



CITY COUNCIL AND LOCAL CONTRACT REVIEW BOARD MEETING AGENDA
Tuesday, February 17, 2015 - 6:00 P.M.
Council Chambers

The meetings of the Newport City Council and the Local Contract Review Board will be held on Tuesday, February 17, 2015, at 6:00 P.M. The meetings will be held in the Council Chambers of the Newport City Hall, located at 169 S.W. Coast Highway, Newport, Oregon 97365. A copy of the 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 at 541.574.0613.

The City Council 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.

CITY COUNCIL MEETING AGENDA
Tuesday, February 17, 2015
Council Chambers

Anyone wishing to speak at a Public Hearing or on an agenda item should complete a Public Comment Form and give it to the City Recorder. Public Comment Forms are located at the entrance to the City Council Chambers. Anyone commenting on a subject not on the agenda will be called upon during the Public Comment section of the agenda. Comments pertaining to specific agenda items will be taken at the time the matter is discussed by the City Council.

- I. Pledge of Allegiance**
- II. Call to Order and Roll Call**
- III. Public Comment**
This is an opportunity for members of the audience to bring to the Council's attention any item not listed on the agenda. Comments will be limited to three (3) minutes per person with a maximum of 15 minutes for all items. Speakers may not yield their time to others

IV. Proclamations, Presentations, and Special Recognitions

Any formal proclamations or recognitions by the Mayor and Council can be placed in this section. Brief presentations to the City Council of five minutes or less are also included in this part of the agenda.

- A. Presentation from Oregon State Library to Newport Library for their Outstanding Children's Summer Reading Program
- B. Police Officer Oath of Office

V. Consent Calendar

The consent calendar consists of items of a repeating or routine nature considered under a single action. Any Councilor may have an item on the consent agenda removed and considered separately on request.

- A. Approval of City Council Minutes from Joint City Council and Planning Commission Work Session of January 12, 2015; Special Meeting of February 2, 2015, Executive Session of February 2, 2015, and Regular Meeting of February 2, 2015 (Hawker)
- B. Approval of a Recommendation to the Oregon Liquor Control Commission (OLCC) to Grant a Limited on-Premises Sales New Outlet Liquor License for Flashbacks Fountain and Grill.
- C. Approval of a Recommendation to the Oregon Liquor Control Commission (OLCC) to Grant a Full On-Premise Sale Liquor License Due to Increase in Privileges for Green Gables B & B/Italian Cafe.
- D. Confirmation of Mayor's Appointments to:
 - 1. Destination Newport Committee of David Heater for a Term Expiring 12/31/15.
 - 2. Airport Committee of Gary E. Baker for a Term Expiring 12/31/15.

VI. Public Hearing

This is an opportunity for members of the audience to provide testimony/comments on the specific issue being considered by the City Council. Comments will be limited to three (3) minutes per person.

- A. Public Hearing to Consider a Petition to Vacate Portions of NW 17th and NW 18th Streets
- B. Public Hearing and Possible Adoption of Ordinance No. 2076 Amending the Housing Element of the Newport Comprehensive Plan
- C. Public Hearing and Possible Adoption of Resolution No. 3704 - Supplemental Budget for 2014-15

VII. LOCAL CONTRACT REVIEW BOARD MEETING AGENDA
Tuesday, February 17, 2015
City Council Chambers

- A. Call to Order
- B. Authorization to Purchase 3 Vertical Turbine High Service Pumps and 3 Check Valves for the Siletz River Raw Water Intake Station
- C. Adjournment

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- VIII. **Report from Mayor and Council**
This section of the agenda is where the Mayor and Council can report any activities or discuss issues of concern.
- IX. **Public Comment**
This is an additional opportunity for members of the audience to provide public comment. Comments will be limited to five (5) minutes per person with a maximum of 15 minutes for all items. Speakers may not yield their time to others.
- X. **Adjournment**

January 12, 2015
Noon
Newport, Oregon

The City Council and the Planning Commission of the City of Newport met in a joint Work Session, on the above date, in Conference Room A of the Newport City Hall. In attendance from the City Council were Roumagoux, Busby, Swanson, Sawyer, Allen, and Engler. Saelens was excused. In attendance from the Planning Commission were Patrick, Croteau, Berman, Branigan, East, Franklin, and Hardy.

Staff attending was as follows: City Manager Nebel, City Recorder Hawker, Community Development Director Tokos, and Community Development Executive Assistant Haney.

DISCUSSION REGARDING THE PUBLIC PROCESS FOR THE POSSIBLE FORMATION OF A NORTH SIDE URBAN RENEWAL AGENCY

Nebel reported that Tokos has been working on the next steps that are necessary for the City Council to consider the possible creation of a new North Side Urban Renewal District. He stated that if a decision is made to move forward with a new North Side Urban Renewal District, it would be important to determine a general boundary and maximum debt level to be used as guidelines in the development of the plan.

Nebel reported that he and Tokos have met with most of the other taxing entities to brief them on the general parameters and alternatives that the City Council and Planning Commission are considering. He added that generally, the other taxing entities understand the need for redeveloping this critical area of the city, but also want a clear understanding of the financial impact that the district would have on their tax base. He stated that there was discussion regarding some of the projects that would be included as part of the redevelopment plan, and the hospital expressed concern related to the potential couplet in the City Center.

Nebel reported that there has also been discussion as to whether a separate Urban Renewal Agency should be created independent of the Council; whether the Council remain the Urban Renewal Agency utilizing an existing committee or commission as an advisory body to the Council, such as the Planning Commission; or whether a separate new advisory body should be created to advise the Council on urban renewal issues. He added that if there is consensus on moving forward with a new North Side Urban Renewal District, it is the intent to schedule consideration of initiating this process at the March 2, 2015 City Council meeting. He noted that this will provide an opportunity for the affected tax entities to weigh in on alternatives outlined in the feasibility study. He noted that Council would be asked to establish a task force to develop the plan, and that based on the schedule developed by Tokos, if steps proceed, public hearings could be held before the Planning Commission and the City Council in August and September of 2015, prior to consideration of adopting an ordinance that would establish a new North Side Urban Renewal District.

Nebel reported that Tokos will discuss salient points needed to allow Council to provide direction to staff on how it wishes to proceed with this issue.

Tokos presented a brief review of outreach conducted to date, including the feasibility study that was completed in March of 2014, and the meetings with affected taxing entities, Yaquina Bay Economic Foundation, and the Greater Newport Chamber of Commerce. He reviewed the maps and proposed project list that was included in the packet.

Tokos reviewed the tables, included in the packet, containing the potential impacts to the taxing entities.

Tokos presented an overview of the key components of an urban renewal plan, including: the map and legal description of the proposed plan boundary(ies); an explanation of the physical, social, and economic conditions in the plan area that warrant the creation of an urban renewal district, and how the proposed plan will improve those conditions; a brief description of potential urban renewal projects, including a phasing plan with estimated project completion dates, and a discussion regarding staffing the potential district; a cursory review of potential maximum levels of indebtedness; a breakdown of how the ad valorem taxes would be divided to fund the district, including a debt retirement schedule and detailed financial impact statement estimating the impact to the affected taxing entities; a review of the types of future changes to the plan that would constitute a substantial amendment; an explanation of the process for adopting a new urban renewal plan; and a discussion of options for creating a structure to support two urban renewal districts.

Busby expressed concern as to whether the city could afford a new urban renewal district as it is currently outspending its revenues. He noted that it would be useful to have an analysis on how the city could afford a new district before a decision is made on whether to form a new district. Tokos noted that the city will experience growth, and an urban renewal district is a way to catalyze the growth.

Allen noted that the city had a north side urban renewal district at one time, and that most of the proposed options include the same areas. He suggested looking at areas that were not included in the previous north side district.

Engler asked whether a couplet decision has been made or whether it would be looked at as a part of the development of the plan. Tokos reported that the couplet is a part of the Transportation System Plan. He added that the proposed projects are not final and can be refined by the task force moving forward. He noted that the projects must be consistent with the Comprehensive Plan. Allen noted that it is easier to revise projects than to add new projects.

Allen asked about the length of time for a new district. Tokos reported that the duration varies by option, but the medium scenario is the shortest duration. Allen asked whether there was a reference in the statutes regarding the creation of a task force that could be utilized in developing the plan.

Tokos noted that staff is seeking guidance regarding the composition of the task force. It was suggested that a representative of the Armory be a member of the task force. Allen noted that the idea of creating a task force to help develop the plan originated with staff. He asked whether an advisory committee would be useful once the plan has been developed.

Tokos reviewed the potential schedule for the development and adoption of a plan. It was suggested that each of the affected taxing entities have a representative on the group developing the plan.

Both the Planning Commission and City Council agreed that it is a good idea to move forward with the creation of a new north side district. Nebel asked what geographic option makes the most sense, and it was agreed that preliminarily, the largest boundary is a good starting point.

A discussion ensued regarding an advisory group to the Urban Renewal Agency, and it was suggested that the Planning Commission fulfill this function. Patrick raised the issue of checks and balances. It was suggested that if a task force is developed to create the plan, it could weigh in on the ongoing advisory committee.

It was the consensus of the groups that the City Council continue to act as the Urban Renewal Agency.

Having no further business, the meeting adjourned at 1:27 P.M.

February 2, 2015
5:15 P.M.
Newport, Oregon

The City Council of the City of Newport met in a special meeting, on the above date, in the City Council Chambers of the Newport City Hall. On roll call, Swanson, Sawyer, Busby, Engler, Roumagoux, and Allen. Saelens was excused.

Staff attending was as follows: City Manager Nebel, City Recorder Hawker, Community Development Director Tokos, and Fire Chief Murphy.

During the course of a special City Council meeting, MOTION was made by Busby, seconded by Allen, to amend the agenda to include an executive session pursuant to ORS 192.660(2)(e) to discuss real property transactions. The motion carried unanimously in a voice vote.

MOTION was made by Busby, seconded by Sawyer, to enter executive session pursuant to ORS 192.660(2)(d) for labor negotiator consultations; and ORS 192.660(2)(e) to discuss real property transactions. The motion carried unanimously in a voice vote.

Roumagoux read the executive session rules of engagement, and Council entered executive session at 5:17 P.M.

Margaret M. Hawker, City Recorder

Sandra N. Roumagoux, Mayor

February 2, 2015
7:00 P.M.
Newport, Oregon

The City Council of the City of Newport met on the above date in the Council Chambers of the Newport City Hall. On roll call, Allen, Roumagoux, Swanson, Sawyer, Engler, and Busby were present.

Staff present was City Manager Nebel, City Recorder Hawker, City Attorney Rich, Community Development Director Tokos, Finance Director Murzynsky, Fire Chief Murphy, Public Works Director Gross, Parks and Recreation Director Protiva, and Police Chief Miranda.

PLEDGE OF ALLEGIANCE

Council, staff, and the audience participated in the Pledge of Allegiance.

PUBLIC COMMENT

Rex Capri addressed Council regarding the partial street vacation hearing that will occur at the February 17, 2015 City Council meeting. He asked that the Mayor and City Council visit the site prior to reading the Planning Commission's recommendation. A discussion ensued regarding ex parte contact, and Rich noted that there is nothing wrong with a site visit on a vacation, but that it could be problematic if Council received a briefing from one side of the issue. It was noted that the applicant will have the opportunity to speak to the staff report at the hearing. Nebel added that the applicant can provide information for inclusion in the Council packets.

PROCLAMATIONS, PRESENTATIONS, AND SPECIAL RECOGNITIONS

Oath of Office of Rob Murphy - Fire Chief. Hawker administered the oath of office to Fire Chief Rob Murphy. Murphy's wife, Judy, pinned the Chief's badge onto his uniform, and Murphy introduced his family in attendance.

CONSENT CALENDAR

The consent calendar consisted of the following item:

- A. Approval of City Council minutes from the regular meeting of January 20, 2015, and the joint meeting with the Lincoln County Commissioners of January 21, 2015.

MOTION was made by Allen, seconded by Sawyer, to approve the consent calendar with the changes to the minutes as noted by Allen. The motion carried unanimously in a voice vote.

It was noted that interviews for the Budget Committee vacancy will be held at a work session prior to the next meeting. Allen requested that the application process remain open, and that Council interview the additional applicants if there are any.

COMMUNICATIONS

From the Destination Newport Committee - Recommendation for Awarding a Tourism Marketing Grant for the 2015 Coast Hills Classic Mountain Bike Race. Hawker introduced the agenda item. Nebel reported that at the November 20, 2014, Destination Newport Committee Meeting, the Committee recommended that Council authorize a \$2,000 tourism marketing grant for use by the City of Newport Parks and Recreation Department for promotion of the 2015 Coast Hills Classic Mountain Bike Race. He added that this will be the second year of funding to help promote this event. He stated that it is estimated that about a 1,000 visitors will be brought to the city for this event which is scheduled for Sunday, May 3, 2015, as staff has been marketing the event throughout the state.

MOTION was made by Sawyer, seconded by Busby, to approve the tourism marketing grant request for the amount of \$2,000 from the City of Newport Parks and Recreation Department for assistance with marketing and advertising of the 2015 Coast Hills Classic Mountain Bike Race to be held on Sunday, May 3, 2015. The motion carried unanimously in a voice vote.

CITY MANAGER REPORT

Status Report on Financial Reports for the First Six Months of the 2014/2015 Fiscal Year. Hawker introduced the agenda item. Nebel reported that Murzynsky and the Finance Department staff have prepared a financial report reflecting the revenues and expenditures for the first six months of the fiscal year through December 31, 2014. He stated that as staff develops a regular template for this report, we can fine tune the information that the City Council would like to see on a quarterly basis as it relates to the city's financial activity. He noted that the report contained in the packet is summarized by departmental totals and if revenues and expenditures flow evenly through the course of the year the revenues and expenditures should be at or near 50% of the budgeted amounts. He stated that this can vary significantly for funds such as debt retirement funds where payments and or receipt of funds may occur in a lump sum either early or late in the fiscal year. He added that there are some funds that are affected differently over the course of the season.

Nebel asked that Council communicate any questions on any of the revenues or expenditures recorded to date. He stated that staff anticipates having a budget amendment for consideration by the Council at the February 17 City Council meeting that will address a number of variances that have occurred through the course of the year including the creation of a City Attorney cost center. He added that the Finance Department has worked hard to ensure that the financial records are reflecting costs fairly through making sure journal entries are accomplished on a regular basis, and costs related to that time period are being posted in a timely way so that the financial reports are not distorted. He noted that it is important for the Council to review the financial status of the city on a regular basis through the course of the fiscal year. He stated that at this point, staff is proposing a quarterly review, however the review could be on a more

frequent basis if desired by the Council. He asked for Council thoughts on this format and the level of detail provided in the report contained in the packet. Council appreciated the information.

Participation in City Day at the Capitol on February 26, 2015. Hawker introduced the agenda item. Nebel reported that the League of Oregon Cities and the Oregon Mayors Association sponsors “City Day at the Capitol” to raise and address various municipal concerns related to legislative issues that cities will face in the future. He stated that these issues include property tax reform, transportation funding, medical marijuana regulation, protecting city right-of-way authority, and increasing mental health resources. He added that municipalities are encouraged to set up individual visits with legislators from 1:15 P.M. to 4:15 P.M., and to participate in a legislative reception to be held at Salem Convention Center from 4:30 P.M. to 6:30 P.M. He noted that the League asks that cities extend invitations to their legislators to participate in this reception. He added that if any Councilors are interested in participating, to let Hawker know so that she can submit registrations and set up appointments with legislators. He stated that it would certainly be beneficial if there is a delegation of Council members interested in participating in this day. He added that specific legislative priorities impacting the city could be addressed in order to prepare for meetings with legislators. He noted that February 26, 2015 is the first day of his vacation, so he will be unable to participate in this year’s “City Day at the Capitol.” He added that he would like to prepare a working paper to look at specific issues that are of concern to Council and staff. He stated that this is also a great opportunity to connect with other officials from across the state.

From the Newport Police Department - Annual SB111 Briefing on the Use of Deadly Force. Hawker introduced the agenda item. Miranda reported that the use of deadly physical force by law enforcement personnel is a matter of critical concern to the public and the law enforcement community. He stated that the purpose of a Deadly Force Plan is not to set the standards for the use of deadly force, or be a substitute for agency policy regarding the use of deadly force, but rather to provide a framework for a consistent response to an officer’s use of deadly physical force that treats the law enforcement officer fairly and promotes public confidence in the criminal justice system.

Miranda reported that in 2007, the legislature passed SB111 requiring each county to develop a deadly physical force plan. He stated the plan calls for the local Police Departments to annually educate members of the public and the media in the use of deadly force by law enforcement officers and the investigation of such incidents. Miranda showed a video regarding SB111 and the use of deadly force. He responded to Council questions.

Status Report on System Development Charges. Hawker introduced the agenda item. Nebel reported that at the December 1, 2014 City Council meeting, the Council approved a “cost of living” increase in the SDC charges that are assessed on new projects for the 2015 calendar year in accordance with the resolution governing SDC charges. He stated that at that time, Council requested a report and discussion on the impact that Systems Development Charges have on development and on the long-term finances for the citizens. He noted that while staff had planned to schedule this as a work session, due to

the relatively light agenda for the February 2 Council meeting, it has been incorporated as part of the regular meeting.

Tokos made a PowerPoint presentation regarding SDC's that included: purpose; definition of SDC's; definition of capital improvement; improvement versus reimbursement fee; methodology required; the city's history of SDC assessments; authorized expenditures; determining the amount of an SDC fee; determining the eligibility of capital projects for SDC assessments; what triggers an SDC assessment; SDC collections by fiscal year; SDC collections by type; comparison of fees for new single family construction; SDC collections heavily influenced by large projects; comparison of SDC eligible projects and collections by construction type; collections versus expenditures; beginning fund balances; significant SDC funded projects; actual versus projected funding need; why collections are off; growth projections; percentage of SDC eligible projects receiving credits; SDC credits; the impact of the methodology on restaurants relative to other commercial development; amending SDC's; and recommendations. Allen noted that he would be interesting in comparing similar business expansions and the methodology used in Lincoln City. Tokos noted that the methodology could be updated to fine tune the commercial ratios and allow a clean-up of the project list. Nebel noted that this issue will be discussed in the upcoming budget.

MAYOR AND COUNCIL REPORTS

Roumagoux reported that she met with Rich on January 22, and that she appreciates his open door policy.

Roumagoux reported that she and Bill Hall attended a lunch meeting on January 27 regarding the expansion of the OSU campus at the Hatfield Marine Science Center.

Roumagoux reported that she attended a YBEF meeting, on January 28, where Bob Cowen, HMSC Director, talked about the campus expansion.

Roumagoux reported that she attended the quarterly ODOT meeting on January 29. She noted that there was a discussion regarding funding for highway maintenance.

Roumagoux reported that she met with the Lincoln County Mayors on January 30, in Yachats, and that the new Mayors were in attendance.

Roumagoux reported that she attended the Samaritan House tea on January 31.

Roumagoux reported that she attended an event at the Visual Arts Center.

Sawyer reported that he had also met with Rich.

Swanson reported that the Senior Advisory Committee met with John Baker.

Swanson reported that she attended a meeting of the city's Emergency Management Committee. She noted that one of the discussions focused on having name badges for employees.

Swanson reported that she participated in a City Center Newport Association tour of The Ark.

Swanson reported that she attended a meeting of the ad hoc Sister City Committee, which is looking forward to the 50th anniversary of the Sister City relationship.

Swanson reported that she attended a meeting of the Public Safety Coordinating Council. She noted that a discussion ensued regarding the connection between mental health and homeless housing.

Swanson reported that she had talked with Fire Captain Helmricks who offered to teach a special class for the City Council on the work of the Fire Department.

Swanson reported that she believes that the length of time for work sessions is insufficient.

Busby reported that he attended a recent CWACT meeting at which funding for transportation was discussed. He added that there will be a ConnectOregon grant program this year. He noted that the group is looking for members to serve on its executive committee.

Busby reported that he had also met with Rich.

Busby reported that he attended a recent meeting of the Port of Newport. He noted that the Port has officially cancelled construction of its administrative headquarters; evaluated its general manager; and announced that Teevin Brothers has no definite plans to go forward with the log exporting operation, but plans to keep its permits and approvals in place.

Engler reported that she attended the recent LOC "Elected Essentials" workshop, and added that the LOC plans to place the session hand-outs on its website.

Engler reported that she also met with Rich.

Engler reported that she had registered for MindMixer earlier today.

Allen reported that he had met with Rich during the interview process, and had also talked, with Rich, about ordinances separate from the meetings with the Councilors.

Allen reported that he attended an OCZMA meeting on January 23. He added that he had sent the meeting materials to Council. He stated that Representative Gomberg and Senator Roblan attended the meeting and gave a legislative update. He added that Gabrielle Goldfarb, of the Governor's Office, and Brett Brownscombe, of ODF&W were also in attendance. He noted that Senator Roblan and Representative Gomberg had read about the HMSC capacity issues, and that by way of explanation, he had forwarded Tokos' e-mail that he had sent to Cowen. He added that this was an issue-oriented meeting with discussion on ocean renewable energy. He noted that several bills are being proposed and he will update Council regarding the status of these bills.

Allen reported that he had attended a meeting of the Retirement Board of Trustees at which Nebel provided documentation to the Board regarding its responsibilities, City Council responsibilities, and staff responsibilities. He noted that the defined benefit plan is about 85% funded, and that Nebel will present a formal report to the City Council. Nebel reported that he believes there is an understanding of the roles of the current Trust that is investing the pension funds. He noted that there is a pension board on the books that no longer exists and no longer has a role. He added that he will be working on a simpler explanation of the various roles that will become a part of an overall policy. He stated that the defined benefit has also made a good recovery, and that pension investments are doing well. He noted that in 2012, the city eliminated new members from the defined benefit portion of the plan, so the number of covered employees will continue to shrink until everyone in the plan has retired. Allen noted that the quarterly investment report is from West Coast even though Columbia is the overarching organization. He added that West Coast has been on board since 2007 when, previous to that time, insurance contracts were used as investments. He stated that the city is now using professional investors for consistency with market conditions.

Nebel reported that staff is working with the Oregon Government Ethics Commission to present a training in Newport. Council agreed that February 20 would work followed by a Council orientation session. Engler reported that she has not received the last part of her orientation which is the tour. Nebel noted that staff would try to schedule this before

the end of the month, and Engler stated that she would especially like a tour of city-owned property in the downtown area.

ADJOURNMENT

Having no further business, the meeting adjourned at 8:17 P.M.

Margaret M. Hawker, City Recorder

Sandra N. Roumagoux, Mayor

CITY MANAGER'S REPORT AND RECOMMENDATIONS



Agenda #: V.B.
Meeting Date: February 17, 2015

Agenda Item:

Authorization of a Favorable Recommendation for a "Limited On-Premise Sales" License as New Outlet for Flashbacks Fountain and Grill Located at 1255 N Coast Highway

Background:

Flashbacks Fountain and Grill has applied to the Oregon Liquor Control Commission (OLCC) for a "Limited On-Premise Sales" as a new outlet. This new license allows the applicant to sell wine, malt beverages, and cider by the drink for on premise consumption except that partially consumed bottles of wine having been served with the meal may be taken from the premises. The Police Department recommends a favorable recommendation be issued by the City Council to the OLCC.

Recommended Action:

I recommend that the City Council approve the consent calendar which includes a favorable recommendation to the Oregon Liquor Control Commission for the issuance for a "limited on-premise sales" license as a new outlet to Flashbacks Fountain and Grill on at 1255 N Coast Highway.

Fiscal Effects:

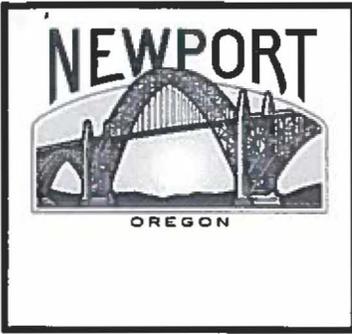
None directly by this action. The city does receive a fee for each OLCC license in the city.

Alternatives:

Issue an unfavorable recommendation to the OLCC.

Respectfully Submitted,

Spencer R. Nebel
City Manager



Agenda Item # _____
Meeting Date _____

CITY COUNCIL AGENDA ITEM SUMMARY
City Of Newport, Oregon

Issue/Agenda Title OLCC License Approval

Prepared By: Newport Police Dept Head Approval: Chief Mark J. Miranda  City Mgr Approval: _____

Issue Before the Council:

Shall the City Council recommend approval of the liquor license application for Flashbacks Fountain and Grill?

Staff Recommendation:

The Police Department recommends favorable action by the City Council

Proposed Motion:

Handled as a consent calendar item

Key Facts and Information Summary:

Flashbacks Fountain and Grill, 1255 North Coast Highway, has made application to the Oregon Liquor Control Commission for a "Limited On-Premises Sales" license as a new outlet. Such a license allows for the applicant to sell wine, malt beverages and cider 'by the drink.' These beverages must be consumed on the premises. Partially consumed bottles of wine that had been served with a meal may also be taken from the premises.

A background check of the applicant revealed no disqualifying information. Flashbacks is located on the west side of North Coast Highway, across from McDonalds. It is in the location previously occupied by the Galley Ho restaurant and Las Cabanas nightclub. There have been four police calls to this address within the last year. One was for vandalism to the building, and three for theft by an employee.

ORS 471.166 requires an applicant to obtain a recommendation from the local governing body in the city where the business is located. The City Council may make a "Favorable Recommendation" or an "Unfavorable Recommendation" to OLCC. The Commission will then decide if granting a license is appropriate.

Other Alternatives Considered:

Not applicable.

City Council Goals:

Public Safety related.

Attachment List:
License Application

Fiscal Notes:
There is no fiscal impact on the City other than time to process the application





OREGON LIQUOR CONTROL COMMISSION LIQUOR LICENSE APPLICATION

Reset Form

Print Form

Application is being made for:

LICENSE TYPES

- Full On-Premises Sales (\$402.60/yr)
 - Commercial Establishment
 - Caterer
 - Passenger Carrier
 - Other Public Location
 - Private Club
- Limited On-Premises Sales (\$202.60/yr)
- Off-Premises Sales (\$100/yr)
 - with Fuel Pumps
- Brewery Public House (\$252.60)
- Winery (\$250/yr)
- Other: _____

ACTIONS

- Change Ownership
- New Outlet
- Greater Privilege
- Additional Privilege
- Other _____

RECEIVED
JAN 27 2015
NEWPORT POLICE

90-DAY AUTHORITY

Check here if you are applying for a change of ownership at a business that has a current liquor license, or if you are applying for an Off-Premises Sales license and are requesting a 90-Day Temporary Authority

APPLYING AS:

- Limited Partnership
- Corporation
- Limited Liability Company
- Individuals

CITY AND COUNTY USE ONLY

Date application received: 1/27/15

The City Council or County Commission:

(name of city or county)

recommends that this license be:

- Granted
- Denied

By: _____
(signature) (date)

Name: _____

Title: _____

OLCC USE ONLY

Application Rec'd by: Jah

Date: 1-27-15

90-day authority: Yes No

1. Entity or Individuals applying for the license: [See SECTION 1 of the Guide]

① JEG III, Inc. ③ -

② - ④ -

2. Trade Name (dba): Flashbacks Fountain and Grill

3. Business Location: 1255 N. Coast Hwy, Newport, Lincoln Co, OR 97365
(number, street, rural route) (city) (county) (state) (ZIP code)

4. Business Mailing Address: PO Box 2227, Newport, OR 97365
(PO box, number, street, rural route) (city) (state) (ZIP code)

5. Business Numbers: (541) 574-1955 (541) 574-1951
(phone) (fax)

6. Is the business at this location currently licensed by OLCC? Yes No

7. If yes to whom: - Type of License: -

8. Former Business Name: -

9. Will you have a manager? Yes No Name: Sharon Gordon
(manager must fill out an Individual History form)

10. What is the local governing body where your business is located? Newport, OR
(name of city or county)

11. Contact person for this application: Sharon Gordon (541) 574-1955 (after 11am)
(name) (phone number(s))
1255 N. Coast Hwy, Newport, OR 97365 sharon-james@hotmail.com
(address) (fax number) (e-mail address)

I understand that if my answers are not true and complete, the OLCC may deny my license application.

Applicant(s) Signature(s) and Date:

① Sharon Gordon Date 1-20-15 ⑤ - Date _____

② James E. Gordon Date 1-20-15 ④ - Date _____

CITY MANAGER'S REPORT AND RECOMMENDATIONS



Agenda #: V.C.
Meeting Date: February 17, 2015

Agenda Item:

Authorization of a Favorable Recommendation for a "Full On-Premise Sales" License. Due to an Increase of Privileges for Green Gables B&B/Italian Café located at 156 SW Coast Street

Background:

Green Gables B&B/Italian Café, currently holds a limited on-premise license which allows for the sale of wine and beer, has applied to the Oregon Liquor Control Commission (OLCC) to expand this license to allow for the sale of distilled liquor to be consumed on the premises. The Police Department has reviewed the application and recommends favorable consideration by the City Council.

Recommended Action:

I recommend that the City Council approve the consent calendar which includes a favorable recommendation to the Oregon Liquor Control Commission for the issuance for a "full on-premise sales" license due to an increase of privileges for the Green Gable B&B/Italian Café located at 156 SW Coast Street.

Fiscal Effects:

None directly by this action. The city does receive a fee for each OLCC license that occurs in the city.

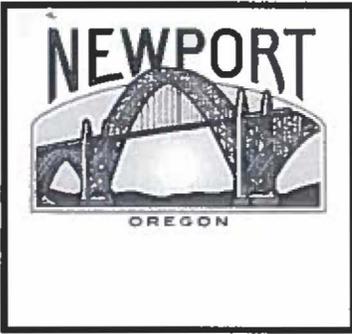
Alternatives:

Issue an unfavorable recommendation to the OLCC.

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read "S. Nebel".

Spencer R. Nebel
City Manager



Agenda Item # _____
Meeting Date _____

CITY COUNCIL AGENDA ITEM SUMMARY
City Of Newport, Oregon

Issue/Agenda Title OLCC License Approval

Prepared By: Newport Police Dept Head Approval: Chief Mark J. Miranda  City Mgr Approval: _____

Issue Before the Council:

Shall the City Council recommend approval of the liquor license application for Green Gables B&B / Italian Café?

Staff Recommendation:

The Police Department recommends favorable action by the City Council

Proposed Motion:

Handled as a consent calendar item

Key Facts and Information Summary:

Green Gables B&B / Italian Café, 156 SW Coast Street, has made application to the Oregon Liquor Control Commission for a "Full On-Premises Sales" license due to an increase of privileges. Such a license allows for the applicant to sell 'by the drink' wine, malt beverages, cider and distilled liquor. These beverages must be consumed on the premises. Partially consumed bottles of wine that had been served with a meal may also be taken from the premises.

A background check of the applicant revealed no disqualifying information. Green Gables is located in the Nye Beach area, on the north/west corner of SW Coast Street and SW 2nd Street. There have been eight police calls to the business within the last year. One call dealt with the theft of a sign. The rest of the calls involved an ongoing dispute with a neighbor.

ORS 471.166 requires an applicant to obtain a recommendation from the local governing body in the city where the business is located. The City Council may make a "Favorable Recommendation" or an "Unfavorable Recommendation" to OLCC. The Commission will then decide if granting a license is appropriate.

Other Alternatives Considered:

Not applicable.

City Council Goals:
Public Safety related.

Attachment List:
License Application

Fiscal Notes:
There is no fiscal impact on the City other than time to process the application





OREGON LIQUOR CONTROL COMMISSION LIQUOR LICENSE APPLICATION

Application is being made for:

LICENSE TYPES

- Full On-Premises Sales (\$402.60/yr)
- Commercial Establishment
- Caterer
- Passenger Carrier
- Other Public Location
- Private Club
- Limited On-Premises Sales (\$202.60/yr)
- Off-Premises Sales (\$100/yr)
 - with Fuel Pumps
- Brewery Public House (\$252.60)
- Winery (\$250/yr)
- Other: _____

ACTIONS

- Change Ownership
- New Outlet
- Greater Privilege
- Additional Privilege
- Other _____



90-DAY AUTHORITY

Check here if you are applying for a change of ownership at a business that has a current liquor license, or if you are applying for an Off-Premises Sales license and are requesting a 90-Day Temporary Authority

APPLYING AS:

- Limited Partnership
- Corporation
- Limited Liability Company
- Individuals

CITY AND COUNTY USE ONLY

Date application received: 2/2/15

The City Council or County Commission:

(name of city or county)

recommends that this license be:

- Granted
- Denied

By: _____
(signature) (date)

Name: _____

Title: _____

OLCC USE ONLY

Application Rec'd by: AC

Date: 02-30-14

90-day authority: Yes No

1. Entity or individuals applying for the license: [See SECTION 1 of the Guide]

① Green Gables B&B LLC ③ _____

② _____ ④ _____

2. Trade Name (dba): Green Gables Italian Cafe ~~SEA/Italian Cafe~~ OK

3. Business Location: 156 SW Coast St. Newport, Lincoln Oregon 97365
(number, street, rural route) (city) (county) (state) (ZIP code)

4. Business Mailing Address: 156 SW Coast St. Newport OR 97365
(PO box, number, street, rural route) (city) (state) (ZIP code)

5. Business Numbers: 541-574-0986 None
(phone) (fax)

6. Is the business at this location currently licensed by OLCC? Yes No

7. If yes to whom: Green Gables B&B LLC Type of License: Limited on premises

8. Former Business Name: Green Gables B&B/Italian Cafe

9. Will you have a manager? Yes No Name: Rhonda Campola
(manager must fill out an Individual History form)

10. What is the local governing body where your business is located? Newport, Lincoln
(name of city or county)

11. Contact person for this application: Rhonda M. Campola 541-574-0986
(name) (phone number(s))
156 SW Coast St, Newport, OR 97365 none gngables7@aol.com
(address) (fax number) (e-mail address)

I understand that if my answers are not true and complete, the OLCC may deny my license application.

Applicant(s) Signature(s) and Date:

① Rhonda M. Campola Date 5-20-14 ③ _____ Date _____

② _____ Date _____ ④ _____ Date _____

CITY MANAGER'S REPORT AND RECOMMENDATIONS



Agenda #: V.D.
Meeting Date: February 17, 2015

Agenda Item:

Confirmation of Mayor's Appointments to the Destination Newport Committee for David Heater for a Term Expiring 12/31/15 and to the Airport Committee of Gary E. Baker for a Term Expiring 12/31/15.

Background:

The City Council is being requested to confirm the Mayor's appointments to the Destination Newport Committee and to the Airport Committee. Both appointments are recommended by the committees to the Mayor for consideration for appointment. The terms for both of the appointments will expire 12/31/15. Please note that Gary E. Baker will fill one of the two non-resident slots available on the Airport Committee. He will serve the balance of the term that was vacated by Thomas Knott earlier this year. There was one application for the Airport Committee and three applications for the Destination Newport Committee.

Recommended Action:

I recommend that the City Council confirm the appointment of David Heater to the Destination Newport Committee for a term expiring 12/31/15 and of Gary E. Baker to the Airport Committee for a term expiring 12/31/15 as part of the consent calendar.

Fiscal Effects:

None.

Alternatives:

The City Council can choose not to confirm the appointment or as suggested by the City Council.

Respectfully Submitted,

Spencer R. Nebel
City Manager

CITY OF NEWPORT

APPLICATION FOR COMMITTEE/COMMISSION/BOARD/TASK FORCE

Date: 01/26/15

Committee/Commission/Board/Task Force of Interest: Destination Newport

Name: David Heater

Address: Newport, Oregon 97365

Work Telephone: ()

Home Telephone: ()

E-Mail Address: ()

Occupation: General Manager, Business Owner

Employer: Mariner Enterprises

1. Why do you want to serve on this committee/commission/board/task force, and how do you believe you can add value? I believe tourism and the dollars it brings to Newport is vital to the health of our community. With my long time residency and business background my experience is fit for this committee.
2. What is a difficult decision you have made concerning issues of bias and/or issues of conflict of interest? Most (difficult) decisions can be considered an issue of bias and/or conflict. Decisions should be made based on what is right. That may be for individuals or for the company or community...it depends on the topic...but disagreement is usually the root cause for decision making in the first place.
3. Describe the process of how you make decisions: __I gather the facts, get input from professionals or others with expertise, consider and get input from those concerned or affected the most and then make a decision based on sound information and multiple inputs.
(over)
4. What do you think about consensus decision making? What does the consensus decision making process mean to you? __If consensus means always going with the majority opinion then, personally, in a business situation I would be against it...but...if by consensus you mean making decisions based on the common good, then, I would be in favor.

Cindy Breves

From: CommitteeApp@newportoregon.gov
Sent: Monday, October 06, 2014 7:40 PM
To: Cindy Breves; Peggy Hawker
Cc:
Subject: Committee Application

Application for City Council - Email Application

Date: 10/6/2014

Commission/Committee of Interest: Destination Newport Committee

Name: Donna Rudd

Address

Yachats, OR 97498

Workphone:

Homephone: - - - - -

Email: donna

Occupation: Regional Manager

Employer: Vacasa - Vacation Rentals

Why do you want to serve on this committee/commission/board/task force, and how do you believe you can add value? With 26 vacation rentals in Newport, I am interested in how to attract more visitors to the area and to promote Newport as a destination for longer periods of time, not just a couple of days.

What is a difficult decision you have made concerning issues of bias and/or issues of conflict of interest? I am a resident of Yachats. There is an ongoing discussion regarding capping the number of vacation rentals in this community. I see both sides. As a community member, I love this community and don't want it to become only a tourist town. I value the residents that volunteer with various agencies, the small town feel and the fact you know your neighbors. In the business of managing vacation rentals, it is in my best interest to promote that industry too. I can balance the two interest without conflict.

Describe the process of how you make decisions. I hear all sides, weigh the options and decide on the outcome that I believe is in the best interest of all.

What do you think about consensus decision making? What does the consensus decision making process mean to you? Consensus decision making allows for an acceptable resolution, one that can be supported, even if not the "favorite" of each individual.

Describe all other pertinent information/background for this position. I feel I understand the tourism industry and would hope to have some positive suggestions and input in to how to make a great Newport, an even better place to visit and stay and how to promote the city to the fullest.

Cindy Breves

From: CommitteeApp@newportoregon.gov
Sent: Wednesday, September 17, 2014 11:16 AM
To: Cindv Breves; Peqgy Hawker
Cc: 1
Subject: Committee Application

Application for City Council - Email Application

Date: 9/17/2014

Commission/Committee of Interest: Destination Newport Committee

Name: Dennis Moore

Address:

Seal Rock, OR 97376

Workphone:

Homephone: 5

Email: Info:

Occupation: Vacation property owner/ manager

Employer: Sealrockvacationhomes.com

Why do you want to serve on this committee/commission/board/task force, and how do you believe you can add value?

I have an extensive background in Marketing/Advertising as my prior carrier was a CMO/VP of Marketing for various large companies and at Advertising Agencies. I now have relocated full time for the past year and a half to Seal Rock after starting my business here 8 years ago. I believe I could help grow the tourist business for Newport based on this experience.

What is a difficult decision you have made concerning issues of bias and/or issues of conflict of interest? I have managed 26 people in my prior job and keeping an objective approach with the proper due diligence in conflicts is the best approach to finding a resolution.

Describe the process of how you make decisions. 1) research, 2) gather the facts 3) competitive analysis 4) interviews during the process 4) fact check.

What do you think about consensus decision making? What does the consensus decision making process mean to you? I have always been part of consensus decision making in my past positions. The consensus process provides the opportunity for greater input and insight into projects by providing a collective boarder view . The process can take longer with consensus so milestone dates should be included to keep projects on schedule .

Describe all other pertinent information/background for this position. I have a passion for the tourist business as an owner and a great affinity for Newport and the local area which would generate enthusiasm in my contribution.

Date: 1-26-15

Application
For
City of Newport
Committee Appointment

Which committee are you interested in serving on (list in priority order if you are interested in multiple committees): AIRPORT Committee

Name: GARY E. BAKER

Address: _____

Telephone Numbers: Cell: _____ Home: _____

E-Mail Address: _____

Occupation: OWNER/Principal of ENGINEERING, PROJECT Mngmnt. Co.

Employer: Eclectic Solutions LLC

(1) Why would you like to serve on a City of Newport committee?

To contribute to the betterment of the KONP
FOB.

(2) What is your educational and professional background?

BSEE CAL Poly, SAN Luis Obispo, 1991.
Twenty-three years in electrical engineering profession.
Ten years as business owner of consulting company.

(3) Have you ever served on a community committee? If so, what kind?

NO.

Continued on reverse . . .

(4) Do you agree with consensus decision making?

YES, My profession mandates working on design teams
collaborating on solutions.

(5) Are you willing to attend regularly scheduled meetings for the term of
appointment?

YES

(6) Would you make decisions based on the facts and standards even though
you may not agree with the ultimate decision?

YES, facts and standards are important in
the decision making process.

(7) Do you anticipate having any conflicts of interest, due to personal and/or
business relationships, that may disqualify you from making decisions?

NO

(8) List all other pertinent information/background for this position.

Recently took up flying & my son (16 yrs. old) and I
are actively taking flying lessons.

Recently purchased a box trailer and airplane @ the KOMP
Member of the newly formed Newport Flying Club. Airport.

Thank you in advance for your community spirit in offering to serve! Please
return to

City of Newport
City Manager's Office
169 SW Coast Highway
Newport, Oregon 97365
541.574.0613

Rev. 1/15

Agenda Item:

Public Hearing to Consider a Petition to Vacate Portions of NW 17th and NW 18th Streets

Background:

On January 26, 2015, the City of Newport Planning Commission held a public hearing to consider a petition requesting the vacation of portions of NW 17th and NW 18th Streets which was submitted by Rex and Theresa Capri. Mr. and Mrs. Capri applied to vacate one half of the right-of-way of 17th Street adjacent to lot 16, 17, and 18, in Block 8 of the Beach Park Addition, as well as one half of a 60-ft right-of-way on NW 18th Street adjacent to Lot 7, Block 8 of the Beach Park Addition. The vacation, if approved, would narrow the right-of-way width in these locations adjacent to Mr. and Mrs. Capri's property to 30 feet. Mr. Capri stated the purpose for the vacation would be to help preserve the area which consists of wooded canyons. Further, Mr. Capri emphasized the challenges the city would have in building a full width street within the existing right-of-way due to topography. The question in front of the Planning Commission was whether the public interest is best served by maintaining the right-of-way in its present condition or vacating the right-of-way and turning the land over to the adjacent property owner. In reviewing this request, the Planning Commission expressed concerns about conducting a partial vacation, the impact that it would have on existing utilities that are located in this area, and whether or not such vacation would impede emergency access by preventing future expansion or extension of the existing streets. It appears that the gravel roadways would continue to remain on the 30-ft section of right-of-way that would be retained by the city in front of Mr. and Mrs. Capri's property if the right-of-way is vacated; however, it does not appear that a survey has been performed to identify exactly where the new right-of-way line would be in relation to the existing roads and utilities. The Capri's were the only party that testified at the hearing. The Planning Commission focused on whether it was in the public interest for the Planning Commission to recommend this vacation go forward. Based on the Commission's evaluation of the requested vacation, it voted unanimously to recommend that the City Council deny the request for a partial street vacation as outlined in file no. 2-SV-14.

I would encourage the City Council to review the entire record of this decision in preparation for the public hearing. Since this is a quasi-judicial decision, the Council members should refrain from ex parte contact with Mr. and Mrs. Capri regarding their request that the city convey right-of-way to them by approving their vacation petition. Due to the quasi-judicial nature of this request, I will have Community Development Director Derrick Tokos provide an overview of the staff report for this agenda item, which is included in the Council agenda packet.

Recommended Action:

I recommend the Mayor conduct a public hearing on the request submitted by Rex and Theresa Capri for the proposed partial street vacation of the northern 30-ft wide portion of NW 17th Street abutting lots 16, 17, and 18, Block 8, Beach Park Addition and the southern 30-ft wide portion of NW 18th Street abutting lot 7, Block 8, Beach Park.

Following the Public Hearing, I further recommend that Council consider the following motion:

I move that the Council accept the Planning Commission's recommendation and deny the petition for the vacation of the northern 30-ft wide portion of NW 17th Street abutting lots 16, 17, and 18, Block 8, Beach Park Addition and the southern 30-ft wide portion of the NW 18th Street abutting lot 7, Block 8, Beach Park Addition since the public's interest is not served by vacating this public right-of-way and conveying it to the neighboring property owner.

Fiscal Effects:
None by this action.

Alternatives:
If the Council is inclined to proceed with a street vacation, then a motion will need to be made directing staff to prepare an ordinance vacating the rights-of-way for presentation at the March 2, 2015 City Council meeting, and with that ordinance the inclusion of a reservation of utility easements over the entire right-of-way area or as suggested by City Council.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "S. R. Nebel".

Spencer R. Nebel
City Manager



CITY COUNCIL AGENDA ITEM SUMMARY

City of Newport, Oregon

Issue/Agenda Title Public hearing to consider a petition by Rex and Theresa Capri to vacate portions of NW 17th Street and NW 18th Street

Prepared By: Derrick Tokos Dept Head Approval: DT City Mgr Approval:

ISSUE BEFORE THE COUNCIL: Consideration of whether or not it is in the public interest for the City of Newport to vacate portions of NW 17th Street and NW 18th Street as described in a petition filed by Rex and Theresa Capri. At its January 26, 2015 meeting the Newport Planning Commission voted unanimously to recommend the Council deny the petition on the grounds that vacating the rights-of-way at this time would be prejudicial to the public interest.

STAFF RECOMMENDATION: Staff recommends the City Council accept the Planning Commission recommendation and deny the petition.

PROPOSED MOTION:

MOTION TO DENY: I move to deny the petition filed by Rex and Theresa Capri to vacate portions of NW 17th Street and NW 18th Street because vacating the street rights-of-way at this time would be prejudicial to the public interest.

MOTION TO APPROVE: I move to direct staff to prepare an ordinance vacating portions of NW 17th Street and NW 18th Street as described in the petition filed by Rex and Theresa Capri for presentation at the March 2, 2015 City Council meeting. Such ordinance shall include a reservation of utility easements over the affected area.

KEY FACTS AND INFORMATION SUMMARY: Petitioners Rex and Theresa Capri have requested that the City vacate a 30-ft by 120-ft portion of NW 17th Street right-of-way and a 30-ft by 40-ft portion of NW 18th Street right-of-way adjacent to property that they own. This would reduce the street rights-of-way at these locations from 60-feet to 30-feet. Petitioner's property abutting the rights-of-way is identified as Tax Lot 7901, Assessor's Map 11-11-05-BA (Lots 7, 16, 17, and 18, Block 8, Beach Park Addition to Newport Oregon). The property is undeveloped and zoned R-1/"Low Density Single-Family Residential."

The City maintains gravel streets and public water and sanitary lines in both of the affected rights-of-way. Private utilities are also located within the rights-of-way (e.g. natural gas, electricity and phone). The City owns property immediately east of petitioner's parcel, between that site and commercial property further to the east adjacent to US 101. The City's property and petitioners contain a steeply sloped, vegetated drainage that flows east to west between the two streets. Petitioner has staked out what they understand to be the perimeter of the area proposed to be vacated. They also called in utility locates to identify the approximate location of underground utilities. No survey information has been provided, so the exact location of the rights-of-way relative to existing streets and utilities is not known.

Oregon Revised Statute (ORS) Chapter 271 contains the standards that local government must use to evaluate petitions to vacate public street rights-of-way. Those standards include a requirement that (a) consent is obtained from the owners of "two-thirds" of the land within a notification area that extends 200-feet to either side of the right-of-way being vacated, and a distance of 400-feet from the terminal ends of the right-of-way being vacated; (b) that notice of the vacation proceedings has been duly given; and (c) whether the public interest will be prejudiced by the vacation of such plat or street or parts thereof (ORS 271.120). Further, abutting property owners must consent to the street vacation and approval is required from the Port Commission if the right-of-way is located within 5,000 feet of the Port's harbor or pierhead line (ORS 271.190).

Information in the record is sufficient for the Council to find that the required consents have been obtained and notice provided. Further, the rights-of-way are located more than 5,000 feet from a harbor or pierhead line so approval from the Port of Newport is not required. The question turns to whether or not the public interest will be prejudiced if the rights-of-way are vacated.

In their written narrative, petitioners argue that the public interest will not be prejudiced by the partial street vacations because the terrain in the area will not allow the streets to be developed to a 60-foot width. Petitioners also appear to assert that it is in the public interest that the canyon situated between the two rights-of-way be preserved and that vacating the rights-of-way to enlarge their undeveloped property furthers that objective. At the Planning Commission hearing, petitioner's submitted testimony confirming their belief that topography in the R-1 zone supports the vacation, that utilities within the roadbed are well outside the area proposed to be vacated (except for overhead utility lines along NW 18th Street), and that the City will gain property tax revenue by adding land to the tax base.

Tim Gross, City Engineer, submitted a letter in opposition to the proposed street vacation. He notes that the City has water and sewer infrastructure in both of the street rights-of-way and that the full 60-feet of right-of-way width is needed to maintain the utilities. Further, Mr. Gross notes that private utilities, including natural gas, electric, and phone services are situated within the rights-of-way. Lastly, Mr. Gross indicates that it is possible that NW 17th Street may be extended in the future to intersect with NW Grove Street, providing access to adjoining undeveloped properties. Should NW 17th Street be extended to NW Grove Street in the future, it would create a looped street system that is desirable for the convenience of area residents and public safety providers. Rob Murphy, Newport Fire Chief, submitted two letters after the Planning Commission hearing in which he indicates that he is opposed to the street vacation petition because vacating the right-of-way could potentially restrict emergency vehicle access to the area.

Rights-of-way reserved for future uses, such as street expansions or new utilities, need to be wide enough that it affords service providers some flexibility in addressing localized constraints such as terrain and mature foliage without having to incur the expense of acquiring easements from neighboring property owners. Given that Mr. Gross is a licensed engineer, who is responsible for maintaining and enhancing the City's street and utility services, his opinion regarding the amount of right-of-way needed can be accepted as expert testimony. Additionally, the City has adopted a Transportation System Plan establishing 50-feet as the minimum right-of-way width for a residential local street. This petition would reduce the right-of-way width to 30-feet, which is well below this standard.

After conducting a public hearing, the Planning Commission concluded that vacating the rights-of-way would be prejudicial to the public interest for the reasons noted. They felt that "as-is" the rights-of-way were not impeding Capri's use of their property and that they could continue with their intended use to park vehicles and plant landscaping within the right-of-way. The Commission also felt that vacating the right-of-way would potentially impede emergency access, or improvements to such access, which would be irresponsible. Finally, the Commission pointed out that even if the right-of-way were to be vacated, utility easements would have to be reserved over the vacated area, meaning the petitioners wouldn't be able to use the property in a manner that is any different than how they are using the existing right-of-way, so they didn't see how the public interest is served in vacating the right-of-way.

OTHER ALTERNATIVES CONSIDERED: None. The City is obligated to consider a petition that is filed in accordance with the provisions outlined in Chapter 271 of the Oregon Revised Statutes.

CITY COUNCIL GOALS: There are no specific Council goals applicable to this request.

ATTACHMENT LIST:

- Staff Report and attachments from 1/26/15 Planning Commission Hearing
- Planning Commission testimony from Petitioners Rex and Theresa Capri, dated 1/26/15
- Letters from the Newport Fire Department, dated 1/28/15 and 2/2/15
- Minutes from the 1/26/15 Planning Commission meeting
- Public notice for the Planning Commission and City Council hearings

FISCAL NOTES: There are no immediate fiscal impacts. Should the Council elect to vacate the rights-of-way and it is later determined that all or a portion of the land is needed for public use, then the City would have to purchase the land back at fair market value.

PLANNING STAFF REPORT
Case File 2-SV-14

- A. **PETITIONERS:** Rex and Theresa Capri
- B. **REQUEST:** The petitioner requests the city vacate a 30-ft x 40-ft portion of NW 18th Street public road right-of-way adjacent to Lot 7, Block 8, Beach Park Addition to Newport Oregon. Further, petitioner is seeking to vacate a 30-ft x 120-ft portion of NW 17th Street public road right-of-way adjacent to Lots 16, 17 and 18, Block 8, Beach Park Addition to Newport Oregon.

C. **STAFF REPORT**

1. **REPORT OF FACT**

- a. **Plan Designation:** Low Density Residential.
- b. **Zone Designation:** R-1/"Low Density Single-Family Residential."
- c. **Surrounding Land Uses:** Single-family residential development to the north, south and west. Commercial development is situated to the east along US 101.
- d. **Topography and Vegetation:** Both rights-of-way are partially developed with streets that provide access to single family residential properties. Undeveloped areas between the two rights-of-way, including the petitioner's property, are part of a steeply sloped and vegetated canyon.
- e. **Existing Structures:** None immediately adjacent to the right-of-way proposed to be vacated. Residential homes exist, primarily on the opposite sides of each right-of-way.
- f. **Utilities:** City maintains public water and sanitary sewer lines in both of the affected rights-of-way.
- g. **Development Constraints:** Portions of the rights-of-way are steeply sloped, as they border a canyon and drainage that cuts through the lots within Block 8, Beach Park Addition to Newport Oregon.
- h. **Past Land Use Actions:** None related to the rights-of-way at issue.
- i. **Notification:** Notification to surrounding property owners, to City departments, and to public/private utilities/agencies was mailed on January 6, 2015 (See Planning Staff Report Attachment "B"). Notification

distance is as specified in ORS 271.080(2) for street vacations. The notice of the Planning Commission public hearing for this petition was also published in the Newport News-Times on January 9, 2015, January 16, 2015 and January 21, 2015.

j. **Attachments:**

Attachment "A" – Application Form
Attachment "A-1" – Petitioner's Narrative
Attachment "A-2" – Notification Boundary w/ Consenting Properties
Attachment "A-3" – Table Comparing Consenting to Overall Acreage
Attachment "B" – Public Hearing Notice and Map
Attachment "C" – Zoning Map of Area
Attachment "D" – Aerial and Contour Map of the Property
Attachment "E" – Street Vacation Statutes (ORS 271.080 et. seq.)
Attachment "F" – 1/12/15 Memo from Tim Gross, City Engineer, w/ Map

2. **Explanation of the Request for Street Vacation:**

The applicant explains that they are requesting the right-of-way be vacated and appended to their property because it is their belief that it is impractical to expand and extend NW 17th and NW 18th Street given the areas terrain. Further, they explain that it is their hope that vacating the right-of-way will help preserve the canyon where their children grew up playing and grandchildren currently play (See Planning Staff Report Attachment "A-1").

The canyon extends through much of Block 8, Beach Park Addition to Newport Oregon, with the larger portion being the undeveloped city-owned property immediately east of petitioner's property.

3. **Evaluation of the Request for Street Vacation:**

a. **Comments:** Surrounding property owners and affected city departments and public/private utilities/agencies were notified of the petition on January 6, 2015. As of January 16, 2015, the only comment received is from City Engineer Tim Gross. Mr. Gross is opposed to portions of the NW 17th and NW 18th Street rights-of-way being vacated. He notes that the City has water and sewer infrastructure in both of these street rights-of-way and that the full 60-feet of right-of-way width is needed to maintain the utilities. Further, Mr. Gross points out that private utilities, including natural gas, electric, and phone services are situated within the rights-of-way. Lastly, Mr. Gross indicates that it is possible that NW 17th Street may be extended to the east to intersect with NW Grove Street, which was partially constructed as part of the site work performed in preparation for the O'Reilly's Auto Parts store project. It is possible that NW Grove Street will be completed up to NW 17th Street at such time as the remaining vacant commercial property is developed. Mr. Gross notes that this would create a condition where NW 17th Street could be extended

through to NW Grove Street providing access to several undeveloped lots, including those owned by the City of Newport. The map attached to Mr. Gross's memo shows City sanitary sewer infrastructure in green and water infrastructure in blue (See Planning Staff Report Attachment "F"). The locations of the utilities are approximate.

b. **Applicable Criteria set forth in Oregon Revised Statutes (ORS) 271.120:**

1. Whether the consent of the owners of the requisite area [*as defined in ORS 271.080 (2)*] has been obtained;
2. Whether notice has been duly given [*for the public hearing before the City Council*] and,
3. Whether the public interest will be prejudiced by the vacation of such plat or street or parts thereof.

c. **Applicable Criteria set forth in Oregon Revised Statutes (ORS) 271.190:**

1. No vacation of all or part of a street, alley, common or public place shall take place under ORS 271.180 unless the consent of the persons owning the property immediately adjoining that part of the street or alley to be vacated is obtained thereto in writing and filed with the auditor or clerk of the city or town. No vacation shall be made of any street, alley, public place or part thereof, if within 5,000 feet of the harbor or pierhead line of the port, unless the port commission, or other bodies having jurisdiction over docks and wharves in the port district involved, approves the proposed vacation in writing.

d. **Staff Analysis:**

The Planning Commission reviews this request and makes a recommendation to the City Council. In order to recommend approval of the request, the Planning Commission must find that the applicant's proposal meets (or is capable of meeting) the following criteria:

- (1) Whether the consent of the owners of the requisite area [*as defined in ORS 271.080 (2)*] have been obtained;

On December 5, 2014, the petitioners submitted the names and addresses of abutting property owners along with their original, notarized signatures indicating consent for the proposed street vacation. These documents are available in the case file. ORS 271.080 (2) requires "the consent of the owners of the abutting property and not less than two-thirds in area of the real property affected thereby." Petitioners own all property abutting the proposed street vacation (i.e. Tax Lot 7901, Assessor's Map 11-11-05-BA). Written notarized consents were submitted from the following property owners:

Assessor's Map 11-11-05-BA

<u>TAX LOT</u>	<u>OWNER</u>
04400	Joseph Becker
04500	Richard and Cheryl Atkinson
04700	Diane Kirk
04900	Chris Daniels and Bridget Watts
05000	Christine Vangrimbergen
05101	Robert Wienert
05300	Christine Vangrimbergen
07200	Jerry Robbins
07400	Susan and Dan Pattison
07401	Susan and Dan Pattison
07500	Devin and Patricia Murphy
07600	Susan and Dan Pattison
07700	Susan and Dan Pattison
07800	Salvador and Lisa Fuentes
07901	Rex and Theresa Capri
07902	Rex and Theresa Capri
07903	Rex and Theresa Capri
08100	South Pacific Property, LLC
08600	TLC Federal Credit Union
09100	Harold and Sharon Jones
09101	MLW, LLC
09201	MLW, LLC
09300	Yanez Felipe
09400	Harold and Sharon Jones
09401	Harold and Sharon Jones
09500	Gregory and Rose Beyer
09600	Todd Sarazin
09701	Ken Petersen
09800	Jinanjali Wimalasena and Jason Eibner
09900	Joshua Lambert and Stacy Polkowski
10200	Wilma Luckini
10400	Rebecca Bostwick Terry
10600	Peggy Earle and Richard Fender

The notification area under ORS 271.080 extends 200 feet to either side of the right-of-way being vacated, and a distance of 400 feet from the terminal ends of the right of way being vacated. This creates a rectangular shaped notification area. A map is enclosed depicting the notification area and properties where consent has been obtained (see Planning Staff Report Attachment "A-2"). Petitioner prepared a table comparing the total acreage within the notification area to the acreage of those properties where the owners have consented to the street vacation petition (see Planning Staff Report Attachment "A-3"). Square footage and acreage figures listed in petitioner's table were taken from Lincoln County Assessment Records, which the Planning Commission can rely upon as substantial evidence. The table shows that just over 69% of the property owners within the affected area have granted their consent to the petition. This satisfies the "two-thirds" consent requirement of ORS 271.080 (2).

(2) Whether notice has been duly given [for the public hearing before the City Council];

ORS 271.110 stipulates that notice of a hearing by the decision making body of the City (i.e. the Newport City Council) shall be published in a newspaper once each week for two consecutive weeks prior to the hearing. A sign is also to be posted in at least two conspicuous places in the proposed street vacation area.

The Planning Commission is an advisory body to the City Council. Newport Municipal Code (NMC) Section 14.52.030 indicates that the City Council may only consider a street vacation petition after a public hearing is held, and recommendation provided by the Planning Commission. Notice requirements for a public hearing before the Newport Planning Commission are listed under NMC 14.52.060. Direct mail notice is required to be provided to all affected property owners at least 20-days prior to the hearing and notice must also be provided in a newspaper of general circulation at least 5-days prior to the hearing. The City has provided notice in accordance with these provisions and copies of the notice are enclosed (See Planning Staff Report Attachment "B"). Photocopies of the newspaper publications are included in the case file.

(3) Whether the public interest will be prejudiced by the vacation of such plat or street or parts thereof; and

Petitioner desires to vacate a 30-ft x 40-ft portion of NW 18th Street right-of-way adjacent to Lot 7, Block 8, Beach Park Addition to Newport Oregon, along with a 30-ft x 120-ft portion of NW 17th Street public right-of-way. Both rights-of-way are adjacent to undeveloped property that they own. In their narrative, Petitioner appears to argue that the public interest will not be prejudiced by these partial street vacations because the terrain in the area will not allow the streets to be developed to a 60-foot width. Petitioner also appears to assert that it is in the public interest that the canyon situated between the two rights-of-way should be preserved and that vacating the right-of-way to enlarge their undeveloped property furthers that objective (See Planning Staff Report Attachment "A-1").

City Engineer Tim Gross points out that the rights-of-way are needed at their current width in order for the City to adequately maintain existing water and sewer service to properties in the area, and for private utilities to maintain and adjust their existing services to area property owners (e.g. natural gas, electricity, and phone). Further, Mr. Gross points out that it is possible that NW 17th Street may be extended in the future to intersect with NW Grove Street, providing access to adjoining undeveloped properties. For these reasons, he opposes the petition (See Planning Staff Report Attachment "F"). Should NW 17th Street be extended to NW Grove Street in the future, it would create a looped street system that is desirable for the convenience of area residents and public safety providers.

Further, the Planning Commission should keep in mind that rights-of-way reserved for future uses, such as street expansions or new utilities, need to be wide enough that it affords service providers some flexibility in addressing localized constraints such as terrain and mature foliage without having to incur the expense of acquiring easements from neighboring property owners. Given that Mr. Gross is a licensed engineer, who is responsible for maintaining and enhancing the City's street and utility services, the Commission can accept his opinion regarding the amount of right-of-way needed as expert testimony.

Petitioner is correct that the steep terrain and drainage located between NW 17th Street and NW 18th Street are significant constraints to development. However, such terrain does not preclude future development, it just increases construction costs due to the additional site grading and engineering work that is required. Market conditions have supported past development within the drainage as is evidenced by commercial development east of petitioner's property and residential development west of petitioner's property (See Planning Staff Report Attachment "C").

The City owns Tax Lots 7900 and 8000 of Assessor's Map 11-11-05-BA, which encompass a large part of the "canyon" that the petitioner would like to protect. Petitioner appears to assert that it is in the public interest that the City maintain the property as a natural area; however, no such decision has been made by the City. In fact, the properties have been evaluated by the City as potential sites for future workforce housing. This would be consistent with the current residential zoning. Even if a policy decision is made at some point that the best use of the property is as open space, that doesn't mean that the properties wouldn't need vehicle or trail access, or that they couldn't be used to facilitate the extension of utilities. The City is under no obligation to develop the rights-of-way or property that it owns and could simply retain them in their present state for the foreseeable future. This is an effective method of preserving "open space." It is difficult to follow petitioner's argument that vacating a portion of the right-of-way will preserve the natural character of the area in a manner that is better than leaving it as right-of-way, because they or their successors are under no obligation to maintain the "canyon" in a natural state. In fact, it is arguable that having the right-of-way in public ownership provides greater protection since the public has the ability to engage its elected officials to voice concerns anytime development is planned on public land.

This street vacation petition is unusual in that it does not seek to vacate the entire road right-of-way, which is the typical approach when a right-of-way is not needed for public use. Instead, the petition seeks to reduce the SW 17th Street and SW 18th Street rights-of-way to 30-feet in width adjacent to petitioner's property. This approach is being pursued because

the rights-of-way are developed with public streets and vacating the entire right-of-way would prevent neighboring properties from having public access to their properties. The problem with this approach is that a right-of-way of 30-feet does not meet any of the City's adopted standards for a public street. The minimum right-of-way width for a public street is 50-feet as set out in the City of Newport Transportation System Plan (ref: Figure 5, of the 1997 Transportation System Plan), and Newport Subdivision Ordinance (ref: NMC 13.05.015). This provides sufficient area for a 36-foot wide roadway consisting of two 10-foot travel lanes with 8-foot wide parking to either side of the street. The balance of the right-of-way can, and often is, used for sidewalks and utilities. The Commission can rely upon the City's Transportation System Plan and Subdivision ordinance as a basis for finding that the public interest would be prejudiced by creating narrower rights-of-way at these locations. Petitioner has offered no evidence to support its case that 30-foot rights-of-way will be adequate for the City to maintain and enhance the street and public/private utilities that are present at these locations.

Considering the above, the Planning Commission has ample reasons to find that the public interest would be prejudiced by the proposed street vacation. The Commission should carefully consider the concerns raised in Mr. Gross's memo and outlined in this report and provide the petitioner an opportunity to respond. If the Commission finds that the response provided by the petitioner is adequate to establish that the public interest will not be prejudiced, than it should identify the key points that it wants to convey to the Council to support a recommendation that the rights-of-way be vacated as proposed. These will then be captured in the Commission's meeting minutes, which will be forwarded to the Council. Because there are utilities in place within the affected rights-of-way, any recommendation to vacate must include a reservation of easements so that the utilities can be maintained. Such a reservation should be for the entire area proposed to be vacated unless the petitioner locates all affected utilities and establishes they are outside of the area to be vacated or provides a legal description for easements that will provide sufficient area for maintenance purposes as determined by the City Engineer.

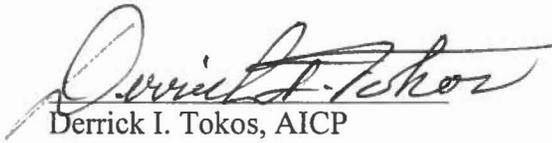
- d. *Whether approval has been obtained from the Port Commission of the Port of Newport [as required by ORS 271.190]*

Approval from the Port of Newport is required when the rights-of-way are within 5,000 feet of the harbor or pierhead line of the port. The subject rights-of-way are more than 5,000 feet from such features.

4. **Conclusion:** The staff report has been prepared based on the information available at the time this report was written. Staff analysis or recommendations may change if additional comments or information is provided during the course of the public hearing process.

If the Planning Commission finds that the application meets the minimum ORS criteria (or is capable of meeting the criteria) established for the street vacation, the Planning Commission may forward a favorable recommendation to the City Council. If the Commission finds that the criteria have not been met (or are not capable of being met), the Commission should identify changes necessary to meet the criteria or should deny all or part of the petition.

- D. STAFF RECOMMENDATION:** Staff believes that the public interest would be prejudiced by these street vacations for the reasons noted, and that the Commission should forward a recommendation to the City Council that the petition be denied on these grounds.



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

January 16, 2015

City of Newport Land Use Application

Attachment "A"
Application Form
(File 2-SV-14)

PLEASE PRINT OR TYPE • COMPLETE ALL BOXES • USE ADDITIONAL PAPER IF NEEDED

Applicant Name(s): REX AND THERESA CAPRI	Property Owner Name(s): Platted out public street in Newport
Applicant Mailing Address: 255 N.W. 17th St. NEWPORT, OR 97365	Property Owner Mailing Address: NA NW 17th NW 18th
Applicant Telephone No.: 541-265-2542	Property Owner Telephone No.:
E-mail: trcapri@msn.com	E-mail:
Authorized Representative(s): REX AND THERESA CAPRI	
Authorized Representative Mailing Address: 255 N.W. 17th St., NEWPORT, OR 97365	
Authorized Representative Telephone No.: 541-265-2542	E-Mail: trcapri@msn.com

Project Information

Property Location: NW 17th St.; NW 18th St., NEWPORT OR		
Tax Assessor's Map No.: 11-11-05-BA-07901-00	Tax Lot(s): South of lots 16, 17, 18 ; North of lot 7	
Zone Designation:	Legal Description:	
Comp Plan Designation:		
Brief Description of Land Use Request(s): privately owned real estate added to current real estate owned by applicants.		
Existing Structures: none		
Topography and Vegetation: sloping ground to canyon drainage; undeveloped land with trees, underbrush		
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 checked="" type="checkbox"/> Vacation <input type="checkbox"/> Variance/Adjustment <input type="checkbox"/> PC <input type="checkbox"/> Staff <input type="checkbox"/> Zone Ord/Map Amendment <input type="checkbox"/> Other _____
FOR OFFICE USE ONLY		
File No. Assigned: 2-SV-14		
Date Received: 12-5-14	Fee Amount: 766.00	
Received By: VM	Receipt No.: 1-02097	
Date Accepted as Complete: _____		
Accepted By: _____		

(SEE REVERSE SIDE)

Community Development & Planning Department • 169 SW Coast Hwy, Newport, OR 97365 • Derrick I. Tokos, AICP, Director

Rex and Theresa Capri
255 NW 17th St
Newport, OR 97365
541-265-2542
September 11, 2014

We are applying to the City of Newport to vacate 30 feet of a 60 foot platted out road on the north side of NW 17th and the south side of NW 18th St that border some property we own. This would follow the current roadbed. It would reduce the plat of the road width to 30 feet as NW 16th already is. In the number 8 section we own lot 7 that borders NW 18th St, and lots 16, 17, and 18 that border NW 17th St. As you can see by the 2013 aerial picture (and as you know from the living in the neighborhood) this is a canyon. The existing road is also shown in the aerial photo and reflects the other side of the 30 feet we are requesting to vacate. It would be impractical to fill this canyon to make a 60 foot wide road.

To request a street vacation, the City of Newport requires we have consent in writing of not less than 2/3 of the property in area within 400 feet of the proposed vacation. The signature has to be notarized per state requirement. We know that it can be cumbersome to have a signature notarized. Chase bank at Fred Meyer said they have a notary all the hours they are open and do not charge a fee.

We have lived at this house since 1987 and both grew up in Newport. Our kids grew up playing in "the canyon" and now our grandkids love to play in and have adventures in "the forest". This 30 feet we are requesting to vacate will help preserve that area, as it is, again, very impractical to punch a 60 foot wide road through there.

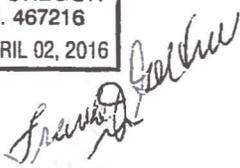
Thank you for your consideration.

Sincerely,



Rex and Theresa Capri

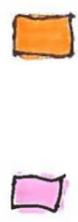
NOTARIAL SEAL
FRANK A. GELTNER
PUBLIC - OREGON
COMMISSION NO. 467216
EXPIRES APRIL 02, 2016



Attachment "A-2"
 Notification Area
 with Consenting
 Properties
 (File 2-SV-14)

6000 10900
 6100 11000
 6200 11100
 6300 11101
 6400 11200
 6500 11201

SEE MAP II 05 AB



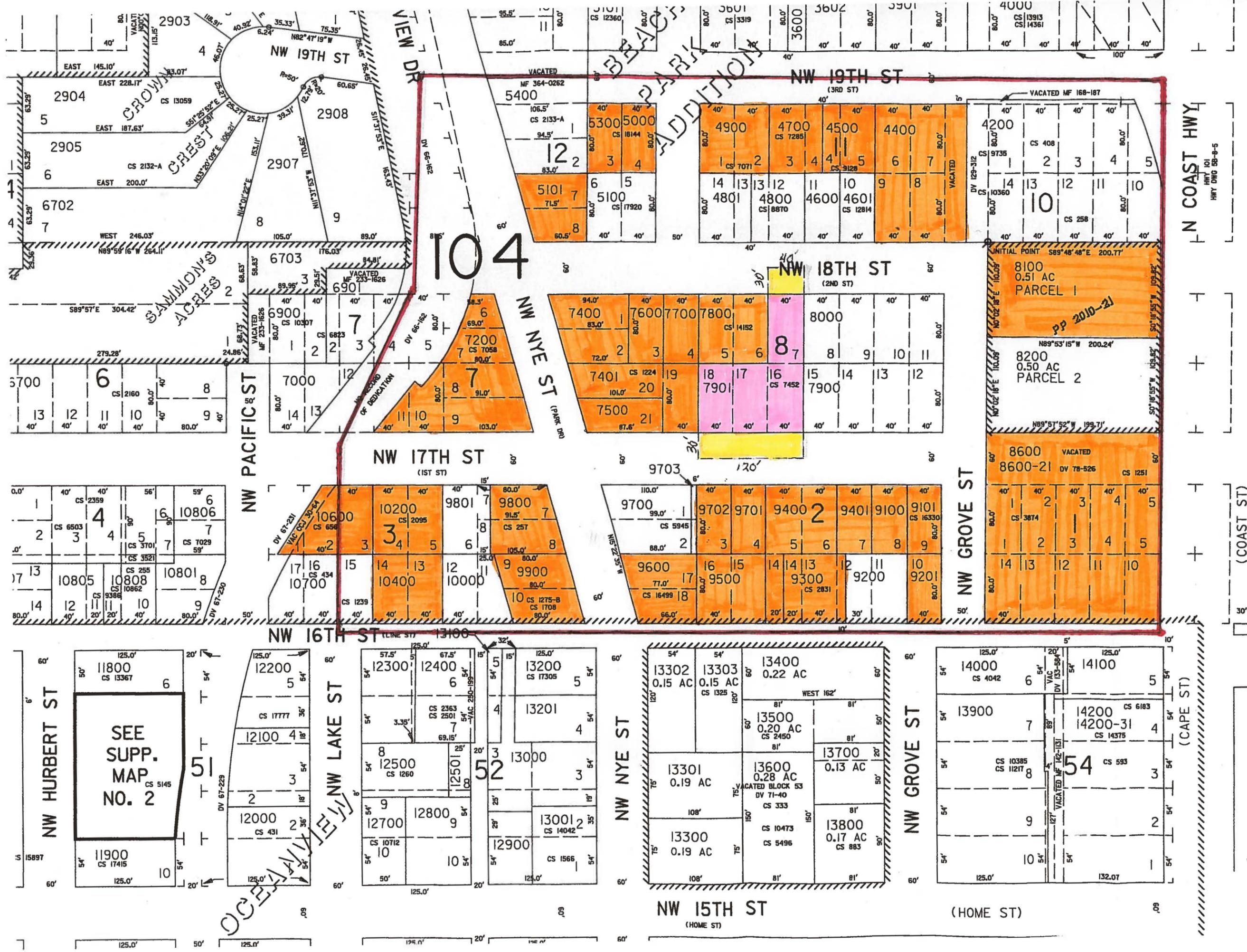
CONSENTING
 PROPERTIES

ABUTTING
 PROPERTIES

February 17, 2015

STREET VACATION
 PETITION NO. 2-SV-14

II II 05 BA
 NEWPORT



Tax Map	Tax Lot	Acreage	Total Sqft in Affected Area	Sqft of Received Consent	Abutting	Comments
11-11-05-BA	4200	0.8	34848	0		
	4400	0.38	16552.8	16552.8		
	4500	0.11	4791.6	4791.6		
	4600	0.07	3049.2	0		
	4601	0.07	3049.2	0		
	4700	0.11	4791.6	4791.6		
	4800	0.11	4791.6	0		
	4801	0.11	4791.6	0		
	4900	0.15	6534	6534		
	5000	0.07	3049.2	3049.2		
	5100	0.15	6534	0		
	5101	0.13	5662.8	5662.8		
	5300	0.07	3049.2	3049.2		
	5400	0.24	10454.4	0		
	7200	0.26	11325.6	11325.6		
	7400	0.15	6534	6534		
	7401	0.17	7405	7405		
	7500	0.09	3920.4	3920.4		
	7600	0.07	3049.2	3049.2		
	7700	0.08	3484.8	3484.8		
	7800	0.15	6534	6534		
	7900	0.29	12632.4	12632.4		
	7901	0.29	12632.4	12632.4	Yes	
	8000	0.29	12632.4	12632.4		
	8100	0.51	22215.6	22215.6		
	8200	0.5	21780	0		
	8600	1.01	43995.6	43995.6		
	8600-21	0	0	0		
	9100	0.07	3049.2	3049.2		
	9101	0.07	3049.2	3049.2		
	9200	0.13	5662.8	0		
	9201	0.07	3049.2	3049.2		

	9300	0.13	5662.8	5662.8	
	9400	0.15	6534	6534	
	9401	0.07	3049.2	3049.2	
	9500	0.15	6534	6534	
	9600	0.14	6098.4	6098.4	
	9700	0.16	6969.6	0	
	9701	0.17	3049.2	3049.2	
	9702	0.07	3049.2	3049.2	
	9703	0.01	435.6	435.6	
	9800	0.14	6098.4	6098.4	
	9801	0.1	4356	0	
	9900	0.15	6534	6534	
	10000	0.13	5662.8	0	
	10200	0.15	6534	6534	
	10400	0.15	6534	6534	
	10600 (ptn)	0.07	3200	3200	80' x 40' portion of the Tax Lot
	10700 (ptn)	0.07	3200	0	80' x 40' portion of the Tax Lot
		8.78	378402.2	263253	

CITY OF NEWPORT
NOTICE OF A PUBLIC HEARING ON A PARTIAL STREET VACATION¹

NOTICE IS HEREBY GIVEN that the Planning Commission of the City of Newport, Oregon, will hold a public hearing on Monday, January 26, 2015, to review and make a recommendation to the Newport City Council on a partial street vacation as requested in:

File No. 2-SV-14:

Applicant: Rex and Theresa Capri.

Request/Subject Property: The request is for a proposed partial street vacation of the northern 30' wide portion of NW 17th Street abutting lots 16, 17 & 18, Block 8, BEACH PARK ADDITION (a portion of Tax Lot 7901 of Tax Map 11-11-05-BA) and the southern 30' wide portion of NW 18th Street abutting Lot 7, Block 8, BEACH PARK ADDITION (also a portion of Tax Lot 7901 of Tax Map 11-11-05-BA) (see the attached illustration of the proposed area to be vacated).

Date Request Received: December 5, 2014.

Applicable Criteria: Oregon Revised Statutes (ORS) 271.120 requires that: (1) The consent of the owners of the requisite area have been obtained; (2) Notice has been duly given; and (3) The public interest will not be prejudiced by the vacation of such plat or street or parts thereof.

Testimony: Testimony and evidence must be directed toward the request above or other criteria, including criteria within 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 testimony and written testimony will be taken during the course of the public hearing. The hearing may include a report by staff, testimony from the applicant and proponents, testimony from opponents, rebuttal by applicant, and questions and deliberation by the Planning Commission. Written testimony sent to the Community Development (Planning) Department (address under "Reports/Materials") must be received by 5:00 p.m. the day of the hearing to be included as part of the hearing or must be personally presented during testimony at the public hearing. 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 (Planning) Department, City Hall, 169 S.W. Coast Hwy, Newport, Oregon, 97365, seven days prior to the hearing. The file materials and the applicable criteria are currently available for inspection at no cost or copies may be purchased for reasonable cost at this address.

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

Time/Place of Hearing: Monday, January 26, 2015; 6:00 p.m. or soon thereafter; City Hall Council Chambers (address above in "Reports/Materials").

MAILED: January 6, 2015.

PUBLISHED: Friday, January 9, 2015; Friday, January 16, 2015; and Wednesday, January 21, 2015 / Newport News-Times.

¹ Notice of the public hearing is being sent to affected property owners (according to Lincoln County Assessor's records) within the notification distance required for the request, affected public utility agencies, and affected city departments.

REX & THERESA CAPRI
255 NW 17TH ST
NEWPORT OR 97365

FIVE STARS CO
1823 N COAST HWY
NEWPORT OR 97365

JOSEPH E & C A BECKER
207 NW 19TH ST
NEWPORT OR 97365

RICHARD C & CHERYL L ATKINSON
223 NW 19TH ST
NEWPORT OR 97365

FABIO PATANE &
RAVEN CHAKERIAN
3604 N WINCHELL ST
PORTLAND OR 97217

EDUARDO ACOSTA HERNANDEZ
& JUAN C HERNANDEZ &
REFUGIO ACOSTA GONZALEZ
220 NW 18TH ST
NEWPORT OR 97365

DIANE KIRK
233 NW 19TH ST
NEWPORT OR 97365

WALLY TAYLOR ESTATE
ATTN: SHARON G HAYES
13231 SUNRISE WOOD
SAN ANTONIO TX 78245

JOE A MCMURRY
252 NW 18TH ST
NEWPORT OR 97365

CHRIS A DANALS &
BRIDGET H WATTS
247 NW 19TH ST
NEWPORT OR 97365

CHRISTINE VANDGRIMBERGEN
PO BOX 164
NEWPORT OR 97365

SARAH ELIZABETH PARKER
1809 NW NYE ST
NEWPORT OR 97365

ROBERT W WIENERT
320 NW 18TH ST
NEWPORT OR 97365

LYNDA BOONE
2226 N COAST HWY #215
NEWPORT OR 97365

JERRY JOEL ROBBINS
320 NW 17TH ST
NEWPORT OR 97365

DAN W & SUSAN PATTISON
352 NW 18TH ST
NEWPORT OR 97365

DEVIN J & PATRICIA MURPHY
PO BOX 2314
NEWPORT OR 97365

SALVADOR A & ELISA FUENTES
253 NW 18TH ST
NEWPORT OR 97365

SOUTH PACIFIC PROPERTY LLC
PO BOX 3002
CORVALLIS OR 97339

RALPH O GOODWIN SR &
TONI T GOODWIN
PO BOX 455
JOHN DAY OR 97845

TLC FEDERAL CREDIT UNION
PO BOX 160
TILLAMOOK OR 97141

HAROLD & SHARON JONES
5453 LONDON ST SE
SALEM OR 97306

MLW LLC
ATTN: MICHAEL L WILSON
PO BOX 113
NEWPORT OR 97365

SHERI M WALDROP
10716 NE HASSALO
PORTLAND OR 97220

FELIPE YANEZ
215 NE SAN-BAY-O CIRCLE
NEWPORT OR 97365

GREGORY J & ROSE M BEYER
12403 MT ANGEL GERVAIS RD NE
MT ANGEL OR 97362

TODD SARAZIN
PO BOX 2116
NEWPORT OR 97365

HELEN WOOD
1620 NW NYE ST
NEWPORT OR 97365

KEN E PETERSEN
245 NW 17TH ST
NEWPORT OR 97365

JINANJALI H WIMALASENA &
JASON S EIBNER
309 NW 17TH ST
NEWPORT OR 97365

JOSHUA R SIMPSON &
ANNA PARRY
315 NW 17TH ST
NEWPORT OR 97365

JOSHUA K LAMBERT &
STACY A POLKOWSKE
312 NW 16TH ST
NEWPORT OR 97365

BARBARA K FAHEY &
JUDITH A PALMER
330 NW 16TH ST
NEWPORT OR 97365

WILMA E LUCKINI
TRUSTEE
1211 SE RIVER RD
TOLEDO OR 97391

TERRY REBECCA BOSTWICK
338 NW 16TH ST
NEWPORT OR 97365

PEGGY S EARLE &
RICHARD FENDER
1624 NW OCEANVIEW DR
NEWPORT OR 97365

JEFFREY C PRIDGEON &
JILL PRIDGEON-BRANDSBERG
515 W OLIVE ST
NEWPORT OR 97365

****NO NEED TO MAIL****
CITY OF NEWPORT

EXHIBIT "A"
MAILING LABELS
Affected Properties

Wanda Haney

From: Sara Wedel <sarawedel@newportnewstimes.com>
Sent: Wednesday, December 17, 2014 12:57 PM
To: Wanda Haney
Subject: RE: City of Newport Legal Notice - File 2-SV-14

Thank you, Wanda. The notice will publish as requested.
Sara

Sara Wedel
News Times
Office Manager
541-265-8571 ext. 215
www.newportnewstimes.com

PCI POLICY: For the security of our customers we do not take credit card payments by e-mail. Please call 541-265-6080 or fax 541-265-3862 for all credit card transactions.

From: Wanda Haney [mailto:W.Haney@NewportOregon.gov]
Sent: Wednesday, December 17, 2014 10:41 AM
To: 'Sara Wedel'
Subject: City of Newport Legal Notice - File 2-SV-14

Sara,
Attached is a legal notice of a Planning Commission public hearing for our File No. 2-SV-14 for publication on 3 days: **Friday, January 9, 2015; Friday, January 16, 2015; and Wednesday, January 21, 2015**, please. Please confirm receipt of the notice & if it will publish on those dates.
Thanks,

Wanda Haney
City of Newport
Community Development Department
169 SW Coast Hwy
Newport, OR 97365
541-574-0629
FAX: 541-574-0644
w.haney@newportoregon.gov

CITY OF NEWPORT
NOTICE OF A PUBLIC HEARING ON A PARTIAL STREET VACATION

The Newport Planning Commission will hold a public hearing at 6:00 p.m. or shortly thereafter on Monday, January 26, 2014, in the City Hall Council Chambers, to review and make a recommendation to the Newport City Council on a partial street vacation (File No. 2-SV-14) as requested by Rex and Theresa Capri. The request, which was received on December 5, 2014, is for a proposed partial street vacation of the northern 30' wide portion of NW 17th Street abutting lots 16, 17 & 18, Block 8, BEACH PARK ADDITION (a portion of Tax Lot 7901 of Tax Map 11-11-05-BA) and the southern 30' wide portion of NW 18th Street abutting Lot 7, Block 8, BEACH PARK ADDITION (also a portion of Tax Lot 7901 of Tax Map 11-11-05-BA). Oregon Revised Statute (ORS) 271.120 requires that: (1) The consent of the owners of the requisite area have been obtained; (2) Notice has been duly given; and (3) The public interest will not be prejudiced by the vacation of such plat or street or parts thereof. Testimony and evidence must be directed toward the request above or other criteria, including criteria within 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 testimony and written testimony will be taken during the course of the public hearing. The hearing may include a report by staff, testimony from the applicant and proponents, testimony from opponents, rebuttal by applicant, and questions and deliberation by the Planning Commission. Written testimony sent 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 to be included as part of the hearing or must be personally presented during testimony at the public hearing. 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. The staff report may be reviewed or a copy purchased at the Newport Community Development (Planning) Department (address above) seven days prior to the hearing. The file materials and the applicable criteria are currently available for inspection at no cost or copies may be purchased for reasonable cost at this address. Contact Derrick Tokos, Community Development Director (541) 574-0626 (address above).

(FOR PUBLICATION ONCE ON FRIDAY, JANUARY 9, 2015; ONCE ON FRIDAY, JANUARY 16, 2015; AND ONCE ON WEDNESDAY, JANUARY 21, 2015.)

Attachment "C"
 Zoning Map of Area
 (File 2-SV-14)



February 17, 2015

**City of Newport Zoning Designations
 (Area Affected by Street Vacation Petition No. 2-SV-14)**

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

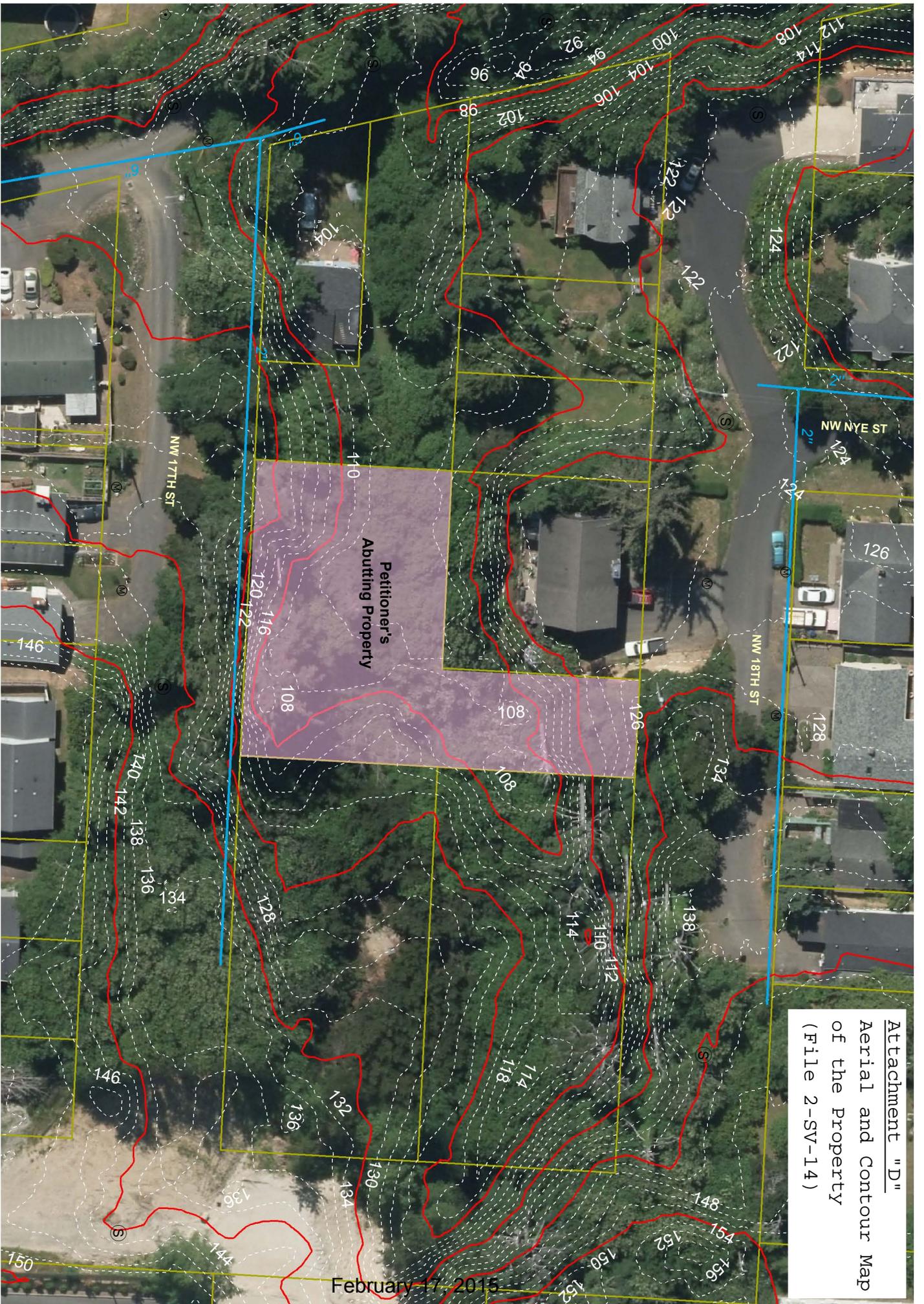
Image Taken July 2013
 4-inch, 4-band Digital Orthophotos
 David Smith & Associates, Inc., Portland, OR

0 50 100 200
 Feet



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.

Attachment "D"
Aerial and Contour Map
of the Property
(File 2-SV-14)



February 17, 2015

NEWPORT
City of Newport
Community Development Department
169 SW Coast Highway
Newport, OR 97365
Phone: 541.574.0629
Fax: 541.574.0644

Contour Map at 2-foot Intervals
(Area Affected by Street Vacation Petition No. 2-SV-14)
Image Taken July 2013
4-inch, 4-band Digital Orthophotos
David Smith & Associates, Inc. Portland, OR

0 25 50 100 Feet
N

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VACATION

271.080 Vacation in incorporated cities; petition; consent of property owners. (1) Whenever any person interested in any real property in an incorporated city in this state desires to vacate all or part of any street, avenue, boulevard, alley, plat, public square or other public place, such person may file a petition therefor setting forth a description of the ground proposed to be vacated, the purpose for which the ground is proposed to be used and the reason for such vacation.

(2) There shall be appended to such petition, as a part thereof and as a basis for granting the same, the consent of the owners of all abutting property and of not less than two-thirds in area of the real property affected thereby. The real property affected thereby shall be deemed to be the land lying on either side of the street or portion thereof proposed to be vacated and extending laterally to the next street that serves as a parallel street, but in any case not to exceed 200 feet, and the land for a like lateral distance on either side of the street for 400 feet along its course beyond each terminus of the part proposed to be vacated. Where a street is proposed to be vacated to its termini, the land embraced in an extension of the street for a distance of 400 feet beyond each terminus shall also be counted. In the vacation of any plat or part thereof the consent of the owner or owners of two-thirds in area of the property embraced within such plat or part thereof proposed to be vacated shall be sufficient, except where such vacation embraces street area, when, as to such street area the above requirements shall also apply. The consent of the owners of the required amount of property shall be in writing.
[Amended by 1999 c.866 §2]

271.090 Filing of petition; notice. The petition shall be presented to the city recorder or other recording officer of the city. If found by the recorder to be sufficient, the recorder shall file it and inform at least one of the petitioners when the petition will come before the city governing body. A failure to give such information shall not be in any respect a lack of jurisdiction for the governing body to proceed on the petition.

271.100 Action by city governing body. The city governing body may deny the petition after notice to the petitioners of such proposed action, but if there appears to be no reason why the petition should not be allowed in whole or in part, the governing body shall fix a time for a formal hearing upon the petition.

271.110 Notice of hearing. (1) The city recorder or other recording officer of the city shall give notice of the petition and hearing by publishing a notice in the city official newspaper once each week for two consecutive weeks prior to the hearing. If no newspaper is published in such city, written notice of the petition and hearing shall be posted in three of the most public places in the city. The notices shall describe the ground covered by the petition, give the date it was filed, the name of at least one of the petitioners and the date when the petition, and any objection or remonstrance, which may be made in writing and filed with the recording officer of the city prior to the time of hearing, will be heard and considered.

(2) Within five days after the first day of publication of the notice, the city recording officer shall cause to be posted at or near each end of the proposed vacation a copy of the notice, which shall be headed, "Notice of Street Vacation," "Notice of Plat Vacation" or "Notice of Plat and Street Vacation," as the case may be. The notice shall be posted in at least two conspicuous places in the proposed vacation area. The posting and first day of publication of such notice shall be at least 14 days before the hearing.

(3) The city recording officer shall, before publishing such notice, obtain from the petitioners a sum sufficient to cover the cost of publication, posting and other anticipated expenses. The city recording officer shall hold the sum so obtained until the actual cost has been ascertained, when the

amount of the cost shall be paid into the city treasury and any surplus refunded to the depositor.
[Amended by 1991 c.629 §1; 2005 c.22 §196]

271.120 Hearing; determination. At the time fixed by the governing body for hearing the petition and any objections filed thereto or at any postponement or continuance of such matter, the governing body shall hear the petition and objections and shall determine whether the consent of the owners of the requisite area has been obtained, whether notice has been duly given and whether the public interest will be prejudiced by the vacation of such plat or street or parts thereof. If such matters are determined in favor of the petition the governing body shall by ordinance make such determination a matter of record and vacate such plat or street; otherwise it shall deny the petition. The governing body may, upon hearing, grant the petition in part and deny it in part, and make such reservations, or either, as appear to be for the public interest.

271.130 Vacation on city governing body's own motion; appeal. (1) The city governing body may initiate vacation proceedings authorized by ORS 271.080 and make such vacation without a petition or consent of property owners. Notice shall be given as provided by ORS 271.110, but such vacation shall not be made before the date set for hearing, nor if the owners of a majority of the area affected, computed on the basis provided in ORS 271.080, object in writing thereto, nor shall any street area be vacated without the consent of the owners of the abutting property if the vacation will substantially affect the market value of such property, unless the city governing body provides for paying damages. Provision for paying such damages may be made by a local assessment, or in such other manner as the city charter may provide.

(2) Two or more streets, alleys, avenues and boulevards, or parts thereof, may be joined in one proceeding, provided they intersect or are adjacent and parallel to each other.

(3) No ordinance for the vacation of all or part of a plat shall be passed by the governing body until the city recording officer has filed in the office of the city recording officer or indorsed on the petition for such vacation a certificate showing that all city liens and all taxes have been paid on the lands covered by the plat or portion thereof to be vacated.

(4) Any property owner affected by the order of vacation or the order awarding damages or benefits in such vacation proceedings may appeal to the circuit court of the county where such city is situated in the manner provided by the city charter. If the charter does not provide for such appeal, the appeal shall be taken within the time and in substantially the manner provided for taking an appeal from justice court in civil cases. [Amended by 1995 c.658 §101]

271.140 Title to vacated areas. The title to the street or other public area vacated shall attach to the lands bordering on such area in equal portions; except that where the area has been originally dedicated by different persons and the fee title to such area has not been otherwise disposed of, original boundary lines shall be adhered to and the street area which lies on each side of such boundary line shall attach to the abutting property on such side. If a public square is vacated the title thereto shall vest in the city. [Amended by 1981 c.153 §58]

271.150 Vacation records to be filed; costs. A certified copy of the ordinance vacating any street or plat area and any map, plat or other record in regard thereto which may be required or provided for by law, shall be filed for record with the county clerk. The petitioner for such vacation shall bear the recording cost and the cost of preparing and filing the certified copy of the ordinance and map. A certified copy of any such ordinance shall be filed with the county assessor and county surveyor.

271.160 Vacations for purposes of rededication. No street shall be vacated upon the petition of any person when it is proposed to replat or rededicate all or part of any street in lieu of the original

unless such petition is accompanied by a plat showing the proposed manner of replatting or rededicating. If the proposed manner of replatting or rededicating or any modification thereof which may subsequently be made meets with the approval of the city governing body, it shall require a suitable guarantee to be given for the carrying out of such replatting or rededication or may make any vacation conditional or to take effect only upon the consummation of such replatting or rededication.

271.170 Nature and operation of statutes. The provisions of ORS 271.080 to 271.160 are alternative to the provisions of the charter of any incorporated city and nothing contained in those statutes shall in anywise affect or impair the charter or other provisions of such cities for the preservation of public access to and from transportation terminals and navigable waters.

271.180 Vacations in municipalities included in port districts; petition; power of common council; vacating street along railroad easement. To the end that adequate facilities for terminal trackage, structures and the instrumentalities of commerce and transportation may be provided in cities and towns located within or forming a part of any port district organized as a municipal corporation in this state, the governing body of such cities and towns, upon the petition of any such port, or corporation empowered to own or operate a railroad, steamship or other transportation terminal, or railroad company entering or operating within such city or town, or owner of property abutting any such terminal, may:

(1) Authorize any port commission, dock commission, common carrier, railroad company or terminal company to occupy, by any structure, trackage or machinery facilitating or necessary to travel, transportation or distribution, any street or public property, or parts thereof, within such city or town, upon such reasonable terms and conditions as the city or town may impose.

(2) Vacate the whole or any part of any street, alley, common or public place, with such restrictions and upon such conditions as the city governing body may deem reasonable and for the public good.

(3) If any railroad company owns or has an exclusive easement upon a definite strip within or along any public street, alley, common or public place, and if the city governing body determines such action to be to the advantage of the public, vacate the street area between the strip so occupied by the railroad company and one property line opposite thereto, condition that the railroad company dedicates for street purposes such portion of such exclusive strip occupied by it as the city governing body may determine upon, and moves its tracks and facilities therefrom onto the street area so vacated. The right and title of the railroad company in the vacated area shall be of the same character as previously owned by it in the exclusive strip which it is required by the city governing body to surrender and dedicate to street purposes.

271.190 Consent of owners of adjoining property; other required approval. No vacation of all or part of a street, alley, common or public place shall take place under ORS 271.180 unless the consent of the persons owning the property immediately adjoining that part of the street or alley to be vacated is obtained thereto in writing and filed with the auditor or clerk of the city or town. No vacation shall be made of any street, alley, public place or part thereof, if within 5,000 feet of the harbor or pierhead line of the port, unless the port commission, or other bodies having jurisdiction over docks and wharves in the port district involved, approves the proposed vacation in writing.

271.200 Petition; notice. (1) Before any street, alley, common or public place or any part thereof is vacated, or other right granted by any city governing body under ORS 271.180 to 271.210 the applicant must petition the governing body of the city or town involved, setting forth the particular circumstances of the case, giving a definite description of the property sought to be vacated, or of the right, use or occupancy sought to be obtained, and the names of the persons to be particularly affected

thereby. The petition shall be filed with the auditor or clerk of the city or town involved 30 days previous to the taking of any action thereon by the city governing body.

(2) Notice of the pendency of the petition, containing a description of the area sought to be vacated or right, use or occupancy sought to be obtained, shall be published at least once each week for three successive weeks prior to expiration of such 30-day period in a newspaper of general circulation in the county wherein the city or town is located.

271.210 Hearing; grant of petition. Hearing upon the petition shall be had by the city governing body at its next regular meeting following the expiration of 30 days from the filing of the petition. At that time objections to the granting of the whole or any part of the petition shall be duly heard and considered by the governing body, which shall thereupon, or at any later time to which the hearing is postponed or adjourned, pass by a majority vote an ordinance setting forth the property to be vacated, or other rights, occupancy or use to be thereby granted. Upon the expiration of 30 days from the passage of the ordinance and the approval thereof by the mayor of the city or town, the ordinance shall be in full force and effect.

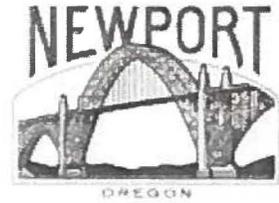
271.220 Filing of objections; waiver. All objections to the petition shall be filed with the clerk or auditor of the city or town within 30 days from the filing of the petition, and if not so filed shall be conclusively presumed to have been waived. The regularity, validity and correctness of the proceedings of the city governing body pursuant to ORS 271.180 to 271.210, shall be conclusive in all things on all parties, and cannot in any manner be contested in any proceeding whatsoever by any person not filing written objections within the time provided in this section.

271.230 Records of vacations; fees. (1) If any town or plat of any city or town is vacated by a county court or municipal authority of any city or town, the vacation order or ordinance shall be recorded in the deed records of the county. Whenever a vacation order or ordinance is so recorded, the county surveyor of such county shall, upon a copy of the plat that is certified by the county clerk, trace or shade with permanent ink in such manner as to denote that portion so vacated, and shall make the notation "Vacated" upon such copy of the plat, giving the book and page of the deed record in which the order or ordinance is recorded. Corrections or changes shall not be allowed on the original plat once it is recorded with the county clerk.

(2) For recording in the county deed records, the county clerk shall collect the same fee as for recording a deed. For the services of the county surveyor for marking the record upon the copy of the plat, the county clerk shall collect a fee as set by ordinance of the county governing body to be paid by the county clerk to the county surveyor. [Amended by 1971 c.621 §31; 1975 c.607 §31; 1977 c.488 §2; 1979 c.833 §30; 1999 c.710 §12; 2001 c.173 §5]

City of Newport

169 SW Coast Highway
Newport, OR 97365
P|541-574-3366 F|541-574-3301
<http://www.thecityofnewport.net/>



Memo

To: Derrick Tokos, Community Development Director

From: Timothy Gross, Director of Public Works/City Engineer

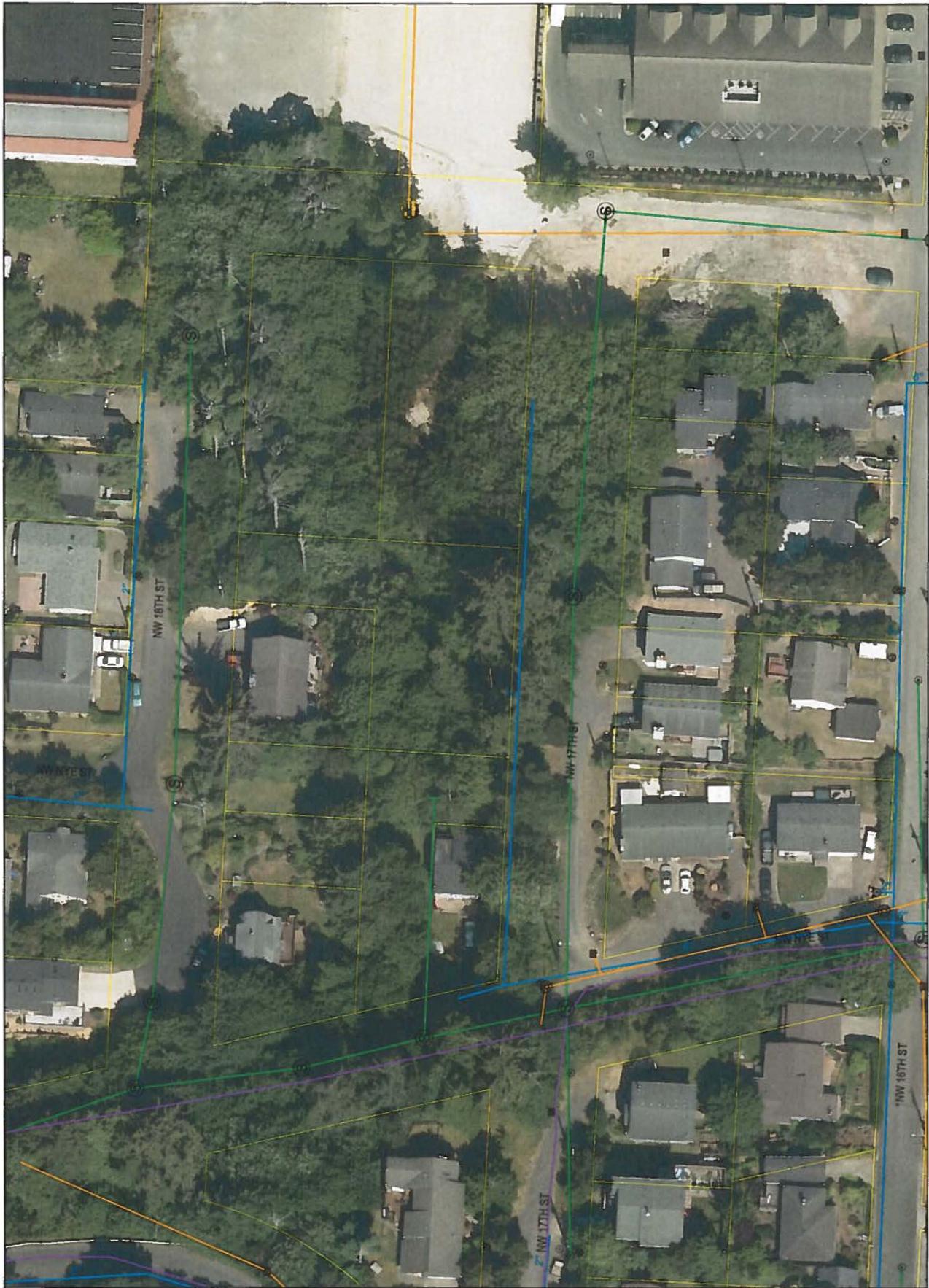
Date: 1/12/2015

RE: REQUEST FOR STREET VACATION – REX AND THERESA CAPRI
NW 17TH ST AND NW 18TH STREET

This memo is in response to the land use request by Rex and Theresa Capri to vacate portions of NW 17th and NW 18th Streets east of Nye/Pine Streets. It is not in the best interests of the City of Newport to vacate portions of these rights of way (ROW). The City currently has both water and sewer infrastructure in both of these streets. The full ROW is needed to maintain these municipal utilities. Furthermore, there are also several private utilities including gas, electric, and phone in these ROW's.

It is also possible that NW 17th may be extended to the east to intersect with NW Grove Street. The subgrade of NW Grove has recently been extended to the north as part of the O'Reilly Auto Parts construction, and the as of yet undeveloped lot to the south may need to complete NW Grove Street up to their lot. If this is the case, several undeveloped lots then become accessible for development with the completion of NW 17th to NW Grove.

Encs. UTILITES – NW 17TH & 18TH STREETS MAP



	<p>City of Newport Engineering Department 169 SW Coast Highway Newport, OR 97385</p>	<p>UTILITIES - NW17TH & 18TH STREETS CITY OF NEWPORT, OR</p>	
<p>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 Engineering Department.</p>			

In response to whether the public interest will be prejudiced by the vacation of such plat or street or parts thereof:

We appreciated the neighbors taking time out of their day to have their signature notarized voicing they were happy to do it.

Upon requesting a utility locate, it was determined that attachment "C", "D", and "F"'s aerial representation of water and sewer were grossly inaccurate on NW 17th St. The water line on NW 17th actually extends for approximately half the length portrayed and is 50 feet to the south, in the roadbed near the houses, not at the bottom of the canyon through 2 old growth spruce trees as portrayed. On NW 18th St, the sewer line lies in the middle of the roadbed about 10 feet north of the 30 foot center line. See enclosed pictures of the requested locate. Also attached is a map where the water line is revised according to the physical locate (revised Attachment C). Rex talked to Olaf in the Public Works Department where he verified that tax lots 9400, 9401 and 9100 whose physical addresses are 223, 227, 231, and 235 NW 17th St, obtain their water through a line on 16th St, instead of 17th St. Looking at Attachment "D" the topography map, you can see why. Please note that NW 16th St is a 30 foot right of way road and clearly all utilities are able to be maintained, not only for residences on each side of 16th St, but also the houses whose addresses are 17th St. Personally, while our address is 255 NW 17th St, our home phone comes from a line on 16th, not 17th.

All utilities on the locate, were shown to be either absent, or within the current roadbed (which is not in the proposed vacate area), with the exception of an overhead power line that is present on part of the requested area to be vacated on 18th St. The public interest would not be negatively affected by vacating any of the proposed area since the utilities lie well within the 30 foot right of way.

We wanted to comment, that although part of the current property we own adjacent to the proposed vacation is swampy and in R-1 zoning and would be impractical for a private homeowner to fill with the drainage requirement, we in no way are implying that the city owned property, lots 7900 and 8000 just east of us, couldn't be filled and made into workforce ("residential in the 80-120K range") housing as was asserted in the argument by the planning staff. It seems like making a 30 foot road on 17th, instead of a 60 foot road, would provide more usable land to make this happen; however, if the city still wanted a 60 foot road, this is not an area we are asking about. Since all of the houses on 17th street, just south of the city owned land, obtain their utilities thorough NW 16th, it would make much more logical and practical sense for the utilities to be brought through on Grove Street. The public interest would not be negatively affected by vacating any of the proposed area.

Key points to support recommendation:

Topography in R-1 zoning supports vacation as proposed.

Utilities are in place within the current roadbed which lie well outside proposed vacation except overhead PUD in part of 18th St.

There will be more property tax revenue gained for the city by adding this land to the tax base.

entered into record @ 1/26/15 hearing by Rex Capri.

17th street looking East. Fluorescent pink represents the proposed line for vacation. Green Sewer. Blue water. Sewer approximately 10 feet from proposed line.



At end of NW 17th street looking West.



NW 18th street looking East. Pink fluorescent tape proposed vacation line. Green sewer. Blue water. Orange telephone/TV. Sewer approximately 10 feet from proposed line.



NW 18th street looking West





Looking east at 18th St. and the proposed vacate area. Central Lincoln PUD requested and executed a vegetation removal under the power lines on the proposed area in 2013/14. Dirt removal near the west side of the proposed vacate area was used for the Saxton/Fuentes residential homesite development.

17th and Nye Street looking East. Red marker marks center line of right of way.



Revised
Attachment "C"
Zoning Map of Area
(File 2-SV-14)



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February 17, 2015



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

**City of Newport Zoning Designations
(Area Affected by Street Vacation Petition No. 2-SV-14)**

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



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Wednesday, January 28, 2015

Derrick Tokos
Community Development Director
City Of Newport
169 SW Coast Hwy.

Derrick,

I am writing in regard to the petition for partial street vacation file no. 2-SW-14. I have reviewed the application and provided a tax lot map showing the proposed street vacations. I also drove out to the site and walked the sections of NW 17th Street and NW 18th Street that would be vacated. With all that, the Fire Department recommends the City Council NOT approve these street vacations.

The Fire Department is concerned about access for emergency vehicles. On the NW 17th Street side, the partial street vacation will block access to two properties on NW 17th that are on the south side of the road. With the way the road currently runs we would not be able to access 245 and 255 NW 17th Street. The road width at the NW corner of the proposed street vacation would be reduced to about 6 feet. I doubt a car could fit through there, let alone a fire engine.

On NW 18th Street the proposed street vacation could hamper access to three properties: 240, 230, and 220 NW 18th Street. If a car were parked or stopped on the portion of the street adjacent to the street vacation, emergency vehicles would not have access to the above listed addresses.

The Fire Department wants to ensure that every property can be accessed by emergency vehicles. During a fire or medical emergency, any delay in applying water or provided emergency medical care can have a negative impact. I want to thank you for your consideration and I ask that this letter, as well as our concerns, be made available to the council. You may contact me if you have any questions or concerns regarding this matter.

Respectfully,

A handwritten signature in blue ink, appearing to read "Rob Murphy".

Rob Murphy
Fire Chief
Newport Fire Department

245 NW 10TH ST, NEWPORT OR 97365 – (541)-265-9461 – FAX (541) 265-9463

February 17, 2015

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Monday, February 2, 2015

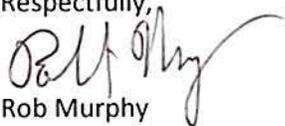
Derrick Tokos
Community Development Director
City Of Newport
169 SW Coast Hwy.
Newport, OR 97365

Derrick:

After I sent a letter dated January 29th 2014 giving comment for partial street vacation file no. 2-SW-14, I went out and met with property owner, Rex Capri. After meeting with him I need to correct some of my statements in my first letter. I incorrectly viewed some of the survey markers that were on the site. In my previous letter I stated the proposed street vacation on NW 17th Street would reduce the present road width to 6 feet at the NW corner of the proposed vacation. This was incorrect. The vacation goes in the opposite direction from which I originally thought it did. That is, the proposed vacation covers the northern half of the street right-of-way which would put most of the proposed vacation over a deep canyon. Having said that, the Fire Department still recommends the City Council NOT approve these street vacations. This is because of the potential of a future through street being put in on that section of NW 17th Street. Any reduction of that future road width could potentially restrict emergency vehicle access.

I stand by my comments on the proposed NW 18th Street vacation as stated in my letter. I am sorry for any confusion I may have caused. I try to be as fair and objective as I can in these matters and I believe in collecting as many facts as I can so I can make the correct recommendations. Please let me know if you have any questions.

Respectfully,


Rob Murphy
Fire Chief
Newport Fire Department

Minutes
City of Newport Planning Commission
Regular Session
Newport City Hall Council Chambers
Monday, January 26, 2015

Commissioners Present: Jim Patrick, Lee Hardy, Bob Berman, Rod Croteau, Gary East, and Bill Branigan.

Commissioners Absent: Mike Franklin (*excused*).

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

A. Roll Call. Chair Patrick called the meeting to order in the Council Chambers of Newport City Hall at 6:00 p.m. On roll call, Hardy, Berman, Croteau, Patrick, East, and Branigan were present. Franklin was absent but excused.

B. Approval of Minutes.

1. Approval of the Planning Commission work session and regular meeting minutes of November 24, 2014, the work session minutes of December 8, 2014, and the joint City Council/Planning Commission work session minutes of January 12, 2015.

Croteau noted a couple of minor corrections on the minutes of the November 24th work session.

MOTION was made by Commissioner Berman, seconded by Commissioner East, to approve all sets of Planning Commission minutes with the corrections as noted. The motion carried unanimously in a voice vote.

C. Citizen/Public Comment. No public comment.

D. Consent Calendar. Nothing on the Consent Calendar.

E. Action Items.

1. Election of Planning Commission Chair and Vice Chair for 2015.

MOTION was made by Commissioner Berman, seconded by Commissioner Branigan, to retain Commissioner Patrick as Chair and Commissioner Croteau as Vice Chair. The motion carried unanimously in a voice vote.

F. Public Hearings.

Patrick opened the public hearing portion of the meeting at 6:04 p.m. by reading the statement of rights and relevance applying to all hearings on the agenda. He asked the Commissioners for declarations of conflicts of interest, ex parte contact, bias, or site visits. Berman, Croteau, East, and Hardy all declared site visits. Branigan and Patrick declared a site visit to one; 17th Street. Patrick called for objections to any of the Commissioners or the Commission as a whole hearing this matter; and none were heard.

1. File No. 2-MRP-14-A. Appeal of the Community Development Director's decision of approval for File No. 2-MRP-14, a minor replat of portions of Lots 1 and 4, Block 1, Nye & Thompson Addition as submitted by Bret Fox. The Appellant, Bret Fox, is challenging Condition of Approval No. 2, which requires widening and reconfiguring of the property's access to SW 2nd Street, removing and revegetating an "abandoned" portion of the 2nd Street right-of-way, and replacing the sidewalks along the property's Olive Street and 2nd Street frontages.

Patrick opened the hearing for File No. 2-MRP-14-A at 6:05 p.m. by reading the summary from the agenda. He called for the staff report. Tokos said, as the Commissioners gathered from the packet material, the City has been working with Bret Fox and his attorneys, and they would like to sort out a solution in a manner that's workable for both the City and the applicant. Mr. Fox is in the process of doing some financing on that property. His objective is to create a third parcel where the Courthouse Café used to be. By creating that as a separate parcel, it would not be involved in the financing he is arranging for the larger property, which includes the developed portion. Given the timing on his financing, it would be difficult for him to get all of these improvements in place. We talked with them about a development agreement; and we were going down that path. However, Fox and his attorneys have indicated that they

may want to pursue a different matter. They may want to drop the replat and try a different route through a property line adjustment or simply forego doing anything further with the property reconfiguration at this time until he gets a better sense of how or when he might be able to get that Courthouse Café piece ready to develop. He has no qualms with the need for restoration that have been identified by the City Engineer as part of that approval packet; it's just that he's not in a position to do them right now because of the financing he's working on. Especially in particular with the Courthouse Café piece, he may want to approach the City to vacate a portion of 2nd to better reconfigure where that clock is. That clock is sitting on state right-of-way; it's not something that's the City's. We maintain it, but it is state right-of-way. He is thinking that might help with respect to reconfiguring the access. It needs to be corrected, and he recognizes that. He's just not sure that now is the best time for him to make that investment given where he is at with positioning properties. For now Fox is trying to sort out how to best proceed and ran out of time and asked for a continuance. Tokos noted that, as the Commissioners can see in the email put forward today, the attorneys agreed to stay the 120-day clock for purposes of City decision-making while they sort through their options and get back to us.

Patrick didn't think there were any objections to that on the Planning Commission's part. Croteau said this seemed like a fairly reasonable way to deal with the appeal. He asked what the consequences would be if they didn't move forward with what they promised but were obligated to do within that timeframe. What does the City do in a case like that? Tokos said we have limits. The filing of the final replat is our hammer to make sure improvements are in place before the additional parcel is created. We have the option of doing a development agreement, but that's limited to a one-year timeframe. Fox has to post a bond or provide a letter of credit. We told him we could throw a conservative number in there for bonding purposes that would cover this; but he was concerned that the banks may want more detail that he's not ready to provide now with respect to how he intends to develop that property. In the latest iteration that we're talking about, we told him he might grant across access easement for the newly-created Parcel 3 so they can legally utilize the access on 101. Right now it can because it's not a separate parcel, and it has historically used that. The way he's proposing to create this, it's only legal access would be off 2nd. What we were talking about was what if he puts an across access easement in there to provide a legal way of access and then agrees to barricade the access to 2nd for the time being. He could then forego having to do improvements to the driveway at that location and to the sidewalk; and just make the sidewalk improvements up on Olive, which is a potentially lower cost. Then when he is actually ready to come in and develop, we could talk about lifting the barricade at that point and hook him for fixing the access and the sidewalk on the south side when he's ready to develop the property. That's what we're sorting through. Croteau said he can see it will take some time. Berman asked if continuing it just two weeks would be enough time. Tokos said that seemed to be acceptable to them; they asked for the next available date. The ball's in their court, and we're just kind of working off that. Hardy asked what kind of sidewalk improvements Tokos was talking about. Tokos said just reconstruction along 2nd because it is beat up; as is the sidewalk up on Olive.

MOTION was made by Commissioner Croteau, seconded by Commissioner Berman, to continue the hearing for File No. 2-MRP-14-A to February 9th. The motion carried unanimously in a voice vote.

2. File No. 2-SV-14. Consideration of a request submitted by Rex and Theresa Capri for a proposed partial street vacation of the northern 30' wide portion of NW 17th Street abutting lots 16, 17 & 18, Block 8, BEACH PARK ADDITION (a portion of Tax Lot 7901 of Tax Map 11-11-05-BA) and the southern 30' wide portion of NW 18th Street abutting Lot 7, Block 8, BEACH PARK ADDITION (also a portion of Tax Lot 7901 of Tax Map 11-11-05-BA). The Commission will forward a recommendation to the City Council on this matter.

Patrick opened the hearing for File no. 2-SV-14 at 6:11 p.m. by reading the summary from the agenda. He called for the staff report. Tokos noted that in the staff report he outlined the relevant approval criteria listed in State Statute. He said the first is whether the consents of the owners in the required area were obtained, which is 200 feet to either side of the road being vacated and 400 feet from the terminus ends of the right-of-way. He noted that there is a map exhibit showing the notification area. The second criterion is whether notice was duly given for the hearing; and that is shown in here. The last criterion is whether the public interest will be prejudiced by the vacation of the right-of-way. Tokos said the consent area was properly identified by the applicant. The map shows that the owners of 2/3 of the land within the area have consented to the vacation. The abutting property owner, who is the petitioner in this case, has consented. So the application satisfies the statutory requirements for consents. Tokos said the main consideration then is whether the public interest will be prejudiced by the vacation of the right-of-way. He noted that there is a letter included in the packet from City Engineer Tim Gross indicating that the right-of-way is needed to maintain utilities that are in place in both locations and pointed out that 17th may be extended at a future date; which is relevant because if you consider if the public interest will be prejudiced when doing a vacation, you have to look at that in perpetuity. If a street is going to be expanded or enlarged at some point, that is an important consideration; and Gross indicated that it may be extended or widened at some future date to connect up with Grove Street, which has been partially constructed as part of the preparatory work done by those commercial developers. The extension of that

street would create a looped street system, which is desirable both for emergencies and for public convenience. Tokos told the Commissioners to keep in mind that the City's TSP sets out minimum right-of-way widths for the purpose of constructing local roads. The minimum right-of-way width is 50 feet. This petition if granted is suggesting a right-of-way smaller than what is permissible in the City. That's an issue that you would have to address. There is also the issue Gross pointed out with having flexibility for dealing with maintaining utilities there. When dealing with rights-of-way, he needs the flexibility and ability to deal with a number of issues in maintaining and expanding utilities; not the least of which is dealing with terrain issues in some areas. They may need significantly more area than where the specific utilities are located to deal with that. Tokos said those are some of the things to think about. He said to also think about what is the public interest in this case. The petitioner indicated that one of their desires is to preserve the canyon, which happens to be largely owned by the City. This is one of several sites discussed in the workforce housing study, but it has significant terrain issues. It was discussed at that time as having constraints for workforce housing; but the City hasn't established a specific use for those properties at this point in time. Tokos said the Commission needs to think about, if we vacate the right-of-way, for what purpose. What is it actually accomplishing. If it's preservation of the canyon, how is that more effective under private ownership as opposed to City ownership? Tokos noted that the petitioner has put together some responses to staff comments, which were distributed prior to the meeting. He encouraged the Commissioners to read through it and contemplate that before making a recommendation to the City Council whether or not the right-of-way should be vacated. He said if the Commissioners believe it is in the public interest to vacate the right-of-way, you would have to recommend that utility easements be reserved. Tokos said, regarding the location of the utilities, he sees the petitioners point that they did utility locates. Even with utility locates, the exact location of utilities and the area that would be needed to be reserved to adequately maintain them, there is no legal description of what that would be short of retaining utility easements over the entire area that is proposed to be vacated. That's typically how it's done. Unless the petitioner proposes an alternative legal description, your default is to retain a utility easement over the entire right-of-way proposed to be vacated. That's something else to consider if the Commission believes it is in the public interest to vacate the right-of-way in the first place. Tokos told the Commission that after taking public testimony, you need to weigh how you want to recommend this forward to the City Council. They will have another public hearing and will be the final decision-maker on this petition.

Hardy asked if there was any geologic analysis done on that canyon. Tokos said not to his knowledge. He said that there was quite a bit of work done by the developer who put a lot of sand fill at that location. They did some analysis on their compaction methods. He didn't know how thorough that was and didn't evaluate that prior to this meeting. Hardy asked if that sand fill and compaction was monitored for appropriateness. Tokos said not by the City. We don't have a code that required that. The property's not in a geological hazard area. If it were we would have had a geologic permitting process. So, it would default to an erosion control code, which we don't have. Croteau asked if there are any issues with access by fire or other emergency vehicles in a future development that came up in discussion. Tokos said the Fire Department did receive notice, but didn't provide comment at this point in time. He said that may have just been an oversight. The Fire Department wants to make sure accesses are wide enough to accommodate their vehicles and can handle the load weight of their heavier vehicles. He said that they don't care for dead-ends so much; they are happier with more than one way in and out. Hardy thinks there are challenges there in that regard in that neighborhood. Patrick asked that he understood correctly that even if we vacate the right-of-way, we'd still retain a utility easement. Tokos said you would need to; otherwise you would be leaving them hanging out there in the wind. You would put the City and the other utility providers in a position where they may need to do work on those utilities outside the right-of-way, basically on private property. Then they would have to secure easements from the Capris. Once vacated, that would become the Capris' property. What usually happens is when it's vacated it accrues to the adjoining property. Typically when you see a street vacation, you see the entire width of the right-of-way being vacated. Half accrues to one side and half to the other. They've only requested half the right-of-way be vacated; the part that would accrue to them.

Berman asked, assuming the original drawings were as wrong as it seems to be indicated on the latest handout, if Tokos had a sense of how that came to be. He asked if it would really take a physical survey. Tokos said it does. The representations we have in the GIS system are not survey accurate. This was their initial round of locating their stuff to identify where it is generally in the right-of-way. Even from the photos Capri attached with his information you can see you have rights-of-way with utilities on both sides of the actual traveled gravel roadway at this point in time. These aren't all in one trench; they're scattered around. Even with utility locates, they are good in so far as there are tracer wires in the lines that they are locating. We commonly run into infrastructure that's more dated that doesn't have tracer information. Utility locates are helpful as they give you a general sense of where those utilities are and that you have to be careful there; but they don't always pick up everything that's in the ground. Berman said that he noticed that most streets up there are as narrow as what would be remaining after the proposed vacation. He asked if Tokos had any sense for how much very narrow used streets (actual developed streets) there are and how exceptional this would be to add another couple hundred feet of 30' wide streets. Tokos said typically where the City has found it's not going to be prejudiced, and Abbey Street in back of the hospital is a good example, those are areas where the

terrain is so steep that a street would never be extended through there; and in these cases we didn't even have utilities in those locations because it's so steep. It's highly irregular to vacate half of a right-of-way and not the other half. Typically what you'll have is a right-of-way that extends over very steep terrain, and there are no plans or no need for the public to extend a street in that location. Croteau noted that there are a lot of streets that are 30 feet and gravel, but the right-of-way is not. Tokos said it's not uncommon to have underdeveloped streets. Sometimes it's terrain, and sometimes it's an underdeveloped area where the developer couldn't afford to construct a proper street. Also, we are on a program of fixing gravel streets and fully paving those and putting in sidewalk; like over by Dutch Bros. for example. He noted that what's there today is not necessarily what will be there in twenty or thirty years. That's why one of the things the Planning Commission needs to think about is when you vacate a street, it's gone forever. The only way it gets picked up again if it's ever needed is it gets repurchased at cost to the City. Branigan said that particular property is very steep and asked what the practicality is of ever extending a road through there. Tokos said that 17th is not as terrain constrained as 18th is. It's not inconceivable that 17th would be connected through to Grove; 18th probably wouldn't be connected, and there's no purpose. It would be very difficult for it to be extended. However, as Gross mentioned, he believes it's in the public interest to retain that right-of-way for maintaining the street that is there. You do have traveled streets on both sides here; these aren't undeveloped rights-of-way adjacent to the petitioner's property. So to maintain the street on 18th and to maintain the utilities that are in place there, he has requested that it's not in the public interest that they vacate that right-of-way. It's not that Gross has any immediate plans to do anything there; it may sit that way for the foreseeable future. The question in front of the Planning Commission is if it's in the public interest to maintain the right-of-way in its present condition, or is it the public's interest to vacate it and convey it over to the neighbor.

Proponents: The petitioners, Rex and Theresa Capri, 255 NW 17th Street, came forward to testify. Capri said they live just on the south side of 17th Street across from the lots they own that are in the canyon. He said the idea was that they own four lots in that canyon and maintain it by cutting grass and brush on the sides there. He said that both of these pieces they are asking to vacate are still in their natural state and haven't been disrupted. The only thing on 18th is an overhead power line. He noted that if you look at the picture they provided, on page 4, the pink tape they placed on these pictures shows basically where the 30-foot center of right-of-way would exist. He said that on the picture you can see pretty much it's in a natural state except under the power lines. That was cut one year ago when they asked if they could come in and cut under there. Before then that was all natural vegetation too. Page 2 shows 17th Street looking east and west. On the shot looking west, across from his truck on the left is where their house is. They have lived there almost thirty years. He said that where his truck is is undeveloped property over there too except where the pickup is parked because he filled in there and made a place to park. He intends to make another one where he can park vehicles. Also, some of these trees that you see on page 2 in the bottom photo will be removed so he can plant some fruit trees. Also, at some point in the future, it may be that if he develops parking spots there he may want to put a carport or garage there to protect those vehicles. He said it's the same on 18th Street on that piece. On both page 2 and page 3 utilities are in these existing streets. Those shots from the street show the markings representing the utilities. He called attention to the bottom photo on page 2 where it's looking to the west, where you will see in the distance fencing at the top of that very steep bank. He said that was placed there last fall because there was a sewer line placed from Agate Beach Wayside up through Ocean View Drive and then up through that section on 17th and down that steep bank continuing down Nye Street down to 12th where it terminated. He said there was no problem for the equipment to come in on that little section on that steep bank to put in the new sewer line. He said, so the contention by the Planning Staff Report that they need the full 60 feet to do utility work is unfounded. Looking at this work that was done, they put a major sewer line in a street no wider than what you are looking at here. Capri said that Tokos had said that it's unusual to ask for a partial street vacation. He said the bottom photo on page 2 is shot from the end of the street, and it stops there; it's brush beyond there. On that parcel on 18th, shown on page 4, he doesn't intend to take down any of those trees above the tape there. He said just beyond that looks like an ideal place to plant some more fruit trees, some berries, and possibly some garden. He does some leveling on that, and because that's the highest piece it would be good for that. In the future he may want to put a small shed to hold tools and gardening or pruning gear or whatever. If he places these buildings on something that is still public and they decide to take them down, he would incur that expense. The fact is that these rights-of-way have never been used before, and the roads that are there seem to adequately provide access for the people who live there now. When they went out and collected signatures as part of the requirement for this petition, there were a number of people on both streets that said they would like to keep those roads the way they are. If the City decides to come in and open roads, he suspects there would be opposition from the local property owners there. They feel that 30 feet to go through on 17th and even 18th would be plenty adequate for what you are dealing with there. He said another point that Tokos stated was that 17th could be developed to a full 60-foot width. He said as you saw on the topography map, this is very steep and drops off very steep off the edge there. On page 2 in the top photo you can see a white marker off in the distance. When the City did all that fill from Walmart, they built a little road and dumped a lot of fill down in that canyon. There was no drainage pipe put in that canyon and no compacting when the fill was done. The only pipe was after the fact and only a piece of green plastic sewer pipe 50 feet long about 8 feet higher above the bottom of the canyon abutting where

the City filled. Two weeks after, there was a rainstorm that plugged that pipe. It also slid a section just beyond this log you see in the top photo on page 2. You would have to do some major repair work even to punch the road through on 17th as you see it existing right now. He said there are major issues.

Capri said that one of the problems here also on 17th was on Grove Street right behind TLC and across from Newport Plumbing there was a real steep canyon that headed to the north through there that has been filled in over the years. There was a natural stream that came out of there. There was never any provision made for any drainage from that stream. When the fill was placed there in those canyons with no drainage it caused that stream to push underground, and now it pushes up out of the ground on the eastern edge of their lots there; basically just beyond where he is standing against the pickup in the picture back by that white marker. He said if the City wants 60 feet, it would be right in that stream where it exists now. He said on the other side of the canyon, which is drainage from the highway, Sea Towne, and San-Bay-O and skirts around to the north, they did a lot of work when they filled in that vacant lot between TLC and O'Reillys. They had to come in and dig down way deep and put in correct drainage pipe, and that routed it. There are two streams there; one right over to the bank on the north side, and one on the south side. They run 24/7, 365. They were wetlands; and there was never any mitigation or requirements for drainage to be placed in there. There was no compaction of the soil that was placed in there. What that initially caused when it rained and the sand filled in, it filled in the lots they had. It filled everything and caused all that drainage water to just be a big swamp. Over the years he has dug channels. He said there would be a huge cost to mitigate those problems right there and ever make a 60-foot right-of-way and ever build a house there. It would require digging down and putting in proper piping. It also would be burdened by wetland requirements there. He's not saying it can't be developed; if it could, then fine. He said they think a 30-foot right-of-way just past the piece they are asking would be adequate and the most logical. If housing was built on the City property, it would be better to come in on Grove Street. It's one block off the highway. It's the best access for fire, and for water and sewer and utilities. He said for those reasons, he thinks they are being more than fair in their request to vacate.

Croteau said from the overhead map he notes that the Capris do have considerable property as it stands now. He said it seems like plenty to accommodate the needs Capri spoke of; parking, a shed, an orchard, and a garden. Croteau asked Capri to tell him what this vacation would provide him that he doesn't have now. Capri said he wouldn't be able to grow what he's asking to grow in the canyon or park down there. It would require a huge expense to go in and put in drainage. He said the previous City Engineer told him he would have to put in 2-foot culvert piping; and the expense of putting in that kind of piping, and there would be a huge amount of fill to make developable lots would be an expense that wouldn't be worth what you would hope to sell the lots for. Croteau said, so it would be for your convenience because you wouldn't want to bear the expense to make it usable for your purposes. Capri said there's nothing more than a part of it in the bottom of that canyon. To be able to park and for growing things, the only reasonable places are the higher elevations near the street. Croteau said, so the issue is really not one of preservation, but rather one of acquiring usable land for your own purpose. Capri said it would be preserved the way it is. Croteau asked if Capri is concerned that that land would not be preserved. Mrs. Capri thought they went with that area because it's right next to their property; and they can't ask the City to vacate the property next to theirs. Berman asked, if this vacation were to be declined, what activities might you not be able to do. You mentioned that you might want to build a shed and the City may say take it down. Other than that, what would you not be able to do because this vacation wasn't approved? Capri said he didn't know. Berman asked if Capri could park in the right-of-way; and Tokos said people park in the rights-of-way all the time. Berman said he could understand carports or structures; but if everything remains status-quo for the next twenty years; he asked Capri what he wouldn't be able to do. Capri said if he planted trees and berry bushes and things of that sort there. Tokos said currently the only area where you would have an issue is 18th because of the overhead utility lines. The utility company would have limitations on what could be planted underneath their utility lines. Currently there is nothing limiting planting in the right-of-way. Branigan asked Capri if basically he is wanting the 18th Street property for trees and plantings; and the 17th Street for additional parking. Capri said, yes; but he would be taking out a few trees east of where his truck is parked on 17th and putting in fruit trees there also. Branigan said but mainly 17th for parking and 18th for orchard; and Capri confirmed that.

Capri asked if the Commission could stay their decision until the members had a chance to go out and visually take a look for themselves to see what this involves. Patrick said that all of the members had made a visit to the site.

There were no other proponents or opponents present wishing to testify; so rebuttal was waived. Patrick closed the hearing at 6:50 for Commission deliberation. Branigan said that he understands what the Capris would like to do. He said it's certainly not in the public interest; it's in their own interest. Branigan said that land is valuable property within the City of Newport; we don't have enough. The rights-of-way are City-owned property. Branigan said he really doesn't think the public interest is going to be served by vacation of the rights-of-way. He said he would have to recommend not to do the vacation. East said he would like to hear from Tokos about a garage on City-owned property and what the future is for that. He would also like to hear from the Fire Department and get their input on

their access; their ability to turn around depending on what the City is going to do. If everything can be accessed from Grove and it would be geologically sound, then maybe he would consider it. East thinks for right now, he would like to see more information of what the City has planned and get feedback from the Fire Department. Croteau has a difficult time in voting for this because frankly the public interest isn't served. On the other hand, he doesn't see the City doing vast improvements on this land for quite some time. He would be happy to see the Capris build a shed and put in a garden and use the right-of-way for that. By the time the City gets to putting 17th through and developing that land, everyone in this room will be long gone. So he wishes Capri luck in using the right-of-way in a way the City accepts and can deal with. That way, Capri's objective is taken care of, but at the same time we're not giving up something that the City may regret at sometime in the future. Berman concurred with Croteau. He pointed out that the chances of 17th going on through or anything serious being done with 18th Street is about zero given the budget priorities and the fiscal condition and the other issues that really should be addressed by the City long before this. Berman also encouraged Capri to go on with his plans in conformance with City regulations. He said there doesn't seem to be a lot stopping Capri from doing what he wants to do on those two little bits of rights-of-way. He told Capri to go for it and best of luck to him. Hardy said she had mixed feelings with respect to the feasibility of the City doing anything easily for development up there. She said she has been up there in an ambulance about thirty-five years ago; and it's really difficult to access anything. She said to further hinder that for emergency response vehicles she thinks would be irresponsible. She is inclined to go with a vote against the vacation. She also encouraged the Capris to take whatever advantage they can of this green space without any issue with respect to using it; do well, but don't abuse it. Patrick agreed with the majority of the Commission and said it doesn't fill any public need. He thought the Commission actually will need to do a policy on street vacation; take the time and go through it. He said as he recalls, we've only done one that way and actually approved it. Tokos said there are a couple; Abbey Street and one by Walgreens. Berman said, and OMSI did too. Tokos said that was more comprehensive code cleanup. Patrick said for those others there were no existing utilities in the ground. Given the fact that here you have utilities in the ground and overhead, which means they would have to give utility easements; and 18th is overhead, which means they really can't do anything with it anyway. They can put something there like landscaping, but the utility companies reserve the right to take it out. Tokos said utility companies are cautious about things that could grow up and interfere with their ability to maintain their lines. Patrick said granted there is no chance of any of this getting approved right now; but fifty years from now is another story. A lot changes. He's seen people put a house on things he never would have believed they could put a house on. Maybe he could see it if it was vacating the whole street; but he's never done half a street. Patrick said he feels for the Capris and understands why they want the vacation; but he doesn't see any public interest in it that benefits the City of Newport. Croteau said that he certainly is sympathetic to the Capris' cause, but when he looks at the evidence and the testimony he had to make a motion for denial.

MOTION was made by Commission Croteau, seconded by Commissioner Branigan, to make a recommendation to the City Council for denial of the partial street vacation as requested in File No. 2-SV-14. The motion carried unanimously in a voice vote.

3. File No. 5-CP-14. Consideration of legislative text amendments to the Housing element of the Newport Comprehensive Plan to include new policies and implementing measures to encourage the development of multi-family housing, including student housing, as recommended in the Newport Student Housing Report, prepared by ECONorthwest, dated November 2014. The Commission will forward a recommendation to the City Council on this matter.

Patrick opened the hearing for File No. 5-CP-14 at 6:57 p.m. by reading the summary from the agenda. He called for the staff report. Tokos noted that included with the staff analysis is a draft ordinance that would amend the "Housing" element of the City's Comprehensive Plan to incorporate the policy recommendations that came out of the Student Housing Study. He drafted it in a manner that incorporates the recommended policy and three implementation measures more or less verbatim from the Study with just a little bit of transitional language. When the Housing Study was presented to the City Council, they adopted a resolution, which is included in the packet, where they accepted the study and referred it to the Planning Commission to consider whether or not this policy and implementation measures should be incorporated into the "Housing" element. Tokos noted that the policy on page 51 of the Housing Study states that "The City of Newport will encourage development of multi-family housing, including student housing, throughout the City in areas that allow multi-family development. Increasing the supply of multi-family housing is crucial to meeting the needs of Newport's workforce and lower-income households, as well as to support student growth at the HMSC. The City will identify and implement appropriate tools to support multi-family and student housing development." Then it sites three specific implementing measures. Measure number 1 states that "The City of Newport will work with Lincoln County to evaluate the use of the multiple unit tax exemption to support multi-family development. If the City and County choose to offer the multiple unit tax exemption, they will work together to identify the area(s) to apply the tax exemption, develop criteria for offering the tax exemption, and set criteria for using the program (such as a programmatic cap)." Implementation Measure number 2 states that "The City of Newport

will work with Lincoln County to evaluate the use of CDBG funds and Section 108 funds to support development of subsidized low-income and where applicable workforce multi-family housing.” Finally, Implementation Measure number 3 states that “The City of Newport will work with property owners around the Wilder development and ODOT to coordinate the amount, type, and density of residential development in this area. If necessary, the City of Newport will adjust the zoning in this area to allow for development of student housing and other multi-family housing.” Tokos said the Commissioners will recall that the Student Housing Report was something that was initiated by the City of Newport, Lincoln County, and OSU. Lincoln County brought some funds to the table to pay for that; as did the City through a grant with the State of Oregon. A stakeholder group was put together to provide guidance as ECONorthwest did their work. That stakeholder group included representatives from the cities of Lincoln City, Depoe Bay, Waldport, Yachats, and OSU from the HMSC side and OSU Housing from Corvallis. Lee Hardy served on the committee as an individual on the property management side of things and also happens to be a Planning Commission member. City staff was involved as well. Tokos noted that the members are listed in the Housing Study that is included as an attachment in the packet. He said if this does get included in the Comp Plan as a policy and implementation measures, then that basically gives us marching orders to pursue these three implementation measures. One of them, the multiple unit tax exemption, we’ve already had preliminary discussions to get a sense of how receptive the County might be and what that might look like and how that might be structured.

Berman noted that measures 1 and 2 specifically talk about coordination with Lincoln County. He asked if that’s saying it must include Lincoln County or if they balk, is there any reason the City couldn’t proceed. Tokos said there’s no reason the City can’t proceed. It’s more effective if the County participates. Their property taxes also would be abated. He said in either one of those measures, the City is committing to engaging the County; but beyond that, if the County doesn’t want to participate, there’s no reason the City couldn’t pursue one or more of those options by ourself. Berman asked, especially with the tax abatement, would all the other entities have to be involved and sign off; or are you saying just City and County would make that decision. Tokos said we would want to cast as broad a net as possible. There’s a good chance that most of the taxing entities would be receptive to that. If for no other reason, just for the simple fact that if it’s structured such that it applies to vacant property, they’re not realizing any property taxes of consequence on vacant property right now. If you can do a tax exemption that’s going to provide an incentive to multi-family development on what otherwise is going to continue to be vacant property, then there’s an advantage to offering the exemption for a period of time because at the end of that period you will actually get property taxes that you may not have otherwise ever collected if no development happens. You at least have that dynamic. He said it’s a little trickier when you’re talking about development of existing multi-family units. He said there is a decent chance that the smaller taxing entities would be willing to participate if the right parameters are put into place; including caps so the hit’s not too bad. Branigan asked if the tax exemption is set up for twenty years or for ten; or is that down the road. Tokos said he would have to take another look at the rules in here; there may be a limit. He thinks ten years was generally what was discussed. He doesn’t know how much flexibility there is. If there is flexibility then that would definitely be part of the conversation. Croteau thought the Study was comprehensive and a well-constructed document. He said he would be interested to see eventually if we form an oversight group to make this work in the long run because there are so many players and a lot to be done; but this is a great beginning.

Testimony: From the audience, Attorney Dennis Bartoldus came forward. He said he hasn’t read everything yet. He has a client who is planning on redeveloping some property down in South Beach. He said that waiving any type of SDCs is a sensitive issue. The City wants to charge his client over \$100 thousand to redevelop his property. When he sees other fees being waived, his client can’t help thinking that he is picking up part of them. SDCs are extremely high right now. He said the City has to be extremely careful how we handle those. It says this is to encourage businesses down there, and a restaurant is one of them; which is what his client is planning on putting in. With over \$100 thousand just in permit fees how is that encouraging things to go into that area. He said we need to get everything all coordinated here. Bartoldus said when he saw this was on the agenda and he was able to time it quite right, he thought he would swing by on his way to the County Planning Commission meeting because this is a sensitive issue. He said we had the one down on the Bay Front where to put a wall around the deck the City was going to charge \$7500 in SDCs. The permit fees were approaching 50% of what it was going to cost to do the job. He said it is a real sensitive issue for people who are trying to develop their property and add to the community.

Hardy said if you’re talking about the encouragement of development of residential property, which multi-family is, and one of the drawbacks of developing in South Beach is no grocery store or no large restaurant; Bartoldus makes a bit of a valid point. Do you want to encourage just one side of the equation or both sides? Berman asked if there wasn’t some discussion about some kind of mitigation of the development charges as one of the strategies that could be used to develop this kind of housing. Tokos said there was some discussion about that. He expects that will be further discussed. The City Council will be looking at the methodology generally; not just for affordable housing but the full extent and how it plays with commercial development and things of that nature. Berman asked if Implementation Measure 1 could be broadened to include not just taxes but other costs of development. Tokos said

it could be if the Commission wants to. He was just taking it verbatim from the Study. Berman said maybe a fourth implementation measure. Patrick thought we're better off setting that up as a separate measure. He sat on the committee that implemented the current SDCs. He pointed out at the time that looking at those numbers, you're not likely to ever get a restaurant built in Newport again unless it's a chain restaurant. The flip side on that particular issue is that you have to pay for this stuff somehow, some way. Patrick asked the Commissioners if we want to add a fourth implementation measure. Branigan said he didn't see where it would hurt. Berman said if generally we are trying to reduce costs associated with redevelopment and development in the City; then all the costs should be investigated. Tokos said if you are going to add it, he would suggest to add it in the context of the Housing Study discussed on page 50. We don't want to add something that talks about nonhousing things in the Housing element; it's just bad form. These are changes that are being made to the Housing element. SDCs for commercial development isn't covered under that part of the Comp Plan. It could be in the Economic Development section, which may already be there. What you are looking at now are amendments to the Housing element of the Comp Plan, so any policy or implementation measure in this chapter draws its authority from the analysis about housing. It's just like we wouldn't put infrastructure-related policies in the Population and Forecast section of the Comp Plan. It's a structural issue. Patrick thought the Commission was better off to pass the existing implementation measures and make a note to go back and make a pass at the SDCs. He thinks there are some concerns being voiced both for commercial and residential that the numbers are too high and are having an effect on some people. Croteau said Bartoldus' point is well taken; but this is not the place to do anything about those fees. Tokos told the Commissioners that they will be doing their goal setting at their next meeting. That would be an opportune time to discuss that as a potential goal you would like to see the Council take up in the coming year. Croteau and Patrick said put it on the list. Patrick said maybe also doing something about street vacations; set up parameters. We have to make it clear that you have to have a really good reason for the vacation. Tokos said he didn't have an opportunity to have a conversation with the Capris before the petition was filed or else he would have been cautioning right off the bat for the reasons we discussed. Croteau said it is a difficult one to wrap your arms around in a comprehensive way. But, we've done this a few times in the past. We do have at least some examples of where it was a worthy vacation for the public interest. If we can't do it comprehensively, maybe a few examples here would at least help us and refine how we interpret these things. Tokos said he can certainly forward copies to the Commissioners of the policies that were adopted for the City Council initiated vacations. There are two ways this can happen; a petition, or the Council can initiate it. For the Council initiated ones there are a whole bunch of policies that were adopted back in 2008 to frame under what circumstances the City Council will initiate a street vacation. He said we can codify the Statutes and put standards in place just like you do a lot of other processes. It may be a worthy exercise to go through.

MOTION was made by Commissioner Croteau, seconded by Commissioner East, to move forward a recommendation to adopt the legislative text amendments to the Housing element of the Newport Comprehensive Plan described in File No. 5-CP-14. The motion carried unanimously in a voice vote.

G. New Business. No new business.

H. Unfinished Business.

1. Tokos said, with respect to workforce housing, the Lincoln Community Land Trust (LCLT) did not hire an executive director in the conventional meaning in the sense that they didn't hire one individual. He said the Commissioners would recall that three jurisdictions, City of Newport, Lincoln County, and the city of Lincoln City, had partnered and put in \$30 thousand a piece over a three-year period to catalyze workforce housing. Part of that was a discussion about the Trust hiring a local executive director. The Trust couldn't find someone suitable. Instead they worked out an arrangement with Proud Ground, which is the big land trust in the Metro area. They have the organizational capacity to begin to expand outside the Metro area and provide staffing services to smaller land trusts in the state. So LCLT elected to contract with them to utilize their extensive resources. Tokos said there are two things we are working on in workforce housing. One is, at the Council's direction, he needs to do some additional work with Habitat for Humanity on maybe a parcel-specific type one house or maybe two on a city-owned piece. That's not going to solve huge amounts of workforce housing; but it's a message. He needs to work with them because Habitat, unlike the Land Trust, doesn't guarantee affordability of that unit in perpetuity. Someone can go into a Habitat unit and later flip it when they leave and sell it for market rates. So, we have to work on that. Tokos said the other thing is that he expects we will look to submit a CDBG application using this partnership we have with the other jurisdictions to support getting additional federal funds for Direct Buyer Grants. So, instead of building all of the units, this approach basically is that for a property owner in that 80% of median family income scenario that can't afford to buy a house at market rate, if you give them a buyer grant then they can. The catch is that then the property goes under a land lease. It's the same model; just a different end game. In that case you're talking about getting to the end game faster because you're talking about buying an existing house on the market. That goes a long way toward getting at the ten units that Commissioner Hall indicated is the target for the Trust. The Trust is pursuing those two

avenues, and it just takes time. Berman asked what the \$30 thousand times three is being spent on. Tokos said a small portion goes toward Proud Ground to help position us for applying for the block grant funds. Some is going into an account for the time being. It bolsters your chances of getting CDBG funds because you can demonstrate that there are three jurisdictions that are partnering to make something happen; and the Federal Government likes to see that kind of coordination in these types of things.

2. Regarding parking districts, Tokos noted that he talked to Nye Beach, and they want to reauthorize the economic improvement district. He will be working with them to get an extension to the five years. He shared with them about the discussion the Planning Commission had at work session about needing to make near-term changes to the parking code otherwise payment in lieu of pops up again, and nobody wants that to happen. They were supportive of the parking study. They recognize one outcome could be metered parking on the Bay Front and in Nye Beach, but that there may be other recommendations for funding coming out of it that doesn't lead to metered parking. It's not a foregone conclusion, but is something that will be looked at closely as part of the parking study. They liked that the study will provide a sense of utilization and turnover and what some of the capital needs are to maintain this. He explained to them that if we waive off-street parking requirements entirely, the City would only be doing it in a zoning context with the understanding that we are using public assets to make up for what would otherwise be parking provided by the private sector. In doing so, we have to have some funding mechanism to make sure those public assets are available; otherwise you have no parking. Tokos said they are thinking it's okay to use some district money for the study; but not all of it. They think that some room tax money should also be dedicated for this purpose given the context of what we're talking about; and Tokos will pick up that conversation with the City Manager. Tokos still needs to set up meetings with the City Center and the Bay Front districts. He said the Commission can anticipate that this will probably be coming up at the second February Planning Commission meeting.

3. As far as following up with the Urban Renewal District, Tokos said the City Council indicated that they are looking for a recommendation from the Planning Commission on a couple of different things. He will try to package that up for one of the Commission's February meetings in anticipation of the City Council taking up resolutions to initiate the process at their first March meeting. He will get letters out before the end of the week to the different taxing entities with the information we put together letting them know here is their opportunity to weigh in and provide specific recommendations to the City Council on things like the maximum indebtedness level and the boundary. So hopefully they will weigh in. The City Council will look for Planning Commission feedback in terms of the appropriate task force structure; and there was something else that he will go back through his notes to make sure he picks it up when we get this on as a discussion item in February. Patrick said they had him confused by the end of that. He heard two different things. One would be that the Planning Commission would be doing it and advising on it; or that they would be setting up a separate task force. Tokos said that's right. There's the task force near-term to assist with putting the district together; then there's in the long-term should there be an advisory body to the City Council. If there should be an advisory body, what should that body look like? Tokos said that he is still of the opinion that it should be the Planning Commission for the very basic reason that the Commission is responsible for or at least has a role in any kind of substantial amendment to the Urban Renewal Plan by finding that it is consistent with the Comp Plan. The Commission has a pretty good handle of what is in all our different facilities plans, which are what feed your projects list. In general you can't have major projects in an Urban Renewal Plan that aren't in your facilities plans. That's why the Planning Commission has to find that the project lists are consistent with the Comp Plan and make sure what the Urban Renewal Agency is going to be doing isn't counter to what all of your other facilities plans are trying to accomplish.

Patrick said he could see the Planning Commission doing that. He couldn't figure out if they were talking about us becoming the Urban Development Commission. Tokos said no. Patrick said, so they just want to keep that and just want our advice on it; that's doable. He said that wasn't what it sounded like they were talking about. Tokos said he doesn't know that there is consensus among the City Council. He doesn't know how many Councilors want to do an advisory committee. This came up from Commissioner Allen. It's a fair point, but Tokos doesn't know how strongly the full Council feels about this issue. He can appreciate that they're going to want some advisory assistance, especially going to two districts. That makes a ton of sense. But he doesn't know that there is consensus about how that should happen. They may want it as a separate advisory committee that's more developer-oriented as opposed to the Planning Commission, which can't have more than two people in any particular profession. Croteau said that he would like to see function reside in the Planning Commission but still have the option of increasing our advisory capacity when we encounter things where we would feel more comfortable with additional advisors. Patrick said he had an idea of something going down that path too. Kind of like our citizens advisory committee that sits in on most of our stuff; if we had an Urban Renewal advisory committee, we could call them in when we have Urban Renewal stuff. It would allow us to bring in opinions of those people we would want to listen to. Tokos said that's a good thought. He said the concern from staff level is that we are not adding staff but are taking on more standing meetings, which is difficult for us to do. If it could be done where it's a regular Planning Commission meeting, that would

negate that concern. It also addresses the issue that the Planning Commission has a tangible role and needs to be plugged in on a regular basis; if not, the Commission gets disconnected and doesn't have the context of the minor amendments that have been done.

Berman said the only involvement the Planning Commission gets in the South Beach district is when Tokos reports what's going on. It seems there could be a somewhat greater role. Tokos said the City Council is looking for an additional citizen policy making body to provide them a recommendation so that they don't feel they are the only ones having to make that decision without having the benefit of somebody else weighing in and giving them some advice. Berman said the Planning Commission always runs the risk, as has happened in the past, that we could study a particular project list and say it's right and is a good fit with the plans; then when everything is sent to the City Council they just tear it up and throw it out. Tokos said the Planning Commission always runs that risk as a recommending body. It's certainly true that they may or may not follow your recommendations. But the Council always values your recommendation. Croteau thought the more we broaden our base when we need to in this area, the more credibility we have and the better interaction we have with the public. Patrick said he thinks of our advisory committee as our farm team. Tokos agreed that it had served that purpose so far. Berman said it wouldn't have to be a separate group; that citizens advisory committee could also include Urban Renewal. Patrick thought we could keep the same advisory committee but add that extra Urban Renewal to that same work session type of thing where we bring in the other people. That way you keep your regular advisory people up to speed but allows you to expand that out. Tokos said his only concern is if you get the membership up too large, it becomes a little unwieldy. Croteau agreed, but said if we're going forward with something like this that's complex, he would rather error on the side of largeness. Berman said maybe if we picked advisory committee members with an eye toward Urban Renewal functionality because that is going to be a big part. Tokos said that in the past when the City had an Urban Renewal Agency that didn't really have any staff dedicated, the community paid the price. The north side URD was in effect for forty-some years. He said there's no reason a district should be in place forty years and have a tax increment locked up for forty years. There was a gap there in the 90s when nothing was done. To do it and do it right, you need to ramp it up, you have your projects, they're phased in three-year intervals, and after nine or ten years shut down the new projects. That requires active management, and it requires active engagement of the policy-making bodies. You have to move it along. That is how it's most effective.

Patrick said we will talk about it in work session. He thinks there's some way we can set it up. He said that sounds workable to him. Berman said it sounds like we have a consensus that the Planning Commission would be the appropriate advisory body. Tokos said or a Planning Commission plus kind of concept. He thinks that makes more sense than an independent body. His fear is with an independent body you run the risk of that body making recommendations that are inconsistent, and the Planning Commission is not linked in with them; and then you have three policy-making bodies that have their fingers in Urban Renewal for different reasons. In his mind it's not as efficient. Croteau thought that Patrick's idea of the Planning Commission with an expanded advisory body would sell. Tokos told the Commissioners they might want to put some thought individually to what role those additional seats should be; what background do you need to fill out the advisory body. Berman said both geographically and professionally. Patrick said that will be the interesting part; who's opinion do you really need? Berman thought that the hospital is a good example. Patrick said the Planning Commission would be the advisory body for the South Beach district too; we will be doing both. Tokos thought it would be hard putting on all of the major taxing entities that would be impacted or have major projects; you would be adding too many. Berman said he was talking organizationally, commercially. Tokos said definitely the taxing entities should be on the group that helps form the project list. Patrick said the people who set up the project list are probably not going to be the Commission, right? Tokos said you will probably have one or two representatives on there. Patrick said, but the Commission won't be developing the project list. Berman said that was the two different kinds of advisory groups they were talking about at the joint meeting. Tokos said there were two recommendations they were looking for; one had to do with what the makeup of the task force should be. He can provide some options there; but the Commissioners may want to think as well just in terms of who you would like to see on there. Then there's the makeup of the ongoing advisory body. Patrick thought that's probably doable. He said he was confused at the work session and couldn't figure out exactly what they were talking about. Tokos said that in advance of sitting down to discuss this, he needs to get the Commission some information about how other jurisdictions deal with it. He will get them some different structural models.

I. Director's Comments. No additional comments.

J. Adjournment. Having no further business to discuss, the meeting adjourned at 7:35 p.m.

Respectfully submitted,

Wanda Haney
Executive Assistant

Wanda Haney

From: Sara Wedel <sarawedel@newportnewstimes.com>
Sent: Wednesday, January 28, 2015 9:18 AM
To: Wanda Haney
Subject: RE: City of Newport Legal Notice - File 2-SV-14 CC

This notice will publish as requested. Thank you!

Sara

Sara Wedel
News Times
Office Manager
541-265-8571 ext. 215
www.newportnewstimes.com

PCI POLICY: For the security of our customers we do not take credit card payments by e-mail. Please call 541-265-6080 or fax 541-265-3862 for all credit card transactions.

From: Wanda Haney [mailto:W.Haney@NewportOregon.gov]
Sent: Tuesday, January 27, 2015 5:01 PM
To: 'Sara Wedel'
Subject: City of Newport Legal Notice - File 2-SV-14 CC

Sara

I sent this notice for publication for three different time, beginning this Friday. Then I called the office & they checked but didn't see it yet. Just in case, I'm sending it to you again. Will you please confirm receipt & publication dates.

Thanks,

Wanda Haney
City of Newport
Community Development Department
169 SW Coast Hwy
Newport, OR 97365
541-574-0629
FAX: 541-574-0644
w.haney@newportoregon.gov

CITY OF NEWPORT
NOTICE OF A PUBLIC HEARING ON A PARTIAL STREET VACATION

The Newport City Council will hold a public hearing at 6:00 p.m. or shortly thereafter on Tuesday (*because of the Monday holiday*), February 17, 2014, in the City Hall Council Chambers, to review a petition for a partial street vacation (File No. 2-SV-14) as requested by Rex and Theresa Capri. The request, which was received on December 5, 2014, is for a proposed partial street vacation of the northern 30' wide portion of NW 17th Street abutting lots 16, 17 & 18, Block 8, BEACH PARK ADDITION (a portion of Tax Lot 7901 of Tax Map 11-11-05-BA) and the southern 30' wide portion of NW 18th Street abutting Lot 7, Block 8, BEACH PARK ADDITION (also a portion of Tax Lot 7901 of Tax Map 11-11-05-BA). Oregon Revised Statute (ORS) 271.120 requires that: (1) The consent of the owners of the requisite area have been obtained; (2) Notice has been duly given; and (3) The public interest will not be prejudiced by the vacation of such plat or street or parts thereof. Testimony and evidence must be directed toward the request above or other criteria, including criteria within 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 testimony and written testimony will be taken during the course of the public hearing. The hearing may include a report by staff, testimony from the applicant and proponents, testimony from opponents, rebuttal by applicant, and questions and deliberation by the City Council. Written testimony sent 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 to be included as part of the hearing or must be personally presented during testimony at the public hearing. The staff report may be reviewed or a copy purchased at the Newport Community Development (Planning) Department (address above) seven days prior to the hearing. The file materials and the applicable criteria are currently available for inspection at no cost or copies may be purchased for reasonable cost at this address. Contact Derrick Tokos, Community Development Director (541) 574-0626 (address above).

(FOR PUBLICATION ONCE ON FRIDAY, JANUARY 30, 2015; ONCE ON FRIDAY, FEBRUARY 6, 2015; AND ONCE ON WEDNESDAY, FEBRUARY 11, 2015.)

clams on all beaches, rocks, jetties, and at the entrance to bays in this section of the Oregon Coast. Opportunities to collect razor clams are still available along Oregon beaches north of Hegeta Head. Mussels are open along the entire Oregon coast. Due to potential biotoxins, consuming whole scallops is not recommended. However, a scallop's adductor muscle does not accumulate biotoxins and may be safe for consumption. Scallops are not being sampled for biotoxins at this time.

The Oregon Department of Agriculture's shellfish safety hotline is toll free and provides the most current information regarding shellfish safety closures. Call the hotline before harvesting: 1-800-448-2474. Press 1 for biotoxin closures and 2 for general safety recommendations. For more information, call ODA's Food Safety Program at 503-966-4720 or visit the ODA shellfish closures web page.

Check out the recreational shellfish pages on the ODFW website. The pages contain everything needed for identifying and harvesting Oregon's lams, including maps of individual estuaries that show where to crab and clam.

CRABS

Sport ocean crabbing in the ocean and bay remains slow. Keep in mind that major rain

ALSEA RIVER: CHINOOK, CUTTHROAT TROUT

The winter steelhead fishery has produced good results recently. This week should be productive in the mid to lower reaches of the river while flows are low and river temperatures are warming.

SILETZ RIVER: STEELHEAD, CUTTHROAT TROUT, CHINOOK

Steelhead fishing is fair with a high proportion of wild fish mixed into the catch this season. As river levels continue to drop and clear this week, anglers should focus on the mid to lower river when fishing from a boat and above Moonshine Park from the bank. Typical steelhead tactics apply such as side drifting, bobber and jig/bait, or casting spoons or spinners. River conditions should be good through the weekend.

YAQUINA RIVER: CHINOOK, CUTTHROAT TROUT

The winter steelhead fishery is fair to good in the Big Elk. River conditions should remain in good condition through the week. Anglers are advised to watch for private property. Typical steelhead angling tactics apply but the Big Elk is bedrock dominated and does have a lot of snags.

MARINE MAMMALS

Seal and sea lion abundance in coastal waters around Coos County is high at this time of year, especially south of Coos Bay. At Simpson Reef, a heav-

ily (and marine mammals) should be reported to the Oregon State Police Wildlife Division at 1-800-452-7888.

A trained response team will evaluate stranded turtles and transport them to an authorized rehabilitation facility, such as the Oregon Coast Aquarium, for appropriate treatment and, hopefully, release in warmer waters after recovery.

SEABIRDS

The Oregon Coast National Wildlife Refuge Complex is reporting what is being called a very rare bird at Nestucca Bay National Wildlife Refuge: a Tundra Bean Goose. This may be the first time this species, normally found in Asia and Europe, has been seen in the lower 48 states. In other avian news, Surf Scoters, regular winter visitors to Oregon, are returning in large numbers from their summer range in northern Canada and Alaska. Nicknamed "skunk-headed coots", Surf Scoters are large, velvety black ducks with white patches on their heads and faces and colorful beaks.

Great places to view seabirds and perhaps a bald eagle are: Yaquina Head Outstanding Natural Area (the deck behind the lighthouse), Hegeta Head State Park (the viewing area in front of the lighthouse), Cape Meares State Scenic Viewpoint (the north deck by the parking lot), and Ecola State Park (the westernmost viewing platform at Ecola Point overlook).

action tonight (Friday) when it travels to take on Sunset Conference leader Toledo (15-4) at 7 p.m. The Irish will have to put together a nice run to close out the season to be eligible for postseason play, but with the improvements seen late-

Myrtle Point, then I think we have a chance to upset some folks down the stretch," Bittick said. "Our defense is pretty solid - it is a matter of getting our offensive intensity to match our defense."

LINCOLN COUNTY PREP SPORTS SCHEDULE

FRIDAY, JAN. 30

BOYS BASKETBALL

Newport vs. North Marion, TBA
Taft vs. Santiam Christian, Tualatin, 7:30 p.m.
Toledo vs. Waldport, 7 p.m.
Siletz Valley @ Madras, 6 p.m.
Eddyville vs. Mohawk, 6 p.m.

GIRLS BASKETBALL

Newport vs. North Marion, 7 p.m.
Taft vs. Santiam Christian, Tualatin, 6 p.m.
Toledo vs. Waldport, 5:30 p.m.
Siletz Valley @ Nestucca, 6 p.m.

MONDAY, FEB. 2

BOYS BASKETBALL

Taft @ Seaside Christian, 5 p.m.

GIRLS BASKETBALL

Taft @ Seaside Christian, 5 p.m.

TUESDAY, FEB. 3

BOYS BASKETBALL

Newport @ Yamhill-Carlton, 8 p.m.
Newport @ Reedport, 7 p.m.
Siletz Valley @ Triangle Lake, 7 p.m.
Eddyville @ Lowell, 7 p.m.

GIRLS BASKETBALL

Newport @ Yamhill-Carlton, 5:30 p.m.

Toledo @ Reedport, 5:30 p.m.

Siletz Valley @ Triangle Lake, 5:30 p.m.

SWIMMING

Newport, Taft @ Pre-Districts Invitational, TBA

WEDNESDAY, FEB. 4

BOYS BASKETBALL

Taft @ Willamina, 7:30 p.m.

GIRLS BASKETBALL

Taft @ Willamina, 6 p.m.

WRESTLING

Taft @ League Meet, TBA

THURSDAY, FEB. 5

BOYS BASKETBALL

Waldport @ Falls Creek High School, 7:30 p.m.

WRESTLING

Newport @ Cascade, TBA

FRIDAY, FEB. 6

BOYS BASKETBALL

Newport @ Stayton, 5:30 p.m.
Taft @ Amity, 7:30 p.m.
Toledo @ Myrtle Point, 7 p.m.
Waldport vs. Reedport, 7 p.m.
Siletz Valley vs. McKenzie, 7 p.m.
Eddyville vs. Madras, 6 p.m.

SPORTS BRIEFS

LINCOLN CITY 10K & HALF-MARATHON SET FOR MARCH 1

The Lincoln City Recreation staff is already hard at work preparing for the seventh annual Lincoln City Half-Marathon & 10K, set for Sunday, March 1. The half-marathon and 10K, is not only the recreation department's largest event of the year, the early-spring race is becoming a signature event for the central Oregon coast.

Nearly 400 runners and walkers completed the race in 2014, and 88 percent of participants came from outside Lincoln County and as far away as Florida, Illinois, Utah and California.

"The Lincoln City Half-Marathon & 10K provides an important economic boost in the slow weeks prior to Spring Break," Co-race Director and Community Center Director Gail Kimberling said, "We encourage participants to pick up their packets the day prior to the race, which means runners, walkers and their families spend the night, eat and shop locally, as well. Last year, more than a third of our participants made an entire weekend of the race."

The event begins and ends at Wapiti Park on Drift Creek Road, just south of Lincoln City, with a scenic out-and-back course that winds through dense forests and

along rushing streams at the base of the Coast Range.

Register for the half-marathon or 10K at the Lincoln City Community Center, or online at https://secure.getmeregistered.com/get_information.php?event_id=11894.

For race or sponsorship information, contact Karl McShane, kmcshane@lincolncity.org or 541-996-1233.

BASEBALL AND SOFTBALL ASSOCIATION HOLDING REGISTRATIONS

Newport Baseball and Softball Association is holding online registration from now until March 14 for the 2015 season. People can go

to www.quickcores.com/nbasa to register.

Evaluation day will be Saturday, March 14, for Rookies, Minors, Majors and Seniors. See more information on the Newport Baseball and Softball Association website for times and locations.

NEWPORT HIGH SEEKS SOCCER COACH

Newport High School has the position of head girls soccer coach open. This will be an interim position. Interested parties may contact Wayne Spencer, Newport High athletic director, at wayne.spencer@lincoln.k12.or.us or 541-265-9281 ext. 268

PUBLIC NOTICES

WEDNESDAY EDITION: 5:00pm Thursday Prior
FRIDAY EDITION: 5:00pm Tuesday Prior

NOTICE OF SHERIFF'S SALE #15-0033

On February 17, 2015, at the hour of 10:00 a.m., at the Lincoln County Sheriff's Office, 225 W. Olive St., Rm 203, in the City of Newport, Oregon, the defendant's interest will be sold, subject to redemption, in the real property commonly known as 2575 S.W. Anchor Avenue, Lincoln City, OR 97137. The court case number is 141851. PennyMac Corp., Plaintiff vs. Barbara Joan Balsewick, Mother of Damon Balsewick, individually and as constructive trustee of the Estate of Damon Balsewick, Richard Dale Balsewick, Father of Damon Balsewick, Heirs, Inc., Unknown Heirs of Damon Balsewick, JPMorgan Chase Bank, National Association, successor in interest by purchase from the Federal Deposit Insurance Corporation, as receiver of Washington Mutual Bank f/k/a Washington Mutual Bank, Defendants of the Premises, defendants. This is a public auction to the highest bidder for cash on hand. For more details go to <http://www.oregon-sheriffs.com/notice.htm>. J-16, 23, 30, F-6 (92-06)

NOTICE TO INTERESTED PERSONS

Notice is hereby given that the undersigned has been appointed Personal Representative of the ESTATE OF LADA B. BROUILLETTE, DECEASED, Lincoln County, Oregon, Circuit Court Case No. 144536. All persons having claims against said estate are required to present them, with proper vouchers, within four months after the date of first publication of this notice, as stated below, to the Personal Representative at 265 Highway 101/P.O. Box 700, Waldport, Oregon 97144-0700.

or they may be barred. All persons whose rights may be affected by these proceedings may obtain additional information from the records of the court, the Personal Representative, or the attorney for the Personal Representative. DATED and first published: January 16, 2015. Juvenita McDermott, Personal Representative, Law Office of Holly Anne Gibbons, LLC, Attorney for Personal Representative, P.O. Box 700, Waldport, Oregon 97144-0700. J-16, 23, 30 (93-30)

NOTICE IS HEREBY GIVEN

that the undersigned has been appointed personal representative of the Estate of Jean Louise Lamb, Lincoln County Circuit Court Case No. 144281. All persons having claims against the estate are required to present them, with vouchers attached to 500 copies of a personal representative at 1011 Liberty Street SE, Salem, Oregon 97302, within four months after the date of first publication of this notice, or the claims may be barred. All persons whose rights may be affected by the proceedings may obtain additional information from the records of the court, the personal representative, or the attorneys for the personal representative. Dated and first published: January 30, 2015. Steven Brunick, Personal Representative, Oregon Probate L.C. Attorneys for Personal Representative, 1011 Liberty Street SE, Salem, OR 97302 Phone: 503-738-4300, F-6, 13 (12-13)

CITY OF NEWPORT NOTICE OF A PUBLIC HEARING ON A PARTIAL STREET VACATION

The Newport City Council will hold a public hearing at 6:00 p.m. or shortly thereafter on Tuesday (because of the Monday holiday), February 17, 2015, in the City Hall Council Chamber, to review a petition for a partial street vacation (File No. 2-SV-14) as requested by Theresa Capri. The request, which was received on December 5, 2014, is for a proposed partial street vacation of the northern 30' wide portion of NW 17th Street abutting lots 16, 17

& 18, Block 8, BEACH PARK ADDITION (a portion of Tax Map 11-11-05-BA and the adjacent 30' wide portion of NW 18th Street abutting Lot 7, Block 8 BEACH PARK ADDITION also a portion of Tax Map 11-11-05-BA). Oregon Revised Statutes (ORS) 271.122 requires that: (1) The consent of the owners of the requisite area have been obtained; (2) Notice has been duly given; and (3) The public interest will not be prejudiced by the vacation of such plot or street or parts thereof. Testimony and evidence must be directed toward the request above or other criteria, including criteria within 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 allow 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 the written testimony sent to the City Council. Written testimony may be submitted in written or oral form. Oral testimony and written testimony will be taken during the course of the public hearing. The hearing may include a report by staff, testimony from the applicant and proponents, testimony from opponents, rebuttal by applicant, and questions and deliberation by the City Council. Written testimony sent to the Community Development (Planning) Department City Hall, 169 SW Coast Hwy, Newport, OR 97135 must be received by 5:00 p.m. the day of the hearing to be included as part of the hearing or must be personally presented during testimony at the public hearing. (The staff report may be reviewed or a copy purchased at the Newport Community Development (Planning) Department (address above) several days prior to the hearing. The materials and the applicable criteria are currently available for inspection at no cost or copies may be purchased for reasonable cost at this address: Contact: Derrick Tokos Community Development Director (541) 574-6265 address above J-50 F-6, 11 (13-11)

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Fri. 1/30/15 News-Journal

2-SV-14

cc

with a time of 1:08.28.
Thompson was followed closely by Arnsdorf, who came in second place with a time of 1:12.97.
"The team swam well Monday night," Newport Head Coach Angie Sremba said. "After having the weekend off, the swimmers were a little off from where I expected them to be. But they competed well and had some good performances. Elena Ellingson-Cosenza had two outstanding swims. She dropped time in both

The event on Monday marks the end of the regular season for the Cubs, as they are set to districts on Feb. 13.
Newport is expected to be competitive at the district meet, with a number of athletes capable of advancing to the state tournament.
"We are ready. We have trained hard this season and are starting to rest and taper for our upcoming district championship meet," Sremba said. "I am hoping for a lot of personal

have been practicing for this all season. There is potential for both teams to finish very well depending on the depth of our team that qualifies for finals."
A strong performance at the district meet would put a stamp on a very successful 2014-15 season for Newport.
"This has been a great season for the Cubs," Sremba added. "The team has worked hard and competed strong. I am looking forward to what they accomplish next weekend."

OUTDOOR RECREATIONAL REPORT

BAY CLAMS

Low tides as high as +1.0 to +2.0 feet can still allow clamming opportunities, especially for purple varnish clams that can sometimes be found when the tide is as high as +4.0 feet. There are limited good clamming tides during daylight hours. When able to get out digging, sport clambers should be able to collect daily limits of cockles, gaper clams and butter clams from the popular sites in Tillamook, Nertarts, Siletz, Yaquina, Alsea, and Coos bays and several other locations along the coast.

Recreational shellfish safety status, as of Feb. 3:

- Razor clams remain closed from the Oregon/California border north to Heceta Head (north of Florence) due to elevated levels of domoic acid. The closure includes razor clams on all beaches, rocks, jetties, and at the entrance to bays in this section of the Oregon coast. Opportunities to collect razor clams are still available along Oregon beaches north of Heceta Head.

- Mussels are open along the entire Oregon coast.

- Due to potential biotoxins, consuming whole scallops is not recommended. However, a scallop's adductor muscle does not accumulate biotoxins and may be safe for consumption. Scallops are not being sampled for biotoxins at this time.

The Oregon Department of Agriculture's shellfish safety hotline is toll free and provides the most current information regarding shellfish safety closures. Call the hotline before harvesting for biotoxin closures and for general safety recommendations. For more information, call ODA's Food Safety Program at 503-986-7200 or visit the ODA shellfish closures web page.

Check out the recreational shellfish pages on the ODFW website. The pages contain everything you need to know for identifying and harvesting Oregon's clams, including maps of individual estuaries that show where crab and clam.

CRABS

During the winter months, crabbing for Dungeness crab in bays can be really slow. However, red rock crab can be plentiful during this time of year. Red rock crab are a native species but are not present in all of Oregon's bays. Good places to try are off docks in Tillamook Bay, Yaquina Bay, and Coos Bay. Red rock crab are caught just like Dungeness. The daily limit is 24 per person, any size or sex. Most crabbers who keep red rock crab keep only the largest ones, which have much more meat than small ones.

Some sport crabbers have difficulty correctly measuring the minimum size for Dungeness crab, which is 5 3/4 inches measured in a straight line across the back immediately in front of, but not including, the pincers.

MID COAST LAKES

The rainbow trout stocking program will begin in many mid coast lakes this month. Be sure to check out the 2015 stocking schedule for the most up-to-date information. Fishing for the various warm water fish species can still be productive during the winter months but anglers may need to target different areas of a lake (typically deeper) versus when fishing in the spring or summer.

ALSEA RIVER: CHINOOK, CUTTHROAT TROUT

The winter steelhead fishery has produced fair to good results recently. This week should be productive in the mid to lower reaches of the river while flows are low and river temperatures are warming.

SILETZ RIVER: STEELHEAD, CUTTHROAT TROUT, CHINOOK

Steelhead fishing is slow to fair. River conditions have been low and clear with most pressure occurring in the mid to lower reaches. Forecasted rains later this week should bring in some new fish and spread out the fishery. Typical steelhead tactics apply such as side drifting, bobber and jig/bait, or casting spoons or spinners. River conditions should be good through the weekend.

YAQUINA RIVER: CHINOOK, CUTTHROAT TROUT

The winter steelhead fishery is fair to good in the Big Elk. River conditions should

remain in good condition through the week. Anglers are advised to watch for private property. Typical steelhead angling tactics apply but the Big Elk is bed rock dominated and does have a lot of snags.

MARINE MAMMALS

Seal and sea lion abundance in coastal waters around Coos County is high at this time of year, especially south of Coos Bay. At Simpson Reef, a heavily used haul out exists. From the lookout, viewers can see California sea lions, Steller sea lions, harbor seals and elephant seals.

Do not approach seals and sea lions found on Oregon beaches. If you think an animal you find is in trouble, contact your local ODFW office to report the animal or contact the Marine Mammal Stranding Network at 800-452-7888.

PUBLIC NOTICES

LEGAL DEADLINES:
WEDNESDAY EDITION: 5:00pm Thursday
FRIDAY EDITION: 5:00pm Tuesday

NOTICE OF SHERIFF'S SALE #17-2015. On February 17, 2015, at the hour of 10:00 a.m. at the Lincoln County Sheriff's Office, 225 W. Olive St., Rm 203, in the City of Newport, Oregon, the defendant, **REX AND THERESA CAPRI**, sold, subject to redemption, in the real property commonly known as: 2575 S.W. Anchor Avenue, Lincoln City, OR 97367. Case court case number is 141851. PennyMac Corp., plaintiff vs. Barbara Jean Balawick, Mother of Damon Balawick, individually and as constructive trustee of the Estate of Damon Balawick, Richard Dale Balawick, Father of Damon Balawick, Dutch Reak, Trustee of the Wills Heirs of Damon Balawick, JPMorgan Chase Bank, Association in Interest by purchase from the Federal Deposit Insurance Corporation, as receiver of Washington Mutual Bank, FA; Occupants of the Premises, defendants. This is a public auction to the highest bidder for cash or cashier's check in hand. For more details go to <http://www.oregoncourts.gov> or call the sheriff at 503-325-1151. J-16, 23, 30, F-6 (92-08)

CITY OF NEWPORT NOTICE OF A PUBLIC HEARING ON A PARTIAL VACATION. The Newport City Council will hold a public hearing at 8:00 p.m. or shortly thereafter on Tuesday (because of the Monday holiday), February 17, 2015, in the City of Newport, Oregon, to review a petition for a partial street vacation for the portion of NW 17th Street abutting lots 16, 17 & 18, Block 8, BEACH PARK ADDITION (a portion of tax lot 7501 of tax map 11-11-05-BA) and the southern 30' wide portion of NW 18th Street abutting Lot 7, Block 8, BEACH PARK ADDITION (a portion of tax lot 7501 of tax map 11-11-05-BA). Oregon Revised Statutes (ORS) 221.120 requires that the owners of the lots of the vacatur have been obtained, the petition be signed by the owner, and (3) The public interest will not be prejudiced by the vacation of such part of street or parts thereof. Testimony and evidence must be directed toward the request above or other criteria, including criteria within 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 public an opportunity to respond to the request above includes an appeal (Board of Appeals) based on that issue. Testimony may be submitted in written or oral form. Oral testimony and written testimony will be taken during the course of the public hearing. The hearing may include a report by staff, testimony from opponents, testimony from proponents, rebuttal by applicant, and questions and celebration by the City Council. Written testimony sent to the City of Newport, Planning Department, City Hall, 169 SW Coast Hwy, Newport, OR 97365, must be received by 5:00 p.m. the day of the hearing to be included as part of the hearing or must be personally presented during testimony at the public hearing. The file materials may be reviewed or a copy purchased at the Newport Community Development (Planning) Department, City Hall, 169 SW Coast Hwy, Newport, OR 97365, prior to the hearing. Copies of the materials may be reviewed or a copy purchased at the Newport Community Development (Planning) Department (address above) seven days prior to the hearing. The file materials and the applicable criteria are currently available for inspection at the City of Newport, Planning Department, City Hall, 169 SW Coast Hwy, Newport, OR 97365, or by mail to P.O. Box 345, Yachats, OR 97498. The deadline for submitting written comments is Tuesday, February 17, 2015, 3:00 p.m. Written testimony received prior to the deadline will be forwarded to the Planning Commission. Failure to raise an issue or person or by letter or oral testimony at the February 17, 2015 public hearing. Failure to raise an issue or person or by letter or oral testimony to provide statements or evidence sufficient to allow the decision-maker an opportunity to respond to the issue precludes appeal to the land use board of appeals based on that issue. F-8 (28-05)

NOTICE OF PUBLIC HEARING APPLICATION FEBRUARY 17, 2015 8:00 PM. APPLICANT: JEFFREY TEETER & MARGI CALDWELL. Public Hearing Case and Location: A public hearing will be held with the Planning Commission on February 17, 2015, 8:00 p.m. at the Yachats City Meeting Room, 441 N. Highway 101, Yachats, OR. Site Location: The subject site is located at 481 Horizon Hill Road, and described on the Lincoln County Assessor's Map as 14-12-2623, tax lot 9400 (see vicinity map on reverse side). Proposed Development Action: The applicant is requesting a 5-foot front yard building setback as opposed to the standard 20 foot setback. Applicable Criteria: Yachats Municipal Code, Title 9 Zoning and Land Use - Chapter 9.12 H-1 Residential Zone - Chapter 9.48 Off-Street Parking and Loading - Chapter 9.82 Supplementary Use and Design Regulations -

Chapter 9.80 Variances. Contact: Larry Lewis, City Planner (541) 547-3668. A copy of the application, documents and evidence submitted by or on behalf of the applicant, applicable criteria, and other relevant information are available for inspection at no cost. The staff report will be available for inspection at no cost seven days prior to the hearing. Copies of material can be provided at reasonable cost. Written comments may be submitted to the City of Yachats at 441 N. Highway 101, Yachats, OR or mailed to P.O. Box 345, Yachats, OR 97498. The deadline for submitting written comments is Tuesday, February 17, 2015, 3:00 p.m. Written testimony received prior to the deadline will be forwarded to the Planning Commission. Failure to raise an issue or person or by letter or oral testimony at the February 17, 2015 public hearing. Failure to raise an issue or person or by letter or oral testimony to provide statements or evidence sufficient to allow the decision-maker an opportunity to respond to the issue precludes appeal to the land use board of appeals based on that issue. F-8 (28-05)



Hey, Parents and Grandparents!

It's time for the News-Times
Baby Bragger!
Photos of babies born in 2014 will run on Wednesday, February 25, 2015.
\$20 prepaid

The deadline is Friday, Feb. 20th. The photos can be picked up after March 1st, or we will return by mail if you provide a self-addressed, STAMPED envelope. Please write all information legibly and put the name of the baby on the back of the photo.

2014 BABY BRAGGER

Baby's Name: _____
Baby's Birthdate: _____ 2014
Weight: _____ Height: _____
Parents: _____
Grandparents: _____

Send a photo and payment (\$20) along with this completed form to:
NEWS-TIMES
831 NE Avery Street
Newport, OR 97365 - or email: buchanmore@newportnews-times.com

Person Submitting Photo:
Name: _____
Address: _____
Phone: _____

Photos may be picked up after March 1, 2015

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NOTICE OF SHERIFF'S SALE #18-0149

On March 10th, 2015, the hour of 10:00 a.m. at the Lincoln County Sheriff's Office, 225 W. Olive St., Rm 203, in the City of Newport, Oregon, the defendant's interest will be sold, subject to redemption, in the real property commonly known as: 35 NE Reef Drive, Lincoln City, OR 97367. The case number is 13265 JPMORGAN CHASE BANK NATIONAL ASSOCIATION, ITS SUCCESSORS AND/OR ASSIGNS PLAINTIFF VS. PAMEL CHASE PELEWICH (defendant). This is a public auction to the highest bidder in cash or cashier's check in hand. For more details: <http://www.oregoncourts.gov> or call the sheriff at 503-325-1151. F-8, 13, 20 (28-27)

IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR THE COUNTY OF LINCOLN PROBATE DEPARTMENT IN THE MATTER OF THE ESTATE OF HARLEY L FRESHOUR, DECEASED NO. 180183 NOTICE TO INTERESTED PERSON

NOTICE IS HEREBY GIVEN that Rory W. Smith has been appointed Personal Representative of the above-referenced estate on January 20, 2015. Persons having claim against the estate are required to present their claims with vouchers attached, the personal representative will review the claims below within four months after the date of first publication of this notice, or it may be presented to the court. If the personal representative, Gary M. George, P.O. Box 632, Northbrook, WA 98157, dated and published February 0, 2015. Personal Representative's address: 11600 NW 57th Street, Issaquah, WA 98027. F-8, 13, 20 (28-20)

News-June 2/6/15

2-5K14

LEGAL DEADLINES:

THURSDAY PRIOR 5:00pm Tuesday Prior

PAULUS HAS BEEN APPOINTED AND HAS QUALIFIED AS THE PERSONAL REPRESENTATIVE OF THE ESTATE OF NE RICHARD J. BEAULIEU, JR. LINCOLN COUNTY CIRCUIT COURT CASE NO. 150076.

NOTICE TO CREDITORS: I, the undersigned, have been appointed and have qualified as the personal representative of the estate of the late...

NOTICE OF SALE #14-1494 In April 9, 2015, at the hour of 10:00 a.m. at the main County Sheriff's Office, 225 W. Olive St., Room 203, in the City of Newport, Oregon, the defendant's interest in the real property...

Law, 515 W. Olive Street, Newport, OR 97365 (541) 253-1111. All persons whose rights may be affected by the proceedings in this estate may obtain additional information from the records of the court, personal representative, or the attorney for the personal representative.

Notarizing amounts that are late charges, insurance premiums, advances made on senior loans, taxes and/or insurance fees and any attorney fees and court costs arising from the proceedings...

City of Newport Notice of Hearing on a Partial Street Vacation The Newport City Council will hold a public hearing on a partial street vacation...

Office, 225 W. Olive St., Rm 203, in the City of Newport, Oregon, the defendant's interest will be sold, subject to redemption...

On March 5, 2015, at the hour of 10:00 a.m., at the Lincoln County Sheriff's Office, 225 W. Olive St., Rm 203, in the City of Newport, Oregon, the defendant's interest will be sold...

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IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR THE COUNTY OF LINCOLN JUVENILE DEPARTMENT IN THE MATTER OF ARAYA MIDDLETON, A CHILD TO: BRANDON DEAN GRANAU, CASE #148071 PUBLISHED SUMMONS AND NOTICE

IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR THE COUNTY OF LINCOLN CIVIL SUMMONS TO THE DEFENDANTS: RIAN D. RUTH and Occurrences of the Plaintiff: SUE ANN DEAN, et al. THESE PAPERS ARE FILED FOR THE COURT AND YOU ARE HEREBY NOTIFIED THAT YOU MUST APPEAR AT THE COURT ON THE DATE AND AT THE TIME SPECIFIED IN THESE PAPERS.

IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR THE COUNTY OF LINCOLN CIVIL SUMMONS TO THE DEFENDANTS: RIAN D. RUTH and Occurrences of the Plaintiff: SUE ANN DEAN, et al. THESE PAPERS ARE FILED FOR THE COURT AND YOU ARE HEREBY NOTIFIED THAT YOU MUST APPEAR AT THE COURT ON THE DATE AND AT THE TIME SPECIFIED IN THESE PAPERS.

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WELLS FARGO BANK, N.A., AS TRUSTEE FOR THE CERTIFICATE HOLDERS OF BANC OF AMERICA ALTERNATIVE LOAN TRUST 2005-11, MORTGAGE BACKED THROUGH CERTIFICATES, SERIES 2005-11, PLAINTIFF VS. BRIAN D. RUTH, NICK D. RUTH, THE NYE BEACH SLOTT OF NYE BEACH SLOTT'S IF NYE BEACH SLOTT'S HAIR & SKIN CARE, JIMRAGON CHASE BANK, N.A.; STATE OF OREGON; OCCURRENCE OF THE PREMISES DEFENDANTS.

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NOTICE OF SALE #14-1494 In April 9, 2015, at the hour of 10:00 a.m. at the main County Sheriff's Office, 225 W. Olive St., Room 203, in the City of Newport, Oregon, the defendant's interest in the real property...

Law, 515 W. Olive Street, Newport, OR 97365 (541) 253-1111. All persons whose rights may be affected by the proceedings in this estate may obtain additional information from the records of the court, personal representative, or the attorney for the personal representative.

Notarizing amounts that are late charges, insurance premiums, advances made on senior loans, taxes and/or insurance fees and any attorney fees and court costs arising from the proceedings...

City of Newport Notice of Hearing on a Partial Street Vacation The Newport City Council will hold a public hearing on a partial street vacation...

Office, 225 W. Olive St., Rm 203, in the City of Newport, Oregon, the defendant's interest will be sold, subject to redemption...

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City of Newport Notice of Hearing on a Partial Street Vacation The Newport City Council will hold a public hearing on a partial street vacation...

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NOTICE OF SALE #14-1494 In April 9, 2015, at the hour of 10:00 a.m. at the main County Sheriff's Office, 225 W. Olive St., Room 203, in the City of Newport, Oregon, the defendant's interest in the real property...

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Vertical text on the left margin: (cc) 2-SV-14 New June 04 Wed 2/1/15



OREGON COAST COMMUNITY COLLEGE INVITES COMMENTS FROM THE PUBLIC IN PREPARATION FOR ITS 2015 YEAR-END COMPREHENSIVE SELF-EVALUATION BY THE NORTHWEST COMMISSION ON COLLEGES AND UNIVERSITIES (NWCU). Oregon Coast Community College currently delivers college credit instruction, professional and graduate education through its inter-governmental agreement with Portland Community College (PCC) and its accreditation oversight by NWCU. The college is currently conducting an on-site visit to PCC April 27, 28, and 29, 2015 to evaluate the college's performance, including those of OCCU. During the on-site visit, NWCU will review PCC's ongoing ability to meet criteria for accreditation. An evaluation team member will visit OCCO as well. Post-visit, all colleges has been accredited by NWCU since 1970. The College seeks relevant feedback on the accreditation visit. The College's accreditation was most recently renewed on July 25, 2012. The college is invited to submit comments to Northwest Commission on Colleges and Universities, Attention: Third Party Comments, 800 West Avenue N.E., Redmond, WA 98052. Comments will be accepted only when they are signed with an original signature and are submitted in writing to the Northwest Commission on Colleges and Universities, Attention: the institution, evaluation committee, and the Commission. All comments that are submitted to the address no later than Friday, March 27, F-11

The Waldport Urban Renewal Agency has published the FY 2013-2014 annual report. It is on file at Waldport City Hall and with the Waldport Urban Renewal Agency. The full information is available to all interested persons. In FY 2013-2014, the Waldport URA received \$39,838 in tax revenue and \$8,927 in other revenues, and spent \$12,103 on materials and services and \$9,225 for capital outlays. The estimated money to be received for FY 2014-2015 are \$142,500; \$34,498 is budgeted for materials and services, \$70,000 for capital outlays, \$103,000 for debt service for total expenditures of \$207,498. The estimated impact of carrying out the urban renewal plan on the tax collections for the preceding year is as follows:

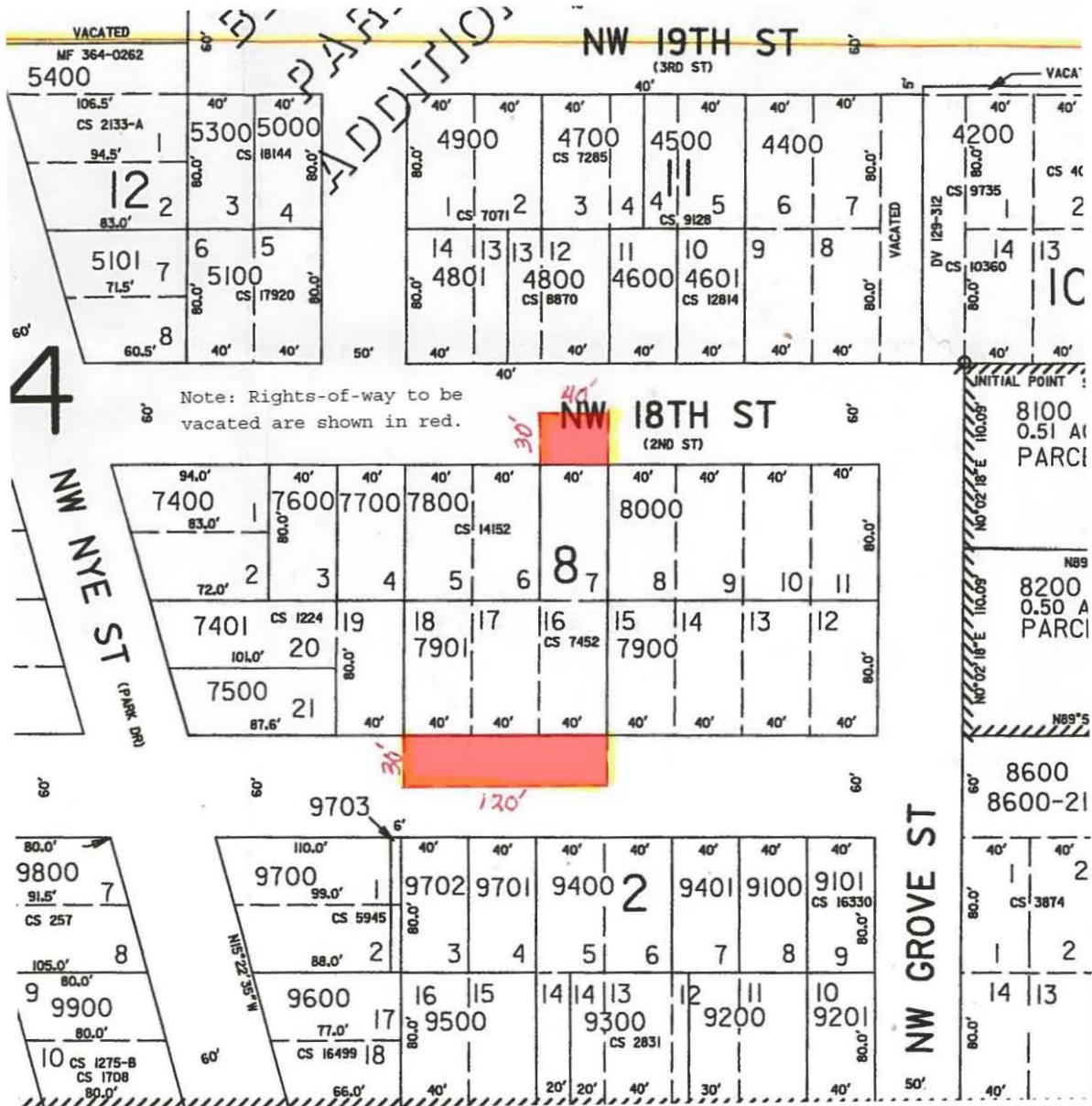
Table with 3 columns: Taxing District, Revenue, Foregone. Rows include Lincoln County (9,194), LC Animal Service (356), LC Extension (147), LC Transportation (314), LC School District (16,002), OCCO (566), ESD Linn-Benton (984).

February 17, 2015

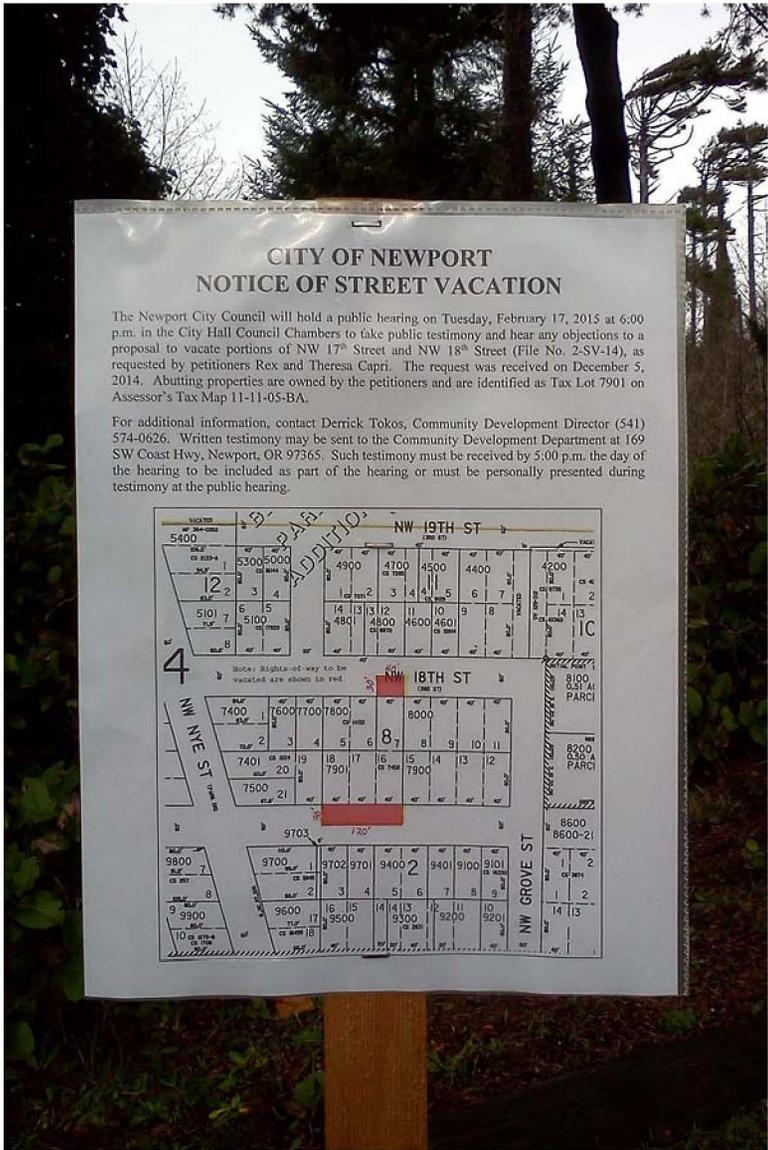
CITY OF NEWPORT NOTICE OF STREET VACATION

The Newport City Council will hold a public hearing on Tuesday, February 17, 2015 at 6:00 p.m. in the City Hall Council Chambers to take public testimony and hear any objections to a proposal to vacate portions of NW 17th Street and NW 18th Street (File No. 2-SV-14), as requested by petitioners Rex and Theresa Capri. The request was received on December 5, 2014. Abutting properties are owned by the petitioners and are identified as Tax Lot 7901 on Assessor's Tax Map 11-11-05-BA.

For additional information, contact Derrick Tokos, Community Development Director (541) 574-0626. Written testimony may be sent to the Community Development Department at 169 SW Coast Hwy, Newport, OR 97365. Such testimony must be received by 5:00 p.m. the day of the hearing to be included as part of the hearing or must be personally presented during testimony at the public hearing.







Application for Partial Street Vacate- Rex and Theresa Capri

In applying for the partial street vacation, we feel that we've met all nine of the submittal requirements.

The Planning Staff Report and Planning Commissions opinion only find fault with requirement #6: Findings on whether or not the public interest would be prejudiced by the vacation. (Note-The Planning Commission opinion did not include the word "prejudiced") Can someone give a clarification of the meaning of "the public interest would be prejudiced"?

In the Planning Staff Report, Mr Tokos states that we, the petitioners, appear to assert that the topography would not allow the right of way (ROW) to be developed to the full 60 feet. This is false. It could be developed to the full 60 feet, but at a hugely unacceptable cost to the taxpaying public for little to no benefit. It would also have to be done against the will of a number of the local property owners. Also some old growth trees would have to be removed.

Mr Tokos also states that it appears that we, the petitioners, feel that the canyon between the requested vacation sites be preserved. The reason to leave it undeveloped "preserved" is because it is economically unviable to develop.

City engineer Tim Gross points out that the rights-of-way are needed at their current width in order for the City to adequately maintain existing water and sewer, and private utilities service to properties in the area. We had a utilities locate done and almost all the utilities are in place and located in the existing roadbeds outside the proposed vacate areas. One exception is an overhead power line over the proposed vacate on NW 18th St. This wouldn't pose a problem for us and we'd be readily willing to grant an easement to the power company for this purpose. A perfect example of why a 60 ft. ROW is not needed for utilities work is the major sewer line work done this past summer and fall from Agate Beach Wayside to NW Nye and 12th St. This project came through a short section of NW 17th St. between Oceanview Dr. and NW Nye on a roadbed not even 30 ft. wide and over a very steep embankment at the intersection of Nw17th and Nye. This portion was completed successfully in a narrow roadbed with existing utilities in place. The proposed area is also highly unlikely to ever have heavy pedestrian traffic.

Newport fire chief Rob Murphy wrote an opinion letter on the proposed vacate to Derrick Tokos stating "Any reduction of that future road width could potentially restrict emergency vehicle access". Yet, when Rob talked personally with Rex, he stated that he needed a minimum of 12ft for one of his vehicles. That's 18ft less than the 30ft ROW we are proposing. If he needs a full 60ft ROW, then, is our current residence not adequately protected?

At this point we'd like to give some history and information about the local area. On the NW 18th St ROW affected area, there are only two houses on the north side of the ROW and the petitioner's and undeveloped city owned property on the south edge. All of these properties have been accessed by the existing street for decades and contain most of the utilities in the existing street. To widen 18th to 60 feet would be at great expense to the taxpayers and only tie into NW Grove St a short distance away. It would also be done against the will of many of the local property owners.

On the NW 17th St ROW affected area there are only two houses on the south-the petitioners and Mr Ken Peterson, that are accessed. On the north side, the petitioner's lots are accessed. If the ROW was developed on through to NW Grove St, it could provide access to city owned lots, but, again, at a huge expense to the taxpayers. The other housing that exists on the south side of NW 17th are accessed from and served utilities from NW 16th, which is a dedicated 30 foot ROW. NW 16th is fully developed with

commercial and residential on both sides. 16th is used daily for access and through traffic from Coast Hwy to Oceanview Dr and beyond. 16th St is being used as an example of what would remain for a ROW on both NW 17th and 18th Sts with a partial vacate. Even if NW 17th and 18th St ROW's were developed through, neither would access directly to Coast Hwy or Oceanview Dr because 17th St has been vacated to Coast Hwy from Grove and 17th to Oceanview has topography making this virtually impossible between Nye and Oceanview. So in reality, developing out the ROW's on NW 17th and NW 18th Sts would mainly only serve the city owned lots between 17th and 18th. The city lots could best be accessed and served utilities from NW Grove St.

Now we will present some history of the area where the city owned lots are and NW Grove St north of 16th St. It will help to explain why this would be such a huge taxpayer expense to develop the city owned lots and/or the ROWs on either side of them. We'll start with NW Grove St. This used to be a very steep deep canyon that opened to the north. Out of it flowed (still flows) a year round stream. The property west of Coast Hwy dropped down into the west facing canyon that still partially exists. The first fill sites started off the west side of Coast Hwy and in the Grove St canyon (16th didn't even connect through to Grove St at that time. An old residential house and some old growth spruce trees were removed from the Grove St canyon. When the Walmart development came in the late 1980's large amounts of fill were dumped in the Grove St canyon and in the canyon between NW 17th and 18th. There was never any drain pipe installed for the Grove St canyon water flow. Now it flows under all of the fill and resurfaces on the east side of the petitioners canyon lots. There is also a year round stream on the north side of the canyon that flows from a storm drain that comes under Coast Hwy from the east. It travels west just north of the filled city owned lots. Other issues besides no installed drain line for the existing stream, possible land use violations, possible wetland violations, no mitigation, no soil compaction or erosion control, possible regulatory penalties and downstream damage civil liabilities. To even just develop the ROW's to 60 ft would require digging out Grove St canyon and putting the required drain line in, then install expensive engineered retaining walls on both sides of the steep western canyon. At this time, it should be apparent that development of NW 17th and 18th ROW's along with the city owned lots is unlikely even into the distant future. It is not in the public interest for the city to incur huge liabilities for the tax paying public.

On the other hand, it is in the public interest to collect some additional property tax from the vacated property. It is also in the public interest for property owners to be able to get some kind of use from their property.

Our intentions for use of the vacated property would be for additional parking spaces and possible parking structure(s), to grow fruit trees and berries, and possibly build a tree house type structure. The vacated land would be required to have the property setback and not end up in the bottom of the canyon. We wouldn't want to invest the time, effort and money into building on a ROW property and having the threat of having to move or tear down a building hanging over our heads. We feel these are useful and friendly uses of the property.

We feel that submittal requirement #3 should weigh heavy in any decision you make. We spent a lot of time and effort contacting our neighbors in the notification area for notarized, signed consents to vacate. We were able to collect almost 70% of the notification area signatures (two of the largest property owners didn't sign) These neighbors are the people most affected by a vacate and they gave us their approval for us to move forward.

We would like to bring to your attention that there have been several street vacations in this area in the past: In addition to NW 17th and 18th between Coast Hwy and Grove St, Grove St between NW 18th and 20th Sts, and NW 19th between NW Park and NW Nye.

At the Planning commission meeting of January 26th concerning this street vacate request, there was discussion among commission members how they could recall only addressing one or two street vacates. They stated that land was at a premium in Newport and not something they would just give away. For these reasons, we felt that their opinion was prejudiced before the meeting took place.

It is our hope that you, the Council members, will have a clear, unbiased and unprejudiced consideration of our street vacation request and the information we provided. We feel it is better to let someone get use out of a piece of land now than to tie up everyone's use of the land for an unknown and indefinite amount of time.

Thank you for your consideration,

Sincerely,

Rex and Theresa Capri

NW 17th St. looking east. Red marker is on the center line of the right of way(ROW).



NW Nye and 17th St. looking north



17th street looking East. Fluorescent pink represents the proposed line for vacation. Green Sewer. Blue water. Sewer approximately 10 feet from proposed line.



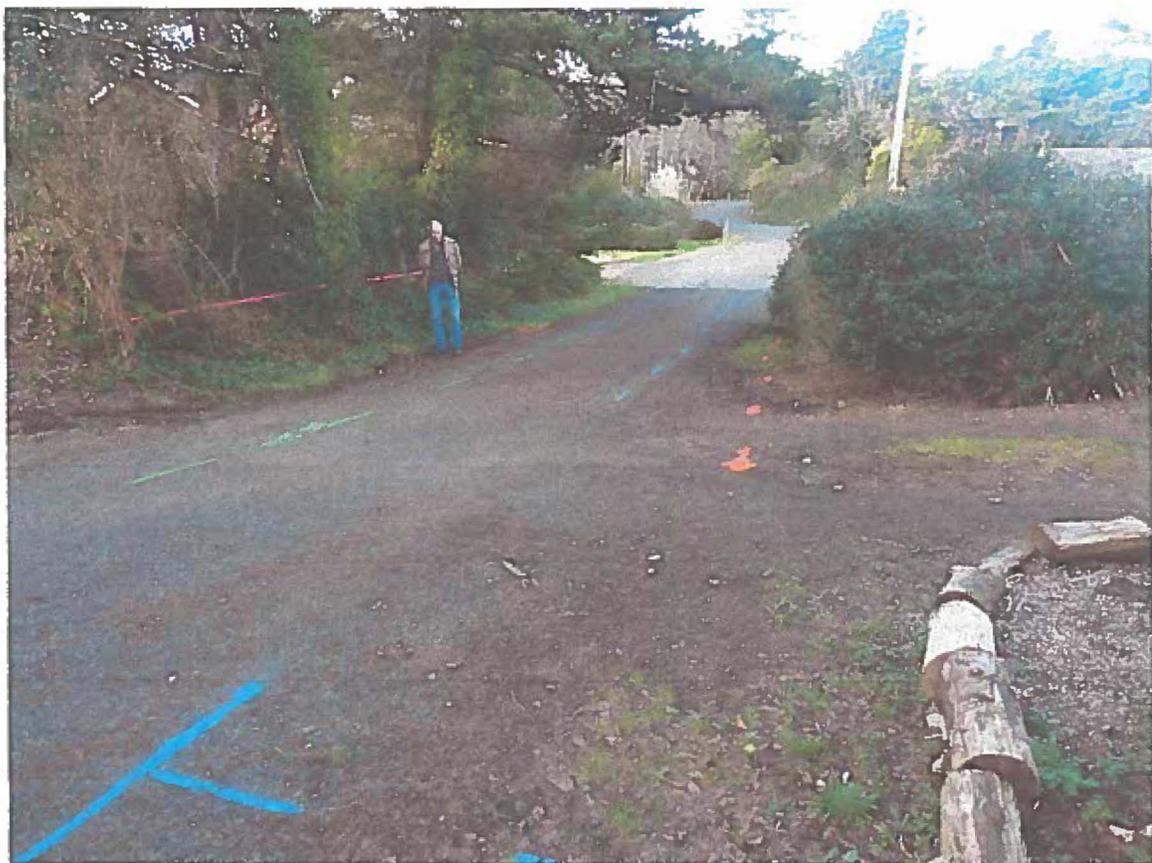
At end of NW 17th street looking West.



NW 18th street looking East. Pink fluorescent tape proposed vacation line. Green sewer. Blue water. Orange ? Sewer approximately 10 feet from proposed line.



NW 18th street looking West





Looking east at 18th St. and the proposed vacate area. Central Lincoln PUD requested and executed a vegetation removal under the power lines on the proposed area in 2013/14. Dirt removal near the west side of the proposed vacate area was used for the Saxton/Fuentes residential homesite development.

Attachment "C"
Zoning Map of Area
(File 2-SV-14)

96

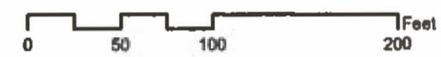


February 17, 2015

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

City of Newport Zoning Designations
(Area Affected by Street Vacation Petition No. 2-SV-14)

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



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

Revised
Attachment "C"
 Zoning Map of Area
 (File 2-SV-14)



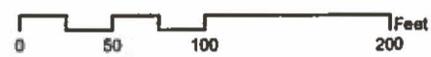
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February 17, 2015
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NEWPORT
 City of Newport
 Community Development Department
 169 SW Coast Highway
 Newport, OR 97365
 Phone: 1.541.574.0829
 Fax: 1.541.574.0844

**City of Newport Zoning Designations
 (Area Affected by Street Vacation Petition No. 2-SV-14)**

Image Taken July 2013
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 David Smith & Associates, Inc. Portland, OR

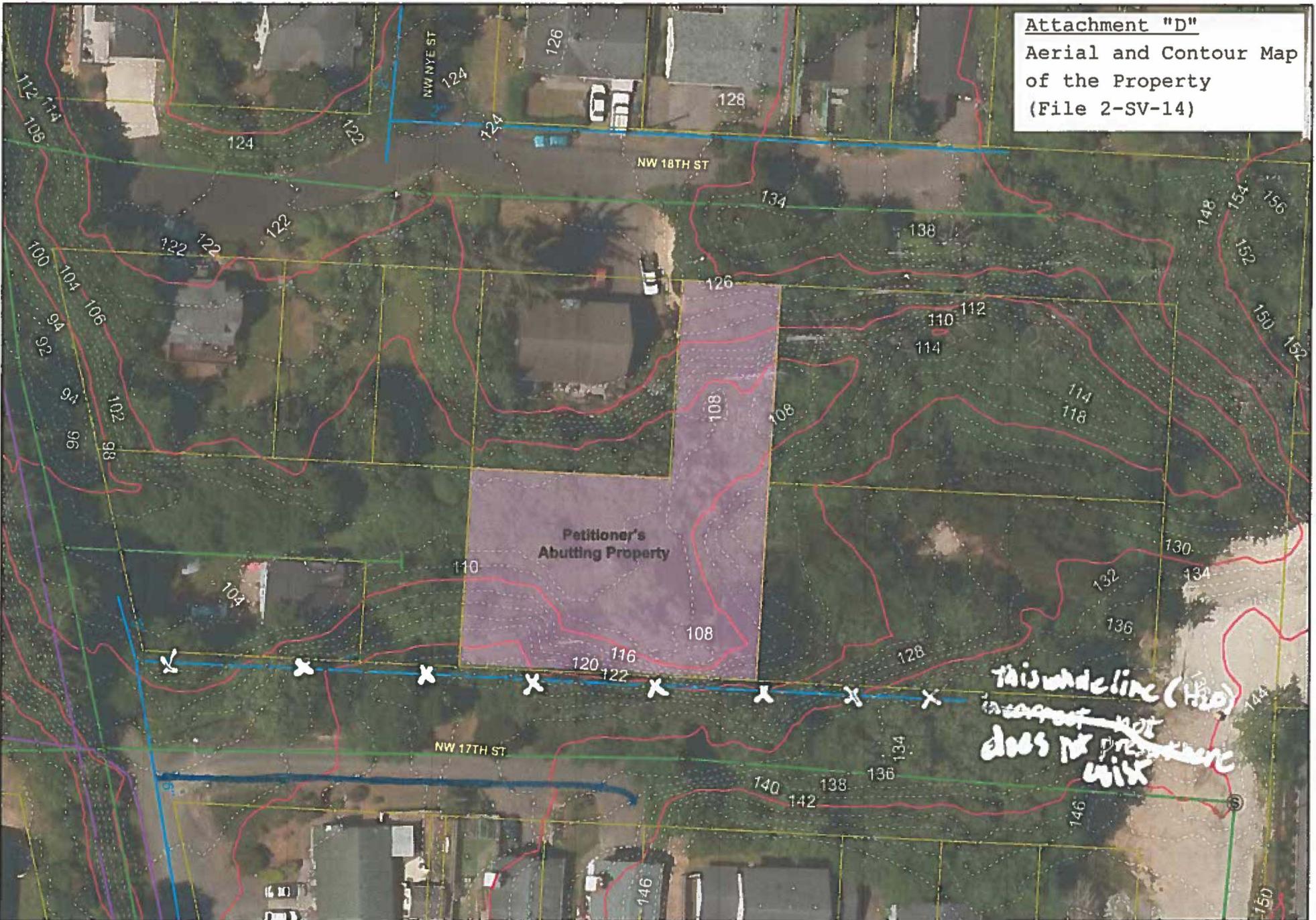


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Attachment "D"
Aerial and Contour Map
of the Property
(File 2-SV-14)

98

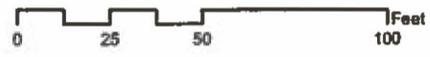
February 17, 2015



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

**Contour Map at 2-foot Intervals
(Area Affected by Street Vacation Petition No. 2-SV-14)**

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



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CITY MANAGER'S REPORT AND RECOMMENDATIONS

Agenda #: VI.B
Meeting Date: November 17, 2014

Agenda Item:

Public Hearing and Possible Adoption of Ordinance No. 2076 Amending the Housing Element of the Newport Comprehensive Plan

Background:

On January 26, the Planning Commission voted unanimously to recommend adoption of changes to the housing element of the Newport Comprehensive Plan to add policy and implementation strategies that the city can pursue to assist Oregon State University and others interested in developing multi-family housing in Newport. The modification reflects the recommendations included in a report funded with the \$7,500 grant secured by the City of Newport in conjunction with a contribution from Lincoln County for the same amount of money to fund a combined planning effort to evaluate the impacts that additional students and faculty would have on the existing rental housing inventory. As well as, reviewing the cities buildable lands inventory and housing polices, identifying land suitable for student housing, reviewing public/private partnership and incentives available to address student housing needs, and preparing policies and strategies that can be pursued in Newport to promote the realization of additional multi-family development within the community. The recommendation addresses issues ranging from having a sufficient inventory of appropriately zoned land available for multi-family development, consideration of various incentives to promote multi-family development within the City of Newport, and review of various incentive programs such as tax exemption or leveraging community block grant funds to help facilitate this type of development with the community.

This is a good proactive measure that was initiated jointly by the city and county in order to address steps necessary for the community to accommodate the proposed development of a 100,000 sq. ft. research education building that would accommodate 450 additional students along with 40 to 60 new faculty members and staff. I appreciate the efforts of OSU, Lincoln County, and various stakeholders that provided guidance to the development of these polices.

Recommended Action:

I recommend the Mayor conduct a public hearing on Ordinance No. 2076; which amends the housing element of the Newport Comprehensive Plan.

I further recommend after considering any comments made that the City Council consider the following motion:

I move to read ordinance 2076, an ordinance amending the housing element of the Newport Comprehensive Plan, by title only, and place for final passage.

The Mayor will then ask for a voice vote on whether to read the ordinance by title only and place for final passage.

If approved, the City Recorder will read the title of the ordinance.

A roll call vote on the final passage of the ordinance will then be requested by the Mayor and taken by the City Recorder.

Fiscal Effects:

None directly by the adoption of the ordinance.

Alternatives:

Do not approve the ordinance revision or as suggested by the City Council

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read "S. R. Nebel".

Spencer R. Nebel
City Manager



Agenda Item # VI.B.
Meeting Date February 17, 2015

CITY COUNCIL AGENDA ITEM SUMMARY

City of Newport, Oregon

Issue/Agenda Title Public hearing and possible adoption of Ordinance No. 2076 amending the Housing element of the Newport Comprehensive Plan

Prepared By: Derrick Tokos Dept Head Approval: DT City Mgr Approval:

ISSUE BEFORE THE COUNCIL: Consideration of whether or not it is in the public interest to revise the Housing element of the Newport Comprehensive Plan to add policy and implementation strategies that the City can pursue to assist Oregon State University and others interested in developing multi-family housing in Newport. At its January 26, 2015 meeting, the Planning Commission voted unanimously to recommend adoption of the changes.

STAFF RECOMMENDATION: Staff recommends the Council accept the Planning Commission's recommendation and adopt the ordinance.

PROPOSED MOTIONS: I move for reading by title only of Ordinance No. 2076, an ordinance amending the Housing element of the Newport Comprehensive Plan and for adoption by roll call vote.

KEY FACTS AND INFORMATION SUMMARY: Oregon State University is constructing a 100,000 square foot research education building as part of its initiative to expand the Hatfield Marine Science Center (HMSC) campus to accommodate 450 additional students, along with 40 to 60 new faculty members and staff. This first phase of the expansion is estimated to cost approximately \$50 million, and the University has secured about half of the needed funding. Construction is anticipated to begin in 2017 and will be completed in 2018.

Current vacancy rates for rental units in the City of Newport fluctuate between two and three percent. The City has a deficit of nearly 500 affordable housing units for households that earned less than \$25,000 and more than one-third of its households cannot afford a two-bedroom apartment at HUD's fair market rent level of \$759 (for the 2005-2009 reporting period).

Recognizing the need to get ahead of the planned expansion to ensure adequate housing will be available to meet the anticipated demand, the City of Newport secured this \$7,500 grant and, in partnership with Lincoln County, contributed \$7,500 to fund a planning effort to (a) evaluate the impacts additional students and faculty will have on the City's existing rental housing inventory; (b) review the City's buildable lands inventory and housing policies; (c) identify lands suitable for student housing; (d) research public/private partnerships and incentives available to address student housing needs; and (e) prepare policies and strategies that can be pursued in Newport to promote the realization of additional multi-family development, including student housing.

A stakeholder group was formed to guide the planning process. It included representatives from OSU, the Oregon Coast Community College, the Department of Land Conservation and Development (DLCD), staff from local governments in Lincoln County, and individuals with direct experience in real property development and rental housing management. The consulting firm ECONorthwest was hired to assist the stakeholder group, which met three times from late October through mid-November. The effort culminated in a report, by ECONorthwest, containing findings and recommendations that confirm there is adequate land in Newport upon which student

housing can be constructed to meet the anticipated demand; identify strategies that OSU can take to ensure that student housing is developed to support the HMSC Expansion; and outline policies and strategies the City of Newport should pursue to support the development of student and multi-family housing. The report is titled “Newport Student Housing: Expansion of the Hatfield Marine Science Center, dated November 2014.

On December 1, 2014 the Newport City Council adopted Resolution No. 3700, a resolution accepting the analysis and recommendations of ECONorthwest report. Further, the resolution directed the Newport Planning Commission to evaluate the policy and implementation measures identified in the report and provide a recommendation for how they might be incorporated into the City of Newport’s Comprehensive Plan.

The ECONorthwest report calls for the City to encourage development of multi-family housing, including student housing, throughout the City in areas that allow multi-family development. This is to be accomplished by evaluating opportunities to incentivize such development through use of a multiple unit tax exemption, or by leveraging Community Block Grant Funds. Additionally, the report identifies a need for the City to work with individuals that own property in the vicinity of, and including the Wilder development, and the Oregon Department of Transportation to ensure that an adequate amount of appropriately zoned land is available for multi-family development.

On January 26, 2015, the Newport Planning Commission conducted a public hearing to consider the policy and implementation measures contained in the report and, after taking testimony and reviewing the information contained in the record, recommend that the City Council amend the Newport Comprehensive Plan to incorporate the policy and implementation measures as outlined in the ECONorthwest report.

Notification for the proposed amendments was provided to the Department of Land Conservation & Development (DLCD) on December 16, 2014. Notice of the Planning Commission and City Council hearings was published in the Newport News-Times on January 16, 2015 and February 6, 2015, respectively.

OTHER ALTERNATIVES CONSIDERED: None.

CITY COUNCIL GOALS: There are no specific Council goals applicable to this request.

ATTACHMENT LIST:

- Proposed Ordinance
- Minutes from the January 26, 2015 Planning Commission Hearing
- Notice for the City Council Hearing
- Resolution No. 3700
- Report titled “Newport Student Housing: Expansion of the Hatfield Marine Science Center,” prepared by ECONorthwest, dated November 2014

FISCAL NOTES: None. The proposed amendments do not commit the City to making any specific financial decisions.

CITY OF NEWPORT

ORDINANCE NO. 2076

AN ORDINANCE AMENDING THE HOUSING ELEMENT
OF THE CITY OF NEWPORT COMPREHENSIVE PLAN
TO INCORPORATE RECOMMENDATIONS IN THE
NEWPORT STUDENT HOUSING REPORT
(File No. 5-CP-14)

Summary of Findings:

1. On December 1, 2014 the Newport City Council adopted Resolution No. 3700, a resolution accepting the analysis and recommendations of the Newport Student Housing Study prepared by ECONorthwest. That study, dated November 2014, evaluated how the Newport housing market will be impacted by Oregon State University's proposal to expand the Hatfield Marine Science Center to accommodate 450 additional students and 40 to 60 faculty members and staff over the next ten years.
2. The ECONorthwest study analyses the impact that additional students and faculty will have on the City's existing rental housing inventory; assesses the City's buildable lands inventory and housing policies in light of this potential development; identifies lands within the city that are suitable for student housing; outlines public/private partnership opportunities and incentive programs available to facilitate the construction of multi-family units for student and workforce housing; and recommends policy and implementation measures that the City of Newport can pursue to promote the realization of additional multi-family development.
3. A stakeholder group was formed to guide ECONorthwest's work. It included representatives from Oregon State University, the Oregon Coast Community College, the Department of Land Conservation and Development, representatives from local governments in Lincoln County, and individuals with direct experience in real property development and rental housing management.
4. In adopting Resolution No. 3700, the Newport City Council directed the Newport Planning Commission to evaluate the policy and implementation measures identified in the report and provide a recommendation for how they might be incorporated into the City of Newport's Comprehensive Plan.
5. The Newport Planning Commission actively participated in the development of the scope of work for ECONorthwest's report, was appraised of policy and implementation measures as they were developed, and reviewed recommendations contained in the final draft of the report prior to the document being presented to the City Council. This occurred at work sessions on September 8, 2014 and November 24, 2014 and a regular meeting on November 10, 2014.
6. On January 26, 2015, the Newport Planning Commission conducted a public hearing to consider the policy and implementation measures contained in the report and, after taking testimony and reviewing the information contained in the record, recommend that the City Council adopt the changes into the Housing element of the Newport Comprehensive Plan.

7. The policy and implementation measures contained in the ECONorthwest report provide a well thought out strategy that the City of Newport can pursue to assist Oregon State University and others interested in developing multi-family housing in Newport. This is an area where the existing Housing element in the Newport Comprehensive Plan provides little guidance. The ECONorthwest report calls for the City to encourage development of multi-family housing, including student housing, throughout the City in areas that allow multi-family development. This is to be accomplished by evaluating opportunities to incentivize such development through use of a multiple unit tax exemption, or by leveraging Community Block Grant Funds. Further, the City will work with individuals that own property in the vicinity of, and including the Wilder development, and the Oregon Department of Transportation to ensure that an adequate amount of appropriately zoned land is available for multi-family development.

8. These amendments to the Housing element of the Newport Comprehensive Plan are consistent with applicable Statewide Planning Goals in that the changes:

- a. Have been developed and vetted with affected stakeholders and the City of Newport Planning Commission and its Advisory Committee consistent with Statewide Planning Goal 1, Public Involvement; and
- b. Provide a policy basis to support future fact based land use decision making processes to enhance the availability of land available for multi-family development and to incentivize such development, consistent with Statewide Planning Goal 2, Land Use Planning; and
- c. Provide a policy framework that will allow the City of Newport to proactively work with affected stakeholders and developers to ensure needed multifamily units are developed concurrent with substantial new development like the planned expansion of the Hatfield Marine Science Center campus. This will help to ensure that there is an adequate number of needed housing units at price ranges and rent levels affordable to Newport residents consistent with Statewide Planning Goal 8. A policy framework that promotes the objective of ensuring that Newport possesses an adequate number of affordable multi-family units is also consistent with Statewide Planning Goal 9 because workers that have access to adequate housing ensures that there will be a workforce available to area employers at salaries they can afford; and
- d. Support the timely, orderly, and efficient arrangement of public facilities and services, and the safe and convenient extension of the City's transportation system by ensuring that changes to residential densities in vicinity of Wilder are properly coordinated amongst affected property owners and agencies, as encouraged by Statewide Planning Goals 11 and 12.

9. No other Statewide Planning Goals are applicable to the proposed changes to the Housing element of the Newport Comprehensive Plan.

10. Since the rationale for the new policy and implementation measures is spelled out in detail in the report titled "Newport Student Housing Study - Expansion of the Hatfield Marine Science Center in Newport," dated November 2014, it is appropriate that the document be included as an appendices to the Newport Comprehensive Plan.

11. The City Council held a public hearing on February 17, 2015 regarding the question of the proposed amendments, and voted in favor of their adoption after considering the recommendation of the Planning Commission and evidence and argument in the record.

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

THE CITY OF NEWPORT ORDAINS AS FOLLOWS:

Section 1. The Housing element of the City of Newport Comprehensive Plan is hereby amended as set forth in Exhibit "A".

Section 2. Appendix "D" to the City of Newport Comprehensive Plan is amended to include the document titled "Newport Student Housing - Expansion of the Hatfield Marine Science Center in Newport," prepared by ECONorthwest, dated November 2014.

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

Date adopted and read by title only: _____

Signed by the Mayor on _____, 2015.

Sandra Roumagoux, Mayor

ATTEST:

Margaret M. Hawker, City Recorder

Approved as to form

Steve Rich, City Attorney

(Note: Language being added is identified with a double underline.)

HOUSING GOALS, POLICIES, AND IMPLEMENTATION MEASURES

Goals:

Goal 1: To provide for the housing needs of the citizens of Newport in adequate numbers, price ranges, and rent levels which are commensurate with the financial capabilities of Newport households.

Goal 2: To provide adequate housing that is affordable to Newport workers at all wage levels.

Policy 1: The City of Newport shall assess the housing needs and desires of Newport residents to formulate or refine specific action programs to meet those needs.

Implementation Measure 1.1: The City of Newport shall establish a set of verifiable and empirically measurable metrics to track trends in housing development and affordability. The metrics should be based on readily available data sets that are available on an annual basis and should include income and housing cost trends, housing sales, building permits by type and value, as well as others.

Implementation Measure 1.2: The Community Development Department shall prepare annual housing activity reports that include data on residential building permits issued, residential land consumption, and other indicators relevant to housing activity.

Implementation Measure 1.3: The Community Development Department shall conduct an assessment of the housing needs of Newport residents and workforce every five years. This assessment shall focus on the implementation measures and related housing programs as described in the Housing section of the Newport Comprehensive Plan.

Implementation Measure 1.4: The City of Newport shall assess the use of creative funding and land use tools to facilitate the development of government-assisted housing and workforce housing. Tools to be evaluated include urban renewal, lodging tax revenues, system development charge structures, in lieu fees, and others.

Policy 2: The city shall cooperate with private developers, nonprofits, and federal, state, and local government agencies in the provision and improvement of government assisted and workforce housing.

Implementation Measure 2.1: The City shall establish a residential land bank program with the intent of facilitating the development of government-assisted and workforce housing.

Policy 3: The city shall encourage diversity and innovation in residential design, development and redevelopment that is consistent with community goals.

Implementation Measure 3.1: The City shall review the potential for establishing policies and locations for transitional housing in ORS 446.265.

Implementation Measure 3.2: The City shall review options for allowing innovative housing design including pre-approved housing plans. The review shall consider impacts on government assisted or workforce housing on innovative design and should include consideration of innovative options that would result in an increase of workforce or government-assisted housing.

Implementation Measure 3.3: The City shall evaluate how the zoning code can be modified to create more flexibility for innovative housing design, such as form-based code options, or modifications to the conditional use process.

Policy 4: The City of Newport shall designate and zone land for different housing types in appropriate locations. Higher density housing types shall be located in areas that are close to major transportation corridors and services.

Implementation Measure 4.1: The City of Newport shall review the comprehensive plan and zoning maps to ensure that low- and high-density residential lands are located in areas that are appropriate to associated housing types.

Implementation Measure 4.2: The City of Newport shall review the Newport Zoning Code to identify potential amendments related to facilitating the development of needed housing types. The review shall, at a minimum, include the following elements: (1) reduced minimum lot size in the R-1 and R-2 zones; (2) allowing small homes under certain circumstances; (3) adoption of an accessory dwelling unit ordinance; and (4) street width standards. Any proposals to reduce minimum lot sizes shall consider building mass and the potential need to reduce lot coverage allowances.

Policy 5: The City of Newport shall coordinate planning for housing with provision of infrastructure. The Community Development Department shall coordinate with other city departments and state agencies to ensure the provision of adequate and cost-effective infrastructure to support housing development.

Implementation Measure 5.1: The Community Development Department shall review functional plans (e.g., water, wastewater, transportation, etc.) to identify areas that have service constraints or will be more expensive to service. This review shall occur in conjunction with the five-year housing needs evaluation described in Implementation Measure 1.3.

Policy 6: The City of Newport shall discourage, and in some cases, prohibit the development of residences in known environmentally hazardous or sensitive areas where legal and appropriately engineered modifications cannot be successfully made. In support of this policy, the city shall inventory, and to the greatest extent possible, specifically designate areas that are not buildable or require special building techniques.

Policy 7: As much as possible, the City of Newport shall protect residential development from impacts that arise from incompatible commercial and industrial uses; however, the city also recognizes that some land use conflicts are inevitable and cannot be eliminated. Where such conflicts occur, the uses shall be buffered, where possible, to eliminate or reduce adverse affects. Residences that develop next to objectionable uses are assumed to be cognizant of their actions, so no special effort by the adjacent use is required. The residential development will, therefore, be responsible for the amelioration of harmful affects.

Implementation Measure 7.1: The City of Newport shall investigate and evaluate housing programs that may reduce the costs on renters and home buyers.

Implementation Measure 7.2: The City of Newport shall eliminate any unnecessary review processes.

Policy 8: The City of Newport recognizes that mobile homes and manufactured dwellings provide an affordable alternative to the housing needs of the citizens of Newport. The city shall provide for those types of housing units through appropriate zoning provisions.

Implementation Measure 8.1: The City of Newport shall review the mobile home park inventory maintained by the Oregon Department of Housing and Community Services to identify parks that may be at risk of transition to commercial uses. Mobile home parks represent a low-cost housing alternative for lower income households. The City should consider strategies to mitigate the conversion of mobile home parks into other uses including working with park owners or managers.

Implementation Measure 8.2: The City of Newport shall review the zoning code to allow and encourage “park model” RVs as a viable housing type. This review should include establishing appropriate definitions for Park Model RVs, establishing appropriate development standards, reviewing minimum lot sizes, and establishing a set of pre-approved Park Model plans.

Policy 9: Consistent with the November 2014 study titled “Newport Student Housing – Expansion of the Hatfield Marine Science Center in Newport” by ECONorthwest (Appendix “D”), the City of Newport will encourage development of multifamily housing, including student housing, throughout the City in areas that allow multifamily development. Increasing the supply of multifamily housing is crucial to meeting the needs of Newport’s workforce and lower-income households, as well as to supporting student growth at the Hatfield Marine Science Center. The City will

identify and implement appropriate tools to support multifamily and student housing development.

Implementation Measure 1: The City of Newport will work with Lincoln County to evaluate the use of the multiple unit tax exemption to support multifamily development. If the City and County choose to offer the multiple unit tax exemption, they will work together to identify the area(s) to apply the tax exemption, develop criteria for offering the tax exemption, and set criteria for using the program (such as a programmatic cap).

Implementation Measure 2: The City of Newport will work with Lincoln County to evaluate the use of CDBG and Section 108 funds to support development of subsidized low-income and (where applicable) workforce multifamily housing.

Implementation Measure 3: The City of Newport will work with property owners around the Wilder development and the Oregon Department of Transportation to coordinate the amount, type, and density of residential development in this area. If necessary, the City of Newport will adjust the zoning in this area to allow for development of student housing and other multifamily housing.

Minutes
City of Newport Planning Commission
Regular Session
Newport City Hall Council Chambers
Monday, January 26, 2015

Commissioners Present: Jim Patrick, Lee Hardy, Bob Berman, Rod Croteau, Gary East, and Bill Branigan.

Commissioners Absent: Mike Franklin (*excused*).

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

A. Roll Call. Chair Patrick called the meeting to order in the Council Chambers of Newport City Hall at 6:00 p.m. On roll call, Hardy, Berman, Croteau, Patrick, East, and Branigan were present. Franklin was absent but excused.

B. Approval of Minutes.

1. Approval of the Planning Commission work session and regular meeting minutes of November 24, 2014, the work session minutes of December 8, 2014, and the joint City Council/Planning Commission work session minutes of January 12, 2015.

Croteau noted a couple of minor corrections on the minutes of the November 24th work session.

MOTION was made by Commissioner Berman, seconded by Commissioner East, to approve all sets of Planning Commission minutes with the corrections as noted. The motion carried unanimously in a voice vote.

C. Citizen/Public Comment. No public comment.

D. Consent Calendar. Nothing on the Consent Calendar.

E. Action Items.

1. Election of Planning Commission Chair and Vice Chair for 2015.

MOTION was made by Commissioner Berman, seconded by Commissioner Branigan, to retain Commissioner Patrick as Chair and Commissioner Croteau as Vice Chair. The motion carried unanimously in a voice vote.

F. Public Hearings.

Patrick opened the public hearing portion of the meeting at 6:04 p.m. by reading the statement of rights and relevance applying to all hearings on the agenda. He asked the Commissioners for declarations of conflicts of interest, ex parte contact, bias, or site visits. Berman, Croteau, East, and Hardy all declared site visits. Branigan and Patrick declared a site visit to one; 17th Street. Patrick called for objections to any of the Commissioners or the Commission as a whole hearing this matter; and none were heard.

1. File No. 2-MRP-14-A. Appeal of the Community Development Director's decision of approval for File No. 2-MRP-14, a minor replat of portions of Lots 1 and 4, Block 1, Nye & Thompson Addition as submitted by Bret Fox. The Appellant, Bret Fox, is challenging Condition of Approval No. 2, which requires widening and reconfiguring of the property's access to SW 2nd Street, removing and revegetating an "abandoned" portion of the 2nd Street right-of-way, and replacing the sidewalks along the property's Olive Street and 2nd Street frontages.

Patrick opened the hearing for File No. 2-MRP-14-A at 6:05 p.m. by reading the summary from the agenda. He called for the staff report. Tokos said, as the Commissioners gathered from the packet material, the City has been working with Bret Fox and his attorneys, and they would like to sort out a solution in a manner that's workable for both the City and the applicant. Mr. Fox is in the process of doing some financing on that property. His objective is to create a third parcel where the Courthouse Café used to be. By creating that as a separate parcel, it would not be involved in the financing he is arranging for the larger property, which includes the developed portion. Given the timing on his financing, it would be difficult for him to get all of these improvements in place. We talked with them about a development agreement; and we were going down that path. However, Fox and his attorneys have indicated that they

may want to pursue a different matter. They may want to drop the replat and try a different route through a property line adjustment or simply forego doing anything further with the property reconfiguration at this time until he gets a better sense of how or when he might be able to get that Courthouse Café piece ready to develop. He has no qualms with the need for restoration that have been identified by the City Engineer as part of that approval packet; it's just that he's not in a position to do them right now because of the financing he's working on. Especially in particular with the Courthouse Café piece, he may want to approach the City to vacate a portion of 2nd to better reconfigure where that clock is. That clock is sitting on state right-of-way; it's not something that's the City's. We maintain it, but it is state right-of-way. He is thinking that might help with respect to reconfiguring the access. It needs to be corrected, and he recognizes that. He's just not sure that now is the best time for him to make that investment given where he is at with positioning properties. For now Fox is trying to sort out how to best proceed and ran out of time and asked for a continuance. Tokos noted that, as the Commissioners can see in the email put forward today, the attorneys agreed to stay the 120-day clock for purposes of City decision-making while they sort through their options and get back to us.

Patrick didn't think there were any objections to that on the Planning Commission's part. Croteau said this seemed like a fairly reasonable way to deal with the appeal. He asked what the consequences would be if they didn't move forward with what they promised but were obligated to do within that timeframe. What does the City do in a case like that? Tokos said we have limits. The filing of the final replat is our hammer to make sure improvements are in place before the additional parcel is created. We have the option of doing a development agreement, but that's limited to a one-year timeframe. Fox has to post a bond or provide a letter of credit. We told him we could throw a conservative number in there for bonding purposes that would cover this; but he was concerned that the banks may want more detail that he's not ready to provide now with respect to how he intends to develop that property. In the latest iteration that we're talking about, we told him he might grant across access easement for the newly-created Parcel 3 so they can legally utilize the access on 101. Right now it can because it's not a separate parcel, and it has historically used that. The way he's proposing to create this, it's only legal access would be off 2nd. What we were talking about was what if he puts an across access easement in there to provide a legal way of access and then agrees to barricade the access to 2nd for the time being. He could then forego having to do improvements to the driveway at that location and to the sidewalk; and just make the sidewalk improvements up on Olive, which is a potentially lower cost. Then when he is actually ready to come in and develop, we could talk about lifting the barricade at that point and hook him for fixing the access and the sidewalk on the south side when he's ready to develop the property. That's what we're sorting through. Croteau said he can see it will take some time. Berman asked if continuing it just two weeks would be enough time. Tokos said that seemed to be acceptable to them; they asked for the next available date. The ball's in their court, and we're just kind of working off that. Hardy asked what kind of sidewalk improvements Tokos was talking about. Tokos said just reconstruction along 2nd because it is beat up; as is the sidewalk up on Olive.

MOTION was made by Commissioner Croteau, seconded by Commissioner Berman, to continue the hearing for File No. 2-MRP-14-A to February 9th. The motion carried unanimously in a voice vote.

2. File No. 2-SV-14. Consideration of a request submitted by Rex and Theresa Capri for a proposed partial street vacation of the northern 30' wide portion of NW 17th Street abutting lots 16, 17 & 18, Block 8, BEACH PARK ADDITION (a portion of Tax Lot 7901 of Tax Map 11-11-05-BA) and the southern 30' wide portion of NW 18th Street abutting Lot 7, Block 8, BEACH PARK ADDITION (also a portion of Tax Lot 7901 of Tax Map 11-11-05-BA). The Commission will forward a recommendation to the City Council on this matter.

Patrick opened the hearing for File no. 2-SV-14 at 6:11 p.m. by reading the summary from the agenda. He called for the staff report. Tokos noted that in the staff report he outlined the relevant approval criteria listed in State Statute. He said the first is whether the consents of the owners in the required area were obtained, which is 200 feet to either side of the road being vacated and 400 feet from the terminus ends of the right-of-way. He noted that there is a map exhibit showing the notification area. The second criterion is whether notice was duly given for the hearing; and that is shown in here. The last criterion is whether the public interest will be prejudiced by the vacation of the right-of-way. Tokos said the consent area was properly identified by the applicant. The map shows that the owners of 2/3 of the land within the area have consented to the vacation. The abutting property owner, who is the petitioner in this case, has consented. So the application satisfies the statutory requirements for consents. Tokos said the main consideration then is whether the public interest will be prejudiced by the vacation of the right-of-way. He noted that there is a letter included in the packet from City Engineer Tim Gross indicating that the right-of-way is needed to maintain utilities that are in place in both locations and pointed out that 17th may be extended at a future date; which is relevant because if you consider if the public interest will be prejudiced when doing a vacation, you have to look at that in perpetuity. If a street is going to be expanded or enlarged at some point, that is an important consideration; and Gross indicated that it may be extended or widened at some future date to connect up with Grove Street, which has been partially constructed as part of the preparatory work done by those commercial developers. The extension of that

street would create a looped street system, which is desirable both for emergencies and for public convenience. Tokos told the Commissioners to keep in mind that the City's TSP sets out minimum right-of-way widths for the purpose of constructing local roads. The minimum right-of-way width is 50 feet. This petition if granted is suggesting a right-of-way smaller than what is permissible in the City. That's an issue that you would have to address. There is also the issue Gross pointed out with having flexibility for dealing with maintaining utilities there. When dealing with rights-of-way, he needs the flexibility and ability to deal with a number of issues in maintaining and expanding utilities; not the least of which is dealing with terrain issues in some areas. They may need significantly more area than where the specific utilities are located to deal with that. Tokos said those are some of the things to think about. He said to also think about what is the public interest in this case. The petitioner indicated that one of their desires is to preserve the canyon, which happens to be largely owned by the City. This is one of several sites discussed in the workforce housing study, but it has significant terrain issues. It was discussed at that time as having constraints for workforce housing; but the City hasn't established a specific use for those properties at this point in time. Tokos said the Commission needs to think about, if we vacate the right-of-way, for what purpose. What is it actually accomplishing. If it's preservation of the canyon, how is that more effective under private ownership as opposed to City ownership? Tokos noted that the petitioner has put together some responses to staff comments, which were distributed prior to the meeting. He encouraged the Commissioners to read through it and contemplate that before making a recommendation to the City Council whether or not the right-of-way should be vacated. He said if the Commissioners believe it is in the public interest to vacate the right-of-way, you would have to recommend that utility easements be reserved. Tokos said, regarding the location of the utilities, he sees the petitioners point that they did utility locates. Even with utility locates, the exact location of utilities and the area that would be needed to be reserved to adequately maintain them, there is no legal description of what that would be short of retaining utility easements over the entire area that is proposed to be vacated. That's typically how it's done. Unless the petitioner proposes an alternative legal description, your default is to retain a utility easement over the entire right-of-way proposed to be vacated. That's something else to consider if the Commission believes it is in the public interest to vacate the right-of-way in the first place. Tokos told the Commission that after taking public testimony, you need to weigh how you want to recommend this forward to the City Council. They will have another public hearing and will be the final decision-maker on this petition.

Hardy asked if there was any geologic analysis done on that canyon. Tokos said not to his knowledge. He said that there was quite a bit of work done by the developer who put a lot of sand fill at that location. They did some analysis on their compaction methods. He didn't know how thorough that was and didn't evaluate that prior to this meeting. Hardy asked if that sand fill and compaction was monitored for appropriateness. Tokos said not by the City. We don't have a code that required that. The property's not in a geological hazard area. If it were we would have had a geologic permitting process. So, it would default to an erosion control code, which we don't have. Croteau asked if there are any issues with access by fire or other emergency vehicles in a future development that came up in discussion. Tokos said the Fire Department did receive notice, but didn't provide comment at this point in time. He said that may have just been an oversight. The Fire Department wants to make sure accesses are wide enough to accommodate their vehicles and can handle the load weight of their heavier vehicles. He said that they don't care for dead-ends so much; they are happier with more than one way in and out. Hardy thinks there are challenges there in that regard in that neighborhood. Patrick asked that he understood correctly that even if we vacate the right-of-way, we'd still retain a utility easement. Tokos said you would need to; otherwise you would be leaving them hanging out there in the wind. You would put the City and the other utility providers in a position where they may need to do work on those utilities outside the right-of-way, basically on private property. Then they would have to secure easements from the Capris. Once vacated, that would become the Capris' property. What usually happens is when it's vacated it accrues to the adjoining property. Typically when you see a street vacation, you see the entire width of the right-of-way being vacated. Half accrues to one side and half to the other. They've only requested half the right-of-way be vacated; the part that would accrue to them.

Berman asked, assuming the original drawings were as wrong as it seems to be indicated on the latest handout, if Tokos had a sense of how that came to be. He asked if it would really take a physical survey. Tokos said it does. The representations we have in the GIS system are not survey accurate. This was their initial round of locating their stuff to identify where it is generally in the right-of-way. Even from the photos Capri attached with his information you can see you have rights-of-way with utilities on both sides of the actual traveled gravel roadway at this point in time. These aren't all in one trench; they're scattered around. Even with utility locates, they are good in so far as there are tracer wires in the lines that they are locating. We commonly run into infrastructure that's more dated that doesn't have tracer information. Utility locates are helpful as they give you a general sense of where those utilities are and that you have to be careful there; but they don't always pick up everything that's in the ground. Berman said that he noticed that most streets up there are as narrow as what would be remaining after the proposed vacation. He asked if Tokos had any sense for how much very narrow used streets (actual developed streets) there are and how exceptional this would be to add another couple hundred feet of 30' wide streets. Tokos said typically where the City has found it's not going to be prejudiced, and Abbey Street in back of the hospital is a good example, those are areas where the

terrain is so steep that a street would never be extended through there; and in these cases we didn't even have utilities in those locations because it's so steep. It's highly irregular to vacate half of a right-of-way and not the other half. Typically what you'll have is a right-of-way that extends over very steep terrain, and there are no plans or no need for the public to extend a street in that location. Croteau noted that there are a lot of streets that are 30 feet and gravel, but the right-of-way is not. Tokos said it's not uncommon to have underdeveloped streets. Sometimes it's terrain, and sometimes it's an underdeveloped area where the developer couldn't afford to construct a proper street. Also, we are on a program of fixing gravel streets and fully paving those and putting in sidewalk; like over by Dutch Bros. for example. He noted that what's there today is not necessarily what will be there in twenty or thirty years. That's why one of the things the Planning Commission needs to think about is when you vacate a street, it's gone forever. The only way it gets picked up again if it's ever needed is it gets repurchased at cost to the City. Branigan said that particular property is very steep and asked what the practicality is of ever extending a road through there. Tokos said that 17th is not as terrain constrained as 18th is. It's not inconceivable that 17th would be connected through to Grove; 18th probably wouldn't be connected, and there's no purpose. It would be very difficult for it to be extended. However, as Gross mentioned, he believes it's in the public interest to retain that right-of-way for maintaining the street that is there. You do have traveled streets on both sides here; these aren't undeveloped rights-of-way adjacent to the petitioner's property. So to maintain the street on 18th and to maintain the utilities that are in place there, he has requested that it's not in the public interest that they vacate that right-of-way. It's not that Gross has any immediate plans to do anything there; it may sit that way for the foreseeable future. The question in front of the Planning Commission is if it's in the public interest to maintain the right-of-way in its present condition, or is it the public's interest to vacate it and convey it over to the neighbor.

Proponents: The petitioners, Rex and Theresa Capri, 255 NW 17th Street, came forward to testify. Capri said they live just on the south side of 17th Street across from the lots they own that are in the canyon. He said the idea was that they own four lots in that canyon and maintain it by cutting grass and brush on the sides there. He said that both of these pieces they are asking to vacate are still in their natural state and haven't been disrupted. The only thing on 18th is an overhead power line. He noted that if you look at the picture they provided, on page 4, the pink tape they placed on these pictures shows basically where the 30-foot center of right-of-way would exist. He said that on the picture you can see pretty much it's in a natural state except under the power lines. That was cut one year ago when they asked if they could come in and cut under there. Before then that was all natural vegetation too. Page 2 shows 17th Street looking east and west. On the shot looking west, across from his truck on the left is where their house is. They have lived there almost thirty years. He said that where his truck is is undeveloped property over there too except where the pickup is parked because he filled in there and made a place to park. He intends to make another one where he can park vehicles. Also, some of these trees that you see on page 2 in the bottom photo will be removed so he can plant some fruit trees. Also, at some point in the future, it may be that if he develops parking spots there he may want to put a carport or garage there to protect those vehicles. He said it's the same on 18th Street on that piece. On both page 2 and page 3 utilities are in these existing streets. Those shots from the street show the markings representing the utilities. He called attention to the bottom photo on page 2 where it's looking to the west, where you will see in the distance fencing at the top of that very steep bank. He said that was placed there last fall because there was a sewer line placed from Agate Beach Wayside up through Ocean View Drive and then up through that section on 17th and down that steep bank continuing down Nye Street down to 12th where it terminated. He said there was no problem for the equipment to come in on that little section on that steep bank to put in the new sewer line. He said, so the contention by the Planning Staff Report that they need the full 60 feet to do utility work is unfounded. Looking at this work that was done, they put a major sewer line in a street no wider than what you are looking at here. Capri said that Tokos had said that it's unusual to ask for a partial street vacation. He said the bottom photo on page 2 is shot from the end of the street, and it stops there; it's brush beyond there. On that parcel on 18th, shown on page 4, he doesn't intend to take down any of those trees above the tape there. He said just beyond that looks like an ideal place to plant some more fruit trees, some berries, and possibly some garden. He does some leveling on that, and because that's the highest piece it would be good for that. In the future he may want to put a small shed to hold tools and gardening or pruning gear or whatever. If he places these buildings on something that is still public and they decide to take them down, he would incur that expense. The fact is that these rights-of-way have never been used before, and the roads that are there seem to adequately provide access for the people who live there now. When they went out and collected signatures as part of the requirement for this petition, there were a number of people on both streets that said they would like to keep those roads the way they are. If the City decides to come in and open roads, he suspects there would be opposition from the local property owners there. They feel that 30 feet to go through on 17th and even 18th would be plenty adequate for what you are dealing with there. He said another point that Tokos stated was that 17th could be developed to a full 60-foot width. He said as you saw on the topography map, this is very steep and drops off very steep off the edge there. On page 2 in the top photo you can see a white marker off in the distance. When the City did all that fill from Walmart, they built a little road and dumped a lot of fill down in that canyon. There was no drainage pipe put in that canyon and no compacting when the fill was done. The only pipe was after the fact and only a piece of green plastic sewer pipe 50 feet long about 8 feet higher above the bottom of the canyon abutting where

the City filled. Two weeks after, there was a rainstorm that plugged that pipe. It also slid a section just beyond this log you see in the top photo on page 2. You would have to do some major repair work even to punch the road through on 17th as you see it existing right now. He said there are major issues.

Capri said that one of the problems here also on 17th was on Grove Street right behind TLC and across from Newport Plumbing there was a real steep canyon that headed to the north through there that has been filled in over the years. There was a natural stream that came out of there. There was never any provision made for any drainage from that stream. When the fill was placed there in those canyons with no drainage it caused that stream to push underground, and now it pushes up out of the ground on the eastern edge of their lots there; basically just beyond where he is standing against the pickup in the picture back by that white marker. He said if the City wants 60 feet, it would be right in that stream where it exists now. He said on the other side of the canyon, which is drainage from the highway, Sea Towne, and San-Bay-O and skirts around to the north, they did a lot of work when they filled in that vacant lot between TLC and O'Reillys. They had to come in and dig down way deep and put in correct drainage pipe, and that routed it. There are two streams there; one right over to the bank on the north side, and one on the south side. They run 24/7, 365. They were wetlands; and there was never any mitigation or requirements for drainage to be placed in there. There was no compaction of the soil that was placed in there. What that initially caused when it rained and the sand filled in, it filled in the lots they had. It filled everything and caused all that drainage water to just be a big swamp. Over the years he has dug channels. He said there would be a huge cost to mitigate those problems right there and ever make a 60-foot right-of-way and ever build a house there. It would require digging down and putting in proper piping. It also would be burdened by wetland requirements there. He's not saying it can't be developed; if it could, then fine. He said they think a 30-foot right-of-way just past the piece they are asking would be adequate and the most logical. If housing was built on the City property, it would be better to come in on Grove Street. It's one block off the highway. It's the best access for fire, and for water and sewer and utilities. He said for those reasons, he thinks they are being more than fair in their request to vacate.

Croteau said from the overhead map he notes that the Capris do have considerable property as it stands now. He said it seems like plenty to accommodate the needs Capri spoke of; parking, a shed, an orchard, and a garden. Croteau asked Capri to tell him what this vacation would provide him that he doesn't have now. Capri said he wouldn't be able to grow what he's asking to grow in the canyon or park down there. It would require a huge expense to go in and put in drainage. He said the previous City Engineer told him he would have to put in 2-foot culvert piping; and the expense of putting in that kind of piping, and there would be a huge amount of fill to make developable lots would be an expense that wouldn't be worth what you would hope to sell the lots for. Croteau said, so it would be for your convenience because you wouldn't want to bear the expense to make it usable for your purposes. Capri said there's nothing more than a part of it in the bottom of that canyon. To be able to park and for growing things, the only reasonable places are the higher elevations near the street. Croteau said, so the issue is really not one of preservation, but rather one of acquiring usable land for your own purpose. Capri said it would be preserved the way it is. Croteau asked if Capri is concerned that that land would not be preserved. Mrs. Capri thought they went with that area because it's right next to their property; and they can't ask the City to vacate the property next to theirs. Berman asked, if this vacation were to be declined, what activities might you not be able to do. You mentioned that you might want to build a shed and the City may say take it down. Other than that, what would you not be able to do because this vacation wasn't approved? Capri said he didn't know. Berman asked if Capri could park in the right-of-way; and Tokos said people park in the rights-of-way all the time. Berman said he could understand carports or structures; but if everything remains status-quo for the next twenty years; he asked Capri what he wouldn't be able to do. Capri said if he planted trees and berry bushes and things of that sort there. Tokos said currently the only area where you would have an issue is 18th because of the overhead utility lines. The utility company would have limitations on what could be planted underneath their utility lines. Currently there is nothing limiting planting in the right-of-way. Branigan asked Capri if basically he is wanting the 18th Street property for trees and plantings; and the 17th Street for additional parking. Capri said, yes; but he would be taking out a few trees east of where his truck is parked on 17th and putting in fruit trees there also. Branigan said but mainly 17th for parking and 18th for orchard; and Capri confirmed that.

Capri asked if the Commission could stay their decision until the members had a chance to go out and visually take a look for themselves to see what this involves. Patrick said that all of the members had made a visit to the site.

There were no other proponents or opponents present wishing to testify; so rebuttal was waived. Patrick closed the hearing at 6:50 for Commission deliberation. Branigan said that he understands what the Capris would like to do. He said it's certainly not in the public interest; it's in their own interest. Branigan said that land is valuable property within the City of Newport; we don't have enough. The rights-of-way are City-owned property. Branigan said he really doesn't think the public interest is going to be served by vacation of the rights-of-way. He said he would have to recommend not to do the vacation. East said he would like to hear from Tokos about a garage on City-owned property and what the future is for that. He would also like to hear from the Fire Department and get their input on

their access; their ability to turn around depending on what the City is going to do. If everything can be accessed from Grove and it would be geologically sound, then maybe he would consider it. East thinks for right now, he would like to see more information of what the City has planned and get feedback from the Fire Department. Croteau has a difficult time in voting for this because frankly the public interest isn't served. On the other hand, he doesn't see the City doing vast improvements on this land for quite some time. He would be happy to see the Capris build a shed and put in a garden and use the right-of-way for that. By the time the City gets to putting 17th through and developing that land, everyone in this room will be long gone. So he wishes Capri luck in using the right-of-way in a way the City accepts and can deal with. That way, Capri's objective is taken care of, but at the same time we're not giving up something that the City may regret at sometime in the future. Berman concurred with Croteau. He pointed out that the chances of 17th going on through or anything serious being done with 18th Street is about zero given the budget priorities and the fiscal condition and the other issues that really should be addressed by the City long before this. Berman also encouraged Capri to go on with his plans in conformance with City regulations. He said there doesn't seem to be a lot stopping Capri from doing what he wants to do on those two little bits of rights-of-way. He told Capri to go for it and best of luck to him. Hardy said she had mixed feelings with respect to the feasibility of the City doing anything easily for development up there. She said she has been up there in an ambulance about thirty-five years ago; and it's really difficult to access anything. She said to further hinder that for emergency response vehicles she thinks would be irresponsible. She is inclined to go with a vote against the vacation. She also encouraged the Capris to take whatever advantage they can of this green space without any issue with respect to using it; do well, but don't abuse it. Patrick agreed with the majority of the Commission and said it doesn't fill any public need. He thought the Commission actually will need to do a policy on street vacation; take the time and go through it. He said as he recalls, we've only done one that way and actually approved it. Tokos said there are a couple; Abbey Street and one by Walgreens. Berman said, and OMSI did too. Tokos said that was more comprehensive code cleanup. Patrick said for those others there were no existing utilities in the ground. Given the fact that here you have utilities in the ground and overhead, which means they would have to give utility easements; and 18th is overhead, which means they really can't do anything with it anyway. They can put something there like landscaping, but the utility companies reserve the right to take it out. Tokos said utility companies are cautious about things that could grow up and interfere with their ability to maintain their lines. Patrick said granted there is no chance of any of this getting approved right now; but fifty years from now is another story. A lot changes. He's seen people put a house on things he never would have believed they could put a house on. Maybe he could see it if it was vacating the whole street; but he's never done half a street. Patrick said he feels for the Capris and understands why they want the vacation; but he doesn't see any public interest in it that benefits the City of Newport. Croteau said that he certainly is sympathetic to the Capris' cause, but when he looks at the evidence and the testimony he had to make a motion for denial.

MOTION was made by Commission Croteau, seconded by Commissioner Branigan, to make a recommendation to the City Council for denial of the partial street vacation as requested in File No. 2-SV-14. The motion carried unanimously in a voice vote.

3. File No. 5-CP-14. Consideration of legislative text amendments to the Housing element of the Newport Comprehensive Plan to include new policies and implementing measures to encourage the development of multi-family housing, including student housing, as recommended in the Newport Student Housing Report, prepared by ECONorthwest, dated November 2014. The Commission will forward a recommendation to the City Council on this matter.

Patrick opened the hearing for File No. 5-CP-14 at 6:57 p.m. by reading the summary from the agenda. He called for the staff report. Tokos noted that included with the staff analysis is a draft ordinance that would amend the "Housing" element of the City's Comprehensive Plan to incorporate the policy recommendations that came out of the Student Housing Study. He drafted it in a manner that incorporates the recommended policy and three implementation measures more or less verbatim from the Study with just a little bit of transitional language. When the Housing Study was presented to the City Council, they adopted a resolution, which is included in the packet, where they accepted the study and referred it to the Planning Commission to consider whether or not this policy and implementation measures should be incorporated into the "Housing" element. Tokos noted that the policy on page 51 of the Housing Study states that "The City of Newport will encourage development of multi-family housing, including student housing, throughout the City in areas that allow multi-family development. Increasing the supply of multi-family housing is crucial to meeting the needs of Newport's workforce and lower-income households, as well as to support student growth at the HMSC. The City will identify and implement appropriate tools to support multi-family and student housing development." Then it sites three specific implementing measures. Measure number 1 states that "The City of Newport will work with Lincoln County to evaluate the use of the multiple unit tax exemption to support multi-family development. If the City and County choose to offer the multiple unit tax exemption, they will work together to identify the area(s) to apply the tax exemption, develop criteria for offering the tax exemption, and set criteria for using the program (such as a programmatic cap)." Implementation Measure number 2 states that "The City of Newport

will work with Lincoln County to evaluate the use of CDBG funds and Section 108 funds to support development of subsidized low-income and where applicable workforce multi-family housing.” Finally, Implementation Measure number 3 states that “The City of Newport will work with property owners around the Wilder development and ODOT to coordinate the amount, type, and density of residential development in this area. If necessary, the City of Newport will adjust the zoning in this area to allow for development of student housing and other multi-family housing.” Tokos said the Commissioners will recall that the Student Housing Report was something that was initiated by the City of Newport, Lincoln County, and OSU. Lincoln County brought some funds to the table to pay for that; as did the City through a grant with the State of Oregon. A stakeholder group was put together to provide guidance as ECONorthwest did their work. That stakeholder group included representatives from the cities of Lincoln City, Depoe Bay, Waldport, Yachats, and OSU from the HMSC side and OSU Housing from Corvallis. Lee Hardy served on the committee as an individual on the property management side of things and also happens to be a Planning Commission member. City staff was involved as well. Tokos noted that the members are listed in the Housing Study that is included as an attachment in the packet. He said if this does get included in the Comp Plan as a policy and implementation measures, then that basically gives us marching orders to pursue these three implementation measures. One of them, the multiple unit tax exemption, we’ve already had preliminary discussions to get a sense of how receptive the County might be and what that might look like and how that might be structured.

Berman noted that measures 1 and 2 specifically talk about coordination with Lincoln County. He asked if that’s saying it must include Lincoln County or if they balk, is there any reason the City couldn’t proceed. Tokos said there’s no reason the City can’t proceed. It’s more effective if the County participates. Their property taxes also would be abated. He said in either one of those measures, the City is committing to engaging the County; but beyond that, if the County doesn’t want to participate, there’s no reason the City couldn’t pursue one or more of those options by ourself. Berman asked, especially with the tax abatement, would all the other entities have to be involved and sign off; or are you saying just City and County would make that decision. Tokos said we would want to cast as broad a net as possible. There’s a good chance that most of the taxing entities would be receptive to that. If for no other reason, just for the simple fact that if it’s structured such that it applies to vacant property, they’re not realizing any property taxes of consequence on vacant property right now. If you can do a tax exemption that’s going to provide an incentive to multi-family development on what otherwise is going to continue to be vacant property, then there’s an advantage to offering the exemption for a period of time because at the end of that period you will actually get property taxes that you may not have otherwise ever collected if no development happens. You at least have that dynamic. He said it’s a little trickier when you’re talking about development of existing multi-family units. He said there is a decent chance that the smaller taxing entities would be willing to participate if the right parameters are put into place; including caps so the hit’s not too bad. Branigan asked if the tax exemption is set up for twenty years or for ten; or is that down the road. Tokos said he would have to take another look at the rules in here; there may be a limit. He thinks ten years was generally what was discussed. He doesn’t know how much flexibility there is. If there is flexibility then that would definitely be part of the conversation. Croteau thought the Study was comprehensive and a well-constructed document. He said he would be interested to see eventually if we form an oversight group to make this work in the long run because there are so many players and a lot to be done; but this is a great beginning.

Testimony: From the audience, Attorney Dennis Bartoldus came forward. He said he hasn’t read everything yet. He has a client who is planning on redeveloping some property down in South Beach. He said that waiving any type of SDCs is a sensitive issue. The City wants to charge his client over \$100 thousand to redevelop his property. When he sees other fees being waived, his client can’t help thinking that he is picking up part of them. SDCs are extremely high right now. He said the City has to be extremely careful how we handle those. It says this is to encourage businesses down there, and a restaurant is one of them; which is what his client is planning on putting in. With over \$100 thousand just in permit fees how is that encouraging things to go into that area. He said we need to get everything all coordinated here. Bartoldus said when he saw this was on the agenda and he was able to time it quite right, he thought he would swing by on his way to the County Planning Commission meeting because this is a sensitive issue. He said we had the one down on the Bay Front where to put a wall around the deck the City was going to charge \$7500 in SDCs. The permit fees were approaching 50% of what it was going to cost to do the job. He said it is a real sensitive issue for people who are trying to develop their property and add to the community.

Hardy said if you’re talking about the encouragement of development of residential property, which multi-family is, and one of the drawbacks of developing in South Beach is no grocery store or no large restaurant; Bartoldus makes a bit of a valid point. Do you want to encourage just one side of the equation or both sides? Berman asked if there wasn’t some discussion about some kind of mitigation of the development charges as one of the strategies that could be used to develop this kind of housing. Tokos said there was some discussion about that. He expects that will be further discussed. The City Council will be looking at the methodology generally; not just for affordable housing but the full extent and how it plays with commercial development and things of that nature. Berman asked if Implementation Measure 1 could be broadened to include not just taxes but other costs of development. Tokos said

it could be if the Commission wants to. He was just taking it verbatim from the Study. Berman said maybe a fourth implementation measure. Patrick thought we're better off setting that up as a separate measure. He sat on the committee that implemented the current SDCs. He pointed out at the time that looking at those numbers, you're not likely to ever get a restaurant built in Newport again unless it's a chain restaurant. The flip side on that particular issue is that you have to pay for this stuff somehow, some way. Patrick asked the Commissioners if we want to add a fourth implementation measure. Branigan said he didn't see where it would hurt. Berman said if generally we are trying to reduce costs associated with redevelopment and development in the City; then all the costs should be investigated. Tokos said if you are going to add it, he would suggest to add it in the context of the Housing Study discussed on page 50. We don't want to add something that talks about nonhousing things in the Housing element; it's just bad form. These are changes that are being made to the Housing element. SDCs for commercial development isn't covered under that part of the Comp Plan. It could be in the Economic Development section, which may already be there. What you are looking at now are amendments to the Housing element of the Comp Plan, so any policy or implementation measure in this chapter draws its authority from the analysis about housing. It's just like we wouldn't put infrastructure-related policies in the Population and Forecast section of the Comp Plan. It's a structural issue. Patrick thought the Commission was better off to pass the existing implementation measures and make a note to go back and make a pass at the SDCs. He thinks there are some concerns being voiced both for commercial and residential that the numbers are too high and are having an effect on some people. Croteau said Bartoldus' point is well taken; but this is not the place to do anything about those fees. Tokos told the Commissioners that they will be doing their goal setting at their next meeting. That would be an opportune time to discuss that as a potential goal you would like to see the Council take up in the coming year. Croteau and Patrick said put it on the list. Patrick said maybe also doing something about street vacations; set up parameters. We have to make it clear that you have to have a really good reason for the vacation. Tokos said he didn't have an opportunity to have a conversation with the Capris before the petition was filed or else he would have been cautioning right off the bat for the reasons we discussed. Croteau said it is a difficult one to wrap your arms around in a comprehensive way. But, we've done this a few times in the past. We do have at least some examples of where it was a worthy vacation for the public interest. If we can't do it comprehensively, maybe a few examples here would at least help us and refine how we interpret these things. Tokos said he can certainly forward copies to the Commissioners of the policies that were adopted for the City Council initiated vacations. There are two ways this can happen; a petition, or the Council can initiate it. For the Council initiated ones there are a whole bunch of policies that were adopted back in 2008 to frame under what circumstances the City Council will initiate a street vacation. He said we can codify the Statutes and put standards in place just like you do a lot of other processes. It may be a worthy exercise to go through.

MOTION was made by Commissioner Croteau, seconded by Commissioner East, to move forward a recommendation to adopt the legislative text amendments to the Housing element of the Newport Comprehensive Plan described in File No. 5-CP-14. The motion carried unanimously in a voice vote.

G. New Business. No new business.

H. Unfinished Business.

1. Tokos said, with respect to workforce housing, the Lincoln Community Land Trust (LCLT) did not hire an executive director in the conventional meaning in the sense that they didn't hire one individual. He said the Commissioners would recall that three jurisdictions, City of Newport, Lincoln County, and the city of Lincoln City, had partnered and put in \$30 thousand a piece over a three-year period to catalyze workforce housing. Part of that was a discussion about the Trust hiring a local executive director. The Trust couldn't find someone suitable. Instead they worked out an arrangement with Proud Ground, which is the big land trust in the Metro area. They have the organizational capacity to begin to expand outside the Metro area and provide staffing services to smaller land trusts in the state. So LCLT elected to contract with them to utilize their extensive resources. Tokos said there are two things we are working on in workforce housing. One is, at the Council's direction, he needs to do some additional work with Habitat for Humanity on maybe a parcel-specific type one house or maybe two on a city-owned piece. That's not going to solve huge amounts of workforce housing; but it's a message. He needs to work with them because Habitat, unlike the Land Trust, doesn't guarantee affordability of that unit in perpetuity. Someone can go into a Habitat unit and later flip it when they leave and sell it for market rates. So, we have to work on that. Tokos said the other thing is that he expects we will look to submit a CDBG application using this partnership we have with the other jurisdictions to support getting additional federal funds for Direct Buyer Grants. So, instead of building all of the units, this approach basically is that for a property owner in that 80% of median family income scenario that can't afford to buy a house at market rate, if you give them a buyer grant then they can. The catch is that then the property goes under a land lease. It's the same model; just a different end game. In that case you're talking about getting to the end game faster because you're talking about buying an existing house on the market. That goes a long way toward getting at the ten units that Commissioner Hall indicated is the target for the Trust. The Trust is pursuing those two

avenues, and it just takes time. Berman asked what the \$30 thousand times three is being spent on. Tokos said a small portion goes toward Proud Ground to help position us for applying for the block grant funds. Some is going into an account for the time being. It bolsters your chances of getting CDBG funds because you can demonstrate that there are three jurisdictions that are partnering to make something happen; and the Federal Government likes to see that kind of coordination in these types of things.

2. Regarding parking districts, Tokos noted that he talked to Nye Beach, and they want to reauthorize the economic improvement district. He will be working with them to get an extension to the five years. He shared with them about the discussion the Planning Commission had at work session about needing to make near-term changes to the parking code otherwise payment in lieu of pops up again, and nobody wants that to happen. They were supportive of the parking study. They recognize one outcome could be metered parking on the Bay Front and in Nye Beach, but that there may be other recommendations for funding coming out of it that doesn't lead to metered parking. It's not a foregone conclusion, but is something that will be looked at closely as part of the parking study. They liked that the study will provide a sense of utilization and turnover and what some of the capital needs are to maintain this. He explained to them that if we waive off-street parking requirements entirely, the City would only be doing it in a zoning context with the understanding that we are using public assets to make up for what would otherwise be parking provided by the private sector. In doing so, we have to have some funding mechanism to make sure those public assets are available; otherwise you have no parking. Tokos said they are thinking it's okay to use some district money for the study; but not all of it. They think that some room tax money should also be dedicated for this purpose given the context of what we're talking about; and Tokos will pick up that conversation with the City Manager. Tokos still needs to set up meetings with the City Center and the Bay Front districts. He said the Commission can anticipate that this will probably be coming up at the second February Planning Commission meeting.

3. As far as following up with the Urban Renewal District, Tokos said the City Council indicated that they are looking for a recommendation from the Planning Commission on a couple of different things. He will try to package that up for one of the Commission's February meetings in anticipation of the City Council taking up resolutions to initiate the process at their first March meeting. He will get letters out before the end of the week to the different taxing entities with the information we put together letting them know here is their opportunity to weigh in and provide specific recommendations to the City Council on things like the maximum indebtedness level and the boundary. So hopefully they will weigh in. The City Council will look for Planning Commission feedback in terms of the appropriate task force structure; and there was something else that he will go back through his notes to make sure he picks it up when we get this on as a discussion item in February. Patrick said they had him confused by the end of that. He heard two different things. One would be that the Planning Commission would be doing it and advising on it; or that they would be setting up a separate task force. Tokos said that's right. There's the task force near-term to assist with putting the district together; then there's in the long-term should there be an advisory body to the City Council. If there should be an advisory body, what should that body look like? Tokos said that he is still of the opinion that it should be the Planning Commission for the very basic reason that the Commission is responsible for or at least has a role in any kind of substantial amendment to the Urban Renewal Plan by finding that it is consistent with the Comp Plan. The Commission has a pretty good handle of what is in all our different facilities plans, which are what feed your projects list. In general you can't have major projects in an Urban Renewal Plan that aren't in your facilities plans. That's why the Planning Commission has to find that the project lists are consistent with the Comp Plan and make sure what the Urban Renewal Agency is going to be doing isn't counter to what all of your other facilities plans are trying to accomplish.

Patrick said he could see the Planning Commission doing that. He couldn't figure out if they were talking about us becoming the Urban Development Commission. Tokos said no. Patrick said, so they just want to keep that and just want our advice on it; that's doable. He said that wasn't what it sounded like they were talking about. Tokos said he doesn't know that there is consensus among the City Council. He doesn't know how many Councilors want to do an advisory committee. This came up from Commissioner Allen. It's a fair point, but Tokos doesn't know how strongly the full Council feels about this issue. He can appreciate that they're going to want some advisory assistance, especially going to two districts. That makes a ton of sense. But he doesn't know that there is consensus about how that should happen. They may want it as a separate advisory committee that's more developer-oriented as opposed to the Planning Commission, which can't have more than two people in any particular profession. Croteau said that he would like to see function reside in the Planning Commission but still have the option of increasing our advisory capacity when we encounter things where we would feel more comfortable with additional advisors. Patrick said he had an idea of something going down that path too. Kind of like our citizens advisory committee that sits in on most of our stuff; if we had an Urban Renewal advisory committee, we could call them in when we have Urban Renewal stuff. It would allow us to bring in opinions of those people we would want to listen to. Tokos said that's a good thought. He said the concern from staff level is that we are not adding staff but are taking on more standing meetings, which is difficult for us to do. If it could be done where it's a regular Planning Commission meeting, that would

negate that concern. It also addresses the issue that the Planning Commission has a tangible role and needs to be plugged in on a regular basis; if not, the Commission gets disconnected and doesn't have the context of the minor amendments that have been done.

Berman said the only involvement the Planning Commission gets in the South Beach district is when Tokos reports what's going on. It seems there could be a somewhat greater role. Tokos said the City Council is looking for an additional citizen policy making body to provide them a recommendation so that they don't feel they are the only ones having to make that decision without having the benefit of somebody else weighing in and giving them some advice. Berman said the Planning Commission always runs the risk, as has happened in the past, that we could study a particular project list and say it's right and is a good fit with the plans; then when everything is sent to the City Council they just tear it up and throw it out. Tokos said the Planning Commission always runs that risk as a recommending body. It's certainly true that they may or may not follow your recommendations. But the Council always values your recommendation. Croteau thought the more we broaden our base when we need to in this area, the more credibility we have and the better interaction we have with the public. Patrick said he thinks of our advisory committee as our farm team. Tokos agreed that it had served that purpose so far. Berman said it wouldn't have to be a separate group; that citizen's advisory committee could also include Urban Renewal. Patrick thought we could keep the same advisory committee but add that extra Urban Renewal to that same work session type of thing where we bring in the other people. That way you keep your regular advisory people up to speed but allows you to expand that out. Tokos said his only concern is if you get the membership up too large, it becomes a little unwieldy. Croteau agreed, but said if we're going forward with something like this that's complex, he would rather error on the side of largeness. Berman said maybe if we picked advisory committee members with an eye toward Urban Renewal functionality because that is going to be a big part. Tokos said that in the past when the City had an Urban Renewal Agency that didn't really have any staff dedicated, the community paid the price. The north side URD was in effect for forty-some years. He said there's no reason a district should be in place forty years and have a tax increment locked up for forty years. There was a gap there in the 90s when nothing was done. To do it and do it right, you need to ramp it up, you have your projects, they're phased in three-year intervals, and after nine or ten years shut down the new projects. That requires active management, and it requires active engagement of the policy-making bodies. You have to move it along. That is how it's most effective.

Patrick said we will talk about it in work session. He thinks there's some way we can set it up. He said that sounds workable to him. Berman said it sounds like we have a consensus that the Planning Commission would be the appropriate advisory body. Tokos said or a Planning Commission plus kind of concept. He thinks that makes more sense than an independent body. His fear is with an independent body you run the risk of that body making recommendations that are inconsistent, and the Planning Commission is not linked in with them; and then you have three policy-making bodies that have their fingers in Urban Renewal for different reasons. In his mind it's not as efficient. Croteau thought that Patrick's idea of the Planning Commission with an expanded advisory body would sell. Tokos told the Commissioners they might want to put some thought individually to what role those additional seats should be; what background do you need to fill out the advisory body. Berman said both geographically and professionally. Patrick said that will be the interesting part; who's opinion do you really need? Berman thought that the hospital is a good example. Patrick said the Planning Commission would be the advisory body for the South Beach district too; we will be doing both. Tokos thought it would be hard putting on all of the major taxing entities that would be impacted or have major projects; you would be adding too many. Berman said he was talking organizationally, commercially. Tokos said definitely the taxing entities should be on the group that helps form the project list. Patrick said the people who set up the project list are probably not going to be the Commission, right? Tokos said you will probably have one or two representatives on there. Patrick said, but the Commission won't be developing the project list. Berman said that was the two different kinds of advisory groups they were talking about at the joint meeting. Tokos said there were two recommendations they were looking for; one had to do with what the makeup of the task force should be. He can provide some options there; but the Commissioners may want to think as well just in terms of who you would like to see on there. Then there's the makeup of the ongoing advisory body. Patrick thought that's probably doable. He said he was confused at the work session and couldn't figure out exactly what they were talking about. Tokos said that in advance of sitting down to discuss this, he needs to get the Commission some information about how other jurisdictions deal with it. He will get them some different structural models.

I. Director's Comments. No additional comments.

J. Adjournment. Having no further business to discuss, the meeting adjourned at 7:35 p.m.

Respectfully submitted,

Wanda Haney
Executive Assistant

Wanda Haney

From: Sara Wedel <sarawedel@newportnewstimes.com>
Sent: Wednesday, December 17, 2014 12:56 PM
To: Wanda Haney
Subject: RE: City of Newport Legal Notice - File 5-CP-14

Thank you, Wanda. The notice will publish as requested.
Sara

Sara Wedel
News Times
Office Manager
541-265-8571 ext. 215
www.newportnewstimes.com

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From: Wanda Haney [mailto:W.Haney@NewportOregon.gov]
Sent: Wednesday, December 17, 2014 10:38 AM
To: 'Sara Wedel'
Subject: City of Newport Legal Notice - File 5-CP-14

Sara,
Attached is a legal notice of a Planning Commission public hearing for our File No. 5-CP-14 for publication once on Friday, January 16, 2015, please. Please confirm receipt of the notice & if it will publish on that day.
Thanks,

Wanda Haney
City of Newport
Community Development Department
169 SW Coast Hwy
Newport, OR 97365
541-574-0629
FAX: 541-574-0644
w.haney@newportoregon.gov

NOTICE OF A PUBLIC HEARING

The City of Newport Planning Commission will hold a public hearing on Monday, January 26, 2015, at 6:00 p.m. or shortly thereafter in the City Hall Council Chambers to review and make a recommendation to the Newport City Council on a Comprehensive Plan text amendment (File No. 5-CP-14). A public hearing before the City Council will be held at a later date, and notice of that hearing will also be provided. The proposed legislative amendment is to the housing element of the Newport Comprehensive Plan to include new policies and implementing measures to encourage the development of multi-family housing, including student housing, as recommended in the Newport Student Housing Report, prepared by ECONorthwest, dated November 2014. The Newport Comprehensive Plan Section entitled "Administration of the Plan" (p. 287-288) requires findings regarding the following for such amendments: A. Data, Text, Inventories or Graphics Amendment: 1) New or updated information. B. Conclusions Amendment: 1) Change or addition to the data, text, inventories, or graphics which significantly affects a conclusion that is drawn for that information. C. Goal and Policy Amendments: 1) A significant change in one or more conclusions; or 2) A public need for the change; or 3) A significant change in community attitudes or priorities; or 4) A demonstrated conflict with another plan goal or policy that has a higher priority; or 5) A change in a statute or statewide agency plan; and 6) All the Statewide Planning Goals. Testimony and evidence must be directed toward the request above or other criteria, including criteria within the Comprehensive Plan and its implementing ordinances, which the person believes to apply to the decision. Testimony may be submitted in written or oral form. Oral testimony and written testimony will be taken during the course of the public hearing. The hearing may include a report by staff, testimony from proponents, testimony from opponents, and questions and deliberation by the Planning Commission. Written testimony sent 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 to be included as part of the hearing or must be personally presented during testimony at the public hearing. Material related to the proposed amendment may be reviewed or a copy purchased at the Newport Community Development (Planning) Department (address above). Please note that this is a legislative public hearing process and changes to the proposed amendment may be recommended and made through the public hearing process and those changes may also be viewed or a copy purchased. Contact Derrick Tokos, AICP, Newport Community Development Director, (541) 574-0626, email address d.tokos@newportoregon.gov (mailing address above).

(For Publication Once on Friday, January 16, 2015)

Wanda Haney

From: Sara Wedel <sarawedel@newportnewstimes.com>
Sent: Wednesday, January 28, 2015 9:21 AM
To: Wanda Haney
Subject: RE: City of Newport Legal Notice - File 5-CP-14

This notice will publish as requested. Thank you!

Sara Wedel
News Times
Office Manager
541-265-8571 ext. 215
www.newportnewstimes.com

PCI POLICY: For the security of our customers we do not take credit card payments by e-mail. Please call 541-265-6080 or fax 541-265-3862 for all credit card transactions.

From: Wanda Haney [mailto:W.Haney@NewportOregon.gov]
Sent: Wednesday, January 28, 2015 9:16 AM
To: 'Sara Wedel'
Subject: City of Newport Legal Notice - File 5-CP-14

Sara,
Here is a notice of a City Council hearing for our File 5-CP-14 for publication once on **Friday, February 6, 2015**, please. Please confirm receipt of this notice & if it will publish on that date.
Thanks as always,

Wanda Haney
City of Newport
Community Development Department
169 SW Coast Hwy
Newport, OR 97365
541-574-0629
FAX: 541-574-0644
w.haney@newportoregon.gov

NOTICE OF A PUBLIC HEARING

The City of Newport City Council will hold a public hearing on Tuesday (*because of the Monday holiday*), February 17, 2015, at 6:00 p.m. or shortly thereafter in the City Hall Council Chambers to review a Comprehensive Plan text amendment (File No. 5-CP-14). The proposed legislative amendment is to the housing element of the Newport Comprehensive Plan to include new policies and implementing measures to encourage the development of multi-family housing, including student housing, as recommended in the Newport Student Housing Report, prepared by ECONorthwest, dated November 2014. The Newport Comprehensive Plan Section entitled "Administration of the Plan" (p. 287-288) requires findings regarding the following for such amendments: A. Data, Text, Inventories or Graphics Amendment: 1) New or updated information. B. Conclusions Amendment: 1) Change or addition to the data, text, inventories, or graphics which significantly affects a conclusion that is drawn for that information. C. Goal and Policy Amendments: 1) A significant change in one or more conclusions; or 2) A public need for the change; or 3) A significant change in community attitudes or priorities; or 4) A demonstrated conflict with another plan goal or policy that has a higher priority; or 5) A change in a statute or statewide agency plan; and 6) All the Statewide Planning Goals. Testimony and evidence must be directed toward the request above or other criteria, including criteria within the Comprehensive Plan and its implementing ordinances, which the person believes to apply to the decision. Testimony may be submitted in written or oral form. Oral testimony and written testimony will be taken during the course of the public hearing. The hearing may include a report by staff, testimony from proponents, testimony from opponents, and questions and deliberation by the City Council. Written testimony sent 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 to be included as part of the hearing or must be personally presented during testimony at the public hearing. Material related to the proposed amendment may be reviewed or a copy purchased at the Newport Community Development (Planning) Department (address above). Please note that this is a legislative public hearing process and changes to the proposed amendment may be recommended and made through the public hearing process and those changes may also be viewed or a copy purchased. Contact Derrick Tokos, AICP, Newport Community Development Director, (541) 574-0626, email address d.tokos@newportoregon.gov (mailing address above).

(For Publication Once on Friday, February 6, 2015)

in the 100-yard breaststroke with a time of 1:08.28.

Thompson was followed closely by Arnsdorf, who came in second place with a time of 1:12.97.

"The team swam well Monday night," Newport Head Coach Angie Sremba said. "After having the weekend off, the swimmers were a little off from where I expected them to be. But they competed well and had some good performances. Elena Ellingson-Cosenza had two outstanding swims. She dropped time in both

work paying off."

The event on Monday marks the end of the regular season for the boys, as they are set to head to districts on Feb. 13.

Newport is expected to be competitive at the district meet, with a number of athletes capable of advancing to the state tournament.

"We are ready. We have trained hard this season and are starting to rest and taper for our upcoming district championship meet," Sremba said. "I am hoping for a lot of personal

leage and race hard. We have been practicing for this all season. There is potential for both teams to finish very well depending on the depth of our team that qualifies for finals."

A strong performance at the district meet would put a stamp on a very successful 2014-15 season for Newport.

"This has been a great season for the Cubs," Sremba added. "The team has worked hard and competed strong. I am looking forward to what they accomplish next weekend."

OUTDOOR RECREATIONAL REPORT

BAY CLAMS

Low tides as high as +1.0 to +2.0 feet can still allow clamming opportunities, especially for purple varnish clams that can sometimes be found when the tide is as high as +4.0 feet. There are limited good clamming tides during daylight hours. When able to get out digging, sport clambers should be able to collect daily limits of cockles, gaper clams and butter clams from the popular sites in Tillamook, Netarts, Siletz, Yaquina, Alsea, and Coos bays and several other locations along the coast.

Recreational shellfish safety status, as of Feb. 3:

- Razor clams remain closed from the Oregon/California border north to Heceta Head (north of Florence) due to elevated levels of domoic acid. The closure includes razor clams on all beaches, rocks, jetties, and at the entrance to bays in this section of the Oregon coast. Opportunities to collect razor clams are still available along Oregon beaches north of Heceta Head.

- Mussels are open along the entire Oregon coast.

- Due to potential biotoxins, consuming whole scallops is not recommended. However, a scallop's adductor muscle does not accumulate biotoxins and may be safe for consumption. Scallops are not being sampled for biotoxins at this time.

The Oregon Department of Agriculture's shellfish safety hotline is toll free and provides the most current information regarding shellfish safety closures. Call the hotline before harvesting: 1-800-448-2474. Press for biotoxin closures and for general safety recommendations. For more information, call ODA's Food Safety Program at 503-986-720 or visit the ODA shellfish closures web page.

Check out the recreational shellfish pages on the ODFW website. The pages contain everything you need to know for identifying and harvesting Oregon's clams, including maps of individual estuaries that show where to crab and clam.

CRABS

During the winter months, crabbing for Dungeness crab in bays can be really slow. However, red rock crab can be plentiful during this time of year. Red rock crab are a native species but are not present in all of Oregon's bays. Good places to try are off docks in Tillamook Bay, Yaquina Bay, and Coos Bay. Red rock crab are caught just like Dungeness. The daily limit is 24 per person, any size or sex. Most crabbers who keep red rock crab keep only the largest ones, which have much more meat than small ones.

Some sport crabbers have difficulty correctly measuring the minimum size for Dungeness crab, which is 5 3/4 inches measured in a straight line across the back immediately in front of, but not including, the points.

MID COAST LAKES

The rainbow trout stocking program will begin in many mid coast lakes this month. Be sure to check out the 2015 stocking schedule for the most up-to-date information. Fishing for the various warm water fish species can still be productive during the winter months but anglers may need to target different areas of a lake (typically deeper) versus when fishing in the spring or summer.

ALSEA RIVER: CHINOOK, CUTTHROAT TROUT

The winter steelhead fishery has produced fair to good results recently. This week should be productive in the mid to lower reaches of the river while flows are low and river temperatures are warming.

SILETZ RIVER: STEELHEAD, CUTTHROAT TROUT, CHINOOK

Steelhead fishing is slow to fair. River conditions have been low and clear with most pressure occurring in the mid to lower reaches. Forecasted rains later this week should bring in some new fish and spread out the fishery. Typical steelhead tactics apply such as side drifting, bobber and jig/bait, or casting spoons or spinners. River conditions should be good through the weekend.

YAQUINA RIVER: CHINOOK, CUTTHROAT TROUT

The winter steelhead fishery is fair to good in the Big Elk. River conditions should

remain in good condition through the week. Anglers are advised to watch for private property. Typical steelhead angling tactics apply but the Big Elk is bed rock dominated and does have a lot of snags.

MARINE MAMMALS

Seal and sea lion abundance in coastal waters around Coos County is high at this time of year, especially south of Coos Bay. At Simpson Reef, a heavily used haul out exists. From the lookout, viewers can see California sea lions, Steller sea lions, harbor seals and elephant seals.

Do not approach seals and sea lions found on Oregon beaches. If you think an animal you find is in trouble, contact your local ODFW office to report the animal or contact the Marine Mammal Stranding Network at 800-452-7888.

PUBLIC NOTICES

LEGAL DEADLINES:
WEDNESDAY EDITION:
5:00pm Thursday
FRIDAY EDITION:
5:00pm Tuesday

NOTICE OF SHERIFF'S SALE

On February 17, 2015, at the hour of 10:00 a.m., at the Lincoln County Sheriff's Office, 225 W. Olive St., Rm 203, in the City of Newport, Oregon, the defendant's interest will be sold, subject to redemption, in the real property commonly known as: 2575 S.W. Archer Avenue, Lincoln City, OR 97137.

The court case number is 14-1155. Plaintiff is Barbara Joan Baleswick, Mother of Damon Baleswick, individually and as constructive trustee of the Estate of Damon Baleswick, Richard Baleswick, Father of Damon Baleswick; Dutch Ness, Inc.; Unknown Heirs of Damon Baleswick; JPMorgan Chase Bank, National Association, successor in interest; by purchase from the Federal Deposit Insurance Corporation, as receiver of Washington Mutual Bank f/k/a Washington Mutual Bank. FA: Occupants of the premises are in possession. This is a public auction to the highest bidder for cash or its equivalent on hand. For more details go to <http://www.oregonsheriffs.com/sales-lincoln.htm>. F-6, 13, 20, 27 (2/28-29)

NOTICE IS HEREBY GIVEN

That the undersigned has been appointed personal representative of the Estate of Jean Louise Lamb, Lincoln County Circuit Court Case No. 14-4381. All persons having claims against the estate are required to present them, with vouchers attached to the undersigned personal representative at 1011 Liberty Street SE, Salem, Oregon 97302, within four months after the date of first publication of this notice, or the claims may be barred. All persons whose rights may be affected by the proceedings may obtain additional information from the records of the court, the personal representative,

or the attorneys for the personal representative. Dated and first published: January 30, 2015. Sharyn Brunkal, Personal Representative, Oregon Probates LLC, Attorneys for Personal Representative, 1011 Liberty Street SE, Salem, OR 97302. Phone: (503) 779-0088. J-30, F-6, 13 (12-13)

CITY OF NEWPORT NOTICE OF A PUBLIC HEARING ON A PARTIAL STREET VACATION

The Newport City Council will hold a public hearing at 6:00 p.m. or shortly thereafter on Tuesday (because of the Monday holiday), February 17, 2015, in the City Hall Council Chambers (located at 451 Horizon Hill Road, Newport, Oregon) regarding a partial street vacation of the northern 30' wide portion of NW 7th Street abutting lots 16, 17 & 18, Block 6, BEACH PARK ADDITION (a portion of Tax Lot 7901 of Tax Map 11-11-05-BA) and the southern 30' wide portion of NW 18th Street abutting Lot 6, Block 6, BEACH PARK ADDITION (also a portion of Tax Lot 7901 of Tax Map 11-11-05-BA). Oregon Revised Statutes (ORS) 271.120 requires that: (1) The consent of the property owner whose area have been obtained; (2) Notice has been duly given and the public interest will not be prejudiced by the vacation of such part or street or parts thereof; and (3) Testimony any evidence must be directed toward the request above and the applicable criteria within the Comprehensive Plan and its implementing ordinances, which the person believes to afford the city and the parties an opportunity to respond to that issue presented to the Land Use Board of Appeals based on that testimony. The request may be submitted in written or oral form. Oral testimony and written testimony will be taken during the public hearing. The hearing may include a report by staff, testimony from opponents, rebuttal by applicant, and questions and deliberation by the City Council. Written testimony sent 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 must be personally presented during testimony at the public hearing. The staff report may be reviewed or a copy purchased at the Newport Community Development (Planning) Department (address above) several days prior to the hearing. The file materials and the applicable criteria are currently available for inspection at no cost (or cost may be purchased) for reasonable cost at this address. Contact Derrick Tokos, Community Development Director, (541) 574-0626 (address above), J-30, F-6, 11 (13-11)

NOTICE OF PUBLIC HEARING VARIANCE APPLICATION

FEBRUARY 17, 2015 3:00 P.M.

APPLICANT: JEFFREY TEETER & MARCI CALDWELL

Public Hearing Date and Location: A public hearing will be held with the Yachats Planning Commission Tuesday, February 17, 2015, 3:00 p.m. at the Yachats Civic Meeting Room, Yachats Commons, 421 N. Highway 101, Yachats, OR. Site Location: The subject site is located at 451 Horizon Hill Road, and described on the Lincoln County Assessor's Map as 14-12-26CB, Tax Lot 9430 (see vicinity map on reverse side). Proposed Development Action: The applicant is requesting a 5-foot front yard building setback as opposed to the standard 20 foot setback. Applicable Ordinance: Yachats Municipal Code, Title 9 Zoning and Land Use, Chapter 9.12, R-1 Residential Zoning Ordinance, 9.12.04 Off-Street Parking and Loading - Chapter 9.12.05 Supplemental Use and Design Regulations -

Chapter 9.80 Variances. Contact: Larry Lewis, City Planner (541) 547-3566. A copy of the application, all documents and evidence submitted by or on behalf of the applicant, applicable criteria, and other relevant information are available for inspection at no cost. The applicant will be available for inspection at no cost seven days prior to the hearing. Copies of materials can be provided at reasonable cost. Written comments may be submitted to the City of Yachats at 441 N. Highway 101, Yachats, OR or mailed to P.O. Box 345, Yachats, OR 97498. The deadline for submitting written comments is Tuesday, February 17, 2015, 3:00 p.m. Written testimony received prior to the deadline will be forwarded to the Planning Commission. The public may provide oral testimony at the February 17, 2015 public hearing. Failure to raise an issue in person or by letter, or failure to provide statements or evidence sufficient to allow the decision-maker an opportunity to respond to the issue precludes appeal to the land use board of appeals based on that issue. F-6 (2/26-06)

NOTICE OF A PUBLIC HEARING

The City of Newport City Council will hold a public hearing on Tuesday, February 17, 2015, at 6:00 p.m. in the City Council Chambers to review a Comprehensive Plan text amendment (file No. 5-C-14). The proposed legislative amendment is to the housing element of the Newport Comprehensive Plan to include new policies and implementing measures that encourage the development of multi-family housing, including student housing, as recommended in the Newport Student Housing Study, prepared by ECONorthwest, dated November 2014. The Newport Comprehensive Plan Section 5.02 "Administration of the Plan" (p. 267-268) requires findings regarding the following for such amendments: Data, Text, Inventories or Graph-

NOTICE OF SHERIFF'S SALE #15-0149

On March 10th, 2015, at the hour of 10:00 a.m., at the Lincoln County Sheriff's Office, 225 W. Olive St., Rm 203, in the City of Newport, Oregon, the defendant's interest will be sold, subject to redemption, in the real property commonly known as: 5676 NE Reef Drive, Lincoln City, OR 97137. The court case number is 13-2593. JPMORGAN CHASE BANK, NATIONAL ASSOCIATION, ITS SUCCESSORS AND/OR ASSIGNS, plaintiff(s) vs. PAVEL CHEPELEVICHI, defendant(s). This is a public auction to the highest bidder for cash or cashier's check, in hand. For more details go to <http://www.oregonsheriffs.com/sales-lincoln.htm>. F-6, 13, 20, 27 (2/28-29)

IN THE CIRCUIT COURT OF THE STATE OF OREGON

FOR THE COUNTY OF LINCOLN

PROBATE DEPARTMENT

IN THE MATTER OF THE ESTATE OF HARLEY L. FRESHOUR, DECEASED.

NO. 150183

NOTICE TO INTERESTED PERSONS

NOTICE IS HEREBY GIVEN that Rory W. Smith has been appointed Personal Representative of the above-referenced estate on January 20, 2015. All persons having claims against the estate are required to present them, with vouchers attached to the personal representative at the address shown below within four months after the date of first publication of this notice, or the claims may be barred. Rory W. Smith, 1011 Liberty Street SE, Hartwick, PO Box 97410, Brookings OR 97415. All persons whose rights may be affected by the proceedings may obtain additional information from the records of the court, the personal representative, or the attorney for the personal representative, with Barry M. Georff, P.O. Box 1232, Northport WA 99157. Dated and first published February 06, 2015. Personal Representative, P/O of Rory W. Smith, F-6, 13, 20 (2/28-29)

BABY Bragger

Hey, Parents and Grandparents!

It's time for the News-Times

Baby Bragger!

Photos of babies born in 2014 will run on Wednesday, February 25, 2015.

\$20 prepaid

The deadline is Friday, Feb. 20th. The photos can be picked up after March 1st, or we will return by mail if you provide a self-addressed, STAMPED envelope. Please write all information legibly and put the name of the baby on the back of the photo.

Hudson Thomas Cline
Born to B. August, WJ
Celine on 2/10/14 at 11:54 a.m.
4.1kg, 48cm, 50cm head length

City of Lincoln, OR
Lincoln County, OR
Lincoln County, OR
Lincoln County, OR

2014 BABY BRAGGER

Baby's Name _____

Baby's Birthdate _____, 2014

Weight _____ Height _____

Parents _____

Grandparents _____

Send a photo and payment (\$20) along with this completed form to:

NEWS-TIMES
831 NE Avery Street
Newport, OR 97365 (or email: bartaramore@newportintimes.com)

Person Submitting Photo: Name _____ Address _____ Phone _____

Photos may be picked up after March 1, 2015

5-C-14

RESOLUTION NO. 3700

A RESOLUTION ACCEPTING THE ANALYSIS AND RECOMMENDATIONS OF THE NEWPORT STUDENT HOUSING REPORT

FINDINGS:

1. The City of Newport strongly supports the proposed development of a Marine Student Campus Program at the Hatfield Marine Science Center (HMSC) and is committed to collaborating with Oregon State University (OSU) to identify and proactively address the impacts such a development will likely have on the community.
2. Expansion of the HMSC will increase the number of students from 50 to 500, and will add an additional 40 to 60 faculty members and staff. This places a significant demand on Newport's already tight housing market.
3. Recognizing the need to proactively plan for how this housing demand will be met, the City of Newport and Lincoln County, in consultation with OSU, engaged a group of affected stakeholders to evaluate the impacts additional students and faculty will have on the City's existing rental housing inventory; review the City's buildable lands inventory and housing policies; identify lands suitable for student housing; research public/private partnerships and incentives available to address student housing needs; and prepare policies and strategies that can be pursued in Newport to promote the realization of additional multi-family development, including student housing.
4. The stakeholder group included representatives from OSU, the Oregon Coast Community College, the Department of Land Conservation and Development (DLCD), staff from local governments in Lincoln County, and individuals with direct experience in real property development and rental housing management.
5. The consulting firm ECONorthwest assisted the stakeholder group in conducting the analysis, and prepared a final report with its findings and recommendations titled "Newport Student Housing: Expansion of the Hatfield Marine Science Center, dated November 2014.
6. ECONorthwest's report confirms that there is adequate land in Newport upon which student housing can be constructed to meet the anticipated demand; identifies strategies that OSU can take to ensure that student housing is developed to support the HMSC Expansion; and outlines policies and strategies the City of Newport should pursue to support the development of student and multi-family housing.
7. As Oregon State University moves forward with its plans to expand student enrollment at the Hatfield Marine Science Center, it will be imperative that they be directly and proactively involved in the development of student housing in Newport.

THE CITY OF NEWPORT RESOLVES AS FOLLOWS:

Section 1. The Newport City Council hereby accepts the recommendations outlined in the report titled "Newport Student Housing: Expansion of the Hatfield Marine Science Center," prepared by ECONorthwest and dated November 2014.

Section 2. The Newport City Council directs the Newport Planning Commission to evaluate the policy and implementation measures identified in the report and provide a recommendation for how they might be incorporated into the City of Newport's Comprehensive Plan.

Section 3. The effective date of this resolution is December 1, 2014.

Adopted by a 6-0 vote of the Newport City Council on December 1, 2014.

Signed on December 3, 2014.


Sandra N. Roumagoux, Mayor

ATTEST:


Margaret M. Hawker, City Recorder

Newport Student Housing

Expansion of the Hatfield Marine Science
Center in Newport

November 2014

Prepared for:

The City of Newport

Final Report

ECONorthwest

ECONOMICS • FINANCE • PLANNING

Contact Information

Beth Goodman prepared this report. ECONorthwest is solely responsible for its content.

ECONorthwest specializes in economics, planning, and finance. Established in 1974, ECONorthwest has over three decades of experience helping clients make sound decisions based on rigorous economic, planning and financial analysis.

For more information about this report or ECONorthwest, visit our website at www.econw.com. You can also contact us at:

Beth Goodman
ECONorthwest
222 SW Columbia Street
Portland, OR 97201
503-222-6060
goodman@econw.com

For more information about this project, please contact:

Derrick I. Tokos, AICP
Community Development Director
City of Newport
169 SW Coast Highway
Newport, OR 97365
541-574-0626
d.tokos@newportoregon.gov

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Student Housing Study Advisory Committee

Birgitte Ryslinge, President, Oregon Coast Community College
Bonnie Serkin, Chief Operating Officer, Landwaves, Inc.
Dan Cutter, Oregon State University and Waldport City Councilor
David Craig, Director of Business Development, University Housing and Dining Services, Oregon State University
Derrick Tokos, Community Development Director, City of Newport
Larry Lewis, City Planner, for the cities of Depot Bay, Waldport, and Yachats
Lee Hardy, Owner, Yaquina Bay Property Management
Onno Husing, Planning Director, Lincoln County
Patrick Wingard, North Coast Regional Representative, Oregon Department of Land Conservation and Development
Richard Townsend, Planning and Community Development Director, Lincoln City
Robert Cowen, Director and Professor, Hatfield Marine Science Center, Oregon State University
Spencer Nebel, City Manager, City of Newport

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Executive Summary

Newport's South Beach is a developing ecodistrict, with a broad range of ocean-observing organizations, such as: NOAA Marine Operations Center, the Oregon Coast Aquarium, the Oregon Museum of Science and Industry's Coastal Discovery Center, the Hatfield Marine Science Center (HMSC), and other businesses and government agencies. Oregon State University (OSU) is planning for an of the HMSC campus in South Beach, as part of the University's Marine Studies Initiative.

The City of Newport and Lincoln County support HMSC expansion. However, they also recognize that the growth of students, faculty, and staff resulting from the HMSC expansion could increase the pressure in Newport's already tight housing market, in the absence of proactive planning. The City, County, and OSU want to ensure that growth of the student presence will not displace Newport's workforce and residents from existing housing, which requires planning for student housing development.

This report was developed as the first step in proactively planning student housing development in Newport. This report was developed in collaboration with an Advisory Committee of staff from Newport, Lincoln County, OSU, the Oregon Coast Community College, Department of Land Conservation and development, and other stakeholders in Newport such as landowners, real estate professionals, and representatives from other cities in Lincoln County.

Hatfield Marine Science Center Expansion Plans

OSU is planning to expand the HMSC as part of the University-wide the Marine Studies Initiative, which will bring about 500 undergraduate and graduate students to the HMSC as an integral part of their studies at OSU. Student growth will result in demand for between 85 and 160 units of student housing, plus need for 40 units of non-student housing for graduate students. As part of the expansion, OSU plans to add 40 to 60 faculty and staff, resulting in the need for 40 to 60 dwellings, some in Newport and some in nearby areas and communities.

Potential Impact of HMSC Expansion on Newport's Housing Market

The 2011 Newport *Housing Needs Analysis* report concluded that Newport has a limited supply of multifamily housing and that the city lacks affordable workforce housing. In addition, the city's housing stock is aging, with some housing in poor condition. There has been little new multifamily rental development in Newport since 2000.

Examination of newer information about Newport's housing market, as well as interviews with real estate and other stakeholders, confirm these issues. Newport's housing market continues to be very tight (with a vacancy rate of around 4%) and housing affordability, especially for renters, continues to be a concern for Newport's workforce and other residents.

Given these conditions, growth in the number of HMSC students, in the absence of student housing development, has the potential to displace existing renters in Newport. OSU students in Corvallis generally pay between \$650 and \$800 per month for rent, both at housing managed by OSU and in private student-oriented housing. If students at HMSC can pay the same rent in Newport as they do in Corvallis and live in a two-person unit, they could pay \$1,300 to \$1,600 per month in rent. In comparison, average rent in Newport is currently about \$775 per unit per month.

Given the lower cost of housing in Newport, most HMSC students might have a preference for market-rate multifamily housing in Newport, if it is available. If student housing is available and OSU has an active role in managing student housing, students in Newport for part of the year and some year-around students may prefer student housing because of the convenience of living in housing managed by OSU, both for ease of paying for housing and for ease of moving between Newport and Corvallis during the school year. In addition, Newport landlords may be generally unwilling to rent to students who will be in Newport for less than a calendar year.

As a result, ensuring that student housing is built is important for HMSC students. It is a priority for the City of Newport to ensure that Newport's workforce and existing renters are not displaced by students.

Potential Sites for Student Housing

Discussions with the Advisory Committee identified the following characteristics as being important for a new student housing site: (1) a site at least five acres and potentially 10 to 15 acres, (2) within two miles of HMSC, (3) south of the Yaquina Bay Bridge, (4) accessible by bicycle and pedestrians, (5) accessible by automobiles and transit, (6) existing access to water and wastewater services, (7) outside of the tsunami inundation zone (as required by ORS 455.446 to 455.447), (8) owned by an owner willing to develop student housing, and (9) in an area with access to retail and service amenities.

This project identified an area in South Beach with several sites that meet these criteria. The site best suited for student housing is within the Wilder development, which is an area being developed with single-family and multifamily housing. The Wilder site includes an area of about three buildable acres that could accommodate student housing. In addition, two properties adjacent to the Wilder property, the BGB Parcels and the GVR Parcel, have potential for student housing. Both areas would require transportation and other infrastructure investments, as well as entitlement and other administrative changes, to make them development-ready.

Outside of these three areas, Newport has no other sites that meet the criteria for student housing. Other sites would take longer and be more expensive to make development-ready.

Policy Actions to Ensure Student Housing Development and Support HMSC Expansion

The Advisory Committee reviewed and discussed a wide range of approaches available to encourage and facilitate student housing development. The Committee also considered approaches to facilitate multifamily housing development, as some graduate students and staff may prefer to live in rental housing in Newport. The following recommendations from ECONorthwest are based on discussions with the Advisory Committee, as well as discussions with Newport staff.

Strategies to support continued collaboration about student housing development

- **The City and County should express a preference for direct and proactive involvement from OSU in student housing development.** The City and County prefer that OSU have greater involvement in operations of the student housing development, by either developing and operating the student housing facility or by working with a private developer to develop student housing that OSU manages.
- **Given the limited number of available sites that meet the criteria for student housing development, OSU should be proactive in securing a development site.** ECONorthwest recommends that OSU secure a property for development or obtain an option to purchase (or lease) a property as soon as possible. Wilder is proceeding with development and the flexibility to incorporate student housing will decrease over time. Other sites may become unavailable for development, if landowners make other development plans.
- **OSU may need to develop a phasing strategy for HMSC expansion that includes managing student growth and timing of student housing development.** An important part of ensuring that students have housing in Newport as the HMSC grows is timing the development of student housing with the growth of students in Newport. ECONorthwest recommends that OSU develop a phasing strategy for HMSC expansion that includes managing the timing of student growth with student housing development.
- **The City, County, OSU, and OCCC should continue to work together to facilitate expansion of the HMSC and student housing development.** The City, County, OSU, and OCCC continue to actively collaborate together and with other stakeholders about the HMSC expansion and student housing development.
- **The City of Newport, Lincoln County, and other cities in Lincoln County should continue to coordinate about issues related to housing and the HMSC expansion that may affect the entire county.** While undergraduate students are most likely to need housing in South Beach, HMSC's faculty, staff, and some graduate students may prefer to live in other parts of Lincoln County. ECONorthwest recommends that the County and all of the cities in it continue to actively collaborate on issues related to HMSC expansion, especially housing.

Policies and strategies to support student and multifamily housing development

- **The City and County should work together, and with other cities in the County, to decide whether to offer a multiple-unit tax exemption.** This tax exemption could be used to encourage development of multifamily, student housing, and other housing in Newport or other cities in Lincoln County.
- **The City and County should work together, and with other cities in Lincoln County, to evaluate options for using CDBG or Section 108 funds to encourage development of multifamily housing that includes low-income and workforce housing.** One of the ways to decrease potential impact of student growth on Newport's housing market is to encourage development of more multifamily housing, such as low-income subsidized and workforce housing. We recommend that the City, County, and other cities in Lincoln County evaluate options to use CDBG funds or Section 108 loans to support multifamily housing development.
- **The City of Newport should consider options for offering SDC financing or credits to encourage multifamily or student housing development.** The City already offers SDC credits to some developers. The City should weigh the trade-offs in lowering SDCs to encourage multifamily or student housing development.
- **The City of Newport should encourage and facilitate development of retail and service amenities in South Beach.** These amenities would include a grocery store, restaurants, banks, and other retail and services to serve students, residents, and employees in South Beach.
- **The City of Newport should make policy amendments, as necessary, to support student housing development and HMSC expansion.** We recommend that the City adopt policy amendments to encourage development of multifamily housing, including student housing, throughout the City.

In addition, the City should adopt implementation measures to: (1) work with Lincoln County to evaluate the use of the multiple-unit tax exemption to support multifamily development, (2) work with Lincoln County to evaluate the use of CDBG and Section 108 funds to support development of subsidized low-income and (where applicable) workforce multifamily housing, and (3) work with property owners around the Wilder development and the Oregon Department of Transportation to coordinate the amount, type, and density of residential development in this area.

Introduction

Oregon State University (OSU) is planning for an expansion of the Hatfield Marine Science Center (HMSC), which is located in Newport's South Beach area. The most up-to-date estimate from OSU staff is that the expansion is expected to accommodate approximately: (1) 40 to 60 new faculty and staff members, (2) about 400 undergraduate students (with 300 students in Newport during most university terms), and (3) about 100 graduate students. OSU faculty, staff, and students will need part-time and year-round housing in Newport.

New faculty, staff, and students at the HMSC will result in demand for 165 to 260 new units,¹ about 85 to 160 of which will be student housing in multifamily structures. Most undergraduate and many of the graduate students are likely to live in Newport, if housing is available. Some faculty and staff will choose to live in Newport, some will choose to live in nearby communities, and some may choose to commute into Newport from Corvallis.

The City of Newport contracted with ECONorthwest to work with City staff and an advisory committee to better understand the potential impacts of expansion of the OSU Hatfield Marine Science Center (HMSC) on Newport's housing market. ECONorthwest worked with the City to develop the Newport *Housing Needs Analysis* in 2011, as well as updating the Housing Element of Newport's Comprehensive Plan.² This project will build on the technical and policy work completed as part of development of Newport's Housing Needs Analysis (HNA). The focus of this project is updating key parts of the factual base in the 2011 *Housing Needs Analysis*, identifying suitable sites for student housing, assessing the potential impact of student housing on Newport's rental market, and identifying policies and strategies to ensure that the necessary student housing is developed.

¹ The estimate of 165 to 260 new units assumes: demand for: (1) 40 to 60 units for faculty and staff (some may choose not to live in Newport), (2) 40 single-family dwellings and 10 multifamily student housing for graduate students (with an average of two graduate students per unit), and (3) 75 to 150 units of multifamily student housing for undergraduates.

² <http://www.thecityofnewport.net/dept/pln/PlansandDocuments.asp>

1.1 Definitions

This section defines student housing and workforce housing, as these terms are used in this report.

Student Housing

Throughout this report, we discuss “student housing” and the housing needs of students. The term “student housing” is used in this report to describe housing that is intended to be occupied predominantly by students, such as students at HMSC or at the Oregon Coast Community College. If housing is built or managed by a college or university such as OSU, occupants of that housing can be restricted to students.

Housing that is privately-owned and managed may be intended for occupancy by students, but federal housing policy does not allow privately-owned housing to exclude potential renters based on whether or not they are a student. As a result, non-students can occupy privately-owned student housing. In addition, students can (and often do) occupy market-rate housing, such as single-family detached houses or apartments.

The term “student housing” implies a specific type of building and a range of unit configurations. Student housing is typically built in multifamily buildings, with more than three dwelling units per structure and often more than five dwelling units per structure. The dwelling units in student housing buildings range from: a private room (e.g., a one-room living space, often with a shared bathroom), a shared room with two or more occupants (e.g., a shared dorm room), or two or more private rooms with a shared common area and bathrooms (e.g., four occupants with four private bedrooms, two shared bathrooms, and shared common space).

The types of amenities in a student housing building (or group of buildings) vary. Some university-owned and managed student housing includes a place for meals and may include common areas outside of the dwelling units. In privately developed and managed student housing buildings, amenities often include common areas, recreation areas, or a fitness center.

In summary, student housing can be managed by the university or a private owner, it is typically in a multifamily structure, there are a range dwelling unit configurations, and a range of amenities is available in the building or complex.

Low Income and Workforce Housing

This report presents tools that are used to facilitate the development of affordable “subsidized housing” and “workforce housing.” The following definitions describe terms used in this report, related to housing affordability.

Table 1 presents information about income and housing costs in Lincoln County in 2014.

- **Housing affordability.** HUD’s standard for affordability is that housing costs should be 30% or less of a household’s gross income. In Lincoln County, a household that earns the County’s Median Family Income (MFI) of \$55,700 per year has a monthly income of about \$4,640 and can afford up to \$1,390 per month in housing costs.
- **Low-income subsidized housing.** Families earning less than 50% of MFI are often eligible for federally-subsidized housing programs, such as the Section 8 Housing Choice Voucher program. These households are often referred to as low- or very low-income households.
- **Workforce housing.** HUD defines workforce housing as housing that is available to households earning between 50% and 120% of median family income. Households in the 50% to 80% group are generally renters. Workforce housing for people earning 80% to 120% of MFI may be for renters or homeowners.

In Lincoln County, families with income of 50% of MFI can afford about \$700 per month in rent. The median gross rent in Newport is about \$780 per month.³ A family earning 120% of MFI (nearly \$67,000) can afford a house costing about \$200,000, which is comparable to the median housing sales price in Newport in 2014.

Table 1. Income as a Percentage of Median Family Income, Lincoln County, 2014

Percent MFI	Annual Income	Monthly Income	Monthly Affordable Housing Cost
30%	\$16,710	\$ 1,390.00	\$420
50%	\$27,850	\$2,320	\$700
80%	\$44,560	\$3,710	\$1,110
100%	\$55,700	\$4,640	\$1,390
120%	\$66,840	\$5,570	\$1,670

Source: ECONorthwest; HUD Income Limits, 2014

³ US Census American Community Survey, 2008 to 2012 5-year data

1.2 Oregon State University's expansion plans

OSU's plans for expansion of the HMSC is part of the Marine Studies Initiative, which is a broad interdisciplinary initiative across the University. The goal of the Marine Studies Initiative is to bring about 500 students to the HMSC, as an integral part of their studies at OSU.⁴ The expansion of the HMSC is expected to occur over an approximately 10-year period.

At this time, the vision for the expansion of the HMSC is will result in growth of:

- 400 juniors and seniors in studying in Newport⁵
 - About 80% (roughly 300 students) will be in Newport for 1 or 2 terms. OSU staff currently expect to have roughly 300 part-year students during any given term.⁶
 - About 20% (roughly 100 students) will be in Newport for the entire school year (September through June) or calendar year
 - Undergraduate students will be at the HMSC for all four terms, **with roughly 300 students in Newport during any term**, roughly 100 full-year students and 200 part year students.⁷
- 100 grad students, the majority of whom will be in Newport for 1 or more years.
- 40 to 60 new faculty and staff, all of whom will live in Newport year-round
 - 20 to 25 will be new faculty
 - 20 to 50 will be new staff

The housing needs of new students, faculty, and staff will vary based on the length of their stay in Newport and their ability to pay for housing. Broadly speaking, the new housing needs of faculty, staff, and students at the expanded HMSC can be broken down into the following categories:

⁴ HMSC currently has 60 to 80 students per year, with about 50 students at HMSC at any given time.

⁵ In addition, the Hatfield Marine Science Center will continue to have students take short, intensive courses. These students generally come to Newport for about two weeks. They are currently housed in facilities at the Hatfield Marine Science Center. They will continue to be housed in these facilities, for the foreseeable future.

⁶ If all part-year students were in Newport for one-term, then during the three-term school year, 900 students part-year students would study at the Hatfield Marine Science Center.

⁷ Currently, summer and spring terms have the largest number of students at the HMSC, with the fewest students in fall and winter. OSU expects the number of students at HMSC to roughly divide among the four terms. But the summer and spring terms may continue to be the terms with the largest number of undergraduate students.

- **Part-year (one- or two-term) housing for students.** This housing would probably resemble the types of housing available at the main OSU campus or in the private housing market in Corvallis, with two or more students to a unit and private bedrooms. We assume that these students would be willing and able to pay approximately the same amount for housing in Newport as they do in Corvallis.
- **Full-year housing for students.** This housing will likely take a variety of forms. Some student may prefer to live in housing specifically designed for students, such as a unit with one or more other students with private bedrooms and shared bathrooms and common areas. We assume that these students would be willing and able to pay approximately the same amount for housing in Newport as they do in Corvallis.

Other students may prefer to live in traditional multifamily to single-family housing, alone, with roommates, or with their family. The large majority of this housing will be rental housing. As the following section discusses, the supply of this type of rental housing is tight in Newport.

- **Long-term housing for faculty and staff.** Faculty and staff will need a range of housing, from multifamily to single-family housing. Depending on their income and the cost of housing, some faculty and staff may rent and some may own their housing. This is probably some combination of single-family and maybe multifamily housing, some rental and some ownership. As the following section discusses, the supply of affordable housing of these types is tight in Newport.

1.3 City of Newport and OSU Roles in Student Housing Development

A key outcome of this project is a set of strategies and policies that can ensure production of student housing, timing development so that it is available as it is needed to accommodate growth at the HMSC. The City will not be the developer of housing, nor will they be the primary consumer of student housing. However, to make student housing development easier and increase the likelihood of timely student housing development the City can play the following roles:

- **Facilitate discussions about development of student housing.** The City is doing this, as part of this project and through discussions with partners and interested parties. As part of this role, the City is bringing interested parties together to discuss the opportunities, challenges, and solutions for student housing. The City can partner with OSU and developers by ensuring the necessary stakeholders are at the table, making the development process easier and faster, and identifying ways to lower development costs.

- **Identify potential sites for student housing.** The City is working with OSU, landowners, and other stakeholders to identify potential sites for student housing. The area identified as being most appropriate for student housing, based on the desired characteristics for a student housing site, is in or around the Wilder development, near Oregon Coast Community College. Other sites may be identified as being good candidates for student housing, as this project progresses.
- **Ensure the necessary zoning and development standards are in place.** One of the City's primary roles in facilitating any type of development is to ensure that the site for student housing has zoning that allows the type and density of housing necessary for student housing. Zoning standards should allow for development of multifamily buildings, such as multi-story buildings or townhouses.
- **Ensure availability of infrastructure and services.** The City should ensure that adequate infrastructure or services are available for the development site. Key infrastructure includes transportation access, municipal water, wastewater service, and stormwater management. The site for student housing needs to be accessible by car and potentially by bus or shuttle bus, preferably from local roads with a connection to Highway 101. The site should also be accessible to bicycles and pedestrians, with safe connections to HMSC.
- **Expedite the development process.** The City can facilitate student housing by expediting the development process. This may mean faster processing of the development application. It can also involve shepherding the development application(s) through the entire development process, helping to solve development issues, and ensuring that there has been adequate involvement with key stakeholders and public officials to avoid any delays in the process.
- **Lower development costs to the developer.** The City can take actions to lower development or operational costs to the developer, through tools such as giving SDC credits or property tax abatements or helping to assemble land. Most cities reserve these tools for use on projects that further specific city goals (e.g., creating denser development in downtown or redevelopment of a long-vacant site) and where financial assistance is necessary to make a project financially viable. The City can also help developers through technical assistance for packaging local, state, and federal tools.

Newport is already engaged with the first four of these actions. The City is facilitating the process and helping to develop partnerships, through this project and other efforts. The City has identified the Wilder development, along with adjacent properties, as potential sites for student housing development. One reason these areas are under consideration is that they are largely serviced, have

good transportation access, and because the City is developing a pedestrian and bicycle path from South Beach to the Oregon Coast Community College.

OSU also has a critical role in ensuring the development of student housing. As plans for the HMSC expansion become clearer, the University will need to define its role in student housing development in more detail. Some parts of OSU's role are described in brief below:

- **Initiate and participate in partnerships.** Like the City, OSU can participate in public and private partnerships with public organizations (such as the City or the Oregon Coast Community College), nonprofits (such as the Lincoln Community Land Trust), landowners, developers (both for-profit and nonprofit developers), financiers, and other stakeholders.
- **Clarify plans about growth.** OSU is in the process of developing internal plans for the marine studies initiative, which is driving the HMSC expansion. OSU expects to have clearer plans for the HMSC expansion in the spring of 2015, which will bring clarity to student housing needs.
- **Develop a housing transition process for students coming to and leaving the HMSC.** One of the challenges that OSU will face in expanding the HMSC is developing a process for students to transition easily from housing in Corvallis to housing in Newport and back to housing in Corvallis. This will be especially important to students who study at the HMSC for part of the year.
- **Help mitigate uncertainty about student housing demand.** Private student housing developers will be concerned about several aspects of the HMSC expansion: uncertainty about when HMSC will start attracting more students, uncertainty that demand for student housing will continue over the long-term, and uncertainty that students will choose to live in the student housing development. OSU can help mitigate uncertainty by being an active and collaborative partner with the developer, and through agreements with the private developer about occupancy (such as an occupancy guarantee) or developing a housing transition process.
- **Establish role in development.** OSU may choose to participate in the actual housing development by paying some development costs, day-to-day management of the housing, or financing the project. OSU's options for its role in developing student housing for students at HMSC are:
 - **Student housing developed by OSU.** The University could design, build, finance, and operate any new student housing facilities. This is typically how OSU has expanded student housing in Corvallis and gives the University a high degree of control over the student experience, rates, leasing, timing of capacity, etc. Although this scenario would easily integrate into OSU's overall campus plan and would offer a high degree of fidelity with current OSU housing

operations, it involves a high degree of risk on the part of the University. As there is no partner entity, OSU must bear the full financial responsibility of the operation. With this option, student housing would generate no property tax, as OSU would be the property owner.

- **Private Development with OSU as Operator.** In this type of development, student housing would be funded in part by a non-profit housing foundation but designed and built by the University, a developer, and a bonding entity. OSU would master lease the housing facility from the bonding entity.

This option would require an RFP process and would prioritize the financial performance of the project over the student experience. The University needs to invest little in the project but still faces a moderately high financial risk if the project fails to perform. If OSU or a nonprofit were the owner of the land and buildings, the student housing would generate no property tax.

- **Private Development with Private Operator with OSU Affiliation.** Student housing in this scenario would be funded, designed, and built by a private developer on land leased to them by OSU. The University would have greater control of the building design if the facility were built on campus grounds, though it is often difficult to adjust operations due to leasing terms. This type of development involves a small degree of risk to the institution and a modest financial return. In addition, the University program would be secondary to the private developer recouping its investment in the project. With OSU as the land owner, the land would generate no property tax. If the facility and property were to be privately owned then the buildings and other improvements would generate property taxes.
- **Private Development with Private Operator with No OSU Affiliation.** This scenario offers the least risk and the least control of operations for the University. The facilities would be funded, designed, and built by the developer on land they have purchased. Students would perceive this as a type of off-campus housing, unaffiliated with the institution. Rents and student experience would be completely market-driven and in all likelihood would need to appeal to sections of the community as well as the student body. If the private developer is a for-profit developer, the land, buildings, and other improvements would generate property tax.

1.4 Organization of this Report

The remainder of this report is organized as follows:

Chapter 2 Potential Impact of Growth at the Hatfield Marine Science Center on Newport's Housing Market briefly summarizes the findings of the 2011 Housing Needs Analysis, the potential impact of HMSC expansion on Newport's housing market, and an update of Newport's inventory of residential buildable land.

Chapter 3 Potential Sites for New Student Housing identifies sites available for student housing development.

Chapter 4 Tools for Housing Development describes tools available to encourage and support student housing development.

Chapter 5 Next Steps presents the next steps and recommended actions for the City, Lincoln County, and OSU.

2 Potential Impact of Growth at the Hatfield Marine Science Center on Newport's Housing Market

This section presents ECONorthwest's evaluation of the potential impacts of student growth on Newport's housing market. It starts with relevant key findings from the 2011 *Housing Needs Analysis* about housing demand in Newport. The second part of this section describes the impact that student growth will have on the rental market and rents in Newport, as well as potential private-sector interest in student housing development.

2.1 Impact on housing demand

This section describes the potential impact of student growth on Newport's housing market.

Key findings from the 2011 Housing Needs Analysis

The following are the characteristics of Newport's housing market, as identified in the 2011 HNA, that will influence the housing market response in Newport to growth of enrollment at the HMSC. Except where noted, the information in this section is from the U.S. Census American Community Survey (ACS), either from the 2005 to 2009 ACS or from the 2008 to 2012 ACS (the most recently available ACS data for Newport).

- **Newport has a limited supply of multifamily housing.** About two-thirds of Newport's housing is single-family detached or manufactured housing. A little more than 30% (1,700 units according to the 2005-2009 ACS) of Newport's housing is single-family attached (e.g., townhouses) or multifamily housing (e.g., duplexes, tri-plexes, or structures with more than five units). Some of Newport's multifamily dwellings are intended as second homes or vacation rentals.
- **Newport has experienced limited multifamily rental apartment development.** While 32% of the new dwellings permitted in Newport during the 2000-2010 period were multifamily, the vast majority of multifamily housing was intended as second homes, with some vacation rentals. In short, the market is producing virtually no multifamily dwellings for local residents and workers.

Between 2011 and 2013, nearly all newly-permitted housing was single-family detached housing, with three duplexes and a townhouse permitted.

- **Ageing housing stock.** Nearly 20% of the city's housing stock was built before 1950. Data collected as part of the housing needs analysis suggests

that the condition of some rental housing in Newport is poor. The condition of rental housing, combined with the higher rental costs (relative to nearby communities), negatively affects potential renters' willingness to rent in Newport.

- **Average median contract rent increased at a slower pace than housing prices.** Between 2000 and the 2005-2009 period, rent increased from a median of \$512 per month to \$586 per month, an increase of 14%. By the 2008-2012 period, median rents were \$686 per month and gross rent was \$778 per month.

These rental costs are relatively consistent with costs reported by real estate stakeholders in Newport in 2014, with rents at professionally-managed units approximately at or below \$775 per month.

- **Lack of affordable workforce housing in Newport.** Housing in Newport became much less affordable between 2000 and 2010—particularly to working households:
 - More than one-third of Newport households could not afford a two-bedroom apartment at HUD's fair market rent level of \$759 in the 2005-2009 period.
 - Newport had a deficit of nearly 500 affordable housing units for households that earned less than \$25,000.
 - Over the 2005-2009 period, 39% of Newport's households were cost-burdened, with 51% of renters and 30% of owners cost-burdened. The percentage of households that were cost burdened remained about the same for the 2008-2012 period.
 - Sale price for single-family dwellings increased by nearly 50% between 2000 and 2010, with average sales prices at \$233,000 in 2010. Median sales prices in Newport were about \$216,000 by the end of the Third Quarter in 2014.⁸
- **Substantial in-commuting by workers at Newport businesses who live in outlying areas.** Evidence suggests that some households live in nearby communities because they cannot afford housing in Newport, or they can get housing they prefer in nearby communities (e.g., larger units with more amenities), or for both reasons. In 2008, 68% of residents of Newport worked in Lincoln County, with 50% working in Newport. Data from the American Community Survey show that gross rent in Newport was \$651 compared to \$669 in Toledo, \$592 in Waldport, \$372 in Siletz, and \$493 in Eddyville in the 2005-2009 period.

Data from the U.S. Census shows that Newport businesses continues to

⁸ Median sales price data from Zillow.com.

have substantial in-commuting, with about 70% of people working in at Newport businesses characterized as non-residents.

In summary, the HNA concluded that Newport has a deficit of housing affordable to households earning less than \$25,000, which accounted for one-third of Newport's households. In addition, more than two-thirds of workers at businesses in Newport commute into Newport for work. This evidence suggests that Newport has an existing shortage of housing available to lower-income households.⁹

Examination of newer Census and other data about Newport's housing market shows that Newport continues to have a shortage of affordable housing, with a deficit of 500 units affordable to households with income below \$25,000, and that in-commuting continues to be very common for people who work in Newport. Anecdotal evidence, from discussion with stakeholders in Newport, also suggests that Newport has a shortage of rental housing in good condition that meets the needs and preferences of, and is affordable to, some moderate-income households.¹⁰ Real estate stakeholders in Newport report that the vacancy rate for rental housing is currently less than 5%. This comparatively low vacancy rate demonstrates that Newport's housing market is fairly tight, excluding second homes and vacation rentals, indicating possible demand for new rental housing in Newport that is affordable to moderate- and low-income households.

⁹ Affordable housing professionals generally define lower income households as those earning less than 50% of median family income (MFI). In 2014, Lincoln County's MFI was \$55,700, according to HUD. A low income household would earn less than about \$28,000.

¹⁰ Moderate-income households generally earn between 60% to 80% of MFI or \$33,000 to \$45,000 in 2014 in Lincoln County. Housing affordable to moderate-income households is also referred to as "workforce housing."

Potential Impacts of Growth at the Hatfield Marine Science Center on Newport's Housing Market

Our evaluation of the potential impact of growth at the HMSC focuses on two questions:

1. What impact will student have on the rental market and rents in Newport?
2. Will student demand be sufficient to generate private sector interest in building student housing in Newport?

Impact on the rental market

- **Projected OSU faculty, staff and students will increase Newport's population by about 4%.** The proposed growth at the HMSC will result in direct growth of about 450 people at the HMSC during any given term,¹¹ some or all of who will live in Newport. Growth of this number of people will increase Newport's population by about 4%. For context, Newport's population grew by about 628 people between 2000 and 2013.

The population forecast used for the HNA shows Newport growing by 1,603 people between 2011 and 2031, at an average annual growth rate of 0.7%. Growth of about 450 people will account for more than one-quarter of the growth anticipated in the HNA.

- **Expansion of the HMSC will create demand for 165 to 260 new dwellings (an approximate 2% to 4% increase in Newport's housing stock), with the most pressure on growth of multifamily housing.** The number and type of units needed for the new approximately 450 new people (during any given term) associated with the HMSC can be disaggregated, as described below.
 - Assuming that each of the faculty and staff need their own dwelling (e.g., that none are married couples), they will need 40 to 60 dwellings. These dwellings would be a mixture of owner- and renter-occupied dwellings. While the majority of faculty and staff may prefer and be able to afford single-family dwellings, some may prefer multifamily dwellings. Faculty and staff may choose to locate near the HMSC, in other parts of Newport, or in communities or rural areas near Newport.¹²

¹¹ This report and project only address the direct effects of growth at the Hatfield Marine Science Center. Oregon State University has a separate contract with ECONorthwest to develop an analysis of the broad economic impacts of growth of the Hatfield Marine Science Center, including direct, indirect, and induced effects on employment and on economic output.

¹² We assume that the majority of faculty and staff will work at the HMSC for multiple years.

- Graduate student housing needs will vary, from single-family detached housing (with a single graduate student or multiple graduate students) to multifamily housing (with a single graduate student or multiple graduate students). Nearly all graduate students will live in renter-occupied housing. We assume that 80% of graduate student housing will be accommodated in single-family detached housing with one other graduate and that 20% of graduate students will choose to live in multifamily housing with one other graduate student. Under these assumptions, graduate students would occupy 40 single-family dwellings and about 10 multifamily dwellings.
- Assuming that, on average, the 300 undergraduate students in Newport during any given term live in two- or four-person units (with some in single-person units and some in three- or five-person units), undergraduate students will need 75 to 150 new units. All or nearly all of these will be rental units. Many will be multifamily units in structures with five or more units. Some graduate students or a few full-year undergraduate students may choose to live in single-family detached housing.
- Overall, an increase of 165 to 260 new units is relatively small within Newport's housing market, accounting for a 2% to 4% increase in the number of dwelling units (the 2008-2012 ACS reported Newport had 5,597 dwelling units). An increase of up to 80 new single-family dwellings is relatively small, with an increase of about 3% of this housing type.
- An increase of 85 to 160 multifamily units in structures with five or more units, however, is an increase of about 7% to 15% for this type of housing (the 2008-2012 ACS reported Newport had 1,015 dwelling units). This increase has potential for a larger impact on Newport's rental housing market, especially since some existing multifamily housing are second homes or vacation rentals. The remainder of this section focuses on housing for students.

- **Student housing costs at OSU in Corvallis are generally higher than housing costs in Newport.** The median gross rent in Newport (which includes utilities) is nearly \$800 per month. Rents are generally higher for dwelling units with more bedrooms than in units with fewer bedrooms.

Students at OSU generally pay between \$650 to \$800 per month for rent, both at housing managed by OSU and in private student-oriented housing in Corvallis. Assuming that two students shared a unit, they could pay \$1,300 to \$1,600 per month in rent, if they are willing to pay the same amount in rent in Newport as in Corvallis.

Given the rent differential between median gross rent in Newport (\$778 per month) and the amount paid in rent by two students sharing a unit at

OSU (\$1,300 to \$1,600 per month), students will have a preference for market-rate multifamily housing in Newport, if it is available. Some factors that would prevent or discourage students from choosing market-rate housing in Newport are: (1) landlords that are unwilling to rent to students who will be in Newport for less than a calendar year, (2) convenience of living in housing managed by OSU, both for ease of paying for housing and for ease of moving between Newport and Corvallis during the school year, (3) insufficient affordable rental housing located near the HMSC or on the south side of the Yaquina Bay Bridge (especially if student parking is not available at the HMSC), (4) amenities offered at OSU managed housing (such as meals), or (5) amenities offered at privately managed student housing (such as recreational amenities).

- **Students in Newport for less than the full school year would likely have trouble finding housing.** About 60% of the students at the HMSC (300 students) will be in Newport for one or two terms, which is three to six months. The remaining students will be in Newport for a school year, and possibly for a calendar year or longer.

Students in Newport for one or two terms would likely have difficulty finding rental housing in Newport's existing housing, despite the potential for higher rental costs for students. It seems likely that most landlords or rental agencies would strongly prefer to rent to tenants who will stay more than a few months.

- **Year-round students would increase pressure in Newport's rental market, if no new housing were built.** About 200 students are expected to be in Newport year-round. At an average of two-persons per dwelling unit, these students would require 100 dwelling units. The current vacancy rates of less than 5% demonstrates that Newport's year-round housing market is relatively tight. Without development of more housing, demand for 100 additional units will make it harder for to find rentals in Newport.

Assuming that these students were able to pay at least current market rates for rent in Newport or possibly more, they would put additional pressure on Newport's housing market, eventually resulting in higher rents. The pressure would be greatest on rental housing in the South Beach area and other areas south of the Yaquina Bay Bridge, where students are more likely to live because of easier transportation access (especially by bicycle) to the HMSC. As a result, some people who want to live in Newport (including some who currently live in Newport) would likely choose to live in nearby communities with less expensive housing. This might include some students studying at the HMSC.

- **Existing faculty, staff, and students at HMSC have difficulty finding affordable, good condition housing.** HMSC staff conducted an informal

survey of existing students, faculty, and staff currently associated with HMSC. About 120 people responded to the survey, with 16 responses from students, and the remainder divided between OSU and staff at agencies associated with HMSC (such as NOAA or USFWS). This survey provides the following information about HMSC staff and associated agency staff's housing preferences:

- Survey respondents had difficulty finding housing in Newport because of relatively high housing costs, housing that is in poor condition, and scarcity of rental housing.
- More than 60% of survey respondents indicated that they have pets and many respondents had difficulty finding housing that would allow them to have their pet.
- The majority of students who responded were graduate students, most of whom lived in Newport with one or more roommate, in privately owned rental housing.

As HMSC expands, it is reasonable to expect these types of housing issues to persist, especially in the absence of development of student housing and other new affordable housing.

In summary, growth of faculty, staff, and students will result in an increase in Newport's population and, if they all live in Newport, demand for new dwelling units by up to 4%. While 4% growth over a 10-year period is not an exceptional amount of growth, it is a substantial amount of the growth that Newport is expecting between 2011 and 2031.

Growth in students has potential to result in demand for between 85 and 160 new multifamily units, which would result in an increase of up to 15% for Newport's multifamily housing stock. While students appear to have the capacity to pay more in housing than current market-rate rents in Newport, many of the students would live in Newport for three to six months. Their short tenure in Newport would make finding housing difficult. A primary reason for this difficulty is that most landlords prefer to engage in longer-term rentals because of the costs and extra work of renting a dwelling four times a year (rather than once a year or less frequently), such multiple credit checks and deposits, having the dwelling cleaned and repaired multiple times per year, and advertising and showing the dwelling multiple times per year.

In addition to the growth associated with the HMSC, the Oregon Coast Community College (OCCC) is planning to double its student population from 500 to 1,000 students over the next 10 years or more.¹³ OCCC's programs

¹³ The estimate of 500 students at OCCC is an estimate for full-time equivalent students, rather than a headcount. OCCC expects to grow to about 1,000 full-time equivalent students.

generally attract students from within Lincoln County. Some of OCCC's programs, most notably the Nursing Program and the Aquarium Science Program, attract students from outside of Lincoln County. In the future, OCCC estimates that between 10% to 20% of students will be from out of Lincoln County.

OCCC plans to grow these and other programs that attract students from out of the area. They estimate expansion of OCCC's programs may result in need for housing for about 100 to 200 students from outside of the region in about 10 years. These students may create demand for approximately 25 to 100 dwelling units, assuming an average of two to four students per dwelling. Growth of out-of-area students at OCCC is likely to be gradual, as OCCC expands its programs.

In the context of Newport's already tight rental market, housing demand from the year-round students HMSC students and students at OCCC would further tighten Newport's rental market, eventually resulting in higher rents and decreasing housing affordability for renters. This would lead to more people living in nearby communities as a result of economic necessity.

Private sector interest in student housing

The solution to ensuring that part-year students have options for housing in Newport and avoiding further tightening Newport's rental market is ensuring that housing is developed for students. In the aggregate, demand for about 85 to 160 new dwelling units with the rent profiles of students willing and able to pay \$650 to \$800 per student per month would be attractive to private developers. The average length of student residency would be less attractive to developers.

One of the potential key challenges is coordinating the timing of when OSU starts growing student presence at the Marine Science Center with production of student housing. Left entirely to the market, there would be a lag time between the increase in demand (new students in Newport) and production of new housing. OSU is planning to phase its growth over a ten-year period, meaning that the 500 students will not be added at one time. The market response to building new housing could be years behind student growth.

OSU should align its plans for student growth with the development of new units. The need for this type of coordination, combined with the need to help part-year students coordinate housing in Corvallis and Newport (including issues of coordination with student financial aid), strongly suggests that OSU should have a significant role in development of student housing, especially during the early parts of the HMSC expansion.

OSU could work with a private developer on development (and possibly management) of student housing, or OSU could develop and manage the student housing without a private developer. Depending on plans for growth of

enrollment at the HMSC, new student housing could be developed in phases. OSU may have a larger role in student housing development in earlier phases of student growth, ensuring that housing is available for students. One or more private developers may be interested in developing student housing in later phases of enrollment growth, when there is more certainty about student growth and development of student housing.

These issues, as well as the role of the City of Newport in ensuring student housing production, will be discussed in subsequent meetings. At a minimum, the City is acting as a facilitator of the process, to ensure participation by a wide range of interested stakeholders.

2.2 Update to Buildable Lands Analysis

The 2011 *Housing Needs Analysis* included a comprehensive inventory of residential lands within the Newport Urban Growth Boundary (UGB). The 2011 buildable lands analysis concluded the City has about 1,764 buildable residential acres. Note that 575 of these acres are in a destination resort designation and would not be available for the type of housing needed to support OSU faculty, staff and students. Table 1 shows a summary of buildable land by plan designation in the Newport UGB in 2011.

Table 1. Residential land with development capacity by constraint status, Newport UGB, 2011

Plan Designation	Tax Lots	Total Acres in Tax Lots	Developed Acres	Constrained Acres	Buildable Acres
Low Density Residential					
Partially Vacant	129	222	30	20	172
Vacant	544	878	0	52	826
Subtotal	673	1,100	30	72	998
High Density Residential					
Destination Resort	31	668	0	93	575
Partially Vacant	24	43	6	8	29
Vacant	339	225	0	64	162
Subtotal	394	936	6	165	765
Total	1,067	2,036	36	237	1,764

Source: City of Newport GIS data; analysis by ECONorthwest

Note: Constraints do not make any deductions for slope

ECO used buildable permit data to update the residential buildable lands inventory. The city did not experience much new residential development between 2011 and 2014. A total of 58 permits were issued for new residential construction. Of these, 55 were issued in residential plan designations. Table 2 summarizes the building permit data.

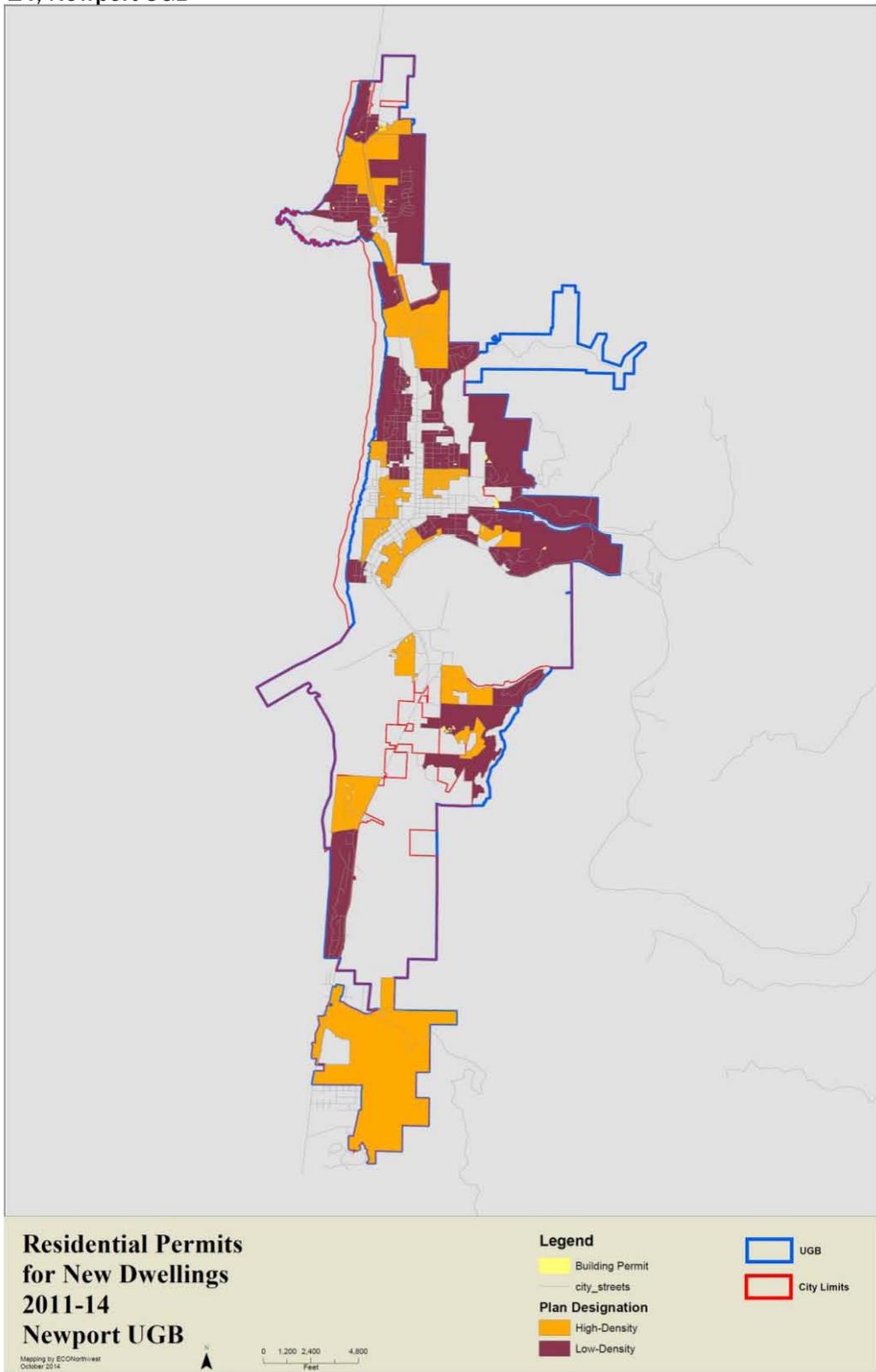
Table 2. Permits issued for new residential construction, 2011-14

Plan Designation	New	
	Dwellings	Acres
HDR	20	4.2
LDR	38	5.5
Total	58	9.7

Source: City of Newport GIS data; analysis by ECONorthwest

Map 1 shows the location of permits issued city-wide. Map 2 shows permits issued south of Yaquina Bay and north of the Newport Airport.

Map 1. Location of building permits issued for new residential construction 2011-14, Newport UGB



Map 2. Permits Issued for New Development South of Yaquina Bay and North of the Airport, 2011-14



**Residential Permits
for New Dwellings
2011-14
Newport UGB**

 UGB
 City Limits

Mapping by ECNorthwest
October 2014



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Table 3 shows the updated buildable lands inventory for Newport. The results show that Newport has about 1,750 buildable residential acres. Of these, 992 are in the low-density plan designation and 757 are in the high-density plan designation. Less than 10 acres of residential land were developed between 2011 and 2014.

Table 1. Residential land with development capacity by constraint status, Newport UGB, 2014

Plan Designation	Tax Lots	Total Acres in Tax Lots	Developed Acres	Constrained Acres	Buildable Acres
Low-Density	635	1,094	30	72	992
High Density					
Destination Resort	31	668	-	93	575
Other High Density	343	264	10	72	182
Subtotal	374	932	10	165	757
TOTAL	1,009	2,026	40	237	1,749

Source: City of Newport GIS data; analysis by ECONorthwest
 Note: Constraints do not make any deductions for slope

3 Potential Sites for New Student Housing

Chapter 2 estimated demand for about 85 to 160 new multifamily dwelling units for student housing and showed that Newport has 1,749 acres of vacant residential land. Assuming that student housing is developed at densities similar to multifamily densities presented in the 2011 HNA, all of the new student housing will require around 15 gross acres of land.¹⁴ Based on this assessment, Newport has enough vacant residential land to accommodate new student housing.

One of the key outcomes of this project is identifying one or more sites where student housing would be appropriate in Newport. The characteristics of sites that would be appropriate for student housing are:

- **Size of site.** The size of the site necessary to accommodate student housing depends on: whether all 85 to 160 student housing units are located in one area and the design of the student housing buildings. We assume that the site for student housing will: (1) accommodate the part-year students, (2) will accommodate some of the year-round graduate and undergraduate students, and (3) that the buildings will be multistory (probably two to four stories tall) or dense townhouse-style buildings. Based on these assumptions, the site should be at least five gross acres and probably 10 to 15 gross acres.
- **Proximity to the HMSC.** The site should be within one or two miles of the HMSC, about 10- to 15-minute bicycle ride, or about 15- to 30-minute walk.
- **Location within Newport.** The site should be south of the Yaquina Bay Bridge because crossing the bridge on bicycle or as a pedestrian is challenging.
- **Accessible by bicycle and pedestrians.** Students should be able to walk or bicycle to the Hatfield Marine Science Center. One reason for this requirement is that not all students have cars. In addition, the Hatfield Marine Science Center does not currently have enough parking for an additional 500 cars and OSU staff have said that they do not want to build that much more parking.
- **Transportation access.** The site should be accessible from Highway 101, either by being located directly adjacent to Highway 101 or via an access road with sufficient capacity to accommodate the transportation needs of up to 500 students.

It would be preferable if the site were also connected to South Beach and the Hatfield Marine Science Center by local roads, allowing students to avoid bicycling or walking along Highway 101.

¹⁴ The 2011 HNA assumed that multifamily housing would develop at 16 dwelling units per gross acre.

In the future, there may be a shuttle or some form of transit that allows students to get from the site to the Hatfield Marine Science Center. The transportation access to the site should be able to accommodate a shuttle bus.

- **Urban services.** The site should be in an area with existing access to city water and wastewater services.
- **Outside of the tsunami inundation zone.** The site should be in an area outside of the tsunami inundation zone. State law (ORS 455.446 to 455.447) prohibits building new public facilities, including educational facilities, in the tsunami inundation zone.
- **Willing landowner.** The land owner of the site should be open to or preferably actively interested in the idea of development of student housing.
- **Access to amenities.** Students will need access to amenities, such as a grocery store, coffee shop, restaurants, banking services, recreational opportunities, and other services. Many of these amenities do not exist in the South Beach area or do not exist in the levels that will be necessary to meet student demand.

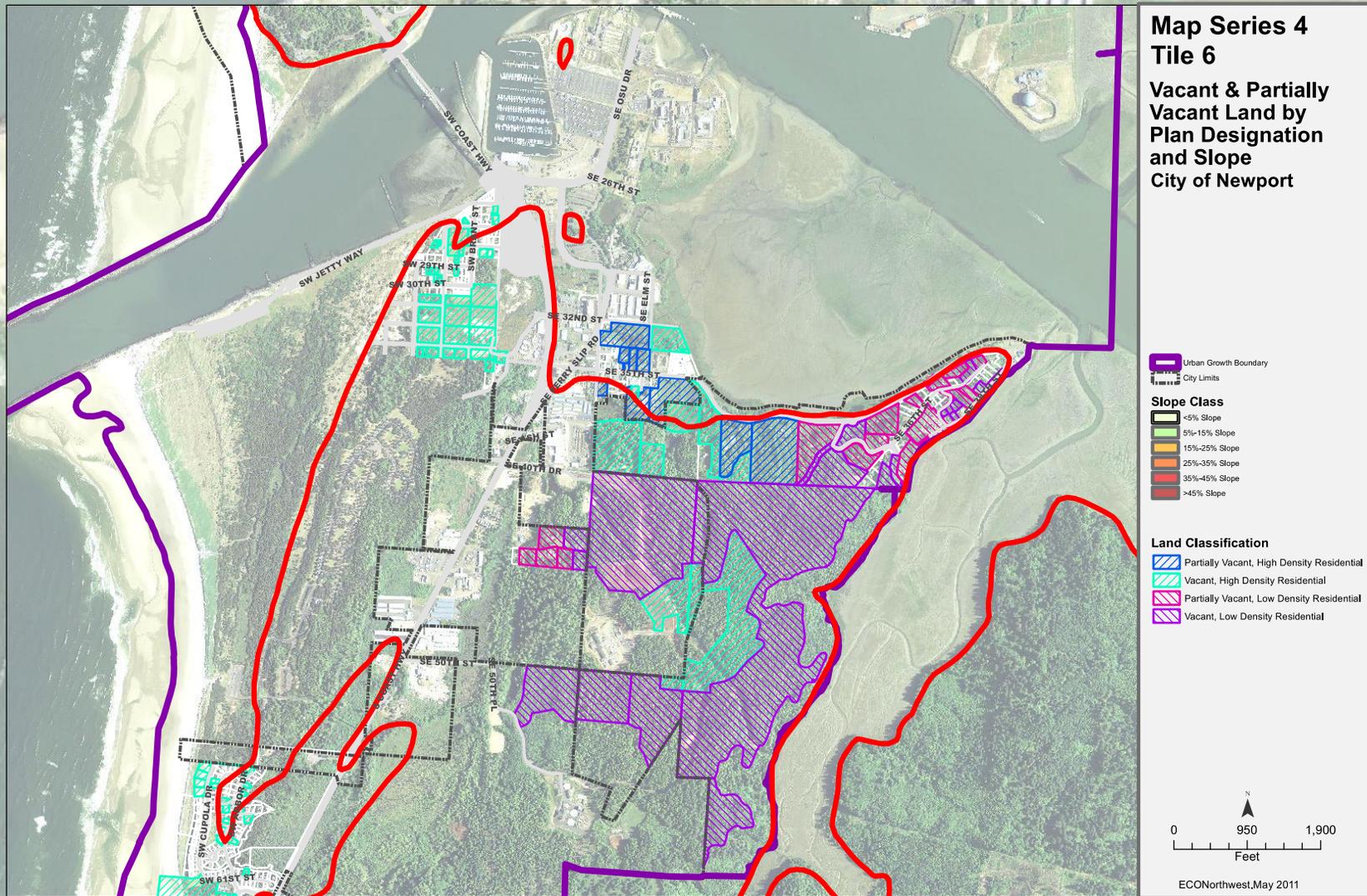
In general, these amenities develop as demand for them grows. Unless the student housing development includes some of these amenities or there is other active coordination for concurrent development of these amenities with student housing development, these types of retail development occur after residential development. Some of these amenities, especially a grocery store, will require development beyond student housing and will develop with other growth in South Beach.¹⁵

The site should be located in a place where there is opportunity for development of some of these amenities and where other amenities could be easily accessed from the site, such as in South Beach.

Map 3 and Map 4 show the buildable lands map of the South Beach area.

¹⁵ Typically 4,000 to 5,000 households are required to support a grocery store

Map 4. Buildable Residential Land, with the Tsunami Inundation Zone (shown as a red line), South Beach



Note: The redline shows the tsunami inundation zone

Discussions with the Student Housing Advisory Committee identified the area that is most suited for student housing, based on the criteria described above: in or near the Wilder development. Map 5 shows the Wilder development and the areas around it. The Oregon Coast Community College is adjacent to the Wilder development.

The areas on Map 5 that were identified as best-suited are:

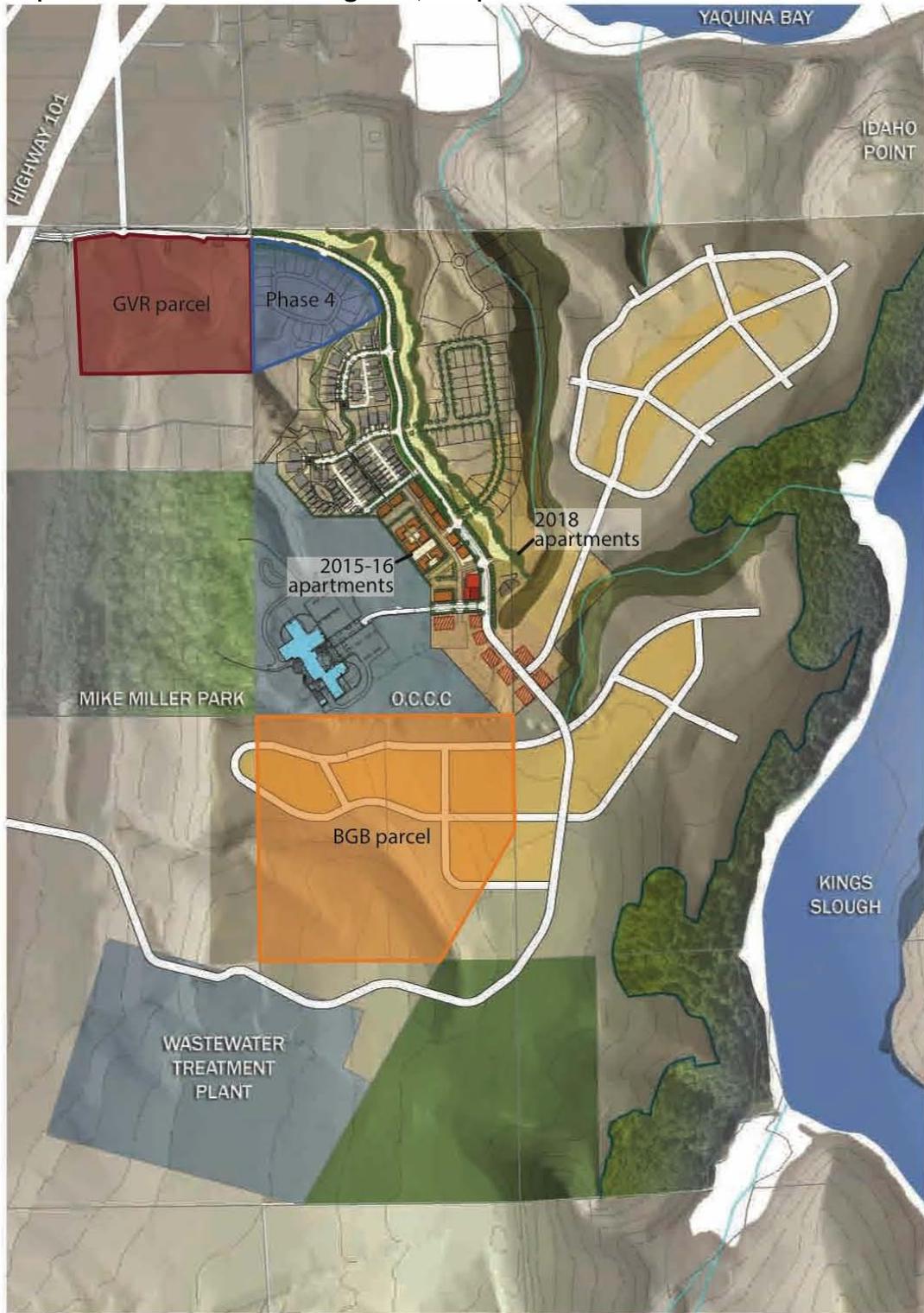
- **Phase 4 of the Wilder development.** The landowner identified the area at the entrance to the community on the south side of Harborton Street as being suitable for several small student housing buildings, possibly student studios coupled with large, shared common area spaces. The parcel comprises about six acres, of which perhaps three acres are buildable. Phase 4 of the Wilder development is the best area for student housing because it has existing services and is on the northern end of the Wilder development (which is closer to the HMSC).
- **BGB Parcels.** This is an area south of Oregon Coast Community College, owned by the Brewer and Gardner family. The area is about 35 acres, in three parcels, with the area closest to OCCC in a 15-acre parcel. This area would be especially appropriate if OSU or a developer wanted to build a larger-scale residence hall.

Developing this area will require transportation and other infrastructure investments, which will take time to implement and may be more costly than development in Phase 4 of the Wilder development. If part (or all) of the BGB Parcels were annexed, current zoning would be either industrial or low density residential. Annexation and re-zoning this area to allow student housing will be subject to the City's processes, which will require an investment of time and money.

It will have access to South East 50th and Harborton Street. Wilder is currently negotiating development of a facility near this parcel, which will require extension of Harborton Street. This extension will reduce the transportation investments necessary to develop the BGB Parcels.

- **GVR Parcel.** This area is adjacent to Phase 4 of the Wilder development. It is currently zoned for residential and industrial uses. This area would be also appropriate if OSU or a developer wanted to build a larger-scale residence hall. As with the BGB parcel, would require infrastructure investments, which will take time to implement and may be more costly than development in Phase 4 of the Wilder development.

Map 5. Suitable Student Housing Sites, Newport



landwaves inc
WILDER

WILDER COMMUNITY MASTER PLAN
OVERALL MASTER PLAN CONCEPT
WITH PROPOSED LAND SWAP AREAS

JULY 2009
SERA
MGH

4 Tools for Housing Development

This section describes tools that are designed to lower development costs or finance the infrastructure development necessary to support development. This section's organization is based on the potential role for the City. It begins with tools that are primarily public-oriented, where the City could have a direct role in implementing the tools. The final section presents tools that are primarily used by developers, both private and non-profit.

The tools include those that can encourage student housing development, as well as those that support low-income subsidized or workforce-housing. The City may consider implementing tools to encourage development of affordable multifamily housing, aside from student housing, throughout the City.

The tools that the City may choose to use to ensure the production of student housing or encourage the production of low-income subsidized or workforce housing vary based on the location of the development (and whether there are infrastructure and services to the site), the type of housing being developed (and the financial feasibility of that housing), and the partners participating in the housing development. Below are some broad approaches that the City could use to support student housing or encourage the production of low-income subsidized or workforce housing. The City currently uses many of these tools to support development or infrastructure development.

- **Make the development process faster and smoother.** The City could make sure that obtaining entitlements for the project proceeds as quickly as possible and assign a staff member to help solve any issues and expedite the process. The City could work closely with developers, landowners, and other stakeholders to identify issues (or potential issues), and participate in identifying resolutions to the issues quickly. This type of assistance would be appropriate for student housing or low-income subsidized/workforce housing.
- **Ensure infrastructure development and availability.** The City could: establish an urban renewal district (or use an existing URA) to pay for infrastructure development, help establish a Local Improvement District to pay for capital improvements, or work with the State to obtain transportation grants. If the project is sufficiently important to the City as a whole, the City could issue a General Obligation Bond to pay for large-scale infrastructure improvements or provide other development support.
- **Provide assistance to lower development costs.** The City can use the tools identified above to reduce or eliminate infrastructure costs to the developer. The City may choose to waive or lower development fees (such

as the application fee) or reduce or waive SDCs. The City could use CDBG funds or CDBG loans (Section 108) to contribute funding to support housing development, such as low-income subsidized or workforce housing.

The mixture of tools that the City may choose to support student housing will depend, in large part, on where the housing is developed (if additional infrastructure development is needed), who the development partners are, and what tools are available to development partners. For instance, if student housing is built in an area with all the necessary infrastructure, and the developer is a nonprofit organization, the City might: (1) provide assistance to make the development process smoother and faster, (2) waive development application and other fees, (3) bring stakeholders to the table (such as the landowner, OSU, the Lincoln Community Land Trust, and the nonprofit developer) to work together on financial and other issues necessary to make the development feasible, and (4) work with stakeholders to use available funding tools such as Section 108 loans or EB5 (both of which require an economic development component, such as retail or jobs related to the operations of the student housing). If the developer is not a nonprofit and will operate the housing, the City could use a tax abatement program to lower operational costs of the housing.

If the City is trying to support development of low-income subsidized or workforce housing, the City might: (1) provide assistance to make the development process smoother and faster, (2) waive development application and other fees, (3) waive SDCs or use Urban Renewal funds (if the development is in a URA) to pay for infrastructure development, (4) donate or lease (at low cost) city-owned land for the development, (5) bring stakeholders to the table including the landowner, the Lincoln Community Land Trust, and the nonprofit developer, (6) support the developer's use of Low Income Housing Tax Credits (for low-income housing) or HUD 221d4 loans (for workforce housing), and (7) work with stakeholders to use available funding tools such as Section 108 loans or EB5 (for housing with a service-element, such as affordable senior housing). If the developer is not a nonprofit and will operate the housing, the City could use a tax abatement program to lower operational costs of the housing.

The remainder of the section describes these and other tools that are used to facilitate residential development, including market-rate or workforce housing, low-income housing, senior housing, and student housing.

4.1 Public-oriented tools

Local jurisdictions can use the following tools to lower development costs.

SDC Financing or Credits

How It Works	<p>Financing enables developers to stretch their SDC payment over time, thereby reducing upfront costs. Alternately, credits allow developers to make necessary improvements to the site or fulfill other community goals in lieu of paying SDCs. Note that the City can control its own SDCs, but often small cities manage them on behalf of other jurisdictions including the County and special districts. SDC credits for construction of qualified public improvements must be used within 10 years of the date the credit is given.</p> <p>While some programs are mainly designed to allow for efficient development of infrastructure to serve the site (such as Hillsboro and Gresham's SDC credit programs), other programs have specific community goals. Example programs:</p> <p>Portland SDC Exemption Program. The program aims to promote the development of affordable rental housing and to encourage the construction of new single-unit homes affordable to families buying their first home. Developers are exempt from paying for SDCs in four categories when affordable residential housing units meet program requirements. The categories are: transportation, water, parks and environmental services. More info: http://www.portlandoregon.gov/phb/61105</p> <p>Canby Job Creation SDC Credits. In its urban renewal area, Canby offers SDC credits for job creation of \$500 to \$2,000 per qualifying job. After paying all SDC credits up front, the City will refund SDC charges following fulfillment of job creation goals. More info: http://www.clackamas.us/business/documents/canbysdc.pdf</p>
Fund Sources	SDC fund / general fund. In some cases, there may be no financial impact.
Benefits	<ul style="list-style-type: none"> • Reduced up-front costs for developers can enable a quicker development timeframe and increase the availability of property to be taxed. • Developers can often sometimes find ways to build infrastructure more efficiently than the public sector because they can use the construction team who is already developing other site elements.
Drawbacks	<ul style="list-style-type: none"> • Reduces the availability of SDC funds over the short term.
Type of Housing	Student housing or low-income subsidized / workforce housing.

Sole Source Systems Development Charges

How It Works	Retains SDCs paid by developers within a limited geographic area that directly benefits from new development, rather than being available for use city-wide.
Fund Sources	SDC funds
Benefits	<ul style="list-style-type: none"> • Enables SDC eligible improvements within the area that generates those funds to keep them for these improvements. • Improvements within smaller areas, which can enhance the catalytic and redevelopment value of the area. • Can be blended with other resources such as LIDs and TIF.
Drawbacks	<ul style="list-style-type: none"> • Reduces resources for SDC-funded projects in a broader geography.
Type of Housing	Student housing or low-income subsidized/workforce housing.

Fees or Other Dedicated Revenue

How It Works	Directs user fees into an enterprise fund that provides dedicated revenue to fund specific projects. Examples of those types of funds can include parking revenue funds, stormwater/sewer funds, street funds, etc. The City could also use this program to raise private sector funds for a district parking garage wherein the City could facilitate a program allowing developers to pay fees-in-lieu or “parking credits” that developers would purchase from the City for access “entitlement” into the shared supply. The shared supply could both meet initial parking need when the development comes on-line but maintain the flexibility to adjust to parking need over time as elasticity in the demand patterns develop in the district and influences like alternative modes are accounted for.
Fund Sources	Residents, businesses, and developers.
Benefits	<ul style="list-style-type: none"> • Allows for new revenue streams into the City. • Many developers support fee-in-lieu programs if they are allowed to receive the same parking allocation for less money than it would cost to build and manage the space.
Drawbacks	<ul style="list-style-type: none"> • Political challenges of introducing new fees or increasing existing fees that are directed toward specific funding objectives, unless those objectives are widely supported.
Type of Housing	Student housing or low-income subsidized / workforce housing.

Public Land Disposition

How It Works	The public sector sometimes controls land that has been acquired with resources that enable it to dispose of that land for private and/or nonprofit redevelopment. Land acquired with funding sources such as tax increment, EB5, or through federal resources such as CDBG or HUD Section 108 can be sold or leased at below-market rates for various projects to help achieve redevelopment objectives.
Fund Sources	Tax Increment, CDBG/HUD 108, EB-5.
Benefits	<ul style="list-style-type: none"> • Increases development feasibility by reducing development costs. • Gives the public sector leverage to achieve its goals via a development agreement process with the developer.
Drawbacks	<ul style="list-style-type: none"> • Public agencies sometimes buy land at the appraised value because they want to achieve multiple goals, which can impact costs of future public and private acquisitions. • Requires careful underwriting and program administration to reduce public sector risk and ensure program compliance.
Type of Housing	Student housing or low-income subsidized / workforce housing, depending on the funding source.

The following tools are generally used for development of infrastructure to support housing development. Some of these tools, however, can be used directly to lower costs of housing development.

Urban Renewal / Tax Increment Finance (TIF)

How It Works	<p>Newport has an Urban Renewal District in South Beach, but the Wilder property is outside of the Urban Renewal District. Tax increment finance revenues are generated by the increase in total assessed value in an urban renewal district from the time the district is first established. As property values increase in the district, the increase in total property taxes (i.e., City, County, school portions) is used to pay off the bonds. When the bonds are paid off, the entire valuation is returned to the general property tax rolls. Urban renewal funds can be invested in the form of low interest loans and/or grants for a variety of capital investments:</p> <ul style="list-style-type: none"> • Redevelopment projects, such as mixed-use or infill housing developments. • Economic development strategies, such as capital improvement loans for small or start-up businesses which can be linked to family-wage jobs. • Streetscape improvements, including new lighting, trees, and sidewalks. • Land assembly for public as well as private re-use. • Transportation enhancements, including intersection improvements. • Historic preservation projects. • Parks and open spaces.
Fund Sources	Local taxing jurisdictions' permanent rate property tax revenues.
Benefits	<ul style="list-style-type: none"> • Over the long term (most districts are established for a period of 20 or more years), the district could produce significant revenues for capital projects. • TIF can be used to help pay for infrastructure improvements (including parking garages), and provide loans/grants for adaptive re-use and new development. • Among the most flexible incentives. For example a single project-based TIF district is possible.
Drawbacks	<ul style="list-style-type: none"> • Defers property tax accumulation by the City and County until the urban renewal district expires or pays off bonds. • Due to the sometimes slow or indirect nature of property tax growth in relation to targeted projects, urban renewal can often take five or more years to produce meaningful levels of revenue resulting in loss of project alignment. • Complex process requires extensive public involvement and community support, especially from other taxing jurisdictions. The City would need to explore options with County officials and elected leadership, tracking legislative changes in urban renewal law, and meeting with adjacent jurisdictions and overlapping taxing entities. • Use of urban renewal can be politically contentious because of its impact on funds available to overlapping taxing districts, and because of the perception that the school districts are adversely impacted. • Investing over \$750,000 in TIF directly into a new or rehab project triggers prevailing wage requirements, which can increase overall project costs by 10–20%.
Type of Housing	<p>Urban renewal funds can be used to develop infrastructure to support student housing or low-income subsidized / workforce housing.</p> <p>Urban renewal funds can be used for housing development within urban renewal districts.</p>

Local Improvement District (LID)

How It Works	A special assessment district where property owners are assessed a fee to pay for capital improvements, such as streetscape enhancements, underground utilities, or shared open space. LIDs must be supported by a majority of affected property owners.
Fund Sources	LID bonds are backed by revenue committed by property owners (which can be public as well as private).
Benefits	<ul style="list-style-type: none"> • Organizes property owners around a common goal. • Allows property owners to make payments over time to bring about improvements quickly that benefit them individually. • Improvements within smaller areas can enhance catalytic and redevelopment value of the area. • LIDs can be bundled with other resources, such as TIF.
Drawbacks	<ul style="list-style-type: none"> • Setting up fair LID payments for various property owners, who are located different distances from the improvement, is challenging. • Some lenders insist that LIDs be paid off when properties are transferred. • Small geographic areas may not have sufficient LID revenues to support bonds for the desired improvement.
Type of Housing	Can be used to develop infrastructure needed for student housing or low-income subsidized / workforce housing.

Transportation Loans and Grants

How It Works	<p>ODOT administers several grant programs that help to pay for pedestrian and bicycle improvements, including crosswalks, bike lane striping, and pedestrian crossing islands. Local governments must often match grant funding. These programs include:</p> <ul style="list-style-type: none"> • ConnectOregon. ConnectOregon focuses on improving connections and supporting local economies throughout the state. Dedicated to non-highway projects, ConnectOregon was first approved by the Oregon legislature in 2005 and has funded more than 130 marine/ports, aviation, public transit, and rail projects around the state. For ConnectOregon V, bicycle/pedestrian projects were also eligible to compete for funds. State program webpage: http://www.oregon.gov/ODOT/TD/TP/pages/connector.aspx • Statewide Transportation Enhancements Program. The Statewide Transportation Improvement Program, known as the STIP, is Oregon's four-year transportation capital improvement program. It is the document that identifies the funding for, and scheduling of, transportation projects and programs. STIP will be divided into two broad categories: Fix-It and Enhance. State program webpage: http://www.oregon.gov/ODOT/TD/STIP/Pages/about.aspx • Oregon Transportation Infrastructure Bank. The Bank is a low-interest revolving loan fund that can help to pay for transportation capital projects. These low-interest loans can be repaid with TIF, general fund, or local improvement district revenues. They provide up front monies (planning, engineering) as well as implementation funds which means cities do not need to wait for TIF build up. Need to make sure there will be a city repayment source. State program webpage: http://www.oregon.gov/ODOT/CS/FS/pages/otib.aspx
Fund Sources	State and federal funds.
Benefits	<ul style="list-style-type: none"> • Direct public investment into private projects. • Does not impact City funds.
Drawbacks	<ul style="list-style-type: none"> • Highly competitive and must meet state-identified criteria (varies by program). • For loans, need to establish a City repayment source.

Type of Housing	Can be used to develop transportation infrastructure needed for student housing or low-income subsidized / workforce housing.
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Water and Wastewater Loans and Grants

How It Works	<p>Business Oregon's Infrastructure and Finance Authority administers several loan and grant programs that help pay for water and wastewater improvements, including water, wastewater, and stormwater systems. These programs include:</p> <ul style="list-style-type: none"> • Water/Wastewater Financing Program. This program funds design and construction of public infrastructure needed to ensure compliance with the Safe Drinking Water Act or the Clean Water Act. The program gives loans and grants, depending on the type and characteristics of infrastructure being developed. It funds projects related to construction improvement or expansion of drinking water system, wastewater system or stormwater system. To be eligible for funding a system must have received, or is likely to soon receive, a Notice of Non-Compliance by the appropriate regulatory agency or is for a facility plan or study required by a regulatory agency. State program webpage: http://www.oregon.gov/ODOT/TD/TP/pages/connector.aspx • Safe Drinking Water Revolving Loan Fund. The Safe Drinking Water Revolving Loan Fund (SDWRLF) is designed for collection, treatment, distribution and related infrastructure projects. This loan program funds drinking water system improvements needed to maintain compliance with the Federal Safe Drinking Water Act. The Safe Drinking Water Fund is funded by yearly grants from the U.S. Environmental Protection Agency (EPA) and matched with funds from the state Water/Wastewater Financing Program. The program allows use of funds for activities such as engineering or designing upgrades to or construction of system improvements and equipment for water intake, filtration, treatment, storage, or transmission. Funds can also be used for acquisition of property or easements, planning and review of projects, legal or technical support of projects, or enhancements of physical security. State program webpage: http://www.orinfrastructure.org/Infrastructure-Programs/SDW/ • Drinking Water Source Protection Fund. The Drinking Water Source Protection Fund (DWSPF) is designed for the protection of drinking water sources. This loan program funds drinking water system improvements needed to maintain compliance with the Federal Safe Drinking Water Act. The program allows use of funds for activities such as engineering or designing upgrades to or construction of system improvements and equipment for water intake, filtration, treatment, storage, or transmission. Funds can also be used for acquisition of property or easements, planning and review of projects, legal or technical support of projects, or enhancements of physical security. State program webpage: http://www.orinfrastructure.org/Infrastructure-Programs/SDW/
Fund Sources	State and federal funds.
Benefits	<ul style="list-style-type: none"> • Direct public investment into private projects. • Does not impact City funds.
Drawbacks	<ul style="list-style-type: none"> • Highly competitive and must meet state-identified criteria (varies by program). • For loans, need to establish a City repayment source.
Type of Housing	Can be used to develop water, wastewater, and stormwater infrastructure needed for student housing or low-income subsidized / workforce housing.

General Fund and General Obligation Bonds are generally used to develop infrastructure or fund large public projects.

General Fund and General Obligation (GO) Bonds

How It Works	City can use general fund monies on hand or can issue bonds backed by the full faith and credit of the city to pay for desired public improvements.
Fund Sources	Property taxes are increased to pay back the GO bonds.
Benefits	<ul style="list-style-type: none"> • Community can implement public projects that can in turn catalyze other development (e.g. parking garage, transportation improvements, etc.)
Drawbacks	<ul style="list-style-type: none"> • GO Bonds require a public vote, which is often time-consuming and costly. • Raises property owner taxes (GO Bonds). • State Lending of Credit provision prohibits City from contributing directly to private sector projects.
Type of Housing	Student housing or low-income subsidized/workforce housing.

University bonds are used to build large-scale university projects, including new buildings and student residence halls.

University Bonds

How It Works	Universities can issue bonds for a range of activities, including development of student housing. University bonds can be paid over a term of up to 20 years. OSU would need to identify the appropriate type of university bond, if the University chooses to build student housing.
Fund Sources	Rents and other fees
Benefits	<ul style="list-style-type: none"> • Can provide preferential financing particularly in times when market rate borrowing requires high levels of equity. • OSU can build student housing on its own or as part of a public-private partnership.
Drawbacks	<ul style="list-style-type: none"> • Requires OSU to be willing and financially able to issue a bond for the cost of student housing.
Type of Housing	Student housing.

Community Development Block Grant and Section 108 funds are generally used for projects that meet identified community needs, such as low-income subsidized and workforce housing.

Community Development Block Grants (Federal Program, State Administered)

How It Works	Community Development Block Grants (CDBG) provide communities with resources to address a range of community development needs, including infrastructure improvements, housing and commercial rehab loans and grants, as well as other benefits targeted to low- and moderate-income persons. Lincoln County competes for CDBG funding through the Oregon Business Development Department alongside other non-metropolitan counties. In 2014, the State will award approximately \$12 million to non-metropolitan counties, with a maximum single grant award of \$3 million. ¹⁶ Lincoln County has applied for and received funding for a head start facility (2002), domestic violence shelter in Lincoln City (2005), senior center in Newport (2008), microenterprise assistance (2007-2013), and housing rehabilitation (2009). ¹⁷ The county applied for microenterprise assistance in 2014. More info: http://www.orinfrastructure.org/Infrastructure-Programs/CDBG/
Fund Sources	Federal HUD funds, administered by Oregon Business Development Department.
Benefits	<ul style="list-style-type: none"> • Track record of using CDBG funds for community development projects in Lincoln County. • Funds are fairly flexible in application. • Program has existed since 1974, and is seen as being fairly reliable.
Drawbacks	<ul style="list-style-type: none"> • Competitive and time-consuming process to secure loans/grants for individual projects. • Administration and projects must meet federal guidelines such as Davis Bacon construction requirements. • Amount of federal funding for CDBG has been diminishing over the past few years. • CDBG program is run through the state..
Type of Housing	Low-income subsidized / workforce housing. Unlikely to be used for student housing.

¹⁶ Lincoln County Board of Commissioners minutes. July 23, 2014. <http://www.co.lincoln.or.us/board/minutes/2014/July/Order%207-14-194%20BOC%20Meeting%20Minutes%20of%20July%202014.pdf>

¹⁷ Oregon Community Development Block Grant 2013 Performance Evaluation Report (PER) Covering Years 2005 through 2013. <http://www.oregon.gov/ohcs/docs/2013-Proposed-CDBG-PER.pdf>

Section 108 (Federal Program, Locally Administered)

How It Works	<p>HUD Section 108 increases the capacity of block grants to assist with economic development projects by enabling a community to borrow up to five times its annual CDBG allocation. The community pays back the revenue through project proceeds or CDBG funds. Examples of projects that were developed with HUD Section 108 funds include the Salem Conference Center and Hotel, Portland initial Saturday Market headquarters, and the adaptive reuse of a former J.C. Penney's department store in Eugene.</p> <p>If the City is exploring the use of Section 108 funds for affordable housing, it should contact the County and the state's regional coordinator to learn more about the application process, how much the City could apply for, and tips for success. Louise Birk is the Regional Coordinator for Lincoln County, 503-986-0130</p>
Fund Sources	Federal HUD funds.
Benefits	<ul style="list-style-type: none"> • Funds are fairly flexible in application. • Program has been run since 1974, and is seen as being fairly reliable. • Enables a larger amount of very low interest-rate-subordinate funding for eligible projects.
Drawbacks	<ul style="list-style-type: none"> • Competitive process to secure loans/grants for individual projects. • Administration and projects must meet federal guidelines such as Davis Bacon construction requirements. • Amount of federal funding for CDBG has been diminishing over the past few years. • CDBG program is run through Lincoln County and is not City-controlled. • If the project cannot generate enough revenue to repay the loans, the County/City will need to use the general fund or another repayment source. • May not be suitable for student housing.
Type of Housing	Low-income subsidized / workforce housing.

ECONorthwest focused the list of tax credits and abatements to ones that can be used for market-rate apartments, affordable housing, and mixed-use buildings, where housing is above active ground floor uses.

Vertical Housing Tax Abatement (State of Oregon enabled, locally adopted)

How It Works	<p>Subsidizes "mixed-use" projects to encourage dense development or redevelopment by providing a partial property tax exemption on increased property value for qualified developments. The exemption varies in accordance with the number of residential floors on a mixed-use project with a maximum property tax exemption of 80% over 10 years. An additional property tax exemption on the land may be given if some or all of the residential housing is for low-income persons (80% of area is median income or below). The proposed zone must meet at least one of the following criteria:</p> <ul style="list-style-type: none"> • Completely within the core area of an urban center. • Entirely within half-mile radius of existing/planned light rail station. • Entirely within one-quarter mile of fixed-route transit service (including a bus line). • Contains property for which land-use comprehensive plan and implementing ordinances effectively allow "mixed-use" with residential. <p>State program webpage: http://www.oregon.gov/OHCS/Pages/HFS_Vertical_Housing_Program.aspx</p>
Fund Sources	<p>General funds of local taxing jurisdictions that agree to participate—cities, school districts, counties, etc.</p>
Benefits	<ul style="list-style-type: none"> • Targeted tool to support mixed-use development in places with locational advantages. • City-controlled on project-by-project basis.
Drawbacks	<ul style="list-style-type: none"> • Reduces general fund revenues for all overlapping taxing districts. • Requires a lengthy approval process with taxing districts.
Type of Housing	<p>Student housing or low-income subsidized / workforce housing.</p>

Multiple-Unit Limited Tax Exemption Program (State Enabled, Locally Managed)

How It Works	<p>Through the multifamily tax exemption, a jurisdiction can incent diverse housing options in urban centers lacking in housing choices or workforce housing units. Through a competitive process, multi-unit projects can receive a property tax exemption for up to ten-years on structural improvements to the property.</p> <p>Though the state enables the program, each City has an opportunity to shape the program to achieve its goals by controlling the geography of where the exemption is available, application process and fees, program requirements, criteria (return on investment, sustainability, inclusion of community space, percentage affordable or workforce housing, etc.), and program cap. The City can select projects on a case-by-case basis through a competitive process.</p> <p>Use of the program in the State includes:</p> <p>City of Portland Multiple-Unit Limited Tax Exemption Program. Within eligible areas, this program allows multi-unit projects to receive a ten-year property tax exemption on structural improvements to the property as long as program requirements are met. This program limits the number of exemptions approved annually, requires developers to apply through a competitive process, and encourages projects to provide greater public benefits to the community that would otherwise be possible. The applicant must submit documentation that the anticipated rate of return for the project for the period of the exemption will not exceed 10%. In 2014, the City made \$1,210,000 in foregone tax revenue available. More info: https://www.portlandoregon.gov/phb/61191</p> <p>City of Eugene Multi-unit Property Tax Exemption Program. This program offers a property tax exemption on the new structure or incremental change in the property value of a building for a maximum of 10 years. Projects eligible for the tax exemption include construction, addition or conversion of rental or ownership multi-unit housing within the MUPTE boundary. More info: http://www.eugene-or.gov/index.aspx?NID=829</p>
Fund Sources	Local taxing jurisdictions that agree to participate—cities, school districts, counties, etc.
Benefits	<ul style="list-style-type: none"> • Targeted tool to support mixed-use development in places with locational advantages. • City-controlled on project-by-project basis. • Does not require active ground floor use. • Has been used for student housing in Eugene, Oregon. • Can be paired with other tools that incent density and allow for cost reductions. • Possible flexibility to tailor length of exemptions on a case-by-case basis, depending on the project benefits to the public. • The city can set an annual cap on the total amount of tax exemptions in any given year for all projects.
Drawbacks	<ul style="list-style-type: none"> • City must weigh the temporary (up to 10 years) loss of tax revenue against the potential attraction of new investment to targeted areas. • Reduces general fund revenues for all overlapping taxing districts, which could make it harder to promote the tool to partner jurisdictions that do not perceive the same project benefits. • Can be competitive, depending on the criteria that the City outlines. • If the City also seeks abatement from overlapping taxing districts, requires a lengthy approval process. • Some programs have requirements for local and minority businesses to complete a portion of project construction, which can extend development timelines.

	<ul style="list-style-type: none"> • Requires regular reporting. Property owners must submit to city annual audited financial statements, tax returns and 10-year operating cash flow with current rate of return. • Depending on the project criteria, can be a highly competitive process among development projects.
Type of Housing	Student housing or low-income subsidized / workforce housing.

4.2 Developer Tools

The following tools are predominantly used by the private sector, such as developers.

EB-5 (Federal Program, Administered by “Regional Centers”)

How It Works	Attracts investment dollars for new commercial enterprises that will benefit the US economy primarily by creating new jobs for US citizens. There are two versions of the program: 1) the original program that requires foreign investor to commit \$1 million for eligible projects that create at least 10 full-time direct jobs, and 2) the newer program that allows foreign investors to commit \$500,000 in eligible projects within Targeted Employment Areas that create at least 10 direct and/or indirect jobs. In return for these investments, foreigners seek US citizenship.
Fund Sources	Foreign investors.
Benefits	<ul style="list-style-type: none"> • Relatively low-cost source of equity for appropriate projects. • Projects can be construction (new or rehabilitation), or direct investments into businesses that will create required jobs. • EB5 can be bundled with many other funding sources such as TIF. • Among the most commonly sought-after projects are hotels and senior housing developments since both generate considerable jobs.
Drawbacks	<ul style="list-style-type: none"> • \$500,000 program investor projects must be in an EB-5 eligible “targeted employment area” or TEA. TEAs are areas that have unemployment rates in excess of 150% of the federal rate for a given year. TEAs are established and adjusted by the governors of each state. • Must meet job generation requirements within 2.5 years. • Investors expect to get their equity investment repaid at the end of five years. • It takes added time to secure EB5 funds, due to federally required process
Type of Housing	Student housing or affordable senior housing.

New Market Tax Credits (Federal program, Administered by a Community Development Entity)

How It Works	The New Market Tax Credits (NMTC) program is designed to attract capital investment to low-income communities by allowing investors to receive a tax credit (against their Federal income tax) in return for equity investments in Community Development Entities (CDEs), which invest in low-income communities. The tax credit is 39% of the original investment, claimed over seven years.
Fund Sources	Investors.
Benefits	<ul style="list-style-type: none"> • Relatively low-cost source of equity for appropriate projects. • Projects can be construction (new or rehabilitation). • NMTC can be bundled with many other funding sources such as TIF.
Drawbacks	<ul style="list-style-type: none"> • NMTC are only available for use in areas identified as distressed within a community. The part of Newport that is eligible is an area identified as “severely distressed” along the northern bank of the Yaquina Bay front in Newport, up to Highway 20. • Requires partnership with a CDE to receive the NMTC. • It takes added time to secure NMTC due to federally required process
Type of Housing	Student housing but the area under consideration for student housing is not eligible for NMTC.

221d4 Housing Program (Federal program)

How It Works	Provides market-rate multi-family housing developers with reduced equity requirements (20%), which can make some residential projects more feasible.
Fund Sources	Federal HUD funds.
Benefits	<ul style="list-style-type: none"> • Can provide preferential financing particularly in times when market rate borrowing requires high levels of equity.
Drawbacks	<ul style="list-style-type: none"> • Lengthy process to secure federal approval for project as well as ongoing documentation.
Type of housing	Student housing or low-income subsidized / workforce housing.

501c3 Bonds (Federal Program)

How It Works	<p>Allows nonprofits to finance nonprofit capital projects (such as student housing, education, or senior housing) by working with a government agency to get inducement resolution for the project to issue tax-exempt bonds. The tax-exempt bond is a revenue bond repaid by the rents and other fees that from the project. The nonprofit will need to identify assets to secure the bond, such as liquid assets or other property.</p> <p>Up to 5% of a project to be for profit uses, such as ground floor retail. If more than 5% of the project is for private use, the bond will require “taxable tail,” which is a taxable portion of the bond.</p>
Fund Sources	Rents and other project fees
Benefits	<ul style="list-style-type: none"> • Can pay for up to 100% of development costs • Low cost tax exempt rates • Bonds can be 20 year or longer to reduce annual payments • Once bonds are paid off the project can be sold to the private sector at market value, or transferred to a guaranteeing entity such as a city or university for a reduced amount
Drawbacks	<ul style="list-style-type: none"> • Project needs to have overwhelmingly nonprofit uses for period of the bonds • There are limits on who the project can be sold to during the life of the bond • Upfront costs are considerable, such as attorneys, bond council, and process steps with public agencies. These upfront costs can largely be included in the inducement resolution for the bond. • Less experienced nonprofits may have challenges getting inducements without public agency guarantees
Type of Housing	Student housing or low-income subsidized / workforce housing or low-income senior housing.

The following tools are for use for low-income subsidized housing and, in some cases, workforce housing.

Low-Income Housing Tax Credit (Federal Program, Administered by State of Oregon)

How It Works	<p>Provides a state income tax credit for affordable housing equity investments that help reduce the financing costs for multi-family rental units. Applications must demonstrate that the project will be maintained as affordable housing for a minimum 30-year term. To be eligible, at least 20% of units must be at or below 50% or AMI, OR 40% must be at or below 60% AMI. There are two rates:</p> <ul style="list-style-type: none"> • The "9%" credit rate. New construction and substantial rehabilitation projects that are not otherwise subsidized by the federal government earn credits at a rate of approximately 9% of qualified basis, each year for a 10-year period. "9%" credits are more powerful but also more competitive. • The "4%" credit rate. The 4% rate applies to acquisition of eligible, existing buildings and to federally-subsidized new construction or rehabilitation. The 4% rate also applies to all eligible bases in projects that are financed through the issuance of volume-cap multi-family tax-exempt bonds (the associated LIHTCs are sometimes called "as of right" credits because they are automatically attached to the volume-cap bonds). <p>State program webpage: http://www.oregon.gov/OHCS/Pages/HRS_LIHTC_Program.aspx</p>
Fund Sources	<p>Institutional investors or high net worth individuals make investments by purchasing tax credits, which infuses cash equity into a project that does not require repayment. Income tax receipts are impacted because investors' income tax payments are reduced.</p>
Benefits	<ul style="list-style-type: none"> • Targeted tool to support multi-family rentals or mixed-use development in places with locational advantages. • The credit contributes to project equity, reducing developer's out-of-pocket investment and can be a significant incentive (particularly at the 9% level) for the provision of affordable housing. • Can be blended with other resources such as TIF, property tax abatements, and housing bonds.
Type of Housing	<p>Low-income subsidized housing.</p>

Loan Guarantee Programs (Administered by State of Oregon)

How It Works	<p>Loan Guarantee and General (Lease) Guarantee Programs provide guarantees to lenders to assist in the financing of new housing construction or for the acquisition and/or rehabilitation of existing housing for low- and very low-income families. Guarantees may be up to 25 percent of the original principal amount of a loan. To participate, the lender submits an application for the loan guarantee for the project that requires the credit enhancement necessary to obtain the loan. Preference is given to projects offering long term affordability and a special needs service program</p> <p>State Program Website: http://www.oregon.gov/ohcs/pages/hfs_loan_guarantee_program.aspx</p>
Fund Sources	State of Oregon.
Benefits	<ul style="list-style-type: none"> • Provides low cost financing for up to 25% of the loan principal. • Applicable to households at or below 80% of the median family income
Drawbacks	<ul style="list-style-type: none"> • Requires State application process. • The State may restrict servicing of loans to lenders who have significant experience in the administration of multifamily housing loans and leasing. • Required to comply with State guidelines for administration requirements.
Type of housing	Low-income subsidized / workforce housing for those earning up to 80% of median family income.

Conduit Loan Program (Administered by State of Oregon)

How It Works	<p>Oregon Housing and Community Services (OHCS) provides bond issuance services for this program and does not provide credit enhancement. The Conduit Program provides funds to finance the construction, rehabilitation and acquisition of multi-unit affordable housing for lower-income households. The Conduit process assumes the tax-exempt bond allocation request is coupled with a request for 4% Low Income Housing Tax Credits (LIHTC) and possibly other OHCS funding sources. The permanent financing term is generally 30 years, but the combined construction and permanent terms may not exceed 45 years.</p> <p>State Program Website: http://www.oregon.gov/ohcs/pages/hfs_conduit_program.aspx</p>
Fund Sources	State of Oregon.
Benefits	<ul style="list-style-type: none"> • Provides flexibility in loan structure. • Is designed to work with LIHTC and other programs.
Drawbacks	<ul style="list-style-type: none"> • Requires State application process. • Requires an experienced affordable housing development team to successfully navigate the complexity of the program. • Required to comply with State guidelines for administration requirements.
Type of housing	Low-income subsidized / workforce housing.

Affordable Housing Property Tax Abatement (Locally managed, enabled by State of Oregon)

How It Works	The State allows for affordable housing property tax abatements when they are sought separately by non-profits that develop and operate affordable rental housing. Only the residential portion of a property located within a City that is used to house very low-income people, or space that is used directly in providing housing for low-income residents, is eligible for a property tax exemption.
Fund Sources	Local taxing jurisdictions' general funds—cities, school districts, counties, etc.
Benefits	<ul style="list-style-type: none"> • Targeted tool to support multi-family rentals or mixed-use development in places with locational advantages. • Can stand alone (without tax credits). For example, a non-profit housing provider can use bonds and still be eligible for an abatement, but it must apply for it separately. • Can be blended with other resources such as TIF, tax credits, and housing bonds.
Drawbacks	<ul style="list-style-type: none"> • Reduces general fund revenues for all overlapping taxing districts if property tax abatement is sought by affordable housing providers and approved by local jurisdictions.
Type of Housing	Low-income subsidized housing.

Affordable Housing Tax Credit (State managed)

How It Works	Provides a state income tax credit for affordable housing equity investments that helps reduce the financing costs for multi family rental units. Applications must demonstrate a 20 year term that the benefit of the tax credit will be entirely passed on to reduce rents for the tenants. Program webpage: http://www.oregon.gov/ohcs/pages/hrs_ohatc_program.aspx
Fund Sources	Institutional investors or high net worth individuals makes investments. State general fund is impacted.
Benefits	<ul style="list-style-type: none"> • Targeted tool to support multi-family rentals or mixed-use development in places with locational advantages. • The credit contributes to project equity, reducing developer's out-of-pocket investment and can be a significant incentive for the provision of affordable housing. • The state allows for affordable housing property tax abatements, which are applied for separately.
Drawbacks	<ul style="list-style-type: none"> • Highly competitive process.
Type of Housing	Low-income subsidized / lower income workforce housing.

5 Next Steps

This chapter presents the next steps for the City of Newport, Lincoln County, and Oregon State University for supporting student housing development to meet the needs of the HMSC expansion. City and County staff and decision makers are aware of the potential negative impacts of student housing growth on Newport's housing market, in the absence of student housing development. They want to support the HMSC expansion where possible, especially in ensuring that students have housing in Newport and that student growth does not exacerbate Newport's housing market, which has an existing deficit of affordable low-income and workforce housing.

The City and County have clearly express support of HMSC expansion. In particular, the City and County have clearly expressed support for proactive planning and development of student housing associated with the HMSC expansion. The City and County have expressed their commitment to working with OSU to identify and work together to resolve issues that arise with expansion of the HMSC, especially issues related to ensuring development of student housing.

The following recommendations are based on discussions with the Advisory Committee, as well as discussions with Newport staff.

- **The City and County should express preference for direct and proactive involvement from OSU in student housing development.** The City of Newport City Council and Lincoln County Board of County Commissioners should express their preference for OSU taking an active role in development of student housing in Newport, rather than depending on the housing market to ensure that student housing is built. The City and County can express their preference for proactive involvement by OSU by resolution.

OSU could play an active role in student housing development in the following ways: (1) OSU could develop and operate student housing, (2) OSU could work with a private developer to develop student housing and OSU would master lease and operate the housing facility, or (3) OSU could work with a private developer who would build and manage the housing facility as an OSU Affiliate.

The City of Newport and Lincoln County prefer that OSU have greater involvement in operations of the student housing development. OSU could either develop and operate the student housing facility or OSU could work

with a private develop developer to develop student housing and OSU manage and operate the housing facility. We recommend that the City and County formally express a preference by resolution for either of these roles for OSU's in student housing.

- **Given the limited number of available sites that meet the criteria for student housing development, OSU should be proactive in securing a development site.** The criteria for a site for student housing include: a location south of the Yaquina Bay Bridge, outside of the tsunami inundation zone, access to urban infrastructure (such as transportation, sewer, and water), and other criteria. This project identified several areas that meet the criteria for student housing. However, there are relatively few sites in Newport that both meet these criteria and are development-ready (or could be made development-ready relatively quickly).

One of these areas, Phase 4 of the Wilder development, is serviced and could be ready for development relatively quickly. The two other sites would require infrastructure investments to make them development ready, which would take more time and may be more expensive. For example, the BGB parcel would require annexation, re-zoning, and infrastructure development.

Outside of the Wilder development and adjacent parcels, there is no land in Newport that meets the criteria as well for student housing. Other areas pose bigger challenges, such as more costly infrastructure development or transportation challenges for students.

ECONorthwest recommends that the OSU secure a property for development or obtain an option to purchase (or lease) a property as soon as possible. Wilder is proceeding with Phase 4 of development and the flexibility to incorporate student housing will decrease over time. Other sites may become unavailable for development, if landowners make other development plans.

- **OSU should develop a phasing strategy for HMSC expansion that includes managing student growth and timing of student housing development.** An important part of ensuring that students have housing in Newport as the HMSC grows is timing the development of student housing with the growth of students in Newport. If too much student housing is built before there is enough student growth, then housing might be vacant, which is a significant concern for developers. If not enough student housing is built to meet student growth, then students will have to rent housing in Newport (increasing pressure on the Newport housing market) or find housing in nearby communities (requiring automotive commuting to HMSC).

There are a number of ways to address this challenge. OSU can use existing housing at HMSC as a way to house students as HMSC expansion begins and if, after some student housing is built, more students come to HMSC before enough housing is built. In addition, there may be opportunities to work with developers to build student housing that also meets the needs of typical Newport renters, so that student housing could be rented to non-students easily.

We recommend that OSU develop a phasing strategy for HMSC expansion that includes managing the timing of student growth with student housing development.

- **The City, County, OSU, and OCCC should continue to work together to facilitate expansion of the HMSC and student housing development.** We recommend that the City, County, OSU, and OCCC continue to actively collaborate on HMSC expansion. We also recommend that each party ensure that other stakeholders, both public and private, are brought into the collaboration and into partnerships.

As OCCC continues to grow and expands its programs, it may attract more out-of-area students, some of whom may be interested in living with OSU students. A growing pool of students, both OCCC and OSU students, will be more attractive to private developers, who may be interested in building additional student housing after the initial OSU student housing is built.

In addition, other marine science or educational programs may have an interest in the student housing opportunities associated with the HMSC expansion. For example, OMSI's Coastal Discovery Center or the Oregon Coast Aquarium may have interns or AmeriCorps staff who would prefer to live in student housing.

We recommend continued collaboration by way of establishing a standing, active steering committee to guide collaboration among the public agencies and with other stakeholders.

- **The City of Newport, Lincoln County, and other cities in Lincoln County should continue to coordinate about issues related to housing and the HMSC expansion that may affect the entire county.** ECONorthwest recommends that the County and all of the cities in Lincoln County continue to actively collaborate on issues related to HMSC expansion, especially housing. While undergraduate students are most likely to need housing in South Beach, HMSC's faculty, staff, and some graduate students may prefer to live in other parts of Lincoln County.
- **The City and County should work together, and with other cities in the County, to decide whether to offer a multiple-unit tax exemption.** This tax exemption could be used to encourage development of multifamily,

student housing, and other housing in Newport or other cities in Lincoln County.

Other communities in Lincoln County may be interested in using this tool to encourage multifamily housing and would benefit from Newport and Lincoln County's experience in implementing it. Lincoln County and Newport should engage other cities in the County in the discussion about potential use of multiple-unit tax exemptions.

We recommend that the City of Newport and Lincoln County further evaluate the multiple-unit tax exemption. If there is interest in using the program, the first step is to identify one or more specific areas in Newport, where the City wants to encourage student or multifamily development, to implement the tax exemption. We also recommend customizing the tool by identifying the criteria for use of the tool (such as return on investment, sustainability, inclusion of community space, percentage affordable or workforce housing, etc.) and consider establishing a program cap.

- **The City and County should work together, and with other cities in Lincoln County, to evaluate options for using CDBG or Section 108 funds to encourage development of multifamily housing that includes low-income and workforce housing.** One of the ways to decrease potential impact of student growth on Newport's housing market is to encourage development of more multifamily housing, such as low-income subsidized and workforce housing. Two funding sources that other cities in Oregon use to support this type of housing development are CDBG and Section 108 loans.

We recommend that the City, County, and other cities in Lincoln County evaluate options to use CDBG funds or Section 108 loans to support multifamily housing development, as possible.

- **The City of Newport should consider options for offering SDC financing or credits to encourage multifamily or student housing development.** The City already offers SDC credits. The City should weigh the trade-offs in lowering SDCs to encourage multifamily or student housing development. Lower SDCs may make it more financially viable for private developers to build multifamily housing. This change might result in increased multifamily development. However, lowering SDCs for multifamily may require increasing SDCs for other development types or replacing the lost funds through a different fee or funding mechanism.

The City should review their SDC methodology and decide whether to adjust the methodology to lower SDCs for multifamily (including student) housing.

- **The City of Newport should evaluate whether areas in and around the Wilder development are zoned to allow for enough student housing and**

other multifamily housing development. The City should work with property owners around the Wilder development and the Oregon Department of Transportation to coordinate the amount, type, and density of residential development in this area. If necessary, the City of Newport should adjust the zoning in this area to allow for development of student housing and other multifamily housing.

- **The City of Newport should encourage and facilitate development of retail and service amenities in South Beach.** These amenities would include a grocery store, restaurants, banks, and other retail and services to serve students, residents, and employees in South Beach. Some opportunities for development of such amenities include:
 - *Highway 101 and 35th Street.* The City recently acquired a site for redevelopment at Highway 101 and 35th Street. The Newport Urban Renewal Agency will manage redevelopment of this site. Redevelopment of this site may focus on development of amenities and services to serve businesses and residents in South Beach, as well as visitors traveling on Highway 101.
 - *Highway 101 and 40th Street.* This site provides the opportunity for development of retail and services for businesses and residents in South Beach, as well as visitors traveling on Highway 101. Private developers could work together to develop this site.
 - *Commercial development in Wilder.* The plans for the Wilder development include incorporating commercial uses, such as a coffee shop or services such as a fitness facility.
- **The City of Newport should make policy amendments, as necessary, to support student housing development and HMSC expansion.** Policy amendments may include amendments to the Comprehensive Plan, expressing support for student housing development and HMSC expansion. If necessary, the City could change implementing ordinances to allow or encourage student housing development or HMSC expansion. In addition, the City should consider policy changes that support using tools, such as the multiple unit tax exemption, to encourage student housing and multifamily development.

We recommend that the City adopt policy amendments, such as the following Comprehensive Plan amendments:

Policy: The City of Newport will encourage development of multifamily housing, including student housing, throughout the City in areas that allow multifamily development. Increasing the supply of multifamily housing is crucial to meeting the needs of Newport's workforce and lower-income households, as well as to supporting student growth at the Hatfield Marine Science Center. The City will

identify and implement appropriate tools to support multifamily and student housing development.

Implementation Measure 1. The City of Newport will work with Lincoln County to evaluate the use of the multiple unit tax exemption to support multifamily development. If the City and County choose to offer the multiple unit tax exemption, they will work together to identify the area(s) to apply the tax exemption, develop criteria for offering the tax exemption, and set criteria for using the program (such as a programmatic cap).

Implementation Measure 2. The City of Newport will work with Lincoln County to evaluate the use of CDBG and Section 108 funds to support development of subsidized low-income and (where applicable) workforce multifamily housing.

Implementation Measure 3. The City of Newport will work with property owners around the Wilder development and the Oregon Department of Transportation to coordinate the amount, type, and density of residential development in this area. If necessary, the City of Newport will adjust the zoning in this area to allow for development of student housing and other multifamily housing.



CITY MANAGER'S REPORT AND RECOMMENDATIONS

Agenda #: VI.C
Meeting Date: February 17, 2015

Agenda Item:

Public Hearing and Possible Adoption of Resolution No. 3704 - Supplemental Budget for 2014-15

Background:

At the February 2 City Council meeting, a six month financial report was provided to the Council showing various revenues and expenditures that have occurred between July 1 and December 31 of 2014. As indicated at that time, Finance Director Mike Murzynsky was developing a supplemental budget to make several adjustments to the budget based on activity occurring during the first six months of the fiscal year and to address issues that were not contemplated at the time of the budget. One significant change is the creation of a City Attorney cost center to reflect the fact that the City Council has hired an in-house attorney instead of contracting out all legal services. In order to make this budget adjustment, we are consolidating individual legal services line items from a number of budgets to create a city attorney department budget. These changes end up being a wash within each of the funds. The way we will handle costs for activities outside the General Fund handled by the City Attorney will be through estimated charges for services from that fund to the General Fund to cover City Attorney time. Please note that in several line items we have left contracted attorney services where Speer Hoyt is being utilized yet in this fiscal year. These changes simply shift already appropriated funds from individual department line items to a city attorney departmental cost center without increasing the overall budget in any of the affected funds.

There are several other actions recommended in the supplemental budget including transferring \$75,000 from contingency to material and services for the work authorized by the City Council for the emergency sewer repairs conducted on Highway 101 and NW 15th Street. \$175,000 remains left in the contingency line item in wastewater. \$5,000 is recommended to be shifted from police personnel services to police personnel and services for the purchase of body cameras for department personnel.

There is a shift of \$100,000 from the SE Ferry Slip Road improvement project to the SW 35th and Highway 101 street improvement project to address ODOT's desire to move up preliminary work regarding the SE 35th Street and Highway 101 project for engineering costs.

A final amendment is to address issues that became apparent after the Siletz intake station was shut down at the end of the season. As you may be aware, the city reservoirs contain sufficient water during the winter and spring in order to keep up with the demand for drinking water within the City of Newport. For the balance of the year, the city pumps water from the Siletz River into the reservoirs to supplement the natural flow of water in order to meet the water demands. This summer, one of the pumps began experiencing

extreme vibration and was taken out of service. At the end of the pumping season, a second pump was observed to have vibration problems, so the pumps were examined after they were shut down at the end of the season. Since we've experienced two failures this season, it is the recommendation of the City Engineer that, prior to the required time to begin pumping from the Siletz, we pull all three pumps to be rebuilt including new propellers and bowl wear rings. Based on a worst case scenario, new valves would need to be purchased in addition to the pump work for a total cost of \$120,000 to complete this rebuild. \$175,000 was budgeted in contingency for the Water Fund in fiscal year 2014-15. I believe it is important to address these issues at this time based on the critical nature for having efficiently operating pumps at the Siletz intake station as we approach our summer season.

Recommended Action:

I recommend that the City Council consider the follow motion:

I move the adoption of Resolution No. 3704 with attachment "A", a resolution adopting a supplemental budget for the fiscal year 2014-15 and making appropriations and changes.

Fiscal Effects:

Sufficient funds are available to address these various recommended modifications to the 2014-15 fiscal year budget.

Alternatives:

None recommended.

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read "S. R. Nebel".

Spencer R. Nebel
City Manager



Agenda Item # _VI (C)

Meeting Date Jan 17, 2015

CITY COUNCIL AGENDA ITEM SUMMARY
City Of Newport, Oregon

Issue/Agenda Title: Supplemental Budget - Resolution 3704

Prepared By: MM Dept Head Approval: _____ City Mgr Approval: _____

Issue Before the Council:

- 1) City Council has hired a new City Attorney and we have built an operating budget for him. It turns out that we have rearranged the Legal Services line within the General Fund, Public Works Admin and Park and Recreation to fund operations. The changes are listed on the attachment A, see numbers one through four.
- 2) The \$75,000 reallocation in Wastewater is related to the City Council acting as the Local Contract Review Board and the "Authorization to Award Contract to Central Coast Excavating for Sanitary Sewer Repair on Hwy 101 at NE 15th Street" held on January 20th. This supplemental budget memorializes the reallocation of contingency, see number five.
- 3) Number six is related to the Police Department cost shift of personnel savings to Materials and Services to purchase eleven units of body cameras.
- 4) Number seven adjust appropriations due to ODOT moving up the SE 35th & Hwy 101 project, this will cover the City's share of engineering costs.
- 5) Number eight is needed to for Public Works to repair or replace three high service pumps at the Siletz intake station. This is related to the third item listed on tonight's Local Contract Review Board Agenda.

Staff Recommendation:

Staff recommends the adoption of the supplemental budget and making appropriation changes in the funds as detailed on Attachment "A" to Resolution No. 3704.

Proposed Motion:

I move to adopt Resolution No. 3704 with Attachment "A", a resolution adopting a supplemental budget for fiscal year 2014-15 and making appropriations and changes.

Attachment List:

- 1) Resolution 3704 - A RESOLUTION ADOPTING A SUPPLEMENTAL BUDGET FOR FISCALYEAR 2014-15, MAKING APPROPRIATIONS AND CHANGES
- 2) Attachment A - Supplemental Budget Hearing

**CITY OF NEWPORT
RESOLUTION NO. 3704**

**A RESOLUTION ADOPTING A SUPPLEMENTAL BUDGET FOR FISCAL YEAR 2014-15,
MAKING APPROPRIATIONS AND CHANGES**

WHEREAS, the City of Newport's 2014-15 budget requires the making and changes of appropriations including appropriation increases, decreases and transfers for specific funds; and

WHEREAS, under the provisions of Oregon Local Budget law, fund accounts are required to reflect sufficient authorized appropriations consistent with available resources; and

WHEREAS, appropriation authority may be made by transfers of appropriations within organizational units, transfers within categories of expenses and/or transfers of contingency appropriations within a specific fund when authorized by official resolution of the governing body as provided by ORS 294.463.

WHEREAS, ORS 294.471 requires a supplemental budget when the estimated expenditures will create a new appropriation category or line-item and such public hearing was held in accordance with ORS 294.473;

THE CITY OF NEWPORT RESOLVES AS FOLLOW: that this supplemental budget is hereby adopted and hereby provides for (1) reallocation of department legal services in the General Fund of \$64,150 to the new City Attorney budget with related charge for services in the amount of \$12,300 from the Public Works Administration and Parks departments; (2) adjusts and makes changes to Material & Services and the Contingency Account by \$75K; and amends the Wastewater Fund budget; and (3) adjusts and makes changes to Material & Services and the Personal Services line items; and amends the Police departments budget in the General Fund by \$12K; (4) adjusts and makes changes to Project 14003 SE Ferry Slip Road Activity and Reallocates \$100K to Project 13018 SE 35th & Hwy 101; and amends the Capital Projects Fund budget; (5) adjusts and makes changes to Capital Projects in the Water Treatment Plant program and allocates \$120K of the Contingency Account; and amends the Water Fund budget. Attachment "A" sets forth the supplemental budget requirements for the two funds and such Attachment "A" is incorporated herein.

This resolution will become effective immediately upon passage.

Adopted by the Newport City Council on January 17, 2015.

Sandra Roumagoux, Mayor

Attest:

Margaret M. Hawker, City Recorder

CITY OF NEWPORT, OREGON

Attachment A

NOTICE OF SUPPLEMENTAL BUDGET PUBLIC HEARING

A public hearing on a proposed Supplemental Budget for the City of Newport, Oregon, for the fiscal year July 1, 2014 to June 30, 2015, will be held in the City Council Chambers at 169 SW Coast Hwy, Newport, Oregon. The hearing will take place on February 17, 2015 at 6:00 PM. The purpose of the hearing is to discuss the Supplemental Budget with interested persons.

A copy of the Supplemental Budget document may be inspected or obtained on or after February 11, 2015 at the City Finance Department, 169 SW Coast Hwy, Newport, Oregon between the hours of 8:00 AM to 5 PM.

SUMMARY OF PROPOSED SUPPLEMENTAL BUDGET CHANGES
Amounts Shown Are Revised Totals In Those Funds Being Modified

General Fund - City Attorney			
Number	1		
Resource	Amount	Expenditure	Amount
Charge for Service from Public Works Admin	5,600	Personal Services	67,500
Charge for Service from Public Works Engineerin	5,600	Materials & Services	8,950
Charge for Service from Parks & Recreation	1,100		
Reallocation of Legal Services - General Fund	64,150		
Charge for Service from Public Works Engineering			
Revised Total Resources	76,450	Revised Total Requirements	76,450

Comments: To setup the new City Attorney's budget in the General Fund. Within the General Fund, Legal Services will be reallocated between the following cost centers: City Council \$16,600, City Manager \$23,090, Court \$590, Human Resources \$3900, Police \$5,500, Fire \$1,500, Planning \$12,300 and Non-Departmental \$700. Outside of the General Fund, Public Works Admin & Engineering will reallocate \$5,600 and Parks & Recreation will reallocate \$1,100.

Public Works - Admin & Engineering			
Number	2		
Resource	Amount	Expenditure	Amount
		Legal Services - Public Works Admin	(5,600)
		Legal Services - Public Works Engineering	(5,600)
		Charges for Services - City Attorney	11,200
Revised Total Resources	-	Revised Total Requirements	-

Comments: Reallocate legal services for PW Admin and Engineering for City Attorney Budget.

Parks and Recreation Fund			
Number	3		
Resource	Amount	Expenditure	Amount
		Legal Services	(1,100)
		Charges for Service - City Attorney	1,100
Revised Total Resources	-	Revised Total Requirements	-

Comments: Reallocate legal services for Parks & Recreation for City Attorney Budget.

General Fund			
Number	4		
Resource	Amount	Expenditure	Amount
		Legal Services - City Council	(16,600)
		Legal Services - City Manager	(23,090)
		Legal Services - Court	(560)
		Legal Services - Human Resources	(3,900)
		Legal Services - Police	(5,500)
		Legal Services - Fire	(1,500)
		Legal Services - Planning	(12,300)
		Legal Services - Non-departmental	(700)
		Reallocation to City Attorney budget	64,150
Revised Total Resources	-	Revised Total Requirements	-

Comments: To reallocate general fund legal services for new City Attorney budget.

Wastewater Fund			
Number	5		
Resource	Amount	Expenditure	Amount
		Wastewater Collections:	
		Material & Services	75,000
		Contingency	(75,000)
Revised Total Resources	-	Revised Total Requirements	-

Comments: To allocate \$75,000 of Wastewater Contingency to Wastewater collections to cover the emergency repairs of sewer line at NE 15th Avenue and Highway 101 and subsequent repaving work.

General Fund - Police			
Number	6		
Resource	Amount	Expenditure	Amount
		General Fund - Police Personal Services	(12,000)
		General Fund - Police Material & Services	12,000
Revised Total Resources	-	Revised Total Requirements	-

Comments: To allocate savings in the Police Personal Services (wages & benefits) to materials & services to purchase eleven body camera units.

Capital Projects Fund			
Number	7		
Resource	Amount	Expenditure	Amount
		Capital Projects - 6110	
		Capital Outlay - Construction Projects	
		14003 SE Ferry Slip Rd Street Impr Prj	(100,000)
		13018 SE 35th & Hwy 101 Street Impr	100,000
		Total Capital Projects - 6110	-
Revised Total Resources	-	Revised Total Requirements	-

Comments: To adjust appropriations due to ODOT moving the SE 35th & Hwy 101 project up in their calendar. The transfer will cover the City's share of the engineering costs until the 2015-16 budget is developed.

Water Fund			
Number	8		
Resource	Amount	Expenditure	Amount
		Water Treatment Plant	
		Capital projects - WTP	120,000
		Contingency	(120,000)
			-
Revised Total Resources	-	Revised Total Requirements	-

Comments: To fund the repair or replacement of the three high service pumps at the Siletz intake station. Also, the three related check valves are in a state of disrepair so these will be replaced at the same time.



CITY MANAGER'S REPORT AND RECOMMENDATIONS

Agenda #: VII.B
Meeting Date: February 17, 2015

Agenda Item:

Authorization to Purchase 3 Vertical Turbine High Service Pumps and 3 Check Valves for the Siletz River Raw Water Intake Station

Background:

As discussed in the report regarding a supplemental budget, staff is recommending replacement of 3 vertical turbine high service pumps and 3 check valves for the Siletz raw water intake station. Quotes were solicited to have the pumps rebuilt. Based on the cost of rebuilding the pumps versus replacing the pumps it is our recommendation that we proceed with replacing the pumps for \$87,681 (versus \$80,000 as a complete rebuild is needed including the propeller and bowl wear rings). We would also recommend that the Council authorize the replacement of valves (if needed). This will not be known until the pumps have been pulled. If all three valves cannot be repaired, then the cost to replace three valves would be \$28,824, this would be the worst case scenario. Please note that other quotes are to be solicited from alternate manufacturers of the pumps and this information will be shared with the City Council on Tuesday.

Recommended Action:

I recommend that the City Council, acting as the Local Contract Review Board, consider the following motion:

I move to authorize staff to purchase 3 - Fairbanks 12M 7-Stage Vertical Turbine Service Pumps from Granich Engineered Products, Inc. of Seattle, WA in the amount of \$87,681.00.

I move to authorize staff to purchase 3 APOC Slanting Disc Check Valves from Bay Valve Service in the amount of \$28,824.

Fiscal Effects:

The appropriation as recommended in the supplemental budget will provide a sufficient appropriation to cover these expenses.

Alternatives:

Staff will be receiving additional cost information through Friday. If there is an alternate proposal received that is in the city best interest then we will bring a modified recommendation for the Council's consideration.

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read "S. R. Nebel".

Spencer R. Nebel
City Manager



Agenda Item # VII.B
Meeting Date February 17, 2015

CITY COUNCIL AGENDA ITEM SUMMARY
City Of Newport, Oregon

Issue/Agenda Title: Authorization to purchase 3 - Vertical Turbine High Service Pumps and 3 - Check Valves for the Siletz River Raw Water Intake Station

Prepared By: TEG Dept Head Approval: TEG City Manager Approval:

Issue Before the Council:

Authorization to purchase 3 - Vertical Turbine High Service Pumps and 3 - Check Valves for the Siletz River Raw Water Intake Station

Staff Recommendation:

Approve the purchase

Proposed Motion:

I move to authorize staff to purchase 3 - Fairbanks 12M 7-stage vertical turbine service pumps from Granich Engineered Products, Inc. in the amount of \$87,681.00 or from another cost competitive vendor who can meet the design specifications and installation timetable.

I move to authorize staff to purchase 3 - APCO Slanting Disc Check Valves from Bay Valve Service in the amount of 28,824.00.

Key Facts and Information Summary:

In the summer of 2014, one of the high service pumps at the Siletz Intake Station began experiencing extreme vibration and was taken out of service. It is necessary to run all three pumps to meet the full water right at the Siletz Station and since this pump was down, the upper reservoir dropped approximately 12' in elevation. This is estimated to be approximately 1/2 of the City's total raw water storage. The City generally runs the pumps at the Siletz Intake Station beginning in May or June through October.

Near the end of the pumping season, a second pump was observed to be vibrating, and wearing the bushings out of the new mechanical seal. When the pumps were shut down at the end of the season, the motors from the two vibrating pumps were sent in for service and had new bearings installed. After the motors were reinstalled it was observed that both pumps were still vibrating badly.

City staff solicited quotes to have the pumps rebuilt. The cost to pull the 40' long pumps is approximately \$15,000 so it makes sense to have all of the pumps serviced at the same time since

they are the same age. The low bid cost to rebuild the three pumps was \$63,398, and does not include impeller and bowl wear rings. If these need to be replaced, which is likely, total repair cost would be about \$80,000. The cost to replace the pumps with brand new pumps of the same manufacturer is \$87,681. At this cost, it makes sense to purchase new pumps which would include a 1 year warranty.

Each pump has a check valve on the discharge end which prevents water from back flowing from the distribution line through the pump while it is not operating. Running water backwards through the pumps runs the pump backwards which causes damage. The line pressure at the discharge end of the pumps is very high, at 210 psi, so the check valves need to be in perfectly working order and maintained regularly. The valves will be serviced while the pumps are out, but the vendor is unsure he will be able to get parts if needed because the valves are old and no longer manufactured. If the valves can be repaired we will do so, but if they cannot, new valves will need to be purchased. The cost to repair the valves, is \$4,070 per valve (\$12,210 for all three). If the valves cannot be repaired, the cost to replace the valves is \$9,608 per valve (\$28,824 for all three).

Other Alternatives Considered:

Costs are being solicited for alternate manufacturers of the pumps, however they will need to fit into the bases and motor mounts from the existing pumps. Quotes are due from manufacturers this Friday, February 13th, 2015. We are unsure whether another manufacturer can fit into the existing space and meet the same performance criteria and delivery deadline. If the City chooses to purchase the Fairbanks pumps, the order must be submitted by February 20th to allow for delivery and installation by the beginning of May.

City Council Goals:

None.

Attachment List:

The estimates and memo from Steve Stewart, Water Treatment Plant Supervisor, are attached.

Fiscal Notes:

A budget transfer is being proposed to Council tonight to transfer \$120,000 from Water Contingency to the Water Treatment Plant operational budget (303-3310-7003). \$175,000 was budgeted in contingency in FY15 and the year was started with a healthy beginning fund balance so the funds should be available.



Quote

Authorized Municipal Representative
Pentair Fairbanks Nijhuis

To: City of Newport, OR
169 SW Coast Hwy
Newport, OR 97365
Attn: Steve Stewart
Phone: 541-574-5871
E-mail: s.stewart@newportoregon.gov
Project: Siletz River Pump Station

2/3/2015

Granich Engineered Products proposes three (3) new replacement Fairbanks 12M 7-stage turbine pumps at the Siletz River Pump Station, including the following:

- Labor and crane to remove motors and set on customer supplied dollies for storage
- Labor and crane to remove and reinstall vents on top of building
- Removal of pumps
- Shipping cost for new pumps to jobsite
- New 12M 7-stage turbine pumps including the following:
 - Cast iron bowls, epoxy coated interior
 - 316 SS investment cast impellers
 - 316 SS impeller wear rings
 - Bronze bowl wear rings and bowl bearings
 - Bronze 4) 8" threaded open lineshaft threaded columns 1 1/2" shafting / open / threaded
 - 1 1/2" 416 lineshafting
 - Bronze bearing retainers with neoprene lineshaft bearings
 - 16.5 x 6D cast iron discharge head with 6" 250 lb. flange
 - 6x8 adapter to 8" columns
 - Factory Assembly
 - Full 1-year Warranty
- New mechanical seal and seal sleeve for Pump #1
- Re-installation labor and crane, including re-use of seal sleeves and mechanical seals from Pump #2 and 3, re-installation of motors, and flush piping
- Startup and testing on-site

TOTAL BID COST:.....\$87,681.00

NOT INCLUDED:

- Electrical labor to disconnect or connect motors
- Flush water piping or valving for Pump #1
- Additional parts other than named above
- Disposal of old pumps



TERMS: NET 30

SCHEDULE: Pumps are guaranteed to ship in May if order is received no later than Feb 20.

Regards,

A handwritten signature in black ink, appearing to read "John Hayes", written in a cursive style.

John Hayes
Granich Engineered Products, Inc.
1313 South 96th Street
Seattle, WA 98108
206-315-2940
Fax: 206-315-2939
Cell: 360-481-4801
E-mail: johnh@granich.com
Website: www.granich.com

FAIRBANKS WARRANTY: Seller warrants equipment (and its component parts) of its own manufacture against defects in materials and workmanship under normal use and service for one (1) year from the date of installation or start-up, or for eighteen (18) months after the date of shipment, whichever occurs first. Seller does not warrant accessories or components that are not manufactured by Seller however, to the extent possible, Seller agrees to assign to Buyer its rights under the original manufacturer's warranty, without recourse to Seller. Buyer must give Seller notice in writing of any alleged defect covered by this warranty (together with all identifying details, including the serial number, the type of equipment and the date of purchase) within thirty (30) days of the discovery of such defect during the warranty period. No claim made more than 30 days after the expiration of the warranty period shall be valid.

See KC585 for additional terms of warranty.



Bid

Authorized Municipal Representative
Pentair Fairbanks Nijhuis

1/28/2015

To: City of Newport, OR
169 SW Coast Hwy
Newport, OR 97365
Attn: Steve Stewart
Phone: 541-574-5871
E-mail: s.stewart@newportoregon.gov
Project: Siletz River Pump Station

Granich Engineered Products proposes repair of the existing Fairbanks 12M 7-stage turbine pumps at the Siletz River Pump Station, including the following:

- Labor to remove motors and set on customer supplied dollies for storage
- Labor to remove and reinstall vents on top of building
- Removal of pumps and set on truck for shipment
- Shipping cost to and from jobsite to our shop for rebuild
- Labor and parts to rebuild pumps, including the following for each:
 - Suction Bowl Bearing
 - Intermediate Bowl Bearings
 - Top Bearing
 - Connector Bearing
 - Stuffing Box Gasket
 - 416 Main Pump Shaft, Lineshafts, and Couplings
 - Lineshaft Bearings
 - Lineshaft Sleeves
- Additional mechanical seal, stuffing box w/ bushing, and seal sleeve for Pump #1
- Re-installation labor, including re-use of seal sleeve and mechanical seals from Pump #2 and 3, re-installation of motors, and flush piping
- Startup and testing on-site

TOTAL BID COST:..... \$63,398.00

ADDER FOR NEW IMPELLER WEAR RINGS IF REQUIRED:..... EACH \$488.00

ADDER FOR NEW BOWL WEAR RINGS IF REQUIRED:..... EACH \$294.00

NOT INCLUDED:

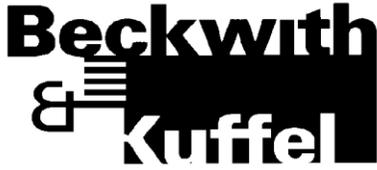
- Electrical labor to disconnect or connect motors
- Flush water piping or valving for Pump #1
- Additional parts other than named above



Regards,

A handwritten signature in black ink, appearing to read "John Hayes".

John Hayes
Granich Engineered Products, Inc.
1313 South 96th Street
Seattle, WA 98108
206-315-2940
Fax: 206-315-2939
Cell: 360-481-4801
E-mail: johnh@granich.com
Website: www.granich.com



Seattle, WA Office
 1313 S. 96th Street
 Seattle, WA 98108
 Tel: 206-767-6700
 Toll Free: 800-767-6700
 Fax: 206-767-6230

Vancouver, WA Office
 1614 NE 99th Street
 Vancouver, WA 98665
 Tel: 360-573-6700
 Toll Free: 800-767-6700
 Fax: 360-573-1368

Emergency Service
 24 Hours
 365 Days a Year
 www.b-k.com

Service Quote

Proposal # 15-00216-119
Date: 1/22/2015

To: City Of Newport
Attn: Steve Stewart

Phone #: (541) 265-7421
Fax #:
Email: s.stewart@newportoregon.gov

Steve:

We propose to furnish the equipment, parts or service as described in, and in accordance with, proposal #15-00216-119—all pages and attachments. Beckwith & Kuffel terms and conditions of sale apply.

BK Job #: Later

PO: Later

Equipment: Siletz River- Raw water pumps- Fairbanks Morse 12M 7 stage/ 45'

Inspection Findings:

TBD a time of inspection. No other materials or labor will be provided without approval of the City of Newport.

Repair Scope:

Travel to site from Beckwith & Kuffel

Overnight stay(2 men)

Arrive in am

Provide crane and rig out pumps and motors (motors to be left on site) (electrical by others)

Provide 50" truck and trailer to transport to Beckwith & Kuffel shop.

Return travel to Beckwith & Kuffel

3 pumps as per work scope;

Disassemble and inspect- measure and document all fits and clearances.

Sandblast and clean parts.

Replace all line shafting

Replace Stuffing box (on 1 unit) and gasket

Replace shaft sleeve (on 1 unit)

Provide (1) new mechanical seal

Replace all bushings and bearings

Replace all line shafting

Replace all threaded shaft coupling couplings



Balance all impellers to G2.5 @1770RPM
 Assemble units
 Paint per requirement
 Prepare for shipment

Installation; (transportation of pumps and crane coordinated and provided by Beckwith & Kuffel)(electrical by others)

Travel to site (2-men)
 3 nights stay- expenses(2 – men)
 3 days on site installation and start up
 Return travel to Beckwith & Kuffel

Notes: Additional quotation may be required after inspection. Any additional parts labor will be quoted after inspection.

Estimated Repair Cost: \$66,250.00
 =====

Quoted by: Jesse Smith

See following page(s) for additional notes.

Washington State Sales Tax may apply to this order. Please see the following:

1. **Customers located in Washington State** must pay Washington sales tax on all sales delivered or picked up within Washington State unless Beckwith & Kuffel Inc. has a current resale or exemption tax certificate on file for your company. We have listed below all current resale and exemption certificates on file for your company. If your company has a certificate on file with Beckwith & Kuffel Inc., and the information below is accurate and current, please advise whether sales tax is to be applied at the time of order. If no certificate is on file and this purchase is NOT subject to sales tax, please include the applicable certificate along with your order.

2. **Customers located outside Washington State DO NOT PAY** Washington sales tax on items purchased provided the goods are delivered out of state; however, various nexus agreements between the states may require collection of local sales tax for drop shipped items. If the goods are picked up or delivered to the customer in Washington State, state law requires sales tax to be paid unless the company provides a certificate as described in 1 above. WAC 458-20-193. An Oregon corporation must obtain a corporate nonresident permit from the Washington State Department of Revenue in order to purchase goods in Washington without payment of Washington retail sales tax.

3. **For customers who are federal agencies**, the purchase is not subject to sales tax. Please note on your purchase order that the order is tax exempt.

4. **All Washington State agencies, counties, cities and other local government units like school districts** are subject to state sales taxes on their purchases. WAC 458-20-189

Sales tax exemption certificate information currently on file for your company is as follows:

No Washington State sales tax exemption certificates are on file for your company.

Duration: Quote valid for 30 days from date of quote.

Warranty: Includes Manufacturer's Standard Warranty.

Credit: Subject to Credit Dept. Approval.

Payment Terms: Net 30 Days. Projects over \$100,000 may be subject to progress payments.

FOB: Factory

Freight: Inbound freight billed as a separate item. Outbound freight Prepaid & Added if shipped via UPS. All other outbound freight collect.