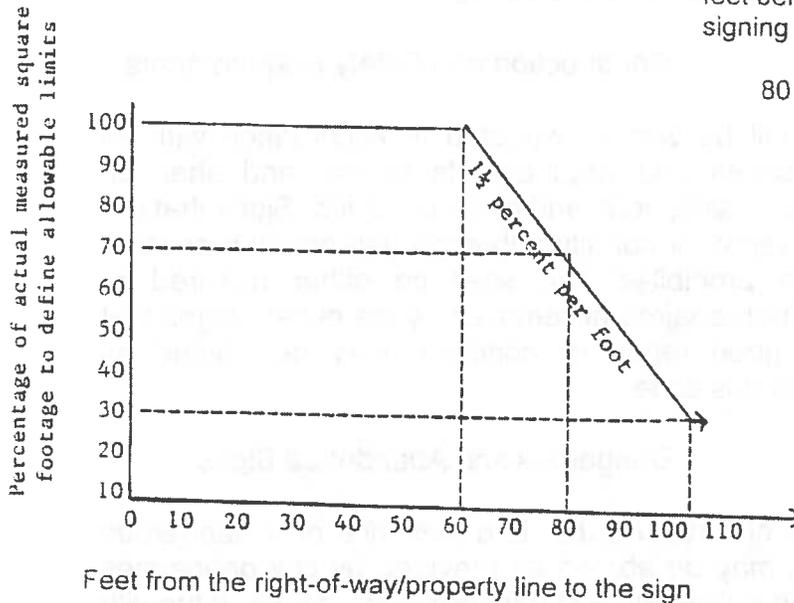
1. Is less than or equal to thirty-five percent (35%) of the total allowable sign area per sign face.
2. Displays text, symbolic imagery, or a combination thereof for a period of time in excess of (5) minutes before a change occurs. This provision does not apply to the display of time, date and temperature information.
3. Changes the entire display text, symbolic imagery, or combination thereof within two (2) seconds.
4. Is turned off between the hours of 11 p.m. and 6:00 a.m. unless the sign is associated with a facility that is open to the public, in which case the sign may stay illuminated until the facility is closed.
5. Does not contain or display animated, moving video, flashing, or scrolling messages.
6. Contains a default mechanism that freezes the sign in one position if a malfunction occurs.
7. Automatically adjusts the intensity of its display according to natural ambient light conditions.
8. Adheres to a maximum night-time illumination standard of 0.3 foot-candles as measured from a distance, in lineal feet, from the sign that is equivalent to the square root of the display area, in square feet, multiplied by 100.

F. Mural signs.

G. Each street frontage of a property shall be limited to no more than 200 square feet of display area for all non-exempt signs other than mural signs.

H. Notwithstanding any limitation on total sign area, each separate building is allowed at least 50 square feet of display area.

- I. The maximum display area allowed shall be adjusted based on distance from the nearest property line, using the graph below:



E.g., 60 foot setback of a measured 100 square foot sign results in 100 square feet being charged to the allowable signing area.

80 foot setback of a measured 100 square foot sign results in 70 square feet being charged to the allowable signing area.

105 foot setback of a measured 100 square foot sign results in 32.5 square feet being charged to the allowable signing area.

Feet from the right-of-way/property line to the sign

e.g., 60-foot setback of a measured 100 square foot sign results in 100 square feet being charged to the allowable sign area.

80 foot setback of a measured 100 square foot sign results in 70 square feet being charged to the allowable sign area.

105 foot setback of a measured 100 square foot sign results in 32.5 square feet being charged to the allowable sign area.

- J The maximum height of all signs other than mural signs shall be no greater than 30 feet above grade.
- K. The maximum horizontal or vertical dimension of the display surface of any sign other than mural signs shall not exceed:
 2. Thirty feet for freestanding and roof signs on properties adjacent to Highways 101 or 20 that are located at least 125 feet from the center line of the highway and at least

- 76 feet from the center line of any other street.
2. Fifty feet or the width of the wall for wall sign horizontal dimension.
 3. Except as otherwise provided by this chapter, the maximum horizontal or vertical dimension of any display surface shall not exceed 20 feet.

10.10.100 Construction and Safety Requirements

All signs shall be well constructed in accordance with all applicable codes and requirements of law and shall be maintained in a safe, neat, and clean condition. Signs that are not in good repair or condition through deterioration or other reasons are prohibited and shall be either repaired or removed. If not repaired or removed by the owner, signs that are not in good repair or condition may be abated as authorized by this code.

10.10.105 Dangerous and Abandoned Signs

- A. Any sign or structure that is a nuisance or a dangerous structure may be abated as provided by city ordinances governing nuisances and dangerous structures. If the city manager or building official determines that any sign or sign structure constitutes an immediate threat, danger, or hazard to life, health, or property, the city manager or building official take any action necessary to immediately abate the risk, pursuant to the police power of the City of Newport and without prior notice.
- B. Any sign that has been abandoned or reasonably appears to be abandoned constitutes a hazard and may be abated as provided in Subsection A.

10.10.110 Removal of Signs in Rights-of-Way

Any unauthorized sign in a public right-of-way may be removed immediately without notice by the city and removed to a place of storage. A notice of removal shall be sent to any owner of the sign known to the city, notifying the owner that the sign will be destroyed unless the owner claims the sign within 20 days of the notice. If the owner is unknown to the city, no notice is required and the sign may be destroyed if unclaimed after 20 days from the date of removal. No sign removed from the right-of-way shall be returned to the owner

unless the owner pays a removal fee to the city in an amount set by Council resolution. If the city reasonably estimates the value of the sign materials to be less than \$10.00, the city may immediately dispose of any sign left in the right-of-way without notice.

10.10.115 Remedies

A sign erected or maintained in violation of this chapter is a nuisance and a civil infraction. The city may pursue any one or more of the legal, equitable administrative and self-help remedies legally available to it. All remedies of the city, both as a governmental body and otherwise are cumulative.

10.10.120 Nonconforming Signs

- A. The purpose of this section is to discourage nonconforming signs and to work toward eliminating or removing nonconforming signs or bringing them into conformity with this chapter. Nonconforming signs shall not be enlarged, expanded or extended, nor used as grounds for adding other structures or signs otherwise prohibited.
- B. A nonconforming sign may not be altered as to size, message, or construction, except that common and ordinary maintenance to maintain the sign in a good and safe condition is allowed, including incidental structural repair or replacement.
- C. If a nonconforming sign is damaged or destroyed by any cause including normal deterioration to the extent that the cost of repair shall exceed 50% of the replacement value of the sign, the sign may not be repaired or restored, and may be replaced only by a sign conforming to the provisions of this chapter.

10.10.125 Content and Interpretation

This chapter and Chapter 10.15 do not regulate the content of signs and shall be interpreted as not regulating content. These chapters shall be interpreted if at all possible to be consistent with constitutional protection of expression, and any provision that unconstitutionally restricts expression shall not be enforced, and the remainder of the provisions shall continue to be applicable and shall be applied constitutionally.

10.10.130 Variance Requirements

Any person may seek a variance to the numerical provisions of this chapter or of Chapter 10.15 by filing a written application. The procedure and process applicable to zoning adjustments and variances (including but not limited to the notification process, public hearing process, conditions of approval, time limitations, and revocation of permits as applicable for the type of adjustment or variance requested) shall be followed. The fee shall be the same as for a zoning adjustment or variance. The criteria for the sign variance shall be as specified below. In addition to the requirements for submitting a zoning adjustment or variance, a sign inventory including the location, type, and size of each sign on the property shall be submitted with the application.

- A. All sign variance applications that propose to increase the number or size of signs or propose a variance from any other numerical standard shall be determined by the Planning Commission using the zoning Type III Variance procedure, based on a determination that the proposed variance is the minimum necessary to alleviate special hardships or practical difficulties faced by the applicant and that are beyond the control of the applicant.
- B. All sign variance applications based on a change in a sign or signs that decreases but does not eliminate an existing nonconformity shall be determined by the community development (planning) director using a Type I Adjustment procedure, based on a determination that the proposal will result in a reduction of the nonconformity without increasing any aspect of nonconformity.

10.10.135 Violations

A violation of this chapter or of Chapter 10.15 is a civil infraction, with a civil penalty not to exceed \$500. The penalty for a second or subsequent violation within two years may be up to \$1,000. A violation occurs on the date of the occurrence of the act constituting the violation. Each violation is a separate infraction, and each day in which a violation occurs or continues is a separate infraction.

(Chapter 10.10 was enacted by Ordinance No. 2037 on May 21, 2012; effective June 20, 2012.)