



CITY COUNCIL REGULAR SESSION AGENDA
Tuesday, September 06, 2016 - 6:00 PM
Council Chambers - 169 SW Coast Highway, Newport, Oregon 97365

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

1. CALL TO ORDER AND ROLL CALL

2. PLEDGE OF ALLEGIANCE

3. 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

4. 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.

4.A. Oath of Office - James Folmar, Police Officer and Brad Purdom, Police Sergeant

5. 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.

5.A. Approval of Minutes of August 15, 2016 Meeting

[August 15, 2016.docx](#)

5.B. Approve the Minutes of the August 15, 2016 Work Session

[August 15, 2016.docx](#)

5.C. Approve the Minutes of the August 15, 2016 Executive Session

5.D. Confirmation of the Mayor's Appointment of John Burgund to the Public Arts Committee for a term expiring 12/31/18.

[City Manager Report and Recommendation -- Confirm Mayors Appt to Public Arts Comm.pdf](#)

[John Burgund Application - Public Arts Committee.pdf](#)

5.E. Approval of a Recommendation to the OLCC for a Change of Ownership of a Full On-Premises Sales License for a Commercial Establishment located at 715 SW Hubert Street.

[City Manager Report and Recommendation-OLCC License Transfer.pdf](#)

[JJ Ho 8-30-16.pdf](#)

[JJ Ho OLCC App.pdf](#)

6. 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.

6.A. A Public Hearing and Possible Adoption of Ordinance No. 2103, an Ordinance Amending the Newport Comprehensive Plan, Zoning Maps, and Approving Proposed Revisions to the Phase I, Wilder Plan Development.

[City Manager Report and Recommendation -- Public Hearing-Adopt Ord. No. 2103-Amend Npt Comp. Plan-Wilder Subdivision.pdf](#)

[Maps of Samaritan House Multifamily Housing & Daycare.pdf](#)

[Agenda Summary](#)

[Ordinance No. 2103](#)

[Ordinance Attachments](#)

[7-25-16 Planning Commission Meeting Minutes](#)
[SCRIPT for Council Hearing on Phase 1 Wilder.pdf](#)
[Samaritan House Multi.docx](#)

6.B. Public Hearing and Adoption of Ordinance No. 2102 Reducing the Number of Members of the Wayfinding Committeea

[City Manager Report and Recommendation -- Public Hearing-Adopt Ord. No. 2102-Wayfinding Membership.pdf](#)
[Ord. No. 2102 - Composition of Wayfinding Committee.docx](#)

7. COMMUNICATIONS

Any agenda items requested by Mayor, City Council Members, City Attorney, or any presentations by boards or commissions, other government agencies, and general public will be placed on this part of the agenda.

7.A. From the Lincoln Community Land Trust - Establishing a Work Plan to evaluate City of Newport Participation in the Final Year of the Memorandum of Understanding

[City Manager Report and Recommendation -- Work Plan Review-Lincoln County Land Trust.pdf](#)
[LCLTMemo to CityManager8-25-16.pdf](#)

8. CITY MANAGER'S REPORT

All matters requiring approval of the City Council originating from the City Manager and departments will be included in this section. This section will also include any status reports for the City Council's information.

8.A. Possible Adoption of Amendment No. 1 to an Intergovernmental Agreement between the City of Newport and Port of Newport Regarding Participation in the Bayfront Parking System Improvements

[City Manager Report and Recommendation -- Intergovenmental Agreement between City of Port.pdf](#)
[Agenda Summary](#)
[Amendment No. 1 to City - Port IGA](#)
[Original City - Port IGA](#)
[Ordinance No. 2098](#)

8.B. Approval of a Memorandum of Understanding between the City of Newport, the Newport Urban Renewal Agency, and Landwaves for Acquisition of SE 50th Street and SE 62nd Street Rights-of-Way

[City Manager Report and Recommendation -- MOU -- City-UR-Landwaves-Street Rights of Way.pdf](#)
[Agenda Summary](#)

[Landwaves Suggested Edits to MOU](#)
[Final Draft of the MOU and Exhibit Map](#)

8.C. Authorization of an Agreement with the Federal Aviation Administration for the Purchase of Land at the Airport

[City Manager Report and Recommendation -- Authorize Agreement with FAA for Airport.pdf](#)

[Newport 024 \(ONP\) Grant Agreement.pdf](#)

[AIP 24 land map Airport Land Acquisition 2016.pdf](#)

[Newport 024 \(ONP\) Grant Letter.pdf](#)

8.D. Consideration and Possible Adoption of Resolution No. 3762 - A Resolution Requesting Funding from U.S. Department of the Interior Bureau of Reclamation for a WaterSMART Water Grant.

[City Manager Report and Recommendation -- Resolution No. 3762 -- WaterSMART.pdf](#)

[Staff Memo RE WaterSMART grant 9-6-16.docx](#)

[Res. No. 3762 - WaterSmart Grant.docx](#)

8.E. Consideration and Possible Adoption of Resolution No. 3760 Creating a Vision 2040 Advisory Committee

[City Manager Report and Recommendation -- Visioning 2040 Advisory Committee.pdf](#)

[Res. No. 3760 - Creating a Vision 2040 Advisory Committee.docx](#)

8.F. Use of Funding for Beautification Efforts in the City of Newport

[City Manager Report and Recommendation -- Beautification of Public Areas.pdf](#)

[RFP - Personal Services Agreement for Landscaping Consultant Services - 8-29-16.docx](#)

8.G. Report on Possible Acquisition of Property Located on the Northeast Corner of US Highway 101 and Angle Street.

[City Manager Report and Recommendation -- Property Acquisition for Parking near City Hall.pdf](#)

8.H. Request for an Administrative Hold on Rocky Creek Storage Water Application

[City Manager Report and Recommendation -- Hold on Rocky Creek Water Storage Application.pdf](#)

[Staff Report - Administrative Hold Request - Rocky Creek Water Right Application R-88041 9-6-16.docx](#)

[Proposed Final Order - R-88041.pdf](#)

[Pages from WaterWatch Protest to Proposed Final Order.pdf](#)

[Mid Coast Watershed Council Water Right letter.docx v 8.16.16.pdf](#)

[Letter from Stewards of Rock Creek 8-17-16.pdf](#)

9. LOCAL CONTRACT REVIEW BOARD

9.A. Approval of Amendment No. 2 to Task Order No. 14 with Brown & Caldwell, Inc. for Construction Engineering Services for the Big Creek Pump Station Project
[City Manager Report and Recommendation -- LCRB - Amendment No. 2-Task Order 14.pdf](#)
[Staff Report - Amendment #2 to TO #14 - Brown and Caldwell 9-6-16.docx](#)
[Amendment #2.pdf](#)

9.B. Authorization of a Notice of Intent to Award for Agate Beach Stairway Improvement Project
[City Manager Report and Recommendation -- Intent to Award Agate Beach Stairway.pdf](#)
[Combined Drawings Set Vol 3 6-29-16.pdf](#)
[Confirmed Bid Tab - Stairway Improvements.pdf](#)
[NOIA Agate Beach Recreation Improvements - Stairway 8-31-16.docx](#)

10. 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.

11. 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.

12. ADJOURNMENT

August 15, 2016
6:00 P.M.
Newport, Oregon

CITY COUNCIL MEETING

ROLL CALL

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

Staff in attendance was: Spencer Nebel, City Manager; Peggy Hawker, City Recorder/Special Projects Director; Steve Rich, City Attorney; Derrick Tokos, Community Development Director; Tim Gross, Public Works Director; Rob Murphy, Fire Chief; Mike Murzynsky, Finance Director; and Mark Miranda, Police Chief.

PLEDGE OF ALLEGIANCE

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

PROCLAMATIONS, PRESENTATIONS, AND SPECIAL RECOGNITIONS

A Moment of Silence in Memory of the Victims of the City Center Motel Fire.

Roumagoux requested a moment of silence in memory of the victims of the City Center Motel fire that occurred on August 5.

Nebel noted that staff wanted to provide a brief report on the tragic fire that occurred on Friday, August 5.

Murphy stated that the Fire Department had received a report of possibly one unit on fire at the City Center Motel. He noted that when the Police Department arrived, the structure was fully on fire. He added that the Fire Department arrived in several minutes and found four or five units fully involved, with a brisk north wind, and the fire spreading rapidly. He reported that he requested an increased mutual aid response including ladder trucks from Toledo and Lincoln City, and fire engines from the other departments. He stated that the main objective was to stop the spread of the fire. He added that the Police Department began accounting for hotel guests, while the Fire Department worked on establishing more hose lines and placement of ladder trucks. Murphy reported that as soon as it was safe, a search of the units, that were on fire initially, was conducted. He added that support was also received from the Public Works Department which provided a crew and excavator. He noted that the Police Department volunteers were also involved, and that a total of 96 people responded to this fire, and of that number, 46 were from the city. He stated that he was satisfied with how the response went, and the incredible support received from individuals, businesses, and groups. He noted that the fire is still being actively investigated. He reported that overall, there were nine engines, three ladder trucks, four rescue vehicles, three command vehicles, police vehicles, ODOT, and the Red Cross disaster team. He stated that this fire; the recent fire on Fifth Street; and the

December landslide demonstrate how the city's departments work together in crisis situations.

Murphy responded to Council questions regarding the age of the structure and other associated issues. He added that there are two investigations; one conducted by the Police Department, and the other by the Fire Department and the state.

Nebel reported that these were the first fire casualties since 2000. He expressed appreciation for everyone involved in this incident and follow-up. He reminded everyone that this fire is under investigation, and not to compromise that effort. He added that staff will be reviewing various codes and processes to determine whether changes are needed. He stated that he will share information with Council when it is available.

Murphy reiterated that the Red Cross was at the fire and supported 50 people.

Dick Beemer reported that he spent 28 years as Fire Department volunteer, and has maintained friendships in the department. He noted that there were lots of firefighters and equipment for a small county at this recent fire scene. He suggested that Council consider whether the city can afford not to have a fire prevention officer.

PUBLIC COMMENT

Linda Neigebauer addressed Council regarding the difficulty of obtaining a quorum at Wayfinding Committee meetings. Allen suggested reducing the composition of the Committee from seven to five members. Nebel noted that an ordinance, affecting this change, could be presented at the next meeting. He added that he will be taking a comprehensive look at the committees within the next few months

CONSENT CALENDAR

The consent calendar consisted of the following items:

- A. Approval of minutes from the City Council meeting of August 1, 2016;
- B. Approval of minutes of the work session of August 1, 2016;
- C. Approval of minutes of the City Council meeting of August 4, 2016;
- D. Approval of an OLCC license for the Best Western Agate Beach Inn/Starfish Grill, 3019 North Coast Highway.

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

COMMUNICATIONS

From the Planning Commission - Recommendation to Establish an Ad Hoc Advisory Committee for the System Development Charge/Construction Excise Tax Study. Hawker introduced the agenda item. Nebel reported that Council has allocated funding to review and update System Development Charges for the city. He stated that the city issued an RFP soliciting consulting services to assist in updating the SDC methodology. He added that this will include assessing the viability of establishing a construction excise tax for affordable housing, which was authorized by the State Legislature earlier this year. He noted that the Planning Commission has reviewed the possible membership of this

committee, which would include: Jim Patrick from Dolphin Construction (also Planning Commission Chair); Jeff Waarvick, a local attorney; Dustin Capri, Capri Architecture; Tim Gross, City Engineer; Rich Belloni, Lincoln County School District; David Craig, Oregon State University; Blake Phillips, Oksenholt Construction; Allen Wells, real estate broker with Commercial Associates; and Joanna Troy of the Lincoln County Housing Authority. He added that it would be appropriate for Council to appoint a member to serve on this Committee. He stated that it is anticipated that the Committee would meet approximately six times between September and May of 2017.

MOTION was made by Saelens, seconded by Engler, to create a System Development Charge/Construction Excise Tax Study Ad Hoc Advisory Committee, and appoint Jim Patrick, Jeff Waarvick, Dustin Capri, Tim Gross, Rich Belloni, David Craig, Blake Phillips, Allen Wells, and Joanne Troy to this committee, with Councilor Sawyer serving on the Committee to represent the City Council to work with the review of SDC methodologies projects with the construction excise tax options, and to provide a report to the Planning Commission and City Council on recommended actions regarding SDC charges. The motion carried unanimously in a voice vote.

From the Sister City Committee - Report on the 2016 Adult Exchange to Mombetsu, and the Student Exchange from Mombetsu to Newport, as Part of the 50th Anniversary of the Sister City Agreement. Hawker introduced the agenda item. Nebel reported that he and Engler were part of an eleven-member delegation that participated in a Sister City visit to Mombetsu, Hokkaido, Japan to celebrate the 50th Anniversary of the Sister City agreement between Mombetsu and Newport. He stated that a detailed report on the exchange is included in the packet.

Nebel reported that Newport hosted a student delegation from Mombetsu. He expressed appreciation for the coordination of this visit by Ted DeWitt and Daniela Crowder.

Nebel reviewed the history of the Sister City celebrations this year. He noted that an adult delegation visited in May of this year; an adult delegation visited Mombetsu from Newport this year; and a student delegation visited Newport in August of this year.

Nebel reported that the Sister City coordination is transitioning from Mark and Cindy McConnell who have been instrumental in the program for two decades. He stated that he would like Council to consider the formal creation of a Sister City Committee.

Nebel and Engler talked about their experiences during their visit to Mombetsu.

Ted DeWitt and Daniela Crowder reviewed the recent student exchange to Newport. At the conclusion of their comments, they displayed gifts that will ultimately be given to the city, but included a tea service. Both Crowder and DeWitt agreed to continue participation with the Sister City program in Newport.

Photographs from the student visit and the Newport visit to Mombetsu were displayed and discussed.

CITY MANAGER'S REPORT

Consideration of Report and Recommendation on the Memorandum of Understanding with the Lincoln Community Land Trust, Lincoln City, and Lincoln County. Hawker introduced the agenda item. Nebel reported that on August 1, 2016, Council held a work session to discuss whether the city should continue participating in a Memorandum of

Understanding with Lincoln City and Lincoln County with the Lincoln Community Land Trust (LCLT). He stated that Council reviewed the history of the LCLT and the city's relationship with Lincoln City and Lincoln County in establishing this MOU, and outlined various options for proceeding with the LCLT. He noted that during the work session, Council members raised several questions which were forwarded to the LCLT and Lincoln City for response. He added that these questions included whether the county and Lincoln City would have proceeded if the City of Newport had not originally concurred with participating in the funding of \$30,000 per year for three years. He stated that Allen followed up with a clarification to this question, which reflected on the MOU as amended in early 2015, when a decision was made to contract out the staffing for the LCLT to Proud Ground. He noted that the packet contains responses to the original question and the follow-up question.

Nebel reported that the second question related to whether the city could maintain a regular membership in LCLT, and participate in the activities if it chose to reduce funding to a regular member funding level. He stated that a third question was whether the LCLT would be self-supporting after the third year. He added that the fourth question was whether the LCLT was still committed to home ownership with a land lease as the only model for meeting workforce housing objectives. He noted that the fifth question related to expenses incurred from July 1, 2015, through January 4, 2016, in the event that the city terminates the agreement and opted to pay one-third of the cost incurred prior to that notification.

Nebel reported that the packet contains information associated with responses to Council questions.

Nebel provided a brief history of the LCLT and the city's relationship with the organization. He also reviewed LCLT actions.

Nebel reviewed options for moving forward with the LCLT, including: reaffirm the city's commitment to participate in the partnership through the third and final year of the MOU; terminate the MOU with no further payments to the LCLT; prorate the second payment for 2015/2016 based on the January 4, 2016 suspension of payment date with Council terminating the agreement and forwarding \$15,000 to the LCLT; calculate the expenses incurred for the first six months of the fiscal year and pay an amount equivalent to 1/3 of that commitment and terminating the agreement which would amount to \$23,421 divided by three, which equals \$7,807; or pay the 2015/2016 commitment of \$30,000 and terminate the agreement.

Nebel reported that he recommends Council continue the commitment it made in July 2014 to the City of Lincoln City and Lincoln County to provide start-up funds for the LCLT.

Diane Linn, Executive Director of Proud Ground, which manages the LCLT, addressed Council. She stressed the importance of the MOU with Lincoln County, Lincoln City, and the LCLT, and urged Council to reaffirm its commitment.

Allen noted that County Commissioner Hall does is not a volunteer, but rather a County Commissioner making \$85,000 annually. He added that Max Glenn, as a City Councilor from Yachats, is actually a volunteer. Linn reported that Hall has gone the extra mile on housing issues and is in line for statewide recognition for his housing efforts.

Max Glenn, Yachats City Council, addressed Council regarding the importance of the partnership. He stated that his first involvement with housing was in 2005 when Hall convened a summit on homelessness in Lincoln County. He added that he has been working with land trusts since the 1970's. He thanked Council for convening the July 12

housing meeting on incentives. He encouraged Council to support the continuation of the MOU with the LCLT.

Eileen Obteshka stated that LCLT has operated outside the public process and should be held accountable. She stated that a letter of apology is insufficient.

Allen stated that initially the funding from the three entities was to be used to support a full-time staff person with benefits. He added that since there is not a benefitted employee, but rather a contract with Proud Ground, and to date, only \$57,000 has been spent by Proud Ground, whether contributions of \$30,000 are still required to produce a positive affordable housing outcome. He asked whether other Lincoln County cities have been approached about contributing toward this effort. Glenn stated that Yachats has continued annually to pay its fair share. He added that Yachats has a real housing crisis with finding affordable and long-term rentals for the workforce.

Marletta Noe stated that she is tired of being told that she has to provide for people who will be making more money than she.

Allen reiterated his question as to whether \$30,000 from each jurisdiction is still needed. Linn explained that Proud Ground has coordinated a group of people whose expertise can be tapped when needed, and is therefore getting a higher value for the dollar than without a team. She stated that Proud Ground concluded that it is better to hold resources in reserve, and that it has projects that she hopes will move forward soon. She added that Proud Ground has six months' reserve, and that the intent was to find the best value for the dollar and save resources for additional homes for more families.

Saelens urged caution if the Council opts to sever the MOU. He also stated that while he works for Lincoln County, Hall has not been his supervisor for six or seven years. He added that he thinks the city should honor its commitment and continue with the MOU.

Engler noted that she is glad to see people who are passionate about housing. She stated that the LCLT is putting the cart before the horse with this housing model, and added that this money could be better spent elsewhere.

Allen stated that he would like to get a sense as to whether the other two jurisdictions would continue if Newport opted out of the MOU. He added that the second issue is that he is not disputing Hall's housing efforts, but wanted to differentiate between a true volunteer and a paid person providing public service.

Busby stated that he has been opposed to this proposal since the beginning. He noted that one of his greatest objections is that the program provides a tremendous benefit for a very small number of people. He stated that this is not the right solution for housing at this time.

Sawyer stated that this is a sad situation. He added that there continues to be a homeless issue; the middle class are struggling; and there is a vacation rental dwelling issue. He noted that this is all encompassing, and the city does not have a single answer. He expressed concern that, in the original agreement, the LCLT and Proud Ground were not provided a list of potential usable city properties. He noted that he does not think that opting out of the MOU is the best course. He stated that the LCLT is going to have to show results in the next year.

Saelens stated that without Swanson in attendance, this issue could go either way, and he prefers to resolve the issue. Busby asked whether the MOU would continue if the motion failed.

MOTION was made by Sawyer, seconded by Saelens, to confirm financial participation with the Lincoln Community Land Trust for the 2015/2016 Fiscal Year, and

the 2016/2017 Fiscal Year in accordance with the Memorandum of Understanding, as amended. Voting aye were Sawyer, Saelens, and Roumagoux. Voting no were Busby, Engler, and Allen. The motion failed.

Allen noted that when Swanson returns, it would not be a tie vote. He added that he is trying to find middle ground. He stated that he is willing to make a motion that would make payment for the 2015/2016 Fiscal Year, and hold any payment for the 2016/2017 Fiscal Year until better information, and an action plan, is available from Proud Ground. He added that based on the information from Proud Ground, Council can decide whether to make payment for the third fiscal year. Busby stated that he would probably support that motion because it is the lesser of two evils.

Allen asked what kind of performance standards Council would like to see before making the final payment. He noted that he would like to see an agenda item regarding performance standards in collaboration with the LCLT.

MOTION was made by Allen, seconded by Saelens, to make payment to LCLT for the second fiscal year of the MOU, which is the 2015/2016 Fiscal Year, and to withhold payment for the third fiscal year until further progress reports are received from Proud Ground, and performance standards are established. The motion carried in a voice vote with Engler voting no.

Adoption of Priorities for Affordable/Workforce Housing. Hawker introduced the agenda item. Nebel reported that Council had several work sessions on workforce and affordable housing strategies. He stated that Council reviewed potential opportunities, including: establishing a multiple-unit tax exemption program to incentivize construction of multi-family rental housing; assessing city-owned properties to identify which ones may be suitable for land banking; supporting with other taxing entities a policy to forego tax revenue from the sale of foreclosed property if the property is to be used for an affordable workforce housing purposes; investigating the city's relationship with the Community Service Consortium to improve citizen access to the CDBG funds that the agency is managing on the city's behalf; exploring opportunities to incentivize the construction of affordable or workforce housing units with reductions in system development charges; evaluating the viability of adopting alternative street standards to the Transportation System Plan and Subdivision Codes to reduce infrastructure costs for new development; evaluating opportunities to leverage Northside Urban Renewal funds in redevelopment projects that will create new affordable and workforce housing units; participating in regional and affordable housing forums with partner agencies and stakeholders; reviewing opportunities to utilize newly adopted statewide legislation to incentivize affordable or workforce housing; and continuing to assist Habitat for Humanity in the development of housing at SE 10th and South Pine Streets. He added that the packet contains additional information regarding these potential strategies.

Nebel reported that these ten strategies were reviewed by Council, and there was general consensus to direct staff to work on these priorities to create tools to assist in the development of affordable and workforce housing in the city. He noted that a work session was held, on July 12, with elected officials and staff members from Yachats, Waldport, Toledo, Lincoln City, Depoe Bay, Lincoln County, Siletz Tribe, and the City of Newport to discuss the possibility of creating general policies to make Lincoln County more attractive for the development of affordable/workforce housing.

Nebel reported that while he was in Coos Bay attending the Coast Economic Summit last week, he met with Kerry Kemp, City Manager of Waldport, and Caroline Bauman, from the Lincoln County Economic Alliance, to take the next steps regarding the discussions held by this group last month. He stated that it was suggested that the elected officials and appointed officials from the various governments work with the Lincoln County Economic Alliance to move these policy discussions forward on a countywide basis. He added that as a result of the meeting earlier this week, three working groups have been identified that could be created to deal with the policy questions regarding affordable and workforce housing in Lincoln County. He added that this information will be forwarded to the cities, county, and tribe with a request for representation from those agencies to refine possible policies and bring recommendations back to the representatives of the various local governments for a follow-up discussion. He noted that after follow-up discussion, specific policies can then be considered by the cities, county and the tribe so that there would be a consistent set of policies on a county-wide basis to encourage this type of development.

Engler stated that the city needs to determine the needs and look at the whole community; not just students. She added that the list of strategies should be prioritized, and suggested the possibility of relocating the skateboard park and utilizing that property for housing.

Nebel noted that if Council would like a work session to prioritize the strategies, that it could be arranged. Saelens noted that the strategies were developed as policy guidance and can be revisited at any time. Engler stated that Council needs to examine the impact of short-term rentals. She added that unbeknownst to Council, the Don Davis property was being looked at for affordable housing. She added that housing priorities need to be determined, and if city-owned property is to be utilized; Council should provide input.

Tokos reported that a full buildable land inventory was prepared in 2012, and the 2014 study on student housing builds on the earlier inventory. He noted that a lot of work has been performed to identify priorities and needs and to develop strategies for addressing housing issues. He added that the strategies can be addressed separately and do not need to be sequential.

Engler stated that interested private developers should be engaged more, including Willamette Housing in Corvallis. Tokos noted that working with private developers would fit into several of the identified priorities.

MOTION was made by Saelens, seconded by Allen, to accept the ten policy strategies outlined in Attachment A, and direct staff to begin working on specific policies relating to these strategies for future consideration by the City Council. The motion carried unanimously in a voice vote.

Preliminary Financial Report for the Fiscal Year Ending June 30, 2016. Hawker introduced the agenda item. Nebel reported that the Finance Department has completed the preliminary financial reports for the fiscal year that ending June 30, 2016. He noted that these are pre-audited financial statements and there will be certain adjustments that will impact the ending of fund balances as additional revenues are collected for bills issued prior to June 30, and for any audit adjustments that are made as part of the annual audit.

Nebel reported that this report speaks well for the improvements and processes the Finance Department has implemented in providing this report to Council within six weeks

of the close of the fiscal year. He added that the other good news is that all appropriation costs centers for the operational departments have closed the year under the appropriated amounts. He noted that this indicates that the departments are managing their funds within the appropriated amounts. He reported that staff will continue to improve providing accurate projections for the ending fund balance for the current fiscal year that is used as a basis for budgeting the upcoming fiscal year.

Busby asked about the draw down in the Transient Room Tax Fund. He also noted that Council has not received a cost variance report on capital projects since May. Murzynsky stated that he will bring this report to Council monthly.

LOCAL CONTRACT REVIEW BOARD

The City Council, acting as the Local Contract Review Board, began meeting at 8:45 P.M.

Authorization of Change Order No. 9 - Closing Out the Contract with KSH Construction for the Ferry Slip Road Improvement Project. Hawker introduced the agenda item. Nebel reported that three separate contracts were awarded for work on Ferry Slip Road, Safe Haven Hill, and Abalone Street. He stated that these contracts have all been completed, and that as part of a new standard practice, staff is including quantity adjustments for construction contracts in a final change order for review and approval by Council. He noted that in this project, the quantity overruns amounted to \$240,923, while the quantity underruns amounted to \$37,574. He stated that by approving a balancing change order, the final amount authorized by Council will be the same that was paid to the contractor for the work. He noted that in addition to the quantities actually used on this project, there were a number of other changes authorized in the field for the Ferry Slip Road Improvement Project, bringing the total change order to \$272,784.66.

MOTION was made by Sawyer, seconded by Saelens, to authorize the execution of Change Order No. 9, in the amount of \$272,784.66, with KSH Construction in order to close out the Ferry Slip Road Improvement Project. The motion carried unanimously in a voice vote. Allen asked whether there was any issue with the Urban Renewal Agency not being involved, and Nebel noted that money would be returned to the URA.

RETURN TO CITY COUNCIL MEETING

The City Council returned to its regular meeting at 8:50 P.M.

REPORT FROM MAYOR AND COUNCIL

Roumagoux reported that she selected the Mayor's Award at the annual quilt show on August 4.

Roumagoux reported that on August 4, she participated in the City Council welcome of the student delegation from Mombetsu.

Roumagoux reported that on August 8 and 9, she participated in the Oregon Coast Economic Summit in North Bend. She noted that there was non-stop information and many interesting sessions.

Roumagoux reported that she attended the OCCA annual board meeting on August 10 at which the McConnell's were recognized for their work in the city.

Sawyer reported that the Lincoln County Fair will be held this weekend.

Sawyer reported that the Highway 20 closures have begun. He recommended adjusting travel and checking before using the highway.

Saelens reported that the Parks and Recreation Advisory Committee has not met this month. He noted that the tickets to the Albacore Cook-Off sold out early.

Busby stated that he is looking forward to the written responses to his questions related to the contract with the Newport News-Times.

Engler reported that she participated in welcoming, and seeing off, the Mombetsu student delegation.

Engler reported that the Bicycle/Pedestrian Advisory Committee met last week and continued reviewing its priorities. She noted that the Committee also discussed existing plans to use an abandoned railroad right-of-way as a trail to Agate Beach.

Engler reported that she attended the OCCA annual board meeting at which the McConnell's were recognized.

Allen reported that OSU President Ray had made a decision to locate a facility in a tsunami inundation zone. He suggested that, rather than OSU having to ask for a height variance for a vertical evacuation zone, the city consider amending its zoning code to allow for a greater height limit. There was general agreement of Council to utilize this approach.

Allen reported that he had a brief discussion on the skate park issue, noting that there is an on-line petition and a recent letter to the editor on this matter. It was noted that Nebel will contact the person who is spearheading this effort and have a report for Council next month. Nebel reported that Rich met with the individual and heard a number of specific issues after which he sent a message to affected departments. It was noted that the departmental responses will be a part of the comprehensive report to Council.

Allen reported that the League of Oregon Cities Board of Directors had met on August 3 and established legislative priorities. He stated that the top four priorities are: property tax reform; restore recreational immunity; comprehensive multimodal transportation funding and policy package; and PERS reform. He noted that three additional priorities that may be worked on, time permitting, included: housing assistance programs; water supply development; and mental health issues.

PUBLIC COMMENT

Eileen Obteshka addressed Council regarding utilizing the parking lot near Don Davis Park for overflow parking. She stated that her customers often have to circle the block multiple times in search of a parking place. Tokos noted that the Zoning Code contains pavement requirements for parking lots. Gross stated that the city has to hold itself to the highest standards and adhere to the city's own codes. Engler asked whether there has been parking enforcement this year, and Nebel reported that there has been aggressive parking enforcement with many tickets being issued. Allen asked whether there was anything, procedurally, that would prevent the city from developing a policy that allows

during high usage times. Tokos reported that it can be done, but would require a legislative amendment through the zoning ordinance. He added that feedback has been received and the issues are being worked through by the parking study. Nebel stated that there will be further discussions on the staff level regarding this issue. Terry Obteshka asked whether the PAC events could be classified as special events. Gross stated that using this lot for 20 weekends would decimate it. Tokos reiterated that temporary parking arrangements are being explored as a part of the parking study.

ADJOURNMENT

Have no further business, the meeting adjourned at 9:19 P.M.

Margaret M. Hawker, City Recorder

Sandra N. Roumagoux, Mayor

August 15, 2016
Noon
Newport, Oregon

The Newport City Council met in a work session at the above time in Conference Room A of the Newport City Hall. On roll call, Roumagoux, Engler, Saelens, Allen, Sawyer, Swanson, and Busby were present.

Also in attendance was Lola Jones from Samaritan House.

Staff present was City Manager Nebel, City Recorder Hawker, Community Development Director Tokos, and City Attorney Rich.

DISCUSSION REGARDING HOUSING RECEIVERSHIP ORDINANCE

Rich reported that the draft receivership ordinance is a combination of that of Portland and Medford. He reviewed the draft ordinance.

Busby asked whether a lien would take priority over the first mortgage holder. Saelens noted that this appears to be a method to get properties cleaned up or move them onto something else. Busby asked whether the city would issue contracts to clean up properties, and Rich noted that this would be the responsibility of the receiver. Nebel asked whether the city would typically be the receiver. Sawyer asked whether Portland's experiences are similar to those in Newport. Busby asked whether a property owner could use as a defense the fact that there are worse structures. Nebel reported that in Sault Ste. Marie, the city had a Blight Committee that dealt with some of these types of issues. Allen and Sawyer stated that they are not in favor of another layer of bureaucracy. The process to arrive at the receivership process was discussed. Allen noted that nuisance steps would be used before the receivership process.

A discussion ensued regarding foreclosed properties. Sawyer stated that he does not like to see houses sitting vacant when there is so much need in the community. He noted that when the PUD pulls the meters from houses, they are damaged. He suggested applying pressure to the bank owners and the PUD to keep the heat on in the vacant and foreclosed homes to minimize damage to the house.

Allen suggested the Community Service Officer work with his supervisor to develop a check list to find properties for the nuisance and ultimately receivership process.

Nebel noted that this ordinance should help. Council concurred that it wished to move the ordinance forward.

DISCUSSION OF MEMORANDUM OF UNDERSTANDING WITH LANDWAVES FOR ACQUISITION OF SE 50TH STREET AND SE 62ND STREET RIGHTS-OF-WAY

Tokos reviewed the maps and easements associated with the memorandum of understanding with Landwaves for the acquisition of rights-of-way on SE 50th and SE 62nd Streets. He noted that the easement would be converted to a public road right-of-way. He

noted that Bonnie Serken is interested in naming the street. He added that the value of the rights-of-way will be determined by an appraisal.

Allen noted that there are references to agreement and memorandum of understanding in the document, and agreement references should be changed to memorandum of understanding for consistency.

Tokos reported that this issue would be presented to the Urban Renewal Agency and the City Council for consideration.

EXECUTIVE SESSION PURSUANT TO ORS 192.660(2)(e) TO DISCUSS REAL PROPERTY TRANSACTIONS

MOTION was made by Engler, seconded by Swanson, to enter executive session pursuant to ORD 192.660(2)(e) to discuss real property transactions. The motion carried unanimously in a voice vote, and Council entered executive session at 1:04 P.M.

MOTION was made by Engler, seconded by Sawyer, to leave executive session and return to the work session. The motion carried unanimously, and Council returned to its work session at 1:35 P.M.

SKATE PARK

Saelens asked about the skate park issue that was brought up by Mr. Getting. Nebel reported that Rich and Roumagoux both met with Getting, and staff is pulling together responses to his issues. He added that once those responses are received and compiled, he will share the information with the Council and Getting.

ADJOURNMENT

Having no further business, the meeting adjourned at 1:54 P.M.

CITY MANAGER REPORT AND RECOMMENDATIONS



Meeting Date: September 6, 2016

Agenda Item:

Confirmation of the Mayor's Appointment of John Burgund to the Public Arts Committee for a term expiring 12/31/18.

Background:

The Public Arts Committee has recommended that the Mayor appoint John Burgund to serve a term that would expire on 12/31/18.

Recommended Action:

I recommend that the City Council confirm the Mayor's appointment of John Burgund to the Public Arts Committee for a term to expire on 12/31/18.;

Fiscal Effects:

None.

Alternatives:

Do not confirm the appointment, or as suggested by the City Council.

Respectfully Submitted,

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

Spencer R. Nebel

Date: 5-20-16

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): _____

PUBLIC ARTS COMMITTEE

Name: JOAN BURGUND

Address: _____

Telephone Numbers: Cell: _____ Home: NONE

E-Mail Address: NONE

Occupation: RETIRED CARPENTER

Employer: SELF

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

INTERESTED IN ART PRESERVATION

(2) What is your educational and professional background?

UNION CARPENTER, HEAVY CONSTRUCTION

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

NO

Continued on reverse...

CITY MANAGER REPORT AND RECOMMENDATIONS



Meeting Date: September 6, 2016

Agenda Item:

Approval of a Recommendation to the OLCC for a Change of Ownership of a Full On-Premises Sales License for a Commercial Establishment located at 715 SW Hurbert Street

Background:

The City of Newport has received a request for change of ownership for a full on-premises sales license for a commercial establishment located at 715 SW Hurbert Street. The current license is issued to Stone Crest Cellars. The new license is being requested by Jeremy C. Ho, doing business as a JJ Ho. This request has been reviewed by the Police Department and there are no objections to the City Council recommending that the license be granted by the Oregon Liquor Control Commission.

Recommended Action:

I recommend that the City Council recommend approval of a change of ownership for a full on-premises sales license for a commercial establishment located at 715 SW Hurbert Street as part of the consent agenda.

Fiscal Effects:

None by recommending the transfer.

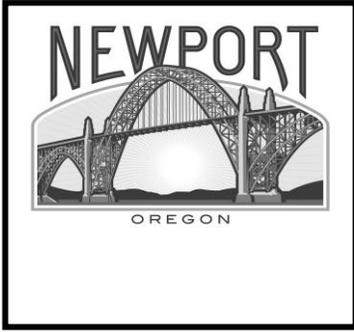
Alternatives:

None recommended.

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read "S. Nebel", is written over a light blue horizontal line.

Spencer R. Nebel



Agenda Item # _____
Meeting Date Sept. 6, 2016

CITY COUNCIL AGENDA ITEM SUMMARY
City Of Newport, Oregon

Issue/Agenda Title OLCC License Approval

Prepared By: Lt. Jason Malloy 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 JJ Ho.

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:

JJ Ho, 715 SW Hurbert St. #D, has made application to the Oregon Liquor Control Commission for a “Full On-Premises Sales” license due to a change of ownership. 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. The previous OLCC licensee at this location was Stone Crest Cellars Catering

A background check of the applicant revealed no disqualifying information. JJ Ho is located in the City Center Uptown area, at the intersection of Hwy 101/SW Hurbert St. There have been two police calls to the business complex, but no calls associated with this address specifically. The calls for service at the business complex involved one trespass complaints, and one found property report.

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 CITY

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: 8/15/16

The City Council or County Commission:

City of Newport
(name of city or county)

recommends that this license be:

- Granted
- Denied

By: _____
(signature) (date)

Name: _____

Title: _____

OLCC USE ONLY

Application Rec'd by: [Signature]

Date: 08.12.16

90-day authority: Yes No

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

① JEREMY C. HO ③ _____
 ② _____ ④ _____

2. Trade Name (dba): JJ HO

3. Business Location: 715 SW Humbert ST #D Newport OR 97365
(number, street, rural route) (city) (county) (state) (ZIP code)

4. Business Mailing Address: Same as above
(PO box, number, street, rural route) (city) (state) (ZIP code)

5. Business Numbers: 541 272 9463
(phone) (fax)

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

7. If yes to whom: Stone Crest Cellars Type of License: F-Com & O

8. Former Business Name: Stone Crest Cellars Catering

9. Will you have a manager? Yes No Name: Jeremy C. HO
(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: JEREMY HO 971-506-7692
(name) (phone number(s))
550 SW 3rd St #2 Newport OR 97365
(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 [Signature] Date July 2016 ③ _____ Date _____
 ② _____ Date _____ ④ _____ Date _____

CITY MANAGER REPORT AND RECOMMENDATIONS



Meeting Date: September 6, 2016

Agenda Item:

A Public Hearing and Possible Adoption of Ordinance No. 2103, an Ordinance Amending the Newport Comprehensive Plan, Zoning Maps, and Approving Proposed Revisions to the Phase I, Wilder Plan Development.

Background:

In 2007, the City of Newport approved the original, preliminary plan for implementing the "South Beach Village, Phase 1". As development has occurred, there have been subsequent modifications to the preliminary development plan to accommodate various projects that have been accomplished in the Wilder Subdivision.

Oregon State University, on behalf of property owner, Landwaves, Inc, submitted an application to amend the Newport Comprehensive Plan Map, the Newport Zoning Map and Phase 1, Wilder Plan Development. This issue was reviewed by the Planning Development Commission, at their July 25, 2016, commission meeting, at which time a public hearing was held. Following the public hearing and considering comments made the Planning & Development Commission unanimously recommended that the City Council consider approval of these land use issues.

Please note that the land use changes affect land on both sides of Harborton Street, located below the single family housing neighborhood and the OCCC campus in the Wilder Subdivision. In addition, the purpose land use changes will also convert existing R-3 property to R-2 in order to keep the residential unit count consistent with the original plan. The multi-family property being converted to R-2 is located on the east side of Harborton Street closer to the OCCC campus. These changes will facilitate Oregon State University's plan to construct a 130 student housing apartments to support their expanding Newport operations at the Hatfield Marine Science Center. In addition, the changes recommended by the Planning Commission will enable a 12-unit multi-family project to be built by Samaritan House on the north side of Harborton Street across from the proposed OSU housing development.

Although the mix of housing types in Phase 1, Wilder Plan development, is being adjusted to include additional multi-family units for Phases 4 (OSU) and 6 (Samaritan House), there will be an off-setting reduction in the number of permitted single family units so that the maximum number of dwellings for Phase 1 will remain at 345.

The housing being developed by OSU will accommodate students participating at the proposed Marine Studies campus, which is to be built on the Hatfield Campus in South Beach. This location is above the tsunami inundation zone. Samaritan House is proposing to build 12 units of permanent affordable housing on the property across from OSU. This housing would be designated for families that successfully complete the requirements for living in Samaritan House. This will provide monitored housing as the next step for families to continue their progress of independent living. Finding affordable housing for families who have successfully graduated from Samaritan House has been one of the challenges for Samaritan House. I have attached renderings of this proposed housing for your information. It is important to remember, however that landuse decisions are not focused on the specific tenants or owners of the property, but the larger issues of whether multi-family housing, commercial use or other broad categories of use are appropriate for the land being reviewed.

At the Planning Commission, there were a number of comments both in support and expressing concerns regarding the Samaritan House proposal. The Planning Commission meeting minutes are attached for your review.

This action is a bit different from normal, in that the Planning Commission typically has authority to act on planned development without Council approval. In this case, since there is an amendment to the Comprehensive Plan Map and the Zoning Map which requires Council approval, the entire package is being dealt with through one ordinance amendment which will require City Council review and approval. This is a quasi-judicial proceeding. As a result, the Council needs to follow a very specific protocol, including disclosures of any conflicts of interest, bias, ex-parte contacts, or site visits prior to deliberating the issue. Persons in attendance at the meeting can express an objection to any of the Council members hearing this application as well. The quasi-judicial proceedings process is outlined as an attachment to this agenda item for your review.

Finally, please review the proposed ordinance which includes the findings to justify the modifications to zoning and the Comprehensive Plan for these actions.

Recommended Action:

I recommend that the Mayor conduct a public hearing on Ordinance No. 2103, an ordinance amending the Newport Comprehensive Plan, and Zoning Maps and approving the proposed revisions to the Phase 1, Wilder Plan Development. As part of the public hearing, I would recommend that the Mayor read the City of Newport City Council land use hearing procedures attached to this item prior to opening the public hearing.

Following the public hearing, I further recommend that the City Council consider the following motion:

I move Ordinance No. 2103, an ordinance that amends the Newport Comprehensive Plan and Zoning Maps and approves proposed revisions to Phase 1, Wilder Planned Development, be read by title only and placed for final adoption.

The Mayor will then ask for a voice vote on whether or not to read the ordinance by title only and placed for final passage.

If the motion is 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 to the city by conducting the changes. These changes; however, will facilitate the development of housing units for students, and transitional housing for families within the City of Newport.

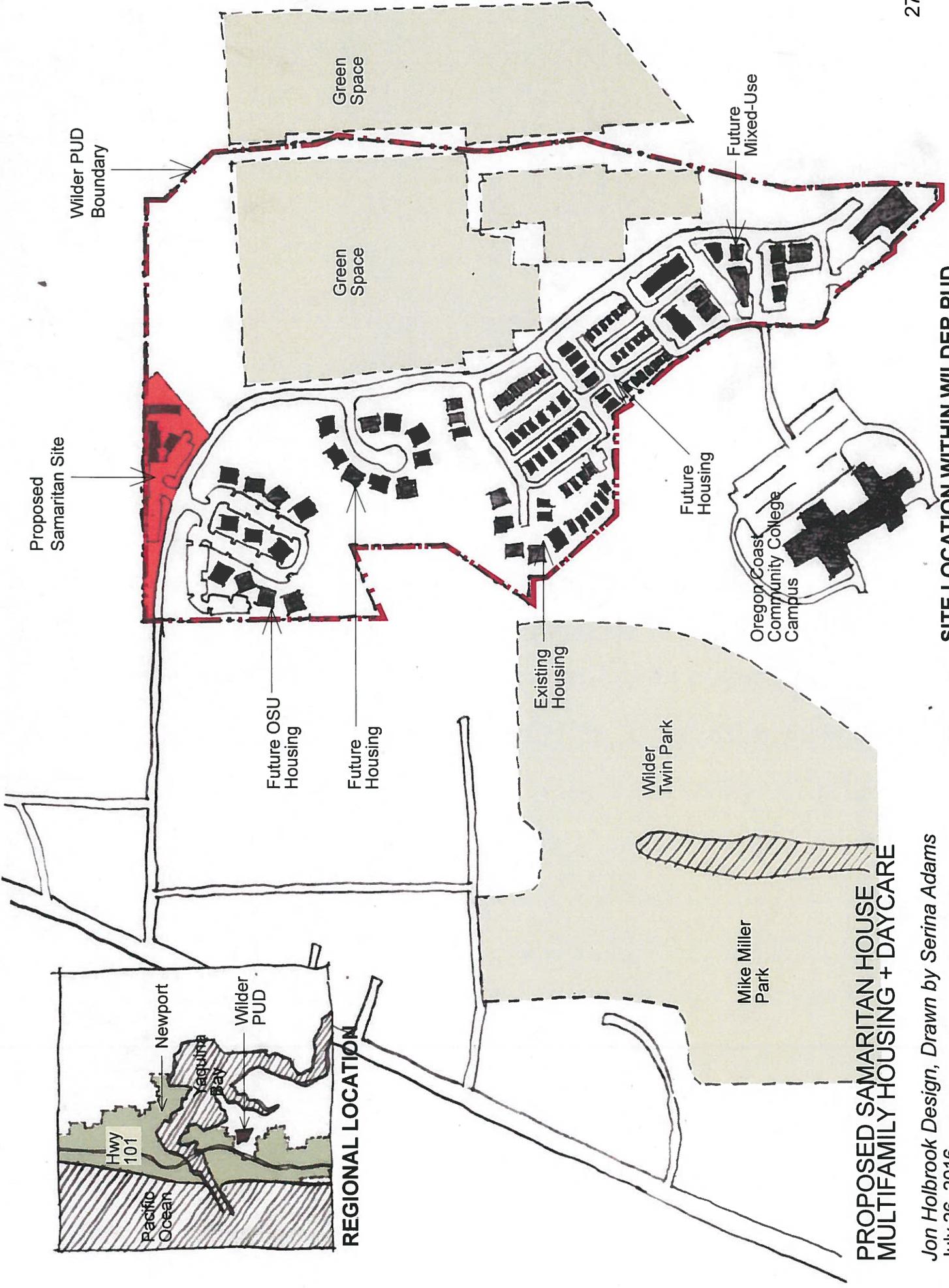
Alternatives:

Following the public hearing, the City Council can approve the recommended motion if standards have been met, defer action on the recommended motion until a following meeting, or deny the request if the criteria has not been met, and cannot be reasonably met to the imposition of conditions of approval.

Respectfully Submitted,

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

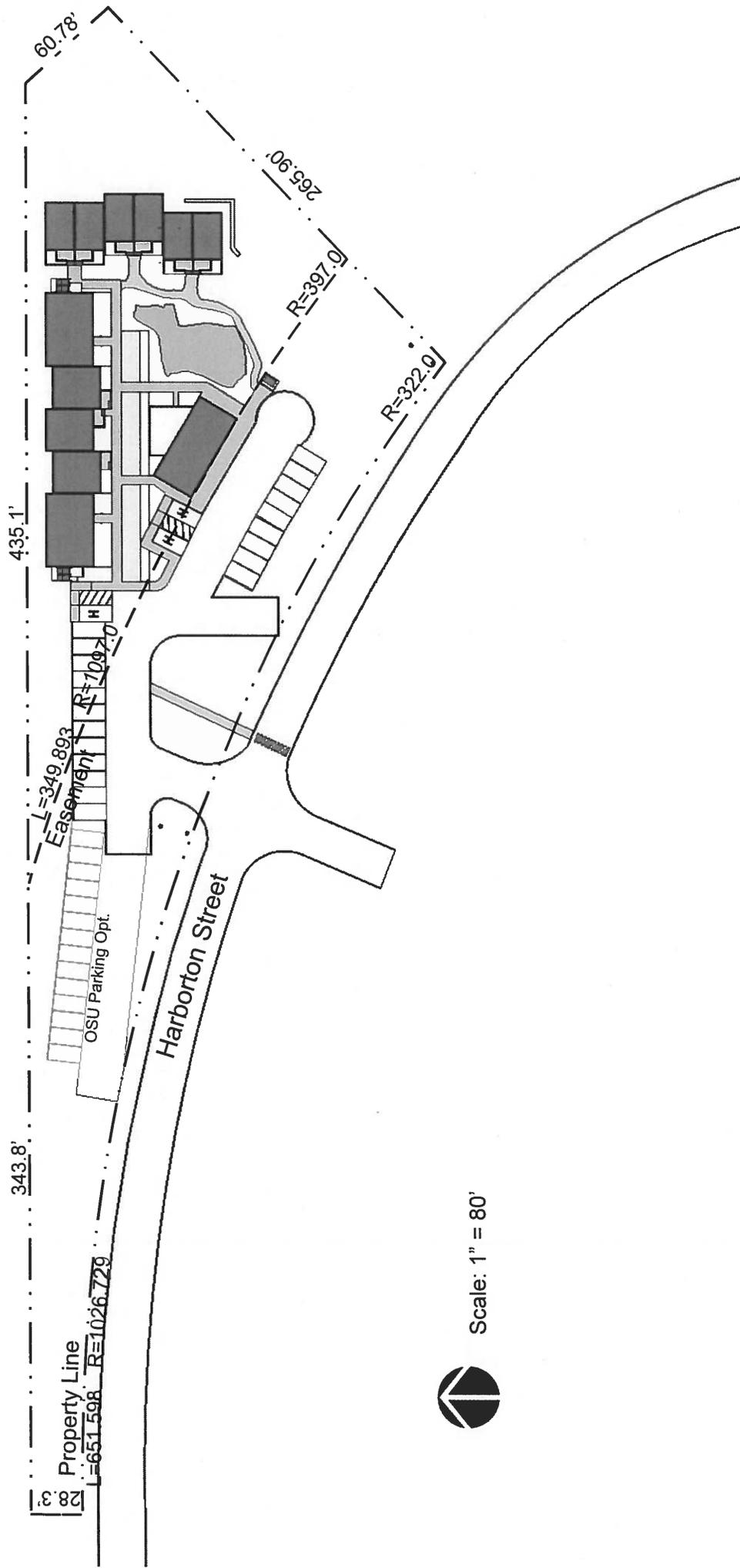
Spencer R. Nebel



**PROPOSED SAMARITAN HOUSE
MULTIFAMILY HOUSING + DAYCARE**

Jon Holbrook Design, Drawn by Serina Adams
July 26, 2016

SITE LOCATION WITHIN WILDER PUD



Scale: 1" = 80'

**PROPOSED SAMARITAN HOUSE
MULTIFAMILY HOUSING + DAYCARE**

Site Plan

Wilder, North Lots

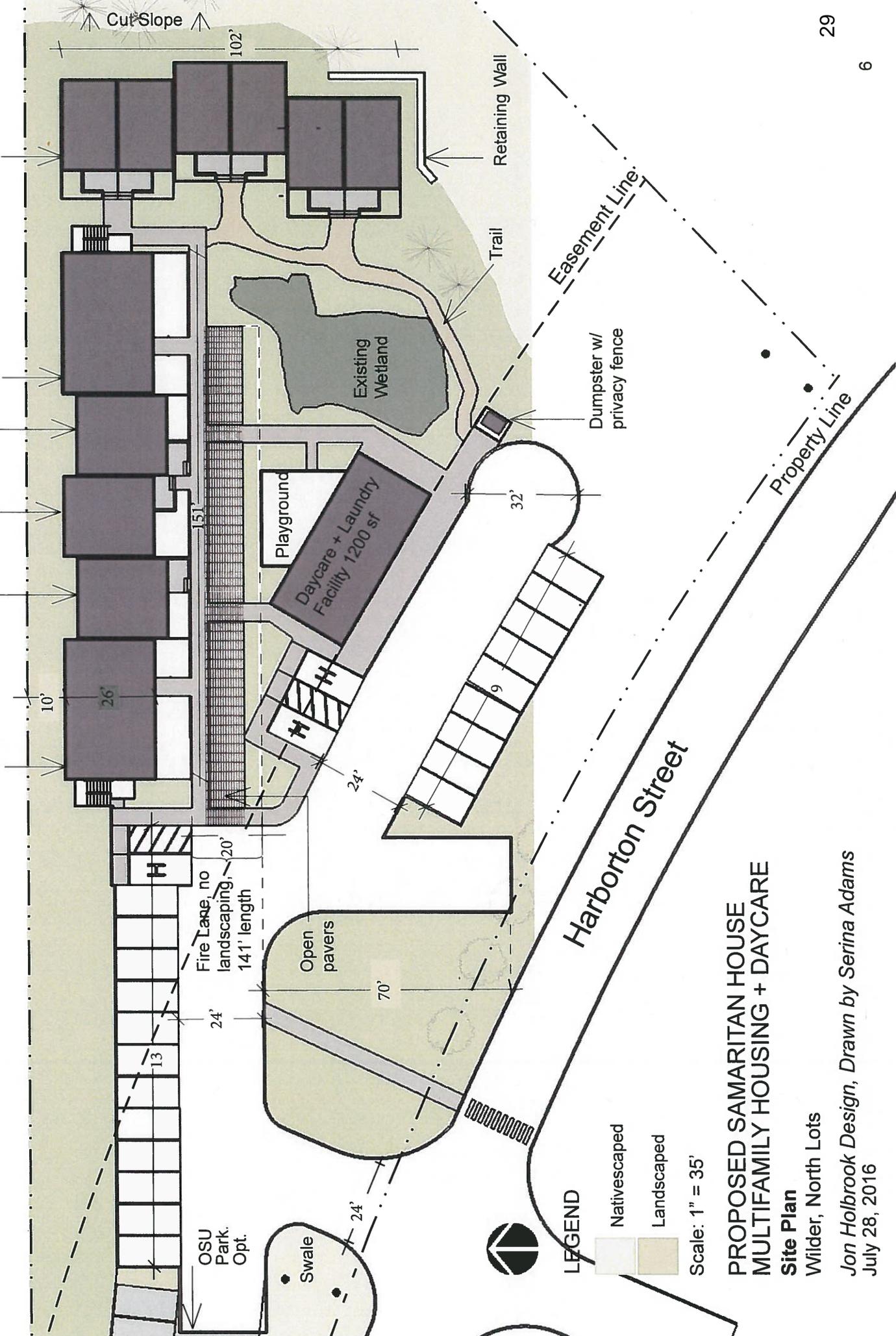
Jon Holbrook Design, Drawn by Serina Adams
July 28, 2016

(1) 3 Bdrm. ADA Flat, (1) 3 Bdrm. Flat Above

(3) 3 Bedroom, 2 Story Units

(1) 3 Bdrm. ADA Flat, (1) 3 Bdrm. Flat Above

(6) 2 Bedroom, 2 story Units



Harborton Street

Easement Line

Property Line

LEGEND

- Nativescaped
- Landscaped

Scale: 1" = 35'

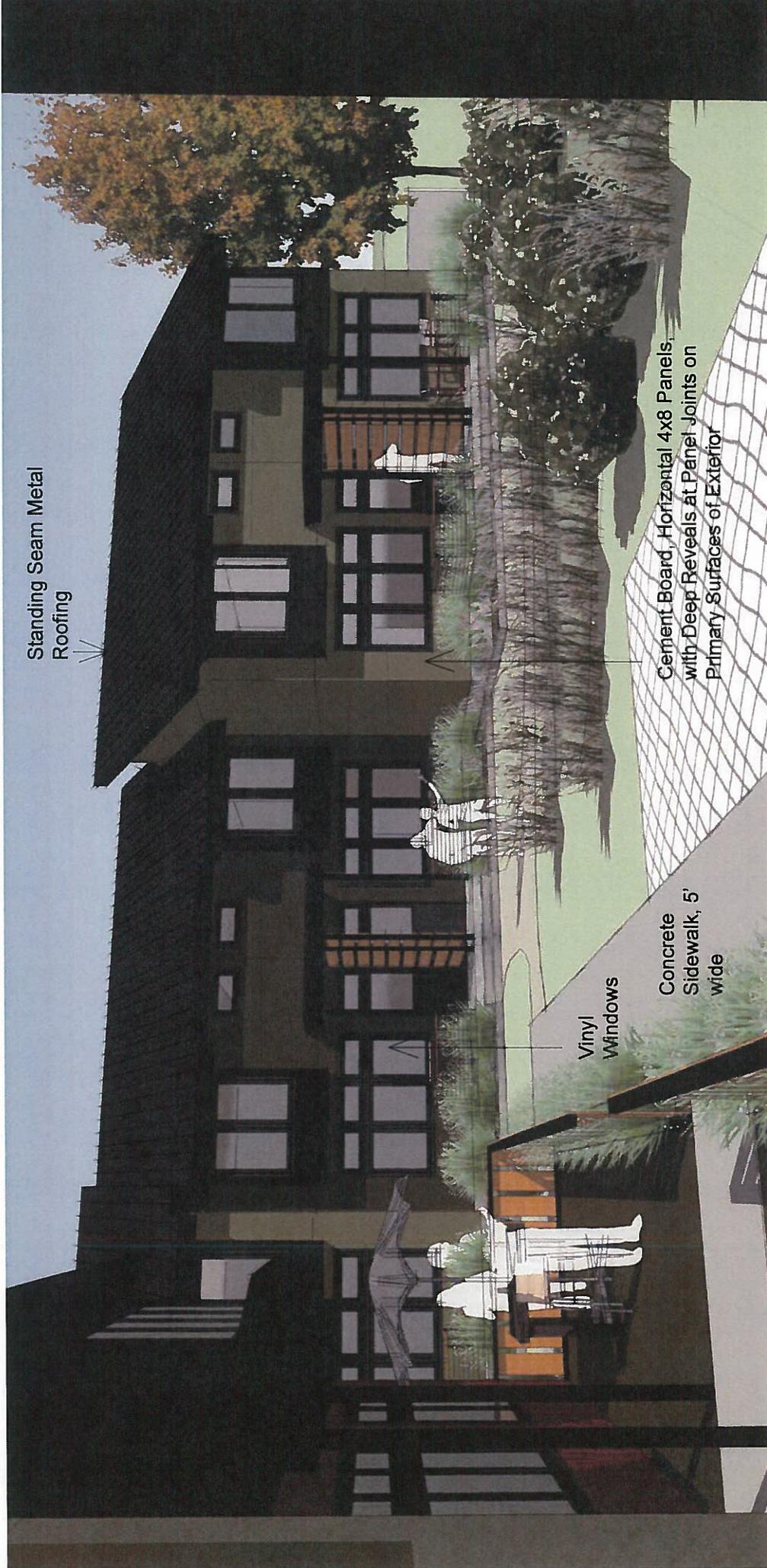
**PROPOSED SAMARITAN HOUSE
MULTIFAMILY HOUSING + DAYCARE**

Site Plan

Wilder, North Lots

Jon Holbrook Design, Drawn by Serina Adams

July 28, 2016



**PROPOSED SAMARITAN HOUSE
MULTIFAMILY HOUSING + DAYCARE**

View 2

*Jon Holbrook Design, Drawn by Serina Adams
July 28, 2016*



STAFF REPORT
CITY COUNCIL AGENDA ITEM

Title: Ordinance Amending the Newport Comprehensive Plan and Zoning Maps and approving Proposed Revisions to the Phase 1 Wilder Planned Development

Prepared by: Derrick I. Tokos, AICP, Community Development Director

Recommended Motion: I move for reading by title only of Ordinance No. 2103, an ordinance that amends the Newport Comprehensive Plan and Zoning Maps and approves proposed revisions to the Phase 1 Wilder Planned Development, and for adoption by roll call vote.

Background Information: Oregon State University, on behalf of the property owner Landwaves, Inc., submitted an application to amend the Newport Comprehensive Plan Map, Newport Zoning Map, and Phase 1 Wilder Planned Development to allow construction of 130 student housing apartments to support their expanding Newport operations at the Hatfield Marine Science Center. The project is designated as Phase 4 of the Planned Development. The proposal also includes a 12-unit multi-family project for Samaritan House, and several smaller amendments to the Phase 1 development standards. The Samaritan House project is identified as Phase 6 of the plan.

The property subject to this application is identified by the Lincoln County Assessor's Office as Tax Lots 100 and 103 of Assessor's Map 11-11-20, consisting of 41.24 acres of the 60 acres included in Phase 1 Wilder.

If approved, 8.1 acres of land on the Newport Comprehensive Plan Map will be changed from "Low Density Residential" to "High Density Residential." The Newport Zoning Map for Phases 4 and 6 would likewise be amended from R-2/"Medium Density Single-Family Residential" to R-3/"Medium Density Multi-Family Residential." To partially offset this increase in density for Phases 4 and 6, approximately 2.2 acres of land in the Village Center area will be transitioned from a Comprehensive Plan Map designation of "High Density Residential" to "Low Density Residential" with a corresponding change on the Newport Zoning Map from R-3/"Medium Density Multi-Family Residential" to R-2/"Medium Density Single-Family Residential."

Although the mix of housing types in the Phase 1 Wilder Planned Development is being adjusted to include additional multi-family units for Phases 4 and 6, there will be a reduction to the number of permitted single-family units so that the maximum number of dwellings for Phase 1 is 345, which is the same as what was previously approved.

At this public hearing, the Newport City Council will take public testimony on the proposal and may approve the request.

Fiscal Notes: None.

Alternatives: The Council must approve the request if it finds that the approval standards have been met. Alternatively, it must deny the request if the criteria have not been met and cannot be reasonably met through the imposition of conditions of approval.

Attachments:

Draft Ordinance No. 2103

Ordinance Attachments

Minutes from the July 25, 2016 Planning Commission Meeting

CITY OF NEWPORT

ORDINANCE NO. 2103

**AN ORDINANCE AMENDING THE NEWPORT COMPREHENSIVE PLAN AND
ZONING MAPS AND APPROVING PROPOSED REVISIONS TO THE
PHASE 1 WILDER PLANNED DEVELOPMENT
(Newport File No. 2-CP-16/1-Z-16/1-SUB-16/1 & 2 PD-16)**

WHEREAS, Ronald L. Adams, Oregon State University, on behalf of the owner Landwaves, Inc. (Elizabeth Decker/JET Planning, authorized representative), submitted an application to the City of Newport on June 7, 2016 to amend the Newport Comprehensive Plan Map, Newport Zoning Map and Phase 1 Wilder Planned Development to allow construction of 130 student housing apartments to support their expanding Newport operations centered around the Hatfield Marine Science Center; and

WHEREAS, the proposed modifications transfer density and multi-family units already approved for Phase 1 Wilder from phases near the Village Center area to the northwest corner of the site (Phase 4), closest to the Hatfield Marine Science Center; and

WHEREAS, the owner, Landwaves, Inc., has applied for additional modifications to facilitate development of a 12-unit affordable housing project and support services in the northern portion of the site known as Phase 6, on the opposite side of Harborton Street from the Oregon State University student housing project; and

WHEREAS, Landwaves, Inc. further amended the application to modify development standards within the Phase 1 Wilder Planned Development, and

WHEREAS, property subject to this application is identified by the Lincoln County Assessor's Office as Tax Lots 100 and 103 of Assessor's Map 11-11-20 consisting of 41.24 acres of the 60 acres included in Phase 1 Wilder; and

WHEREAS, to accommodate the amendments the Newport Comprehensive Plan Map must be revised from "Low Density Residential" to "High Density Residential" for Phases 4 and 6, which accounts for approximately 8.1 acres of land; and

WHEREAS, the Newport Zoning Map for Phases 4 and 6 must likewise be amended from R-2/"Medium Density Single-Family Residential" to R-3/"Medium Density Multi-Family Residential"; and

WHEREAS, to partially offset this increase in density for Phases 4 and 6, approximately 2.2 acres of land in the Village Center area will be transitioned from a Comprehensive Plan Map designation of "High Density Residential" to "Low Density Residential" with a corresponding change on the Newport Zoning Map from R-3/"Medium Density Multi-Family Residential" to R-2/"Medium Density Single-Family Residential"; and

WHEREAS, the mix of housing types in the Phase 1 Wilder Planned Development has been adjusted to include additional multi-family units for Phases 4 and 6 with corresponding reductions to the number of permitted single-family units so that the maximum number of dwellings for Phase 1 is 345, which is the same as what was previously approved; and

WHEREAS, the submitted application, as supplemented by the applicant's authorized representative and city staff, contains findings of compliance with the policies and standards set forth in the "Administration of the Plan" element of the Newport Comprehensive Plan and Newport

Municipal Code Chapters 14.35 and 14.36, which set out approval criteria for amending the Newport Comprehensive Plan Map, Newport Zoning Map and Planned Developments; and

WHEREAS, the Newport Planning Commission held a public hearing on July 25, 2016 for the purpose of reviewing the application for compliance with applicable approval criteria and to provide a recommendation to the Newport City Council; and

WHEREAS, the Planning Commission's public hearing, above, was duly held in accordance with all applicable state and local law, and, after due deliberation and consideration of the proposed changes, the Planning Commission did recommend that the application be approved; and

WHEREAS, the Newport City Council held a public hearing on September 6, 2016, to consider the amendments to the Newport Comprehensive Plan Map proposed in the application and voted in favor of the changes, after considering the recommendation of the Planning Commission, public testimony, and evidence and argument in the record; and

WHEREAS, 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 findings set forth above and in the attached Exhibit "A" are hereby adopted in support of the amendments to the Newport Comprehensive Plan Map and Newport Zoning Map adopted by Sections 2, and 3 of this Ordinance.

Section 2. The Comprehensive Plan Map of the City of Newport is hereby amended as depicted with Exhibit "B"

Section 3. The Zoning Map of the City of Newport is hereby amended as depicted and described with Exhibits "C" and "D"

Section 4. The findings and conditions set forth in Exhibit "A" are hereby adopted in support of the amendments requested to the Preliminary Development Plan, Final Development Plan and Tentative Plat for Wilder Phase 1.

Section 4. This Ordinance shall take effect 30 days after passage.

Date adopted and read by title only: _____

Signed by the Mayor on _____, 2016.

Sandra Roumagoux, Mayor

ATTEST:

Margaret M. Hawker, City Recorder

Approved as to form:

City Attorney

EXHIBIT "A"
ORD #2103

File No. 1-SUB-16/1 & 2 PD-16/2-CP-16/1-Z-16

FINDINGS OF FACT

- I. The applicant, Ronald L. Adams, Oregon State University, on behalf of the owner Landwaves, Inc. (Elizabeth Decker/JET Planning, authorized representative), submitted an application to the City of Newport on June 7, 2016 to amend the Newport Comprehensive Plan Map, Newport Zoning Map and Phase 1 Wilder Planned Development to accomplish the following:
- A. Revises the Newport Comprehensive Plan Map from "Low-Density Residential" to "High Density Residential" for Phase 4 and Phase 6. This involves approximately 8.1 acres of land.
 - B. Revises the Newport Zoning Map for Phase 4 and Phase 6 from R-2/"Medium Density Single-Family Residential" to R-3/"Medium Density Multi-Family Residential."
 - C. Revises the Newport Comprehensive Plan Map from "High Density Residential" to "Low-Density Residential" in the southerly portion of Phase 5. This involves approximately 2.2 acres of land.
 - D. Revises the Newport Zoning Map for the same southerly portion of Phase 5 from R-3/"Medium Density Multi-Family Residential" to R-2/"Medium Density Single-Family Residential."
 - E. Adjusts the range of development in preliminary and final development plan to reflect inclusion of additional multifamily units for student housing in Phase 4 and Phase 6 with corresponding decrease in single-family units. The maximum number of permitted dwelling units for Phase 1 of Wilder is 345, which is the same as what was previously approved.
 - F. Adds "Multi-Family: Clustered" as an additional multifamily residential development type in the "Kit of Parts" to describe intended building form and design for student housing in Phase 4.
 - G. Allows a variance to the City's parking standard for clustered multifamily residential uses, decreasing required spaces by approximately 13% relative to City code standards, to reflect increased access to multimodal transportation options within Wilder and multimodal connections to primary destinations, specifically the OSU Hatfield Marine Science Center.
 - H. Modifies the preliminary development plan to show revised mix of single-family and multifamily development in future phases east of Harborton Street.
 - I. Introduces 'Day Care' and additional supporting Community Service uses as allowed uses in the R-3 Medium-Density Multifamily zone to facilitate colocation of support services for affordable housing residents in Phase 6.
 - J. Expands Final Development Plan to include Phase 6.
 - K. Eliminates Accessory Dwelling Units (ADUs) as a development option for Phase 4.

- L. Amend Preliminary Development Plan, Final Development Plan and Tentative Plat to divide Phase 2B, planned for apartment development, into two separate lots.
- II. The subject property includes Tax Lots 100 & 103 of Assessor's Map 11-11-20 (Parcels 1 and 2, Partition Plat 2015-01) and the Plat for Wilder Phase 1, Book 18 Page 46. In sum, the application encompasses approximately 60 acres of land. The property is located in the South Beach neighborhood directly east and northeast of Mike Miller Park and is accessed from US 101 at SE 40th Street.
- III. Staff reports the following facts in connection with the application:
- A. Plan Designation: Commercial, High Density Residential, and Low Density Residential.
 - B. Zone Designation: R-2/"Medium Density Single-Family Residential," R-3/"Medium Density Multi-Family Residential," and C-1/"Retail and Service Commercial."
 - C. Surrounding Land Uses: The South Beach neighborhood contains a mix of public, commercial, water-dependent and water-related, industrial and residential uses. Land uses in the area near the subject property include a mix of developed and undeveloped industrial land, residential zoning that allows for single-family and multi-family uses, a trailer park, a mix of commercial uses, the Central Lincoln People's Utility District (PUD) warehousing and substation facility, and public uses such as the Oregon Coast Community College (OCCC) Campus, Mike Miller Park and the Newport Waste Water Treatment facility.
 - D. Topography and Vegetation: The subject property contains a mix of level and moderately steep sloped property. The site is forested except where land has been cleared for development.
 - E. Existing Structures: The initial subdivision plat of 40 lots is substantially developed with a range of residential housing types and the public park and playground area included with that phase has been completed. A retail commercial building has also been constructed at the intersection of Harborton Street and College Way
 - F. Utilities: Infrastructure to serve the 40-unit residential development is complete, including SE 40th Street/SE Harborton Street (a collector roadway that provides access to the Wilder planned development) and associated local street, water, and sewer infrastructure from Highway 101 to the Village Center and the OCCC campus site. Street lights have also been installed along SE 40th Street/Harborton Street.
 - G. Development Constraints: Portions of the property contain moderately steep slopes. There are also isolated pockets of wetlands, the locations of which have been delineated by the property owner.
 - H. Past Land Use Actions:

File No. 2-PD-15/3-PD-15/1-SUB-15. The preliminary planned development plan was amended to include a change to the zoning district boundary between R-3 Multi-Family Residential and C-1 Commercial zones that expanded the commercial area along the full length of College Way and increased the range of allowed uses in the C-1 zoned Village Center area to include retail sales and services, offices, lodging, community services like

churches, educational institutions, and day care. The revised preliminary planned development plan also included a variance to the Zoning Ordinance satellite and shared parking regulations to permit future shared parking arrangements between Village Center users and the Oregon Coast Community College. The range of development anticipated in the preliminary and final planned development plans was amended to reflect completed build-out, current market conditions, and revised predictions and Accessory Dwelling Units (ADUs) were added as a development option in Phases 2-4 subject to conditions approved by Newport Planning Commission. The Final Development Plan included a detailed site design for Phases 2-4, with updated street names and cross-section drawings. New street cross-sections and a micro-cottage development type were added to the "Kit of Parts." Amendments were adopted by final order on June 24, 2015.

File No. 1-PD-14/2-PD-14. A minor amendment to the Preliminary Development Plan and Final Development Plan for Phase 1 of Wilder. Changes to the Preliminary Development Plan were limited to the Village Center commercial area, including authorization for required parking to extend across zoning boundaries when provided on the same lot or parcel as the proposed use and an allowance that on-street spaces count against off-street parking requirements provided the spaces are located within 200-feet of the lot or parcel upon which the use is located. The Final Development Plan included a layout for three commercial buildings in the Village Center. Amendments were adopted by final order on February 11, 2015.

File No. 2-PAR-14. Partitioned property identified as Tax Lot 100 of Lincoln County Assessor's Tax Map 11-11-20 into two separate parcels. Additional right-of-way was also dedicated along College Way and adjacent to Harborton Street. The partition was approved by final order on September 15, 2014.

File No. 1-PD-10/2-PD-10/1-SUB-10. Modified the plans approved in File No. 5-PD-09/6-PD-09/3-SUB-09 by (1) modifying setbacks, (2) revising lot coverage standards, (3) adjusting lot size and densities for commercial and residential uses, (4) updating street, tract and housing category names, and (5) updating the subdivision lot configurations. The number of multi-family units was increased from a maximum of 120 to 150, bringing the total for all Phase 1 dwelling units to 383. The maximum commercial square footage was increased from 25,000 square feet to 36,000 square feet. Amendments were adopted by final order on June 28, 2010.

File No. 5-PD-09/6-PD-09/3-SUB-09. Modified the preliminary planned development plan to refine proposed residential areas, local street and pedestrian circulation patterns, open space and other tracts within sub phases 1A, 1B, and 1C; modified the final planned development plan illustrating the changes requested in File 5-PD-09; modified the tentative subdivision plat showing lots for mixed use and single and multi-family development, as well as various tracts for common open space and other common elements, and dedication of right-of-way and easements for public streets, pathways, and utilities. Amendments were adopted by final order on July 27, 2009.

File No. 1-PD-09/2-PD-09/3-PD-09/1-SUB-09. Modified the preliminary planned development plan to adjust land use designations consistent with Comprehensive Plan and Zoning Map amendments, revised the preliminary plan due to site conditions, and removed a portion of property that was being transferred to an abutting residential

property owner; modified the final planned development plan to reflect Comprehensive Plan and Zoning Map amendments and adjusted the boundary and size of the OCCC site; approved the final planned development plan for a portion of Phase 1; and tentative subdivision plan for a portion of Phase 1. Amendments were adopted by Final Order on March 30, 2009.

File No. 4-CP-08/2-Z-08. Modified the zoning designations of the approximate 86 acres annexed in 2007 to allow more flexibility and to reflect the OCCC parcel by Ordinance No. 1968 adopted December 1, 2008.

File No. 5-PAR-07. Partitioned the annexed property so that a portion could be conveyed to OCCC for construction of their central campus by final order adopted September 11, 2007.

File No. 1-AX-07/2-Z-07. Annexed property, which included the subject property, into the City and established zoning to allow the implementation of the South Beach Plan by Ordinance No. 1922 adopted June 18, 2007, and amended by Ordinance No. 1931 adopted August 6, 2007.

File No. 2-PD-07. Approved final development plan for OCCC central campus by final order adopted May 29, 2007.

File No. 1-PD-07. Approved tentative Plan for “South Beach Village” Phase 1 mixed use development and OCCC central campus by final order adopted May 29, 2007.

File No. 1-CP-06/1-UGB-06/2-CP-06/2-Z-06 (South Beach Neighborhood Plan as adopted in December 2006 by Newport Ordinance No. 1899) (concurrence with Urban Growth Boundary adjustment by Lincoln County Ordinance No. 447 adopted April 18, 2007).

- IV. Upon submission and acceptance of the application, the Community Development (Planning) Department mailed notice of the proposed actions on June 15, 2016 to property owners within 200 feet required to receive such notice by the Newport Zoning Ordinance, to various City departments, and to public/private utilities and agencies within Lincoln County. The notice referenced the criteria by which the application was to be assessed and invited persons to provide written comment and/or attend a public hearing before the Newport Planning Commission scheduled for 7:00 pm, July 25, 2016. The notice of the Planning Commission hearing was also published in the Newport News-Times on July 15, 2016.
- V. At the July 25, 2016 public hearing, a statement of rights and relevance and applicable criteria were read. The Planning Commission disclosed any ex parte contact, conflicts of interest, and/or bias. No objections were made to any of the Planning Commissioners hearing the matter. The Planning Commission received the staff report and heard testimony in support of the request from the applicant, and received testimony in support and in opposition to the request from members of the public. After taking testimony, the Commission deliberated and elected to recommend to the City Council that the application be approved. The Planning Staff Report with Attachments is hereby incorporated by reference into the findings. The Planning Staff Report Attachments included the following:

- A. Attachment "A" – Applicant's Narrative, prepared by JET Planning, revised July 20, 2016 with Appendices A through K, summarized as follows:
1. Appendix A – Application Form
 2. Appendix B – Assessor's Tax Map
 3. Appendix C – List of Property Owners within Notification Area
 4. Appendix D – Preliminary Title Report
 5. Appendix E – Written Letters from Utility Providers
 6. Appendix F – Preliminary Development Plan
 7. Appendix G – Final Development/Tentative Subdivision Plan (reduced set)
 8. Appendix H – Kit of Parts
 9. Appendix I – Comprehensive Plan Maps and Legal Descriptions
 10. Appendix J – SE Harborton Street Cross-Section
 11. Appendix K – Cross-Section Drawing Through Phases 3 and 4
- B. Attachment "B" – Wilder Community Master Development Plan Set, prepared by 2G Associates and JET Planning, revised July 20, 2016 (19 sheets, scaled drawings).
- C. Attachment "C" – Copy of Newport Ordinance No. 2076, Amending the Housing Element of the Newport Comprehensive Plan
- D. Attachment "D" – Notice of Public Hearing and Map
- E. Attachment "E" – Notice of June 28, 2016 Neighborhood Outreach Meeting, mailed by Oregon State University and dated June 17, 2016
- F. Attachment "F" – Email Exchange between Community Development Director Derrick Tokos and Jon Holbrook, dated June 23, 2016
- G. Attachment "G" – Email Exchange between Community Development Director Derrick Tokos and Valerie Grigg Devis with the Oregon Department of Transportation (ODOT) dated June 24th to July 5th. ODOT has no concerns with the proposal.
- H. Attachment "H" – Staff Completeness Review Letter, dated July 1, 2016
- I. Attachment "I" – Letter from Sara Schreiber, Wilder Resident, dated July 7, 2016, expressing concerns about noise, traffic congestion, and environmental impacts of the project.
- J. Attachment "J" – Email from Lola Jones, Executive Director, Samaritan House, Inc., dated July 20, 2016 responding to Ms. Schreiber's correspondence.
- K. Attachment "K" – July 21, 2016 email from Elizabeth Decker responding to the staff completeness review.
- VI. At the July 25, 2016 public hearing, written testimony was provided, in the form of a July 24, 2016 email, from Denise Guild in support of the Oregon State University (OSU) proposal but in opposition to the 12-unit multi-family project proposed by Samaritan House for transitional housing (Attachment "L"). A July 24, 2016 letter was submitted by Jim Shaw in support of the OSU proposal (Attachment "M") and a July 25, 2016 letter was provided by the Fair Housing Council of Oregon indicating that their organization supports the proposal but desires to see the City's decision squarely address its Statewide Planning Goal 10 obligations (Attachment "N").

- VII. For the September 6, 2016 public hearing before the Newport City Council, notice to property owners within 200 feet of the subject site, to various City departments, and to public/private utilities and agencies within Lincoln County was provided on August 15, 2016. The notice referenced the criteria by which the application was to be assessed and invited persons to provide written comment and/or attend the public hearing. Notice of the City Council hearing was also published in the Newport News-Times on August 26, 2016 (Attachment "Q").
- VIII. For amendments to the Newport Comprehensive Plan or Comprehensive Plan Map, the Newport Comprehensive Plan Section entitled "Administration of the Plan" (p. 287-289), requires findings describing the nature of the changes to the Comprehensive Plan Map and why they are necessary to carry-out (a) a public need for the change; or (b) a significant change in community attitudes or priorities; or (c) a demonstrated conflict with another plan goal or policy that has a higher priority; or (d) a change in a statute or statewide agency plan; or (e) applicable statewide planning goals.

Revisions to Newport Zoning Maps must satisfy the provisions of NMC 14.36.010, which requires that the change furthers a public necessity and promotes the general welfare of the community.

Major changes to approved Preliminary and Final Development Plans must satisfy the same standards that would apply to a new application (NMC 14.35.110(D)). Criteria for approval of a Preliminary Development Plan are listed in NMC Sections 14.35.020, 14.35.030, and 14.35.070 and criteria for Final Development Plans are listed in Section 14.35.100. Additionally, the criteria for tentative subdivision plat approval must be satisfied. Those standards are listed in Chapter 13.05 of the Newport Municipal Code.

CONCLUSIONS

- I. Compliance with Comprehensive Plan Map Amendment Approval Criteria. An amendment to the Newport Comprehensive Plan Map must comply with the Newport Comprehensive Plan Section entitled "Administration of the Plan" (p. 287-289), which requires findings describing the nature of the changes to the Comprehensive Plan Map and why they are necessary to carry-out, what is in this case a public need for the change.

The applicant points out that this request seeks to modify the location of the Low-Density Residential and High-Density Residential designations within the Wilder Planned Development boundaries. In total, the applicant proposes to add 8.1 acres of High-Density Residential in place of existing Low-Density Residential in the northeast corner of the site, with a corresponding reduction of 2.2 acres of High-Density Residential to the north and east of the Village Center to be changed to Low-Density Residential. (See Attachment "A," Appendix I, Proposed Comprehensive Plan Map.) The proposed amendment will result in a net increase of 4.7 acres of High-Density Residential and a net decrease of 5.2 acres of Low-Density Residential as shown in the following table:

	Existing (acres)	Proposed (acres)
Retail Commercial	5.3	5.5 ¹
High-Density Residential	9.5	14.2
Low-Density Residential	45.1	39.9
Total	59.9	59.6²

Notes: (1) Minor boundary adjustment approved with Case file #2-PD-15 and #3-PD-15.

(2) Acre discrepancy due to rounding; total area remains the same as proposed.

The applicant notes that the proposed amendment will not result in a net increase to housing units, traffic generation or infrastructure demand because the subject areas remain bound by the terms of the Wilder Planned Development. The Planned Development limits the applicant to a maximum of 345 dwelling units, with associated traffic and infrastructure improvements, across a 60-acre site. The applicant does not propose any increase to the total dwelling units as a result of the requested Comprehensive Plan Map Amendment, simply a relocation of multifamily and single-family units within the development to better site multifamily development serving OSU students closest to the Hatfield Marine Science Center to the north of the development.

The proposed map amendment is necessary to carry-out a public need for the change, which is one of the criteria for amending the Comprehensive Plan. The proposed map amendment accommodates student housing for Oregon State University (OSU), which is expanding its campus at the Hatfield Marine Science Center (HMSC). The City, Lincoln County and OSU collaborated in 2014 to complete a housing study. That study resulted in an amendment to the Housing Element of the Newport Comprehensive Plan that calls for the City to work with the owners of the Wilder Development and other area partners to adjust zoning to allow student housing and other multi-family housing in South Beach, given that the Wilder property is located outside of the tsunami inundation area and is in close proximity to HMSC (Attachment "C," Policy 9, Implementation Measure 3). As the applicant notes, providing student housing in the location identified as Phase 4 will decrease pressure citywide for multifamily or other reasonably priced rental accommodations, decreasing competition with Newport residents for an already limited supply of housing. This Comprehensive Plan Map amendment places High-Density Residential land as close to the OSU facilities as is reasonably possible, and is necessary in order for zoning to be placed on the property that would allow for multi-family development.

The Housing Element of the Comprehensive Plan also calls for the City to collaborate with its partners on the provision of government assisted housing (Policy 2) and to locate high-density development along major transportation corridors (Policy 4). Both of these objectives are accomplished with respect to the Samaritan House proposal. The 12-unit Samaritan House project is situated across from the OSU student Housing site in Phase 6. It borders SE Harborton Street, which is a collector roadway and transit corridor. The applicant notes that accommodating the Samaritan House proposal in Wilder helps to satisfy urban housing needs, by meeting the needs of low-income families transitioning from a temporary homeless shelter to more permanent housing accommodations that are affordable to very low-income households. They note that there are no similar facilities elsewhere in Newport or Lincoln County to meet these needs, and additional High-Density Residential designated land is needed to site this development in an area with ready access to amenities such as parks, multimodal transportation, and commercial services in the Village Center.

The July 25, 2016 letter from the Fair Housing Council of Oregon (Attachment "N") asks that the City specifically address Statewide Planning Goal 10 language that states "the availability of

adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type, and density” shall be encouraged. This Goal 10 aspirational requirement is encapsulated in Goals 1 and 2 of the Housing Element of the Newport Comprehensive Plan and was specifically addressed in the City’s Buildable Lands and Housing Needs Assessment conducted in 2011 and updated in 2014. That assessment identified a deficiency of affordable, multi-family units and pointed out that student housing would need to be developed to support expansion of the Hatfield Marine Science Center Campus to avoid displacing the City’s workforce and driving up rents in what is already a tight market. These proposals by OSU and Samaritan House respond to these concerns by increasing the City’s supply of affordable and student housing multi-family units.

For these reasons, the City Council concludes that sufficient information has been provided to justify the proposed Comprehensive Plan Map amendment.

- II Compliance with Newport Zoning Map Approval Criteria: This application seeks to modify the location of the R-2 Medium-Density Single Family and R-3 Medium-Density Multifamily zones within the Wilder Planned Development boundaries consistent with the requested Comprehensive Plan Map Amendment. (See Attachment "A", Exhibit F.) The changes result in an 8.1-acre increase in R-3 zoning in the northeast corner of the site for Phases 4 and 6 of the Wilder Planned Development that is partially offset by a 2.2-acre reduction in R-3 zoning to the north and east of the Village Center, resulting in a net 4.7-acre increase of R-3 zoning. Because the changes are proposed within a Planned Development, the overall density and housing units approved through the planned development process will limit the development potential that would otherwise be allowed in the proposed R-3-zoned areas, ensuring that there will be no net increase in housing units or traffic impacts resulting from the proposed zoning change.

Revisions to Newport Zoning Maps must satisfy the provisions of NMC 14.36.010, which requires that the change furthers a public necessity and promotes the general welfare of the community. The City council accepts the above analysis, along with that contained in the previous section justifying the Comprehensive Plan Amendment, as sufficient reasons to conclude that these standards have been met.

- III. Compliance with NMC Section 14.35.020, Permitted Uses. *An approved Planned Development Permit may only include those uses permitted outright or conditionally in the underlying district...*

The applicant proposes uses permitted both outright and conditionally. In the C-1 commercial zone, the following uses have been approved, as defined by the Newport Municipal Code:

- Retail sales and services, excluding bulk retail
- Community services, including churches
- Hotels
- Offices
- Educational institutions
- Day care facilities
- Housing over commercial including live-work units

The applicant proposes single-family and two-family residential uses in the R-2 zone, and single-family, two-family and multifamily uses in the R-3 zone. With this application, the applicant also proposes to allow Day Care Facilities with accessory Community Service uses such as personal development education, counseling, and distribution of donations to clients as outright permitted uses; they are permitted conditionally in the R-3 zone.

Parks and trails are proposed in all zones of the Planned Development.

IV. Compliance with NMC 14.35.030, Accessory Uses in Planned Development. *In addition to the accessory uses typical for the primary or conditional uses authorized, accessory uses approved as part of a planned development may include the following uses:*

- A. *Golf courses.*
- B. *Private parks, lakes or waterways.*
- C. *Recreation areas.*
- D. *Recreation buildings, clubhouses or social halls.*
- E. *Other accessory structures that the Planning Commission finds are designed to serve primarily the residents of the planned development and are compatible to the design of the planned development.*

Accessory Dwelling Units (ADUs) have previously been approved for Phases 1, 2D, 3 and 4 in Wilder; however, they are no longer proposed for Phase 4 and are not requested for Phase 6. No other accessory uses are proposed other than those customary for the primary and conditional uses.

V. Compliance with NMC Section 14.35.070, Criteria for Approval of a Preliminary Development Plan. The criteria for modifying a preliminary development plan have been addressed as follows:

- A. *NMC Section 14.35.070(A)* *Except as set forth in sub-section (A)(2) of this section, a planned development shall be on a tract of land at least two acres in low-density residential areas.*

Wilder Phase 1 is 60 acres in size, exceeding the 2-acre minimum site size for a planned development.

- B. *NMC Section 14.35.070(B)(1)* *The minimum lot area, width, frontage, and yard requirements otherwise applying to individual buildings in the zone in which a planned development is proposed do not apply within a planned development.*

The applicant previously received approval for modifications to the minimum lot area, minimum lot widths, and setbacks required for lots within the R-2, R-3, and C-1 zoning districts for each development type. See pages 13-14 (Attachment "A") for approved dimensional standards. No further modifications are requested with this application.

- C. *NMC Section 14.35.070(B)(2)* *If the spacing between main buildings is not equivalent to the spacing that would be required between buildings similarly developed under this Code on separate parcels, other design features shall provide light, ventilation, and other characteristics equivalent to that obtained from the spacing standards.*

The applicant notes that, as previously proposed, design features will be incorporated into the development that provide light, ventilation, and other characteristics equivalent to that obtained from the spacing standards. The design features of the development are identified in the "Kit of Parts" (Appendix H, Attachment "A") and include such things as buildings with multi-planed sloped roofs, porches, balconies, variations in materials and colors, use of natural materials to blend with the surroundings, large shared common green spaces, etc.

- D. NMC Section 14.35.070(B)(3) *Buildings, off-street parking and loading facilities, open space, landscaping, and screening shall provide protection outside the boundary lines of the development comparable to that otherwise required of development in the zone.*

The applicant points out in their narrative that buildings, off-street parking and loading facilities, open space, landscaping, and screening will provide protection outside the boundary lines of the development comparable to that otherwise required of the development in the zone.

The proposed residential areas of the site are shielded/buffered from adjacent property to the north, west, and east by steep ravines and dense existing vegetation. Each lot will be fully landscaped, and street trees are provided along all streets, which will provide another level of buffering.

The Village Center area abuts the Oregon Community College (OCCC) campus, a non-residential use, to the south and west. The proposed buildings, proposed landscaping, and existing vegetation will provide a level of screening from the OCCC campus.

Furthermore, the surface parking areas within the Village Center area, which will serve apartments, commercial and mixed-use buildings, are located behind or to the side of buildings rather than between buildings and adjacent streets and off-site properties. This greatly limits noise and glare from vehicles and parking lot lighting relative to adjoining properties. There will not be any bright or noisy loading docks for large trucks, given the small-scale operation of the retail being proposed.

The off-street parking areas in Phases 4 will be screened with a mixture of topographic changes, landscaping buffers, and location of facilities primarily to the sides of buildings. In Phase 6, the parking area will be located in front of the buildings to comply with the terms of the PUD easement along the parcel, which prohibits any permanent structures within the easement and allows parking. Landscaping will be provided in Phase 6 between the parking area and Harborton Street to minimize the visual impacts; consistent with the terms of the easement, landscaping will consist of grass and shrubs rather than trees that could interfere with the electric lines. (See Attachment "A," Appendix G, Sheet 19 for landscaping plan for Phases 4 and 6.)

- E. NMC Section 14.35.070(B)(4) *The maximum building height shall, in no event, exceed those building heights prescribed in the zone in which the planned development is proposed, except that a greater height may be approved if surrounding open space within the planned development, building setbacks, and other design features are used to avoid any adverse impact due to the greater height.*

The applicant has previously received approval for three-story buildings that are up to 45 feet in height in the R-3 District, which will apply to development in Phases 4 and 6. No other building height modifications are proposed. The height of multifamily structures in Phase 4 will be visually mitigated from other areas within and adjacent to the development through a combination of topographical changes and existing tree buffers. (See cross-section in Appendix K, Attachment "A").

- F. *NMC Section 14.35.070(B)(5)* The building coverage for any planned development shall not exceed that which is permitted for other construction in the zone exclusive of public and private streets.

The building coverage in the Preliminary Planned Development shall not exceed the maximum allowed in the zones, such standards being as follows:

Zone	Percentage Building Coverage Maximum Allowed
R-2	57%
R-3	60%
C-1	85-90%

- G. *NMC Section 14.35.070(C)(1)* The planned development may result in a density in excess of the density otherwise permitted within the zone in which the planned development is to be constructed not to exceed 5%...

In their narrative, the applicant notes that they are not seeking to increase the density above what is permitted in the R-2 and R-3 base zones. The total units proposed for Phase 1 of Wilder in the preliminary development plan is 258-345 units on 54.3 gross acres of land zoned R-2 and R-3, or an average density of 4.7 to 6.3 units per acre. Density of individual developments in Phases 4 and 6 will also comply with the maximum density for the R-3 zone of no more than one unit per 1,250 SF. Phase 4 is proposed at 130 units on 5.09 acres, or one unit per 1,706 SF. Phase 6 is proposed at 12 units on 1.78 acres, or one unit per 6,461 SF due to development constraints associated with the 75-foot PUD easement. Phase 2B is proposed at 28 units on a combined 34,369 SF, or one unit per 1,227 SF, which is less than a 2% increase in density relative to the 1,250 SF per unit standard consistent with the 5% increase allowed by this section.

- H. *NMC Section 14.35.070(D)(1)* No open areas may be accepted as common open space within a planned development unless it meets the following requirements: (1) The location, shape, size, and character of the common open space is suitable for the planned development; (2) The common open space is for amenity or recreational purposes, and the uses authorized are appropriate to the scale and character of the planned development, considering its size, density, expected population, topography, and the number and type of dwellings provided; (3) Common open space will be suitably improved for its intended use, except that common open space containing natural features worthy of preservation may be left unimproved. The buildings, structures, and improvements to be permitted in the common open space are appropriate to the uses which are authorized for the common open space; (4) The development schedule that is part of the development plan coordinates the improvement of

the common open space and the construction of buildings and other structures in the common open space with the construction of residential dwellings in the planned development; and (5) If buildings, structures, or other improvements are to be made in the common open space, the developer shall provide a bond or other adequate assurance that the buildings, structures, and improvements will be completed. The City Manager shall release the bond or other assurances when the buildings, structures, and other improvements have been completed according to the development plan.

The applicant points out that they completed recreation improvements in Tract "A" and Tract "B" of Wilder Phase 1 to create Wilder Twin Park and trail connections to Mike Miller Park, both dedicated to the public. With this application, the applicant will create Tract "G" which is an open space parcel that extends the existing trails from Tract "B" and Wilder Twin Park north to Harborton Street, to be dedicated with Phase 4.

These tracts are designed and configured to accommodate the trail connections shown on the plans. The trails create a pedestrian amenity that enhances the development and establish connectivity between residential areas that would not otherwise exist given the layout of the residential phases. This criterion calls for construction of the trails to be coordinated with the residential development that they will serve and the applicant has indicated that they are prepared to construct the trails at the time Phase 4 is built.

- I. *NMC Section 14.35.070(E) The planned development is an effective and unified treatment of the development possibilities on the project site while remaining consistent with the Comprehensive Plan and making appropriate provisions for the preservation of natural features such as streams and shorelines, wooded cover, and rough terrain.*

The proposed Planned Development Modification is an effective and unified treatment of the development possibilities on the site and makes appropriate provisions for preservation of natural features. The proposal also meets the purpose statement of the Planned Development pursuant to NMC 14.35.010, which is "to encourage variety in the development pattern of the community and the use of a creative approach to land development."

The applicant points out that the design intent of the Planned Development is to create a livable, viable mixed-use community built on the principles of environmental sustainability. It will feel indigenous to the Oregon Coast in scale, design, and economics. The proposal achieves the purpose statements of the Planned Development by meeting the following design objectives:

- Create a vibrant Village Center that will provide commercial, office, and higher density residential uses to serve the residential population, support the OCCC campus, and create jobs for local residents.
- Graduate residential density outward from the Village Center to create an appropriate transition to the lower density areas of the site, with a second node of multifamily density at the northeast corner of the site buffered from the intervening single-family development.
- Provide for a variety of housing types to accommodate different needs, incomes, and a sense of place and community.

- Design and construct to sustainable standards to lessen the impact to the natural environment and to reduce long term operational costs.
- Develop a transportation system that accommodates multiple-modes of transportation to encourage walking, bike riding, etc., and reduce energy use.
- Provide for an extensive network of open space and parks, including walking and biking trails, throughout the site.
- Protect and provide for management of significant natural resource areas on site, including wetlands, streams, and natural vegetation, by clustering development on buildable portions of the site.

The modifications to Phases 4 and 6 will integrate a dynamic element of student housing and affordable housing, respectively, into Wilder to better maximize and activate the multimodal transportation options, mixed-use development in the Village Center, and open space opportunities throughout Wilder. The lotting changes to Phase 2B will have no impact on the provision of a mix of residential densities to support a vibrant Village Center.

- J. *NMC Section 14.35.070(F) The planned development will be compatible with the area surrounding the project site and with no greater demand on public facilities and services than other authorized uses for the land.*

The proposed uses within the Master Plan for Phase 1 of Wilder comply with the City's Comprehensive Plan and zoning and are consistent with the adopted South Beach Neighborhood Plan, as well as other approved development applications for the site. The Phase 1 site is compatible with the surrounding area in that it is consistent with these previously approved plans and it is reasonable to assume that the surrounding area will continue to develop according to these plans.

The location and level of public services needed to support this planned development, including utilities and streets, were also estimated and planned for in the South Beach Neighborhood Plan and a detailed infrastructure analysis and traffic study was prepared for the prior Phase 1 Planned Development approvals. The applicant has also obtained service letters from the various utility providers that serve the site indicating that services are available and can be further extended to serve the site (Appendix E, Attachment "A").

The major infrastructure necessary to serve the overall Phase 1 site identified in the previously approved plans has already been constructed. This includes the Collector roadway facilities, 40th Street and Harborton Street, from Highway 101 to College Way. College Way has also been constructed between Harborton Street and the College's main campus building. Major utility facilities, including water and sewer lines, have also been constructed within 40th Street, Harborton Street, and College Way to serve Phase 1 of Wilder. All streets and utilities are in place to serve the proposed development in Phases 4 and 6, the subject of this modification. Additional infrastructure will be developed for Phases 2 and 3 as detailed in the previous application, #2-PD-15, and no changes are proposed to those phases with the exception of additional utility connections to serve the two lots now proposed in Phase 2B.

The Newport Public Works Department provided preliminary feedback on the proposed utility plans and driveway alignments that was incorporated into the July 1, 2016 completeness review letter (Attachment "H"), but has not had an opportunity to review the July 20, 2016 revised plan set (Attachment "B") prior to the Planning Commission hearing. Tim Gross, City Engineer, provided comments on July 26, 2016 asking that the applicant to revise its utility plans for Phases 2B, 4 and 6 (Attachment "O"). The applicant's engineer responded with a memo dated August 18, 2016 and revised utility drawings plan sheets 16 and 17 (Attachment "P". The question before the Planning Commission was whether or not the planned development modifications will place a greater demand on public facilities and services than other authorized uses for the land. The applicant has aligned the driveways for Phases 4 and 6 in response to staff feedback, added sidewalk along the Phase 6 street frontage, and has put together a program for extending utilities to Phases 2B, 4 and 6 that responds to the City Engineer's concerns. While the City Engineer has not yet completed his review of the August 18th resubmittal, he did indicate that public facilities are adequate to serve the development. Given the above, and the Commission's favorable recommendation, the City Council concludes that this standard has been satisfied even though there may be a need for minor modifications to the layout of utilities.

- K. *NMC Section 14.35.070(G) Financial assurance or bonding may be required to assure completion of the streets and utilities in the planned development prior to final approval.*

The applicant agrees to either complete construction of streets and utilities or provide the necessary financial assurances or bonding to ensure completion of the streets and development within each phase or micro-phase prior to recordation of a final subdivision plat for such phases.

VI. **Compliance with NMC Section 14.35.100, Criteria for Approval of the Final Development Plan.** The criteria for modifying a final development plan have been addressed as follows:

- A. *NMC Section 14.35.100(A) The Final Development Plan must substantially conform to the land use and arterial street pattern as approved in the Preliminary Development Plan.*

As shown in the attached Final Development Plan/Tentative Subdivision Plan (Attachment "B"), the Final Development Plan land uses and street pattern match the approved Preliminary Development Plan for the overall Phase 1 of Wilder, as modified by the accompanying Preliminary Development Plan Major Modification. (See Appendix G, Attachment "A"). A change in the R-2 and R-3 zoning districts and related land uses is proposed with this application, and is reflected in the proposed Final Development Plan. No changes are proposed to the street pattern.

- B. *NMC Section 14.35.100(B) The proposed uses shall be compatible in terms of density and demand for public services with uses that would otherwise be allowed by the Comprehensive Plan.*

The Proposed Final Development Plan includes uses that are allowed in the Comprehensive Plan and is compatible with the adopted South Beach Neighborhood Plan. The proposed maximum density for the site remains as previously approved, with a maximum of 345 dwelling units in the development and an increase to the minimum density from 172 units to

258 units. A total of 245 of the allowed 345 units are proposed within the Final Development Plan. The location and level of public services necessary to serve the site were estimated and planned for in the South Beach Neighborhood Plan. Therefore, the proposal will not result in any additional demand on public services beyond what was planned for this site.

- C. *NMC Section 14.35.100(C) Adequate services normally rendered by the city to its citizens must be available to the proposed development at the time of approval of the Final Development Plan. The developer may be required to provide special or oversized facilities to serve the planned development.*

The applicant states that they intend to ensure that adequate services are in place or will be made available at time of development of Wilder as outlined within the infrastructure report that was prepared for the original Preliminary Development Plan approval.

The major Collector roadway facilities that serve the development, 40th Street and Harborton Street, have already been constructed through the site from Highway 101 to College Way. Harborton Street will be completed with a sidewalk on the north/east side along the Phase 6 frontage with this application.

Major utility facilities, including water and sewer lines, have also already been constructed within 40th Street, Harborton Street, and College Way to serve Phase 1 of Wilder and the College campus. The applicant has prepared detailed utility plans that illustrate how these facilities will be further extended to serve development within the site. (See Attachment "A," Appendix G, Sheets 15-18 an Attachment "P"). Storm water facilities will also be constructed on site to collect and treat run-off from impervious surfaces prior to being discharged to on-site drainage ways.

As previously noted, the City of Newport Public Works Department requested modifications to the utility plan sheets and has not yet had an opportunity to review the August 18, 2016 submittal by the applicant that was intended to address their concerns (Attachment "P"). While the applicant has made provisions for extending public services to the proposed lots in Phases 2B, 4 and 6 that the Council is relying upon to conclude that this standard has been satisfied, some modifications to the layout of utilities may be required before the City will accept them as part of the public system.

- D. *NMC Section 14.35.100(D) Access shall be designed to cause minimum interference with traffic movement on abutting streets.*

The planned access systems have been designed to efficiently and safely access the site while minimizing impacts on local abutting streets.

Primary traffic access will be provided by two-lane Collector roadways, 40th Street and Harborton Street, and College Way. The Collector roadways have been constructed from US 101 east and south to College Way pursuant to prior approvals for the Planned Development. These streets constitute the northern part of a loop road system that will ultimately connect to 50th Street on the south and then west to US 101. The remaining portion of the loop connecting to 50th Street will be constructed as the Master Plan builds out, providing secondary access to the site. In the mean-time, the southern part of the loop system has been

constructed as a gravel access road for emergency vehicles and construction vehicles only. The City has been granted an access easement to the southern part of the loop system.

Phases 4 and 6 will take access from Harborton Street, and provide internal circulation with private drive aisles. In response to staff feedback, the applicant modified the driveway approach points for Phases 4 and 6 so that they are aligned across from each other, improving traffic safety. Phase 2B will front Harborton Street, and take access from the proposed 46th Street with additional frontage and on-street parking along Ellis Street.

- E. NMC Section 14.35.100(E) *The plan shall provide for adequate landscaping and effective screening for off-street parking areas and for areas where nonresidential use or high-density residential use could be detrimental to residential uses.*

The applicant points out in their narrative that a revised landscaping plan has been prepared for Phases 4 and 6, refining a plan previously approved as part of Case file #2-PD-09. (See Attachment "A," Appendix G, Sheet 19.) Sustainable native plantings have been used where appropriate throughout the site to blend with the natural landscape. Street trees and landscaped curb extensions are provided along all local streets. Landscape curb-extensions will double as stormwater planter swales that provide for a natural means to collect and treat run-off from the development.

The surface parking areas for Phases 4 and 6 serving medium-density development will be screened with a combination of landscaping, topographical changes, and location of parking areas to the sides of buildings where feasible.

A combination of enhanced entry landscaping and enhanced forest edge planting is proposed along the east side of Harborton Street, which will be part of the screening for the off-street parking area in Phase 6. Grass and shrubs will be planted under the power lines and trees will be planted beyond 75-feet. This will create a transition between the street and the off-street parking area in Phase 6 and between the street and the adjacent residential areas in future Phase 5.

The surface parking area in Phase 2B is located interior to the site and will be screened by proposed apartment buildings and site landscaping.

- F. NMC Section 14.35.100(F) *The arrangement of buildings, parking areas, signs, and other facilities shall be designed and oriented to minimize noise and glare relative to adjoining property.*

The applicant points out that the buildings and parking areas in Phases 2B, 4 and 6 will be located to screen adjacent properties from noise and glare. Phase 4 will be buffered from Wilder properties to the south and east by significant open space and a ravine, from properties to the west by open space and landscaping, and from Harborton Street to the north by landscaping. The majority of the parking in Phase 4 is located internal to the site and screened by the proposed apartment buildings to minimize the noise and glare that may be associated with the parking areas. In Phase 6, landscaping will be used to minimize the noise and glare associated with parking areas and buildings; landscaping along Harborton to screen the parking areas will be consistent with the restrictions for development in the PUD easement.

- G. NMC Section 14.35.100(G) *Artificial lighting, including illuminated signs and parking areas lights, shall be so arranged and constructed as not to produce direct glare on adjacent property or otherwise interfere with the use and enjoyment of adjacent property.*

Artificial lighting used on site will be arranged and constructed to minimize direct glare on adjoining property. Low-impact pedestrian scale lighting will be used throughout the development and will be shielded where necessary. As noted above, surface parking areas and associated parking lot lighting within Phases 2B, 4 and 6 will be shielded by building placement and landscaping buffers.

- H. NMC Section 14.35.100(H) *The area around the development can be developed in substantial harmony with the proposed plan.*

The applicant notes that the areas proposed within the Final Development Plan are designed to be compatible with the overall Master Plan for the greater Wilder site, which extends beyond the limits of the current Preliminary Development Plan for Phase 1 of Wilder and the city limits, and includes off-site properties. The design features a pedestrian-oriented Village Center adjacent to the College that will be the hub of activity within the site, supplemented by a node of multifamily development in the northeast corner of the site. The lower density residential portions of the site are buffered from the Village Center by graduated density and from the multifamily node by significant open space and topographical changes in Tract "G." Enhanced pedestrian connections link all uses within the Final Development Plan area.

- I. NMC Section 14.35.100(I) *The plan can be completed within a reasonable period of time.*

As shown in the proposed development schedule (Page 19, Attachment "A"), the plan can be completed within a reasonable period with steady development planned over the next 10 years. The major public infrastructure necessary to serve the development, including 40th Street and Harborton Street to College Way, have already been constructed per the prior development approvals for the site.

- J. NMC Section 14.35.100(J) *The streets are adequate to serve the anticipated traffic.*

As part of the prior annexation of the site into the City of Newport, the City adopted Ordinance 1931 to address potential transportation impacts of Phase 1 by adopting a trip cap. A traffic analysis was prepared in conjunction with the annexation of the Wilder site to demonstrate how proposed development within Phase 1 can be accommodated within the limitations of the trip cap.

Subsequently, the City, Lincoln County, and ODOT worked to establish an alternative mobility standard for US 101 south of the Yaquina Bay Bridge which resulted in the creation of increased transportation system capacity, replacing the trip cap. The City reserved 403 trips from the Trip Budget for properties in the annexation area, including 257 weekday PM peak hour trips allocated to Wilder. Under the City's trip vesting standards, Phase 1 of Wilder will have tentatively vested 313 trips total for development proposed within this Final Development Plan, superseding the Trip Budget limit. (See discussion of trips at page 25, Attachment "A".) The City will confirm the actual number of vested trips by letter should

these amendments to Phase 1 Wilder be approved, consistent with NMC 14.43.080. The streets have been shown to be adequate for proposed development in the Final Development Plan, which is a portion of the full build-out of 345 units analyzed and approved in the Preliminary Development Plan.

- K. NMC Section 14.35.100(K) *Proposed utility and drainage facilities are adequate for the population densities and type of development proposed.*

The applicant notes that they believe the planned utilities that will serve the development to be adequate and appropriate for the land use. Utilities, including water and sewer, have already been constructed through the Wilder site along 40th Street and Harborton Street from Highway 101 to the OCCC campus. As shown in the proposed utility plans, water and sewer will be extended from existing stubs in Harborton to serve development in Phases 4 and 6 and new water and sewer will be constructed in 46th Street to serve Phase 2B (Attachment "A," Appendix G, Sheets 15-18 and Attachment "P"). Stormwater facilities are also proposed that will collect and treat run-off from impervious surfaces within the development before being discharged to on-site drainage ways.

The Council concludes that the applicant has established that it is feasible to construct utility and drainage facilities adequate to serve the population densities and types of development envisioned for Phases 2B, 4 and 6. Additional information is needed to confirm that the size and location of the infrastructure conforms to Public Works Department design guidelines for acceptance as part of the City system. These details can be worked through as part of the building permitting process.

- L. NMC Section 14.35.100(L) *Land shown on the Final Development Plan as common open space shall be conveyed under one of the following options: 1) To a public agency that agrees to maintain the common open space and any buildings, structures, or other improvements that have been placed on it; 2) To an association of owners of tenants, created as a non-profit corporation under the laws of the State, which shall adopt and impose a declaration of covenants and restrictions on the common open space that is acceptable to the Planning Commission as providing for the continuing care of the space. Such an association shall be formed and continued for the purpose of maintaining the common open space.*

The applicant notes that Tracts "G" will be conveyed to the City for trail and open space uses, which is one of the listed options.

- M. NMC Section 14.35.100(M) *The Final Development Plan complies with the requirements and standards of the Preliminary Development Plan.*

The Final Development Plan will comply with the provisions of the modified Preliminary Development Plan proposed concurrently with this application.

- N. NMC Section 14.35.100(N) *No building shall be erected in a planned development district except within an area contained in an approved Final Development Plan, and no construction shall be undertaken in that area except in compliance with the provisions of said plan. All features required in the Final Development Plan shall be installed and retained*

indefinitely or until approval has been received from the Planning Commission or Community Development Director for modification.

In their narrative, the applicant acknowledges that no construction will be completed outside of the area or out of compliance with the approved Final Development Plan.

VII. **Compliance with NMC Chapter 13.05, Criteria for Approval of the Tentative Subdivision Plat.** The criteria for modifying a tentative subdivision plat have been addressed as follows:

A. *NMC Section 13.05.015(A), Criteria for Consideration of Modification to Street Design. As identified throughout the street standard requirements, modifications may be allowed to the standards by the approving authority. In allowing for modifications, the approving authority shall consider modifications of location, width, and grade of streets in relation to existing and planned streets, to topographical or other geological/environmental conditions, to public convenience and safety, and to the proposed use of land to be served by the streets. The street system as modified shall assure an adequate traffic circulation system with intersection angles, grades, tangents, and curves appropriate for the traffic to be carried considering the terrain. Where location is not shown in the Transportation System Plan, the arrangement of streets shall either:*

- (a) Provide for the continuation or appropriate projection of existing principal streets in surrounding areas; or*
- (b) Conform to a plan for the neighborhood approved or adopted by the Planning Commission to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impractical.*

An updated street circulation plan for Phase 1 of the Wilder Master Plan is provided as part of the concurrent Preliminary Planned Development Modification application. (See Attachment "A," Appendix G.) The proposed circulation plan has been refined to accommodate grading, utilities, and site layout for Phases 2B, 4 and 6.

No new roads are proposed to serve Phases 2B, 4 and 6. The Phase 2B lots will be served by the existing SE Harborton Street, and the proposed 46th Street and Ellis Street. The development in Phases 4 and 6 will take access from SE Harborton Street, an existing collector constructed with previous phases of development, and will provide onsite circulation within the phases through private drive aisles.

Natural features, such as steep topography, creeks, and wetlands, prevent any additional local street connections to surrounding parcels through Phases 4 and 6.

B. *NMC Section 13.05.015(B), Minimum Right-of-Way and Roadway Width. Unless otherwise indicated on the development plan, the street right-of-way and roadway widths shall not be less than the minimum width in feet shown in the following table:*

<i>Type of Street</i>	<i>Minimum Right-of-Way Width</i>	<i>Minimum Roadway Width</i>
<i>Arterial, Commercial and Industrial</i>	<i>80 feet</i>	<i>44 feet</i>
<i>Collector</i>	<i>60 feet</i>	<i>44 feet</i>

<i>Minor Street</i>	<i>50 feet</i>	<i>36 feet</i>
<i>Radius for turn-around at end of cul-de-sac</i>	<i>50 feet</i>	<i>45 feet</i>
<i>Alleys</i>	<i>25 feet</i>	<i>20 feet</i>

Modifications to this requirement may be made by the approving authority where conditions, particularly topography, geology, and/or environmental constraints, or the size and shape of the area of the subdivision or partition, make it impractical to otherwise provide buildable sites, narrower right-of-way and roadway width may be accepted. If necessary, slope easements may be required.

The previously approved Planned Development application for the site included a “Kit of Parts” that identified typical neo-traditional street sections, including roadway and right-of-way widths, for each unique street type that could be located within the Master Plan site. (See Attachment "A," Appendix H.) SE Harborton Street, which provides access to both Phases 4 and 6, has already been constructed to approved “Kit of Parts” standards and approved engineering drawings, with a 75-foot right-of-way and 24-foot roadway width. (See Attachment "A," Appendix J, Detail 4.) No new streets are planned with Phases 4 and 6; however, a 5-foot wide sidewalk will be constructed along SE Harborton Street fronting Phase 6 within the existing right-of-way to provide connectivity to the west.

In Phase 2B, 46th Street and Ellis Street will be built to approved standards for Village Center Road sections. (See Attachment "A," Appendix H, pages 14-15.) No changes to the roadways are proposed to accommodate the creation of two lots in place of one lot; the two lots will continue to have frontage on public streets.

- C. *NMC Section 13.05.015(C), Reserve Strips.* *Reserve strips giving a private property owner control of access to streets are not allowed.*

This criterion is not applicable. There are no reserve strips proposed for the subdivision.

- D. *NMC Section 13.05.015 (D), Alignment.* *Streets other than minor streets shall be in alignment with existing streets by continuations of their center lines. Staggered street alignment resulting in "T" intersections shall leave a minimum distance of 200 feet between the center lines of streets having approximately the same direction and, in no case, shall be less than 100 feet. If not practical to do so because of topography or other conditions, this requirement may be modified by the approving authority.*

The applicant notes that this criterion is not applicable; the applicant does not propose any new streets creating any new alignments in Phases 4 and 6 and 46th and Ellis Street alignments have already been approved.

- E. *NMC Section 13.05.015(E), Future Extensions of Streets.* *Proposed streets within a land division shall be extended to the boundary of the land division. A turnaround if required by the Uniform Fire Code will be required to be provided. If the approval authority determines that it is not necessary to extend the streets to allow the future division of adjoining land in accordance with this chapter, then this requirement may be modified such that a proposed street does not have to be extended to the boundary of the land division.*

As described above, the collector roadway that serves the site, identified as Harborton Street, has already been constructed through Phase 1 of the Wilder Master Plan site south to a point just beyond the intersection of Harborton Street and College Way. Harborton Street transitions to 40th Street in the north of the Planned Development, which extends across the development's western boundary running east-west to intersect with Highway 101. No new streets are proposed within Phases 4 and 6 that would require additional extensions. In Phase 2B, 46th and Ellis Streets have been approved, with Ellis Street continuing to the south to intersect with College Way.

F. NMC Section 13.05.015(F), Intersection Angles.

1. *Streets shall be laid out to intersect at right angles.*
2. *An arterial intersecting with another street shall have at least 100 feet of tangent adjacent to the intersection.*
3. *Other streets, except alleys, shall have at least 50 feet of tangent adjacent to the intersection.*
4. *Intersections which contain an acute angle of less than 80 degrees or which include an arterial street shall have a minimum corner radius sufficient to allow for a roadway radius of 20 feet and maintain a uniform width between the roadway and the right-of-way line.*
5. *No more than two streets may intersect at any one point.*
6. *If it is impractical due to topography or other conditions that require a lesser angle, the requirements of this section may be modified by the approval authority. In no case shall the acute angle in Subsection F.1. be less than 80 degrees unless there is a special intersection design.*

The applicant notes that this criterion is not applicable because no new streets are proposed.

- G. NMC Section 13.05.015(G), Half Street. *Half streets are not allowed. Modifications to this requirement may be made by the approving authority to allow half streets only where essential to the reasonable development of the land division, when in conformity with the other requirements of these regulations and when the city finds it will be practical to require the dedication of the other half when the adjoining property is divided. Whenever a half street is adjacent to a tract property to be divided, the other half of the street shall be provided.*

This criterion is not applicable. The proposed subdivision does not include any half-street improvements.

- H. NMC Section 13.05.015(H), Sidewalks. *Sidewalks in conformance with the city's adopted sidewalk design standards are required on both sides of all streets within the proposed land division and are required along any street that abuts the land division that does not have sidewalk abutting the property within the land division. The city may exempt or modify the requirement for sidewalks only upon the issuance of a variance as defined in the Zoning Ordinance.*

On Harborton Street, a 12-foot wide multiuse path has been constructed on the south/west side of the street that serves Phase 4. An additional 5-foot wide sidewalk will be constructed on the north/east side of Harborton along the Phase 6 frontage to provide a direct pedestrian

connection from the multifamily residential development to an existing sidewalk along the north side of 40th Street at its intersection with Chestnut Street. In sum, these improvements will provide adequate pedestrian circulation for both sides of the street.

Future pedestrian connectivity along the north side of Harborton Street, south and east of Phase 6, will be developed with plans for Phase 5 and may include alternative connections such as an off-street trail. Sidewalks will be constructed along 46th and Ellis Streets in Phase 2B consistent with approved Village Center roadway cross-sections. Sidewalks are supplemented with multiuse pathways and nature trails to enhance pedestrian connectivity throughout Wilder.

- I. *NMC Section 13.05.015(I), Cul-de-sac. A cul-de-sac shall have a maximum length of 400 feet and serve building sites for not more than 18 dwelling units. A cul-de-sac shall terminate with a circular turn-around meeting minimum Uniform Fire Code requirements. Modifications to this requirement may be made by the approving authority. A pedestrian or bicycle way may be required by easement or dedication by the approving authority to connect from a cul-de-sac to a nearby or abutting street, park, school, or trail system to allow for efficient pedestrian and bicycle connectivity between areas if a modification is approved and the requested easement or dedication has a rational nexus to the proposed development and is roughly proportional to the impacts created by the proposed land division.*

This criterion is not applicable as there are no cul-de-sacs proposed in Phases 2B, 4 and 6.

- J. *NMC Section 13.05.015(J), Street Names. Except for extensions of existing streets, no street name shall be used which will duplicate or be confused with the name of an existing street. Street names and numbers shall conform to the established pattern in the city, as evident in the physical landscape and described in City of Newport Ordinance No. 665, as amended.*

The applicant notes that street names in Wilder Phase 1 have been previously approved by the Planning Commission and no changes are proposed. Ellis, Fleming, Geneva and Harborton Streets will continue through the development, and numbered streets will be named consistent with the established pattern in the city. The street names are identified on the plat. (See Attachment "A," Appendix G, Sheets 7-10).

- K. *NMC Section 13.05.015(K), Marginal Access Street. Where a land division abuts or contains an existing or proposed arterial street, the Planning Commission may require marginal access streets, reverse frontage lots with suitable depth, screen planting constrained in a non-access reservation along the rear or side property line, or other treatment necessary for adequate protection of residential properties and to afford separation of through and local traffic.*

This criterion is not applicable. The proposed land division does not abut or contain an existing or proposed arterial street.

- L. *NMC Section 13.05.015(L), Alleys. Alleys shall be provided in commercial and industrial districts. If other permanent provisions for access to off-street parking and loading facilities are provided, the approving authority is authorized to modify this provision if a determination is made that the other permanent provisions for access to off-street parking*

and loading facilities are adequate to assure such access. The corners of alley intersections shall have a radius of not less than 12 feet.

This criterion is not applicable because there are no alleys proposed within Phases 2B, 4 and 6. Off-street parking in Phases 4 and 6 will be accessed directly from Harborton Street and served with private drive aisles. Off-street parking in Phase 2B will be accessed from 46th Street.

- M. *NMC Section 13.05.020(A), Blocks General.* *The length, width, and shape of blocks for non-residential subdivisions shall take into account the need for adequate building site size and street width, and shall recognize the limitations of the topography.*

Not applicable because there is no non-residential development proposed with Phases 2B, 4 and 6.

- N. *NMC Section 13.05.020(B), Block Size.* *No block shall be more than 1,000 feet in length between street corners. Modifications to this requirement may be made by the approving authority if the street is adjacent to an arterial street or the topography or the location of adjoining streets justifies the modification. A pedestrian or bicycle way may be required by easement or dedication by the approving authority to allow connectivity to a nearby or abutting street, park, school, or trail system to allow for efficient pedestrian and bicycle connectivity between areas if a block of greater than 1,000 feet if a modification is approved and the requested easement or dedication has a rational nexus to the proposed development and is roughly proportional to the impacts created by the proposed land division.*

Block lengths in excess of 1,000 feet are not proposed.

- O. *NMC Section 13.05.025(A), Utility lines.* *Easements for sewers and water mains shall be dedicated to the city wherever a utility is proposed outside of a public right-of-way. Such easements must be in a form acceptable to the city. Easements for electrical lines, or other public utilities outside of the public right-of-way shall be dedicated when requested by the utility provider. The easements shall be at least 12 feet wide and centered on lot or parcel lines, except for utility pole tieback easements, which may be reduced to six (6) feet in width.*

Easements for sewer and water mains, public utilities and electrical lines outside of the public right-of-way will be provided within the subdivision plat per the above requirements. Public sewer, water and drainage easements will be provided in Phases 4 and 6 based on location of utilities and fire hydrants, as needed, in a form acceptable to the city. A 75-foot-wide easement for the electrical lines on the northeast side of Harborton Street has already been recorded, and will be maintained with development of Phase 6. No sewers or water mains are proposed outside of public right-of-way in Phase 2B and the applicant is prepared to put in place a drainage easement that will run along the property line running through the Phase 2B parking lot.

- P. *NMC Section 13.05.025(B), Utility Infrastructure.* *Utilities may not be placed within one foot of a survey monument location noted on a subdivision or partition plat.*

The applicant notes that utilities will not be placed within one foot of a survey monument location. Final utility locations will be provided in future construction plan submittals to the City.

- Q. NMC Section 13.05.025(C), Water Course. *If a tract is traversed by a water course such as a drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially to the lines of the water course, and such further width as will be adequate for the purpose. Streets or parkways parallel to the major water courses may be required.*

Stormwater drains through the site in existing stormwater systems, roadside swales, and natural low spots in undeveloped areas. There are no significant water bodies or water courses identified within the Wilder site except for two small wetlands. The small wetland in Phase 4 will be filled. The small wetland in Phase 6 will be retained. The applicant proposes to route Phase 4 stormwater in a public storm drain from Harborton Street to an existing drainage way to the south of Phase 4. As previously discussed, additional analysis is needed to determine whether or not a public storm drain system is needed to adequately convey Phase 4 runoff. City staff and the applicant can work through this issue prior to the City Council hearing.

- R. NMC Section 13.05.030(A) *The size (including minimum area and width) of lots and parcels shall be consistent with the applicable lot size provisions of the Zoning Ordinance, with the following exception:*

Where property is zoned and planned for business or industrial use, other widths and areas may be permitted at the discretion of the Planning Commission. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.

R-3 zoning is proposed for both Phases 4 and 6, to facilitate multifamily development. Phase 4, Lot 1 will total 5.08 acres and Phase 6, Lot 1 will total 1.78 acres, satisfying the 5,000 SF minimum requirement for the R-3 zone. Phase 2B is also zoned R-3, and Lot 27 will total 13,623 SF and Lot 28 will total 20,746 SF, meeting the minimum standard.

- S. NMC Section 13.05.030(B) *Each lot and parcel shall possess at least 25 feet of frontage along a street other than an alley.*

Both lots proposed for Phases 4 and 6 will have in excess of 25 feet of frontage along Harborton Street. Lot 27 in Phase 2B will have in excess of 25 feet of frontage along Harborton Street and 46th Street, and Lot 28 will have sufficient frontage along 46th and Ellis Streets.

- T, NMC Section 13.05.030(C) *Through lots and parcels are not allowed. Modifications may be made by the approving authority where they are essential to provide separation of residential development from major traffic arteries or adjacent nonresidential activities or to overcome specific disadvantages of topography and orientation. The approving authority may require a planting screen easement at least 10 feet wide and across which there shall be*

no right of access. Such easement may be required along the line of building sites abutting such a traffic artery or other incompatible use.

No through lots or parcels are proposed with these phases.

- U. *NMC Section 13.05.030(D) The side lines of lots and parcels shall run at right angles to the street upon which they face, except that on curved streets they shall be radial to the curve. Modifications to this requirement may be made by the approving authority where it is impractical to do so due to topography or other conditions or when the efficient layout of the land division has the lines running as close to right angles (or radial) as practical.*

The proposed lot lines in Phase 2B run at right angles to Harborton Street on the north and south edges of the lots. The proposed lot lines in Phases 4 and 6 run at right angles to Harborton Street on the west edge of the lots. On the eastern edge of the lots in Phases 4 and 6, the lot lines run near to radial while accommodating significant topographical changes. The eastern side line of Tract "G" in particular is shaped by a steep ravine in between Phases 4 and 3, and sited to accommodate a public nature trail.

- V. *NMC Section 13.05.030(E), Special Setback Lines. All special building setback lines, such as those proposed by the applicant or that are required by a geological report, which are to be established in a land division, shall be shown on the plat, or if temporary in nature, shall be included in the deed restrictions.*

This criterion is not applicable. There are no special setback lines proposed.

- W. *NMC Section 13.05.030(F), Maximum Lot and Parcel Size. Proposed lots and parcels shall not contain square footage of more than 175% of the required minimum lot size for the applicable zone. Modifications to this requirement may be made by the approving authority to allow greater square footage where topography or other conditions restrict further development potential or where the layout of the land division is designed and includes restrictions to provide for extension and opening of streets at intervals which will permit a subsequent division into lots or parcels of appropriate size for the applicable zone designation.*

The lots in Phases 2B, 4 and 6 are larger than 175% of the required minimum lot size in order to accommodate multifamily development at densities consistent with the R-3 zone. As this is a Planned Development, the Council concludes that the lot sizes depicted on the applicant's plans are the minimum needed to accommodate the development.

- X. *NMC Section 13.05.030(G), Development Constraints. No lot of parcel shall be created with more than 50% of its land area containing wetlands or lands where the city restricts development to protect significant Statewide Land Use Planning Goal 5 or Goal 17 resources, except that areas designated as open space within a land division may contain up to 100% of a protected resource.*

Lot 1 of Phase 4 contains a small wetland totaling 2,053 SF, or less than 1% of the lot; the wetland will be filled and mitigated with development. Lot 1 of Phase 6 includes a small wetland totaling 1,548 SF, or approximately 2% of the lot, and will be protected with

development. Tract "G" in Phase 4 is designated as open space and includes steep slopes and ravines. (See Attachment "A," Appendix G, Sheet 16 and Attachment "P"). There are no wetlands or other resources in the proposed Phase 2B lots.

- Y. NMC Section 13.05.030(H), Lots and Parcels within Geological Hazard Areas. *Each new undeveloped lot of parcel shall include a minimum 1,000 square foot building footprint within which a structure could be constructed and which is located outside of active and high hazard zones and active landslide areas (See Section 2-4-7 of the Zoning Ordinance for an explanation of hazard zones). New public infrastructure serving a lot or parcel shall similarly be located outside of active and high hazard zones and active landslide areas.*

All of Phase 1 of Wilder is located outside of Geologic Hazard Areas as mapped by the City of Newport; this criterion does not apply.

- Z. NMC Section 13.05.035(A). *Improvement work, including excavation in the excess of 100 cubic yards, shall not be commenced until plans have been checked for adequacy and approved by the city. To the extent necessary for evaluation of the proposal, the plans shall be required before approval of the tentative plan of a subdivision or partition.*

The applicant acknowledges that engineering plans must be submitted to the city prior to construction of any public improvements.

- AA. NMC Section 13.05.035(B). *Improvement work shall not commence until after the city is notified, and, if work is discontinued for any reason, it shall not be resumed until after the city is notified.*

The applicant agrees to notify the city before commencing improvement work.

- BB. NMC Section 13.05.035(C). *Public improvements shall be constructed under the inspection and to the satisfaction of the city engineer. The city may require change in typical sections and details in the public interest if unusual conditions arise during construction to warrant the change.*

The applicant agrees to construct the improvements under the inspection and to the satisfaction of the city engineer.

- CC. NMC Section 13.05.035(D). *Underground utilities, sanitary sewers, and storm drains installed in streets shall be constructed prior to the surfacing of the streets. Stubs for service connection for underground utilities and sanitary sewers shall be placed to allow future connections without disturbing the street improvements.*

Utilities in Phases 4 and 6 will connect to stubs already placed in Harborton Street. Connections to existing utility stubs will be coordinated to minimize re-surfacing of Harborton Street. Utilities in Phase 2B will be constructed prior to construction of 46th Street. (See Attachment "A," Appendix G, Sheet 17 and Attachment "P" for Utility Plan.)

DD. NMC Section 13.05.035(E). *A map showing public improvements as built shall be filed with the city upon completion of the improvements.*

The applicant agrees to file as-built plans with the city.

EE. NMC Section 13.05.035(F). *Public improvements shall not be commenced until any appeals of the subdivision approval are resolved.*

The applicant has indicated that they will abide by this requirement.

FF. NMC Section 13.05.040(A)(1), Streets. *All streets, including alleys, within the land division, streets adjacent but only partially within the land divisions, and the extension of land division streets to the intersecting paving line of existing streets with which the land division streets intersect, shall be graded for the full right-of-way width. The roadway shall be improved to a width of 36 feet or other width as approved by the approval authority by excavating to the street grade, construction of concrete curbs and drainage structures, placing a minimum of six inches of compacted gravel base, placement of asphaltic pavement 36 feet in width or other width as approved by the approval authority and approximately two inches in depth, and doing such other improvements as may be necessary to make an appropriate and completed improvement. Street width standards may be adjusted as part of the tentative plan approval to protect natural features and to take into account topographic constraints and geologic risks.*

The streets serving Phases 4 and 6 have already been constructed and extended through the development, including the minimum width required for the applicable "Kit of Parts" street sections approved for use in Wilder. SE Harborton Street will be completed with an attached sidewalk on the north/east side of the street along the Phase 6 frontage. Construction of the sidewalk will occur concurrent with the development. Harborton Street, where it fronts Phase 2B, has also been completed, and 46th and Ellis Streets fronting the lots in Phase 2B will be constructed to the approved Village Center cross-sections with development of this phase.

GG. NMC Section 13.05.040(A)(2) Surface Drainage and Storm Sewer System. *Drainage facilities shall be provided within the land division and to connect the land division drainage to drainage ways or storm sewers outside the land division. Design of drainage within the land division shall take into account the capacity and grade necessary to maintain unrestricted flow from areas draining through the land division and to allow extension of the system to serve such areas.*

As illustrated in the utility plan, drainage facilities are proposed within the subdivision to connect the subdivision to drainage ways outside the subdivision in accordance with City standards. (See Attachment "A," Appendix G, Sheets 15-18 and Attachment "P"). The applicant originally proposed to route Phase 4 storm water in a public storm drain from Harborton Street to the existing drainage way south of Phase 4. They have since modified their plans such that roadway drainage will continue to be managed in the roadside swale. For Phase 4, on-site storm drainage will be collected into a private system and discharged into a drainage immediately south of the development. This addressed concerns raised by the Public Works Department.

Phase 2B storm water will be collected in a drainage way along the proposed lot line down the middle of the parking lot shared by both lots through an easement, draining to 46th Street.

HH. NMC Section 13.05.040(A)(3), Sanitary Sewers. *Sanitary sewers shall be installed to serve each lot or parcel in accordance with standards adopted by the City, and sewer mains shall be installed in streets as necessary to connect each lot or parcel to the city's sewer system.*

A sewer main is already installed in Harborton Street and will provide service to the development in Phases 4 and 6. A sewer main is planned along 46th Street which will provide service to the two lots in Phase 2B. As illustrated in the utility plan, sanitary sewers will be installed to serve each lot in accordance with standards adopted by the City. (See Attachment "A," Appendix G, Sheets 15-18 and Appendix "P").

II. NMC Section 13.05.040(A)(4), Water. *Water mains shall be installed to allow service to each lot or parcel and to allow for connection to the city system, and service lines or stubs to each lot shall be provided. Fire hydrants shall be installed as required by the Uniform Fire Code. The city may require that mains be extended to the boundary of the land division to provide for future extension or looping.*

A water main is already installed in Harborton Street and will provide service to the development in Phases 4 and 6. A water main is planned along 46th Street which will provide service to the two lots in Phase 2B. As illustrated in the utility plan, water mains and fire hydrants will be installed to serve each lot in accordance with standards adopted by the City. (See Attachment "A," Appendix G, Sheets 15-18 and Attachment "P")

JJ. NMC Section 13.05.040(A)(5), Sidewalks. *Required sidewalks shall be constructed in conjunction with the street improvements except as specified below:*

- a. *Delayed Sidewalk Construction. If sidewalks are designed contiguous with the curb, the subdivider may delay the placement of concrete for the sidewalks by depositing with the city a cash bond equal to 115 percent of the estimated cost of the sidewalk. In such areas, sections of sidewalk shall be constructed by the owner of each lot as building permits are issued. Upon installation and acceptance by the city engineer, the land owner shall be reimbursed for the construction of the sidewalk from the bond. The amount of the reimbursement shall be in proportion to the footage of sidewalks installed compared with the cash bond deposited and any interest earned on the deposit.*
- b. *Commencing three (3) years after filing of the final plat, or a date otherwise specified by the city, the city engineer shall cause all remaining sections of sidewalk to be constructed, using the remaining funds from the aforementioned cash bond. Any surplus funds shall be deposited in the city's general fund to cover administrative costs. Any shortfall will be paid from the general fund.*
- c. *Notwithstanding the above, a developer may guarantee installation of required sidewalks in an Improvement Agreement as provided in Section 13.05.090(C).*

SE Harborton Street has been constructed consistent with approved construction drawings including a 12-foot-wide multiuse path along the south/west side of Harborton Street which will serve Phases 2B and 4. A sidewalk will be constructed along the north/east side of Harborton Street fronting Phase 6 to provide a direct pedestrian

connection to the west. Sidewalks will be constructed along 46th and Ellis Streets with Phase 2B. (See Attachment "A," Appendix G, Sheets 4 and 5).

KK. *NMC Section 13.05.040(B). All public improvements shall be designed and built to standards adopted by the city. Until such time as a formal set of public works standards is adopted, public works shall be built to standards in any existing published set of standards designated by the city engineer for the type of improvement. The city engineer may approve designs that differ from the applicable standard if the city engineer determines that the design is adequate.*

Public improvements will be designed and built to city standards or approved standards in the "Kit of Parts."

LL. *NMC Section 13.05.040(C). Public improvements are subject to inspection and acceptance by the city. The city may condition building or occupancy within the land division on completion and acceptance of required public improvements.*

The applicant understands that they must abide by this requirement.

MM. *NMC Section 13.05.045(A). Tentative plans for land divisions shall be approved only if public facilities and utilities (electric and phone) can be provided to adequately service the land division as demonstrated by a written letter from the public facility provider or utility provider stating the requirements for the provision of public facilities or utilities (electric and phone) to the proposed land division.*

The Pioneer Telephone Cooperative and Central Lincoln PUD have confirmed that they can provide service for the proposed subdivision. (See Attachment "A," Appendix E.)

NN. *NMC Section 13.05.045(B). For public facilities of sewer, water, storm water, and streets, the letter must identify the:*

1. *Water main sizes and locations, and pumps needed, if any, to serve the land division.*
2. *Sewer mains sizes and locations, and pumping facilities needed, if any, to serve the land division.*
3. *Storm drainage facilities needed, if any, to handle any increased flow or concentration of surface drainage from the land division, or detention or retention facilities that could be used to eliminate need for additional conveyance capacity, without increasing erosion or flooding.*
4. *Street improvements outside of the proposed development that may be needed to adequately handle traffic generated from the proposed development.*

The City provided a letter on September 18, 2015, identifying the utilities serving Wilder in a general manner as it related to the adequacy of services for the Planned Development proposed in #2-PD-15 and #3-PD-15. (See Attachment "A," Appendix E.) The modifications proposed with this application do not change the total amount and intensity of proposed development; however, there are service details that must still be addressed as it relates to Phases 2B, 4 and 6. Formal confirmation from the

Public Works Department that the services planned for these phases are adequate can be provided prior to the City Council hearing.

- OO. NMC Section 13.05.050(A), Underground Utilities and Service Facilities, Undergrounding. *All utility lines within the boundary of the proposed land divisions, including, but not limited to, those required for electric, telephone, lighting, and cable television services and related facilities shall be placed underground, except surface-mounted transformers, surface-mounted connection boxes and meter cabinets which may be placed above ground, temporary utility service facilities during construction, high capacity electric and communication feeder lines, and utility transmission lines operating at 50,000 volts or above. The subdivider shall make all necessary arrangements with the serving utility to provide the underground service.*

All utility facilities within the subdivision will be designed in accordance with this standard. The main Central Lincoln PUD transmission lines through South Beach will be located above ground within a 75-foot right-of-way along the north/east side of Harborton Street.

- PP. NMC Section 13.05.050(B), Underground Utilities and Service Facilities, Non-City-Owned Utilities. *As part of the application for tentative land division approval, the applicant shall submit a copy of the preliminary plat to all non-city-owned utilities that will serve the proposed subdivision. The subdivider shall secure from the non-city-owned utilities, including but not limited to electrical, telephone, cable television, and natural gas utilities, a written statement that will set forth their extension policy to serve the proposed land division with underground facilities. The written statements from each utility shall be submitted to the city prior to the final approval of the plat for recording.*

The Pioneer Telephone Cooperative and Central Lincoln PUD have confirmed that they can provide service for the proposed subdivision. (See Attachment "A," Appendix E.)

- QQ. NMC Section 13.05.055, Street Lights. *Street lights are required in all land divisions where a street is proposed. The city may adopt street light standards. In the absence of adopted standards, street lights shall be placed in new land divisions to assure adequate lighting of streets and sidewalks within and adjacent to the land division.*

There are already street lights installed along Harborton Street to serve Phases 4 and 6 consistent with approved construction drawings; no new street lights are proposed with this application. Proposed street light locations along 46th and Ellis Streets were reviewed and approved with previous applications. (See Attachment "A," Appendix G, Sheets 15-18 and Attachment "P").

- RR. NMC Section 13.05.060, Street Signs. *Street name signs, traffic control signs and parking control signs shall be furnished and installed by the city.*

As required, street signs, traffic control signs and parking control signs will be furnished and installed by the City Street Department.

SS. NMC Section 13.05.065, Monuments. *Upon completion of street improvements, monuments shall be reestablished and protected in monument boxes at every street intersection and all points of curvature and points of tangency of street center lines.*

The applicant acknowledges that they must reestablish and protect monuments, as required.

TT. NMC Section 13.05.090(A), Final Plat Requirements for Land Divisions Other than Minor Replats or Partitions, Submission of Final Plat. *Within two years after tentative plan approval, such other time established at the time of tentative plan approval, or extensions granted under this chapter, the owner and/or applicant (collectively referred to as the "developer") shall cause the land division to be surveyed and a final plat prepared. If the developer elects to develop the land division in phases, final plats for each phase shall be completed within the time required (e.g. Phase I completed within two years, Phase II completed within the next two years, etc.). The final plat shall be in conformance with the approved tentative plan, this chapter, ORS Chapter 92, and standards of the Lincoln County Surveyor.*

The applicant notes that, as previously conditioned in #1-SUB-09, the developer will have up to four years to submit the final plat for the initial phase of development and an additional four years for each subsequent phase of development included in the tentative subdivision plan.

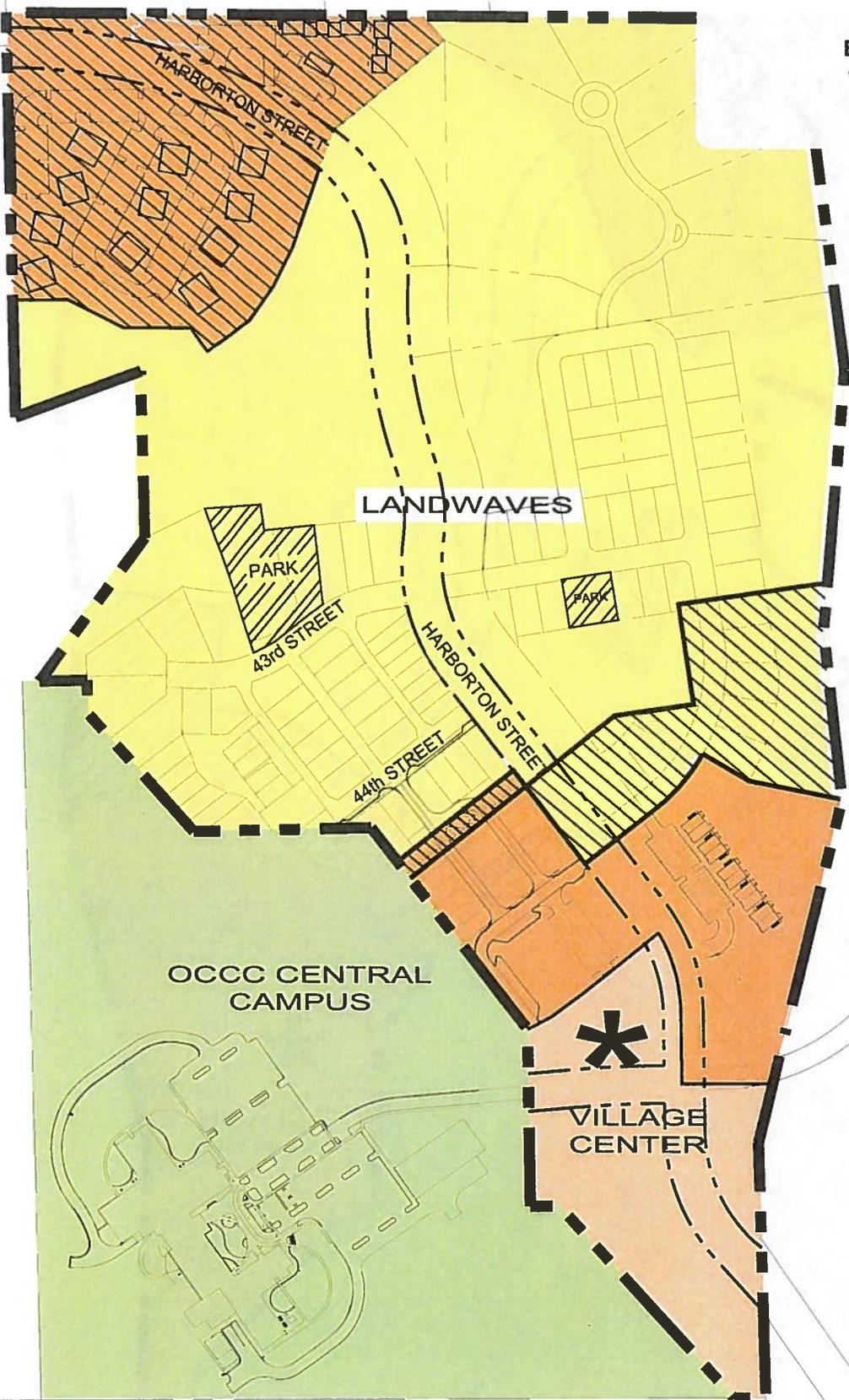
OVERALL CONCLUSION

Based on the staff report, the application material, and other evidence and testimony in the record, the City Council concludes that the request as presented in the application materials complies with the approval criteria set forth herein provided conditions are imposed on the modified preliminary development plan final development plan; and tentative subdivision plat for Phase 1 Wilder as follows:

1. Conditions from prior City approvals of the Wilder planned development remain in effect, except as modified herein.
2. Trail improvements on Tract "G" are to be constructed in a manner acceptable to the Newport Parks and Recreation Department. Installation of the improvements shall occur prior to certificates of occupancy being issued for Phase 4 development. Trail development for Tract "H" shall occur prior to a final plat being recorded for that phase of development.
3. A sidewalk with a width of at least 5-feet shall be constructed on the north/east side of Harborton along the Phase 6 frontage in accordance with applicable City of Newport standards and is subject to approval and acceptance by the City of Newport Public Works Department prior to certificates of occupancy being issued for Phase 6 development.
4. Accessory Dwelling Units (ADUs) in the Wilder Planned Development shall be limited to Wilder Phases 1B, 1C, 2D, and 3. Standards for the approval of ADU units are to remain as previously approved.

5. Necessary utilities as applicable (including sewer, water, and/or storm drainage/sewer and over which the City of Newport has jurisdiction) internal or adjacent to Phases 4 and 6 shall be designed and constructed in conformance with the applicable City of Newport standards and as approved by the City of Newport Public Works Department prior to issuance of certificates of occupancy within said phases.
6. Utility easements proposed within Phases 2B, 4 and 6 shall be dedicated with the final plats for the respective phases.
7. The applicant shall comply with the applicable improvement procedure requirements of NMC 13.05.035 (Public Improvements) and 13.05.040, except as modified with this approval.
8. As requested by the applicant, and consistent with NMC 13.05.090(A), a final plat for at least one phase of the proposed development must be submitted within four years of the date of this approval and a four-year time limit applies to each subsequent phase of development. The final plats for all phases must conform to the approved tentative subdivision plat and adhere to the requirements for preparation of a final plat contained in the Newport Municipal Code.

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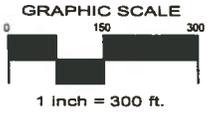


ACREAGES BY ZONING

SYMBOL	ZONING	AREA (AC)
	PUBLIC	24.2
	COMMERCIAL	5.5
	HIGH DENSITY RESIDENTIAL	6.1
	HIGH DENSITY RESIDENTIAL PROPOSED, EXISTING LOW DENSITY RESIDENTIAL	8.1
	LOW DENSITY RESIDENTIAL	37.7
	LOW DENSITY RESIDENTIAL PROPOSED, EXISTING HIGH DENSITY RESIDENTIAL	2.2

WILDER

PROPOSED COMPREHENSIVE
PLAN MAP

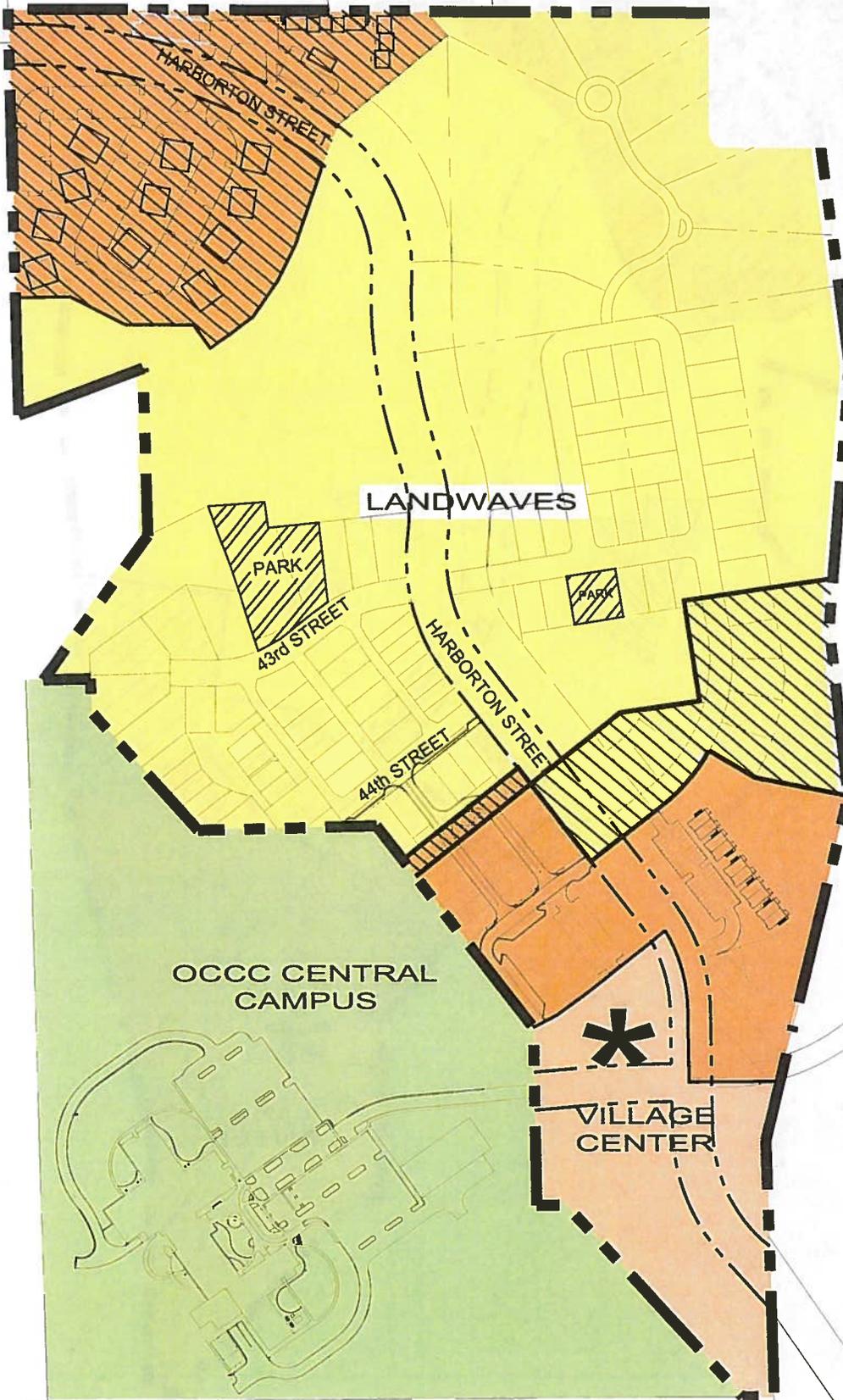


PREPARED FOR:
landwaves .INC
2712 SE 20th Ave.
Portland, Oregon 97202
TEL: (503) 221-0167
FAX: (503) 221-0741

PREPARED BY:
 400 COLUMBIA STREET
SUITE 160
VANCOUVER, WA 98660
PHONE 503-939-8750

JET Planning, LLC
215 W. 4th Street ste. 215
Vancouver, WA 98660

Date: 7-20-16
Job No: LAN005



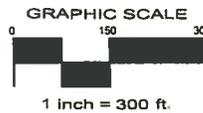
Jul 19, 2016 - 1:37 PM C:\Common Data\Pro... Active\MAH001-16-01 - OSU Student Housing - Wilder Ph 4\4 Planning Drawings\Community Map... Ph 4 OSU Student Housing plan set\Proposed Zoning Map.dwg

ACREAGES BY ZONING

SYMBOL	ZONING	AREA (AC)
	P1	24.2
	C1	5.5
	R3	14.2
	PROPOSED R3 FORMER R2	
	R2	39.9
	PROPOSED R2 FORMER R3	

WILDER

PROPOSED ZONING MAP



PREPARED FOR:

landwavesTM
 2712 SE 20th Ave.
 Portland, Oregon 97202
 TEL: (503) 221-0167
 FAX: (503) 221-0741

PREPARED BY:

400 COLUMBIA STREET
 SUITE 180
 VANCOUVER, WA 98660
 PHONE 503-939-8750

JET Planning, LLC
 215 W 4th Street ste. 215
 Vancouver, WA 98660

Date: 7-20-16
Job No: LAN005



AKS ENGINEERING & FORESTRY VANCOUVER
9600 NE 126th Avenue, Suite 2520, Vancouver, WA 98682
P: (360) 882-0419 F: (360) 882-0426

OFFICES IN: TUALATIN, OR - VANCOUVER, WA - SALEM-KEIZER, OR

**LEGAL DESCRIPTION
FOR
WILDER ZONING**

ZONE R-3 NORTH

Being a portion of the Northeast quarter of Section 20, Township 11 South, Range 11 West, Willamette Meridian, and Parcel 2 of Partition Plat recorded in Book 2015, Page 1, City of Newport, Lincoln County, Oregon, more particularly described as follows:

COMMENCING at a brass cap marking the Northeast quarter of Section 20, Township 11 South, Range 11 West, Willamette Meridian, as shown in Partition Plat recorded in Book 2015, Page 1;

THENCE North 84°40'37" West along the North line of said Section 20, also being the North line of Parcel 2 of said Partition Plat, for a distance of 571.71 feet to the **POINT OF BEGINNING**;

THENCE South 36°40'45" East, leaving said North line, for a distance of 60.77 feet;

THENCE South 56°02'46" West, for a distance of 265.91 feet;

THENCE South 26°56'02" West, for a distance of 77.78 feet;

THENCE South 24°24'13" West, for a distance of 156.90 feet;

THENCE South 31°39'42" West, for a distance of 76.90 feet;

THENCE South 40°07'01" West, for a distance of 80.40 feet;

THENCE South 59°22'16" West, for a distance of 98.11 feet;

THENCE North 30°37'44" West, for a distance of 53.12 feet;

THENCE North 84°53'51" West, for a distance of 126.42 feet;

THENCE North 58°20'19" West, for a distance of 115.76 feet;

THENCE North 85°55'23" West, for a distance of 101.66 feet to the West Line of Parcel 2 of Partition Plat Book 2015, Page 1;

THENCE North 04°04'37" East, along the West line of said Parcel 2, for a distance of 535.11 feet to the most Northwesterly corner of said Parcel 2;



THENCE South 84°40'37" East along the North line of said Section 20 and the North line of said Parcel 2, for a distance of 779.14 feet to the **POINT OF BEGINNING**.

This property contains 7.97 Acres, more or less.

**REGISTERED
PROFESSIONAL
LAND SURVEYOR**

Carl A. Beseda

**OREGON
JULY 25, 1995
CARL A. BESEDA
02712LS**



AKS ENGINEERING & FORESTRY VANCOUVER
 9600 NE 126th Avenue, Suite 2520, Vancouver, WA 98682
 P: (360) 882-0419 F: (360) 882-0426

OFFICES IN: TUALATIN, OR - VANCOUVER, WA - SALEM-KEIZER, OR

LEGAL DESCRIPTION
For
WILDER ZOING

ZONE R-2

Being a portion of the Northeast quarter of Section 20, and the Northwest quarter of Section 21, Township 11 South, Range 11 West, Willamette Meridian, and Parcel 2 of Partition Plat recorded in Book 2015, Page 1, and Wilder Phase 1 recorded in Book 18 Page 46, City of Newport, Lincoln County, Oregon, more particularly described as follows:

BEGINNING at a brass cap marking the Northeast quarter of Section 20, Township 11 South, Range 11 West, Willamette Meridian, as shown in Partition Plat recorded in Book 2015, Page 1;

THENCE South 03°56'17" West along the East line of said Section 20, also being along a Easterly line of Parcel 2 of said Partition Plat, for a distance of 46.44 feet;

THENCE South 39°05'17" East, leaving said East line, along the Easterly line of Parcel 2, for a distance of 215.49 feet;

THENCE South 01°56'14" East, along said Easterly line, for a distance of 458.64 feet;

THENCE South 01°13'22" West, along said Easterly line, for a distance of 474.86 feet;

THENCE South 01°14'34" East, along said Easterly line, for a distance of 314.61 feet;

THENCE North 73°57'52" West, leaving said Easterly line, or a distance of 172.42 feet;

THENCE North 55°05'17" West, for a distance of 100.00 feet to a point on a curve;

THENCE along the arc of a non-tangent 342.00 foot radius curve to the right, the radius point of which bears South 55°05'17" East, through a central angle of 22°26'37", for an arc length of 133.97 feet, the chord of which bears South 46°08'02" West for a distance of 133.11 feet;

THENCE South 57°21'21" West, for a distance of 170.41 feet to the Westerly Right-of-Way line of Harborton Street (also known as 40th Street);



THENCE North 32°38'39" West, along said Westerly Right-of-Way line, for a distance of 216.90 feet;

THENCE South 57°21'21" West, leaving said Westerly Right-of-Way line, for a distance of 275.00 feet to the Westerly line of Parcel 2 of Partition Plat Book 2015 Page 1;

THENCE North 32°38'46" West, along the Westerly line of said Parcel 2, for a distance of 79.27 feet to an angle point in the Westerly line Parcel 2;

THENCE North 86°16'43" West, along the Southwesterly line of Parcel 2, also being the Southerly line of Wilder Phase 1 as recorded in Book 18 Page 46, Lincoln County plat records, for a distance of 279.32 feet;

THENCE North 36°52'23" West, along the Westerly line of Wilder Phase 1, for a distance of 294.78 feet to an angle point in the Westerly line of Wilder Phase 1;

THENCE North 03°34'25" East, along said Westerly line, for a distance of 60.07 feet to another angle point in said Westerly line;

THENCE North 86°24'59" West, along said Westerly line, for a distance of 88.01 feet to another angle point in said Westerly line;

THENCE North 41°46'00" East, along said Westerly line, for a distance of 332.07 feet to the most Northerly Northwest corner of Wilder Phase 1, also being a Westerly corner of Parcel 2 of Partition Plat per Book 2015, Page 1;

THENCE North 04°04'00" East, along the Westerly line of said Parcel 2, for a distance of 309.00 feet;

THENCE South 74°48'56" West, along the most Northerly-South line of Parcel 2, for a distance of 249.11 feet to the West line of Parcel 2;

THENCE North 04°04'37" East, along the West line of said Parcel 2, for a distance of 216.53 feet;

THENCE South 85°55'23" East, leaving said West line of said Parcel 2, for a distance of 101.66 feet;

THENCE South 58°20'19" East, for a distance of 115.76 feet;

THENCE South 84°53'51" East, for distance of 126.42 feet;

THENCE South 30°37'44" East, for a distance of 53.12 feet;

THENCE North 59°22'16" East, for a distance of 98.11 feet;
 THENCE North 40°07'01" East, for a distance of 80.40 feet;
 THENCE North 31°39'42" East, for a distance of 76.90 feet;
 THENCE North 24°24'31" East, for a distance of 156.90 feet;
 THENCE North 26°56'02" East, for a distance of 77.78 feet;
 THENCE North 56°02'46" East, for a distance of 265.91 feet;
 THENCE North 36°40'45" West, for a distance of 60.77 feet to the North line of said Section 20, also being the North line of said Parcel 2;
 THENCE South 84°40'37" East, along said North line, for a distance of 571.71 feet to the **POINT OF BEGINNING.**

This property contains 39.85 Acres, more or less.

**REGISTERED
 PROFESSIONAL
 LAND SURVEYOR**

Carl A. Beseda

**OREGON
 JULY 25, 1995
 CARL A. BESEDA
 # 02712LS**



AKS ENGINEERING & FORESTRY VANCOUVER
 9600 NE 126th Avenue, Suite 2520, Vancouver, WA 98682
 P: (360) 882-0419 F: (360) 882-0426

OFFICES IN: TUALATIN, OR - VANCOUVER, WA - SALEM-KEIZER, OR

LEGAL DESCRIPTION
For
WILDER ZOING

ZONE R-3 SOUTH

Being a portion of the Northeast quarter of Section 20, Township 11 South, Range 11 West, Willamette Meridian, and Parcel 2 of Partition Plat recorded in Book 2015, Page 1, City of Newport, Lincoln County, Oregon, more particularly described as follows:

COMMENCING at a brass cap marking the Northeast quarter of Section 20, Township 11 South, Range 11 West, Willamette Meridian, as shown in Partition Plat recorded in Book 2015, Page 1;

THENCE South 03°56'17" West along the East line of said Section 20, also being along a Easterly line of Parcel 2 of said Partition Plat, for a distance of 46.44 feet;

THENCE South 39°05'17" East, leaving said East line, along the Easterly line of Parcel 2, for a distance of 215.49 feet;

THENCE South 01°56'14" East, along said Easterly line, for a distance of 458.64 feet;

THENCE South 01°13'22" West, along said Easterly line, for a distance of 474.86 feet;

THENCE South 01°14'34" East, along said Easterly line, for a distance of 314.61 feet to the **POINT OF BEGINNING**;

THENCE South 18°55'03" West, along said Easterly line, for a distance of 545.03 feet;

THENCE North 85°19'10" West, for a distance of 149.39 feet to the centerline of Harborton Street (also known as 40th Street);

THENCE North 04°40'50" East, along the centerline of said Harborton Street, for a distance of 132.57 feet to a point of curvature;



THENCE continuing along the centerline of said Harborton Street, along the arc of 319.00 foot radius curve to the left, through a central angle of $30^{\circ}15'32''$, for an arc length of 168.47 feet; the long chord of which bears North $10^{\circ}26'56''$ West for a distance of 166.52 feet;

THENCE leaving said centerline, South $57^{\circ}21'14''$ West, along the North line of Parcel 1 of Partition Plat per Book 2015 Page 1, for a distance of 271.17 feet;

THENCE South $67^{\circ}00'47''$ West, continuing along the North line of said Parcel 2, for a distance of 55.18 feet to the Northwest corner of Parcel 1, also being an angle point in the West line of Parcel 2 of said Partition Plat;

THENCE North $32^{\circ}38'46''$ West, along the West line of said Parcel 2, for a distance of 392.30 feet;

THENCE North $57^{\circ}21'21''$ East leaving the West line of said Parcel 2, for a distance of 275.00 feet to the Westerly Right-of-Way line of Harborton Street (also known as 40th Street);

THENCE South $32^{\circ}32'39''$ East, along said Westerly Right-of-Way line, for a distance of 216.90 feet;

THENCE North $57^{\circ}21'21''$ East, leaving said Westerly Right-of-Way line, for a distance of 170.41 feet to a point of curvature;

THENCE along the arc of a 342.00 foot radius curve to the left, through a central angle of $22^{\circ}26'37''$, for an arc length of 133.97 feet, the long chord of which bears North $46^{\circ}08'02''$ East for a distance of 133.11 feet;

THENCE South $55^{\circ}05'17''$ East, for a distance of 100.00 feet;

THENCE South $73^{\circ}57'52''$ East, for a distance of 172.42 feet to the **POINT OF BEGINNING**.

This property contains 6.20 Acres, more or less.





AKS ENGINEERING & FORESTRY VANCOUVER
 9600 NE 126th Avenue, Suite 2520, Vancouver, WA 98682
 P: (360) 882-0419 F: (360) 882-0426

OFFICES IN: TUALATIN, OR - VANCOUVER, WA - SALEM-KEIZER, OR

LEGAL DESCRIPTION
For
WILDER ZOING

ZONE C-1

Being a portion of the Northeast quarter of Section 20 and the Northwest quarter of Section 21, Township 11 South, Range 11 West, Willamette Meridian, and Parcel 2 of Partition Plat recorded in Book 2015, Page 1, City of Newport, Lincoln County, Oregon, more particularly described as follows:

COMMENCING at a brass cap marking the Northeast quarter of Section 20, Township 11 South, Range 11 West, Willamette Meridian, as shown in Partition Plat recorded in Book 2015, Page 1;

THENCE South 03°56'17" West along the East line of said Section 20, also being along a Easterly line of Parcel 2 of said Partition Plat, for a distance of 46.44 feet;

THENCE South 39°05'17" East, leaving said East line, along the Easterly line of Parcel 2, for a distance of 215.49 feet;

THENCE South 01°56'14" East, along said Easterly line, for a distance of 458.64 feet;

THENCE South 01°13'22" West, along said Easterly line, for a distance of 474.86 feet;

THENCE South 01°14'34" East, along said Easterly line, for a distance of 314.61 feet;

THENCE South 18°55'03" West, along said Easterly line, for a distance of 545.03 feet to the **POINT OF BEGINNING**;

THENCE South 18°55'03" West, for a distance of 108.21 feet to the East line of said Section 20;

THECNE South 03°56'17" West, along the East line of said Section 20, for a distance of 118.34 feet to a brass cap marking the East quarter corner of said Section 20;

THENCE North 85°19'10" West, along the most Southerly line of Parcel 2 of Partition Plat recorded in Book 2015 Page 1, for a distance of 59.05 feet;



THENCE North 37°29'37" West, along a Westerly line of said Parcel 2, for a distance of 482.65 feet to an angle point in said Westerly line;

THENCE North 85°18'44" West, along a Southwesterly line of said Parcel 2, for a distance of 53.84 feet to an angle point in the Westerly line of Parcel 2;

THENCE North 04°40'51" East, along said Westerly line, for a distance of 176.02 feet to the Northwest corner of Parcel 1 of said Partition Plat;

THENCE North 67°00'47" East, along the North line of said Parcel 1, for a distance of 55.18 feet to an angle point in said North line;

THENCE North 57°21'14" East, along said North line, for a distance of 271.17 feet to a point on a curve at the centerline of Harborton Street (also known as 40th Street);

THENCE along said centerline, along the arc of a non-tangent 319.00 foot radius curve to the right, the radius point of which bears South 64°25'18" West, through a central angle of 30°15'32", for an arc length of 168.47 feet, the long chord of which bears South 10°26'56" East for a distance of 166.52 feet;

THENCE continuing along said centerline, South 04°40'50" West, for a distance of 132.57 feet;

THENCE South 85°19'10" East, leaving said centerline, for a distance of 149.39 feet to the **POINT OF BEGINNING.**

This property contains 5.47 Acres, more or less.

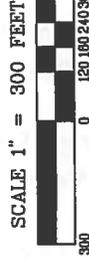
**REGISTERED
 PROFESSIONAL
 LAND SURVEYOR**

Carl A. Beseda

**OREGON
 JULY 25, 1995
 CARL A. BESEDA
 # 02712LS**

WILDER ZONING MAP

BEING IN A PORTION OF THE NE 1/4 OF SECTION 20 AND THE NW 1/4 OF SECTION 21, T.11S., R.11W., W.M., AND LYING WITHIN PARCELS 1 & 2 OF PARTITION PLAT BOOK 2015 PAGE 1 AND WILDER PHASE 1 BOOK 18 PAGE 46, CITY OF NEWPORT, LINCOLN COUNTY, OREGON



LINE	DIRECTION	LENGTH
L1	S85°55'23"E	101.66'
L2	S58°20'19"E	115.76'
L3	S84°53'51"E	126.42'
L4	S30°37'44"E	53.12'
L5	N59°22'16"E	98.11'
L6	N40°07'01"E	80.40'
L7	N31°39'42"E	76.90'
L8	N24°24'13"E	156.90'
L9	N26°56'02"E	77.78'
L10	N56°02'46"E	265.91'
L11	N36°40'45"W	60.77'
L12	S73°57'52"E	172.42'
L13	S55°05'17"E	100.00'
L14	N57°21'21"E	170.41'
L15	N32°38'39"W	216.90'
L16	N57°21'21"E	275.00'
L17	S85°19'10"E	149.39'
L18	S04°40'50"W	132.57'
L19	N57°21'14"E	271.17'
L20	N67°00'47"E	55.18'

CURVE	RADIUS	DELTA	LENGTH	CHORD
C1	342.00'	22°26'37"	133.97'	N46°08'02"E 133.11'
C2	319.00'	30°15'32"	168.47'	N10°26'56"W 166.52'

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Carl A. Beseda

OREGON
JULY 25, 1995
CARL A. BESEDA
0271215

DATE: 07-18-2016

EXHIBIT

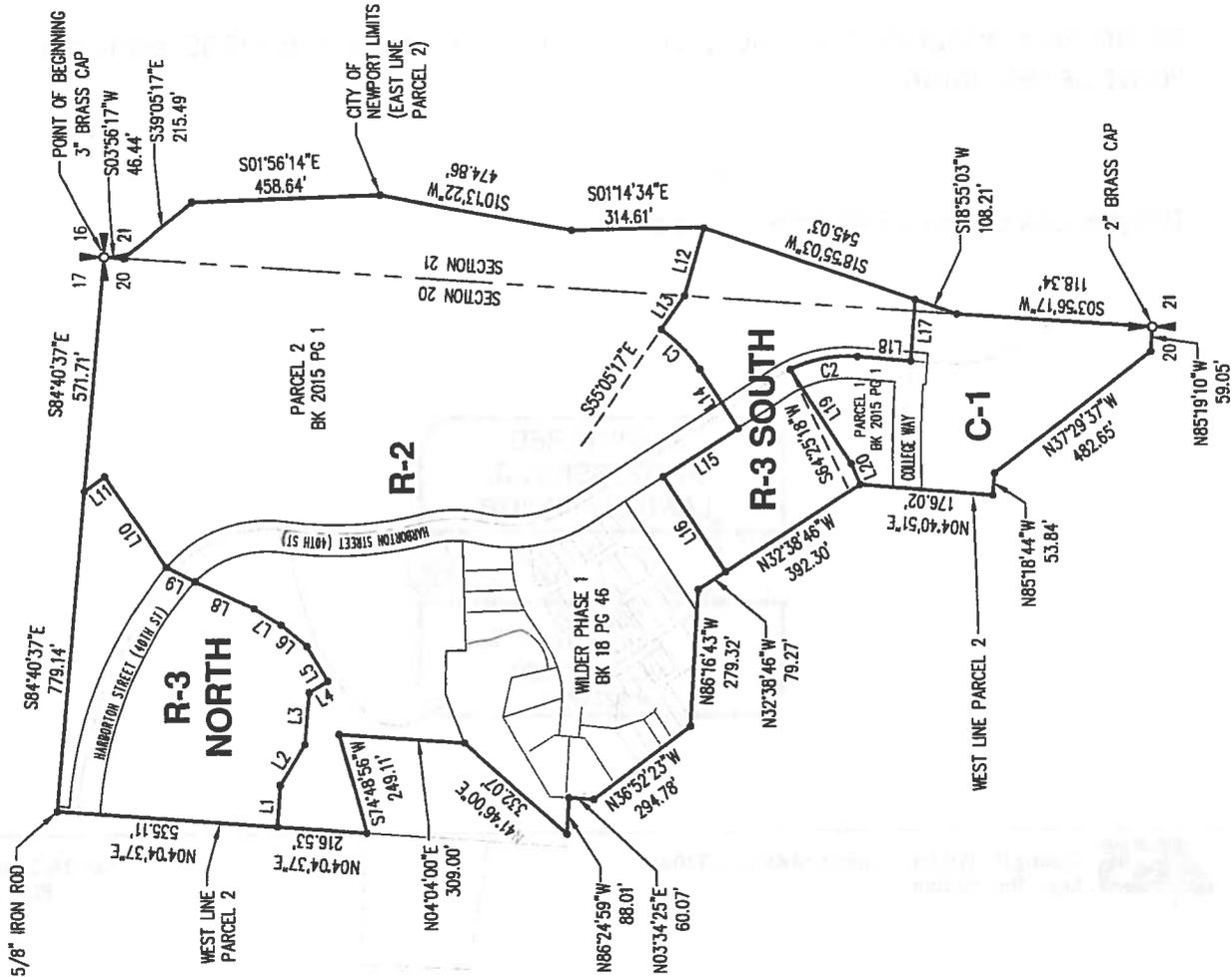
WILDER ZONING MAP

A

AKS ENGINEERING & FORESTRY, LLC
9600 NE 126TH AVE, STE 2520
VANCOUVER, WA 98682
P: 360.882.0419 F: 360.882.0426 aks-eng.com



5-78



Wilder Development Plan

A Project Located in
City of Newport, Oregon

Prepared for

Landwaves, Inc.
2712 SE 20th Ave
Portland, OR 97202

Oregon State University,
Leasing & Strategic Real Property Management
3015 SW Western Blvd
Corvallis, OR 97333

Prepared by

JET Planning, LLC
215 W 4th St Ste 209
Vancouver, WA 98660

2G Associates
400 Columbia St Ste 160
Vancouver, WA 98660

June 3, 2016, revised July 20, 2016

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I. GENERAL INFORMATION

Applicant: Oregon State University
Leasing & Strategic Real Property Management
3015 SW Western Blvd
Corvallis, OR 97333

Property Owner : Landwaves, Inc.
2712 SE 20th Ave
Portland, OR 97202

Preparer: JET Planning, LLC 2G Associates
215 W 4th St Ste 209 400 Columbia St Ste 160
Vancouver, WA 98660 Vancouver, WA 98660

Request: Tentative Subdivision Plan, Preliminary Development Plan Major Modification for Phase 1 of Wilder, Final Development Plan Major Modification for Phase 1 of Wilder, Comprehensive Plan Map Amendment, Zoning Ordinance Map Amendment

Previous Case Files: 1-SUB-15, Tentative Subdivision Plan; 2-PD-15, Preliminary Development Plan Major Modification for Phase 1 of Wilder; 3-PD-15, Final Development Plan Major Modification for Phase 1 of Wilder; approved in combined Final Order dated June 24, 2015

General Location: South Beach-Wilder Master Plan Area

Assessor's Number: R364534, R529961

Map & Tax Lot: 11-11-20-00-00100-00
11-11-21-00-00700-00
11-11-21-00-01300-00

Legal Description: Parcels 1 and 2, Partition Plat No. 2015-01

Zoning Designations: R-2 (Medium-Density Single Family)
R-3 (Medium-Density Multifamily)
C-1 (Retail & Service Commercial)

Comprehensive Plan Designations: Low-Density Residential
High-Density Residential
Retail Commercial

II. OVERVIEW

Background

The owner, Landwaves, Inc., received multiple previous approvals for Phase 1 of Wilder, a Planned Development in the South Beach neighborhood designed to be a sustainable, vibrant, mixed-use development.

The applicant, Oregon State University (OSU),¹ is applying for modifications to allow development of student housing to support their expanding Newport operations centered around the Hatfield Marine Science Center. The proposed modifications would transfer density and multifamily units already approved in Wilder from phases near the Village Center to the northwest corner of the site, closest to the OSU campus on the south shore of the Yaquina Bay. OSU is applying for a Comprehensive Plan Map Amendment and Zoning Ordinance Map Amendment to allow multifamily development in the northwest corner of the site known as Phase 4, and a related Tentative Subdivision Plan, Preliminary Planned Development Major Modification and Final Planned Development Major Modification.

The owner, Landwaves, is also applying for additional modifications to facilitate development of a 12-unit affordable housing project and support services in the northern portion of the site known as Phase 6. The project will require changes to the Comprehensive Plan Map, Zoning Ordinance Map, Tentative Subdivision Plan, Preliminary Planned Development and Final Planned Development. Phase 4 and Phase 6 modifications are bundled in this application for streamlined review.

This application also includes minor changes proposed to Phase 2B, planned for apartment development, to split an existing lot to better facilitate development financing and timelines.

The total site for Phase 1 of Wilder is approximately 60 acres in size, including lots that have already been final platted, dedicated parks and open space, and right-of-way. This application affects Tax Lots 100 and 103 of Assessor's Tax Map 11-11-20 consisting of approximately 41.24 acres. The site is located in the South Beach neighborhood directly east of Mike Miller Park and south of 40th Street on land zoned R-2, R-3 and C-1. Full build-out of Phase 1 of Wilder will include four different sizes of single-family lots, cottage clusters, flex lots suitable for row houses, duplexes and micro-cottages, multifamily units, and commercial development.

As previously approved, Phase 1 of Wilder will be constructed in several phases and micro-phases to allow phasing of needed improvements to each portion of the Master Plan site as it develops.

Previous Land Use Approvals

The City of Newport has granted multiple land use approvals for Phase 1 of Wilder, and this application seeks to modify previous planned development approvals, obtain

¹ OSU is listed as the applicant for this set of applications, however, the project is truly a collaboration between OSU and Landwaves, who is the property owner and has been the applicant for all previous Wilder applications. OSU is considered the applicant for Phase 4, and Landwaves is the applicant for Phase 6 and all other phases.

approval for a new tentative subdivision plan, and amend the Comprehensive Plan and Zoning Ordinance maps focused on changes to Phase 4 to accommodate the proposed student housing. The original Preliminary Development Plan for "South Beach Village Phase I," which included the area now known as Phase 1 of Wilder, was approved on May 29, 2007. (Case file #1-PD-07) Subsequent modifications to the Preliminary Development Plan for Phase 1 of Wilder² were approved as case file #1-PD-09, #5-PD-09, #1-PD-10, #3-PD-10, #1-PD-14, and #2-PD-15. The Final Development Plan for portions of Phase 1 of Wilder was initially approved March 30, 2009 (Case file #2-PD-09) and subsequently modified in case file #6-PD-09, #2-PD-10, #2-PD-14, and #3-PD-15. The Tentative Subdivision Plat for Phase 1 of Wilder was approved as case file #1-SUB-09 and modified through case file #3-SUB-09, #1-SUB-10 and #1-SUB-15, and Final Subdivision Plat for Wilder Phase 1, which includes a portion of Phase 1 of Wilder, was recorded in April 2010. The parent lot for Phase 1 of Wilder was initially partitioned in 2007 as two parcels, Map & Tax Lot 11-11-20-AD-03100-00 and 11-11-20-00-00100-00. (Case file #5-PAR-07, recorded November 29, 2007.) A second partition in 2014 divided Map & Tax Lot 11-11-20-00-00100-00 into two parcels, creating Map & Tax Lot 11-11-20-00103-00 of approximately 0.89 acres. (Case file #2-PAR-14, recorded in December 2014.)

Goals of Modifications Achieved through the 2009 Approvals:

- Minimized grading in Tract "A" Park associated with street improvements.
- Responded to market conditions.
- Eliminated need for a Variance for street length.
- Maximize usable park area in Tract "A".
- Improved access to Lots 38 thru 40 of Wilder Phase 1.
- Increased number of homes that are alley-loaded with fewer garage doors facing on to local streets.
- Provided a continuous pedestrian connection through all phases.
- Created repeating patterns of decorative pavement throughout the site, including a "woonerf" and auto courts.
- Modified phasing plan to address construction practicalities.
- Created orderly self-orienting blocks.
- Incorporated flexibility into the plan to accommodate market conditions.

Goals of Modifications Achieved through the 2010 Approvals:

- Reflected changes that have occurred through the Final Plat for Wilder Phase 1.

² As used throughout this document, "Phase 1 of Wilder" or simply "Phase 1" refers to the entire 62-acre site. Phase 1 of Wilder will include multiple sub-phases which are referred to throughout the development plan as "Wilder Phases 1, 2, 3", etc. Wilder Phase 1 (a sub-phase of Phase 1 of Wilder) has been final platted, and is referred to here as "Wilder Phase 1," the designation assigned by the Lincoln County Surveyor.

- Modified setbacks to provide flexibility to accommodate homes as proposed by builders.
- Updated street and tract names.
- Revised lot coverage standards to be consistent with Codes, Covenants and Restrictions.
- Revised housing category names to be consistent with marketing names.
- Prepared updated exhibit depicting platting of Phase 1B in conjunction with 1C.
- Allowed Accessory Dwelling Units (ADUs) in Phase 1B and 1C.

Goals of Modifications Achieved through the 2014 Approvals:

- Partitioned Tax Lot 100 of Assessor's Tax Map 11-11-20 into two parcels, including one parcel to be developed for commercial use in the Village Center.
- Revised parking plan to include on-street and off-street parking to serve the Village Center area, modifying circulation plan.

Goals of Modifications Achieved through the 2015 Approvals:

- Adjusted zoning district border between R-3 Multifamily Residential and C-1 Commercial zones to expand commercial area along the full length of College Way.
- Expanded range of allowed uses in the C-1 zoned Village Center area to include retail sales and services, offices, lodging, community services like churches, educational institutions, and day care.
- Allowed variance to satellite and shared parking regulations to allow future shared parking arrangements between Village Center users and the Oregon Coast Community College.
- Adjusted range of development anticipated in the preliminary and final development plans to reflect completed build-out, current market conditions, and revised predictions.
- Allowed for ADUs beyond Wilder Phase 1 in Phases 2-4 subject to conditions approved by Newport Planning Commission.
- Expanded Final Development Plan to include Phases 2-4.
- Updated street names and cross-sections to serve proposed development in Phases 2-4, including modifications to street widths in response to conditions of approval.
- Adopted variations of existing cross-sections to amend the "Kit of Parts," including modifications to street widths shown in "Kit of Parts" to match street cross-sections to be constructed.
- Adopted new residential development type, micro-cottages, as part of the "Kit of Parts."

Goals of Current Modifications:

- Revise zoning and comprehensive plan designation for Phase 4 and Phase 6 to R-3 Medium-Density Multifamily zoning and High-Density Residential designation from R-2 Medium-Density Single Family zoning and Low-Density Residential designation, with corresponding change to single family zoning and designation from multifamily zoning and designation on the east side of Harborton Street north of the Village Center, with no net impacts to maximum allowed dwelling units and related traffic or utility needs.
- Adjust range of development in preliminary and final development plan to reflect inclusion of additional multifamily units for student housing in Phase 4 and Phase 6 with corresponding decrease in single-family units, consistent with total maximum dwelling units previously approved for Phase 1 of Wilder.
- Add "Multi-Family: Clustered" as an additional multifamily residential development type in the "Kit of Parts" to describe intended building form and design for student housing in Phase 4.
- Allow variance to parking standard for clustered multifamily residential uses to decrease required spaces by approximately 13% relative to City code standard, to reflect increased access to multimodal transportation options within Wilder and multimodal connections to primary destinations, specifically the OSU Hatfield Marine Science Center.
- Modify preliminary development plan to show revised mix of single-family and multifamily development in future phases east of Harborton Street.
- Introduce 'Day Care' and additional supporting Community Service uses as allowed uses in the R-3 Medium-Density Multifamily zone to facilitate colocation of support services for affordable housing residents in Phase 6.
- Expand Final Development Plan to include Phase 6.
- Amend Preliminary Development Plan, Final Development Plan and Tentative Plat to divide Phase 2B, planned for apartment development, into two separate lots.

Summary of Requested Applications

1. Comprehensive Plan Map Amendment:

The applicant proposes to change the comprehensive plan designation for Phase 4 and Phase 6 to High-Density Residential designation from Low-Density Residential designation, with a corresponding change to Low-Density Residential from High-Density on the east side of Harborton Street north of the Village Center to minimize the net change to High-Density Residential acres. As part of the planned development, there are no changes to the total number of dwelling units proposed within Phase 1 of Wilder as a result of this amendment, simply a relocation of density within the development.

2. Zoning Map Ordinance Amendment:

The applicant proposes to change the zoning for Phase 4 and Phase 6 to R-3 Medium-Density Multifamily zoning from R-2 Medium-Density Single Family to accommodate student and affordable housing. The zoning on the east side of Harborton Street north of the Village Center will be changed correspondingly from R-

3 Medium-Density Multifamily zoning to R-2 Medium-Density Single Family to partially offset the additional R-3 acres in Phases 4 and 6.

3. Tentative Subdivision Plan Modification:

The applicant proposes to modify the tentative subdivision plan for portions of Phase 1 of Wilder specific to proposed Wilder Phases 4 and 2B and to include a new parcel for Phase 6 in the tentative plan. The plan was previously approved as case file #1-SUB-09 and modified through case file #3-SUB-09, #1-SUB-10 and #1-SUB-15. The proposed modifications provide for a single lot in Phase 4 intended for multifamily development in place of individual single-family lots and cottage lots previously proposed, divide the existing single multifamily lot in Phase 2B into two separate lots for multifamily development, and create a single parcel for multifamily development in Phase 6. As previously conditioned, the proposed phased tentative plat will be valid for a period of at least 10 years.

4. Preliminary Development Plan Major Modification for Phase 1 of Wilder:

The applicant proposes to modify the approved Preliminary Development Plan for Phase 1 of Wilder (most recently modified in case file #2-PD-15) through a major modification. This application proposes to add multifamily development to the northwest corner of the site, shown as Phase 4, in place of single-family development, to accommodate student housing for OSU; add multifamily development to north of the site, shown as Phase 6, in place of single-family development, to accommodate an affordable housing project; replace multifamily development in the southeast corner of the site with single-family development to balance the proposed development for Phases 4 and 6; introduce a new multifamily residential development type to the "Kit of Parts" called Multi-Family: Clustered for the proposed student housing development; allow a variance to the multifamily clustered residential parking standard to decrease required spaces in recognition of available multimodal transportation alternatives; allow 'Day Care' and supporting Community Services uses as permitted uses in the R-3 Medium-Density Multifamily zone; create two multifamily lots in Phase 2B with no change to the number of units or necessary infrastructure; adjust range of development for various residential types with no net increase in maximum allowed units; and adjust multifamily and single-family lot configurations for future phases of development east of Harborton St.

The essential tenets of Wilder remain the same: the Village Center continues to be the heart of activity serving a spectrum of residential development types that gradually reduce in density farther from the Village Center, with the addition of a node of student housing, located closest to the OSU Hatfield Marine Science Center, and affordable housing strategically located near the entrance to Wilder. The new multifamily node of student and affordable housing will be buffered from surrounding single-family uses by open space and changes in topography. A revised Preliminary Development Plan is included which depicts the proposed changes. (See Appendix F.) All other aspects of the Planned Development remain as previously approved.

5. Final Development Plan Major Modification for Portions of Phase 1 of Wilder:

The applicant proposes to modify the approved Final Development Plan for Phase 1 of Wilder. (Case file #2-PD-09, #6-PD-09, #2-PD-10, #2-PD-14, #3-PD-15). The Final Development Plan proposes detailed development, including streets, buildings, landscaping, open space etc., within the portion of Phase 1 of Wilder on the west side of Harborton Street. This application expands the Final Development Plan to encompass Phase 6 as well. (See Appendix G.)

The major modifications to the Final Development Plan incorporate changes in Phase 4 to facilitate student housing, in Phase 2B to create two lots in place of a single lot, and in Phase 6 to facilitate affordable housing consistent with the changes to the Preliminary Development Plan. All other aspects of the Final Development Plan remain the same.

III. PRELIMINARY AND FINAL DEVELOPMENT PLAN PROVISIONS

Note: *This section combines approvals from all previous preliminary and final development plans, with new provisions underlined and changes ~~struck-out~~. The goal is to provide a single, central reference point for the continued build-out of Wilder. Where standards are not specified in the Development Plan, the Newport Municipal Code provisions for zoning and subdivision apply.*

Geographic Extent:

Phase 1 of Wilder is located in the South Beach neighborhood and is bounded by Mike Miller Park and the Oregon Coast Community College (OCCC) on the west, 40th Street along the north, the City limits on the east and the south. The site is approximately 62 acres in size, including infrastructure and lots that have already been final platted. The Preliminary Development Plan has been approved for the full Phase 1 of Wilder, and the Final Development Plan has been approved for the portion of Phase 1 of Wilder on the west side of Harborton Street, which includes Wilder Phases 1 (already constructed), 2A (partially completed), 2B, 2C, 2D, 2E, 2F, 3, and 4. This application expands the Final Development Plan to include Phase 6 on the northeast side of Harborton.

See Appendices F and G, showing the full extent of Phase 1 of Wilder in the Preliminary Development Plan, and the portions included in the Final Development Plan.

Design Intent:

The design intent of the Planned Development is to create a livable, viable mixed-use community built on the principles of environmental sustainability. It will feel indigenous to the Oregon Coast in scale, design, and economics. The proposal achieves the following design objectives:

- *Create a vibrant Village Center that will provide commercial, office, community service, lodging, day care, and higher density residential uses to serve the residential population, support the OCCC campus, and create jobs for local residents.*

The proposed plan concentrates commercial services and residential density around a pedestrian-scale Village Center that is adjacent to the OCCC campus. This enables residents of the community and students to obtain services, attend school, and work within walking distance of where they live. This design accommodates increasing population density, while promoting a reduction in energy use. The objective is to create a convenient and livable environment for residents and visitors of the community.

- *Graduate residential density outward from the Village Center to create an appropriate transition to the lower density areas of the site.*

The proposed graduated density design ensures that development will be compatible and in harmony with the area. The location of the various

proposed uses and development intensity is appropriate to site-specific conditions, such as adjacent uses and topography.

The Village Center is the heart of activity within the development located next to the college campus. It features housing over commercial such as live-work arrangements, offices, cafes, small retail shops, services, and entertainment uses, community services, educational institutions, day care, lodging, and apartments. To the north, micro-cottages, row houses, garden apartments and urban flats will provide a transition to the lower density development areas within the site outside of the Village Center. The central portion of the site features single-family detached homes, including cottage cluster housing, and homes on Village, Classic, Grand, and Edge lots. ~~The far northern portion of the site, which includes some steeper topography, features mostly larger lots for the development of hillside homes with views of the surrounding area as well as a cottage cluster designed around a common open space.~~

The proposed plan also includes a node of multifamily residential units in the northwest corner of the site to accommodate student housing for OSU and affordable housing. The student housing node will be buffered from the single-family development in Phase 3 by open space and vegetation, and its location on Harborton Street near 40th Street will provide convenient access to multimodal connections to the OSU Hatfield Marine Science Center to the north. The affordable housing cluster on the northeast side of Harborton Street will transition to medium-density residential in Phase 7, and be buffered from single-family development in Phase 5 to the east by open space, changes in topography, and vegetation.

- *Provide for a variety of housing types to accommodate different needs, incomes, and a sense of place and community.*

The design of buildings within the proposed development is outlined in the "Kit of Parts." It includes a variety of housing types and sizes at varying densities that cannot be achieved within the strict limits of the underlying zoning such as, multifamily apartments, multifamily clustered apartments, cottage cluster housing, micro-cottages, and single family homes on four different general lot sizes. This design will accommodate different needs and incomes resulting in a more diverse, attractive, and sustainable community, including affordable housing. Some of the housing types are suitable for the use of high quality pre-fabricated materials, such as panelized construction, which will reduce construction costs and result in a more affordable product for the community.

The buildings also accommodate design features that help create a unique sense of place and community. This includes such things as classic front porches, cottage cluster housing centered on a green space that allows sharing of resources between neighbors, and locating parking areas and garages/carports behind buildings accessible through alleys.

- *Design and construct to sustainable standards to lessen the impact to the natural environment and to reduce long-term operational costs.*

As outlined in the previously approved "Kit of Parts," this objective of promoting energy efficiency is incorporated into all aspects of site design. This includes such things as, designing buildings to achieve green building certification; designing streets to incorporate sustainable design features such as stormwater bio-swales, incorporating native vegetation for landscape plantings throughout the development; and generally using energy efficient and recycled materials whenever possible.

- *Develop a transportation system that accommodates multiple modes of transportation to encourage walking, bike riding, etc., and reduce energy use.*

As outlined in the previously approved "Kit of Parts," the proposed development includes neo-traditional street designs to accommodate multiple modes of transportation and create a sense of place and promote traffic calming. These streets include such features as curb extensions, wider sidewalks within the Village Center, and on-street parking. The multimodal transportation network within Wilder will also connect to the City's broader transportation network, such as routes north of Wilder to provide multimodal connections for OSU students to access Hatfield Marine Science Center.

- *Provide for an extensive network of open space and parks, including walking and biking trails, throughout the site.*

Preserved natural areas, trails, and parks are fully integrated into the site design. Neighborhood parks are planned that will provide active and passive recreational uses such as, playgrounds, sport courts, lawn areas, and trails. Parks will be centrally located within or near the single-family residential neighborhoods on both sides of Harborton Street. Wilder Twin Park has been built adjacent to Wilder Phase 1 and dedicated to the City for public use, and Wilder has provided a temporary dog park and disc golf course for the past five years. Trails have been constructed to connect Wilder Twin Park to Mike Miller Park, and additional open space dedications and trail connections will connect to other areas within the development and the planned regional trail system off-site. A public trail will be constructed and dedicated with Phase 4 to extend the trail north from Mike Miller Park, and the applicant will explore options to create a local connection to serve development in Phase 4. Private open space will also be provided within multifamily developments in Phases 4 and 6 to serve residents.

- *Protect and provide for management of significant natural resource areas on site, including wetlands, streams, and natural vegetation.*

The proposed development is clustered on the site, to enable the preservation of natural resources. Much of the site is currently forested and

has been managed as a sustainable forest. The site contains steep ravines, streams, and wetlands. These areas have been incorporated into parks and open space tracts to allow for preservation and to create site amenities for the residents, with the exception of one small wetland in Wilder Phase 4 that will be filled and mitigated. Soft surface, low-impact trails will be developed in these areas to allow for both active and passive uses. Trees and other natural vegetation will be preserved when possible and landscaping will be planted to enhance the environment and provide habitat for wildlife.

Compatibility with Surrounding Development:

The proposed uses within the Master Plan for Phase 1 of Wilder complies with the City's Comprehensive Plan and zoning, or will comply with proposed plan and zoning changes if approved, and is consistent with the adopted South Beach Plan Neighborhood Plan, as well as other approved development applications for the site. The Phase 1 site is compatible with the surrounding area in that it is consistent with these previously approved plans and is it reasonable to assume that the surrounding area will continue to develop according to these plans.

The location and level of public services necessary to serve the site, including utilities and streets, were also estimated and planned for in the South Beach Neighborhood Plan and a detailed infrastructure analysis and traffic study was prepared for the initial Phase 1 Development Plan approval.

Types of Development:

Approved types of residential development include:

- Village Lots (<4,600 square feet) for single-family homes.
- Classic Lots (4,601- 6,200 square feet) for single-family homes.
- Grand Lots (6,201-9,999 square feet) for single-family homes.
- Edge Lots (10,000+ square feet) for single-family homes.
- Cottage units.
- Flex Lots for row houses, duplexes, and micro-cottage units.
- Multifamily units including multifamily clustered apartments.

As previously approved, the project includes a housing product known as cottage cluster housing (see "Kit of Parts," Appendix H). Ten cottage units have been built in Wilder Phase 1 and an additional cluster may be included in future Phase 5 an ~~additional cluster of 10 cottage units will be constructed within Wilder Phase 4.~~ This is a unique type of development that includes the following special characteristics:

- Homes are smaller, typically 1,300 square feet or less.
- Common access to homes provided from either a shared pedestrian way/green (within a tract or an access easement) or a street.
- Open space provides front door access and commons.
- Parking is typically clustered in one area at periphery.

As previously approved, the project also includes micro-cottages, functionally similar to row house, townhouse, and duplex housing types. See page 42 of the amended "Kit of Parts" for further discussion of this housing type. (Appendix H.) Six micro-cottages have built in Wilder Phase 1 and 20 micro-cottages will be constructed in Phase 2C. Characteristics include:

- Homes are smaller in the 450 to 1,000-square-foot range, typically 800 square feet or less.
- Parking is accessed from rear alley.
- Homes open onto main street, providing a "front porch" feel.

The project will also include clustered apartments as an additional type of multifamily units, intended primarily for student housing. (See Appendix H, page 47.) Characteristics include:

- Units are smaller, in the 300 to 800-square foot range to include studios through two or three-bedroom units.
- Density is similar to multifamily apartments at 12 to 34 units per acre, to allow a functional concentration of student housing.
- Private outdoor space is provided in shared commons, green spaces, balconies, and patios.

Site Design:

Village Center Area (C-1 and R-3 Zoning) (Phases 2A, 2B, 2E, 2F)

- *Village Center Retail, Services, Entertainment, Offices, Lodging, Educational Institutions, Community Services, Day Care*
- *Housing over Commercial, including live-work units*
- *Multifamily Residential*

The Village Center is located at the heart of the development site adjacent to College Way and Harborton Street. This area will include mixed-use development at the corner of Harborton Street and College Way, as well as several apartment buildings.

Transition Area (R-2 and R-3 Zoning) (Phase 2C)

- *Flex Lots for Row Houses, Duplexes or Micro-Cottages*

The transition area located adjacent to Harborton Street between 46th and 44th Streets will feature medium-density residential options including row houses, duplexes or micro-cottages.

Detached Single-Family Housing Area (R-2 Zoning) (Phases 1, 2D, 3,4)

- *Cottage Cluster Housing*
- *Village, Classic, Grand or Edge Lot Homes*
- *Flex Lots for Row Houses, Duplexes or Micro-Cottages*

The detached single-family housing area within the site is primarily located along and north of 44th Street, extending farther north to include homes along 42nd Place and within Phase 4.

At the western terminus of 44th Street a small, walk-in cottage cluster housing area is nearly completed. Each single-family cottage takes access from a shared pedestrian way located within a common tract rather than a traditional street. A second cottage cluster will be developed in the center of Phase 4, arranged around a common green space that may include a wetland feature, accessible from 41st Circle and internal pedestrian ways. The cottages will have front porches facing the central green space and back entrances facing the street.

Village, Classic, Grand and Edge lots are proposed in the lower density residential portion of the site, which accommodate a variety of housing sizes. Many of these homes take access from alleys allowing front doors, rather than garages/carports, to be oriented toward the adjacent public streets.

Student Housing Area (R-3 Zoning) (Phase 4)

- Multifamily Residential
- Multifamily Clustered Apartments

The student housing area is located south of Harborton Street in the northwest corner of the site, and will feature multifamily residential development including clustered apartments.

Graduated Single and Multifamily Area (R-2 and R-3 Zoning) (Phase 5)

- Multifamily Residential
- Cottage Cluster Housing
- Village, Classic, Grand or Edge Lot Homes
- Flex Lots for Row Houses, Duplexes or Micro-Cottages

The east side of Harborton Street will include a mix of housing types gradually decreasing in density as they transition from the Village Center to the northern limits of the project. Multifamily housing is envisioned to the northeast of College Way, with a mix of single-family housing types to the north transitioning to larger lots on hillier topography at the northern edge. The topography will help define the limits of this phase and provide a buffer between Phase 5 and Phase 6.

Community Housing Area (R-3 Zoning) (Phase 6)

- Multifamily Residential
- Community Services, Day Care

The community housing area is located northeast of Harborton Street along the northern edge of the site, and will feature multifamily residential development developed to meet affordability goals, and supporting community service uses such as education and day care, primarily aimed at residents.

Dimensional and Bulk Standards:

Approved development standards for each development type within any of the zones that permit the use have been established as follows.

Setbacks:

Single Family Residential:

- Front*: 5 feet (Village and Classic Lots)
 - Front*: 10 feet (Grand and Edge Lots)
 - 2nd Front*: 5 feet (Village and Classic Lots)
 - 2nd Front*: 10 feet (Grand and Edge Lots)
 - Side: 0 feet (Village Lots)
 - Side: 5 feet (Classic, Grand and Edge Lots)
 - Rear: 5 feet
 - Rear Abutting Alley: 5 feet
 - Garage/carport: 0-5 feet or 20 feet
 - Garage/carport (alley served): 0 feet
- *Front setback applies to a public street only.

Residential Cottage Cluster Housing:

- Front*: 5 feet
 - 2nd Front*: 5 feet
 - Side: 0 feet
 - Rear: 5 feet
 - Garage/carports: 0 feet
- *Front setback applies to a public street only.

Flex Lots for Residential Row Houses, Duplexes, and Micro-Cottages:

- Front*: 0 feet
 - 2nd Front*: 3 feet
 - Side (interior): 0 feet
 - Rear: 5 feet
 - Rear Abutting Alley: 0 feet
 - Garage/carport: 0-5 feet or 20 feet
 - Garage/carport (alley served): 0 feet
- *Front setback applies to a public street only.

Multifamily Residential, including Clustered Apartments:

- Front: 0 feet
- 2nd Front: 0 feet
- Side: 0 feet
- Rear: 5 feet
- Rear: 10 feet (when abutting single-family residential)

Commercial or Mixed-Use:

- Front: 0 feet *same as standard*
- Side: 0 feet *same as standard*
- Rear: 0 feet *same as standard*

Minimum Lot Area:

- Single-Family Residential: 3,500 square feet.
- Residential Cottage Cluster Housing: 1,000 square feet.
- Flex Lots: 1,000 square feet.
- Multifamily Units: 5,000 square feet. *same as standard*
- Commercial or Mixed-Use: No minimum lot area.

Maximum Lot Coverage:

- Single-family and flex lots in any zone over 10,000 square feet shall not have building coverage over 3,500 square feet.
- Single-family and flex lots in any zone between 5,000 and 9,999 square feet shall not have building coverage over 3,000 square feet.
- Single-family and flex lots in any zone under 5,000 square feet shall not have building coverage over 2,600 square feet.
- Cottage Cluster Housing on individual lots: 80%
- ADUs on Village, Classic, Grand and Edge lots will be exempt from the maximum square foot standards listed above, however, in no case will the total combined lot coverage for the primary and accessory dwelling unit exceed the city standard of 57% in the R-2 zone and 60% in the R-3 zone.
- Multifamily residential and clustered apartment lots of any size in the R-3 zone shall not have building coverage over 60%. same as standard
- Commercial development in C-1 zone: 85% to 90% same as standard

Minimum Lot Width (Residential): 15 feet

Minimum Lot Width (Commercial/Mixed-Use): 0 feet same as standard

Minimum Lot Frontage

Modifications have been approved for the requirement contained in NMC Section 13.05.030.B that "each lot or parcel shall possess at least 25 feet of frontage along a street other than an alley" in order to accommodate cottage cluster development. The subject Planned Development includes walk-in cluster cottage homes, which are modeled after the Cluster Development type identified in the previously approved "Kit of Parts". In order to accommodate this unique type of development, these lots will front onto and take access from a pedestrian access tract, rather than a traditional street right-of-way. Parking for these units is clustered within common tracts and garages rather than being located on the individual lots.

Height:

The applicant has previously received approval for 3-story buildings that are up to 45 feet in height in the R-3 District. The proposed 3-story buildings will be located in the Village Center area, which is internal to the Master Plan site and will not have any adverse impacts on neighboring properties both within and outside of Wilder, and in Phase 4, where they will be screened by vegetation and natural topographic changes from surrounding phases and adjacent properties outside of Wilder. (See Appendix K, illustrating the cross-section across Phases 3 and 4.) All of the proposed 3-story buildings are located internal to the Master Plan site in the Village Center area and, therefore, they will not have any adverse impacts on properties outside of the Planned Development.

Density:

The applicant is not proposing to increase the density above what is permitted in each zone. Allowed density in the R-2 zone is 5,000 SF per unit for houses, 3,750 SF per unit for duplexes on interior lots, and 2,500 SF per unit for duplexes on corner lots, and 1,250 SF per unit in the R-3 zone, averaged across the site.

Uses:

The Village Center is a mixed-use area with C-1 and R-3 zoning, accommodating Village Center retail, restaurants, offices, housing over commercial including live-work units, and multifamily residential at the heart of Wilder adjacent to SE College Way and Harborton Street.

Additional uses for the Village Center area with C-1 zoning include retail sales and services, excluding bulk retail; community service, including churches; lodging such as hotels; educational institutions; and daycare facilities, as defined in the Newport Municipal Code.

The primary use in R-2 and R-3 is residential, as well as parks. Additional uses in the R-3 zone include community services, including day care and family-focused support services like personal development education, counseling, and distribution of donations to clients.

Zoning:

The site is zoned a mix of R-2 Medium-Density Single-Family Residential, R-3 Medium-Density Multifamily Residential, and C-1 Retail and Service Commercial.

Comprehensive Plan:

The site is designated a mix of Low-Density Residential, High-Density Residential, and Retail Commercial.

Estimated Range of Development:

The following table shows the estimated range of development anticipated for the different types of residential and commercial development planned for Phase 1 as part of the Preliminary Development Plan for the full extent of Phase 1. The range is intended to provide flexibility with development of the full build-out of the site to accommodate changing market conditions.

Estimated Range of Development Phase 1 (Prelim. Dev. Plan, Existing)	
Village Lots (<4,600 sq. ft.)	17-25 units
Classic Lots (4,601-6,200 sq. ft.)	27-40 units
Grand Lots (6,201-9,999 sq. ft.)	22-42 units
Edge Lots (10,000+ sq. ft.)	14-28 units
Cottage Units	10-20 units
Flex Lots	26-40 units
Multifamily Units	56-150 units
Commercial Floor Area	25,000-36,000 square feet
Total Dwelling Units	172 -345 units

Estimated Range of Development Phase 1 (Prelim. Dev. Plan, Proposed)	
Village Lots (<4,600 sq. ft.)	18-25 units, <i>minimal change</i>
Classic Lots (4,601-6,200 sq. ft.)	10-34 units, <i>decrease</i>
Grand Lots (6,201-9,999 sq. ft.)	4-10 units, <i>decrease</i>
Edge Lots (10,000+ sq. ft.)	18-26 units, <i>minimal change</i>
Cottage Units	10-20 units, <i>same</i>
Flex Lots	28-40 units, <i>minimal change</i>
Multifamily Units	170-190 units, <i>increase</i>
Commercial Floor Area	25,000-36,000 square feet, <i>same</i>
Total Dwelling Units	258-345 units, increase to minimum, same for maximum

The Final Development Plan will include Phases 1 through 4 encompassing all area west of Harborton Street, and Phase 6 to the northeast of Harborton Street near 40th Street. The portion of the Final Development Plan in Wilder Phase 1 has been completed, as reflected in the following table.

Estimated Range of Development (Final Dev. Plan, Existing)	
Village Lots (<4,600 sq. ft.)	16 units (12 complete)
Classic Lots (4,601-6,200 sq. ft.)	6 units (2 complete)
Grand Lots (6,201-9,999 sq. ft.)	10 units (3 complete)
Edge (10,000+ sq. ft.)	17 units (5 complete)
Cottage Units	20 units (10 complete)
Flex Lots	28 units (8 complete)
Multifamily Units	28 units
Commercial Floor Area	36,000 square feet (5,000 square feet under construction)
Total Dwelling Units	125 units

Estimated Range of Development (Final Dev. Plan, Proposed)	
Village Lots (<4,600 sq. ft.)	16 units (12 complete), <i>same</i>
Classic Lots (4,601-6,200 sq. ft.)	4 units (2 complete), <i>decrease</i>
Grand Lots (6,201-9,999 sq. ft.)	4 units (3 complete), <i>decrease</i>
Edge (10,000+ sq. ft.)	13 units (5 complete), <i>decrease</i>
Cottage Units	10 units (10 complete), <i>decrease</i>
Flex Lots	28 units (8 complete), <i>same</i>
Multifamily Units	170 units, <i>increase</i>
Commercial Floor Area	36,000 square feet (5,000 square feet under construction), <i>same</i>
Total Dwelling Units	245 units, increase within approved Prelim Dev. Plan range

Accessory Structures and Uses:

Accessory Dwelling Units (ADUs) are dwellings that will be permitted to accompany or share lots and utilities with primary homes and can be a portion of the primary house; a separate free-standing unit; or as a unit over a free-standing or attached garage.

The addition of ADUs provides for more versatile living choices. ADUs are included in the "Kit of Parts" (see Attachment H, page 47) and will provide a broader mix of housing options to accommodate extended families, care givers, and smaller family sizes. They may also create intergenerational living opportunities by providing a means for seniors, relatives, or post-college children to live with their families in separate living quarters on the same lot.

ADUs have been approved for all Village, Classic, Grand and Estate lots in Wilder Phase 1 (final platted as lots 1-7, 18-29, and 38-47) and Phases 2D and 3 ~~and 4~~. Approval criteria were established per the City Planning Commission's File #3-PD-10 Final Order for Accessory Dwelling Units (ADUs) in Phase 1 of Wilder and Final Order for File #2-PD-15 / 3-PD-15 / 1-SUB-15 for Phases 2D and 3 ~~and 4~~:

- Phases: ADUs are limited to Wilder Phase 1, 2D and 3 ~~and 4~~, and no more than one ADU is permitted per lot.
- Three types of ADUs are to be permitted: as a portion of the primary house, as a separate free-standing unit, or as a unit over a free-standing or attached garage.
- Size: ADUs are not to exceed 600 square feet or 50% of the area of the primary house, whichever is less.
- Building Height: The height standards and limitations for ADUs will be that of the zoning district in which they are located.
- Architecture: ADUs will be constructed with architecture that is compatible with that of the primary structure.
- Density: ADUs do not count against the density limitations of the planned development.
- Utility hook-ups: ADUs will share utility hook-ups with primary homes.
- Parking: An additional off-street parking space will be provided for each ADU located on Edge lots. Not more than 10 ADUs are permitted for all other lots within Wilder Phase 1 based upon the number of on-street parking spaces currently available. In all future phases, additional ADUs will be permitted at a rate of one unit for every two on-street parking spaces the applicant provides within or immediately adjacent to the phase of development in which the ADU is to be constructed.

ADUs are allowed as accessory uses throughout the Final Development Plan for Phases 1, 2D and 3 ~~and 4~~ on all Village, Classic, Grand and Edge lots, at a ratio of no more than one ADU for every two on-street parking spaces provided within or immediately adjacent to the phase of development in which the ADU is constructed. The proposed maximum ADUs per phase based on the available on-street parking spaces is as follows:

	On-Street Parking Spaces Available*	Maximum ADUs Allowed
Phase 1	n/a	10
Phase 2D	11	6

Phase 3	15	8
Phase 4	36	16

*See Sheets 3-5 of Appendix G for location of parking spaces.

Development Schedule and Phasing:

Phase 1 of Wilder has previously been approved as a multiphase development. The applicant proposes four phases of development, broken into micro-phases, to complete build-out of the portion of Phase 1 of Wilder west of Harborton, with three additional phases for the portion of Phase 1 of Wilder north and east of Harborton.³ Necessary infrastructure will be completed with each phase. (See Phasing Plan, Sheet 2 of Appendix G.)

- Phase 1: 40 lots, combination of single-family, flex lots, and cottage cluster residential development. (Work begun 2009, and build-out substantially complete. Remaining lots anticipated to be completed in 2016.)
- Phase 2A: Village Center commercial north. (Work begun 2015, anticipated completion in 2018.)
- Phase 2B: Village Center apartments to be completed on two lots. The only off-site infrastructure necessary for this phase is stormwater drainage through Phases 2C and 2D to 44th Street, and easements for that purpose will be recorded by the applicant prior to installation. Any necessary easements for future utility connections for the benefit of Phase 2C will be recorded by the applicant. 46th Street and Ellis Streets will provide access to Phase 2B; Harborton Street, College Way, and a portion of Ellis Street are already completed. (Work to begin 2016, anticipated completion 2018.)
- Phase 2C: Medium-density residential transition, 20 flex lots for row houses, duplexes or micro-cottages. ~~Phase 2C will likely follow construction of Phase 2B, giving the rental market a chance to absorb the apartments in Phase 2B.~~ Extensions of Fleming and Geneva Streets will be constructed with this phase, and will connect to 45th and 46th Streets constructed with Phase 2D. Utilities will be extended from Phases 2B and 2D. Any necessary easements will be recorded with this phase. (Work to begin 2016, anticipated completion 2018.)
- Phase 2D: Six lots, single-family residential development on Village Lots. Phase 2D will follow similar timing to Phase 2C to provide moderately priced single-family homes in Wilder. Access to the homes and garages will be via existing 44th Street, 45th Street and the section of Fleming Street connecting the two streets. Utilities will connect to the existing lines in 44th Street. The phase will not be dependent on any utility or roads proposed for Phases 2B or 2C. Any necessary easements for utility connections for the benefit of Phase 2C will be put of record by the applicant. (Work to begin 2016, anticipated completion 2018.)
- Phases 2E and 2F: Village Center commercial south. Work will include extension of Harborton Street to the edge of Phase 1 of Wilder. (Work to begin 2017, anticipated completion 2025.)

³ Phases in Wilder are generally numbered based on geographic location rather than anticipated order of construction. Final phase numbering will be determined at the time of final plat for each phase consistent with the Lincoln County Assessor's requirements.

- Phase 3: Nine lots, single-family residential development. The pedestrian connection in Tract "H" will be constructed and dedicated to the City with this phase, as well as construction of 43rd Street and utility extensions to serve lots in this phase. (Work to begin 2017, anticipated completion 2018.)
- Phase 4: ~~22 lots, single-family residential development and cottage cluster development.~~ Multifamily clustered apartment development of 130 units on a single parcel. The pedestrian path in Tract "G" will be constructed and dedicated to the City with this phase. (Work to begin 2016, anticipated completion 2018.)
- Phase 5: A mix of single-family and multifamily development will be developed in this phase, to be further detailed and broken into micro-phases in future applications. (Phase 5 is not included in the final development plan with this application; timing is not yet determined.)
- Phase 6: Multifamily development of 12 units on a single parcel. The phase will be served by existing utilities in Harborton Street. (Work to begin 2017, anticipated completion 2018.)

~~Future phases will be developed to encompass the area east of Harborton.~~

~~It is contemplated that the buyers of Phases 2B, 2C and 2D will be affiliated entities with one common owner. Although the proposed phasing plan was developed to allow independent construction of each micro-phase, it is possible that the infrastructure for all three sub-phases will be installed simultaneously because of economies of scale in construction costs. Landwaves will declare any needed utility easements to serve the sub-phases if constructed independently prior to dedication of infrastructure installation.~~

Parking:

Required parking is authorized to extend across zoning boundaries when provided on the same lot or parcel as the proposed use. On-street spaces are allowed to count against off-street parking requirements provided the spaces provided are within 200 feet of the lot or parcel upon which the use is located. Parking ratios for all residential and commercial uses will follow those established in the Newport Municipal Code, with the exception of a requested variance to the apartment parking ratio for multifamily clustered apartments. The applicant proposes a 1.3 space per unit ratio for clustered apartments in place of the NMC standard 1 space for the first four units and 1.5 spaces for additional units, based on available access to multimodal transportation options in Wilder. (See Appendix G, Sheet 3 for count of off-street and on-street parking spaces by phase.)

Parking needs for student housing projects are generally lower than those for traditional multifamily, as supported by parking data for other OSU projects. A full census survey of OSU Corvallis students in 2013 determined that 30% of students had cars on campus and 70% did not. Students at the Newport will be upperclassmen in the marine sciences program, and data on those groups also describes a relatively low parking demand. A 2014 Corvallis study that oversampled upperclassmen determined that 32% of students had cars and 68% did not. The parking lot to serve 100 residential units at OSU's Hatfield Marine Sciences Center provides 35 spaces, and faculty report that it is on average two-thirds full. The relatively low demand for parking supports the request

for a modest reduction to the parking requirement for multifamily clustered apartments.

As part of the Village Center commercial development, the applicant ~~will~~ has constructed a private parking lot served by a private drive along the northern edge of the commercial lots in Phase 2A ~~which will~~ to provide shared parking to serve the commercial development, supplementing on-street parking provided along SE Harborton Street and College Way. The private parking lot is ~~will be~~ located in ~~proposed~~ Tract "I" and managed by adjacent commercial property owners. The private drive will provide two-way, east-west circulation with primary access from SE Harborton Street to access 90-degree perpendicular parking on both sides. The private drive will connect to a two-way public street (Ellis Street) that provides secondary access to SE College Way and extends north to provide access to multifamily units in Phase 2B.

Future Village Center commercial development in Phases 2E and 2F south of College Way will also be served by private off-street parking lots combined with on-street parking. Tract "J" will be a shared private parking lot to be managed by adjacent commercial property owners in Phase 2E.

Parking for the Village Center apartments will be a mix of off-street and on-street parking. Parking facilities will include a private off-street parking area accessible from a public road looping around the north and west sides of the apartment lot. The parking area will be divided down the middle to provide off-street parking to the two individual apartment lots, with reciprocal access easements. The public road will be built to modified Village Center roadway cross-sections added to the "Kit of Parts," which includes two-way circulation with angled parking on the apartment side of the street. (See pages 14-15 of Appendix H.)

Parking for the Phase 4 clustered apartments will be provided in a private off-street parking area accessible from Harborton Street. Similarly, a private off-street parking area accessible from the opposite side of Harborton Street will provide parking for the multifamily residential in Phase 6.

Shared parking for the cottage cluster in Phase 1 is provided on Tracts "D" and "F." ~~A shared parking lot to be owned in common by cottage owners in Phase 4 is proposed as Tract "K," which will be supplemented by private garages for each cottage.~~

The applicant may use the Oregon Coast Community College (OCCC) parking areas as shared, satellite parking for uses in the Village Center in Phases 2A, 2E and 2F, particularly uses with concentrated use patterns outside of peak hours, such as a church with a large Sunday morning parking demand. The OCCC parking lots are vacant at certain times and days, particularly weekends. This arrangement will allow future uses in the Village Center area to provide adequate parking for visitors, minimize construction of new parking lots while maximizing use of existing lots, and take advantage of the unique colocation of the Village Center and OCCC. Individual users will comply with the requirements of NMC 14.14.080 and 14.14.090.E.3 to provide written permission from the property owner (OCCC) and all other parking standards in NMC 14.14.

Parking lot design in all phases will follow the standards in NMC 14.14, with

consideration of additional low-impact development techniques such as pervious pavement and stormwater planter swales.

Landscaping:

A landscape plan has been previously approved that demonstrates how the site will be landscaped in accordance with City standards, and an updated plan for Phases 4 and 6 is provided with this application showing how landscaping will buffer and enhance the multifamily development. (See Appendix G, Sheet 19.) Sustainable native plantings have been used where appropriate throughout the site to blend with the natural landscape. Street trees and landscaped curb extensions are provided along all local streets. Landscape curb-extensions will double as stormwater planter swales that provide for a natural means to collect and treat run-off from the development.

Enhanced entry landscaping is proposed along both sides of Harborton at the northwest corner of the site to screen parking areas in Phases 4 and 6 and to create a gateway to Wilder.

An enhanced forest edge planting is also proposed along the east side of Harborton Street. Grass and shrubs will be planted under the power lines and trees will be planted beyond 75 feet. This will create a forested buffer or transition between the street and the single-family residential areas to the east.

Lighting:

Artificial lighting used on site will be arranged and constructed to minimize direct glare on adjoining property. Low-impact pedestrian scale lighting will be used throughout the development and will be shielded where necessary. Street lighting is shown on Sheets 17-19 of Appendix G. Surface parking areas and associated parking lot lighting within the Village Center area is oriented behind and to the side of buildings. This minimizes the amount of artificial lighting that will glare onto adjoining properties. Retail and monument signs will be pedestrian scale with limited lighting. ~~The low-density northern portion of the development is buffered from adjacent property to the west by significant vegetation, which will reduce glare from lights within homes and along streets.~~ Parking lot and building lighting in Phase 4 associated with student housing development will be screened by vegetation buffers to prevent glare on Harborton, adjacent single-family development to the south in Phase 3, or the adjacent property to the west.

Parks, Trails and Open Space:

Open space and recreation facilities include a neighborhood park, natural areas, and nature and access trails.

A neighborhood park has been built within Tract "A" north of 43rd Street, and dedicated to the City of Newport as Wilder Twin Park. The specific improvements within the park have been finalized, approved through the City's Park Department, and built. A pedestrian connection through this park will link 42nd Place and 43rd Street, using Tract "H." The connection will be built to neighborhood sidewalk standards with a 6-foot paved width. The pedestrian connection will be constructed and dedicated to the City with Phase 3 of the development.

An open green space with a trail connecting to Mike Miller Park has been created on Tract "B". An open green space designated Tract "G," adjacent to Tract "B," will accommodate an extension of the trail north from Tract "B" to Harborton Street. The trail within Tract "G" will be constructed and dedicated to the City with Phase 4 of the development. The trail will continue the 5-foot-wide, soft-surface cross-section used for natural trails in Tract "B." (See "Kit of Parts," page 29.) The applicant will explore options to develop a connector trail from Phase 4 to connect to the trail across Tract "G".

Tract "C" in Phase 1 has been built as a common open space owned in common by cottage owners and provides a common "front lawn" for the cottage cluster. ~~A new Tract "K" for the cottage cluster in Phase 4 is proposed and will be owned in common by cottage owners to serve as a shared outdoor space.~~

Multifamily development in Phase 4 and 6 will incorporate open space such as patios, balconies, play areas, green spaces, and potential trail connections for the enjoyment of their respective residents.

Wilder has also created a temporary dog park and disc golf course for public use.

Street Design & Names:

Traffic will access the site via several proposed local streets and driveways connecting from 40th Street and Harborton Street (two-lane Collector roadways) and College Way. The Collector roadways, 40th Street and Harborton Street, have been constructed from US 101 east and south to College Way pursuant to prior approvals for the Planned Development site. These streets constitute the northern part of a loop road system that will ultimately connect to 50th Street on the south and then west to US 101. The remaining portion of the loop connecting to 50th Street will be constructed at full build-out of the Master Plan providing secondary access to the site. In the mean time, the southern part of the loop system has been constructed as a gravel access road for emergency vehicles and construction vehicles only. The City has been granted access easements to the southern part of the loop system.

The proposed development includes neo-traditional street designs that accommodate multiple modes of transportation and create a "sense of place." The streets are generally narrower than streets found in conventional suburban neighborhoods and feature integrated stormwater management systems, such as water quality swales within planter areas, though they accommodate a 24-foot clear travel space in Phases 2C, 2D and 4 in compliance with recent City requirements. (See Decision for #2-PD-15 and #3-PD-15.) A variety of street types that have been approved include:

- Harborton Street will be extended south to the southeast boundary of Phase 1 of Wilder with development of Phases 2E and 2F using the Main Street cross-section from the "Kit of Parts," identical to the cross-section used along Harborton for one block north of College Way.
- Two modified Village Center Road types will be used along 46th Street, transitioning to Ellis Street to connect with College Way, which will provide two-way travel, angle-in parking and sidewalks within the cross-section to connect

between the commercial, high-density residential, and medium-density residential uses in the community core. (See pages 14 and 15 of Appendix H.)

- The City-Mandated Neighborhood Local Road type with a travel width of 24 feet will be used for 42nd Place, terminating in an Auto Court. (See page 67 of Appendix H.)
- ~~The City-Mandated Hillside Street type with a travel width of 24 feet to satisfy Condition 11 of the Final Order will be used for 41st Circle. (See page 3 of Appendix H.)~~
- A woonerf – which integrates the pedestrian environment, urban-scale storm water planters, and vehicular parking – has been constructed within Fleming Street between 43rd Street and 44th Street, and will be extended south to 46th Street. The “Kit of Parts” section allows flexible width for the woonerf section along Fleming Street from 18 to 30 feet wide to accommodate on-street parking and bio-swale plantings without compromising fire access. The section of Fleming between 44th and 46th Streets will be 24 feet wide with no on-street parking. (See page 69 of Appendix H.)
- Dead-end streets terminate in Auto Courts featuring decorative pavement.
- Residential alleys are used along Geneva Street and Ellis Street in Phase 1; Geneva Street is proposed to extend south to 46th Street with Phase 2C. An alley is also proposed along 45th Street. The Geneva Street and 45th Street alleys in Phase 2C and 2D will be constructed to the Utility Alley standard added to the “Kit of Parts,” which features hard surfacing and a 24-foot clear width. (See page 68 of Appendix H.)

The previously approved “Kit of Parts” essentially creates an alternate set of street and utility standards that replace the standards in NMC Chapter 13. As noted in NMC 13.05.105.A, the subdivision standards may be modified for a planned development. The first version of the “Kit of Parts,” which illustrates these street components used throughout the development, was introduced and approved as a concept for the development throughout Wilder with #1-PD-07, including streets with narrower widths. There have been several revisions to the Kit with subsequent approvals.

Several of the major streets identified on the plan have already been constructed. 40th Street, Harborton Street, and College Way have been constructed through the Phase 1 site per the previous approvals. The current design of 40th Street, Harborton Street, and College Way, are consistent with previous approvals. 43rd Street, 44th Street, Ellis Street, Fleming Street and Geneva Street have been constructed through Wilder Phase 1 per approvals.

Changes to the “Kit of Parts” including additional street sections with a minimum 24-foot clear width were approved with #2-PD-15 and #3-PD-15 and required in Phases 2B, 2C, 2D and 3.

Street names within the development have been previously approved. Harborton Street is the existing street that is part of the loop road system to the east of Hwy 101 that begins with 40th Street on the north and ends with 50th Street on the south (and

eventually 62nd). Harborton Street is the longest stretch of the loop, running generally north-south through the Village. Harborton Street is for the former name of South Beach.

The streets that run perpendicular to Harborton Street are in numerical order, keeping with the general system of street names in South Beach. Streets included in Phase 1 (completed) and Phases 2-3 4 (to be constructed):

- ~~41st Circle as necessary to accommodate the City's Street Grid.~~
- 42nd Place as necessary to accommodate the City's Street Grid. It will terminate in an auto court, and provide pedestrian access through the park to 43rd Street.
- 43rd Street as necessary to accommodate the City's Street Grid. It terminates in an auto court.
- 44th Street as necessary to accommodate the City's Street Grid. It terminates at the cottage cluster, where it intersects with Ellis Street.
- 45th Street as necessary to accommodate the City's Street Grid. It provides a connection between Fleming and Geneva Street.
- 46th Street as necessary to accommodate the City's Street Grid. It terminates where it intersects with a continuation of Ellis Street.

No public streets are proposed in Phases 4 and 6, which is already served by Harborton Street.

The following streets do not intersect with Harborton Street: Ellis Street, Fleming Street, and Geneva Street.

- Ellis Street is for Ellis Island and for Ellis Bell, the pen name of Emily Bronte, author of Wuthering Heights.
- Fleming Street is for Alexander Fleming who discovered penicillin, and epidemiologist Dr. David Fleming who served as State Epidemiologist of Oregon as part of a regional and international career.
- Geneva Street is for Lake Geneva, Wisconsin and its namesake Geneva, Switzerland, as well as the old telephone exchange in the Dorchester area of Boston.

Traffic:

As part of the prior annexation of the site to the City, the City adopted Ordinance 1931 to address potential transportation impacts of Phase 1. Ordinance 1931 states that the City will not issue building permits for land uses in the annexation territory, which includes both the subject site and property abutting 40th Street owned by GVR Investments, if they generate more than 180 peak hour trips (based on Saturday mid-day peak hour in August). This "trip cap" limits the number of dwellings or commercial floor area that can be constructed within Phase 1 of Wilder and the GVR Investment Property based on the transportation improvements that are currently in place. When additional traffic improvements are made pursuant to the Transportation Systems Plan that is currently being updated, including the paving of Ash Street and the construction

of a traffic signal at 40th Street and Highway 101, the trip cap may be lifted allowing the full range of development to occur within the site consistent with the Traffic Study Transportation Planning Rule.

A traffic analysis was prepared in conjunction with the annexation of the Wilder site in 2007 demonstrates how the proposed development within Phase 1 can be accommodated within the limitations of the trip cap.

Subsequently, the City, Lincoln County, and ODOT worked to establish an alternative mobility standard for US 101 south of the Yaquina Bay Bridge which resulted in the creation of increased transportation system capacity. The City reserved 403 trips from the Trip Budget for properties in the annexation area, including 257 weekday PM peak hour trips allocated to Wilder. The applicant will apply these reserved trips to development in Phase 1 of Wilder covered by the Preliminary Development Plan, less trips that have been used by approved development in Wilder Phase 1 and the coffee shop in the Village Center. The total trip budget is 1,237 weekday PM peak hour trips for the TAZ A in which Wilder is located; Wilder may use some of these trips for future development, including Phase 1 of Wilder, in addition to the reserved trips.

Separate from the trips reserved for Wilder through the Trip Budget, Wilder has vested 232 weekday PM peak hour trips for forecasted development with previous approvals based on the trip vesting standards in NMC 14.43.090(D). A portion of the vested trips have already been allocated to development completed in Wilder Phase 1. When vested trips are used, they are also counted against the Trip Budget reserved for Wilder. With approval of this application, Wilder will tentatively have vested 313 weekday PM peak hour trips for development within the Final Development Plan. Tentative weekday PM peak hour vested trips break down by phase as follows:

<u>Phase 1</u>	<u>40 (40 SFD)</u>
<u>Phase 2A</u>	<u>49 (33 for retail/restaurant bldg, 16 for 6,025 SF specialty retail on 2 pads)</u>
<u>Phase 2B</u>	<u>17 (28 apartments)</u>
<u>Phase 2C</u>	<u>20 (20 SFD)</u>
<u>Phase 2D</u>	<u>6 (SFD)</u>
<u>Phase 2E</u>	<u>28 (assumes 10,150 SF specialty retail on 4 pads)</u>
<u>Phase 2F</u>	<u>41 (assumes 15,000 SF specialty retail)</u>
<u>Phase 3</u>	<u>9 (9 SFD)</u>
<u>Phase 4</u>	<u>22 (22 SFD) vested, to be increased to 81 (130 apartments) (proposed)</u>
<u>Phase 6</u>	<u>22 (7 for 12 apartments, 15 for 1,200 SF daycare center) (proposed)</u>
Total	232 existing, 313 proposed

The vesting term previously approved for Wilder is 10 years, meaning these trips will be vested through 2026. Additional trips for future phases of Wilder development will be vested through amended planned development plans and tentative subdivision plan;

additional PM peak hour trip capacity within TAZ Area "A" in which Wilder is located (prior to approval of these modifications) is available first come, first served.

Utilities:

Adequate services are in place or will be made available at time of development of Wilder as outlined within the infrastructure report that was prepared for the original Preliminary Development Plan approval. Updated utility plans are included on Sheets 15-18 of Appendix G.

The major Collector roadway facilities that serve the development, 40th Street and Harborton Street, have already been constructed through the site from Highway 101 to College Way. A sidewalk on the north/east side of Harborton will be completed to serve Phase 6. As shown in the updated Final Development Plan, various new public local streets will be extended from the Collector to serve the neighborhoods within the site consistent with the proposed circulation plan. (See Appendix F.)

Major utility facilities, including water and sewer lines, have also already been constructed within 40th Street, Harborton Street, and College Way to serve Phase 1 of Wilder and the Oregon Coast Community College campus. Utility plans illustrate how these facilities will be further extended to serve development within the site, including additional connections in Phase 2B to serve the two proposed lots. (See Sheets 15-18 of Appendix G.) Stormwater facilities will also be constructed on site to collect and treat run-off from impervious surfaces prior to being discharged to on-site drainage ways.

~~The development plan includes two stormwater alternatives for Phase 4: a wetland alternate that preserves an existing wetland as part of the drainage design, and a mitigation alternate that would remove the wetland and mitigate the effects, routing all stormwater through a traditional on-street drainage system. The wetland alternate would protect the wetland in a tract to ensure the City can access and maintain any public drainage infrastructure routed through the wetland.~~

IV. TENTATIVE SUBDIVISION PLAN

The applicant seeks to modify the tentative subdivision plan for Phase 1 of Wilder approved in #1-SUB-15 and other previous approvals by adding a single lot each for Phases 4 and 6, and creating two lots in Phase 2B from the single lot currently approved. (See Appendix G, Sheets 7-10.) All other provisions of the tentative subdivision plan for other phases remain unchanged, and are not addressed in this application. The subject application for Phases 4 and 6 complies with the procedures and submittal requirements for Tentative Subdivision Plan established in Chapter 13.05 of the Newport Municipal Code as follows:

13.05.015 Streets.

13.05.015.A. Criteria for Consideration of Modifications to Street Design. *As identified throughout the street standard requirements, modifications may be allowed to the standards by the approving authority. In allowing for modifications, the approving authority shall consider modifications of location, width, and grade of streets in relation to existing and planned streets, to topographical or other geological/environmental conditions, to public convenience and safety, and to the proposed use of land to be served by the streets. The street system as modified shall assure an adequate traffic circulation system with intersection angles, grades, tangents, and curves appropriate for the traffic to be carried considering the terrain. Where location is not shown in the Transportation System Plan, the arrangement of streets shall either:*

- (a) Provide for the continuation or appropriate projection of existing principal streets in surrounding areas; or*
- (b) Conform to a plan for the neighborhood approved or adopted by the Planning Commission to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impractical.*

RESPONSE: An updated street circulation plan for Phase 1 of the Wilder Master Plan is provided as part of the concurrent Preliminary Planned Development Modification application. (See Appendix G.) The proposed circulation plan has been refined to accommodate grading, utilities, and site layout for Phases 2B, 4 and 6.

No new roads are proposed to serve Phases 2B, 4 and 6. The Phase 2B lots will be served by the existing SE Harborton Street, and the proposed 46th Street and Ellis Street. The development in Phases 4 and 6 will take access from SE Harborton Street, an existing collector constructed with previous phases of development, and will provide onsite circulation within the phases through private drive aisles.

Natural features, such as steep topography, creeks, and wetlands, prevent any additional local street connections to surrounding parcels through Phases 4 and 6.

13.05.015.B. Minimum Right-of-Way and Roadway Width. *Unless otherwise indicated on the development plan, the street right-of-way and roadway widths shall not be less than the minimum width in feet shown in the following table:*

<i>Type of Street</i>	<i>Minimum Right-of-Way</i>	<i>Minimum Roadway Width</i>
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	<i>Width</i>	
<i>Arterial, Commercial and Industrial</i>	<i>80 feet</i>	<i>44 feet</i>
<i>Collector</i>	<i>60 feet</i>	<i>44 feet</i>
<i>Minor Street</i>	<i>50 feet</i>	<i>36 feet</i>
<i>Radius for turn-around at end of cul-de-sac</i>	<i>50 feet</i>	<i>45 feet</i>
<i>Alleys</i>	<i>25 feet</i>	<i>20 feet</i>

Modifications to this requirement may be made by the approving authority where conditions, particularly topography, geology, and/or environmental constraints, or the size and shape of the area of the subdivision or partition, make it impractical to otherwise provide buildable sites, narrower right-of-way and roadway width may be accepted. If necessary, slope easements may be required.

RESPONSE: The previously approved Planned Development application for the site included a "Kit of Parts" that identified typical neo-traditional street sections, including roadway and right-of-way widths, for each unique street type that could be located within the Master Plan site. (See Appendix H.) SE Harborton Street, which provides access to both Phases 4 and 6, has already been constructed to approved "Kit of Parts" standards and approved engineering drawings, with a 75-foot right-of-way and 24-foot roadway width. (See Appendix J, Detail 4.) No new streets are planned with Phases 4 and 6, however, a 4-foot wide sidewalk will be constructed along SE Harborton Street fronting Phase 6 within the existing right-of-way to provide connectivity to the west.

In Phase 2B, 46th Street and Ellis Street will be built to approved standards for Village Center Road sections. (See Appendix H, pages 14-15.) No changes to the roadways are proposed to accommodate the creation of two lots in place of one lot; the two lots will continue to have frontage on public streets.

13.05.015.C. Reserve Strips. *Reserve strips giving a private property owner control of access to streets are not allowed.*

RESPONSE: This criterion is not applicable. There are no reserve strips proposed for the subdivision.

13.05.015.D. Alignment. *Streets other than minor streets shall be in alignment with existing streets by continuations of their center lines. Staggered street alignment resulting in "T" intersections shall leave a minimum distance of 200 feet between the center lines of streets having approximately the same direction and, in no case, shall be less than 100 feet. If not practical to do so because of topography or other conditions, this requirement may be modified by the approving authority.*

RESPONSE: This criterion is not applicable; the applicant does not propose any new streets creating any new alignments in Phases 4 and 6 and 46th and Ellis Street alignments have already been approved.

13.05.015.E. Future Extensions of Streets. *Proposed streets within a land division shall be extended to the boundary of the land division. A turnaround if required by the Uniform*

Fire Code will be required to be provided. If the approval authority determines that it is not necessary to extend the streets to allow the future division of adjoining land in accordance with this chapter, then this requirement may be modified such that a proposed street does not have to be extended to the boundary of the land division.

RESPONSE: As described above, the collector roadway that serves the site, identified as Harborton Street, has already been constructed through Phase 1 of the Wilder Master Plan site south to College Way and will be extended south to the boundary of the Planned Development. Harborton Street transitions to 40th Street in the north of the Planned Development, which extends across the development's western boundary running east-west to intersect with Highway 101. No new streets are proposed within Phases 4 and 6 that would require additional extensions. In Phase 2B, 46th and Ellis Streets have been approved, with Ellis Street continuing to the south to comment with College Way.

3-2-2.030. Intersection Angles.

1. *Streets shall be laid out to intersect at right angles.*
2. *An arterial intersecting with another street shall have at least 100 feet of tangent adjacent to the intersection.*
3. *Other streets, except alleys, shall have at least 50 feet of tangent adjacent to the intersection.*
4. *Intersections which contain an acute angle of less than 80 degrees or which include an arterial street shall have a minimum corner radius sufficient to allow for a roadway radius of 20 feet and maintain a uniform width between the roadway and the right-of-way line.*
5. *No more than two streets may intersect at any one point.*
6. *If it is impractical due to topography or other conditions that require a lesser angle, the requirements of this section may be modified by the approval authority. In no case shall the acute angle in Subsection F.1. be less than 80 degrees unless there is a special intersection design.*

RESPONSE: This criterion is not applicable; no new streets are proposed.

13.05.015.G. Half Street. *Half streets are not allowed. Modifications to this requirement may be made by the approving authority to allow half streets only where essential to the reasonable development of the land division, when in conformity with the other requirements of these regulations and when the city finds it will be practical to require the dedication of the other half when the adjoining property is divided. Whenever a half street is adjacent to a tract property to be divided, the other half of the street shall be provided.*

RESPONSE: This criterion is not applicable. The proposed subdivision does not include any half-street improvements.

13.05.015.H Sidewalks. *Sidewalks in conformance with the city's adopted sidewalk design standards are required on both sides of all streets within the proposed land division and are required along any street that abuts the land division that does not have sidewalk abutting*

the property within the land division. The city may exempt or modify the requirement for sidewalks only upon the issuance of a variance as defined in the Zoning Ordinance.

RESPONSE: On Harborton Street, a 12-foot wide multiuse path has been constructed on the south/west side of the street that serves Phase 4 and provides adequate pedestrian circulation for both sides of the street. An additional sidewalk will be constructed on the north/east side of Harborton along the Phase 6 frontage to provide a direct pedestrian connection from the multifamily residential development to connect with an existing sidewalk along the north side of 40th Street to the west at Chestnut Street. Future pedestrian connectivity to the south will be developed with plans for Phase 5 and may include alternative connections such as an off-street trail. Sidewalks will be constructed along 46th and Ellis Streets in Phase 2B consistent with approved Village Center roadway cross-sections. Sidewalks are supplemented with multiuse pathways and nature trails to enhance pedestrian connectivity throughout Wilder.

13.05.015.I. Cul-de-Sac. *A cul-de-sac shall have a maximum length of 400 feet and serve building sites for not more than 18 dwelling units. A cul-de-sac shall terminate with a circular turn-around meeting minimum Uniform Fire Code requirements. Modifications to this requirement may be made by the approving authority. A pedestrian or bicycle way may be required by easement or dedication by the approving authority to connect from a cul-de-sac to a nearby or abutting street, park, school, or trail system to allow for efficient pedestrian and bicycle connectivity between areas if a modification is approved and the requested easement or dedication has a rational nexus to the proposed development and is roughly proportional to the impacts created by the proposed land division.*

RESPONSE: This criterion is not applicable; no cul-de-sacs are proposed in Phases 2B, 4 and 6.

13.05.015.J. Street Names. *Except for extensions of existing streets, no street name shall be used which will duplicate or be confused with the name of an existing street. Street names and numbers shall conform to the established pattern in the city, as evident in the physical landscape and described in City of Newport Ordinance No. 665, as amended.*

RESPONSE: Street names in Wilder Phase 1 have been previously approved by the Planning Commission and no changes are proposed. Ellis, Fleming, Geneva and Harborton Streets will continue through the development, and numbered streets will be named consistent with the established pattern in the city. The street names are identified on the plat. (See Appendix G, Sheets 7-10.)

13.05.015.K. Marginal Access Streets. *Where a land division abuts or contains an existing or proposed arterial street, the Planning Commission may require marginal access streets, reverse frontage lots with suitable depth, screen planting constrained in a nonaccess reservation along the rear or side property line, or other treatment necessary for adequate protection of residential properties and to afford separation of through and local traffic.*

RESPONSE: This criterion is not applicable. The proposed land division does not abut or contain an existing or proposed arterial street.

3-2-2.060. Alleys. *Alleys shall be provided in commercial and industrial districts. If other permanent provisions for access to off-street parking and loading facilities are provided,*

the approving authority is authorized to modify this provision if a determination is made that the other permanent provisions for access to off-street parking and loading facilities are adequate to assure such access. The corners of alley intersections shall have a radius of not less than 12 feet.

RESPONSE: This criterion is not applicable; no alleys are proposed within Phases 2B, 4 and 6, which are proposed for residential use. Off-street parking in Phases 4 and 6 will be accessed directly from Harborton Street and served with private drive aisles. Off-street parking in Phase 2B will be accessed from 46th Street.

13.05.020 Blocks.

13.05.020.A. General. *The length, width, and shape of blocks for non-residential subdivisions shall take into account the need for adequate building site size and street width, and shall recognize the limitations of the topography.*

RESPONSE: Not applicable; no non-residential development is proposed with Phases 2B, 4 and 6.

13.05.020.B. Size. *No block shall be more than 1,000 feet in length between street corners. Modifications to this requirement may be made by the approving authority if the street is adjacent to an arterial street or the topography or the location of adjoining streets justifies the modification. A pedestrian or bicycle way may be required by easement or dedication by the approving authority to allow connectivity to a nearby or abutting street, park, school, or trail system to allow for efficient pedestrian and bicycle connectivity between areas if a block of greater than 1,000 feet if a modification is approved and the requested easement or dedication has a rational nexus to the proposed development and is roughly proportional to the impacts created by the proposed land division.*

RESPONSE: Block lengths in excess of 1,000 feet are not proposed.

13.05.025 Easements.

13.05.025.A. Utility Lines. *Easements for sewers and water mains shall be dedicated to the city wherever a utility is proposed outside of a public right-of-way. Such easements must be in a form acceptable to the city. Easements for electrical lines, or other public utilities outside of the public right-of-way shall be dedicated when requested by the utility provider. The easements shall be at least 12 feet wide and centered on lot or parcel lines, except for utility pole tieback easements, which may be reduced to six (6) feet in width.*

RESPONSE: Easements for sewer and water mains, public utilities and electrical lines outside of the public right-of-way will be provided within the subdivision plat per the above requirements. Public sewer, water and drainage easements will be provided in Phases 4 and 6 based on location of utilities and fire hydrants as needed; easements will be in a form acceptable to the city. A 75-foot-wide easement for the electrical lines on the northeast side of Harborton Street has already been recorded, and will be maintained with development of Phase 6. No sewers or water mains are proposed outside of public right-of-way in Phase 2B; a drainage easement along the property line running through the parking lot will be recorded.

13.05.025.B. Utility Infrastructure. *Utilities may not be placed within one foot of a survey monument location noted on a subdivision or partition plat.*

RESPONSE: Utilities will not be placed within one foot of a survey monument location. Final utility locations will be provided in future construction plan submittals to the City.

13.05.025.C. Water Course. *If a tract is traversed by a water course such as a drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially to the lines of the water course, and such further width as will be adequate for the purpose. Streets or parkways parallel to the major water courses may be required.*

RESPONSE: Stormwater drains through the site in existing stormwater systems, roadside swales, and natural low spots in undeveloped areas. There are no significant water bodies or water courses identified within the Wilder site except for two small wetlands. The small wetland in Phase 4 will be filled. The small wetland in Phase 6 will be retained. Phase 4 stormwater will be routed in a public storm drain from Harborton Street to an existing drainage way to the south of Phase 4; the storm drain system will be located within a public easement, either a stand-alone storm water easement or combined with water and sewer easements in Phase 4.

13.05.030 Lots and Parcels.

13.05.030.A. Size. *The size (including minimum area and width) of lots and parcels shall be consistent with the applicable lot size provisions of the Zoning Ordinance, with the following exception:*

(a) *Where property is zoned and planned for business and industrial use, other widths and areas may be permitted at the discretion of the Planning Commission. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provided for the off-street service and parking facilities required by the type of use and development contemplated.*

RESPONSE: R-3 zoning is proposed for both Phases 4 and 6, to facilitate multifamily development. Phase 4, Lot 1 will total 5.08 acres and Phase 6, Lot 1 will total 1.78 acres, satisfying the 5,000 SF minimum requirement for the R-3 zone. Phase 2B is also zoned R-3, and Lot 27 will total 13,623 SF and Lot 28 will total 20,746 SF, meeting the minimum standard.

13.05.030.B. Street Frontage. *Each lot and parcel shall possess at least 25 feet of frontage along a street other than an alley.*

RESPONSE: Both lots proposed for Phases 4 and 6 will have in excess of 25 feet of frontage along Harborton Street. Lot 27 in Phase 2B will have in excess of 25 feet of frontage along Harborton Street and 46th Street, and Lot 28 will have sufficient frontage along 46th and Ellis Streets.

13.05.030.C. Through Lots and Parcels. *Through lots and parcels are not allowed. Modifications may be made by the approving authority where they are essential to provide separation of residential development from major traffic arteries or adjacent nonresidential activities or to overcome specific disadvantages of topography and orientation. The approving authority may require a planting screen easement at least 10 feet wide and across which there shall be no right of access. Such easement may be required along the line of building sites abutting a traffic artery or other incompatible use.*

RESPONSE: No through lots or parcels are proposed with these phases.

13.05.030.D. Lot and Parcel Side Lines. *The side lines of lots and parcels shall run at right angles to the street upon which they face, except that on curved streets they shall be radial to the curve. Modifications to this requirement may be made by the approving authority where it is impractical to do so due to topography or other conditions or when the efficient layout of the land division has the lines running as close to right angles (or radial) as practical.*

RESPONSE: The proposed lot lines in Phase 2B run at right angles to Harborton Street on the north and south edges of the lots. The proposed lot lines in Phases 4 and 6 run at right angles to Harborton Street on the west edge of the lots. On the eastern edge of the lots in Phases 4 and 6, the lot lines run near to radial while accommodating significant topographical changes. The eastern side line of Tract "G" in particular is shaped by a steep ravine in between Phases 4 and 3, and sited to accommodate a public nature trail.

13.05.030.E. Special Setback Lines. *All special building setback lines, such as those proposed by the applicant or that are required by a geological report, which are to be established in a land division, shall be shown on the plat, or if temporary in nature, shall be included in the deed restrictions.*

RESPONSE: This criterion is not applicable. There are no special setback lines proposed.

13.05.030.F. Maximum Lot and Parcel Size. *Proposed lots and parcels shall not contain square footage of more than 175% of the required minimum lot size for the applicable zone. Modifications to this requirement may be made by the approving authority to allow greater square footage where topography or other conditions restrict further development*

potential or where the layout of the land division is designed and includes restrictions to provide for extension and opening of streets at intervals which will permit a subsequent division into lots or parcels of appropriate size for the applicable zone designation.

RESPONSE: The lots in Phases 2B, 4 and 6 are larger than 175% of the required minimum lot size in order to accommodate multifamily development at densities consistent with the R-3 zone.

The area to the east of Harborton is proposed as an oversized remainder lot. This lot will ultimately be re-platted as part of full build-out of Phase 1 of Wilder. As part of the Preliminary Planned Development application, the applicant has prepared a land use concept plan that demonstrates how these lots could be re-platted in the future consistent with City standards as permitted through a Planned Development. (See Appendix F.)

13.05.030.G. Development Constraints. *No lot or parcel shall be created with more than 50% of its land area containing wetlands or lands where the city restricts development to protect significant Statewide Land Use Planning Goal 5 or Goal 17 resources, except that areas designated as open space within a land division may contain up to 100% of a protected resource. (...)*

RESPONSE: Lot 1 of Phase 4 contains a small wetland totaling 2,053 SF, or less than 1% of the lot; the wetland will be filled and mitigated with development. Lot 1 of Phase 6 includes a small wetland totaling 1,548 SF, or approximately 2% of the lot, and will be protected with development. Tract "G" in Phase 4 is designated as open space and includes steep slopes and ravines. (See Sheet 16 of Appendix G.) There are no wetlands or other resources in the proposed Phase 2B lots.

13.05.030.H. Lots and Parcels within Geological Hazard Areas. *Each new undeveloped lot of parcel shall include a minimum 1,000 square foot building footprint within which a structure could be constructed and which is located outside of active and high hazard zones and active landslide areas (See Section 2-4-7 of the Zoning Ordinance for an explanation of hazard zones). New public infrastructure serving a lot or parcel shall similarly be located outside of active and high hazard zones and active landslide areas.*

RESPONSE: All of Phase 1 of Wilder is located outside of Geologic Hazard Areas as mapped by the City of Newport (see Map C2 of City's Geologic Hazards Map prepared June 17, 2011); this criterion does not apply.

13.05.035 Public Improvements.

Public Improvement Procedures. In addition to other requirements, public improvements installed by a developer that is dividing land, whether required or voluntarily provided, shall comply with this chapter, and with any public improvement standards or specifications adopted by the city. The following procedure shall be followed:

13.05.035.A. *Improvement work, including excavation in the excess of 100 cubic yards, shall not be commenced until plans have been checked for adequacy and approved by*

the city. To the extent necessary for evaluation of the proposal, the plans shall be required before approval of the tentative plan of a subdivision or partition.

RESPONSE: Engineering plans will be submitted to the city prior to construction of any public improvements.

13.05.035.B. *Improvement work shall not commence until after the city is notified, and, if work is discontinued for any reason, it shall not be resumed until after the city is notified.*

RESPONSE: The applicant will notify the city before commencing improvement work.

13.05.035.C. *Public improvements shall be constructed under the inspection and to the satisfaction of the city engineer. The city may require change in typical sections and details in the public interest if unusual conditions arise during construction to warrant the change.*

RESPONSE: The applicant will construct the improvements under the inspection and to the satisfaction of the city engineer.

13.05.035.D. *Underground utilities, sanitary sewers, and storm drains installed in streets shall be constructed prior to the surfacing of the streets. Stubs for service connection for underground utilities and sanitary sewers shall be placed to allow future connections without disturbing the street improvements.*

RESPONSE: Utilities in Phases 4 and 6 will connect to stubs already placed in Harborton Street. Connections to existing utility stubs will be coordinated to minimize re-surfacing of Harborton Street. Utilities in Phase 2B will be constructed prior to construction of 46th Street. (See Appendix G, Sheet 17 for Utility Plan.)

13.05.035.E. *A map showing public improvements as built shall be filed with the city upon completion of the improvements.*

RESPONSE: The applicant will file as-built plans with the city.

13.05.035.F. *Public improvements shall not be commenced until any appeals of the subdivision approval are resolved.*

RESPONSE: The applicant will abide by this requirement.

13.05.040 Public Improvement Requirements.

13.05.040.A. *The following public improvements are required for all land divisions, except where a subdivision plat is reconfiguring or establishing rights-of-way for future public streets:*

1. Streets. *All streets, including alleys, within the land division, streets adjacent but only partially within the land divisions, and the extension of land division streets to the intersecting paving line of existing streets with which the land division streets intersect, shall be graded for the full right-of-way width. The roadway shall be improved to a width of 36 feet or*

other width as approved by the approval authority by excavating to the street grade, construction of concrete curbs and drainage structures, placing a minimum of six inches of compacted gravel base, placement of asphaltic pavement 36 feet in width or other width as approved by the approval authority and approximately two inches in depth, and doing such other improvements as may be necessary to make an appropriate and completed improvement. Street width standards may be adjusted as part of the tentative plan approval to protect natural features and to take into account topographic constraints and geologic risks.

RESPONSE: The streets serving Phases 4 and 6 have already been constructed and extended through the development, including the minimum width required for the applicable "Kit of Parts" street sections approved for use in Wilder. SE Harborton Street will be completed with a 4-foot wide sidewalk on the north/east side of the street along the Phase 6 frontage with this development. Harborton Street fronting Phase 2B has also been completed, and 46th and Ellis Streets fronting the lots in Phase 2B will be constructed to the approved Village Center cross-sections with development of this phase.

2. Surface Drainage and Storm Sewer System. *Drainage facilities shall be provided within the land division and to connect the land division drainage to drainage ways or storm sewers outside the land division. Design of drainage within the land division shall take into account the capacity and grade necessary to maintain unrestricted flow from areas draining through the land division and to allow extension of the system to serve such areas.*

RESPONSE: As illustrated in the utility plan, drainage facilities are proposed within the subdivision to connect the subdivision to drainage ways outside the subdivision in accordance with City standards. (See Appendix G, Sheets 15-18.) Phase 4 storm water will be routed in a public storm drain from Harborton Street to the existing drainage way south of Phase 4. Phase 2B storm water will be collected in a drainage way along the proposed lot line down the middle of the parking lot shared by both lots through an easement, draining to 46th Street.

3. Sanitary Sewers. *Sanitary sewers shall be installed to serve each lot or parcel in accordance with standards adopted by the City, and sewer mains shall be installed in streets as necessary to connect each lot or parcel to the city's sewer system.*

RESPONSE: A sewer main is already installed in Harborton Street and will provide service to the development in Phases 4 and 6. A sewer main is planned along 46th Street which will provide service to the two lots in Phase 2B. As illustrated in the utility plan, sanitary sewers will be installed to serve each lot in accordance with standards adopted by the City. (See Appendix G, Sheets 15-18.)

4. Water. *Water mains shall be installed to allow service to each lot or parcel and to allow for connection to the city system, and service lines or stubs to each lot shall be provided. Fire hydrants shall be installed as required by the Uniform Fire Code. The city may require that mains be extended to the boundary of the land division to provide for future extension or looping.*

RESPONSE: A water main is already installed in Harborton Street and will provide service to the development in Phases 4 and 6. A water main is planned along 46th Street which will provide service to the two lots in Phase 2B. As illustrated in the utility plan, water mains and

fire hydrants will be installed to serve each lot in accordance with standards adopted by the City. (See Appendix G, Sheets 15-18.)

5. Sidewalks. *Required sidewalks shall be constructed in conjunction with the street improvements except as specified below:*

a. Delayed Sidewalk Construction. If sidewalks are designed contiguous with the curb, the subdivider may delay the placement of concrete for the sidewalks by depositing with the city a cash bond equal to 115 percent of the estimated cost of the sidewalk. In such areas, sections of sidewalk shall be constructed by the owner of each lot as building permits are issued. Upon installation and acceptance by the city engineer, the land owner shall be reimbursed for the construction of the sidewalk from the bond. The amount of the reimbursement shall be in proportion to the footage of sidewalks installed compared with the cash bond deposited and any interest earned on the deposit.

b. Commencing three (3) years after filing of the final plat, or a date otherwise specified by the city, the city engineer shall cause all remaining sections of sidewalk to be constructed, using the remaining funds from the aforementioned cash bond. Any surplus funds shall be deposited in the city's general fund to cover administrative costs. Any shortfall will be paid from the general fund.

c. Notwithstanding the above, a developer may guarantee installation of required sidewalks in an Improvement Agreement as provided in Section 13.05.090(C).

RESPONSE: SE Harborton Street has been constructed consistent with approved construction drawings including a 12-foot-wide multiuse path along the south/west side of Harborton Street which will serve Phases 2B and 4. A sidewalk will be constructed along the north/east side of Harborton Street fronting Phase 6 to provide a direct pedestrian connection to the west. Sidewalks will be constructed along 46th and Ellis Streets with Phase 2B. (See Appendix G, Sheets 4 and 5.)

13.05.040.B. *All public improvements shall be designed and built to standards adopted by the city. Until such time as a formal set of public works standards is adopted, public works shall be built to standards in any existing published set of standards designated by the city engineer for the type of improvement. The city engineer may approve designs that differ from the applicable standard if the city engineer determines that the design is adequate.*

RESPONSE: Public improvements will be designed and built to city standards or approved standards in the "Kit of Parts."

13.05.040.C. *Public improvements are subject to inspection and acceptance by the city. The city may condition building or occupancy within the land division on completion and acceptance of required public improvements.*

RESPONSE: The applicant will abide by this requirement.

13.05.045 Adequacy of Public Facilities and Utilities (Electric and Phone)

13.05.045.A. *Tentative plans for land divisions shall be approved only if public facilities and utilities (electric and phone) can be provided to adequately service the land division as*

demonstrated by a written letter from the public facility provider or utility provider stating the requirements for the provision of public facilities or utilities (electric and phone) to the proposed land division.

RESPONSE: The Pioneer Telephone Cooperative and Central Lincoln PUD have confirmed that they can provide service for the proposed subdivision. (See Appendix E.)

13.04.045.B. *For public facilities of sewer, water, storm water, and streets, the letter must identify the:*

- 1. Water main sizes and locations, and pumps needed, if any, to serve the land division.*
- 2. Sewer mains sizes and locations, and pumping facilities needed, if any, to serve the land division.*
- 3. Storm drainage facilities needed, if any, to handle any increased flow or concentration of surface drainage from the land division, or detention or retention facilities that could be used to eliminate need for additional conveyance capacity, without increasing erosion or flooding.*
- 4. Street improvements outside of the proposed development that may be needed to adequately handle traffic generated from the proposed development.*

RESPONSE: The City provided a letter on September 18, 2015, identifying the utilities serving Wilder generally and their adequacy for the Planned Development as proposed in #2-PD-15 and #3-PD-15. (See Appendix E.) The modifications proposed with this application do not change the total amount and intensity of proposed development, which remains consistent with the previously approved Planned Development, and can be served by public facilities as verified in the 2015 letter.

13.05.050 Underground Utilities and Service Facilities.

13.05.050.A. Undergrounding. *All utility lines within the boundary of the proposed land divisions, including, but not limited to, those required for electric, telephone, lighting, and cable television services and related facilities shall be placed underground, except surface-mounted transformers, surface-mounted connection boxes and meter cabinets which may be placed above ground, temporary utility service facilities during construction, high capacity electric and communication feeder lines, and utility transmission lines operating at 50,000 volts or above. The subdivider shall make all necessary arrangements with the serving utility to provide the underground service.*

RESPONSE: All utility facilities within the subdivision will be designed in accordance with this standard. The main Central Lincoln PUD transmission lines through South Beach will be located above ground within a 75-foot right-of-way along the north/east side of Harborton Street.

13.05.050.B. Non-City-Owned Utilities. *As part of the application for tentative land division approval, the applicant shall submit a copy of the preliminary plat to all non-city-owned utilities that will serve the proposed subdivision. The subdivider shall secure from the non-city-owned utilities, including but not limited to electrical, telephone, cable television, and natural gas utilities, a written statement that will set forth their extension policy to serve the*

proposed land division with underground facilities. The written statements from each utility shall be submitted to the city prior to the final approval of the plat for recording.

RESPONSE: The Pioneer Telephone Cooperative and Central Lincoln PUD have confirmed that they can provide service for the proposed subdivision. (See Appendix E.)

13.05.055 Street Lights.

Street lights are required in all land divisions where a street is proposed. The city may adopt street light standards. In the absence of adopted standards, street lights shall be placed in new land divisions to assure adequate lighting of streets and sidewalks within and adjacent to the land division.

RESPONSE: There are already street lights installed along Harborton Street to serve Phases 4 and 6 consistent with approved construction drawings; no new street lights are proposed with this application. Proposed street light locations along 46th and Ellis Streets were reviewed and approved with previous applications. (See Sheets 15-18, Appendix G and Appendix J.)

13.05.060 Street Signs

Street name signs, traffic control signs and parking control signs shall be furnished and installed by the city.

RESPONSE: As required, street signs, traffic control signs and parking control signs will be furnished and installed by the City Street Department.

13.05.065 Monuments

Upon completion of street improvements, monuments shall be reestablished and protected in monument boxes at every street intersection and all points of curvature and points of tangency of street center lines.

RESPONSE: The applicant shall reestablish and protect monuments as required.

13.05.090 Final Plat Requirements for Land Divisions Other than Minor Replats or Partitions.

13.05.090.A. Submission of Final Plat. *Within two years after tentative plan approval, such other time established at the time of tentative plan approval, or extensions granted under this chapter, the owner and/or applicant (collectively referred to as the "developer") shall cause the land division to be surveyed and a final plat prepared. If the developer elects to develop the land division in phases, final plats for each phase shall be completed within the time required (e.g. Phase I completed within two years, Phase II completed within the next two years, etc.). The final plat shall be in conformance with the approved tentative plan, this chapter, ORS Chapter 92, and standards of the Lincoln County Surveyor.*

RESPONSE: As previously conditioned in #1-SUB-09, the developer shall have up to four

years to submit the final plat for the initial phase of development and an additional four years for each subsequent phase of development included in the tentative subdivision plan.

V. PRELIMINARY DEVELOPMENT PLAN MAJOR MODIFICATION FOR PHASE 1 (NMC 14.35)

This application addresses only modifications to the Preliminary Development Plan for Phase 1 of Wilder proposed for Phases 2B, 4 and 6. All other aspects of the plan were approved in #2-PD-15 and previous applications.

14.35.020. Permitted Uses. *An approved planned development permit may only include those uses permitted outright or conditionally in the underlying district. (...)*

RESPONSE: The applicant proposes uses permitted both outright and conditionally. In the C-1 commercial zone, the following uses have been approved, as defined by the Newport Municipal Code:

- Retail sales and services, excluding bulk retail
- Community services, including churches
- Hotels
- Offices
- Educational institutions
- Day care facilities
- Housing over commercial including live-work units

The applicant proposes single-family and two-family residential uses in the R-2 zone, and single-family, two-family and multifamily uses in the R-3 zone. With this application, the applicant also proposes to allow Day Care Facilities with accessory Community Service uses such as personal development education, counseling, and distribution of donations to clients as outright permitted uses; they are permitted conditionally in the R-3 zone.

Parks and trails are proposed in all zones of the Planned Development.

14.35.030. Accessory Uses in Planned Development. *In addition to the accessory uses typical for the primary or conditional uses authorized, accessory uses approved as part of a planned development may include the following uses:*

- A. Golf courses.
- B. Private parks, lakes or waterways.
- C. Recreation areas.
- D. Recreation buildings, clubhouses or social halls.

E. Other accessory structures that the Planning Commission finds are designed to serve primarily the residents of the planned development and are compatible to the design of the planned development.

RESPONSE: Accessory dwelling units have previously been approved for Phases 1, 2D and 3 in Wilder, but are not proposed for Phases 4 and 6. No other accessory uses are proposed other than those customary for the primary and conditional uses.

14.35.070. Criteria for Approval of a Preliminary Development Plan. *The approval authority may approve an application for a Preliminary Development Plan when it finds that the application complies with the following criteria:*

14.35.070.A. Size of the Planned Development Site.

1. *A planned development shall be on a tract of land of at least two acres in low density residential areas, or;*

RESPONSE: The total area for Phase 1 of Wilder is approximately 60 acres, including rights-of-way and areas that have been previously developed. The planned development includes a mix of low density, high density and commercial areas; the low-density area exceeds the two-acre minimum.

2. *A planned development may be allowed on any size tract of land in high density residential areas if:*

- a. *An unusual physical or topographic feature of importance to the people of the area or the community as a whole exists on the site or in the neighborhood, which can be conserved and still leave the land owner equivalent use to the land by the use of a planned development.*
- b. *The property or its neighborhood has a historical character of importance to the community that will be protected by the use of a planned development.*
- c. *The property is adjacent to or across a street from property that has been developed or redeveloped under a planned development, and a planned development will contribute to the maintenance of the amenities and values of the neighboring development.*

RESPONSE: The planned development includes a mix of low density, high density and commercial areas. The South Beach Neighborhood Plan requires that the subject site be developed through a Master Plan process, such as that provided through the Planned Development process.

14.35.070.B. Dimensional and Bulk Standards.

1. *The minimum lot area, width, frontage, and yard requirements otherwise applying to individual buildings in the zone in which a planned development is proposed do not apply within a planned development.*

RESPONSE: The applicant previously received approval for modifications to the minimum lot area, minimum lot widths, and setbacks required for lots within the R-2, R-3, and C-1 zoning districts for each development type. See pages 13-14 for approved dimensional standards. No further modifications are requested with this application.

2. *If the spacing between main buildings is not equivalent to the spacing, which would be required between buildings similarly developed under this Ordinance on separate parcels, other design features shall provide light, ventilation, and other characteristics equivalent to that obtained from the spacing standards.*

RESPONSE: As previously proposed, design features will be incorporated into the development that provide light, ventilation, and other characteristics equivalent to that obtained from the spacing standards. The design features of the development are

identified in the attached "Kit of Parts" and include such things as buildings with multi-planned sloped roofs, porches, balconies, variations in materials and colors, use of natural materials to blend with the surroundings, large shared common green spaces, etc.

3. Buildings, off-street parking and loading facilities, open space, landscaping, and screening shall provide protection outside the boundary lines of the development comparable to that otherwise required of the development in the zone.

RESPONSE: Buildings, off-street parking and loading facilities, open space, landscaping, and screening will provide protection outside the boundary lines of the development comparable to that otherwise required of the development in the zone.

The proposed residential areas of the site are shielded/buffered from adjacent property to the north, west, and east by steep ravines and dense existing vegetation. Each lot will be fully landscaped, and street trees are provided along all streets, which will provide another level of buffering.

The Village Center area abuts the Oregon Community College (OCCC) campus, a non-residential use, to the south and west. The proposed buildings, proposed landscaping, and existing vegetation will provide a level of screening from the OCCC campus.

Furthermore, the surface parking areas within the Village Center area, which will serve apartments, commercial and mixed-use buildings, are located behind or to the side of buildings rather than between buildings and adjacent streets and off-site properties. This greatly limits noise and glare from vehicles and parking lot lighting relative to adjoining properties. There will not be any bright or noisy loading docks for large trucks, given the small-scale operation of the retail being proposed.

The off-street parking areas in Phases 4 will be screened with a mixture of topographic changes, landscaping buffers, and location of facilities primarily to the sides of buildings. In Phase 6, the parking area will be located in front of the buildings to comply with the terms of the PUD easement along the parcel, which prohibits any permanent structures within the easement and allows parking. Landscaping will be provided in Phase 6 between the parking area and Harborton Street to minimize the visual impacts; consistent with the terms of the easement, landscaping will consist of grass and shrubs rather than trees that could interfere with the electric lines. (See Appendix G, Sheet 19 for landscaping plan for Phases 4 and 6.)

4. The maximum building height shall, in no event, exceed those building heights prescribed in the zone in which the planned development is proposed, except that a greater height may be approved if surrounding open space within the planned development, building setbacks, and other design features are used to avoid any adverse impact due to the greater height.

RESPONSE: The applicant has previously received approval for three-story buildings that are up to 45 feet in height in the R-3 District, which will apply to development in Phases 4 and 6. No other building height modifications are proposed. The height of multifamily structures in Phase 4 will be visually mitigated from other areas within and

adjacent to the development through a combination of topographical changes and existing tree buffers. (See cross-section in Appendix K.)

5. The building coverage for any planned development shall not exceed that which is permitted for other construction in the zone exclusive of public and private streets.

RESPONSE: The building coverage in the Preliminary Planned Development shall not exceed the maximum allowed in the zones.

14.35.070.C. Project Density.

1. The planned development may result in a density in excess of the density otherwise permitted within the zone in which the planned development is to be constructed not to exceed 5%. An increase in density of over 5% but less than 10% can be permitted by the Planning Commission if the arrangement of yards and common open space is found to provide superior protection to existing or future development on adjacent property.

2. If the Planning Commission finds that any of the following conditions would be created by an increase in density permitted by the Section, it may either prohibit any increase in density or limit the increase in density by an amount which is sufficient to avoid creation of any of these conditions:

- a. Inconvenient or unsafe access to the planned development.*
- b. Traffic congestion in the streets that adjoin the planned development.*
- c. An excessive burden on sewerage, water supply, parks, recreational areas, schools, or other public facilities which serve or are proposed to serve the planned development.*

RESPONSE: The applicant is not proposing to increase the density above what is permitted in the R-2 and R-3 base zones. The total units proposed for Phase 1 of Wilder in the preliminary development plan is 258-345 units on 54.3 gross acres of land zoned R-2 and R-3, or an average density of 4.7 to 6.3 units per acre. Density of individual developments in Phases 4 and 6 will also comply with the maximum density for the R-3 zone of no more than one unit per 1,250 SF. Phase 4 is proposed at 130 units on 5.09 acres, or one unit per 1,706 SF. Phase 6 is proposed at 12 units on 1.78 acres, or one unit per 6,461 SF due to development constraints associated with the 75-foot PUD easement. Phase 2B is proposed at 28 units on a combined 34,369 SF, or one unit per 1,227 SF, which is less than a 2% increase in density relative to the 1,250 SF per unit standard consistent with the 5% increase allowed by this section.

14.35.070.D. Common Open Space.

1. No open space area may be accepted as common open space within a planned development unless it meets the following requirements:

- a. The location, shape, size and character of the common open space is suitable for the planned development.*

b. The common open space is for amenity or recreational purposes, and the uses authorized are appropriate to the scale and character of the planned development, considering its size, density, expected population, topography, and the number and type of dwellings provided.

c. Common open space will be suitably improved for its intended use, except that common open space containing natural features worthy of preservation may be left unimproved. The buildings, structures, and improvements to be permitted in the common open space are appropriate to the uses, which are authorized for the common open space.

d. The development schedule which is part of the development plan coordinates the improvement of the common open space and the construction of buildings and other structures in the common open space with the construction of residential dwellings in the planned development.

e. If buildings, structures, or other improvements are to be made in the common open space, the developer shall provide a bond or other adequate assurance that the buildings, structures, and improvements will be completed. The City Manager shall release the bond or other assurances when the buildings, structures, and other improvements have been completed according to the development plan.

RESPONSE: The applicant has completed recreation improvements in Tract "A" and Tract "B" of Wilder Phase 1 to create Wilder Twin Park and trail connections to Mike Miller Park, both dedicated to the public. With this application, the applicant will create Tract "G" which is an open space parcel that extends the existing trails from Tract "B" and Wilder Twin Park north to Harborton Street, to be dedicated with Phase 4.

2. No common open space area may be put to a use not specified in the Final Development Plan unless the Final Development Plan is first amended to permit the use. However, no change of use may be considered as a waiver of any of the covenants limiting the use of common open space areas, and all rights to enforce these covenants against any use permitted are expressly reserved.

RESPONSE: The proposed common open space within the site will be used for parks and trails in a manner consistent with the approved Final Development Plan. No changes to the use of common open space areas are proposed with this application. Tract "G" will be used for open space and trail use.

3. If the common open space is not conveyed to a public agency, the covenants governing the use, improvement, and maintenance of the common open space shall authorize the city to enforce their provisions.

RESPONSE: Tract "G" will be dedicated to the City and no covenants will be needed.

14.35.070.E. *The planned development is an effective and unified treatment of the development possibilities on the project site while remaining consistent with the Comprehensive Plan and making appropriate provisions for the preservation of natural features such as streams and shorelines, wooded cover, and rough terrain.*

RESPONSE: The proposed Planned Development Modification is an effective and unified treatment of the development possibilities on the site and makes appropriate provisions for preservation of natural features. The proposal also meets the purpose statement of the Planned Development pursuant to NMC 14.35.010, which is "to encourage variety in the development pattern of the community and the use of a creative approach to land development."

The design intent of the Planned Development is to create a livable, viable mixed-use community built on the principles of environmental sustainability. It will feel indigenous to the Oregon Coast in scale, design, and economics. The proposal achieves the purpose statements of the Planned Development by meeting the following design objectives:

- Create a vibrant Village Center that will provide commercial, office, and higher density residential uses to serve the residential population, support the OCCC campus, and create jobs for local residents.
- Graduate residential density outward from the Village Center to create an appropriate transition to the lower density areas of the site, with a second node of multifamily density at the northeast corner of the site buffered from the intervening single-family development.
- Provide for a variety of housing types to accommodate different needs, incomes, and a sense of place and community.
- Design and construct to sustainable standards to lessen the impact to the natural environment and to reduce long term operational costs.
- Develop a transportation system that accommodates multiple-modes of transportation to encourage walking, bike riding, etc., and reduce energy use.
- Provide for an extensive network of open space and parks, including walking and biking trails, throughout the site.
- Protect and provide for management of significant natural resource areas on site, including wetlands, streams, and natural vegetation, by clustering development on buildable portions of the site.

The modifications to Phases 4 and 6 will integrate a dynamic element of student housing and affordable housing, respectively, into Wilder to better maximize and activate the multimodal transportation options, mixed-use development in the Village Center, and open space opportunities throughout Wilder. The lotting changes to Phase 2B will have no impact on the provision of a mix of residential densities to support a vibrant Village Center.

14.35.070.F. *The planned development will be compatible with the areas surrounding the project site and with no greater demand on public facilities and services than other authorized uses for the land.*

RESPONSE: The proposed uses within the Master Plan for Phase 1 of Wilder complies with the City's Comprehensive Plan and zoning and is consistent with the adopted South Beach Plan Neighborhood Plan, as well as other approved development applications for the site. The Phase 1 site is compatible with the surrounding area in that it is consistent with these previously

approved plans and it is reasonable to assume that the surrounding area will continue to develop according to these plans.

The location and level of public services necessary to serve the site, including utilities and streets, were also estimated and planned for in the South Beach Neighborhood Plan and a detailed infrastructure analysis and traffic study was prepared for the prior Phase 1 Planned Development approvals. The applicant has also obtained service letters from the various utility providers that serve the site indicating that services are available and can be further extended to serve the site.

The major infrastructure necessary to serve the overall Phase 1 site identified in the previously approved plans has already been constructed. This includes the Collector roadway facilities, 40th Street and Harborton Street, from Highway 101 to College Way. College Way has also been constructed between Harborton Street and the College's main campus building. Major utility facilities, including water and sewer lines, have also been constructed within 40th Street, Harborton Street, and College Way to serve Phase 1 of Wilder. All streets and utilities are in place to serve the proposed development in Phases 4 and 6, the subject of this modification. Additional infrastructure will be developed for Phases 2 and 3 as detailed in the previous application, #2-PD-15, and no changes are proposed to those phases with the exception of additional utility connections to serve the two lots now proposed in Phase 2B.

14.35.070.G. *Financial assurance or bonding may be required to assure completion of the streets and utilities in the planned development prior to final approval as for a subdivision (see the Newport Subdivision Ordinance, NMC Chapter 13.05).*

RESPONSE: The applicant will either complete construction of streets and utilities or provide the necessary financial assurances or bonding to ensure completion of the streets and development within each phase or micro-phase prior to final subdivision filing for that phase.

14.35.110 Procedure for Modification of a Planned Development.

C. A major change in a Preliminary or Final Development Plan that includes any change in the character of the development or any increase in the intensity or density of the land use or in the location or amount of land devoted to specific land uses or any change in the location, width, or size of a collector or major thoroughfare street, or that substantially changes the location or specification for utilities but will not materially affect future street or utility plans of the City may be approved by the Commission after public hearing.

D. In considering any request for a change in a Preliminary or Final Development Plan, the Planning Commission shall apply the same standards as are provided in this Article for the approval of Preliminary or Final Development Plans. The Planning Commission may approve, reject, modify, or attach special conditions to a request for modification of a Preliminary or Final Development Plan. The Community Development Director in his reasonable discretion shall determine whether each request for modification of a Preliminary or Final Development Plan is a minor or major change within the remaining of subparts of A, B, or C of this Section and shall determine or refer each request appropriately.

RESPONSE: The subject proposal meets the criteria for a Major Modification with review and approval by the Planning Commission. The proposal seeks to modify the previously approved Preliminary Development Plan by adjusting the boundaries of the zoning districts to swap R-3 areas near the Village Center with R-2 areas in the northwest corner of the site to facilitate development of Phases 4 and 6. The modification will adjust the location of density within the development but not increase the overall intensity of the development beyond that previously approved and allowed in the base zoning. The proposal will not substantially alter the location of a major collector or thoroughfare street, or utilities. The lot changes proposed to Phase 2B will have no impact on the character of the development, as the development on the lots and supporting infrastructure remain the same.

The applicant has responded to the standards for approval of a Preliminary Development Plan as applies to this modification throughout this section.

VI. FINAL DEVELOPMENT PLAN MAJOR MODIFICATION FOR PHASE 1 (NMC 14.35)

This application addresses only modifications to the Final Development Plan for Phase 1 of Wilder proposed for Phases 2B, 4 and 6. All other aspects of the plan were approved in #3-PD-15 and previous applications.

14.35.100 Criteria for Approval of a Final Development Plan. *The approval authority may approve an application for a Final Development Plan when it finds that the application complies with the following criteria:*

A. The Final Development Plan must substantially conform to the land use and arterial street pattern as approved in the Preliminary Development Plan.

RESPONSE: As shown in the attached Final Development Plan/Tentative Subdivision Plan, the Final Development Plan land uses and street pattern match the approved Preliminary Development Plan for the overall Phase 1 of Wilder as modified by the accompanying Preliminary Development Plan Major Modification. (See Appendix G.) A change in the R-3 multifamily and R-2 single-family zoning districts and related land uses is proposed with this application, and is reflected in the proposed Final Development Plan. No changes are proposed to the street pattern.

B. The proposed uses shall be compatible in terms of density and demand for public services with uses that would otherwise be allowed by the Comprehensive Plan.

RESPONSE: The Proposed Final Development Plan includes uses that are allowed in the Comprehensive Plan and is compatible with the adopted South Beach Neighborhood Plan. The proposed maximum density for the site remains as previously approved, with a maximum of 345 dwelling units in the development and an increase to the minimum density from 172 units to 258 units. 245 of the allowed 345 units are proposed within the Final Development Plan. The location and level of public services necessary to serve the site were estimated and planned for in the South Beach Neighborhood Plan. Therefore, the proposal will not result in any additional demand on public services beyond what was planned for this site.

C. Adequate services normally rendered by the city to its citizens must be available to the proposed development at the time of approval of the Final Development Plan. The developer may be required to provide special or oversize facilities to serve the planned development.

RESPONSE: Adequate services are in place or will be made available at time of development of Wilder as outlined within the infrastructure report that was prepared for the original Preliminary Development Plan approval.

The major Collector roadway facilities that serve the development, 40th Street and Harborton Street, have already been constructed through the site from Highway 101 to College Way. Harborton Street will be completed with a sidewalk on the north/east side along the Phase 6 frontage with this application.

Major utility facilities, including water and sewer lines, have also already been constructed within 40th Street, Harborton Street, and College Way to serve Phase 1 of Wilder and the College campus. The applicant has prepared detailed utility plans that illustrate how these facilities will be further extended to serve development within the site. (See Appendix G, Sheets 15-18.) Storm water facilities will also be constructed on site to collect and treat run-off from impervious surfaces prior to being discharged to on-site drainage ways.

D. Access shall be designed to cause minimum interference with traffic movement on abutting streets.

RESPONSE: The planned access systems have been designed to efficiently and safely access the site while minimizing impacts on local abutting streets.

Primary traffic access will be provided by two-lane Collector roadways, 40th Street and Harborton Street, and College Way. The Collector roadways have been constructed from US 101 east and south to College Way pursuant to prior approvals for the Planned Development. These streets constitute the northern part of a loop road system that will ultimately connect to 50th Street on the south and then west to US 101. The remaining portion of the loop connecting to 50th Street will be constructed at full build-out of the Master Plan providing secondary access to the site. In the mean time, the southern part of the loop system has been constructed as a gravel access road for emergency vehicles and construction vehicles only. The City has been granted an access easement to the southern part of the loop system.

Phases 4 and 6 will take access from Harborton Street, and provide internal circulation with private drive aisles. Phase 2B will front Harborton Street, and take access from the proposed 46th Street with additional frontage and on-street parking along Ellis Street.

E. The plan shall provide for adequate landscaping and effective screening for off-street parking areas and for areas where nonresidential use or high-density residential use could be detrimental to residential areas.

RESPONSE: A revised landscaping plan has been prepared for Phases 4 and 6, refining a plan previously approved as part of Case file #2-PD-09. (See Appendix G, Sheet 19.) Sustainable native plantings have been used where appropriate throughout the site to blend with the natural landscape. Street trees and landscaped curb extensions are provided along all local streets. Landscape curb-extensions will double as stormwater planter swales that provide for a natural means to collect and treat run-off from the development.

The surface parking areas for Phases 4 and 6 serving medium-density development will be screened with a combination of landscaping, topographical changes, and location of parking areas to the sides of buildings where feasible.

A combination of enhanced entry landscaping and enhanced forest edge planting is proposed along the east side of Harborton Street, which will be part of the screening for the off-street parking area in Phase 6. Grass and shrubs will be planted under the power lines and trees will be planted beyond 75-feet. This will create a transition between the street and the off-street parking area in Phase 6 and between the street and the adjacent residential areas in future Phase 5.

The surface parking area in Phase 2B is located interior to the site and will be screened by proposed apartment buildings and site landscaping.

F. The arrangement of buildings, parking areas, signs, and other facilities shall be designed and oriented to minimize noise and glare relative to adjoining property.

RESPONSE: The buildings and parking areas in Phases 2B, 4 and 6 will be located to screen adjacent properties from noise and glare. Phase 4 will be buffered from Wilder properties to the south and east by significant open space and a ravine, from properties to the west by open space and landscaping, and from Harborton Street to the north by landscaping. The majority of the parking in Phase 4 is located internal to the site and screened by the proposed apartment buildings to minimize the noise and glare that may be associated with the parking areas. In Phase 6, landscaping will be used to minimize the noise and glare associated with parking areas and buildings; landscaping along Harborton to screen the parking areas will be consistent with the restrictions for development in the PUD easement.

G. Artificial lighting, including illuminated signs and parking area lights, shall be so arranged and constructed as not to produce direct glare on adjacent property or otherwise interfere with the use and enjoyment of adjacent property.

RESPONSE: Artificial lighting used on site will be arranged and constructed to minimize direct glare on adjoining property. Low-impact pedestrian scale lighting will be used throughout the development and will be shielded where necessary. As noted above, surface parking areas and associated parking lot lighting within Phases 2B, 4 and 6 will be shielded by building placement and landscaping buffers.

H. The area around the development can be developed in substantial harmony with the proposed plan.

RESPONSE: The areas proposed within the Final Development Plan is designed to be compatible with the overall Master Plan for the greater Wilder site, which extends beyond the limits of the current Preliminary Development Plan for Phase 1 of Wilder and the city limits, and includes off-site properties. The design features a pedestrian-oriented Village Center adjacent to the College that will be the hub of activity within the site, supplemented by a node of multifamily development in the northeast corner of the site. The lower density residential portions of the site are buffered from the Village Center by graduated density and from the multifamily node by significant open space and topographical changes in Tract "G." Enhanced pedestrian connections link all uses within the Final Development Plan area.

I. The plan can be completed within a reasonable period of time.

RESPONSE: As shown in the proposed development schedule (Page 19), the plan can be completed within a reasonable period with steady development planned over the next 10 years. The major public infrastructure necessary to serve the development, including 40th Street and Harborton Street to College Way, have already been constructed per the prior development approvals for the site.

J. The streets are adequate to serve the anticipated traffic.

RESPONSE: As part of the prior annexation of the site to the City, the City adopted Ordinance 1931 to address potential transportation impacts of Phase 1 by adopting a trip cap. A traffic analysis was prepared in conjunction with the annexation of the Wilder site to the City demonstrates how the proposed development within Phase 1 can be accommodated within the limitations of the trip cap.

Subsequently, the City, Lincoln County, and ODOT worked to establish an alternative mobility standard for US 101 south of the Yaquina Bay Bridge which resulted in the creation of increased transportation system capacity, replacing the trip cap. The City reserved 403 trips from the Trip Budget for properties in the annexation area, including 257 weekday PM peak hour trips allocated to Wilder. Under the City's trip vesting standards, Phase 1 of Wilder will have tentatively vested 313 trips total for development proposed within this Final Development Plan, superseding the Trip Budget limit. (See discussion of trips, page 25.) The streets have been shown to be adequate for proposed development in the Final Development Plan, which is a portion of the full build-out of 345 units analyzed and approved in the Preliminary Development Plan.

K. Proposed utility and drainage facilities are adequate for the population densities and type of development proposed.

RESPONSE: The planned utilities that will serve the development are adequate and appropriate for the land use. Utilities, including water and sewer, have already been constructed through the Wilder site along 40th Street and Harborton Street from Highway 101 to the OCCC campus. As shown in the proposed utility plans, water and sewer will be extended from existing stubs in Harborton to serve development in Phases 4 and 6 and new water and sewer will be constructed in 46th Street to serve Phase 2B (Appendix G, Sheets 15-18). Stormwater facilities are also proposed that will collect and treat run-off from impervious surfaces within the development before being discharged to on-site drainage ways.

L. Land shown on the Final Development Plan as common open space shall be conveyed under one of the following options:

- 1. To a public agency that agrees to maintain the common open space and any buildings, structures, or other improvements that have been placed on it.*
- 2. To an association of owners or tenants, created as a non-profit corporation under the laws of the State, which shall adopt and impose a declaration of covenants and restrictions on the common open space that is acceptable to the Planning Commission as providing for the continuing care of the space. Such an association shall be formed and continued for the purpose of maintaining the common open space.*

RESPONSE: Tract "G" will be conveyed to the City for trail and open space uses.

M. The Final Development Plan complies with the requirements and standards of the Preliminary Development Plan.

RESPONSE: The Final Development Plan will comply with the provisions of the modified Preliminary Development Plan proposed concurrently with this application. (See Section V.)

N. No building shall be erected in a Planned Development district except within an area contained in an approved Final Development Plan, and no construction shall be undertaken in that area except in compliance with the provisions of said plan. All features required in the Final Development Plan shall be installed and retained indefinitely or until approval has been received from the Planning Commission or Community Development Director for modification.

RESPONSE: No construction will be completed outside of the area or out of compliance with the approved by the Final Development Plan.

14.35.110 Procedure for Modification of a Planned Development.

C. A major change in a Preliminary or Final Development Plan that includes any change in the character of the development or any increase in the intensity or density of the land use or in the location or amount of land devoted to specific land uses or any change in the location, width, or size of a collector or major thoroughfare street, or that substantially changes the location or specification for utilities but will not materially affect future street or utility plans of the City may be approved by the Commission after public hearing.

D. In considering any request for a change in a Preliminary or Final Development Plan, the Planning Commission shall apply the same standards as are provided in this Article for the approval of Preliminary or Final Development Plans. The Planning Commission may approve, reject, modify, or attach special conditions to a request for modification of a Preliminary or Final Development Plan. The Community Development Director in his reasonable discretion shall determine whether each request for modification of a Preliminary or Final Development Plan is a minor or major change within the remaining of subparts of A, B, or C of this Section and shall determine or refer each request appropriately.

RESPONSE: The subject proposal meets the criteria for a Major Modification with review and approval by the Planning Commission. The proposal seeks to modify the previously approved Final Development Plan by expanding the range of proposed uses in the R-3 zone, adjusting the location of the single-family and multifamily zoning within the plan area, adjusting the lot configuration in Phase 2B, and expanding the boundaries of the proposed Final Development Plan to include Phase 6. The proposal will not substantially alter the location of a major collector or thoroughfare street, or utilities.

The applicant has responded to the standards for approval of a Final Development Plan as applies to this modification throughout this section.

VII. COMPREHENSIVE PLAN MAP AMENDMENT

This application seeks to modify the location of the Low-Density Residential and High-Density Residential designations within the Wilder Planned Development boundaries. In total, the applicant proposes to add 8.1 acres of High-Density Residential in place of existing Low-Density Residential in the northeast corner of the site, with a corresponding reduction of 2.2 acres of High-Density Residential to the north and east of the Village Center to be changed to Low-Density Residential. (See Appendix I, Proposed Comprehensive Plan Map.) The proposed amendment will result in a net increase of 4.7 acres of High-Density Residential and a net decrease of 5.2 acres of Low-Density Residential as shown in the following table:

	Existing (acres)	Proposed (acres)
Retail Commercial	5.3	5.5 ¹
High-Density Residential	9.5	14.2
Low-Density Residential	45.1	39.9
Total	59.9	59.6²

Notes: (1) Minor boundary adjustment approved with Case file #2-PD-15 and #3-PD-15.

(2) Acre discrepancy due to rounding; total area remains the same as proposed.

The proposed amendment will not result in any net increase to housing units, traffic generation or infrastructure demand because the subject areas remain bound by the terms of the Wilder Planned Development. The Planned Development limits the applicant to a maximum of 345 dwelling units, with associated traffic and infrastructure improvements, across a 60-acre site. The applicant does not propose any increase to the total dwelling units as a result of the requested Comprehensive Plan Map Amendment, simply a relocation of multifamily and single-family units within the development to better site multifamily development serving OSU students closest to the Hatfield Marine Science Center to the north of the development.

The proposed amendment meets the criteria for a Minor Amendment to the Comprehensive Plan Map as follows:

A. A change in one minor goal or policy.

RESPONSE: Not applicable; the applicant does not propose any text amendments.

B. A demonstrated need for the change to accommodate unpredicted population trends, to satisfy urban housing needs, or to assure adequate employment opportunities.

RESPONSE: The proposed map amendment will accommodate student housing for OSU, which looks to expand their Newport campus and provide dedicated housing opportunities for their students. Providing student housing in this location will decrease pressure citywide for multifamily or other reasonably priced rental accommodations, decreasing competition with Newport residents for an already limited supply of housing. Additional High-Density Residential designated land is needed in the vicinity of the OSU facilities at the Hatfield Marine Science Center to house the students and allow them to take advantage of multimodal transportation connections to Hatfield, to reduce overall trips and traffic generation across Newport. Accommodating affordable housing in Wilder will also help to satisfy urban housing needs, by meeting needs of low-income families transitioning from a temporary homeless shelter to more

permanent housing accommodations that are affordable to very low-income households. There are no similar facilities elsewhere in Newport or Lincoln County to meet these needs, and additional High-Density Residential designated land is needed to site this development in an area with ready access to amenities such as parks, multimodal transportation, and commercial services in the Village Center.

C. The orderly and economic provision of key public facilities.

RESPONSE: Key public facilities, including roads, water, sewer, and parks have been developed or are planned for development within the 60-acre Wilder Planned Development site. Planned capacity for Wilder is 345 dwelling units, which will not change with this application, merely shift location within the site. Because facilities are already available or planned, they can be provided in an orderly and economic fashion to meet the needs of the areas proposed for re-designation with no adjustments or increase in capacity needed.

D. The ability to serve the subject property(s) with city services without undue burden on the general population.

RESPONSE: As mentioned above, roads, water, sewer and parks have been developed or are planned to be developed as part of the Wilder Planned Development, which will not create any burden on the general population. Locating multifamily housing in Wilder will reduce the overall burden on the transportation system by residents of the OSU student housing project, because they will be within a mile of the OSU Hatfield Center, greatly reducing their commute distance. Additionally, there are existing and planned multimodal facilities, including a bike path on Ash Street and off-street trails, that will connect the student housing to the OSU Hatfield Center, providing further options to reduce transportation impacts.

E. The compatibility of the proposed change with the surrounding neighborhood and community.

RESPONSE: The proposed High Density Residential designation in the northeast corner of Wilder will be compatible with surrounding land use designations, which are High Density Residential immediately north of the site, and Industrial to the immediate east. The Planned Development includes techniques to buffer site development from adjacent uses, including landscaping buffers, open space and topography changes. The change from High Density to Low Density Residential near the Village Center will be compatible with surrounding development because it does not fundamentally alter the gradual transition from high density in the Village Center to lower density, single-family development to the north; instead, the proposed amendment merely moves the line marking that transition. Further, the various tools in the Planned Development will ensure a graduated transition between the different designations that maintains compatibility by incorporating a variety of lot sizes and residential development types, including medium-density products like townhomes and cottages to minimize any friction between multifamily apartment-style development and single-family detached development.

VIII. ZONING ORDINANCE MAP AMENDMENT (NMC 14.36)

This application seeks to modify the location of the R-2 Medium-Density Single Family and R-3 Medium-Density Multifamily zones within the Wilder Planned Development boundaries consistent with the requested Comprehensive Plan Map Amendment. (See Exhibit F.) As discussed in Section VII in response to the Comprehensive Plan Map Amendment request, the 8.1-acre increase in R-3 zoning in the northeast corner of the site for Phases 4 and 6 of the Wilder Planned Development would be partially offset by a 2.2-acre reduction in R-3 zoning to the north and east of the Village Center, resulting in a net 4.7-acre increase of R-3 zoning. Because the changes are proposed within a Planned Development, the overall density and housing units approved through the planned development process will limit the development potential that would otherwise be allowed in the proposed R-3-zoned areas, ensuring that there will be no net increase in housing units or traffic impacts resulting from the proposed zoning change.

THE UNIVERSITY OF MICHIGAN LIBRARY

The University of Michigan Library is pleased to announce the launch of its new digital archive. This archive will provide access to a vast collection of historical documents, including letters, diaries, and manuscripts. The archive is currently under development and will be available to the public in the near future. We encourage you to stay tuned for updates on the progress of this project.



Wilder Community Master Plan Development Applications

APPENDIX A. *Application Form*

Wildcat Community Master Plan
Development Applications

APPENDIX A
Application Form



City of Newport Land Use Application

Applicant Name(s):	Property Owner Name(s) <i>if other than applicant</i>
Ronald L. Adams, Oregon State Univ.	Bonnie Serkin, Landwaves, Inc
Applicant Mailing Address:	Property Owner Mailing Address:
3015 SW Western Blvd, Corvallis, OR 54	2712 SE 20th Ave, Portland, OR 97202
Applicant Phone No.	Property Owner Phone No.
541.737.6925	503.221.0167
Applicant Email	Property Owner Email
nicole.neuschwander@oregonstate.edu	bonnie@eenw.com
Authorized Representative(s): <i>Person authorized to submit and act on this application on applicant's behalf</i>	
Elizabeth Decker, JET Planning	
Authorized Representative Mailing Address:	
215 W. 4th St Ste 209, Vancouver, WA 98660	
Authorized Representative Telephone No.	
503.705.3806	
Authorized Representative Email. edecker@jetplanning.net	

Project Information

Property Location: <i>Street name if address # not assigned</i>	
SE 40th St & SE Harborton St	
Tax Assessor's Map No.: 11-11-20	Tax Lot(s): 100
Zone Designation: R-2, R-3, C-1	Legal Description: <i>Add additional sheets if necessary</i>
Comp. Plan Designation: LDRes, HDRes, RCom	See attached
Brief description of Land Use Request(s):	
<i>Examples:</i>	
1. Move north property line 5 feet south	See attached
2. Variance of 2 feet from the required 15-foot front yard setback	
Existing Structures: if any	
Infrastructure along Harborton St and College Way, no buildings	
Topography and Vegetation:	
Gently sloping, forested with trees and undergrowth, cleared in portions.	

Application Type (please check all that apply)

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

FOR OFFICE USE ONLY

File No. Assigned:		
Date Received:	Fee Amount:	Date Accepted as Complete:
Received By:	Receipt No.	Accepted By:

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



City of Newport Land Use Application

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

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

[Handwritten Signature]

9 May 2016
Date

Applicant Signature(s)

Interim VP for Administration

Landy Daves, Inc. by [Signature] - COD (Bonnie Serkin)
Property Owner Signature(s) (if other than applicant)

18 May 2016
Date

[Handwritten Signature]

19, May, 2016
Date

Elizabeth Decker, JET Planning

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

Date

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

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

Legal Description: P.P. 2015-01, PARCEL 2, ACRES 39.95

Brief Description of Land Use Requests:

1. Amend comprehensive plan map designations to shift locations of Low Density Residential and High Density Residential designated areas within a Planned Development with no net impact to total dwelling units or traffic generation.
2. Amend zoning ordinance map to shift locations of R-2 and R-3 zones corresponding to the proposed comprehensive plan map amendment.
3. Create new residential and commercial lots through tentative subdivision plan for future development.
4. Amend preliminary development plan and final development plan to reflect proposed development types, uses, and locations.

The first part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that proper record-keeping is essential for the success of any business and for the protection of the interests of all parties involved.

The second part of the document provides a detailed overview of the various methods and techniques used to collect and analyze data. It covers a wide range of topics, including the design of surveys, the use of statistical software, and the interpretation of results.

The third part of the document focuses on the practical application of these methods in a real-world setting. It provides a step-by-step guide to conducting a data collection project, from the initial planning stage to the final analysis and reporting.

Finally, the document concludes with a discussion of the challenges and limitations of data collection and analysis. It highlights the need for careful planning and execution, and the importance of being transparent about the limitations of the data and the methods used.

**Wilder Community Master Plan
Development Applications**

APPENDIX B.

Assessor's Tax Map

Public Community Health Plan
Development and Applications

APPENDIX B
Director's Tax Map

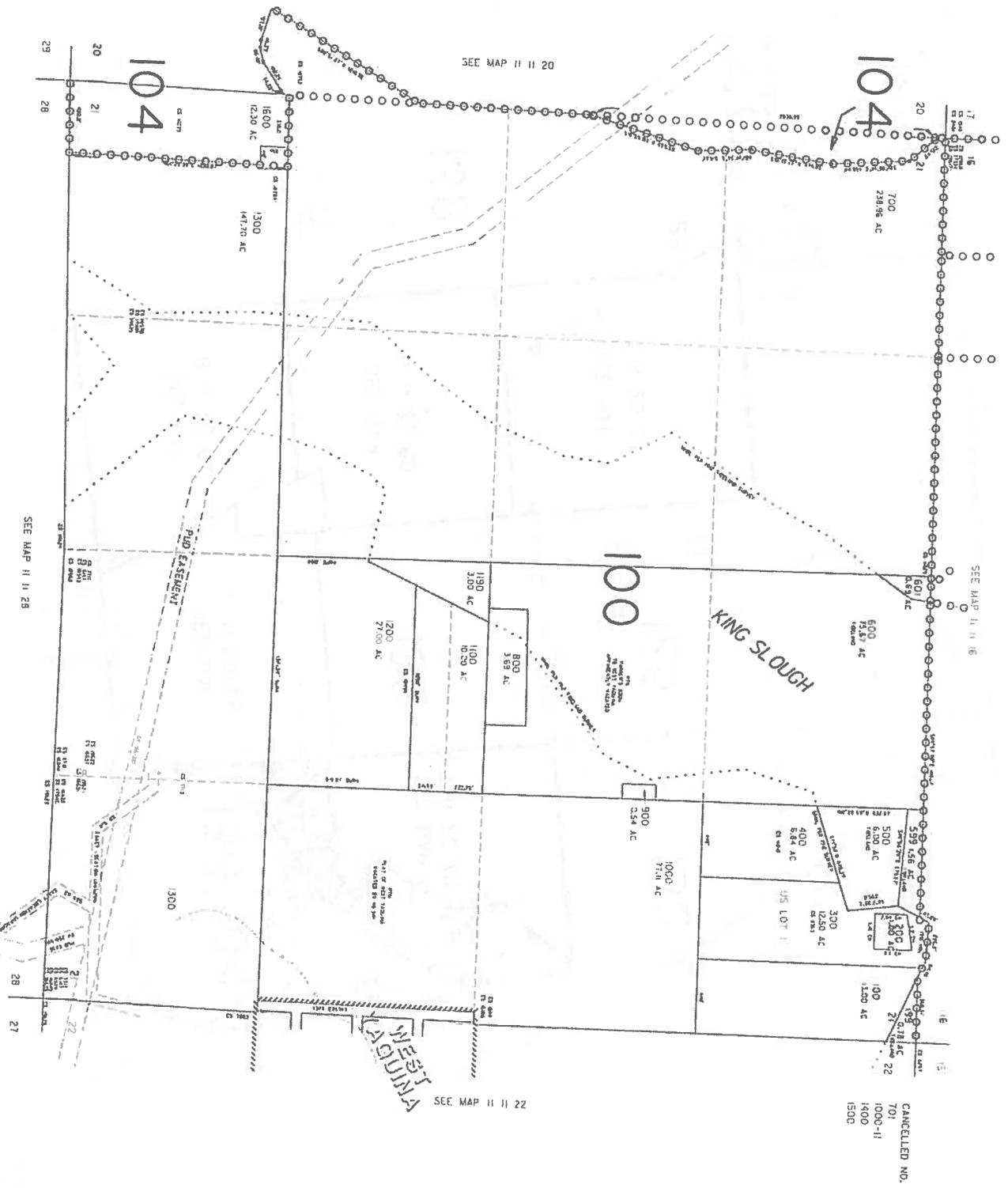
THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY



SECTION 21 T1S R11W WM LINCOLN COUNTY

1" = 400'

T1S R11W WM NEWPORT



T1S R11W WM NEWPORT

ENGINEER, etc. with various titles

CANCELLED NO. 701, 1000-11, 1400, 1500

Wilder Community Master Plan Development Applications

APPENDIX C.

List of Property Owners Within Notification Area

Account #	Map Taxlot	Site Address(es)	Owner	Mailing Address1	Mailing Address2	Mailing Address3	City	State ZIP
R375441	11-11-16-CC-00200-00	664 SE 35TH ST	YECK FRED ARTHUR TRUSTEE	PO BOX 352			NEWPORT	OR 97365
R363655	11-11-16-CC-00100-00	660 SE 35TH ST	YECK FRED ARTHUR TRUSTEE	3001 OVERLOOK DR			BLOOMINGTON	MN 55431
R373060	11-11-16-CC-00106-00	3807 SE ASH ST	CENTRAL LINCOLN PUD	ATTN BRIAN BARTH	MGR ACCT & FINANCE	PO BOX 1126	NEWPORT	OR 97365
R226736	11-11-17-DC-00700-00		STOCKER MARION E ESTATE	9566 LOGSDEN RD			SILETZ	OR 97380
R391861	11-11-17-DD-01400-00		CITY OF NEWPORT	CITY MANAGER	169 SW COAST HWY		NEWPORT	OR 97365
R467437	11-11-17-DD-01600-00		STOCKER MARION E ESTATE	9566 LOGSDEN RD			SILETZ	OR 97380
R389494	11-11-17-DD-01201-00		CITY OF NEWPORT	CITY MANAGER	169 SW COAST HWY		NEWPORT	OR 97365
R465071	11-11-17-DD-01500-00		LANDWAVES INC	2712 SE 20TH AVE			PORTLAND	OR 97202
R529960	11-11-20-00-00100-00		STOCKER JACK E TRUSTEE	PO BOX 688			SOUTH BEACH	OR 97366
R528441	11-11-20-00-00102-00		LANDWAVES INC	2712 SE 20TH AVE			PORTLAND	OR 97202
R529961	11-11-20-00-00103-00	755 SE COLLEGE WAY ,4590 SE HARBORTON ST	BGB LLC	16538 SW GLENEAGLE DR			SHERWOOD	OR 97140
R529962	11-11-20-00-02600-00		CITY OF NEWPORT	CITY MANAGER	169 SW COAST HWY		NEWPORT	OR 97365
R526347	11-11-20-00-00500-00	525 SE 43RD ST	LANDWAVES INC	2712 SE 20TH AVE			PORTLAND	OR 97202
R526343	11-11-20-00-00100-00	725 SE 43RD ST	OKSENHOLT CONSTRUCTION CO	PO BOX 449			LINCOLN CITY	OR 97367
R526344	11-11-20-00-00200-00	715 SE 43RD ST	LANDWAVES INC	2712 SE 20TH AVE			PORTLAND	OR 97202
R526345	11-11-20-00-00300-00	705 SE 43RD ST	CITY OF NEWPORT	CITY MANAGER	169 SW COAST HWY		NEWPORT	OR 97365
R526346	11-11-20-00-00400-00	625 SE 43RD ST	LANDWAVES INC	2712 SE 20TH AVE			PORTLAND	OR 97202
R526349	11-11-20-00-00700-00	415 SE 43RD ST	LANDWAVES INC	2712 SE 20TH AVE			PORTLAND	OR 97202
R526350	11-11-20-00-00800-00	425 SE 43RD ST	LANDWAVES INC	2712 SE 20TH AVE			PORTLAND	OR 97202
R526351	11-11-20-00-00900-00	405 SE 43RD ST	SALVAGE MARK B &	23151 NE 15TH CT			SAMMAMISH	WA 98074
R526352	11-11-20-00-01000-00	4310 SE HARBORTON ST	EQUITY TRUST CO CUSTODIAN &	YEOMANS MICHAEL IRA FBO	5745 SW ARBOR DR		SOUTH BEACH	OR 97366
R526353	11-11-20-00-01100-00	4320 SE HARBORTON ST	EQUITY TRUST CO CUSTODIAN &	YEOMANS MICHAEL IRA FBO	5745 SW ARBOR DR		SOUTH BEACH	OR 97366
R526354	11-11-20-00-01200-00	4315 SE FLEMING ST	OKSENHOLT CONSTRUCTION CO	PO BOX 449			LINCOLN CITY	OR 97367
R526355	11-11-20-00-01300-00	4330 SE HARBORTON ST	F&S NEWPORT LLC	PO BOX 449			LINCOLN CITY	OR 97367
R526356	11-11-20-00-01400-00	4325 SE FLEMING ST	OKSENHOLT CONSTRUCTION CO	PO BOX 449			LINCOLN CITY	OR 97367
R526357	11-11-20-00-01500-00	4340 SE HARBORTON ST	F&S NEWPORT LLC	PO BOX 449			LINCOLN CITY	OR 97367
R526358	11-11-20-00-01600-00	4350 SE HARBORTON ST	F&S NEWPORT LLC	PO BOX 449			LINCOLN CITY	OR 97367
R526359	11-11-20-00-01700-00	4360 SE HARBORTON ST	F&S NEWPORT LLC	PO BOX 449			LINCOLN CITY	OR 97367
R526360	11-11-20-00-01800-00	4003 S COAST HWY	TRYON GARY E &	TRYON VERNON &	TRYON ROBERT & TRYON LOREN		LINCOLN CITY	OR 97367
R526361	11-11-20-00-01900-00		TRYON GARY E &	TRYON VERNON &	TRYON ROBERT & TRYON LOREN		LINCOLN CITY	OR 97367
R526362	11-11-20-00-02000-00		STOCKER JACK E TRUSTEE	PO BOX 688			SOUTH BEACH	OR 97366
R526363	11-11-20-00-02100-00	4425 S COAST HWY	STOCKER JACK E TRUSTEE	PO BOX 688			SOUTH BEACH	OR 97366
R526364	11-11-20-00-02200-00	400 SE COLLEGE WAY	OREGON GARY TRUSTEE &	DISTRICT	ATTN PATRICK OCONNOR	400 SE COLLEGE WAY	NEWPORT	OR 97366
R526365	11-11-20-00-02300-00	410 SE 43RD ST	HUNTER GARY TRUSTEE &	HUNTER SHIRLEY J TRUSTEE	410 SE 43RD ST		NEWPORT	OR 97365
R526366	11-11-20-00-02400-00	4310 SE FLEMING ST ,4312 SE FLEMING ST	WALES EDGAR J &	WALES CYNTHIA J	1295 SE 11TH LP		CANBY	OR 97013
R526367	11-11-20-00-02500-00	420 SE 43RD ST	CONKLING DIEDRE	4335 SE FLEMING ST			NEWPORT	OR 97365
R526368	11-11-20-00-02600-00	430 SE 43RD ST	GUILD DENISE E TRUSTEE	PO BOX 681			DEPOE BAY	OR 97341
R526369	11-11-20-00-02700-00	440 SE 43RD ST	LANDWAVES INC	2712 SE 20TH AVE			PORTLAND	OR 97202
R526370	11-11-20-00-02800-00	4320 SE FLEMING ST	MORIN WILLIAM D &	MERNITZ LAURA	4041 NE WEST DEVILS LAKE RD	#9	PORTLAND	OR 97202
R526371	11-11-20-00-02900-00	4345 SE FLEMING ST	BYNUM LEONARD J &	BYNUM SUSAN E	640 SW LINNEMAN CT		LINCOLN CITY	OR 97367
R526372	11-11-20-00-03000-00	4370 SE HARBORTON ST	F&S NEWPORT LLC	PO BOX 449			LINCOLN CITY	OR 97367
R526373	11-11-20-00-03100-00	4380 SE HARBORTON ST	ELZONDO SUSANNAH LYNN	2830 LEGACY POINT DR			ARLINGTON	TX 76006
R526374	11-11-20-00-03200-00	4355 SE FLEMING ST	OKSENHOLT CONSTRUCTION CO	PO BOX 449			LINCOLN CITY	OR 97367
R526375	11-11-20-00-03300-00	4334 SE ELLIS ST	WILDER HOMEOWNERS ASSOC	2712 SE 20TH AVE			PORTLAND	OR 97202
R526376	11-11-20-00-03400-00	4340 SE FLEMING ST	GIBBS VIRGINIA G	4340 SE FLEMING ST			NEWPORT	OR 97365
R526377	11-11-20-00-03500-00	4365 SE FLEMING ST	MGLEOD CONSTANCE M	4365 SE FLEMING ST			NEWPORT	OR 97365
R526378	11-11-20-00-03600-00	4320 SE ELLIS ST	HALLMARK STEVEN S &	HALLMARK MICHELE M	PO BOX 89		WINSTON	OR 97396
R526379	11-11-20-00-03700-00	4350 SE FLEMING ST	SHUTT BEVERLY W SURV TSTEE	1565 SE RUNNING SPRINGS CT			NEWPORT	OR 97365
R526380	11-11-20-00-03800-00	4330 SE ELLIS ST	LARSON JEAN Z	4330 SE ELLIS ST			NEWPORT	OR 97365
R526381	11-11-20-00-03900-00	4316 SE ELLIS ST	BRACK SARAH	4316 SE ELLIS ST			NEWPORT	OR 97365
R526382	11-11-20-00-04000-00	4360 SE FLEMING ST	PARKER RYAN M &	OTSUKI SACHIKO	4360 SE FLEMING ST		SOUTH BEACH	OR 97366
R526383	11-11-20-00-04100-00	4340 SE ELLIS ST	CURTIS R EUGENE &	SUVH CURTIS CINDY	4340 SE ELLIS ST		SOUTH BEACH	OR 97366
R526384	11-11-20-00-04200-00	4326 SE ELLIS ST	DUCKLES JASON &	KRESTON ANTHEA	861 SW JEFFERSON		CORVALLIS	OR 97333
R526385	11-11-20-00-04300-00	4350 SE ELLIS ST	BLOOMQUIST KAREN M TSTEE	4350 SE ELLIS ST			SOUTH BEACH	OR 97366
R526386	11-11-20-00-04400-00	4336 SE ELLIS ST	SCHREIBER SARA BARTON	4336 SE ELLIS ST			SOUTH BEACH	OR 97366
R526387	11-11-20-00-04500-00	4360 SE ELLIS ST	WILDER HOMEOWNERS ASSOC	2712 SE 20TH AVE			PORTLAND	OR 97202
R526388	11-11-20-00-04600-00	4346 SE ELLIS ST	EQUITY TRUST CO CUSTODIAN &	YEOMANS MICHAEL IRA FBO	5745 SW ARBOR DR		SOUTH BEACH	OR 97366
R526389	11-11-20-00-04700-00	4356 SE ELLIS ST	HORNING MARKUS &	MULCAHY LISA T	4356 SE ELLIS ST		NEWPORT	OR 97365
R526390	11-11-20-00-04800-00	4370 SE ELLIS ST	WILDER HOMEOWNERS ASSOC	2712 SE 20TH AVE			PORTLAND	OR 97202
R526391	11-11-20-00-04900-00		EMERY INVESTMENTS INC	ATTN EMERY WILLIAM H	2712 SE 20TH AVE		PORTLAND	OR 97202
R526392	11-11-21-00-00700-00							

*Subject Property

**Wilder Community Master Plan
Development Applications**

APPENDIX D.

Preliminary Title Report

Wilder County, Oregon
Development Agency
APPENDIX D
Attachment: The Report



Western Title & Escrow Company
255 SW Coast Highway, Suite 100
Newport, OR 97365
Office Phone: (541) 265-2288
Office Fax: (541) 265-9570

PUBLIC RECORDS REPORT

THIS REPORT IS FOR THE EXCLUSIVE USE OF:

Landwaves, Inc.
Attention: Liane Brakke-Pound
2712 SE 20th Avenue
Portland, OR 97202

Date Prepared: **March 02, 2016**

Report Number: **111954**

Fee: **\$200.00**

CONDITIONS, STIPULATIONS AND DEFINITIONS

(I) Definitions:

- (a) "Customer": The person or persons named or shown on this cover sheet.
- (b) "Effective date": The title plant date of **March 01, 2016**.
- (c) "Land": The land described, specifically as by reference, in this public record report and improvements affixed thereto which by law constitute real property.
- (d) "Liens and encumbrances": Include taxes, mortgages, and deeds of trust, contracts, assignments, rights of way, easements, covenants, and other restrictions on title.
- (e) "Public records": Those records which by the laws of the State of Oregon impart constructive notice of matters relating to said land.

(II) Liability of Western Title & Escrow Company:

- (a) THIS IS NOT A COMMITMENT TO ISSUE TITLE INSURANCE AND DOES NOT CONSTITUTE A POLICY OF TITLE INSURANCE.
- (b) The liability of **Western Title & Escrow Company** for errors or omissions in this public record report is limited to the amount of the fee paid by the customer, provided, however, that **Western Title & Escrow Company** has no liability in the event of no actual loss to the customer.
- (c) No costs of defense, or prosecution of any action, is afforded to the customer.
- (d) In any event, **Western Title & Escrow Company** assumes no liability for loss or damage by reason of the following:
 1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records.
 2. Any facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of the land or by making inquiry of persons in possession thereof.

3. Easements, liens or encumbrances, or claims thereof, which are not shown by the public records.
4. Discrepancies, encroachments, shortage in area, conflicts in boundary lines or any other facts which a survey would disclose.
5. (i) Unpatented mining claims; (ii) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (iii) water rights or claims or title to water.
6. Any right, title, interest, estate or easement in land beyond the lines of the area specifically described or referred to in this report, or in abutting streets, roads, avenues, alleys, lanes, ways or waterways.
7. Any law, ordinance or governmental regulation (including but not limited to building and zoning laws, ordinances or regulations) restricting, regulating, prohibiting or relating to (i) the occupancy, use or enjoyment of the land; (ii) the character, dimensions or location of an improvement now or hereafter erected on the land; (iii) a separation in ownership or a change in the dimensions or area of the land or any parcel of which the land is or was a part; or (iv) environmental protection, or the effect of any violation of these laws, ordinances or governmental regulations, except to the extent that a notice of the enforcement thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at the effective date hereof.
8. Any governmental police power not excluded by (II)(d)(7) above, except to the extent that notice of the exercise thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at the effective date hereof.
9. Defects, liens, encumbrances, adverse claims or other matters created, suffered, assumed, agreed to or actually known by the customer.

(III) Report Entire Contract:

Any rights or actions or rights of action that the customer may have or may bring against **Western Title & Escrow Company** arising out of the subject matter of this report must be based on the provisions of this report. No provision or condition of this report can be waived or changed except by a writing signed by an authorized officer of **Western Title & Escrow Company**. By accepting this form report, the customer acknowledges and agrees that the customer has been afforded the opportunity to purchase a title insurance policy but has elected to utilize this form of public record report and accepts the limitation of liability of **Western Title & Escrow Company** as set forth herein.

(IV) Fee:

The fee charged for this Report does not include supplemental reports, updates or other additional services of **Western Title & Escrow Company**.

REPORT

Report Number: **111954**

Effective Date: **March 01, 2016 at 5:00 p.m.**

A. The land referred to in this public record report is located in the County of Lincoln, State of Oregon, and is described as follows:

Parcel 2, Partition Plat No. 2015-1, 1A, 1B, 1C, in the City of Newport, Lincoln County, Oregon, according to the official plat thereof, recorded on January 2, 2015, Lincoln County Plat Records.

B. As of the effective date and according to the public records, we find title to the land apparently vested in:

Landwaves, Inc., an Oregon corporation

C. And as of the effective date and according to the public records, the land is subject to the following liens and encumbrances, which are not necessarily shown in the order of priority:

1. City liens, if any, of the City of Newport.
2. Subject property is either situated within the urban renewal boundaries or within the shared area of the City of Newport and is subject to the terms and provisions thereof.
3. An easement created by instrument, including the terms and provisions thereof,

Recorded:	July 22, 1957
Document No.:	Book 186, Page 211, Lincoln County Records
And Recorded:	July 22, 1957
Document No.:	Book 186, Page 221, Deed Records
In favor of:	Central Lincoln People's Utility District

Assignment/Assumption, including the terms and provisions thereof,	
Recorded:	March 1, 1993
Document No.:	Book 257, Page 1927, Lincoln County Records
4. Road Right of Way in favor of Georgia-Pacific Corporation as disclosed by Instrument

Recorded:	September 11, 1978
Document No.:	Book 92, Page 508, Lincoln County Records

Assignment/Assumption, including the terms and provisions thereof,	
Recorded:	March 1, 1993
Document No.:	Book 257, Page 1927, Lincoln County Records

Assignment and Assumption Agreement, including the terms and provisions thereof,	
Recorded:	February 23, 2010
Document No.:	2010-02039, Lincoln County Records

5. Right of way Agreement, including the terms and provisions thereof,
Dated: December 29, 1982
Recorded: January 17, 1983
Document No.: Book 138, Page 396, Lincoln County Records
Between: Publishers Paper Co., a Delaware corporation
And: Rex Timber, Inc., an Oregon Corporation

Assigned by instrument,
Recorded: March 21, 1991
Document No.: Book 227, Page 1403, Lincoln County Records

Assignment/Assumption, including the terms and provisions thereof,
Recorded: March 1, 1993
Document No.: Book 257, Page 1927, Lincoln County Records

Assignment and Assumption Agreement, including the terms and provisions thereof,
Recorded: February 23, 2010
Document No.: 2010-02039, Lincoln County Records

6. Right of Way Agreement, including the terms and provisions thereof,
Dated: May 19, 1992
Recorded: August 21, 1992
Document No.: Book 249, Page 605, Lincoln County Records
Between: Boise Cascade Corporation
And: Georgia-Pacific Corporation

Assignment and Assumption Agreement, including the terms and provisions thereof,
Recorded: February 23, 2010
Document No.: 2010-02039, Lincoln County Records

7. Timber Easement, including the terms and provisions thereof,
Recorded: August 16, 2007
Document No.: 200711878, Lincoln County Records
Between: Landwaves, Inc., an Oregon Corporation
And: Emery Investments, Inc., an Oregon Corporation

8. Land Partition Deferred Improvement Agreement/Waiver of Remonstrance, including the terms and provisions thereof,
Dated: September 10, 2007
Recorded: October 1, 2007
Document No.: 200713970, Lincoln County Records
Between: City of Newport
And: Landwaves, Inc.

9. Boundary Line Agreements, including the terms and provisions thereof,
Recorded: December 13, 2007
Document No.: 200717102, Lincoln County Records
And Recorded: December 13, 2007
Document No.: 200717103, Lincoln County Records

10. Easement Agreement, including the terms and provisions thereof,
Dated: December 14, 2007
Recorded: December 14, 2007
Document No.: 200717237, Lincoln County Records
By & Between: The City of Newport, Landwaves, Inc., Emery Investments, Inc. and Oregon Coast Community College District

Amended by instrument,
Recorded: October 2, 2012
Document No.: 2012-09575, Lincoln County Records
11. Easements, conditions, restrictions and notes as delineated on the recorded Partition plat 2007-39.
12. Restrictive Covenant Agreement, including the terms and provisions thereof,
Dated: December 13, 2007
Recorded: January 3, 2008
Document No.: 200800027, Lincoln County Records
13. Restrictive covenants, including the terms and provisions thereof, to waive right of remonstrance,
Recorded: January 3, 2008
Document No.: 200800028, Lincoln County Records
For: future use of adjacent properties
14. Timber Easement Agreement, including the terms and provisions thereof,
Dated: December 13, 2007
Recorded: January 3, 2008
Document No.: 200800029, Lincoln County Records
15. Reciprocal Easement Agreement, including the terms and provisions thereof,
Dated: December 13, 2007
Recorded: January 3, 2008
Document No.: 200800030, Lincoln County Records

Amended by instrument,
Recorded: February 28, 2011
Document No.: 2011-02149, Lincoln County Records
16. An easement created by instrument, including the terms and provisions thereof,
Dated: September 5, 2008
Recorded: September 25, 2008
Document No.: 200811292, Lincoln County Records
In favor of: Central Lincoln People's Utility District
17. Easements for existing utilities in vacated area, if any.

18. Declaration of Restrictive Covenant (Waiver of Remonstrance), including the terms and provisions thereof,
Recorded: October 26, 2010
Document No.: 2010-10802, Lincoln County Records
19. Easements as delineated on Partition Plat No 2015-1, 1A, 1B, 1C.

END OF REPORT

Any questions concerning the Public Records Report should be directed by email to titleofficersupport@westerntitle.com.

Wilder Community Master Plan Development Applications

APPENDIX E.

Written Letters from Utility Providers

*(Pioneer Telephone Co-op, Central Lincoln PUD, City of
Newport)*

Wilder Community Trust Plan Development Applications

APPENDIX 1

Wilder Letters from Wilder
Partners
Partnership Agreement
Wilder



PIONEER

Broadband and Voice Applications

PHILOMATH
T: 541.929.3135
F: 541.929.1221
1304 Main St
Philomath, OR 97370

161
WALDP
T: 541.563.3135
F: 541.563.1211
575 W. Willow St
Waldport, OR 97394

COPY

February 25, 2016

Derrick Tokos
City Hall
169 SW Coast Hwy
Newport, OR 97365

Re: Telecommunications service

To whom it may concern,

Pioneer Telephone Cooperative has facilities adjacent to the future Wilder Development, including the OSU student housing, in South Beach. At such time service to these properties is needed, voice and broadband lines will be provided. If further information is needed, please call me at 541-740-5505.

Sincerely,

Bruce Tompkins
PTC OSP Engineer

c: Elizabeth Decker

Serving Portions of Coos, Douglas, Lane, and Lincoln counties on Oregon's Central Coast



2129 N. Coast Hwy • P.O. Box 1126 • Newport, Oregon 97365-0090 • 541-265-3211 • clpud.org

3/1/16

To whom it may concern;

This letter is to confirm power availability at the new development for the Wilder subdivision located in South Beach, OR.

Power is readily available for all phases of this project, including in the form of single and three phase power if the need arises.

Sincerely,

A handwritten signature in black ink, appearing to read "Bernie Schuette", with a long horizontal flourish extending to the right.

Bernie Schuette
Senior Distribution Design Technician
Central Lincoln PUD

Utility Sufficiency Letter for City of Newport:

The City provided a letter on September 18, 2015, identifying the utilities serving Wilder generally and their adequacy for the Planned Development as proposed in #2-PD-15 and #3-PD-15, provided here. The modifications proposed with this application do not change the total amount and intensity of proposed development, which remains consistent with the previously approved Planned Development, and can be served by public facilities as verified in the 2015 letter.

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

A handwritten signature in black ink, appearing to read "Timothy Gross", is written over the "From:" line.

Date: 9/18/2015

RE: Adequacy of Public Facilities and Utilities – Wilder Development Phase 2

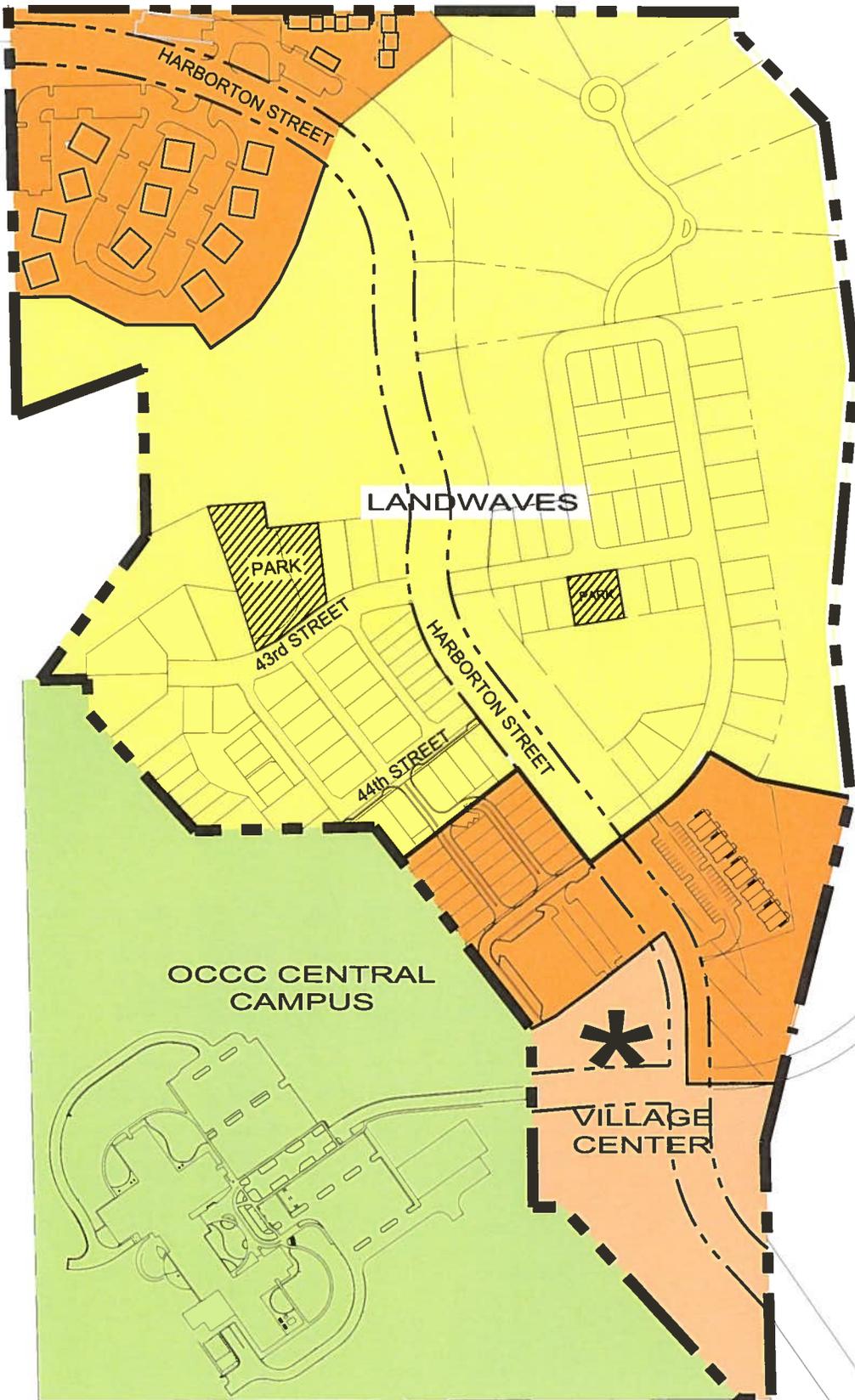
The Wilder Development Phase 2 is currently served by a 12" PVC C900 water main, and an 8" 3034 PVC gravity sanitary sewer, both located in Harborton Street. Storm drainage is provided via an 18" 3034 PVC storm sewer in Flemming Street that discharges in a canyon north of the proposed development. Transportation facilities are provided via Harborton Street, which has a 75' wide right-of-way, two 12' travel lanes, and an 8' wide multiuse path on the west side. Adequate water, sewer, storm sewer, and transportation facilities exist through these described facilities to serve the proposed development.

**Wilder Community Master Plan
Development Applications**

APPENDIX F.

Preliminary Development Plan

Jul 19, 2016 -- 1:51 PM -- Active\LAN005 -- Wilder Phase 2\4 Planning\Drawings\Applications\Community Master Plan Phase 1\LAN005_PUD Delineation--rev for OSU app.dwg



ACREAGES BY ZONING

SYMBOL	ZONING	AREA
	P1	24.2
	C1	5.5
	R3	14.2
	R2	39.9

ESTIMATED RANGES OF DEVELOPMENT

Village Lots (<4,600 sq. ft.)	18-25 units
Classic Lots (4,601-6,200 sq. ft.)	10-34 units
Grand Lots (6,201-9,999 sq. ft.)	4-10 units
Edge Lots (10,000+ sq. ft.)	18-26 units
Cottage Units	10-20 units
Flex Lots	28-40 units
Multifamily Units	170-190 units
Commercial Floor Area	25,000-36,000 square feet
Total Dwelling Units	258-345 units

PREPARED FOR:
landwaves^{INC}
 2712 SE 20th Ave.
 Portland, Oregon 97202
 TEL: (503) 221-0167
 FAX: (503) 221-0741

PREPARED BY:

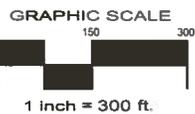
 400 COLUMBIA STREET
 SUITE 180
 VANCOUVER, WA 98680
 PHONE: 503-939-8750

JET Planning, LLC
 215 W. 4th Street ste. 215
 Vancouver, WA 98660

Date: 7-20-16
 Job No: LAN005

WILDER

PHASE 1 PRELIMINARY DEVELOPMENT PLAN



40th Street

Wilder Phase 1 Boundary

Mike Miller Park (county)

OCCC Parcel

King Slough

Waste Water Treatment Plant (city)

Open Space (city)

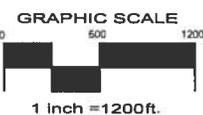
-  MAIN LOOP ROAD
-  NEIGHBORHOOD SPINE
-  NEIGHBORHOOD LOCAL
-  VILLAGE CENTER ROAD (1, 2, OR 3)
-  HILLSIDE STREET
-  URBAN ALLEY
-  WOONERF
-  TRAILS

PREPARED FOR: DATE: 6-3-2016
landwaves^{INC} J.N.: LAN005
 1733 NE 7th Ave.
 Portland, Oregon 97212
 TEL: (503) 221-0167
 FAX: (503) 221-0741

PREPARED BY:
 400 COLUMBIA STREET
 SUITE 160
 VANCOUVER, WA 98660
 PHONE 503-939-8750

WILDER

CIRCULATION DIAGRAM



JET Planning, LLC
 215 W. 4th Street ste 215
 Vancouver, WA 98660

Wilder Community Master Plan Development Applications

APPENDIX G.

***Reduced Final Development Plans,
including Tentative Subdivision
Plan***

WILDER

COMMUNITY MASTER DEVELOPMENT PLAN APPLICATIONS CITY OF NEWPORT, OREGON

SITE DATA:

LOCATION
South Beach - Wilder Master Plan Area

LEGAL DESCRIPTION
2712 SE 20th Ave
Map and Tax Lot 11-11-20-00-0100-00
2712 SE 20th Ave
Map and Tax Lot 11-11-21-00-01300-00

AREA
Approximate 62 Acres

ZONING
R-2 (Medium Density Single Family)
R-3 (Medium Density Multi-Family)
C-1 (Retail - Service Commercial)

TEAM MEMBERS:

Owner
J.P. & K. W. Co
2712 SE 20th Ave
Portland, OR 97202

Civil Engineer
R2 Associates, Inc.
1600 Columbia Street, Suite 160
Vancouver, WA 98660
503-938-8750

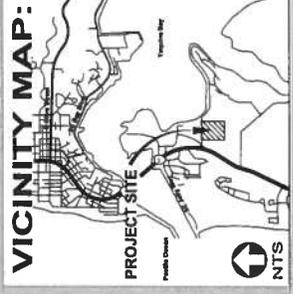
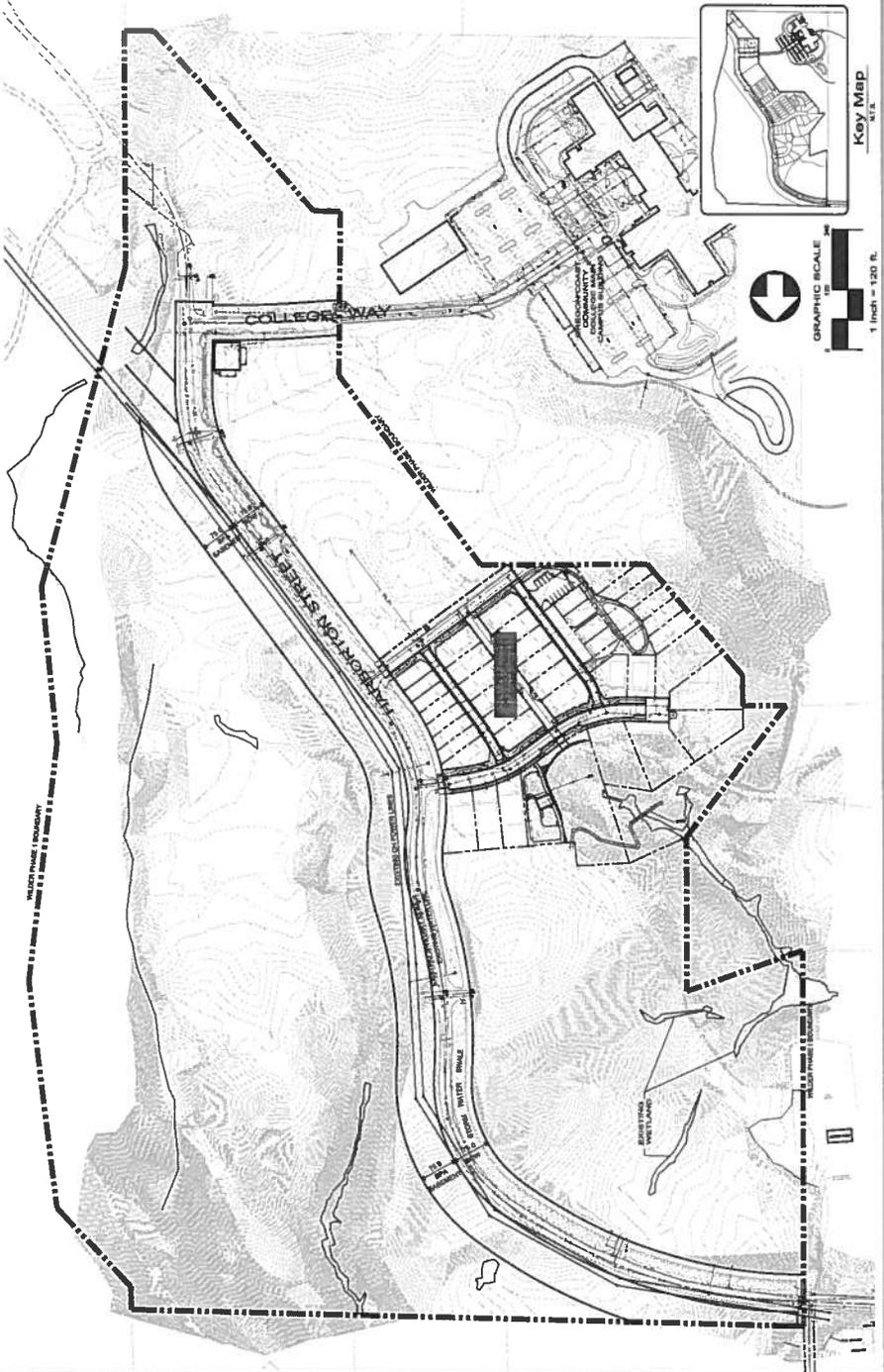
Planner
J.P. & K. W. Co
2712 SE 20th Ave
Portland, OR 97202

Architect
Medium Architects, Inc.
1231 NW Hoyt, Suite 102
Portland, OR 97209
503-254-4025

Sheet List Table

- 01 Sheet Title
- 02 Existing Conditions Plan
- 03 Phasing Plan
- 04 Final Development Plan Phase 3, 4 and 6
- 05 Final Development Plan Phase 2B 2C and 2D
- 06 Final Development Plan Phase 2E and 2F
- 07 Tentative Subdivision Plat Master Plan
- 08 Tentative Subdivision Plat Phase 3, 4 and 6
- 09 Tentative Subdivision Plat Phase 2A 2E and 2F
- 10 Tentative Subdivision Plat Phase 2B 2C and 2D
- 11 Grading Master Plan 3, 4 and 6
- 12 Grading Master Plan 2B 2C and 2D
- 13 Grading Master Plan 2E and 2F
- 14 Utility Plan Phase 3, 4 and 6
- 15 Utility Plan Phase 2B 2C and 2D
- 16 Utility Plan Phase 2E and 2F
- 17 Landscape Plan Phase 3, 4 and 6
- 18 Landscape Plan Phase 2B 2C and 2D
- 19 Landscape Plan Phase 2E and 2F

EXISTING CONDITIONS PLAN:



J.P. & K. W. Co
2712 SE 20th Ave
Portland, Oregon 97202
TEL: (503) 221-0107
FAX: (503) 221-0741

J.P. & K. W. Co
215 W. 4th Street, Suite 208
Vancouver, WA 98660
PHONE: 503-938-8750

landwaves
J.P. & K. W. Co
2712 SE 20th Ave
Portland, Oregon 97202
TEL: (503) 221-0107
FAX: (503) 221-0741

J.P. & K. W. Co
2712 SE 20th Ave
Portland, Oregon 97202
TEL: (503) 221-0107
FAX: (503) 221-0741

WILDER
EXISTING CONDITIONS PLAN

SHEET 01

400 COLUMBIA STREET
VANCOUVER, WA 98660
PHONE 503-838-8750

JET Planning, LLC
213 W. 4th Street, 200
Vancouver, WA 98660
TEL: 503-762-2808

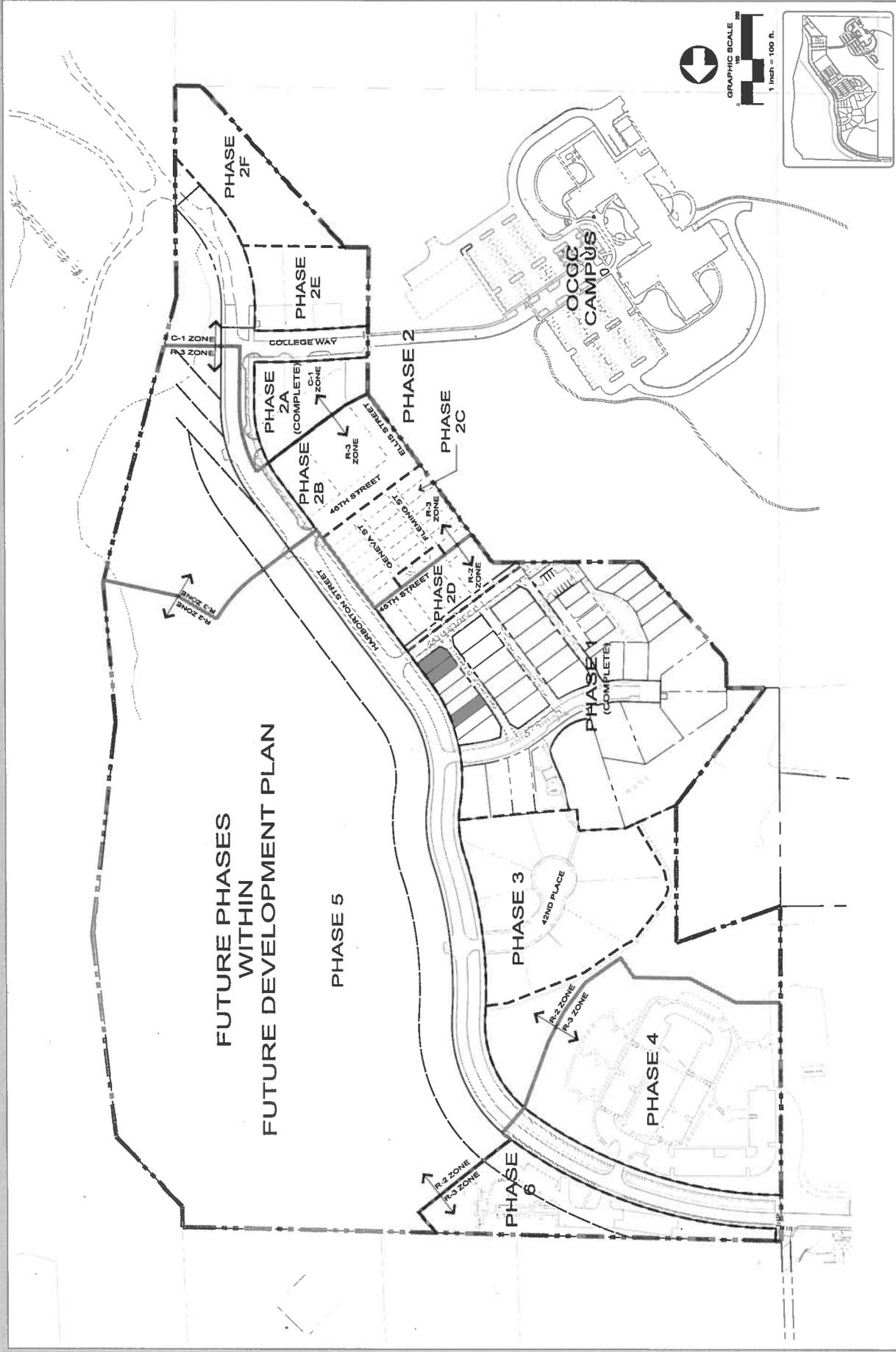
landwaves
2712 SE 20th Ave
Portland, Oregon 97202
TEL: (503) 221-0107
FAX: (503) 221-0741

JOB NO: MAH001
DATE: JULY 20, 2016
APPLICATION: Community Master
Development Plan
Applications

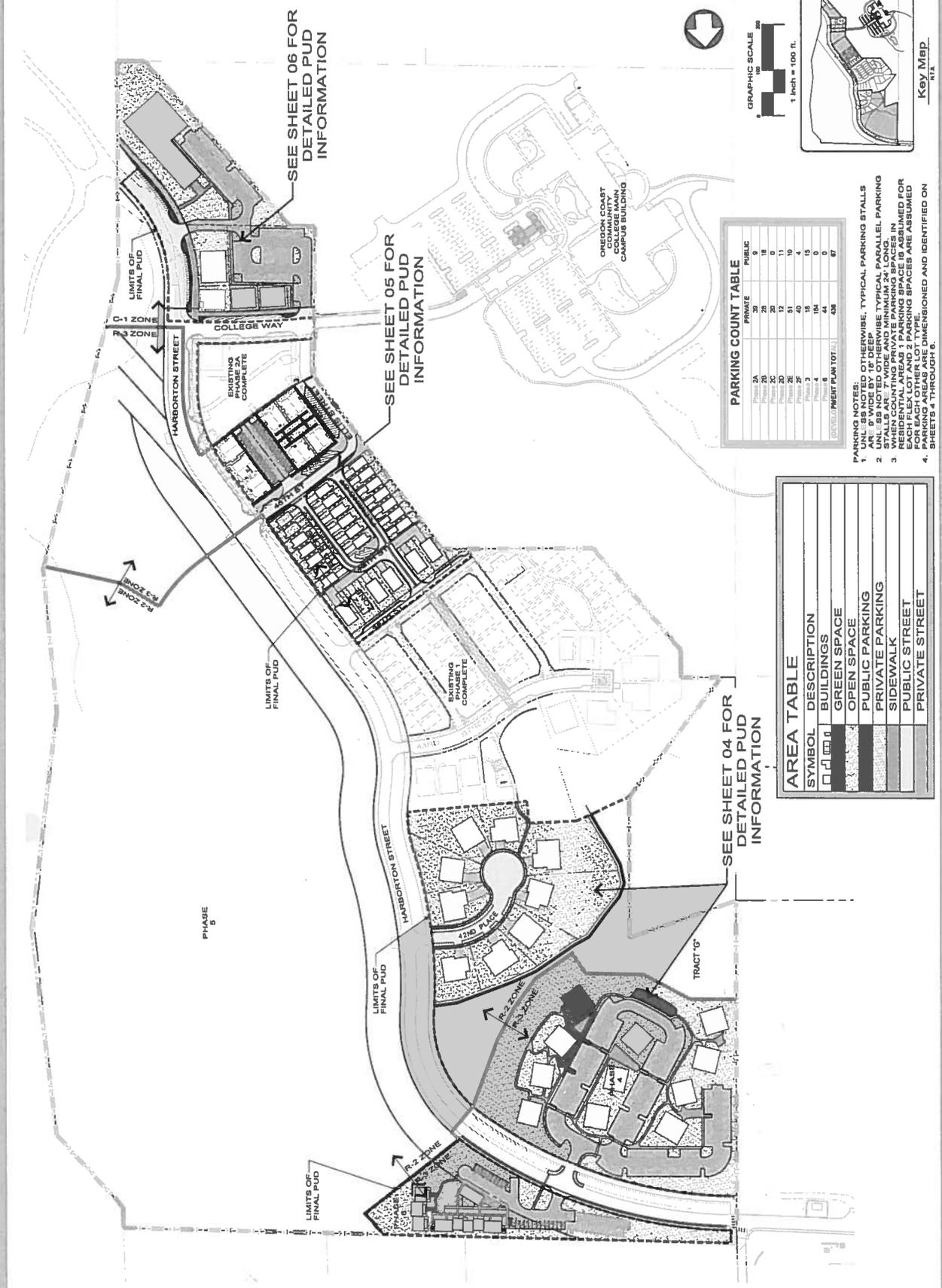
WILDER PHASING PLAN

SHEET
02

170



X:\Common Data\Figures - Active\VAH001-16-01 05U Student housing - Wilder Phasing Plan.dwg - Ph & OSU Student housing plan set\MAH-001-16-01-05U Student housing plan set\MAH-001-16-01-05U Student housing plan set.dwg
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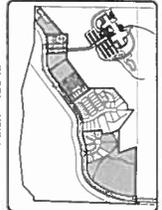
PARKING COUNT TABLE

Phase	Private	Public
Phase 2A	20	0
Phase 2B	20	0
Phase 2C	10	0
Phase 2D	10	0
Phase 2E	51	10
Phase 2F	40	4
Phase 3	104	0
Phase 4	104	0
Phase 5	44	0
Phase 6	44	0
TOTAL	428	10

- PARKING NOTES:**
- UNL - 88 NOTED OTHERWISE, TYPICAL PARKING STALLS ARE 8' WIDE BY 16' DEEP WITH TYPICAL PARALLEL PARKING STALLS AT 7' WIDE AND MINIMUM 24' LONG.
 - RESIDENTIAL DRIVEWAYS AND PARKING SPACES ARE ASSUMED FOR EACH FLEX LOT AND 2 PARKING SPACES ARE ASSUMED FOR EACH FLEX LOT.
 - PARKING AREAS ARE DIMENSIONED AND IDENTIFIED ON SHEETS 4 THROUGH 6.

AREA TABLE

SYMBOL	DESCRIPTION
[Symbol]	BUILDINGS
[Symbol]	GREEN SPACE
[Symbol]	OPEN SPACE
[Symbol]	PUBLIC PARKING
[Symbol]	PRIVATE PARKING
[Symbol]	SIDEWALK
[Symbol]	PUBLIC STREET
[Symbol]	PRIVATE STREET



400 COLUMBIA STREET
SUITE 150
VANCOUVER, WA 98660
PHONE: 509-926-8750

2E
ARCHITECTS

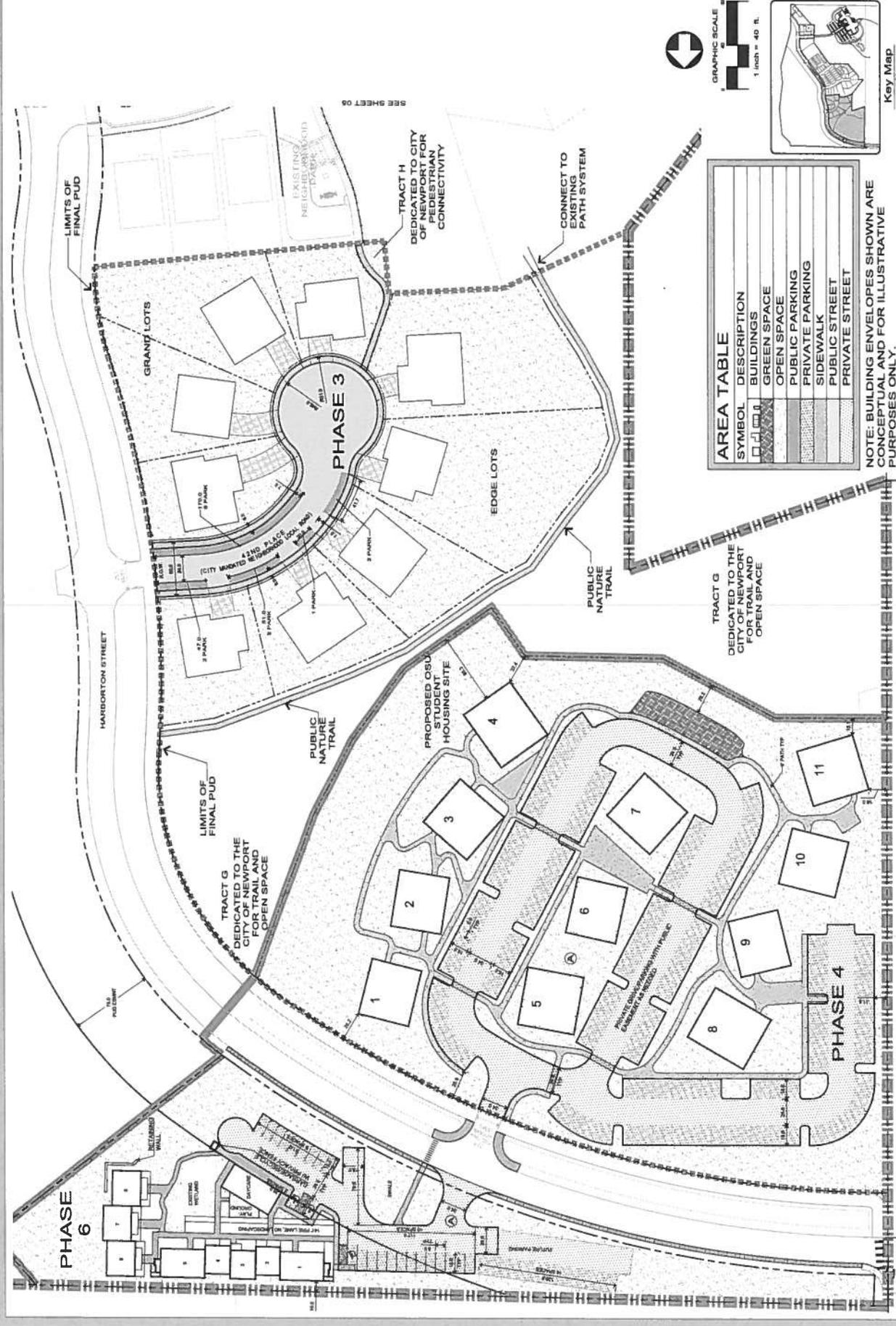
JET Planning LLC
215 W. 4th Street, Ste. 208
Vancouver, WA 98660
TEL: 503-753-0808

landwaves
2712 SE 20th Ave
Portland, Oregon 97202
TEL: (503) 221-0147
FAX: (503) 221-0741

JOB NO.: MAH001
DATE: JULY 28, 2018
APPLICANT: Community Master
Development Plan
Applications

WILDER
FINAL DEVELOPMENT PLAN
PHASE 3, 4 and 6

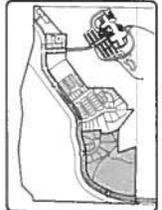
SHEET
04



AREA TABLE

SYMBOL	DESCRIPTION
[Symbol]	BUILDINGS
[Symbol]	GREEN SPACE
[Symbol]	OPEN SPACE
[Symbol]	PUBLIC PARKING
[Symbol]	PRIVATE PARKING
[Symbol]	SIDEWALK
[Symbol]	PUBLIC STREET
[Symbol]	PRIVATE STREET

NOTE: BUILDING ENVELOPES SHOWN ARE CONCEPTUAL AND FOR ILLUSTRATIVE PURPOSES ONLY.



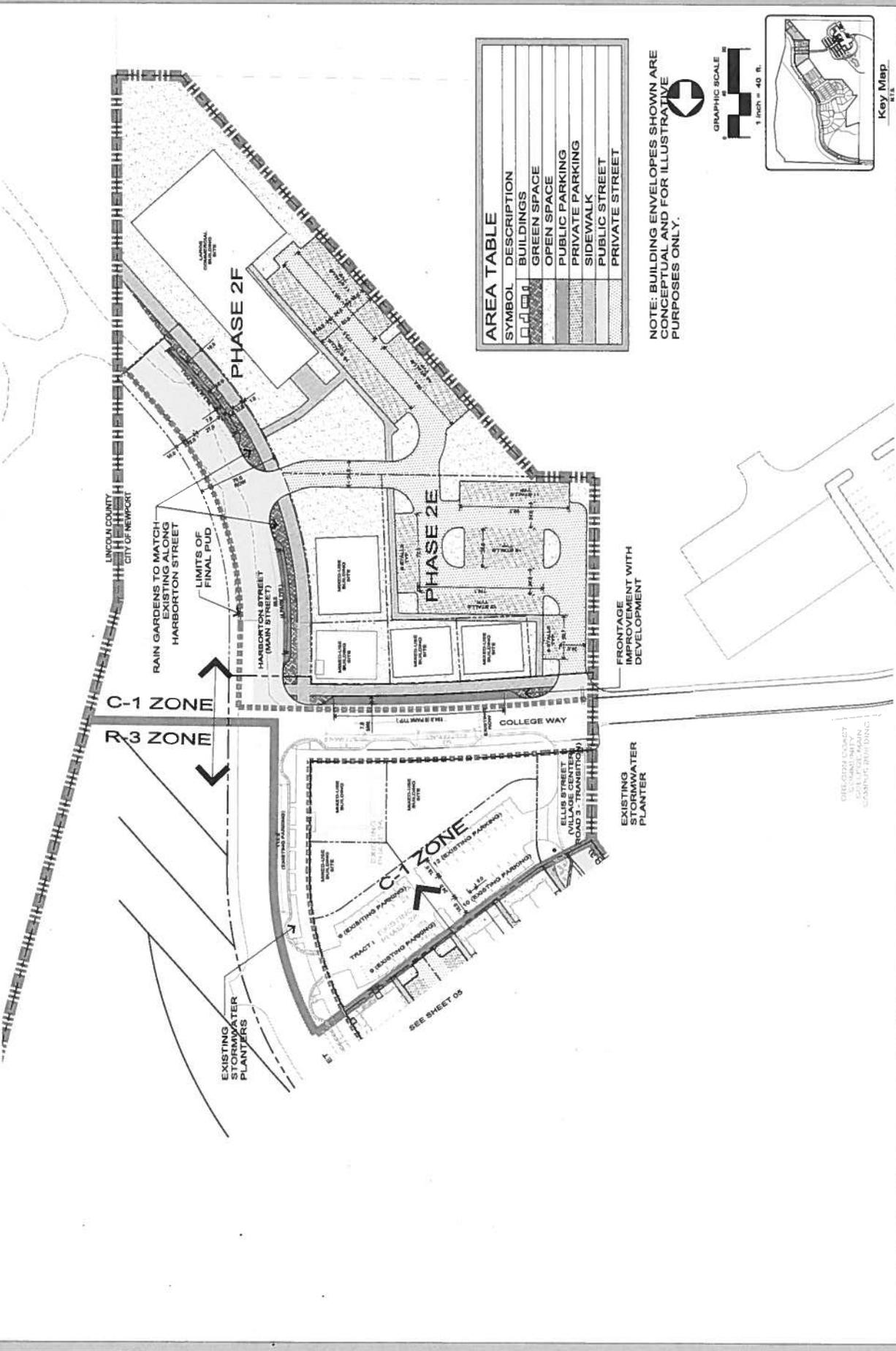
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Common Data/Pre sets - Active/VAH001-16-01 - OSU Student Housing - Wilder by Jet Planning/Architects/Community Master Plan - Ph 3 OSU Student Housing per MAH001-16-01-CMCA-06-Final PUD.dwg

JET Planning, LLC
 215 W 4th Street, Suite 100
 Vancouver, WA 98660
 TEL: (503) 750-0606
 FAX: (503) 221-0741

landwaves
 2712 SE 20th Ave
 Portland, Oregon 97202
 TEL: (503) 221-0167
 FAX: (503) 221-0741

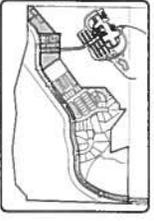
JOB NO: MA-001
 DATE: JULY 20, 2018
 APPLICATION: Community Master Development Plan
 Phase 2E and 2F
 WILDER
 FINAL DEVELOPMENT PLAN

SHEET 06
 174



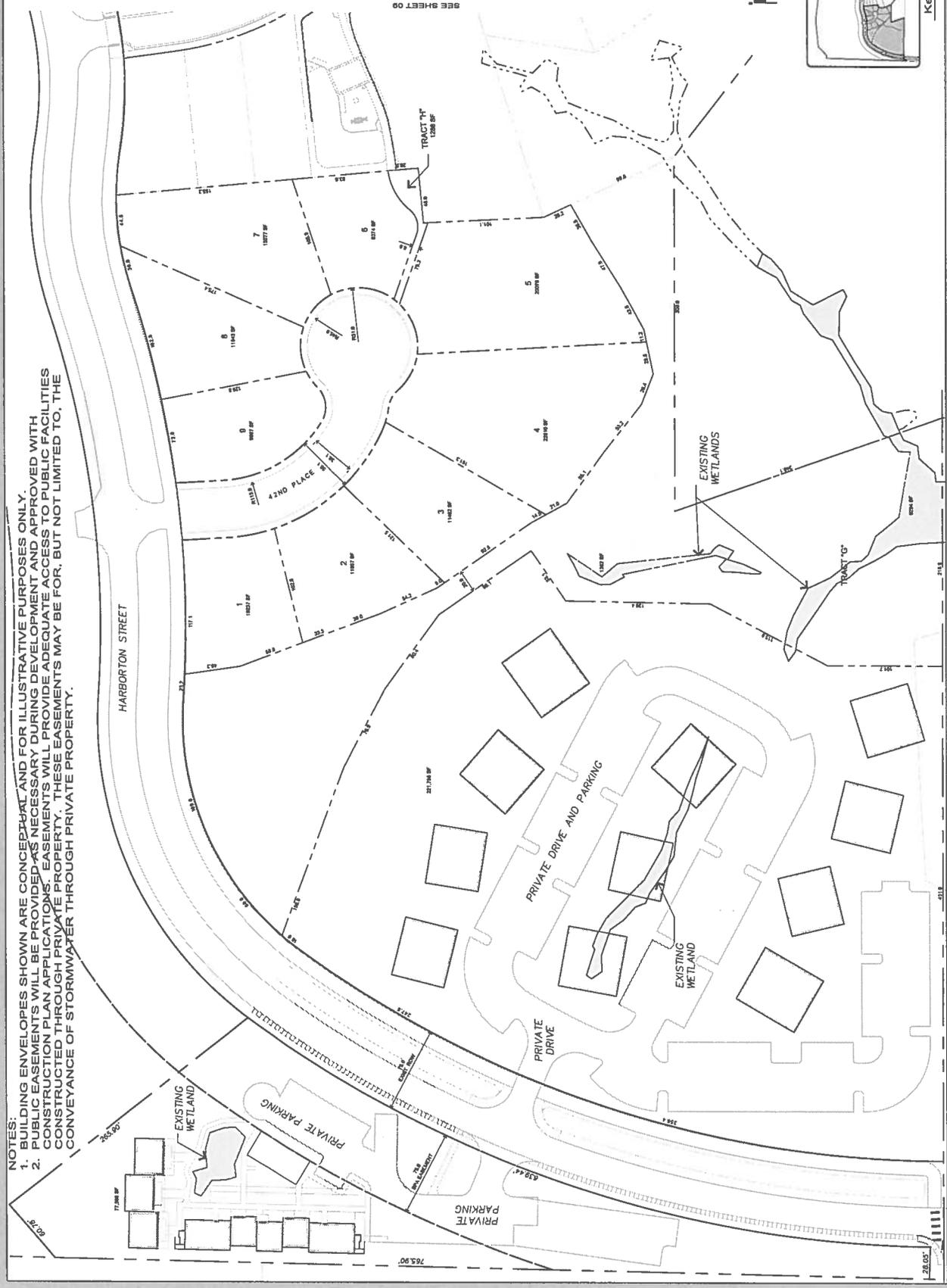
AREA TABLE	
SYMBOL	DESCRIPTION
[Symbol]	BUILDINGS
[Symbol]	GREEN SPACE
[Symbol]	PUBLIC PARKING
[Symbol]	PRIVATE PARKING
[Symbol]	SIDEWALK
[Symbol]	PUBLIC STREET
[Symbol]	PRIVATE STREET

NOTE: BUILDING ENVELOPES SHOWN ARE CONCEPTUAL AND FOR ILLUSTRATIVE PURPOSES ONLY.



Key Map

NOTES:
 1. BUILDING ENVELOPES SHOWN ARE CONCEPTUAL AND FOR ILLUSTRATIVE PURPOSES ONLY.
 2. PUBLIC EASEMENTS WILL BE PROVIDED AS NECESSARY DURING DEVELOPMENT AND APPROVED WITH CONSTRUCTION PLAN APPLICATIONS. EASEMENTS WILL PROVIDE ADEQUATE ACCESS TO PUBLIC FACILITIES CONSTRUCTED THROUGH PRIVATE PROPERTY. THESE EASEMENTS MAY BE FOR, BUT NOT LIMITED TO, THE CONVEYANCE OF STORMWATER THROUGH PRIVATE PROPERTY.



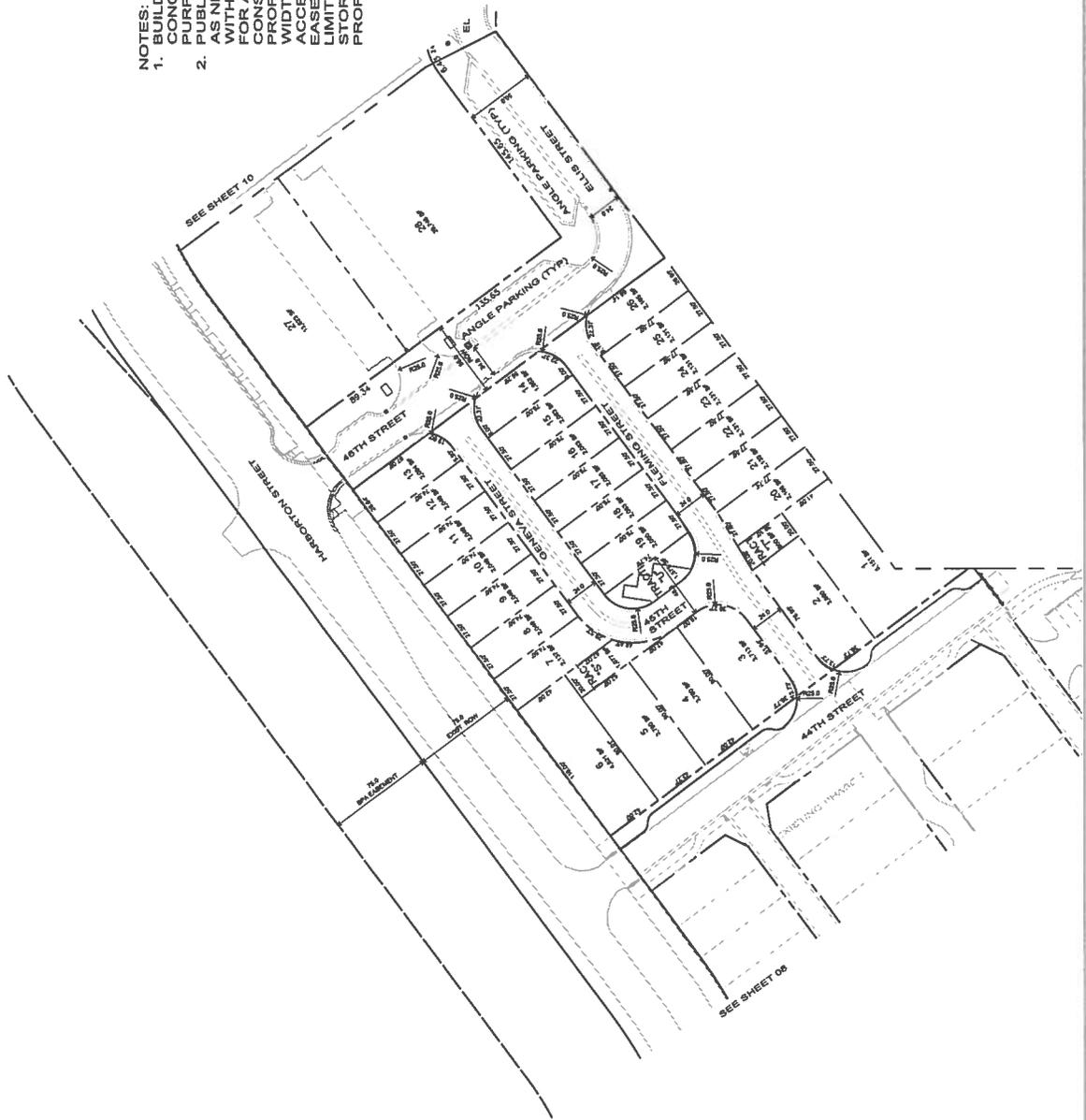
landwaves
 JET Planning, LLC
 217 SE 20th Ave
 Vancouver, WA 98660
 TEL: 503-753-0005
 PHONE: 503-439-8750

JOB NO: MA-1001
 DATE: JULY 20, 2018
 APPLICATION: Community Master
 Development Plan
 Applications
 TEL: (503) 221-0197
 FAX: (503) 221-0741

WILDER
 TENTATIVE SUBDIVISION PLAT
 Phase 3, 4 and 6

SHEET
 08

- NOTES:
- BUILDING ENVELOPES SHOWN ARE CONCEPTUAL AND FOR ILLUSTRATIVE PURPOSES ONLY.
 - PUBLIC EASEMENTS WILL BE PROVIDED AS NECESSARY DURING DEVELOPMENTS WITH CONSTRUCTION APPLICATIONS FOR ACCESS TO PUBLIC FACILITIES PROPERTY AND WHERE ADDITIONAL WIDTH FOR PUBLIC MAINTENANCE EASEMENTS IS NEEDED. THESE EASEMENTS MAY BE FOR, BUT NOT LIMITED TO, THE CONVEYANCE OF STORMWATER THROUGH PRIVATE PROPERTY.



GRAPHIC SCALE
1 inch = 40 ft.



Key Map
N.T.S.

400 COLUMBIA STREET
 SUITE 160
 YANCOUVER, WA 98660
 PHONE: 503-938-8750



JET Planning, LLC
 215 W. 4th Street, Ste. 202
 Vancouver, WA 98660
 TEL: 503-755-3508

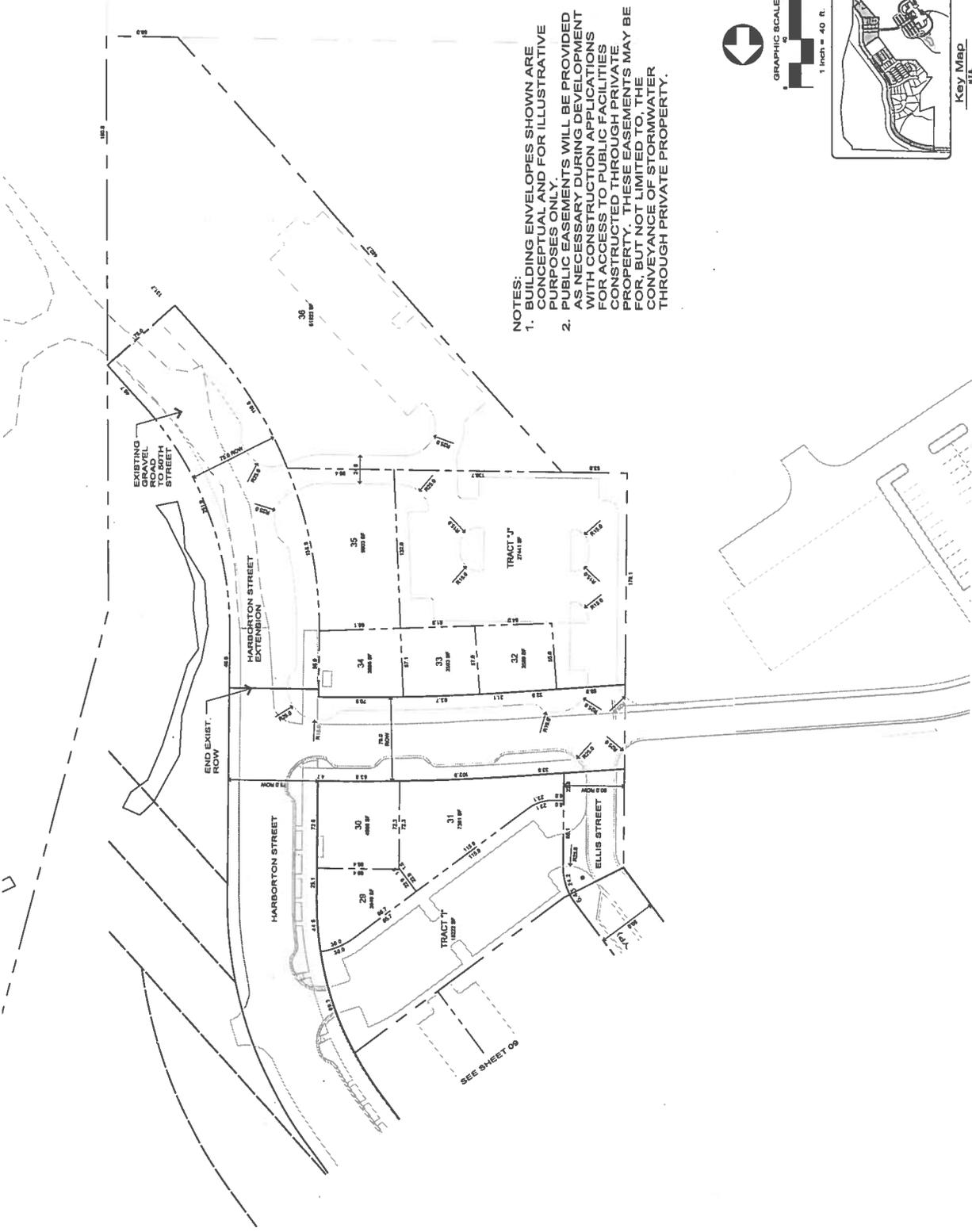
landwaves
 2712 SE 20th Ave
 Portland, Oregon 97202
 TEL: (503) 221-0197
 FAX: (503) 221-0741

APPLICATION: Community Master Development Plan
 DATE: JULY 20, 2016
 JOB NO.: MAH001

WILDER
 TENTATIVE SUBDIVISION PLAN
 Phase 2A 2E and 2F

SHEET

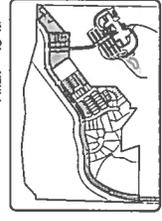
10 178



- NOTES:**
1. BUILDING ENVELOPES SHOWN ARE CONCEPTUAL AND FOR ILLUSTRATIVE PURPOSES ONLY. PUBLIC EASEMENTS WILL BE PROVIDED AS NECESSARY DURING DEVELOPMENT WITH CONSTRUCTION APPLICATIONS FOR ACCESS TO PUBLIC FACILITIES CONSTRUCTED THROUGH PRIVATE PROPERTY. THESE EASEMENTS MAY BE FOR, BUT NOT LIMITED TO, THE CONVEYANCE OF STORMWATER THROUGH PRIVATE PROPERTY.
 - 2.



GRAPHIC SCALE
 1 inch = 40 ft.



400 COLUMBIA STREET
SUITE 160
VANCOUVER, WA 98660
PHONE: 503-938-4750

JET Planning, LLC
215 W. 4th Street, Ste. 200
Vancouver, WA 98660
TEL: 503-755-3000
FAX: (503) 221-0741

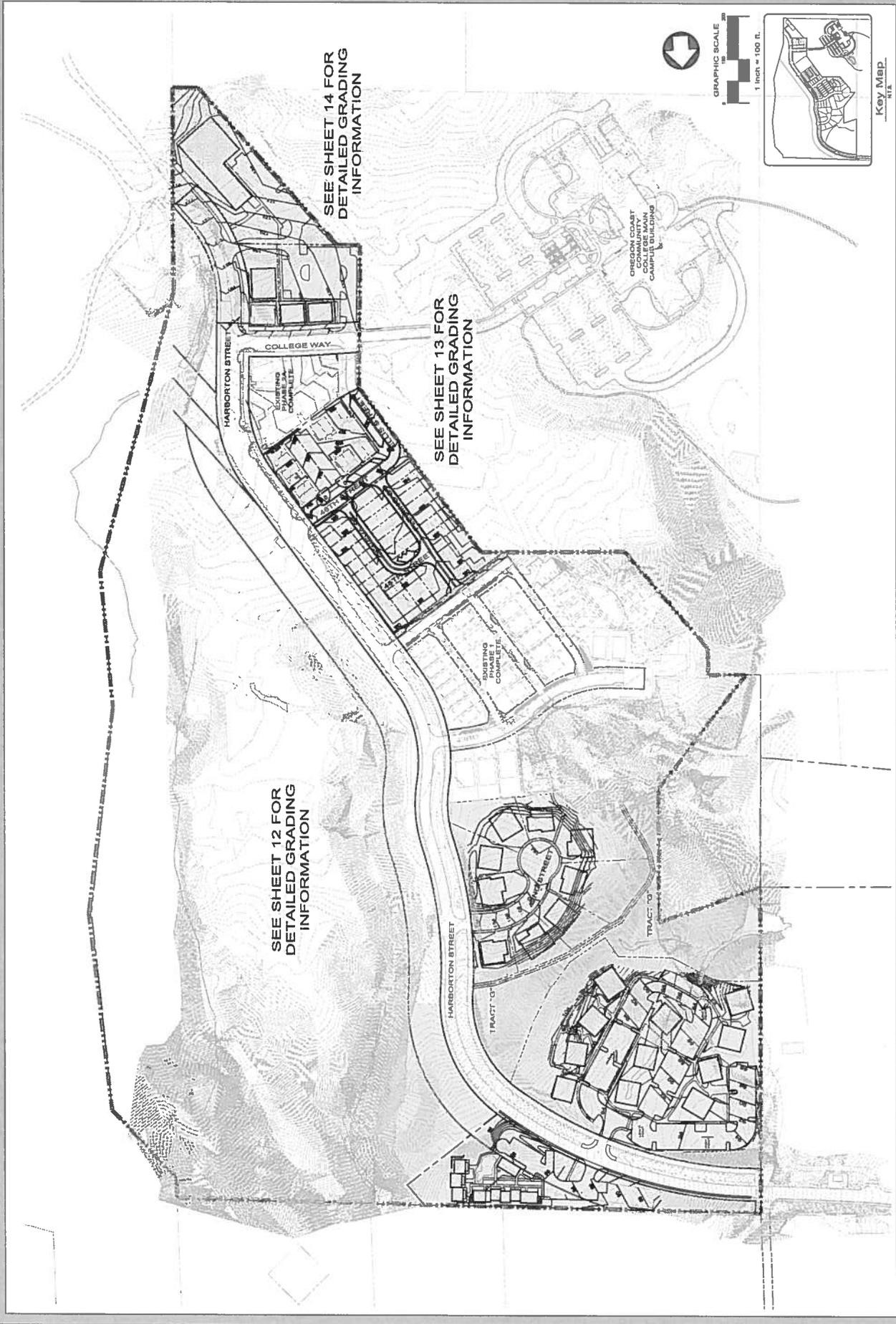
landwaves
2712 SE 20th, AVE
Portland, Oregon 97202
TEL: (503) 221-0197
Applications

JOB NO.: 16A4001
DATE: JULY 20, 2016
APPLICATION: Community Master
Development Plan

WILDER
GRADING MASTER PLAN

SHEET
11

179



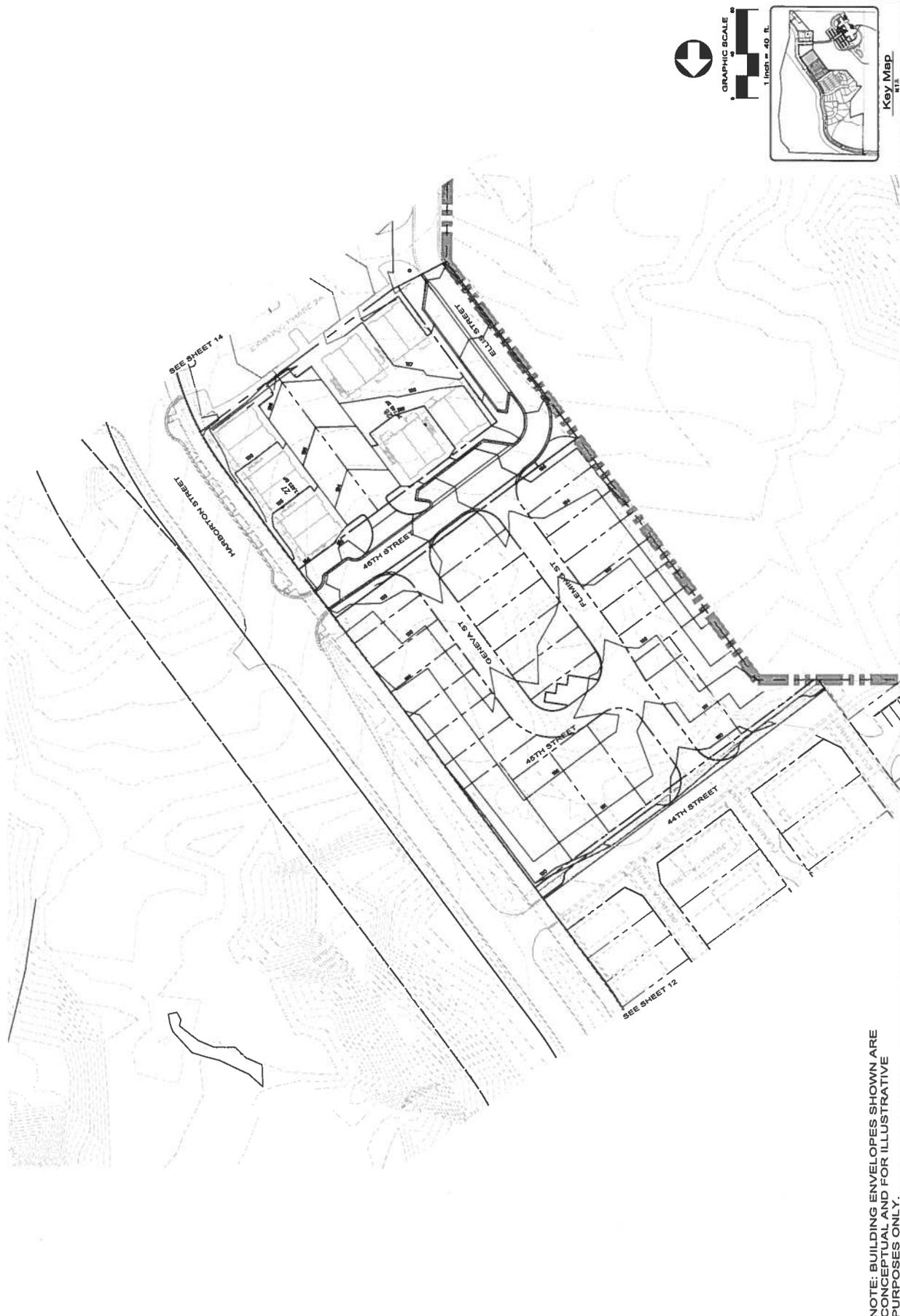
As of 10/18/16 - 3:29pm
A:\Common\Drawings\16_01 - 050 Student Housing - Wilder\16A4001\16_01 - 050 Student Housing from Jet-Mat\01 - Grading Master.dwg

landwaves
JET Planning, LLC
2712 SE 20th Ave
Vancouver, WA 98660
TEL: (503) 221-0197
FAX: (503) 221-0741

JOB NO.:	MAH001
DATE:	JULY 20 2018
APPLICATION:	Community Master Development Plan
Applications	

WILDER
GRADING PLAN
Phase 2B 2C and 2D

SHEET
13
181



GRAPHIC SCALE
1 inch = 40 ft.

Key Map
M18

NOTE: BUILDING ENVELOPES SHOWN ARE CONCEPTUAL AND FOR ILLUSTRATIVE PURPOSES ONLY.

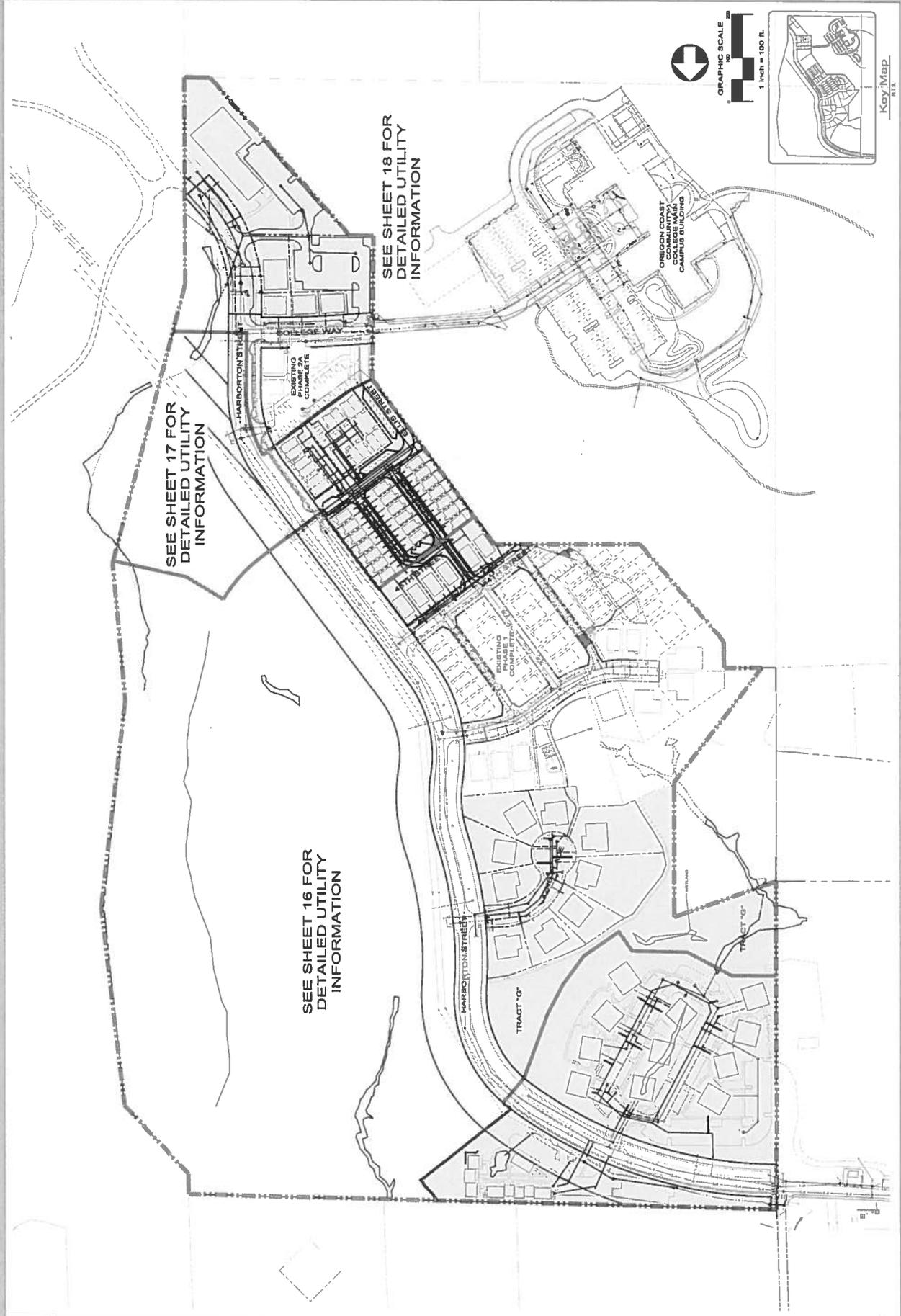
400 COLUMBIA STREET
 SUITE 100
 VANCOUVER, WA 98660
 PHONE: 503-639-8750

landwaves
 JET Planning, LLC
 211 W. 4th Street, Ste. 200
 Vancouver, WA 98660
 TEL: (503) 755-3000
 FAX: (503) 221-0741

JOB NO.: MAH001
 DATE: JULY 20, 2016
 APPLICATION: Community Master
 Development Plan
 Applications

WILDER UTILITY MASTER PLAN

SHEET
15
 183



400 COLUMBIA STREET
SUITE 150
VANCOUVER, WA 98660
PHONE: 503-939-8750

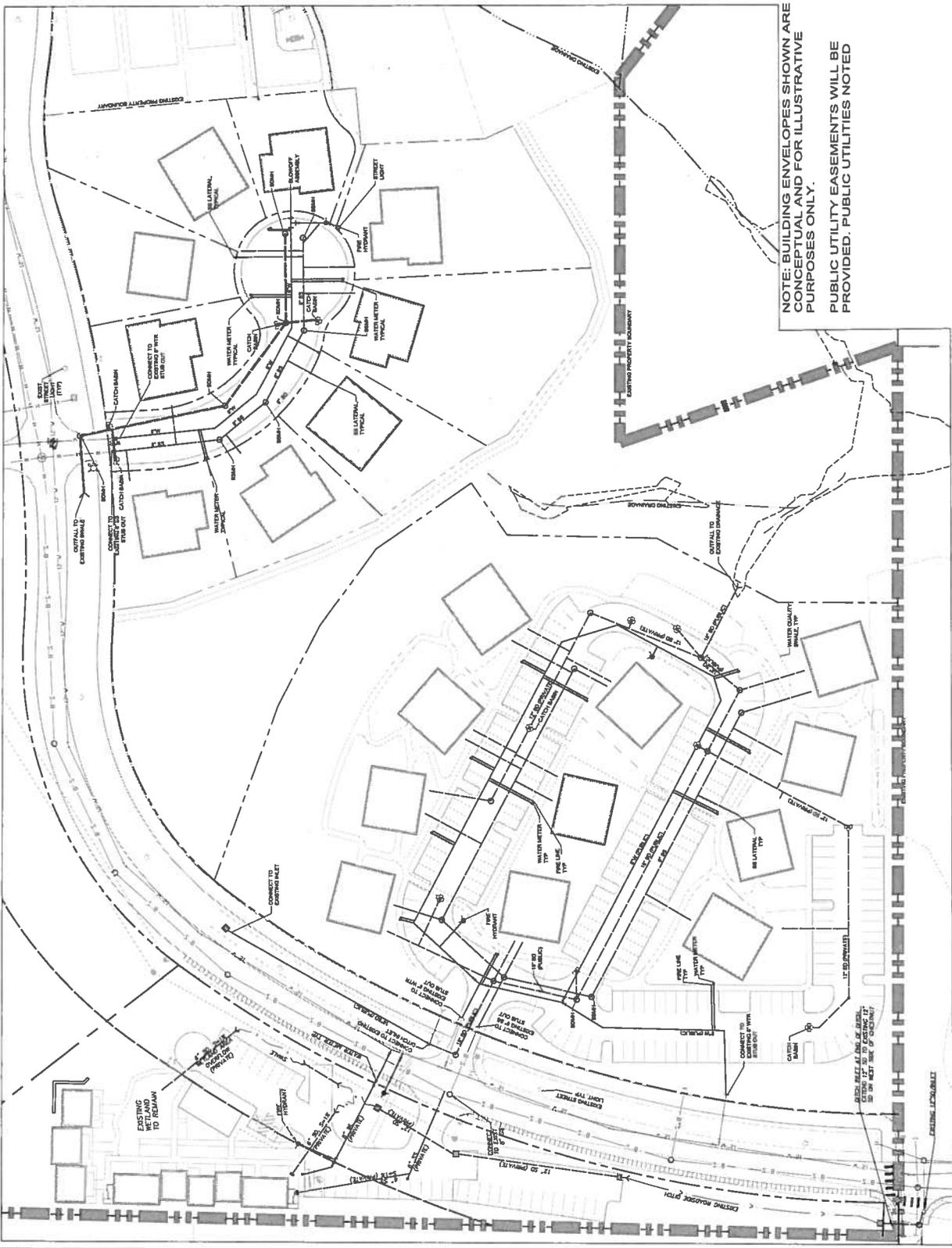
JET Planning, LLC
215 W. 4th Street Ste. 209
Vancouver, WA 98660
TEL: 503-705-3000
FAX: (503) 221-0741

landwaves
2712 SE 20th Ave
Portland, Oregon 97202
TEL: (503) 221-0197
Applications

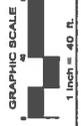
JOB NO.: MA1001
DATE: JULY 20, 2015
APPLICATION: Community Master
Development Plan

WILDER
UTILITY PLAN
Phase 3, 4 and 6

SHEET
1C
184

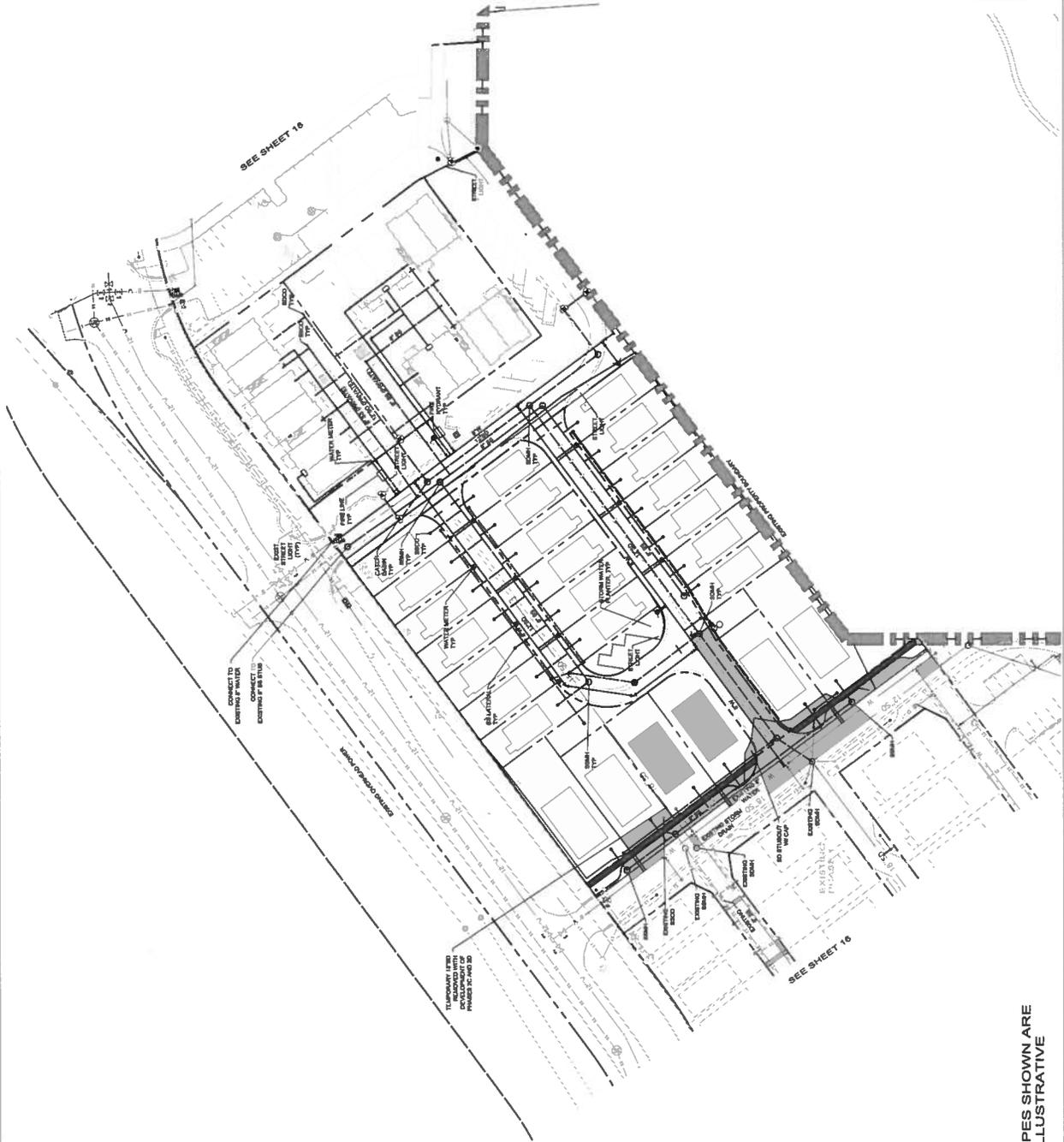
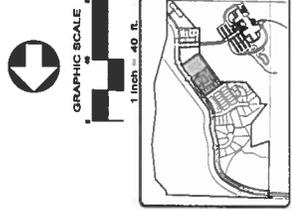


NOTE: BUILDING ENVELOPES SHOWN ARE CONCEPTUAL AND FOR ILLUSTRATIVE PURPOSES ONLY.
PUBLIC UTILITY EASEMENTS WILL BE PROVIDED. PUBLIC UTILITIES NOTED



JOB NO: MAH001
 DATE: JULY 20, 2018
 APPLICATION: Community Master Development Plan
 Approvers:
 2712 SE 20th AVE
 VANCOUVER, WA 98680
 TEL: (503) 221-0197
 FAX: (503) 221-0744

landwaves
 JET Planning, LLC
 215 W. 4th Street, Suite 200
 VANCOUVER, WA 98660
 TEL: 503-705-3000
 PHONE: 503-693-8750



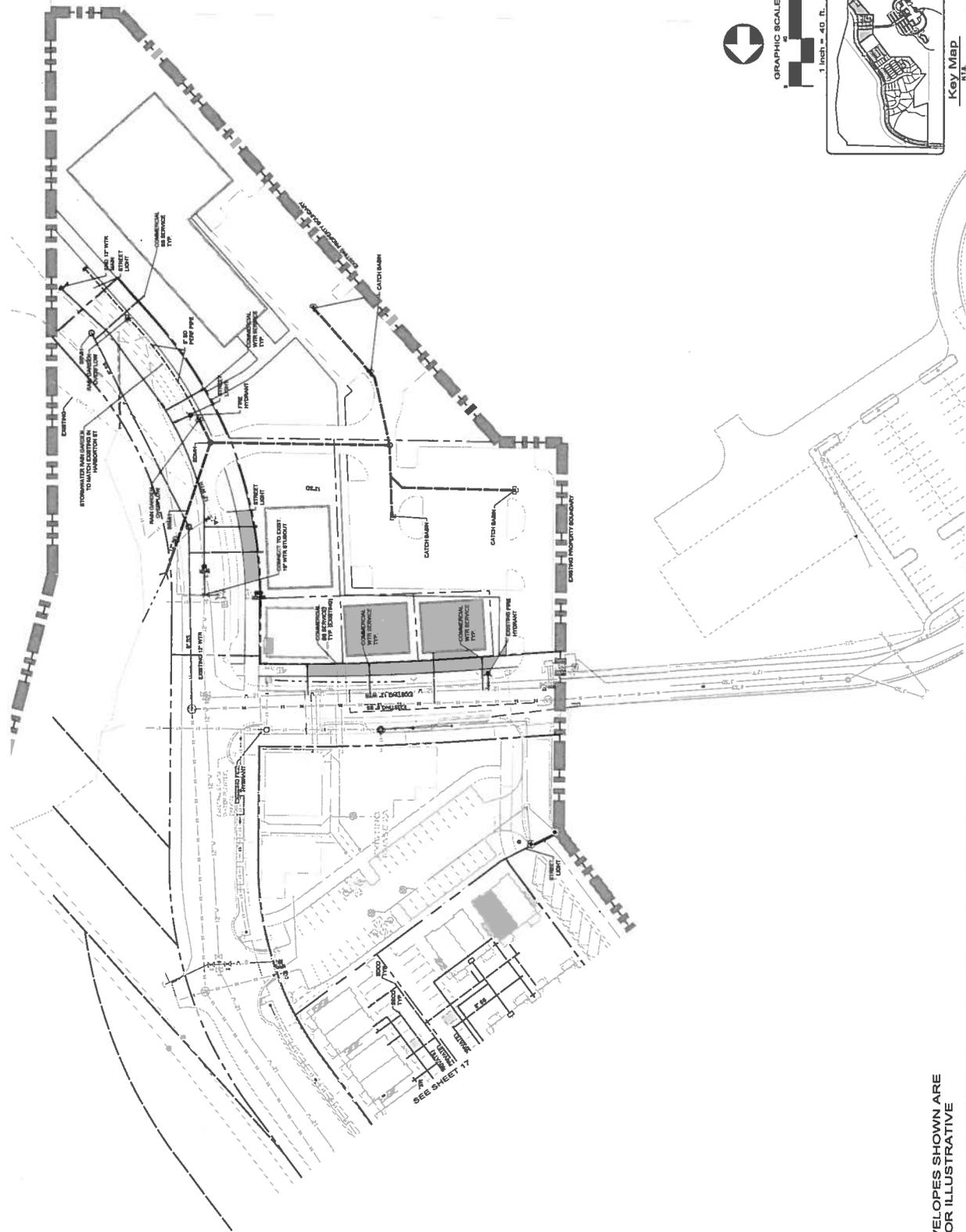
NOTE: BUILDING ENVELOPES SHOWN ARE CONCEPTUAL AND FOR ILLUSTRATIVE PURPOSES ONLY.

WILDER UTILITY PLAN Phase 2A 2E and 2F

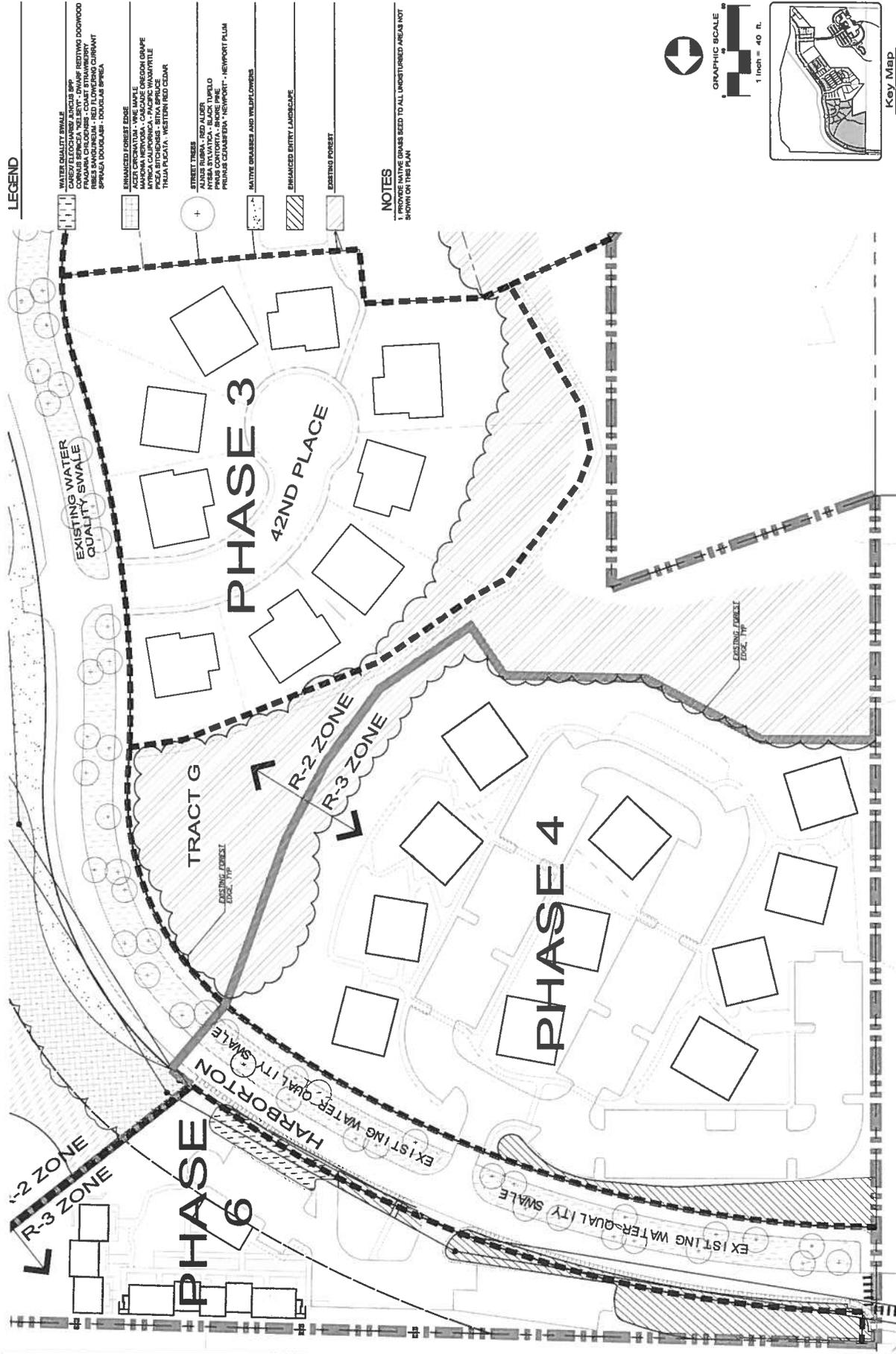
JOB NO: MAH001
 DATE: JULY 20, 2016
 APPLICATION: Community Master
 Development Plan
 Applications

landwaves
 JET Planning, LLC
 2712 SE 20th AVE
 Vancouver, WA 98660
 TEL: (503) 221-0107
 FAX: (503) 221-0241

400 COLUMBIA STREET
 SUITE 160
 VANCOUVER, WA 98660
 PHONE: 503-938-8750



NOTE: BUILDING ENVELOPES SHOWN ARE
 CONCEPTUAL AND FOR ILLUSTRATIVE
 PURPOSES ONLY.



LEGEND

- WATER QUALITY SWALE
- CAREX ELCOCHARDII JUNCUS SPP
- CORNUS SPINOSA VIBURNUM DWARF REDTIDY DOGWOOD
- IRIS SANGUINUM RED FLOWERING CURRANT
- SPARGANGLA DOUGLASSII DOUGLASS SPIREA
- ENHANCED FOREST EDGE
- STREET TREES
- ALICE BURNIA - RED ALDER
- MYRTLE CALIFORNICA - PACIFIC MANAWHITILE
- PRUNUS CALIFORNICA - NEWPORT - NEWPORT PLUM
- THUJA PLICATA - WESTERN RED CEDAR
- NATIVE GRASSES AND WILD FLOWERS
- ENHANCED ENTRY LANDSCAPE
- EXISTING FOREST

NOTES

1. PROVIDE NATIVE GRASSES TO ALL UNDISTURBED AREAS NOT SHOWN ON THIS PLAN

GRAPHIC SCALE
1 inch = 40 ft.

Key Map
R18

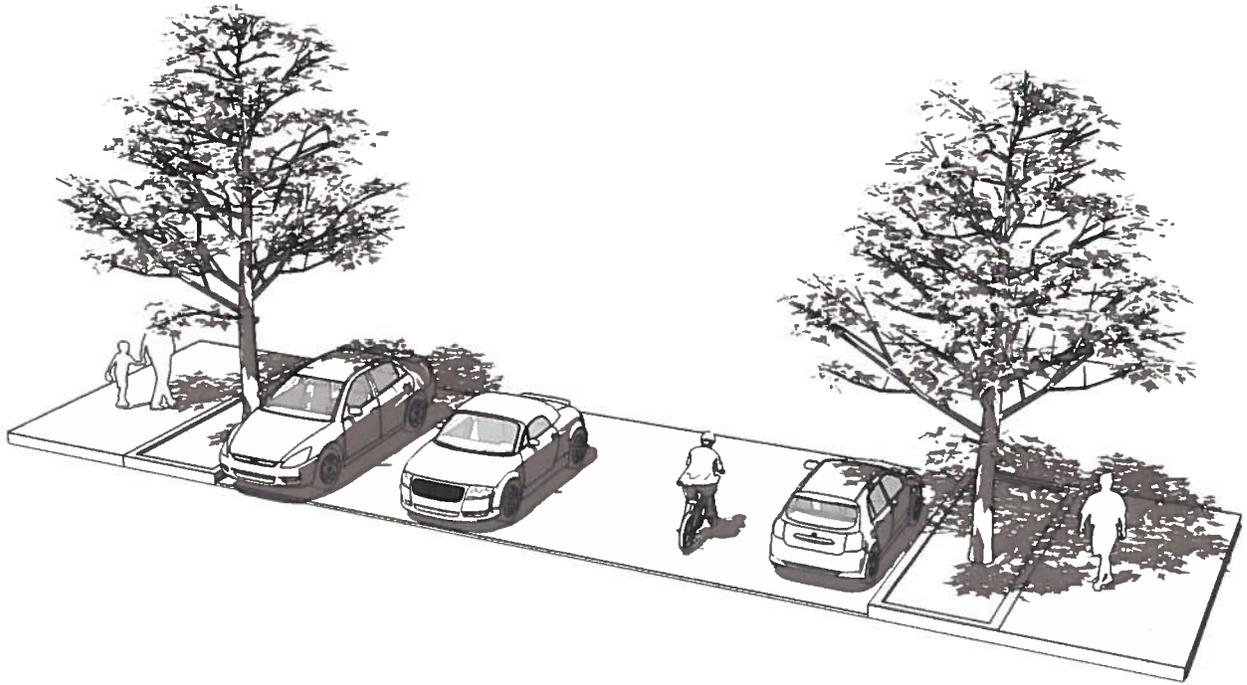
Wilder Community Master Plan Development Applications

APPENDIX H. *Kit of Parts*

Wilder

Community Master Plan

Kit of Parts



prepared for
LandWaves
2712 SE 20th Ave.
Portland, OR 97202

landwaves^{inc}

prepared by
SERA Architects
338 NW Fifth Avenue
Portland, Oregon 97209



[4.2]
may 2016



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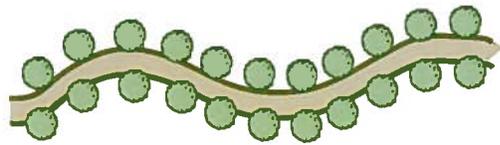
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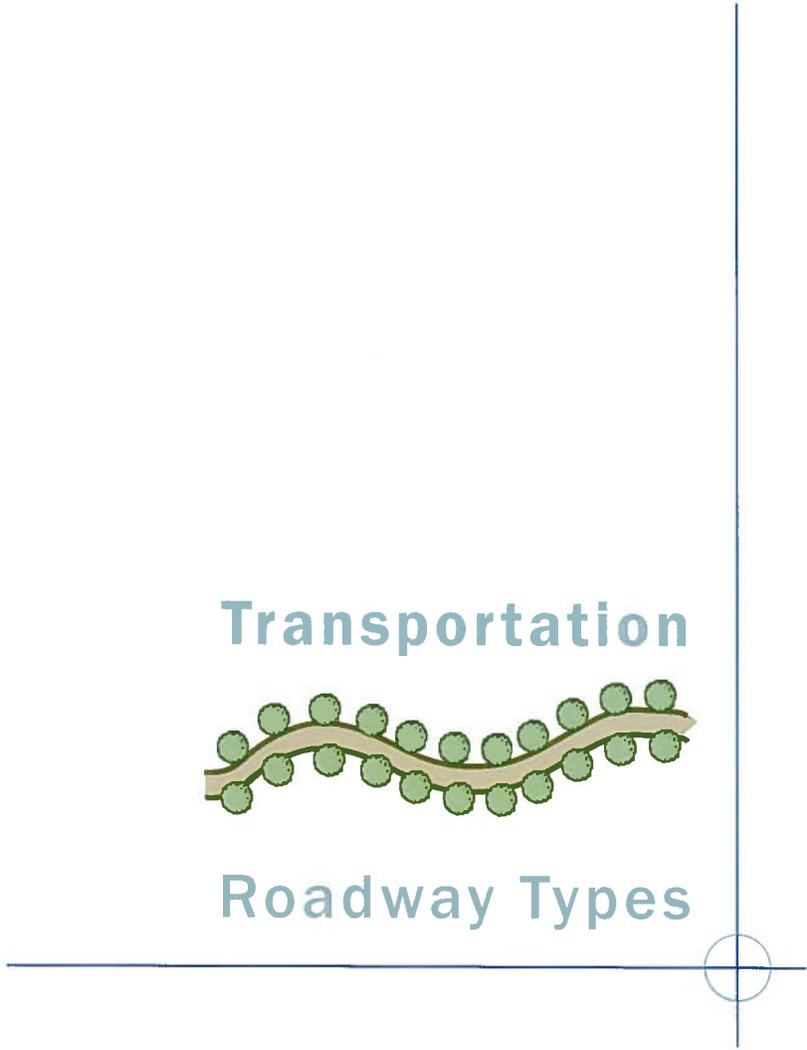
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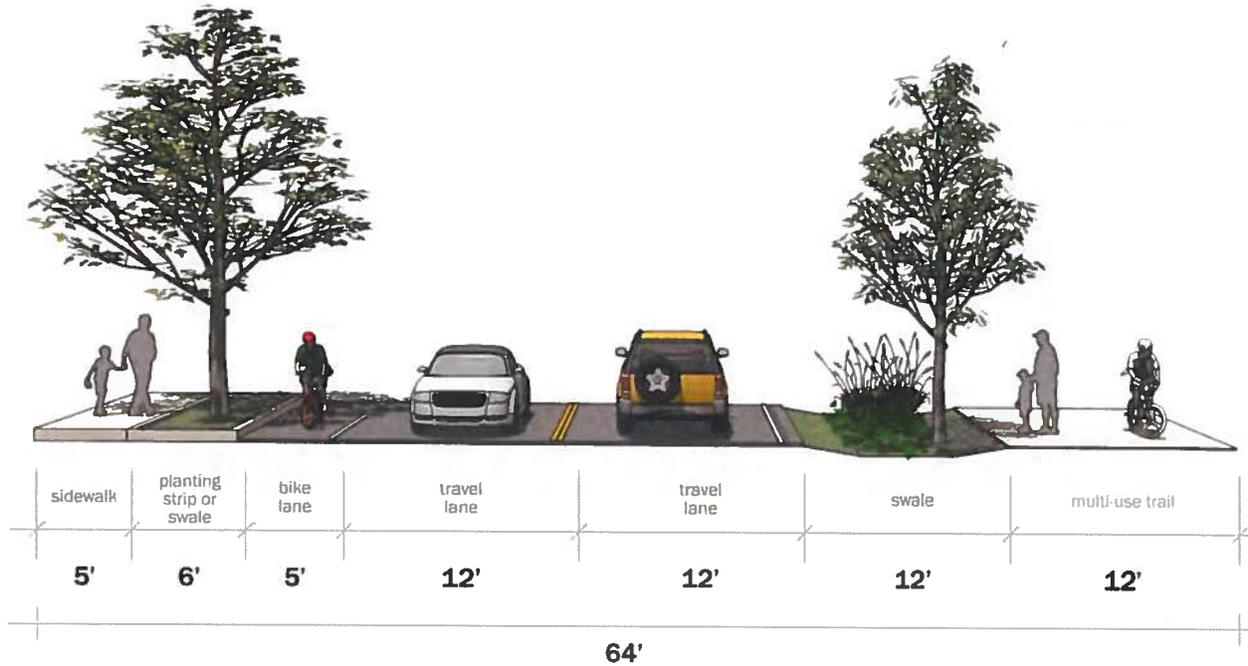
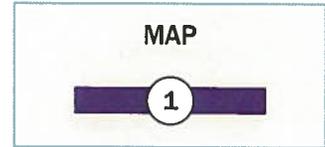
Transportation



Roadway Types



Main Loop Road - Section 1



Section Summary

travel lanes	12-feet
on-street parking	none
bicycle lanes	5-feet, one direction
sidewalk / trail	5-feet, 12-feet
planting strip / swale	6-feet, 12-feet
intended speed	35 mph
adjacent land uses	undeveloped / low density residential
primary grade	moderate to steep

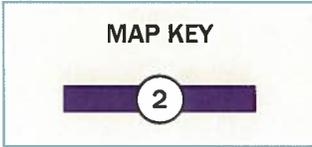
Considerations

- A stormwater swale on the down-slope side of the roadway will capture and pre-treat some stormwater run-off, as well as provide a buffer for multi-use trail users.
- Bicyclists are accommodated in two ways. A striped 5-foot bicycle lane accommodates skilled bicyclists for uphill travel. Skilled bicyclists traveling downhill are expected to use the entire travel lane, as these bicyclists tend to prefer more room to maneuver when their speed increases.
- An 8-foot multi-use trail provides accommodation for less skilled bicyclists, like children and families. While this trail is intended to “meander” along the roadway, it will be important to provide clear lines of sight and adequate turning radii for both bicyclist and pedestrian safety.

Sustainability Options

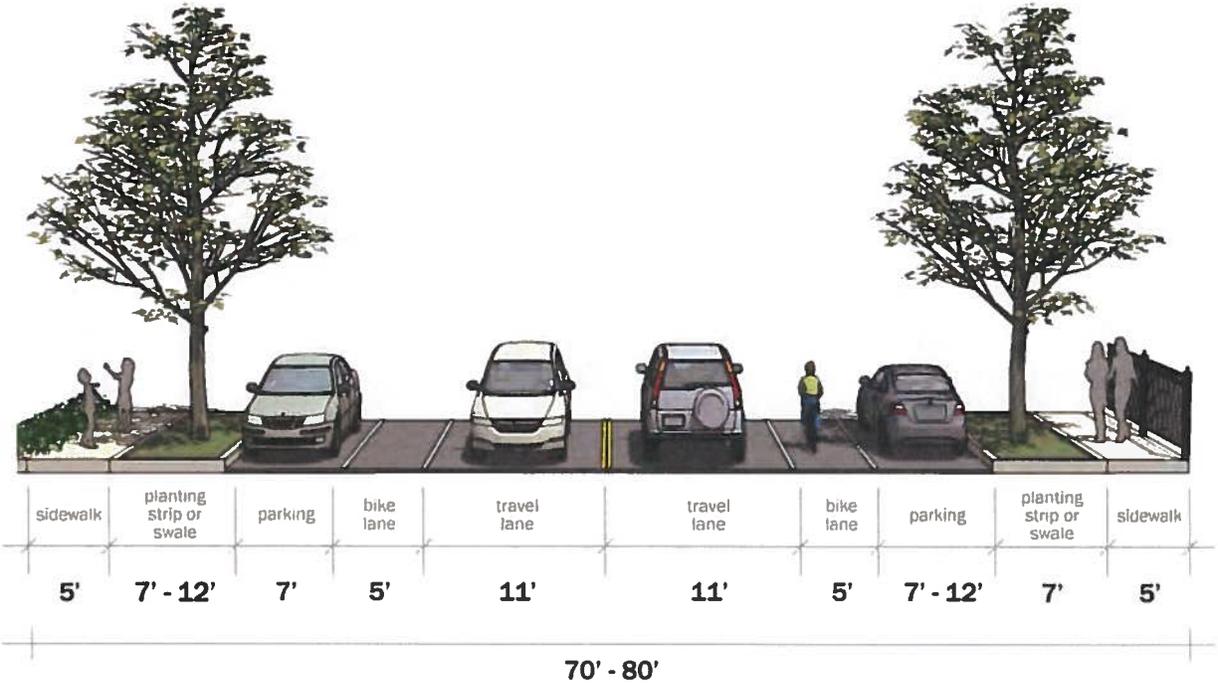
- use a variety of sedges and rushes in the swale that can withstand both inundation and drought
- augment swales and landscape buffer with native plant species

Transportation



Main Loop Road - Section 2

This section of the Main Loop Road passes through adjacent residential areas, and acts as a traffic collector, as well as a central spine for the community.



Sustainability Factors

- ♻️ narrow street width
- ♻️ recycled-content in asphalt & concrete
- 🌳 shading from trees
- ♻️ integrated stormwater management systems

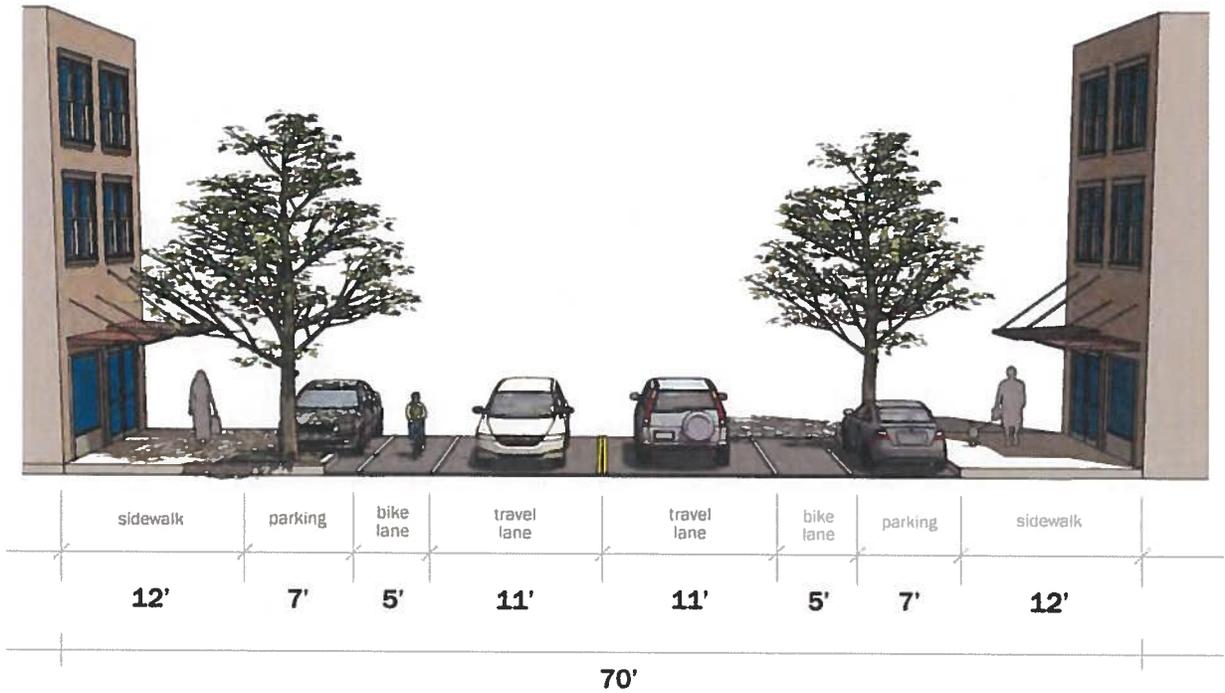
Section Summary

travel lanes	11-feet
on-street parking	7-feet
bicycle lanes	5-feet
sidewalk / trail	5-feet
planting strip / swale	7 - 12-feet
intended speed	30 mph
adjacent land uses	medium density residential
primary grade	moderate

Main Street

Main Street travels through the village center and has the most urban character. Wide sidewalks, planters, and street furniture (i.e., street lights, flower baskets, benches, etc) contribute to a very pedestrian-friendly commercial environment.

MAP KEY



Section Summary

travel lanes	11-feet
on-street parking	7-feet
bicycle lanes	5-feet
sidewalk / trail	12-feet
planting strip / swale	tree wells at sidewalk edge with trees periodically in parking
intended speed	20 mph
adjacent land uses	village commercial / mixed use
primary grade	flat

Sustainability Factors

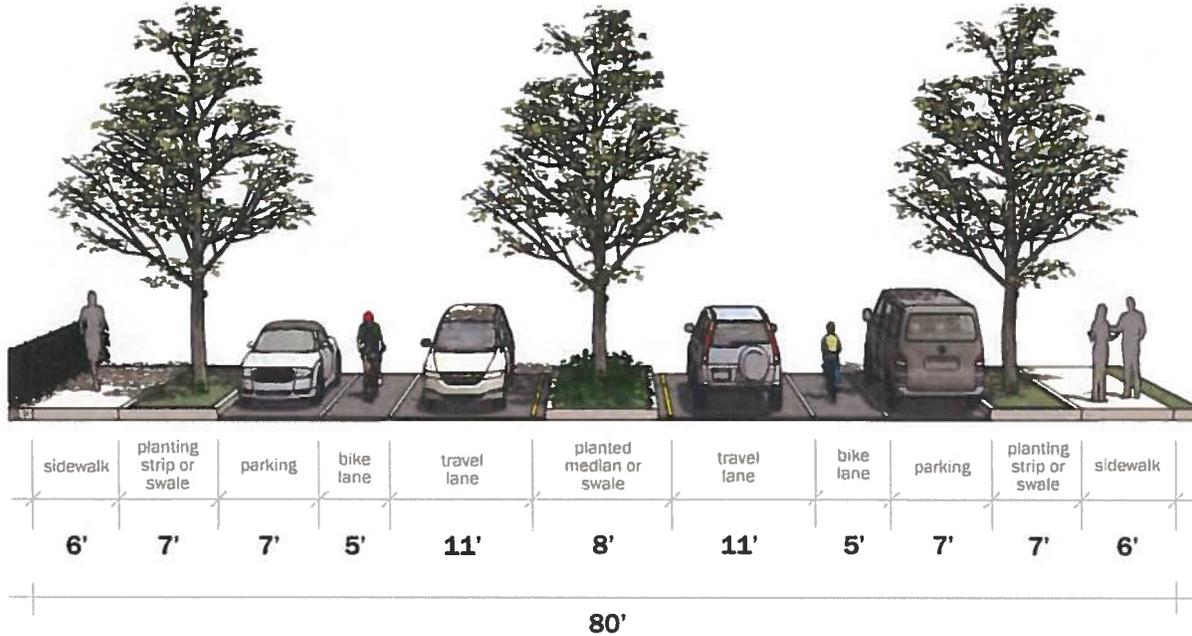
- ♻️ narrow street width
- ♻️ recycled-content in asphalt & concrete
- ♻️ shading from trees

Transportation



Boulevard

This section of the Main Loop Road is a full boulevard with a median and planting strips or bioswales. It will be the centerline of neighborhoods for the south of the village center.



Sustainability Factors

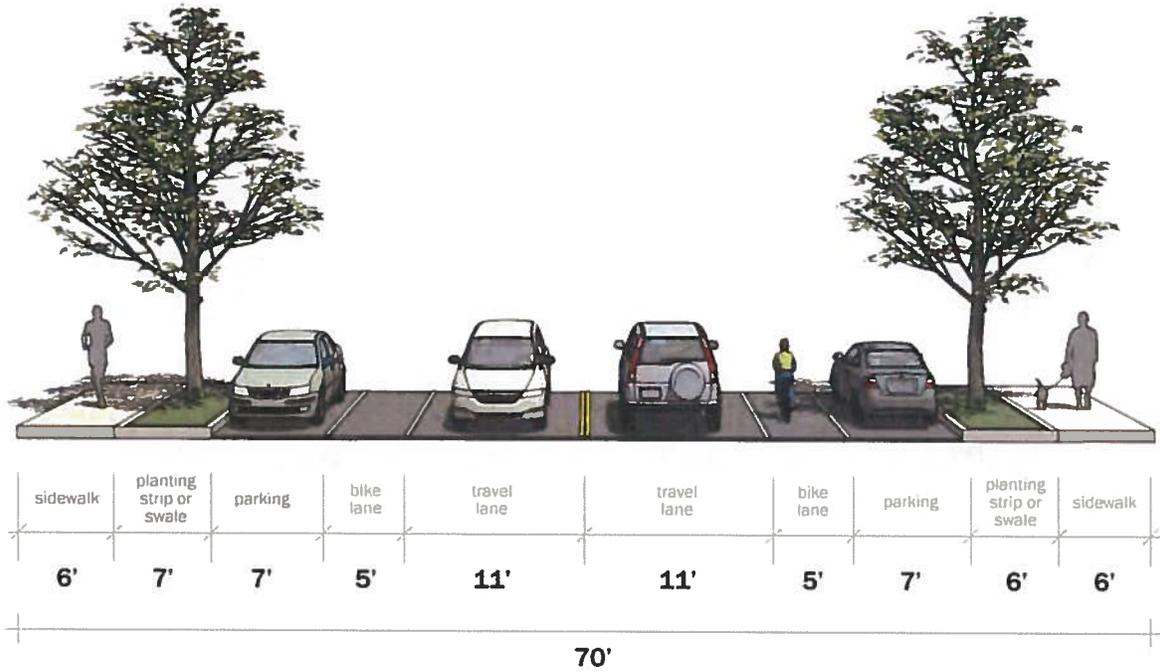
- ♻️ narrow street width
- ♻️ recycled-content in asphalt & concrete
- ♻️ shading from trees
- ♻️ integrated stormwater management systems

Section Summary

travel lanes	11-feet
on-street parking	7-feet
bicycle lanes	5-feet
sidewalk / trail	6-feet
planting strip / swale	7-feet
intended speed	25 mph
adjacent land uses	medium to low density residential
primary grade	moderate

Main Loop Road - Section 5

This section of the Main Loop Road serves as a transition zone between the residential outskirts of the Village and the wastewater treatment plant.



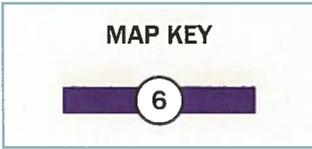
Section Summary

travel lanes	11-feet
on-street parking	7-feet
bicycle lanes	5-feet
sidewalk / trail	12-feet
planting strip / swale	7-feet
intended speed	35 mph
adjacent land uses	low density residential
primary grade	moderate

Sustainability Factors

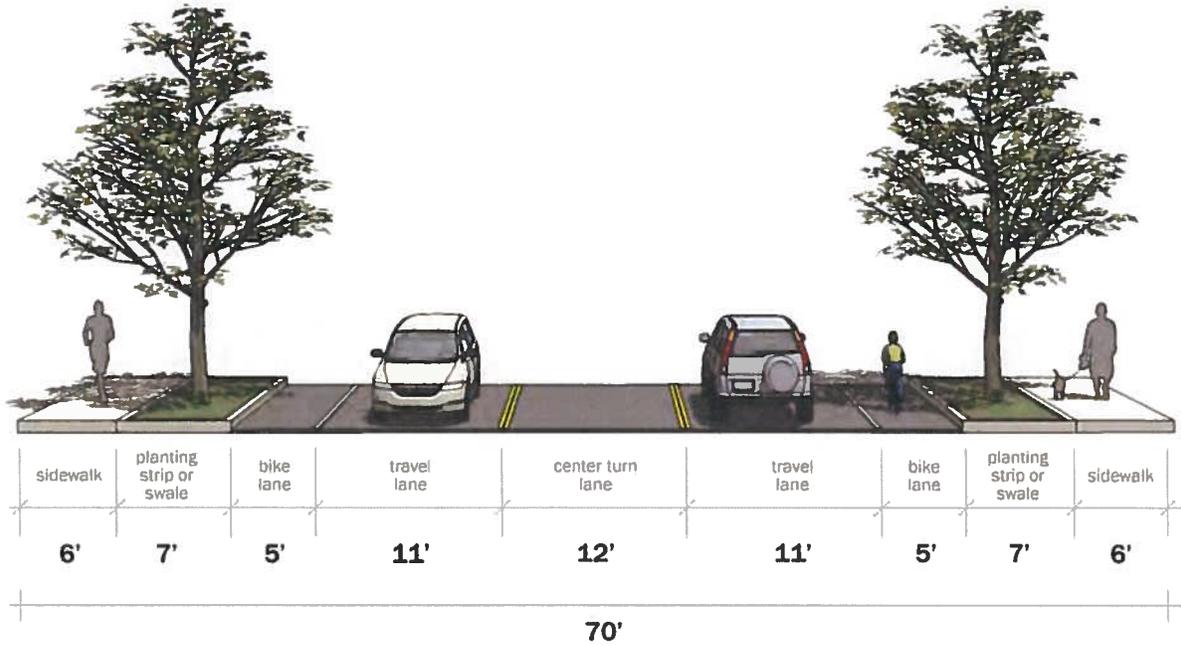
- ♻️ narrow street width
- ♻️ recycled-content in asphalt & concrete
- 🌳 shading from trees
- ♻️ integrated stormwater management systems

Transportation



Main Loop Road - Section 6

This section of the Main Loop Road connects Highway 101 to Wilder. A center turn lane provides access to residential areas at the south end of the Village and to areas adjacent to the property, like the wastewater treatment plant.



Sustainability Options

- ⦿ Stormwater swales may be able to be used in place of the planting strip.
- ⦿ A planted median or stormwater swale may be used in place of the center turn lane as long as it provides opportunities for vehicles to turn left into driveways and/or streets.
- ⦿ Integrate existing mature vegetation where possible along the alignment, even if the vegetation is along the roadway centerline.



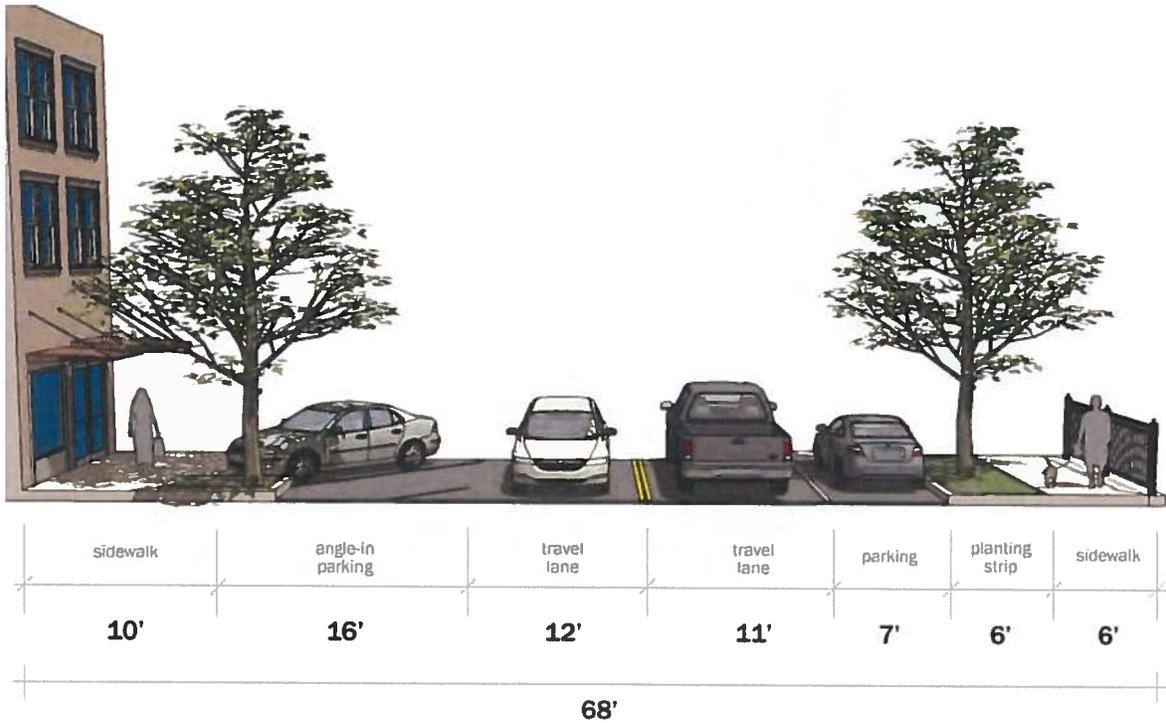
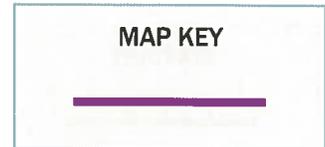
Section Summary

travel lanes	11-feet
on-street parking	none
bicycle lanes	5-feet
sidewalk / trail	6-feet
planting strip / swale	7-feet
intended speed	35 - 40 mph
adjacent land uses	undeveloped, low density residential
primary grade	moderate



Village Center Road - Section 1

The village center road travels around the village center to provide access to commercial and residential uses in the center of the community.



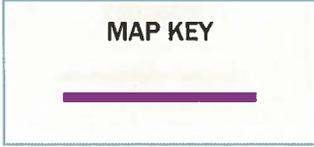
Section Summary

travel lanes	11- and 12-feet
on-street parking	16-feet, angle-in
bicycle lanes	none
sidewalk / trail	10-feet (urban edge), 6-feet (residential edge)
intended speed	20 mph
adjacent land uses	village commercial, high density residential
primary grade	flat

Sustainability Options

Sustainability Factors

- ◊ narrow street width
- ◊ recycled-content in asphalt & concrete
- ◊ shading from trees



Village Center Road - Section 2

This section of the Village Center Road provides access to high- and medium-density residential areas, and provides a transition between them. The angled parking serves residents and visitors.



Section Summary

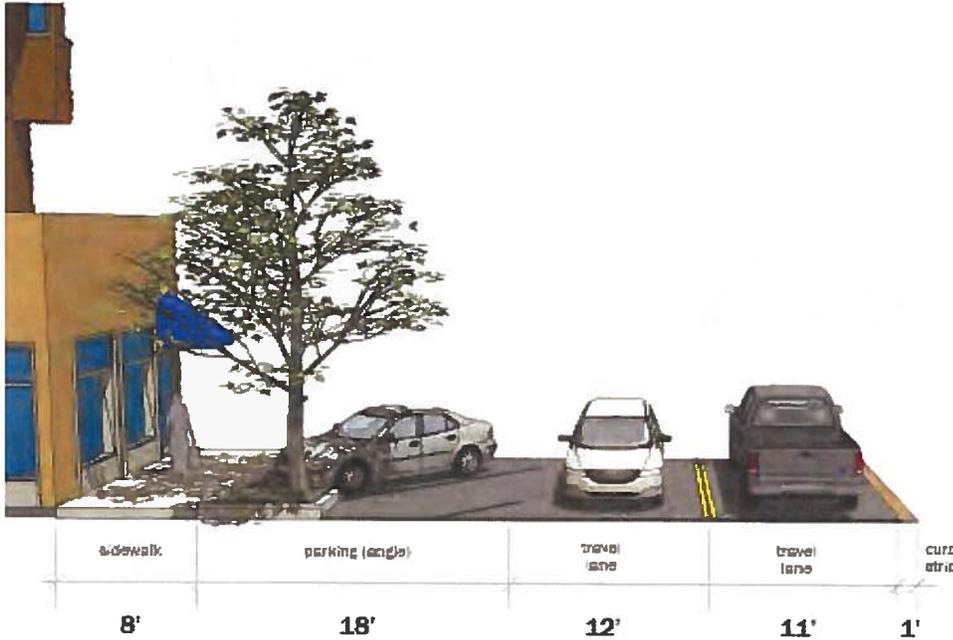
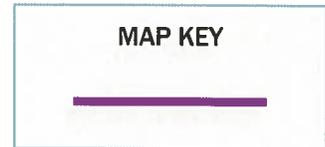
travel lanes	11- and 12-feet
on-street parking	18-feet, 45° angle-in (urban edge)
bicycle lanes	none
sidewalk / trail	8 feet (urban edge), 6-feet (residential edge)
intended speed	20 mph
adjacent land uses	village commercial, high and medium density density residential
primary grade	flat



Village Center Road - Section 3

This section of the Village Center Road connects high density residential areas to the Village Center. This section includes a transition to connect Ellis Street to College Way, where parking is eliminated to reduce intersection conflicts.

Because this section borders the community college property, the college edge is proposed to be finished with a simply curb. If the college chooses to develop on their side of the property, the roadway would be finished to the full Village Center Road cross-section.



Section Summary

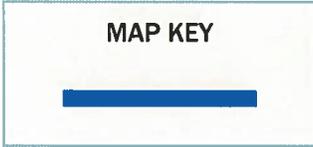
travel lanes	11- and 12-feet
on-street parking	18-feet, 45° angle-in (urban edge), none on site edge
bicycle lanes	none
sidewalk / trail	8 feet (urban edge)
intended speed	20 mph
adjacent land uses	village commercial, high density residential, open space or future development
primary grade	flat

Sustainability Options

Sustainability Factors

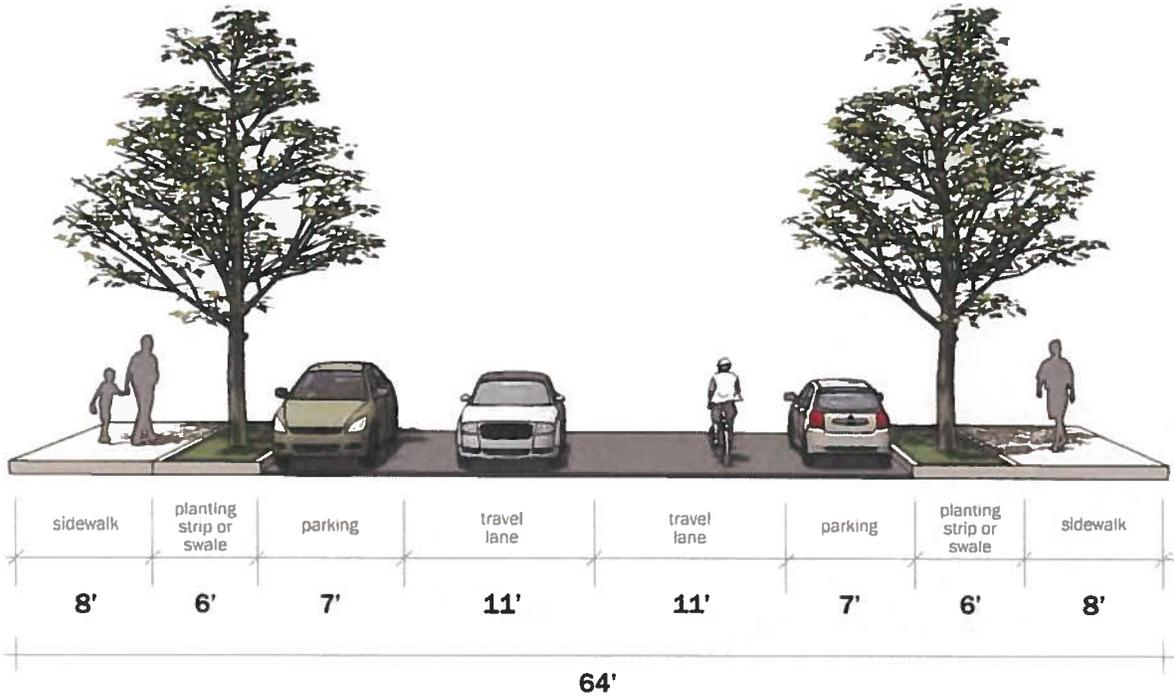
- ♻ narrow street width
- ♻ recycled-content in asphalt & concrete
- 🌳 shading from trees

Transportation



Neighborhood Spine Road

These roads provide primary access to the neighborhoods throughout the Village.



Sustainability Factors

- ◊ narrow street width
- ◊ recycled-content in asphalt & concrete
- ◊ shading from trees
- ◊ integrated stormwater management systems

Section Summary

travel lanes	11-feet
on-street parking	7-feet
bicycle lanes	none
sidewalk / trail	8-feet
planting strip / swale	6-feet
intended speed	25 mph
adjacent land uses	medium density residential
primary grade	flat to moderate

Neighborhood Local Road

These roads provide local access to neighborhoods.

MAP KEY



Queuing Design:

Periodic areas without parking allow larger vehicles to pass.



Section Summary

travel lanes	16-feet, courtesy lane
on-street parking	7-feet
bicycle lanes	none
sidewalk / trail	6-feet
planting strip / swale	no
intended speed	15 - 20 mph
adjacent land uses	medium to low density residential
primary grade	low to moderate

Sustainability Factors

- ♻ narrow street width
- ♻ recycled-content in asphalt & concrete
- ♻ shading from trees
- ♻ integrated stormwater managment systems

Transportation

MAP KEY

Queuing Design:
 Periodic areas without parking allow vehicles to pass.

Hillside Street

Hillside Streets provide a bioswale on the downhill side of the roadway to capture and pre-treat stormwater runoff.



sidewalk	parking	courtesy two-way travel lane	swale
5'	7'	16'	7' - 12'
35' - 40'			

Section Summary

travel lanes	16-foot, courtesy lane
on-street parking	7-feet, one side
bicycle lanes	none
sidewalk / trail	5-feet
planting strip / swale	7-feet, on downhill side
intended speed	15 mph
adjacent land uses	low density residential
primary grade	moderate to steep

Sustainability Factors

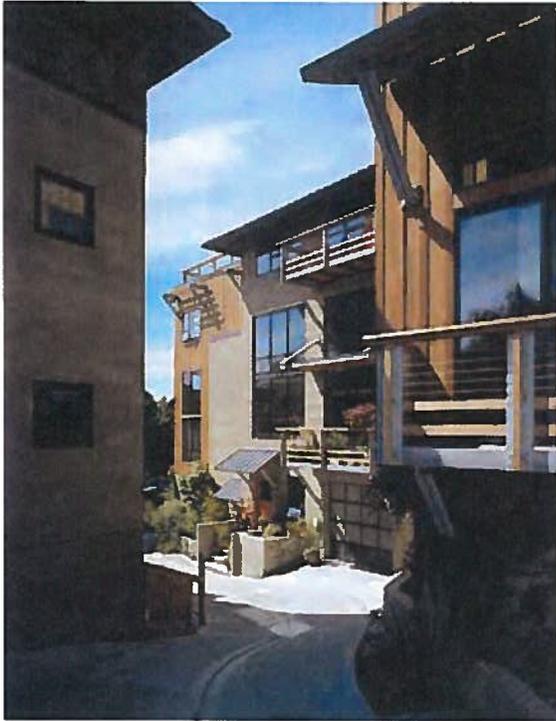
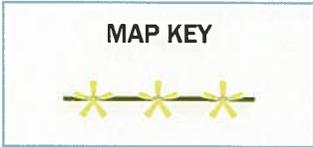
- ⌘ There are a number of variations for the edge conditions of residential streets with little traffic that can integrate green street treatments. Some examples include:
- ⌘ integrated large-capacity bioswales
- ⌘ less impervious surface area (narrower streets)
- ⌘ permeable paving in parking areas
- ⌘ variety and diversity of plants and trees in the right-of-way



photo: on-street parking is handled in a non-traditional way to accommodate wide bioswales, walkways, and other green street treatments (Seattle, WA)

Woonerf - "Street for Living"

Woonerf ("Street for living") is a Dutch term for a common space created to be shared by pedestrians, bicyclists, and low-speed motor vehicles. They are typically narrow streets without curbs and sidewalks, and vehicles are slowed by placing trees, planters, parking areas, and other obstacles in the street.



Above: NW Cliff St. in Newport's Nye Beach area allows for an informal mix of pedestrians, vehicles and cyclists. The unique paving pattern communicates that it is a special type of street.

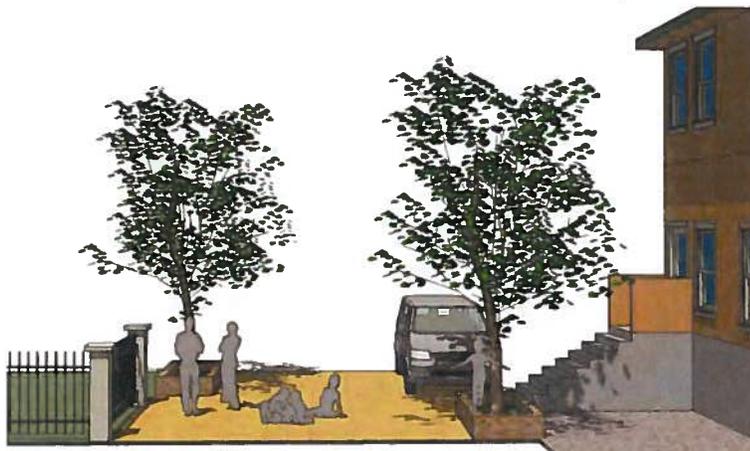
Left: A private drive through the Fremont Lofts development in Seattle creates an enclosed special precinct for residents, whether coming and going by foot or vehicle.

Section Summary

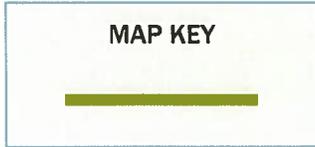
travel lanes	18-30 foot shared corridor
on-street parking	not designated, but permitted
bicycle lanes	none
sidewalk / trail	none
planting strip / swale	none
intended speed	less than 10 mph
adjacent land uses	high- and medium-density residential
primary grade	flat to moderate

Sustainability Factors

- ♻️ multi-use street encourages strong community linkages
- ♻️ narrow street width
- ♻️ recycled-content in asphalt & concrete
- ♻️ shading from trees
- ♻️ integrated stormwater management systems

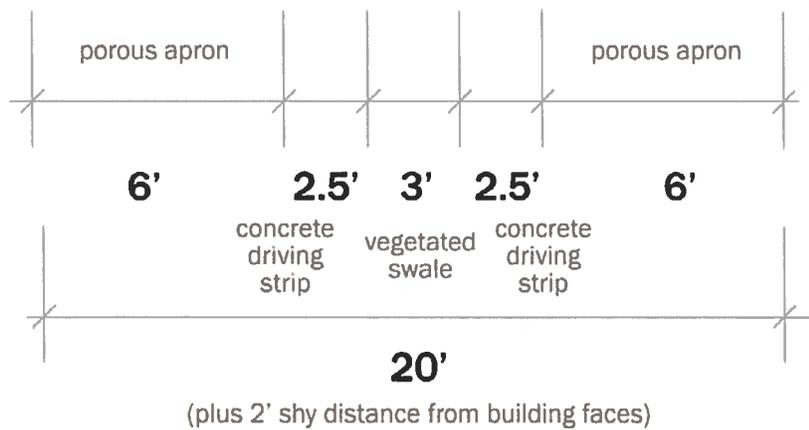
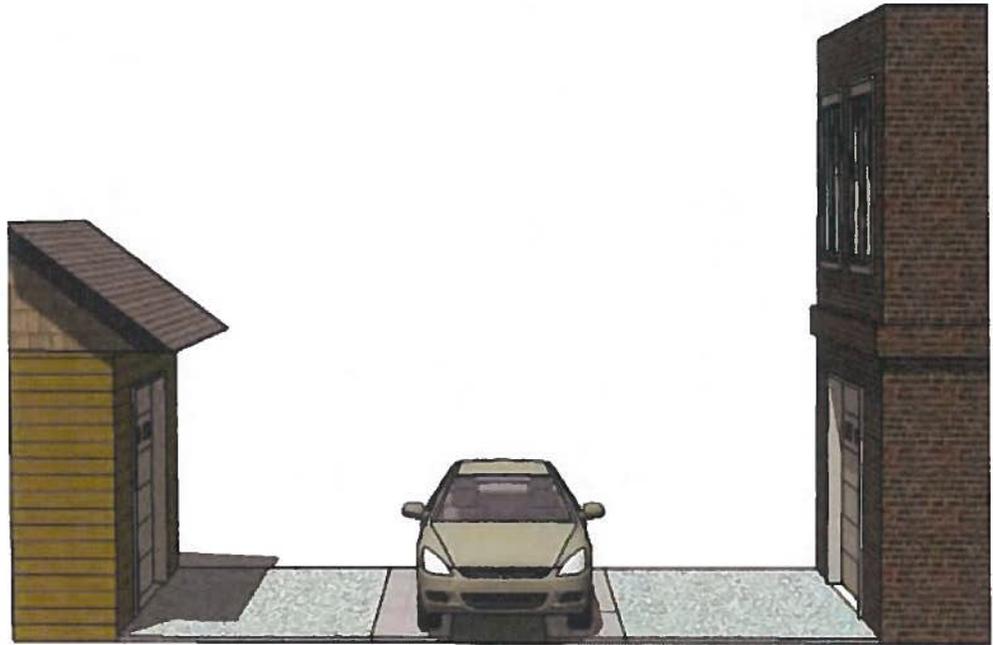


Transportation



Green Alley

A green alley functions as a normal alley from a transportation perspective but is treated with green features to facilitate stormwater absorption and reduce impervious pavement area.



Sustainability Factors

- ⦿ Explore a variety of materials for the porous apron and driving strips. Because the aprons will not experience the use of a normal roadway, porous asphalt or other hardscapes may work well without continual maintenance.
- ⦿ Consider a variety of hearty low-growing plants that are adaptive to the coast climate in lieu of grass for the central vegetated swale.

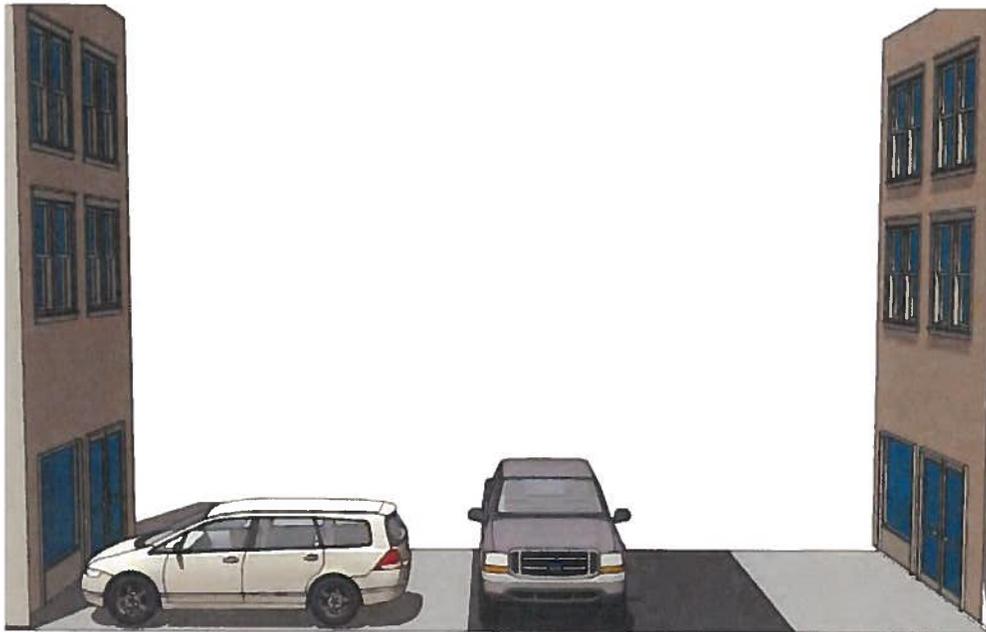
Section Summary

travel lanes	20-foot total right-of-way
on-street parking	none
bicycle lanes	none
sidewalk / trail	none
planting strip / swale	none
intended speed	10 mph
adjacent land uses	residential
primary grade	flat to moderate

Urban Alley

Common in most traditional and neo-traditional neighborhoods, the alley provides access to the rear of buildings. In addition to improving overall connectivity, the alley also provides a place for services and storage (i.e., garbage cans and collection) and allows street frontage to be uninterrupted by driveways.

MAP KEY



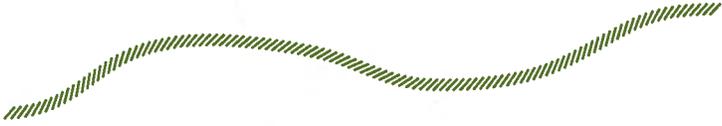
Section Summary

travel lanes	15-foot travel corridor
bicycle lanes	none
sidewalk / trail	none
planting strip / swale	none
intended speed	10 - 15 mph
adjacent land uses	village commercial
primary grade	flat

Sustainability Factors

- ♻️ Supports reduced street widths elsewhere
- ♻️ Improves overall walkability
- ♻️ Recycled-content materials

Transportation



Green Street Strategies



Bioswales

Bioswales are a vegetated swale system with an infiltration trench designed to retain and temporarily store stormwater. They are planted with native grasses, sedges and rushes that enhance filtration, cooling, and cleansing of water in order to improve water quality and prevent sealing of subsoils.

Photo at right: sidewalk is separated from the roadway by a bioswale; on-street parking is provided with 90-degree parking intermittently along the roadway.

Photo below: a common traffic calming element can also serve to slow and pre-treat stormwater runoff.



Sustainability Options

- Use plants that are most adaptable to the climate and conditions where feasible to reduce irrigation needs
- Avoid invasive plants



The bioswale above is set back from the roadway to accommodate people getting into and out of their vehicles.

Photo top: deep bioswale between a parking lot and the roadway; Photo bottom: a bioswale integrated with traffic calming

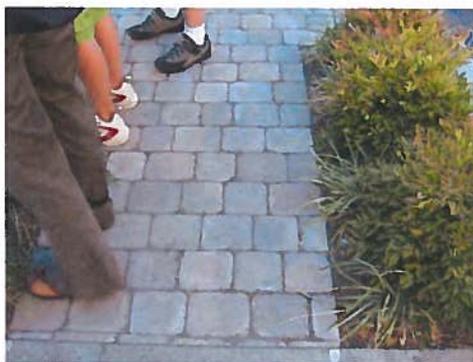
(Images shown are conceptual and do not represent final specific designs for Wilder)

Permeable or Porous Pavement

Permeable or perforated paving materials or pavers with spaces that allow transmission of water to aggregate base and subsoils. Runoff is temporarily stored in the base for infiltration into the subsoils and/or slow release to storm drain system.



Porous pavement will need to be tested on the Wilder site before the treatment is used for full applications.



Photos clockwise from top left: parking lot with several permeable pavement types including pavers and porous asphalt (Jean Vellum Natural Capital Center - Portland, OR); walkway of porous pavers (Portland State University - Portland, OR); parking lot of porous pavers (North Carolina); parking strip of porous pavers.

Sustainability Options

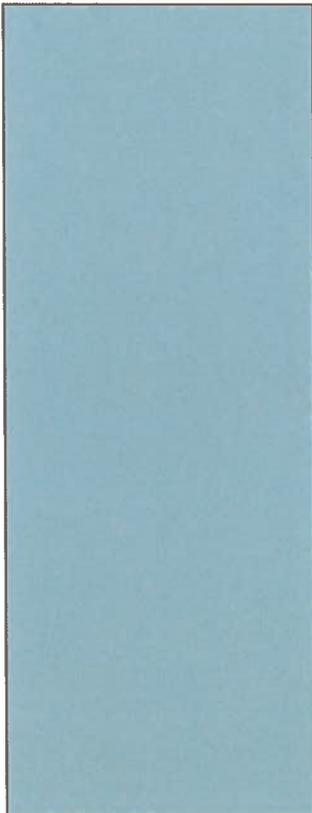
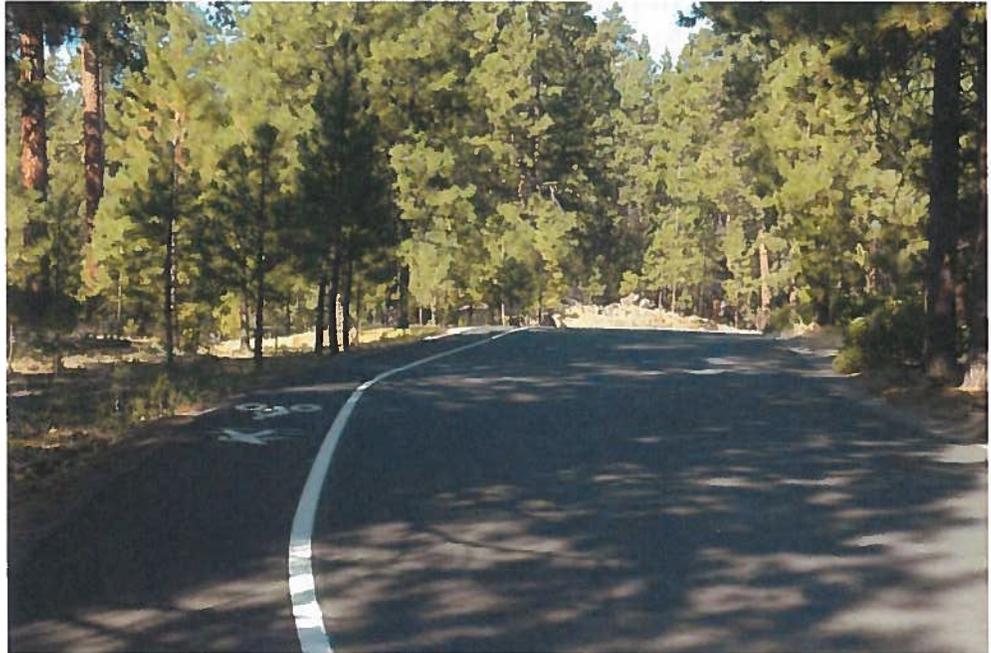
- ♻️ Seek local source materials
- ♻️ Recycled-content materials

Smaller Roads

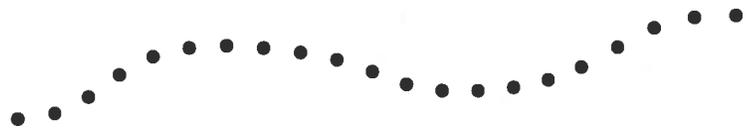
Designing and constructing smaller roads is one way to reduce the volume of stormwater run off simply because there is less impervious surface. More of the roadway right-of-way can then be dedicated to greenery (shade, CO2 absorption, aesthetics, etc.) and bioswales (to collect and treat localized stormwater runoff). Additionally, smaller roads use fewer materials during their construction, particularly petroleum-based materials like asphalt.

photo at left: rural application of the small road concept

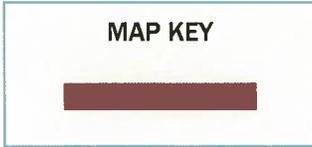
photos below: Seattle's Street Edge Alternatives (SEA) program redesigned a series of neighborhood roads to accommodate stormwater runoff. The roadway was narrowed, on-street parking was consolidated to a few locations along the block face, bioswales were installed on both sides of the roadway to treat stormwater runoff, and a sidewalk was provided on one side of the road for pedestrians.



Transportation
Pedestrian Circulation Types



Pedestrian Circulation

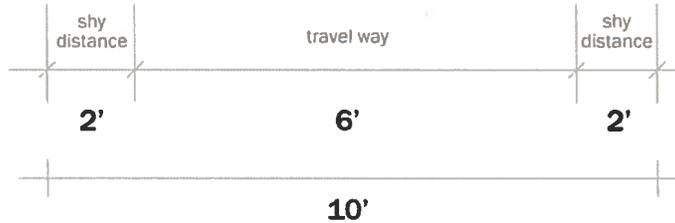


Access Trails

Access trails provide short paved trail or stair connections between streets. These trails improve pedestrian and bicycle connectivity and encourage more walking in the community. If terrain allows, these trails should be ADA accessible.



access trails



Sustainability Options

- ⌘ evaluate porous concrete or asphalt for trail surfaces
- ⌘ use small bioswales to treat stormwater on site
- ⌘ use materials found on site for stair structures and minor retaining walls
- ⌘ use solar panels for lighting

Guidelines

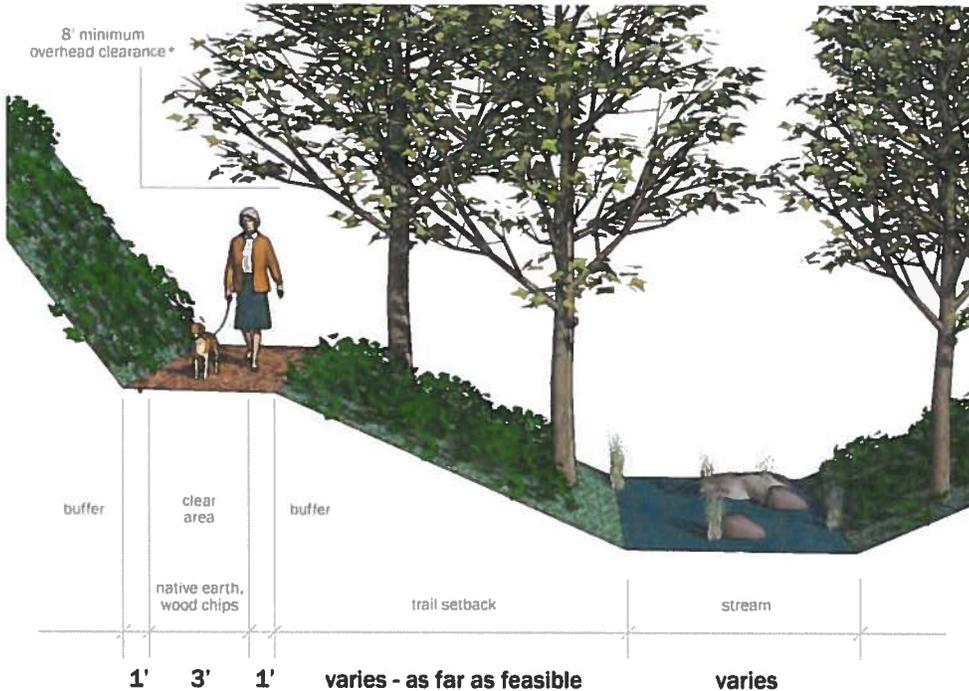
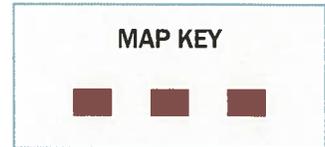
surface	asphalt, concrete, wood (stairs)
width	10-feet
cross-slope	maximum 2%
vertical clearance	10-feet minimum

Considerations

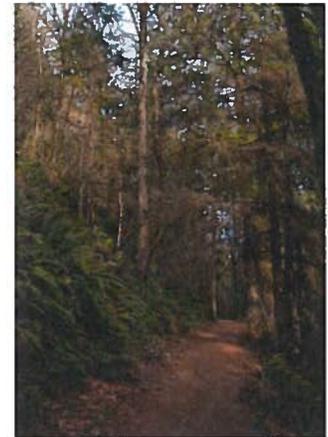
- Access trails and stairways should be sensitively designed and constructed to minimize impact on the terrain and neighboring homes.
- Consider constructing stair systems from concrete and local stone, instead of chemically-treated lumber. These materials are not as slippery as wood, are more durable, and have greater longevity. In addition to providing access, a rock and concrete stair system can also provide hillside stabilization and attractive rock gardens.
- Fences on both sides of access trails should be limited to improve pedestrian safety and encourage “eyes on the street.” If screening is desired, consider using vegetation or fences that provide some privacy but retain the ability to see and hear the trail (i.e., “good neighbor” fencing, wrought iron, etc.).
- Access trails should be lighted so that they can be used safely year-round. Lights should minimize deflection into the sky and neighboring homes.

Natural Trails

Natural trails are soft-surface walking/hiking trails that provide recreation opportunities and access to nature in the community. Natural trails can support bicycling and equestrian use if designed properly, but are generally intended to serve pedestrians.



*if equestrians and bicyclists are expected to use the trail system, overhead clearance should be at least 10'



natural trails



Guidelines

surface	earth, wood chip, gravel
width	5-feet
cross-slope	2%, down slope
horizontal slope	15% maximum
vertical clearance - pedestrians only	8-foot minimum
vertical clearance - bikes and horses	10-foot minimum
trail setback from waterways	as much as feasible

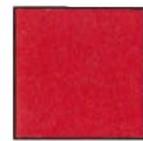
Considerations

- Trail systems significantly contribute to the marketability of the community and increase property values.
- A natural soft-surface trail system is the best way to access some of the best parts of Wilder and its surrounding areas. By contouring along the steep eastern slopes of the property, residents can walk with relative ease to Idaho Point, King Slough, and other parts of the community in a completely natural environment.
- This type of trail system is relatively easy to construct and maintain when done properly. It also provides an opportunity to improve some existing land conditions by improving drainage, stabilizing slopes with native vegetation, and removing invasive plants like Himalayan blackberry and Scotch Broom.

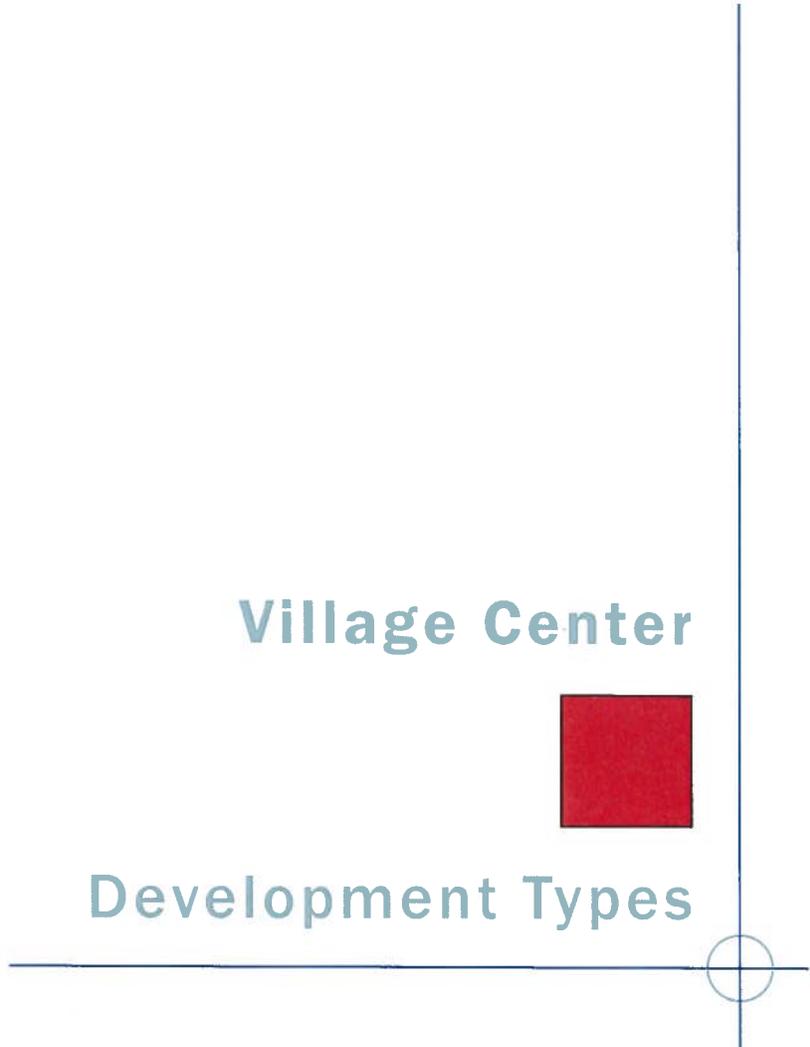
Sustainability Options

- employ "green" trail construction techniques
- use native earth as much as possible
- utilize local lumber for small bridges, retaining walls, railings and fences
- minimize switchbacks (to cut down on trail cutting and erosion)
- use low-impact boardwalks through wetlands and other wet areas
- avoid long sustained grades or utilize water bars to control drainage and erosion

Village Center



Development Types





Village Center: Retail

A range of sizes should include very small “incubator” spaces to encourage small businesses and create interest. Buildings should make a strong connection to the street through glazing, roll-up openings, outside display or seating. Awnings and street furniture provide important functions.



photos clockwise from left: Downtown Cannon Beach, OR; Coffee shop, Forest Heights (Portland, OR); College Avenue (Berkeley, CA); shops in Sisters, OR



Sustainability Factors

- ♻️ Provide neighborhood amenities to reduce need for vehicular travel
- ♻️ Density makes community more supportive of transit
- ♻️ Build durable and flexible buildings to ensure that can provide for different uses as the community matures
- ♻️ Seek energy efficiencies between building uses and at a district scale

General Specifications

Unit Size:	no larger than 20,000 sf
Unit Height:	up to 3 stories
Parking:	on street and shared parking lots
Private Outdoor Space:	n/a
Density range / typ. lot size:	
Target price range:	

Development Types

IN ZONE...



Village Center: Small Retail Shops

Important to the success of any new retail is the ability of small businesses to start up with minimal risk. Providing interesting small retail spaces is one way to do this. Portable carts, small kiosks, arcades and market hall type retail are all proven ways of doing this.



Arcades and market halls have several benefits: reduced overhead, a high degree of visual activity, and pass-through spaces that can front to a street and rear parking.

above: Granville Island market (Vancouver, BC); right: City Market (Portland, OR); below: Swan's Market (Oakland, CA)



Sustainability Options

- ☞ Daylighting of retail has been shown to increase sales, as well as energy savings
- ☞ New LED lighting is emerging for retail uses



Food carts and portable kiosks can evolve with a retail area, moving to the most successful locations and duplicating as demand grows. Photo above: portable food cart (Portland, OR)



Tiny stand-alone shops can take advantage of unusual building or site geometry, and can energize areas that would be otherwise empty.

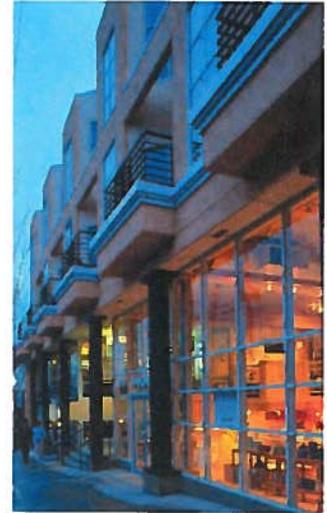
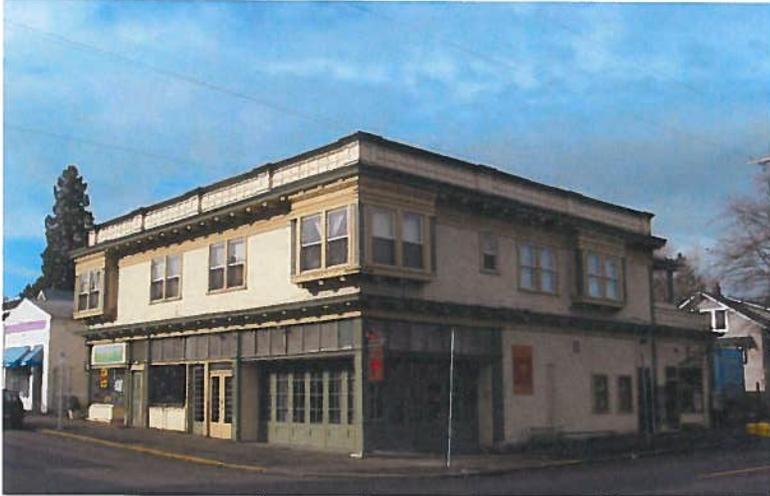


(Images shown are conceptual and do not represent final specific designs for Wilder)

Village Center: Housing Over Commercial

Mixing residential and commercial activities contributes to “eyes on the street” and focuses human activity in core areas at all times of the day. Commercial can be retail, office or civic uses, depending on demand. Housing can be elevator-served or walk up townhouses stacked above.

IN ZONE...

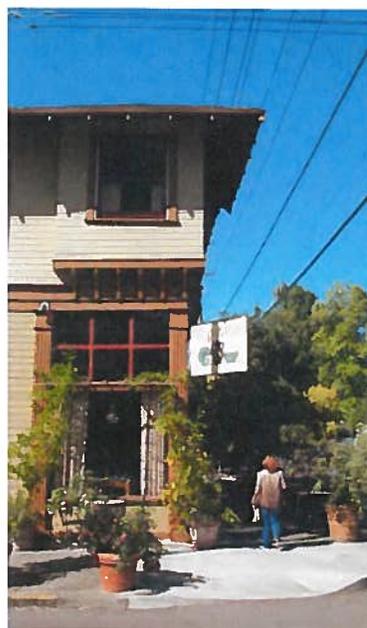


Mixed use buildings are a time-honored type, and occur at many scales and types of construction. Clockwise from above: NE Portland, NW 23rd Av., Portland; Orenco Station; SE Portland; Pacific City, OR



Sustainability Options

- ♻ More supportive of transit
- ♻ Improves overall balance of jobs and housing
- ♻ Potential for shared parking
- ♻ Potential for 'waste heat' from commercial uses to serve residences
- ♻ Green building certification



Development Types

IN ZONE...

COM **R3**

Village Center: Hospitality

Hotels and Bed and Breakfasts near the commercial core will provide more activity and help energize the area in the evening. These establishments often include restaurants and other uses on the ground floor.



Bed & Breakfast lodging in Seattle and the San Juan Islands



Right: The Sylvia Beach Hotel, with its author themed rooms, provides a compelling and highly desirable lodging opportunity on the Oregon Coast, where the hospitality industry is always looking for new and innovative ways to attract visitors.



Above: Coast Cabins, a cluster of short-stay cabins in Manzanita, OR



Right: This "tree-sort" is a destination place to stay in the woods of Southern Oregon, pulling travelers well out of their way to stay in a creative building type: treehouses! (Takilma, OR)

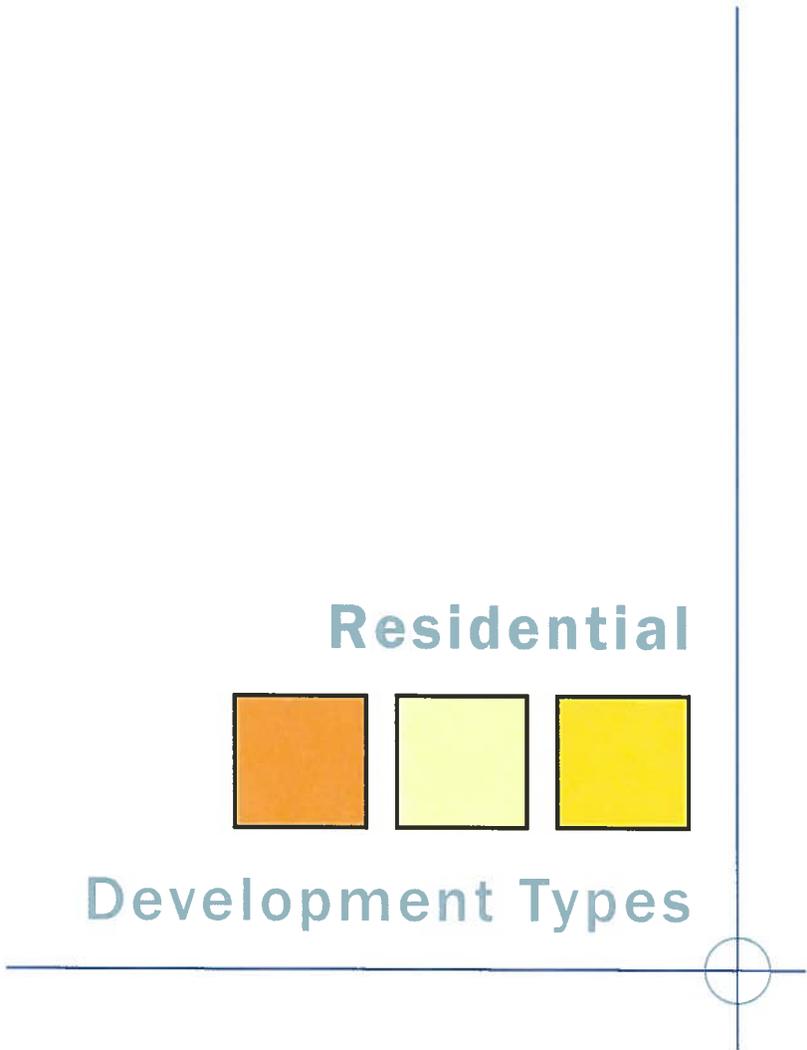
Sustainability Options

- ♻ Green building strategies
- ♻ Zone mechanical systems for room-by-room control to reduce impact of unoccupied rooms.
- ♻ Incorporate green management practices for cleaning, laundry, etc.

Residential



Development Types



Single-Family: Hill Homes

The areas near the perimeter will generally have larger view lots, with somewhat larger houses. Thoughtful landscape standards and stormwater management can contribute to homes that blend into the landscape and to the stability of adjacent slopes.



IN ZONE...

R1



photos clockwise from left: traditional architecture (Portland, OR); modern hill house, (Berkeley, CA); craftsman houses (Berkeley, CA)

Sustainability Options

- ♻️ Certification
- ♻️ High Energy Efficiency
- ♻️ Stormwater managed on site
- ♻️ FSC-certified framing
- ♻️ Recycled content materials
- ♻️ Green building program with incentives to avoid excessively large homes, and higher burden for efficiencies, relative to smaller homes
- ♻️ Renewable energy production
- ♻️ Minimize alterations to existing landscape
- ♻️ Detached garages improve indoor air quality by keeping garage fumes out of the living spaces

General Specifications

Unit Size:	1200 - 2000+ sf
Unit Height:	2 story
Parking:	off street
Private Outdoor Space:	Backyard / front yard
Density range / typ. lot size:	3 - 7 du/acre
Target price range:	\$\$\$ TBD

- Larger lots
- Typically located at slope edges
- Design standards can steer construction toward a cohesive style for the community (i.e. neo-traditional – or a particular material set and/or form, like wood siding, sloped roofs)
- Landscape standards can help to blend homes into landscape

Development Types

IN ZONE...

R3 **R2**

Single-Family: Medium Density Homes

These homes will be the dominant housing type at Wilder. They allow open space for each home and remain affordable for many families. Porches and limitations on garage locations help to link this type to the street for improved neighboring opportunities.



photos: various medium-density housing styles and configurations



Sustainability Options

- ⌄ Certifications
- ⌄ High Energy Efficiency
- ⌄ Stormwater drywells
- ⌄ FSC-certified framing
- ⌄ Recycled content materials
- ⌄ Reduce ecological footprint through energy savings, preferred materials, good siting, etc.
- ⌄ Improve indoor air quality
- ⌄ Support potential industrial tenants within overall project, as well as regional economy
- ⌄ Provide market differentiation
- ⌄ Detached garages improve indoor air quality by keeping garage fumes out of the living spaces

General Specifications

Unit Size:	1200 - 2000 sf
Unit Height:	2 story
Parking:	off street
Private Outdoor Space:	Backyard / front yard
Density range / typ. lot size:	8 - 10 du/acre
Target price range:	\$\$

- Basic lot size is 5000 sf
- Affordable construction type
- Design and landscape standards, intended to support project quality without over-inflating housing costs
- Accessory units allowed (see page x)

Single-Family: Urban Lot Houses

Urban lot houses are freestanding homes, but offer a more compact neighborhood as well as more affordable housing.

IN ZONE...

R3 R2



photos: urban lot houses (Portland, OR, & Newport, OR)

Sustainability Options

- ♻️ Certifications
- ♻️ High Energy Efficiency
- ♻️ Stormwater drywells
- ♻️ FSC-certified framing
- ♻️ Recycled content materials

General Specifications

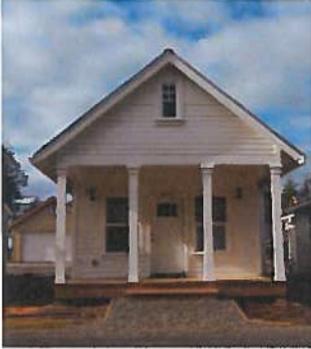
Unit Size:	800 - 1,100 sf
Unit Height:	1-2 story
Parking:	off street
Private Outdoor Space:	Backyard / front yard
Density range / typ. lot size:	9 - 15 du/acre
Target price range:	\$-\$\$

Development Types

IN ZONE...

R3

R2



photos: Micro-Cottages at Wilder

Single-Family: Urban Micro Cottages

Very small homes have become a demonstrated success for some parts of the population, including single-occupant households and new home-owners. Small, independently sited cottages serve these populations well, and are an attractive way to attain a home in an area with many regional outdoor attractions.



Sustainability Options

- 🔗 Certification
- 🔗 High Energy Efficiency
- 🔗 Stormwater drywells
- 🔗 FSC-certified framing
- 🔗 Recycled content materials
- 🔗 Increasing density can in itself improved sustainability by making walking and transit more viable for more trips.

General Specifications

Unit Size:	450 - 1,000 sf
Unit Height:	1-2 story
Parking:	off street
Private Outdoor Space:	Backyard / front yard
Density range / typ. lot size:	10 - 18 du/acre
Target price range:	\$\$-\$

Townhouse

Townhouses provide the benefits of direct simple ownership (without the potential risks of condominiums) while contributing to higher densities than free-standing homes. They are a long-standing traditional type in many cultures, from the Victorians of San Francisco to cutting edge modernist designs throughout the industrial world.

While townhouses are often built with garages below and directly off the street, the preferred pattern is to have garages at the rear, either in a separate outbuilding (a 'mews' pattern typical in England) or tucked under the unit with open space provided in front yards. Eliminating the garage door on the front improves the qualities of the street, by providing more visual contact between the street and the homes.

When garages must be located at the front, they can be set 1/3 to half a story down to increase the connection between street and house.



photos: Belmont Dairy (Portland, OR); Sullivan's Gulch townhouses (Portland, OR)

IN ZONE...

R3 COM

General Specifications

Unit Size:	1,100 sf - 1,600 sf (18' - 20' wide)
Unit Height:	2-3 story
Parking:	garage, off street
Private Outdoor Space:	Backyard
Density range:	10-20 d.u./gross acre
Target price range:	\$\$-\$

Sustainability Options

- ♻️ Certification
- ♻️ High Energy Efficiency
- ♻️ Stormwater drywells
- ♻️ FSC-certified framing
- ♻️ Recycled content materials
- ♻️ Increasing density can in itself improved sustainability by making walking and transit more viable for more trips.
- ♻️ Shared walls typically lead to increased energy efficiency for each unit.

Development Types

IN ZONE...

R3 R2 R1

Cluster Development: Walk-In

Clustered developments offer a sense of scale among neighbors, who typically share a small common open space. In truly successful designs, these spaces become very desirable amenities.



photos, clockwise from above: Cluster on common green, Stapleton (Denver, CO); Rose Walk (Berkeley, CA); bungalow court walk-in (Portland, OR)

General Specifications

Unit Size:	800 - 1800 sf
Unit Height:	1 - 2 story
Parking:	off street, shared, and/or ganged garages
Private Outdoor Space:	shared commons
Density range / typ. lot size:	8 - 12 du/acre
Target price range:	\$\$

Sustainability Options

- 🔗 Certification of homes
- 🔗 Coordinated management of stormwater, landscape etc.: use green standards
- 🔗 Higher potential for sharing of resources among neighbors



Cluster Development: Cottage Clusters

Cottage clusters are a type of walk-in cluster where homes are smaller than typical single family, increasing affordability and density within a single family neighborhood. They are being used in existing neighborhoods to create housing variety and affordability.



IN ZONE...

R3

R2

R1



Examples, counterclockwise from above: Co-Housing cluster, Denver, CO; short-stay cabins at Manzanita, OR; Bella Beach, Gleneden, OR; Edward's aDDition, Monmouth, OR

Sustainability Options

- ♻️ Certification of homes
- ♻️ Landscape standards
- ♻️ Smaller house sizes
- ♻️ Higher potential for sharing of resources among neighbors

General Specifications

Unit Size:	800 sf or less
Unit Height:	1 - 2 story
Parking:	shared
Private Outdoor Space:	shared commons
Density range / typ. lot size:	12-24 du/acre
Target price range:	\$

- Typically an allowed use within single family neighborhoods, with 6 - 8 cottages in lieu of 3 - 5 standard size homes
- Shared parking at periphery
- Open space provides front door access and commons

Development Types

IN ZONE...

R3



Apartment building (Denver, CO)



Apartment building in a single family neighborhood context

Sustainability Factors

- ◊ Green building certification
- ◊ Potential for building scale mechanical systems
- ◊ Higher land efficiencies
- ◊ More supportive of transit
- ◊ Green landscape standards

Multi-Family

Multi-family housing is a long-established housing type in cities and towns of all sizes, and in all cultures. In modern construction, several types are common:

Apartments are owned by one party with tenants renting their individual units

Condominiums ('condos') are owned by the individual tenant, who also typically owns an interest in the common areas of the property. A homeowners association manages the joint ownership areas.

Flats are units on one floor of a multi-story building with conventional floor-to-floor heights.

Lofts are units that have a higher floor-to-floor height and typically have a mezzanine loft within, often over the kitchen/bath areas.

Multi-family units can be arranged in numerous configurations (e.g. along corridors, around courtyards, off of circulation balconies, etc.). Each of these layouts lead to different building types. Smaller buildings oriented off of a common stair landing at each level can often fit in well with single family building massing.

Multi-family housing also can be located with other uses on the ground floor, especially retail and commercial uses. This helps increase the level of activity in central areas, with benefits for retailers and the public space.



Apartments near University of Portland

General Specifications

Unit Size:	500 - 1100 sf
Unit Height:	1 - 2 story
Parking:	off street, shared, and/or ganged garages
Private Outdoor Space:	shared commons, balconies, patios
Density range / typ. lot size:	8 - 12 du/acre
Target price range:	\$

Development Types

Multi-Family: Clustered

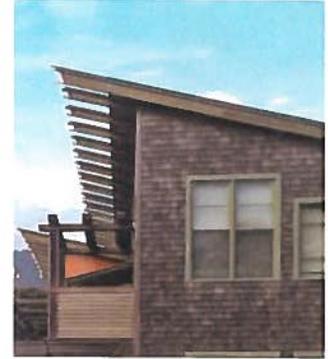
Clustered Apartments could serve nearby institutions of higher education, such as OCCC and OSU, as well as others in the community. The units can vary in size, and can be shared among multiple residents.

IN ZONE...

R3



Student Apartments, Lewis & Clark University, Portland, OR - use of bays, trims, and massing to break down the scale of multi-family structures



Finding the appropriate scale and level of detail is key to integrating multi-family housing into Wilder.



Student Apartments: Bastyr University; Kenmore, Washington

Sustainability Opportunities

- ♻️ Green building certification
- ♻️ Pre-fabricated construction
- ♻️ Potential for building or district scale mechanical systems
- ♻️ Higher land efficiencies
- ♻️ More supportive of transit
- ♻️ Green landscape standards

General Specifications

Unit Size:	300-800 sf
Unit Height:	2-3 story
Parking:	off street, shared, and/or ganged garages
Private Outdoor Space:	shared commons, balconies, patios
Density range / typ. lot size:	12-34 du/acre
Target price range:	\$

Auxilliary Dwelling Unit (ADU), A.K.A. “Granny Flat”

An ADU is a second self-contained dwelling unit created on a lot with a house, attached house or manufactured home. These dwellings are typically small (no larger than 800 sf) and are intended to provide housing options for a variety of single occupant tenants. Units can be joined to/over garages or stand alone on the property.

IN ZONE...

R3	R2	R1
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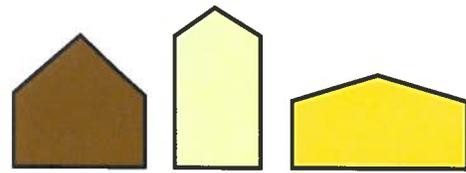


...e House (Portland, OR - SIP roof panels, Net Zero Energy Design),
...ver, CO); ADU infill , Portland, OR

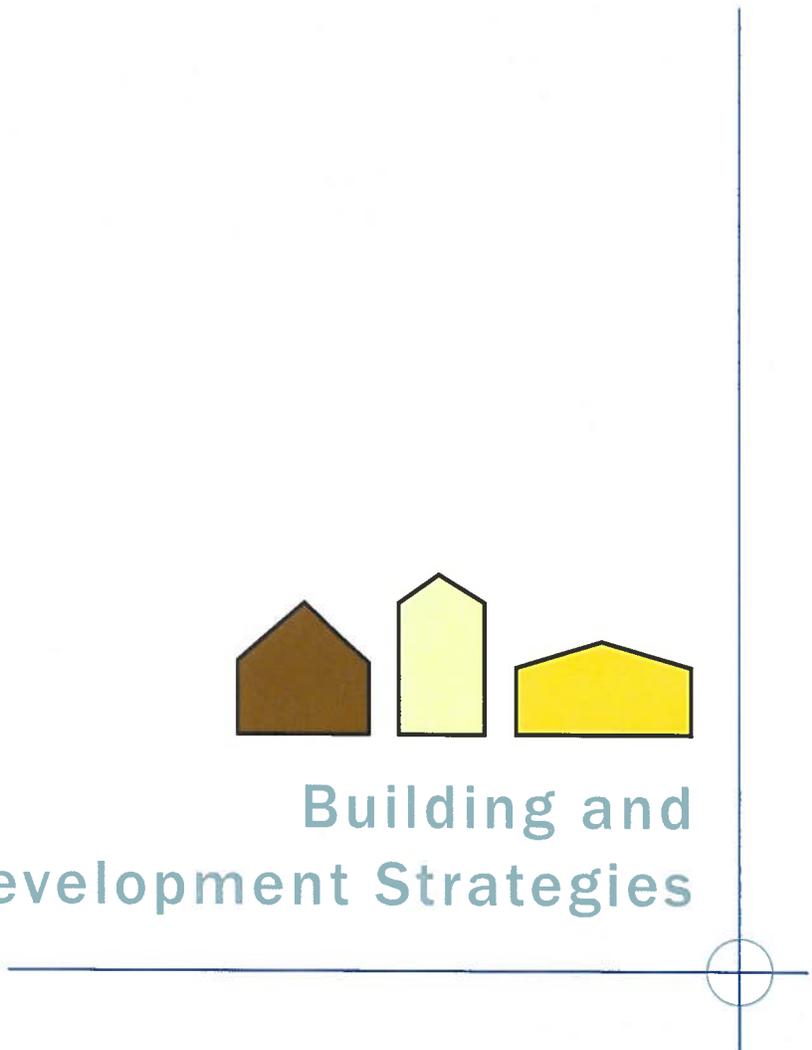
Sustainability Features

- High energy efficiency
- Energy storage
- Water efficiency
- Green building
- Low embodied carbon

General Specifications	
Unit Size:	250 - 800 sf
Unit Height:	1 story
Parking:	off street / on street
Private Outdoor Space:	patio / deck
Density range / typ. lot size:	n/a
Target price range:	\$-\$\$



**Building and
Development Strategies**



Building and Development Strategies

Green Building Certification

Certification programs provide the builder with explicit standards to achieve best environmental practices and provide building owners with the assurance that their project is built to those standards. There are several home certification approaches available, with different emphases; the most effective of these are described below. Around the U.S., local and state jurisdictions have also adopted custom green building programs.

The most comprehensive programs, such as LEED, look beyond energy impacts to reward use of recycled content or sustainably produced materials, healthy indoor environments, and water conservation. However, no certification level will guarantee sustainability. True sustainability in the built environment requires an on-going process of improvement and innovation, and requires an underlying vision to guide decisions.



LEED Silver Residence Hall at Lewis & Clark College



The LEED-H Silver Home at Parkdale, Oregon, Built by Neil Kelly homes

LEED certified projects receive a plaque to display their commitment



Certification Programs and Approaches

LEED:	A voluntary certification program, based on a checklist of prerequisites and credits, awarding certification at increasing levels, up to platinum. Credits are awarded in six areas: Sustainable Sites, Water Efficiency, Energy & Atmosphere, Indoor Environmental Quality, Materials and Resources, and Design Process.
LEED-Homes	A specific LEED version re-tooled for single-family homes, which gives additional credits for proximity to community services
Energy Star	Certified by U.S. Dept. of Energy (DOE) to be 15% more efficient than code requirements.
U.S. DOE's Building America Program	Technical and design assistance with project-tailored energy strategies for regional climate
EarthAdvantage	Certifies and tests for energy savings of 15% better than code, low-VOC materials, fresh air ventilation, environmentally preferred materials. Also technical assistance.

Building and Development Strategies

Panelized Construction

Panelized construction can help reduce costs in housing construction and – if done correctly - contribute to a more-resource efficient approach. Some building elements, such as roof trusses are commonly pre-manufactured and brought to the site ready to install in production housing. Roof panels are another building component that has shown strong potential for use in the housing industry, because of their efficiencies.

Wall panels can also be pre-manufactured, but do not always capture the same benefits in terms of resource efficiency, due to wastage from window cut-outs and other irregularities. Nevertheless, an innovative manufacturer committed to waste reduction and sustainable practices could be a strong partner in construction of the project.



Pre-manufactured trusses are a common form of panelized construction.



The Rose house was built with SIPs for the roof. (Portland, OR)

- Improves affordability
- Requires across-the-board attention to waste reduction in design and production processes
- Potential for single-family and multi-family building types
- Potential industrial use within project area



The NowHouse uses SIPs technology for the entire construction.

Modular Construction

Modular housing is undergoing somewhat of a renaissance, and can offer affordable construction at a higher design quality than in past generations. Both aesthetics and sustainability have been improved.



photos clockwise from left:
 "LivingHome" (Santa Monica, CA);
 GlideHouse (Menlo Park, CA);
 Epoch Modular Home.
 New England

- Offers a balance of high design and affordability
- Factory-built and moved once to home site
- Somewhat more affordable than comparable homes built from scratch
- GlideHouse factory in Portland
- Potential industrial applications within project area

Building and Development Strategies

Co-Housing

Co-housing is a specific housing type where residents arrange to share many amenities, usually including a common house with kitchen. Residents often share meals, though they have individual kitchens as well. Co-housing communities often act as an anchor to a larger neighborhood community.



photos clockwise from top left: Trillium Hollow (Portland, OR); Hearthstone Co-Housing (Denver, CO); CoHo Co-Housing (Corvallis, OR - 2); Cascadia Commons (Washington County, OR)



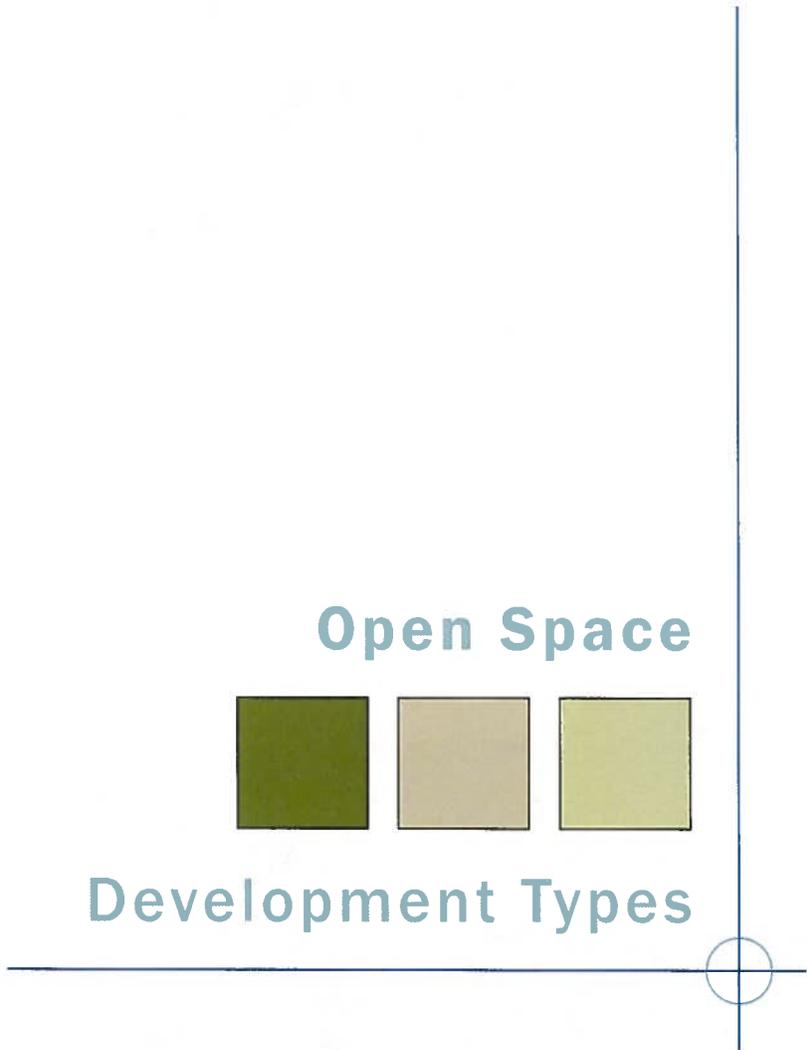
General Specifications

Unit Size:	varies
Unit Height:	varies
Parking:	off street
Private Outdoor Space:	patio
Density range / typ. lot size:	8 - 12 du/acre
Target price range:	\$-\$\$\$

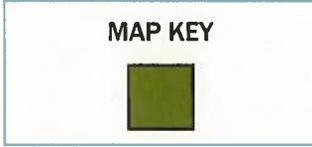
Open Space



Development Types



Open Space Types



Developed Open Space: Commons

A Village Center Plaza or Commons provides a mix of soft and hardscapes for a variety of community uses, like farmers' markets, bazaars, concerts, and festivals. The urban design of the space creates a sense of enclosure but also permeability, with access from multiple points.



photos above: farmers market (Portland, OR); Prairie Crossing (Greyslake, IL)

right: Grey Friars' Square is dominated by an overarching shade tree (Copenhagen, Denmark)



Above: village plaza integrates existing vegetation; photo below: central plaza accentuates the natural surroundings with soft surface walkways and grass instead of concrete.

Below left: Performance spaces can anchor a plaza.(Coffee Crekk Development, Chesterton, IN)

Below right: Building form can help shape the public space and create a dramatic contrast with surrounding streets, whether it is urban or green. (Slavonice, Czech Republic)



Developed Open Space: Neighborhood Park

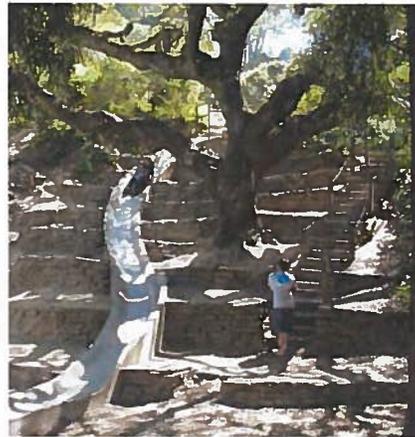
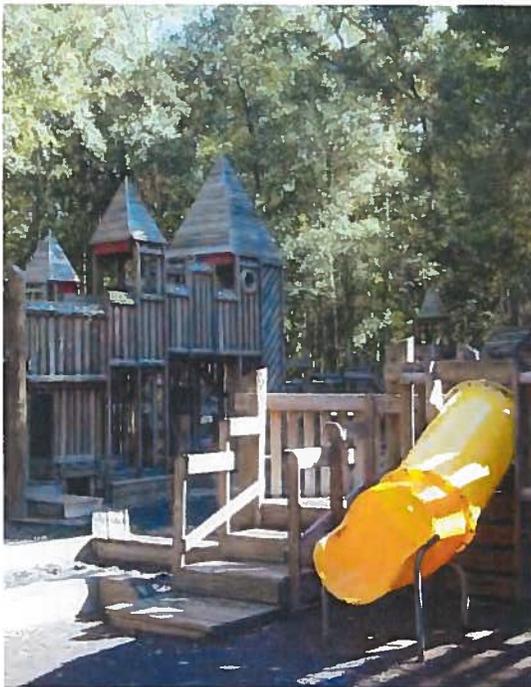
This type of open space is intended to provide public gathering and recreation space for community residents. A neighborhood park should be within 1/2 mile of each home in Wilder so that residents can easily walk or bicycle to them. Ideally, the parks should be connected through the trail system.

MAP KEY



Park amenities could include:

- * children's play equipment
- * open lawn areas
- * shelters / focused gathering areas
- * trails / paths



photos counter clockwise from top: Berkeley, CA; Shelton, WA; Portland, OR; Clinton Community Garden (New York, NY); Highlands Garden Village (Denver, CO)



Sustainability Options

- ◊ Retain as much existing vegetation as possible, particularly large trees
- ◊ Creatively integrate play equipment and trails into the landscape
- ◊ Protect steep slopes by concentrating use on flatter areas and establishing native vegetation on the slope for stabilization

Open Space Types



Developed Open Space: Play Fields

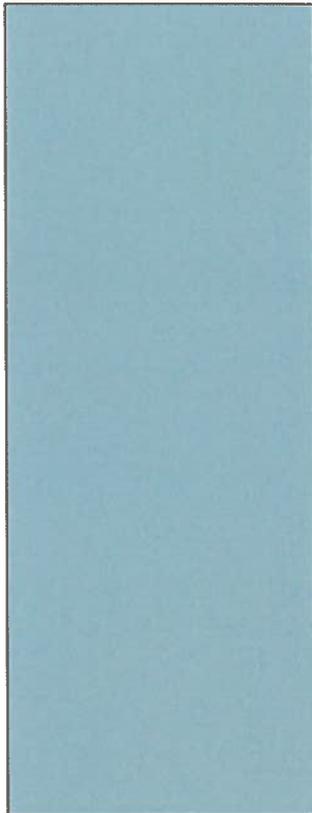
Play fields are typically engineered open spaces that accommodate a variety of field sports that require large areas for play (i.e., soccer, football, baseball, etc.) Successful play fields are engineered to address drainage, grade change, lighting, and spectator seating and usually require a higher level of maintenance.



Above: City-owned lands within the project site



Active play fields could serve the college and the larger community

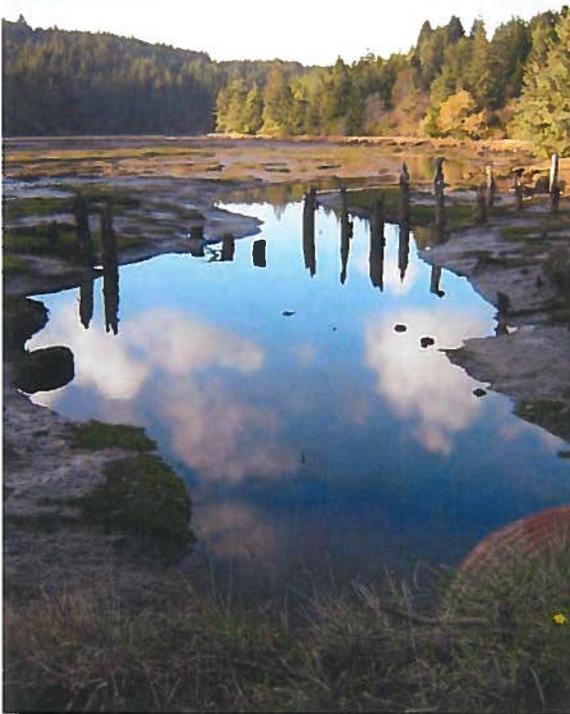


(Images shown are conceptual and do not represent final specific designs for Wilder)

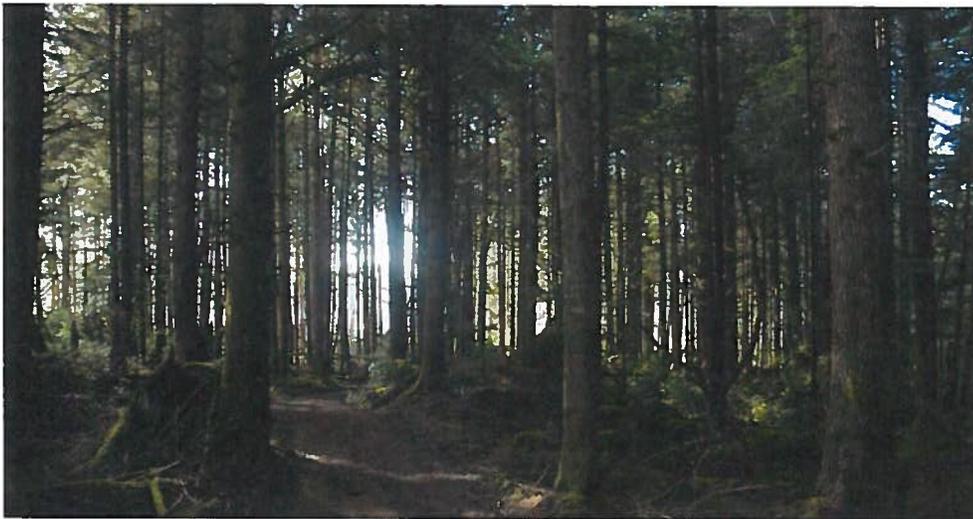
Undeveloped Areas

Undeveloped natural areas are typically steep slopes, wetlands, and other sensitive natural areas

MAP KEY



photos: existing undeveloped open space locations on the Wilder property



Sustainability Options

- ◊ Retain as much existing vegetation as possible, particularly large trees
- ◊ Design trails to reduce erosion
- ◊ Collaborate with other property owners to reduce invasive species and maintain habitat potential

- Link Wilder trail network with OCCC and Mike Miller Park
- Maintenance strategy to be determined
 - * Conservation overlay?
 - * Conservation group management?
 - * HOA management?

Open Space



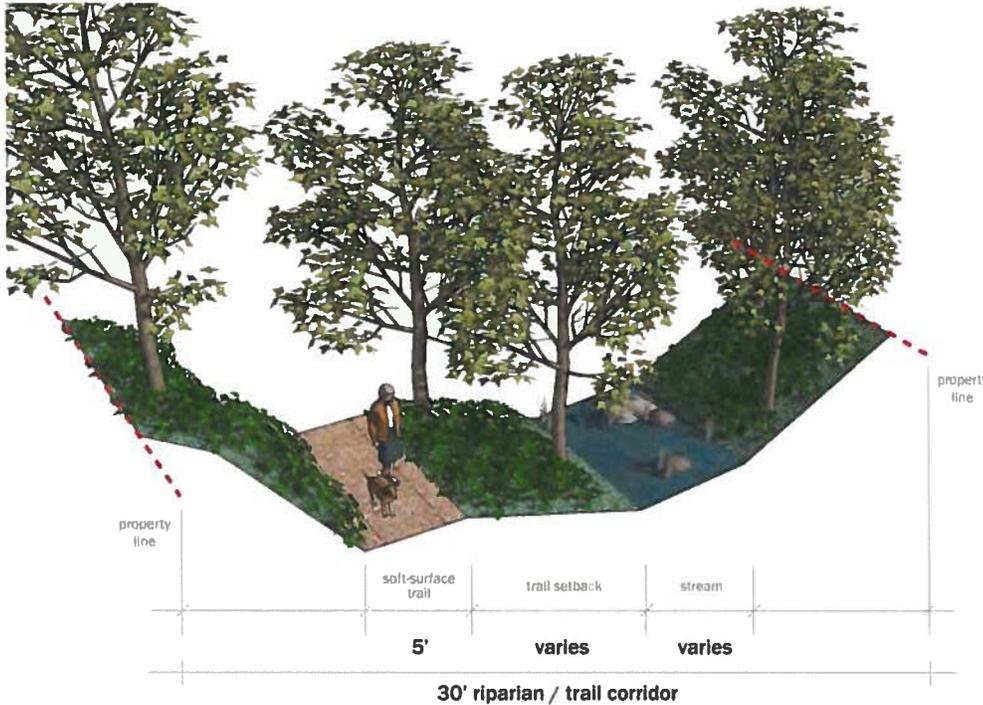
Conservation Strategies



Open Space Conservation Strategies

Riparian Corridors

The steep terrain and perennial waterways throughout Wilder offer an opportunity to integrate riparian corridor protection and a comprehensive soft-surface trail system.



Guidelines

surface	earth, wood chip, gravel
width	5-feet
cross-slope	2%, down slope
horizontal slope	15% maximum
vertical clearance - pedestrians only	8-feet minimum
vertical clearance - bikes and horses	10-feet minimum
trail setback from waterways	as much as feasible

Considerations

- Identify and enhance important habitat areas and travel corridors. Try to keep these areas intact so that wildlife is not completely displaced.
- Integrate education into the trail system and stream / habitat corridor protection system.

Sustainability Options

- use native earth as much as possible
- use existing disturbance corridors (utility easements, old roads, etc.)
- keep trails out of core habitat areas
- avoid endangered or threatened habitat areas
- minimize stream crossings
- establish native plant species along the trail and along waterways
- remove invasive plant species
- control stormwater run-off from the trail
- design trails for expected users

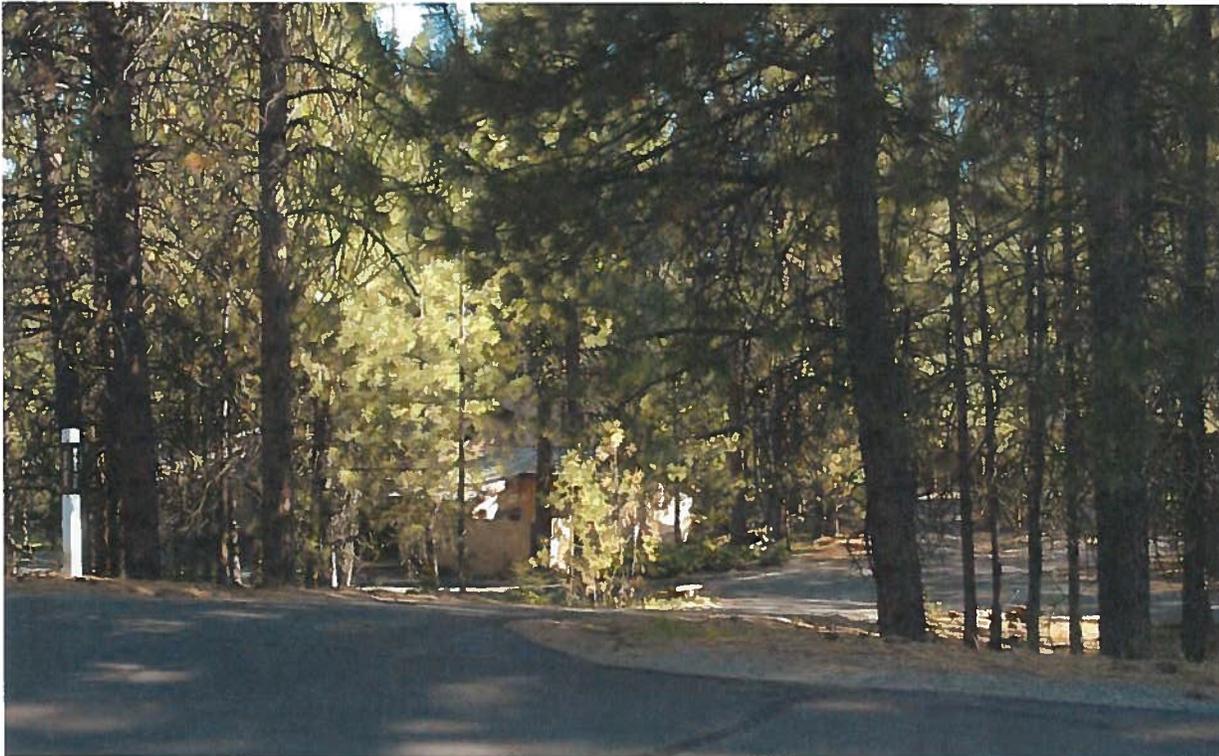
Tree Preservation

The steep terrain and perennial waterways throughout Wilder offer an opportunity to integrate riparian corridor protection and a comprehensive soft-surface trail system.



Removal of trees will require care to ensure that the trees left standing are not overly exposed to winds, soil compaction and other factors that will reduce their chances of survival.

Below: Roads at Black Butte Ranch are designed to leave important trees intact.



Appendix

Additional Types, Variations

Variations on some of the preferred development types are included here.

Site Diagrams

These site diagrams show the conceptual layout of the proposed project, including zoning, open space and circulation systems. Detailed planning will be submitted in phase-by-phase submittals.

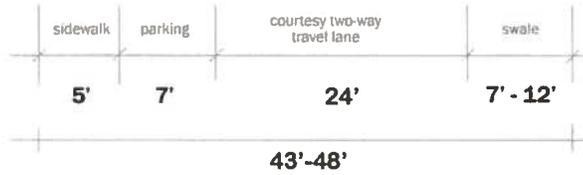
Transportation

MAP KEY

Queuing Design:
 Periodic areas without parking allow vehicles to pass.

Hillside Street, Variation (City-Mandated)

Hillside Streets provide a bioswale on the downhill side of the roadway to capture and pre-treat stormwater runoff.



Section Summary

travel lanes	16-feet, courtesy lane
on-street parking	7-feet, one side
bicycle lanes	none
sidewalk / trail	5-feet
planting strip / swale	7-feet, on downhill side
intended speed	15 mph
adjacent land uses	low density residential
primary grade	moderate to steep

Sustainability Factors

- ♻️ There are a number of variations for the edge conditions of residential streets with little traffic that can integrate green street treatments. Some examples include:
- ♻️ integrated large-capacity bioswales
- ♻️ less impervious surface area (narrower streets)
- ♻️ permeable paving in parking areas
- ♻️ variety and diversity of plants and trees in the right-of-way



photo: on-street parking is handled in a non-traditional way to accommodate wide bioswales, walkways, and other green street treatments (Seattle, WA)

Neighborhood Local Road, Variation (City-Mandated)

These roads provide local access to neighborhoods.



MAP KEY

Queuing Design:
Periodic areas without parking allow larger vehicles to pass.

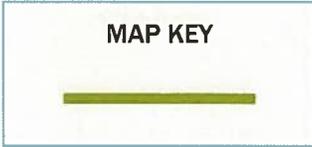
Section Summary

travel lanes	16-feet, courtesy lane
on-street parking	7-feet
bicycle lanes	none
sidewalk / trail	6-feet
planting strip / swale	no
intended speed	15 - 20 mph
adjacent land uses	medium to low density residential
primary grade	low to moderate

Sustainability Factors

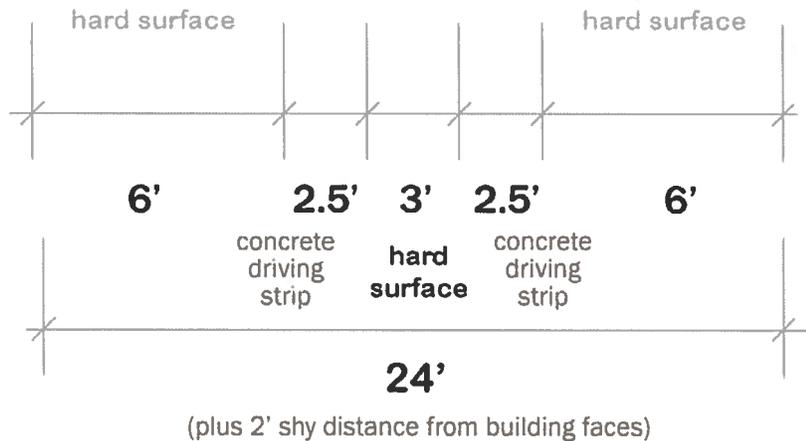
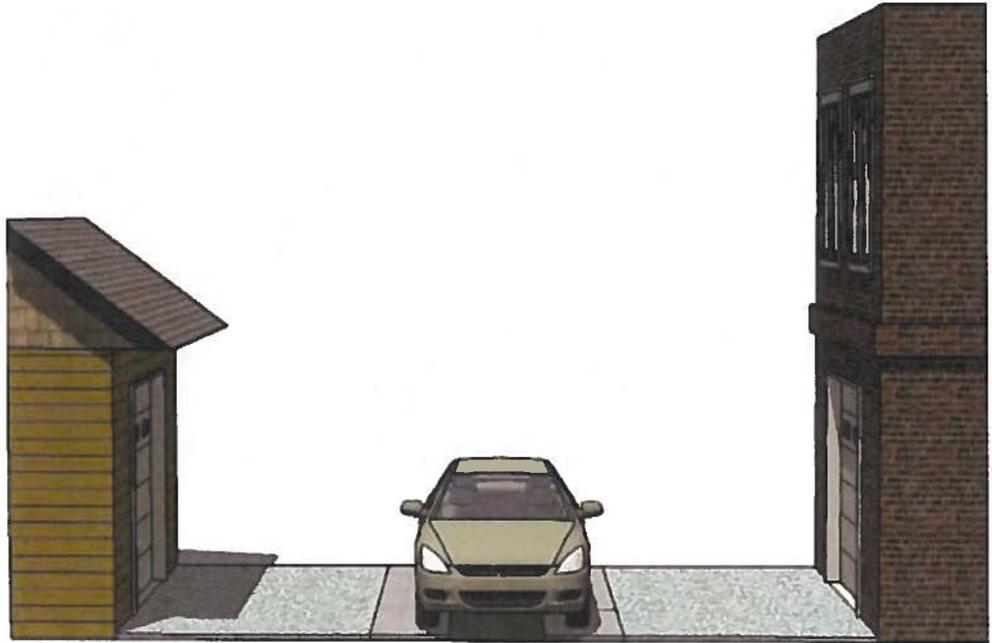
- ♻ narrow street width
- ♻ recycled-content in asphalt & concrete
- ♻ shading from trees
- ♻ integrated stormwater management systems

Transportation



Utility Alley (City-Mandated)

A green alley functions as a normal alley from a transportation perspective but is treated with green features to facilitate stormwater absorption and reduce impervious pavement area.



Sustainability Factors

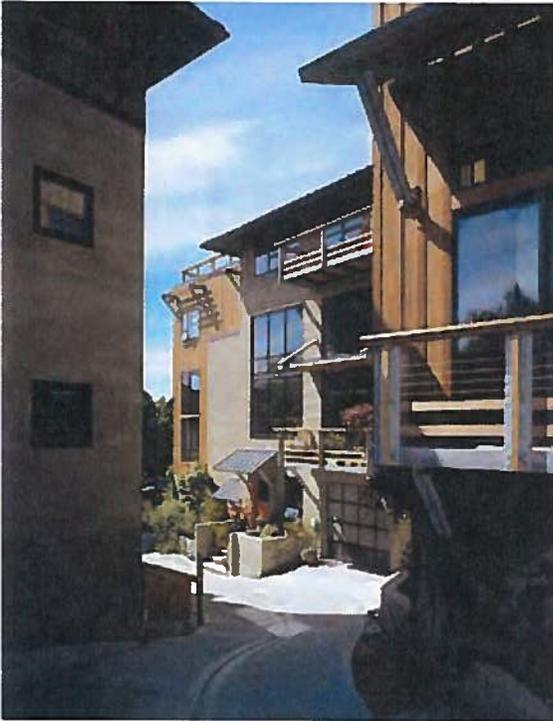
- Explore a variety of materials for the porous apron and driving strips. Because the aprons will not experience the use of a normal roadway, porous asphalt or other hardscapes may work well without continual maintenance.
- Consider a variety of hearty low-growing plants that are adaptive to the coast climate in lieu of grass for the central vegetated swale.

Section Summary

travel lanes	20-foot total right-of-way
on-street parking	none
bicycle lanes	none
sidewalk / trail	none
planting strip / swale	none
intended speed	10 mph
adjacent land uses	residential
primary grade	flat to moderate

Fleming St. (44th-46th, City-Mandated)

Woonerf (“Street for living”) is a Dutch term for a common space created to be shared by pedestrians, bicyclists, and low-speed motor vehicles. They are typically narrow streets without curbs and sidewalks, and vehicles are slowed by placing trees, planters, parking areas, and other obstacles in the street.



Above: NW Cliff St. in Newport's Nye Beach area allows for an informal mix of pedestrians, vehicles and cyclists. The unique paving pattern communicates that it is a special type of street.

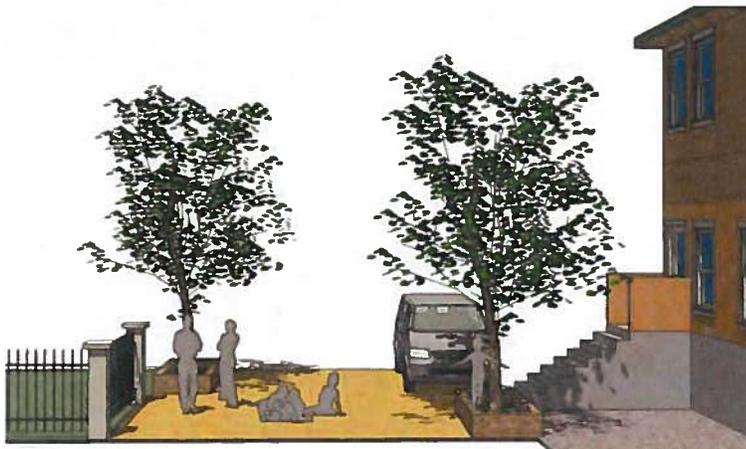
Left: A private drive through the Fremont Lofts development in Seattle creates an enclosed special precinct for residents, whether coming and going by foot or vehicle.

Section Summary

travel lanes	24 foot shared corridor
on-street parking	not designated, not permitted
bicycle lanes	none
sidewalk / trail	none
planting strip / swale	none
intended speed	less than 10 mph
adjacent land uses	high- and medium-density residential
primary grade	flat to moderate

Sustainability Factors

- ♻️ multi-use street encourages strong community linkages
- ♻️ narrow street width
- ♻️ recycled-content in asphalt & concrete
- ♻️ shading from trees
- ♻️ integrated stormwater management systems

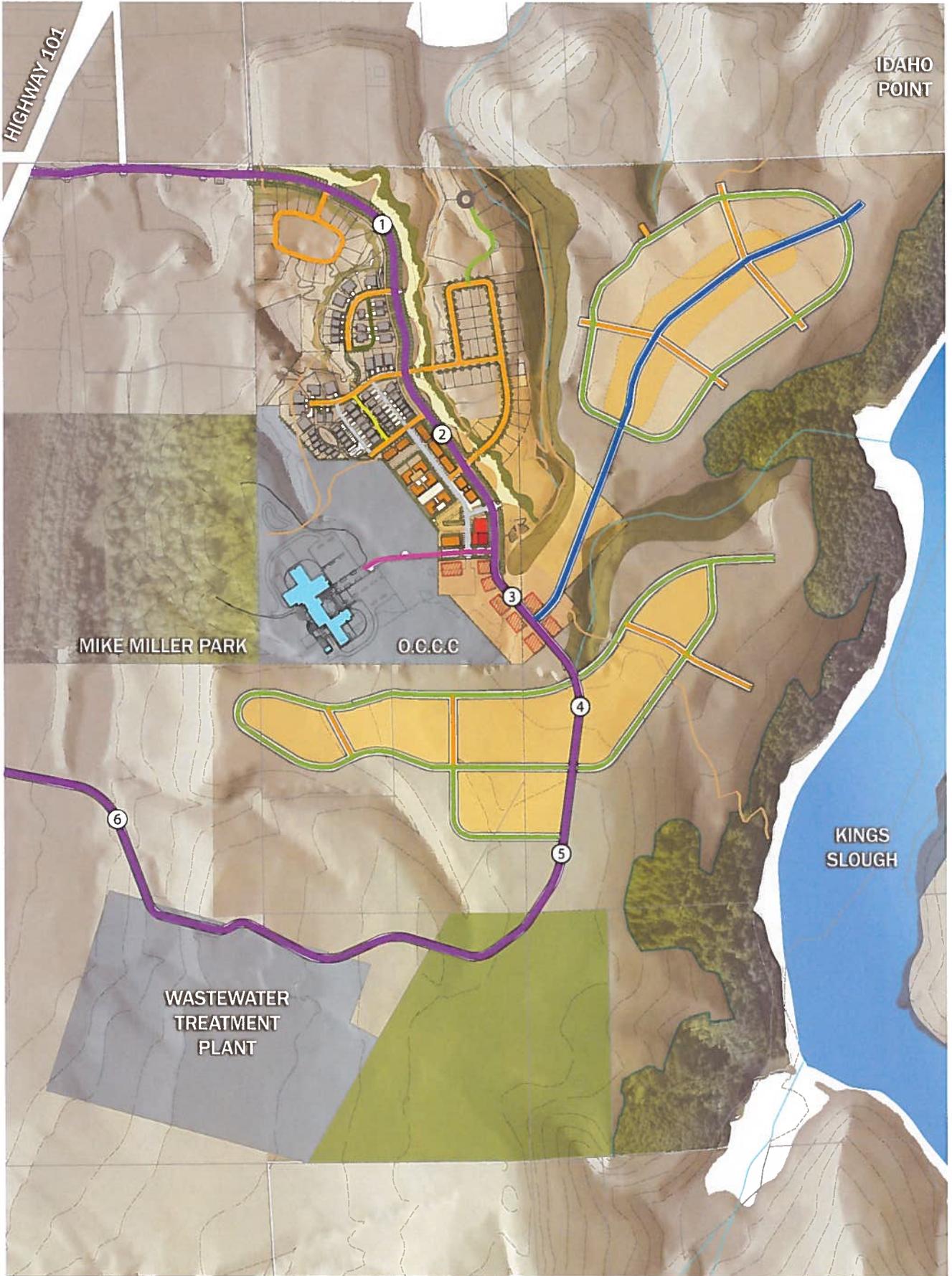






MIKE MILLER PARK

O.C.C.C.



WILDER COMMUNITY MASTER PLAN

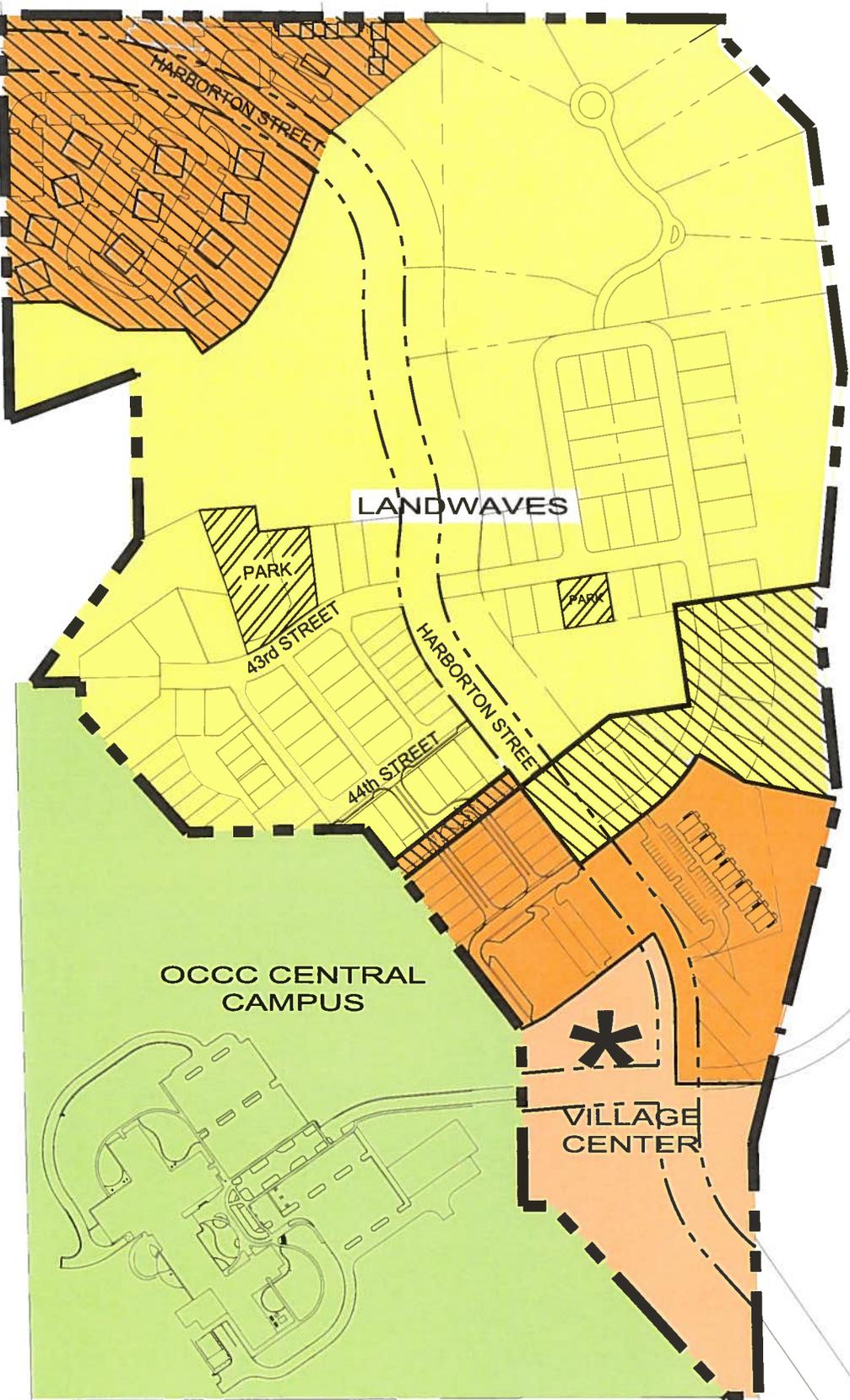
- CIRCULATION**
-  Main Loop Road
 -  Neighborhood Local
 -  Neighborhood Spine
 -  Hillside Street
 -  Woonerf
 -  Green Alley
 -  Urban Alley
 -  Trail



Wilder Community Master Plan Development Applications

APPENDIX I.

Comprehensive Plan Maps and Legal Descriptions

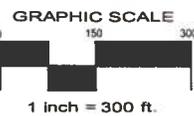


ACREAGES BY ZONING

SYMBOL	ZONING	AREA (AC)
	P1	24.2
	C1	5.5
	R3	14.2
	PROPOSED R3 FORMER R2	
	R2	39.9
	PROPOSED R2 FORMER R3	

WILDER

PROPOSED ZONING MAP



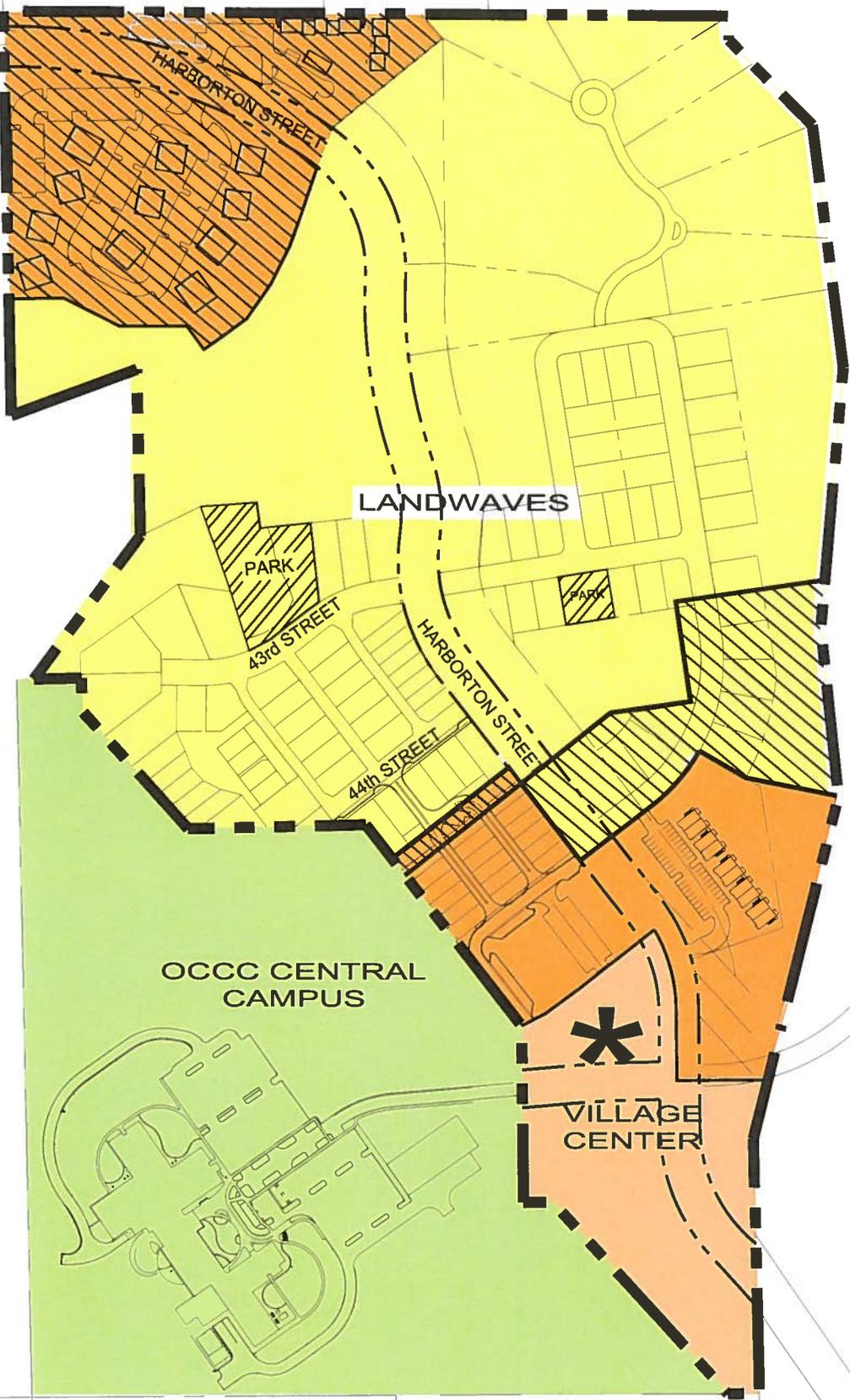
PREPARED FOR:
landwaves^{inc}
 2712 SE 20th Ave.
 Portland, Oregon 97202
 TEL: (503) 221-0167
 FAX: (503) 221-0741

PREPARED BY:
 400 COLUMBIA STREET
 SUITE 160
 VANCOUVER, WA 98660
 PHONE 503-939-8750

JET Planning, LLC
 215 W. 4th Street ste. 215
 Vancouver, WA 98660

Date: 7-20-16
 Job No: LAN005

Jul 19, 2016 - 1:31 PM C:\Common Data\Prd\Active\MAH001-16-01 - OSU Student Housing - Wilder Ph 4\4 Planning\Drawings\Community Map - Ph 4 OSU Student Housing plan set\Proposed Comprehensive Plan Map.dwg

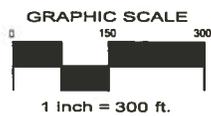


ACREAGES BY ZONING

SYMBOL	ZONING	AREA (AC)
	PUBLIC	24.2
	COMMERCIAL	5.5
	HIGH DENSITY RESIDENTIAL	6.1
	HIGH DENSITY RESIDENTIAL PROPOSED, EXISTING LOW DENSITY RESIDENTIAL	6.1
	LOW DENSITY RESIDENTIAL	37.7
	LOW DENSITY RESIDENTIAL PROPOSED, EXISTING HIGH DENSITY RESIDENTIAL	2.2

WILDER

PROPOSED COMPREHENSIVE PLAN MAP



PREPARED FOR:
landwaves^{inc}
 2712 SE 20th Ave.
 Portland, Oregon 97202
 TEL: (503) 221-0167
 FAX: (503) 221-0741

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AKS ENGINEERING & FORESTRY VANCOUVER
 9600 NE 126th Avenue, Suite 2520, Vancouver, WA 98682
 P: (360) 882-0419 F: (360) 882-0426

OFFICES IN: TUALATIN, OR - VANCOUVER, WA - SALEM-KEIZER, OR

**LEGAL DESCRIPTION
 FOR
 WILDER ZONING**

ZONE R-3 NORTH

Being a portion of the Northeast quarter of Section 20, Township 11 South, Range 11 West, Willamette Meridian, and Parcel 2 of Partition Plat recorded in Book 2015, Page 1, City of Newport, Lincoln County, Oregon, more particularly described as follows:

COMMENCING at a brass cap marking the Northeast quarter of Section 20, Township 11 South, Range 11 West, Willamette Meridian, as shown in Partition Plat recorded in Book 2015, Page 1;

THENCE North 84°40'37" West along the North line of said Section 20, also being the North line of Parcel 2 of said Partition Plat, for a distance of 571.71 feet to the **POINT OF BEGINNING**;

THENCE South 36°40'45" East, leaving said North line, for a distance of 60.77 feet;

THENCE South 56°02'46" West, for a distance of 265.91 feet;

THENCE South 26°56'02" West, for a distance of 77.78 feet;

THENCE South 24°24'13" West, for a distance of 156.90 feet;

THENCE South 31°39'42" West, for a distance of 76.90 feet;

THENCE South 40°07'01" West, for a distance of 80.40 feet;

THENCE South 59°22'16" West, for a distance of 98.11 feet;

THENCE North 30°37'44" West, for a distance of 53.12 feet;

THENCE North 84°53'51" West, for a distance of 126.42 feet;

THENCE North 58°20'19" West, for a distance of 115.76 feet;

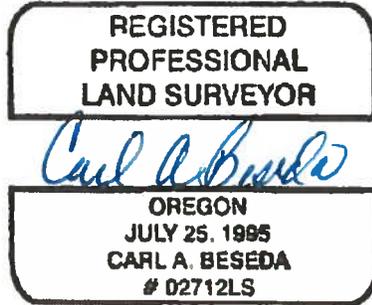
THENCE North 85°55'23" West, for a distance of 101.66 feet to the West Line of Parcel 2 of Partition Plat Book 2015, Page 1;

THENCE North 04°04'37" East, along the West line of said Parcel 2, for a distance of 535.11 feet to the most Northwesterly corner of said Parcel 2;



THENCE South 84°40'37" East along the North line of said Section 20 and the North line of said Parcel 2, for a distance of 779.14 feet to the **POINT OF BEGINNING**.

This property contains 7.97 Acres, more or less.





AKS ENGINEERING & FORESTRY VANCOUVER
 9600 NE 126th Avenue, Suite 2520, Vancouver, WA 98682
 P: (360) 882-0419 F: (360) 882-0426

OFFICES IN: TUALATIN, OR - VANCOUVER, WA - SALEM-KEIZER, OR

**LEGAL DESCRIPTION
 For
 WILDER ZOING**

ZONE R-2

Being a portion of the Northeast quarter of Section 20, and the Northwest quarter of Section 21, Township 11 South, Range 11 West, Willamette Meridian, and Parcel 2 of Partition Plat recorded in Book 2015, Page 1, and Wilder Phase 1 recorded in Book 18 Page 46, City of Newport, Lincoln County, Oregon, more particularly described as follows:

BEGINNING at a brass cap marking the Northeast quarter of Section 20, Township 11 South, Range 11 West, Willamette Meridian, as shown in Partition Plat recorded in Book 2015, Page 1;

THENCE South 03°56'17" West along the East line of said Section 20, also being along a Easterly line of Parcel 2 of said Partition Plat, for a distance of 46.44 feet;

THENCE South 39°05'17" East, leaving said East line, along the Easterly line of Parcel 2, for a distance of 215.49 feet;

THENCE South 01°56'14" East, along said Easterly line, for a distance of 458.64 feet;

THENCE South 01°13'22" West, along said Easterly line, for a distance of 474.86 feet;

THENCE South 01°14'34" East, along said Easterly line, for a distance of 314.61 feet;

THENCE North 73°57'52" West, leaving said Easterly line, or a distance of 172.42 feet;

THENCE North 55°05'17" West, for a distance of 100.00 feet to a point on a curve;

THENCE along the arc of a non-tangent 342.00 foot radius curve to the right, the radius point of which bears South 55°05'17" East, through a central angle of 22°26'37", for an arc length of 133.97 feet, the chord of which bears South 46°08'02" West for a distance of 133.11 feet;

THENCE South 57°21'21" West, for a distance of 170.41 feet to the Westerly Right-of-Way line of Harborton Street (also known as 40th Street);



THENCE North 32°38'39" West, along said Westerly Right-of-Way line, for a distance of 216.90 feet;

THENCE South 57°21'21" West, leaving said Westerly Right-of-Way line, for a distance of 275.00 feet to the Westerly line of Parcel 2 of Partition Plat Book 2015 Page 1;

THENCE North 32°38'46" West, along the Westerly line of said Parcel 2, for a distance of 79.27 feet to an angle point in the Westerly line Parcel 2;

THENCE North 86°16'43" West, along the Southwesterly line of Parcel 2, also being the Southerly line of Wilder Phase 1 as recorded in Book 18 Page 46, Lincoln County plat records, for a distance of 279.32 feet;

THENCE North 36°52'23" West, along the Westerly line of Wilder Phase 1, for a distance of 294.78 feet to an angle point in the Westerly line of Wilder Phase 1;

THENCE North 03°34'25" East, along said Westerly line, for a distance of 60.07 feet to another angle point in said Westerly line;

THENCE North 86°24'59" West, along said Westerly line, for a distance of 88.01 feet to another angle point in said Westerly line;

THENCE North 41°46'00" East, along said Westerly line, for a distance of 332.07 feet to the most Northerly Northwest corner of Wilder Phase 1, also being a Westerly corner of Parcel 2 of Partition Plat per Book 2015, Page 1;

THENCE North 04°04'00" East, along the Westerly line of said Parcel 2, for a distance of 309.00 feet;

THENCE South 74°48'56" West, along the most Northerly-South line of Parcel 2, for a distance of 249.11 feet to the West line of Parcel 2;

THENCE North 04°04'37" East, along the West line of said Parcel 2, for a distance of 216.53 feet;

THENCE South 85°55'23" East, leaving said West line of said Parcel 2, for a distance of 101.66 feet;

THENCE South 58°20'19" East, for a distance of 115.76 feet;

THENCE South 84°53'51" East, for distance of 126.42 feet;

THENCE South 30°37'44" East, for a distance of 53.12 feet;

THENCE North 59°22'16" East, for a distance of 98.11 feet;

THENCE North 40°07'01" East, for a distance of 80.40 feet;

THENCE North 31°39'42" East, for a distance of 76.90 feet;

THENCE North 24°24'31" East, for a distance of 156.90 feet;

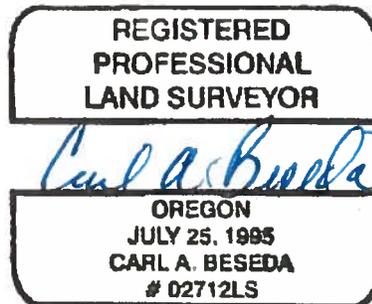
THENCE North 26°56'02" East, for a distance of 77.78 feet;

THENCE North 56°02'46" East, for a distance of 265.91 feet;

THENCE North 36°40'45" West, for a distance of 60.77 feet to the North line of said Section 20, also being the North line of said Parcel 2;

THENCE South 84°40'37" East, along said North line, for a distance of 571.71 feet to the **POINT OF BEGINNING.**

This property contains 39.85 Acres, more or less.





AKS ENGINEERING & FORESTRY VANCOUVER
 9600 NE 126th Avenue, Suite 2520, Vancouver, WA 98682
 P: (360) 882-0419 F: (360) 882-0426

OFFICES IN: TUALATIN, OR - VANCOUVER, WA - SALEM-KEIZER, OR

LEGAL DESCRIPTION
For
WILDER ZOING

ZONE R-3 SOUTH

Being a portion of the Northeast quarter of Section 20, Township 11 South, Range 11 West, Willamette Meridian, and Parcel 2 of Partition Plat recorded in Book 2015, Page 1, City of Newport, Lincoln County, Oregon, more particularly described as follows:

COMMENCING at a brass cap marking the Northeast quarter of Section 20, Township 11 South, Range 11 West, Willamette Meridian, as shown in Partition Plat recorded in Book 2015, Page 1;

THENCE South 03°56'17" West along the East line of said Section 20, also being along a Easterly line of Parcel 2 of said Partition Plat, for a distance of 46.44 feet;

THENCE South 39°05'17" East, leaving said East line, along the Easterly line of Parcel 2, for a distance of 215.49 feet;

THENCE South 01°56'14" East, along said Easterly line, for a distance of 458.64 feet;

THENCE South 01°13'22" West, along said Easterly line, for a distance of 474.86 feet;

THENCE South 01°14'34" East, along said Easterly line, for a distance of 314.61 feet to the **POINT OF BEGINNING**;

THENCE South 18°55'03" West, along said Easterly line, for a distance of 545.03 feet;

THENCE North 85°19'10" West, for a distance of 149.39 feet to the centerline of Harborton Street (also known as 40th Street);

THENCE North 04°40'50" East, along the centerline of said Harborton Street, for a distance of 132.57 feet to a point of curvature;



THENCE continuing along the centerline of said Harborton Street, along the arc of 319.00 foot radius curve to the left, through a central angle of $30^{\circ}15'32''$, for an arc length of 168.47 feet; the long chord of which bears North $10^{\circ}26'56''$ West for a distance of 166.52 feet;

THENCE leaving said centerline, South $57^{\circ}21'14''$ West, along the North line of Parcel 1 of Partition Plat per Book 2015 Page 1, for a distance of 271.17 feet;

THENCE South $67^{\circ}00'47''$ West, continuing along the North line of said Parcel 2, for a distance of 55.18 feet to the Northwest corner of Parcel 1, also being an angle point in the West line of Parcel 2 of said Partition Plat;

THENCE North $32^{\circ}38'46''$ West, along the West line of said Parcel 2, for a distance of 392.30 feet;

THENCE North $57^{\circ}21'21''$ East leaving the West line of said Parcel 2, for a distance of 275.00 feet to the Westerly Right-of-Way line of Harborton Street (also known as 40th Street);

THENCE South $32^{\circ}32'39''$ East, along said Westerly Right-of-Way line, for a distance of 216.90 feet;

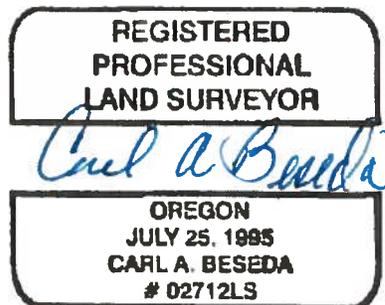
THENCE North $57^{\circ}21'21''$ East, leaving said Westerly Right-of-Way line, for a distance of 170.41 feet to a point of curvature;

THENCE along the arc of a 342.00 foot radius curve to the left, through a central angle of $22^{\circ}26'37''$, for an arc length of 133.97 feet, the long chord of which bears North $46^{\circ}08'02''$ East for a distance of 133.11 feet;

THENCE South $55^{\circ}05'17''$ East, for a distance of 100.00 feet;

THENCE South $73^{\circ}57'52''$ East, for a distance of 172.42 feet to the **POINT OF BEGINNING**.

This property contains 6.20 Acres, more or less.





AKS ENGINEERING & FORESTRY VANCOUVER
 9600 NE 126th Avenue, Suite 2520, Vancouver, WA 98682
 P: (360) 882-0419 F: (360) 882-0426

OFFICES IN: TUALATIN, OR - VANCOUVER, WA - SALEM-KEIZER, OR

LEGAL DESCRIPTION

For WILDER ZOING

ZONE C-1

Being a portion of the Northeast quarter of Section 20 and the Northwest quarter of Section 21, Township 11 South, Range 11 West, Willamette Meridian, and Parcel 2 of Partition Plat recorded in Book 2015, Page 1, City of Newport, Lincoln County, Oregon, more particularly described as follows:

COMMENCING at a brass cap marking the Northeast quarter of Section 20, Township 11 South, Range 11 West, Willamette Meridian, as shown in Partition Plat recorded in Book 2015, Page 1;

THENCE South 03°56'17" West along the East line of said Section 20, also being along a Easterly line of Parcel 2 of said Partition Plat, for a distance of 46.44 feet;

THENCE South 39°05'17" East, leaving said East line, along the Easterly line of Parcel 2, for a distance of 215.49 feet;

THENCE South 01°56'14" East, along said Easterly line, for a distance of 458.64 feet;

THENCE South 01°13'22" West, along said Easterly line, for a distance of 474.86 feet;

THENCE South 01°14'34" East, along said Easterly line, for a distance of 314.61 feet;

THENCE South 18°55'03" West, along said Easterly line, for a distance of 545.03 feet to the **POINT OF BEGINNING**;

THENCE South 18°55'03" West, for a distance of 108.21 feet to the East line of said Section 20;

THECNE South 03°56'17" West, along the East line of said Section 20, for a distance of 118.34 feet to a brass cap marking the East quarter corner of said Section 20;

THENCE North 85°19'10" West, along the most Southerly line of Parcel 2 of Partition Plat recorded in Book 2015 Page 1, for a distance of 59.05 feet;



THENCE North 37°29'37" West, along a Westerly line of said Parcel 2, for a distance of 482.65 feet to an angle point in said Westerly line;

THENCE North 85°18'44" West, along a Southwesterly line of said Parcel 2, for a distance of 53.84 feet to an angle point in the Westerly line of Parcel 2;

THENCE North 04°40'51" East, along said Westerly line, for a distance of 176.02 feet to the Northwest corner of Parcel 1 of said Partition Plat;

THENCE North 67°00'47" East, along the North line of said Parcel 1, for a distance of 55.18 feet to an angle point in said North line;

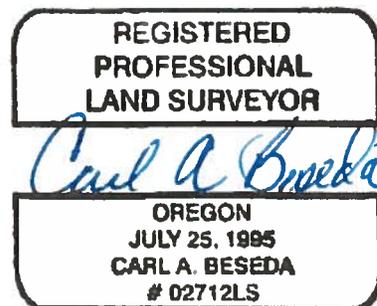
THENCE North 57°21'14" East, along said North line, for a distance of 271.17 feet to a point on a curve at the centerline of Harborton Street (also known as 40th Street);

THENCE along said centerline, along the arc of a non-tangent 319.00 foot radius curve to the right, the radius point of which bears South 64°25'18" West, through a central angle of 30°15'32", for an arc length of 168.47 feet, the long chord of which bears South 10°26'56" East for a distance of 166.52 feet;

THENCE continuing along said centerline, South 04°40'50" West, for a distance of 132.57 feet;

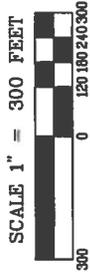
THENCE South 85°19'10" East, leaving said centerline, for a distance of 149.39 feet to the **POINT OF BEGINNING**.

This property contains 5.47 Acres, more or less.



WILDER ZONING MAP

BEING IN A PORTION OF THE NE 1/4 OF SECTION 20 AND THE NW 1/4 OF SECTION 21, T.11S., R.11W., W.M., AND LYING WITHIN PARCELS 1 & 2 OF PARTITION PLAT BOOK 2015 PAGE 1 AND WILDER PHASE 1 BOOK 18 PAGE 46, CITY OF NEWPORT, LINCOLN COUNTY, OREGON

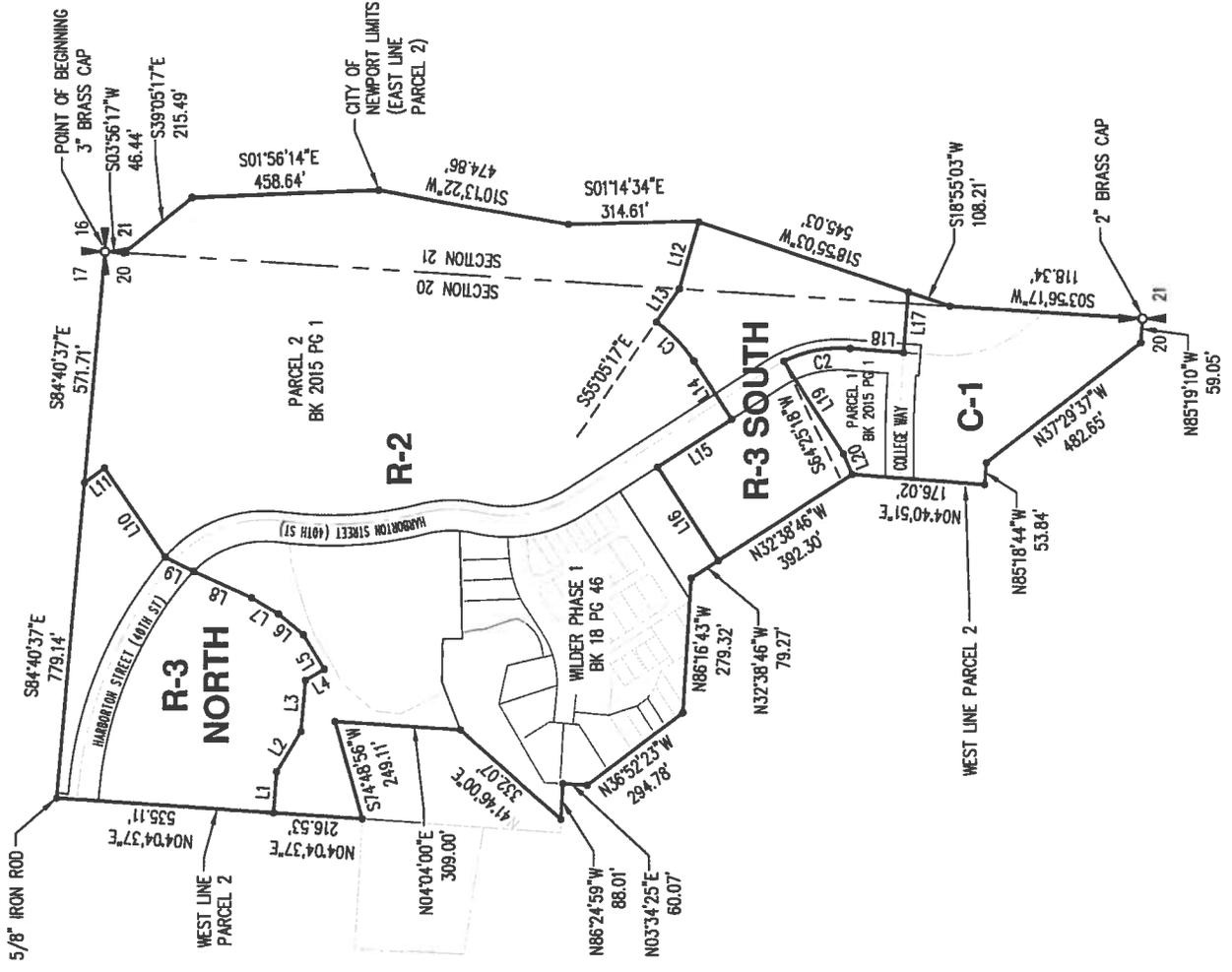


LINE	DIRECTION	LENGTH
L1	S85°55'23"E	101.66'
L2	S58°20'19"E	115.76'
L3	S84°53'51"E	126.42'
L4	S30°37'44"E	53.12'
L5	N59°22'16"E	98.11'
L6	N40°07'01"E	80.40'
L7	N31°39'42"E	76.90'
L8	N24°24'13"E	156.90'
L9	N26°56'02"E	77.78'
L10	N56°02'46"E	265.91'
L11	N36°40'45"W	60.77'
L12	S73°57'52"E	172.42'
L13	S55°05'17"E	100.00'
L14	N57°21'21"E	170.41'
L15	N32°38'39"W	216.90'
L16	N57°21'21"E	275.00'
L17	S85°19'10"E	149.39'
L18	S04°40'50"W	132.57'
L19	N57°21'14"E	271.17'
L20	N67°00'47"E	55.18'

CURVE	RADIUS	DELTA	LENGTH	CHORD
C1	342.00'	22°26'37"	133.97'	N46°08'02"E 133.11'
C2	319.00'	30°15'32"	168.47'	N10°26'56"W 166.52'

REGISTERED PROFESSIONAL LAND SURVEYOR
Carl A. Beseda
 OREGON
 JULY 25, 1985
 CARL A. BESEDA
 # 02712LS

WILDER ZONING MAP
 DATE: 07-18-2011
 EXHIBIT
AKS 276
 AKS ENGINEERING & FORESTRY, LLC
 9600 NE 126TH AVE, STE 2520
 VANCOUVER, WA 98682
 P: 360.882.0419 F: 360.882.0426 aks-eng.com



Wilder Community Master Plan Development Applications

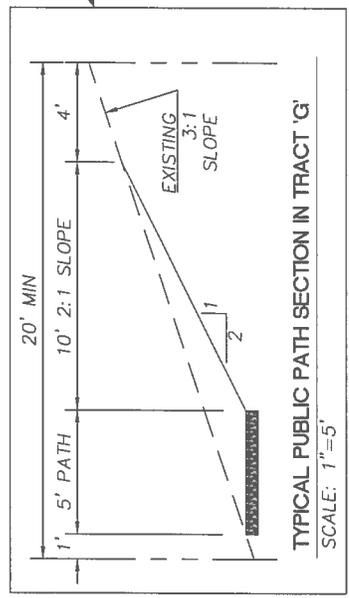
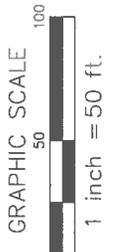
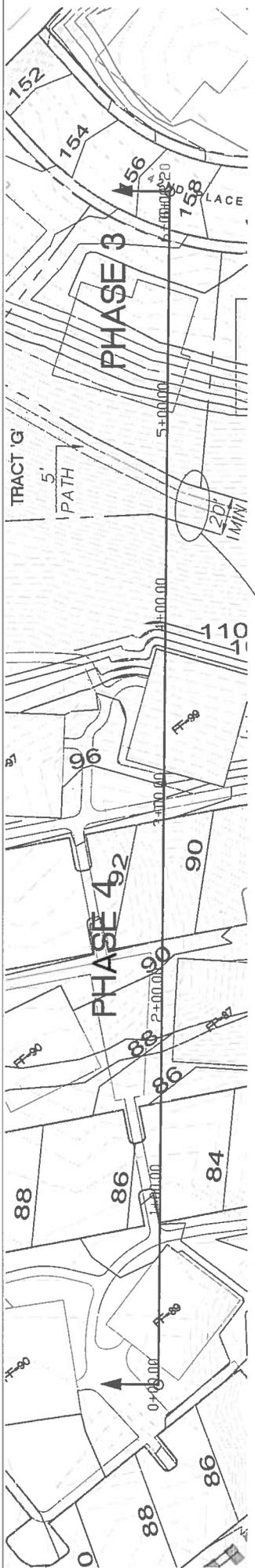
APPENDIX J.

Approved SE Harborton Street Cross-Section

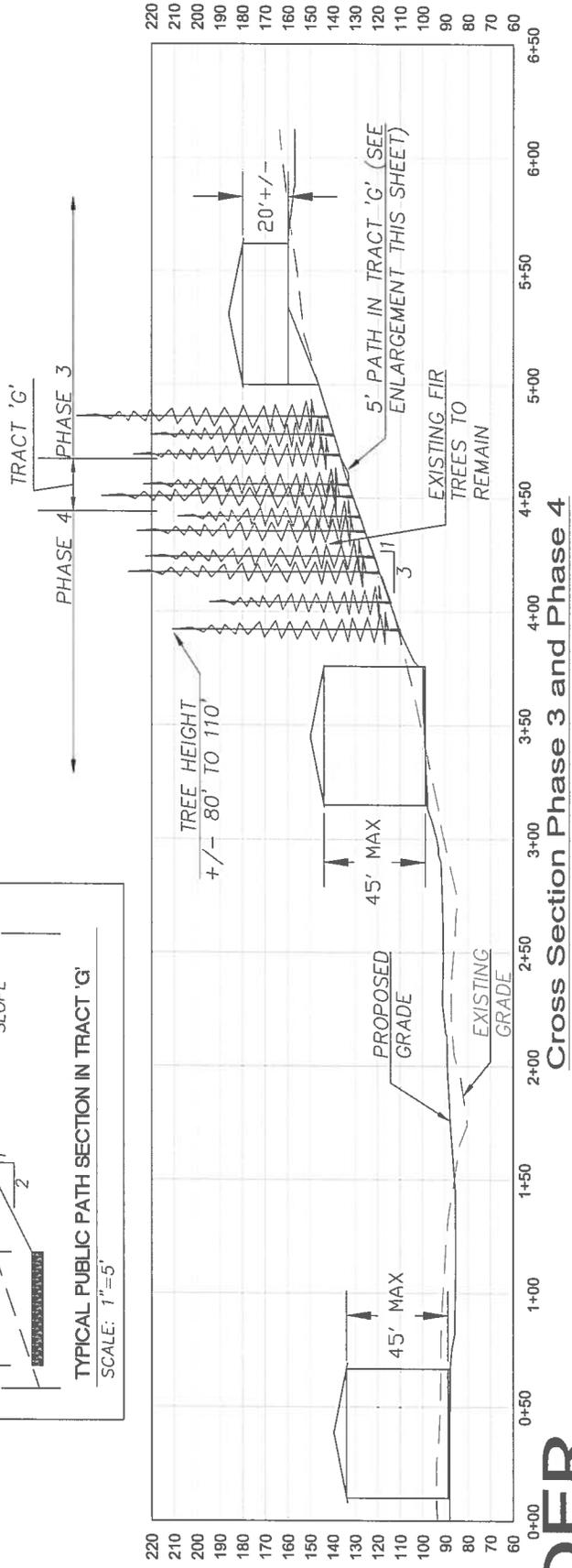
Wilder Community Master Plan Development Applications

APPENDIX K.

Cross Section Phase 3 and Phase 4



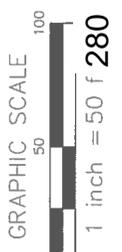
SEE ENLARGEMENT
THIS SHEET



WILDER
PHASE 3 & 4
CROSS SECTION
DATE: 07.19.16

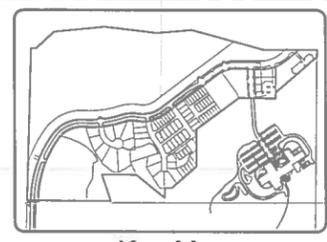
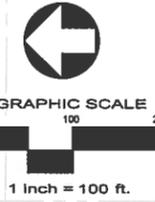
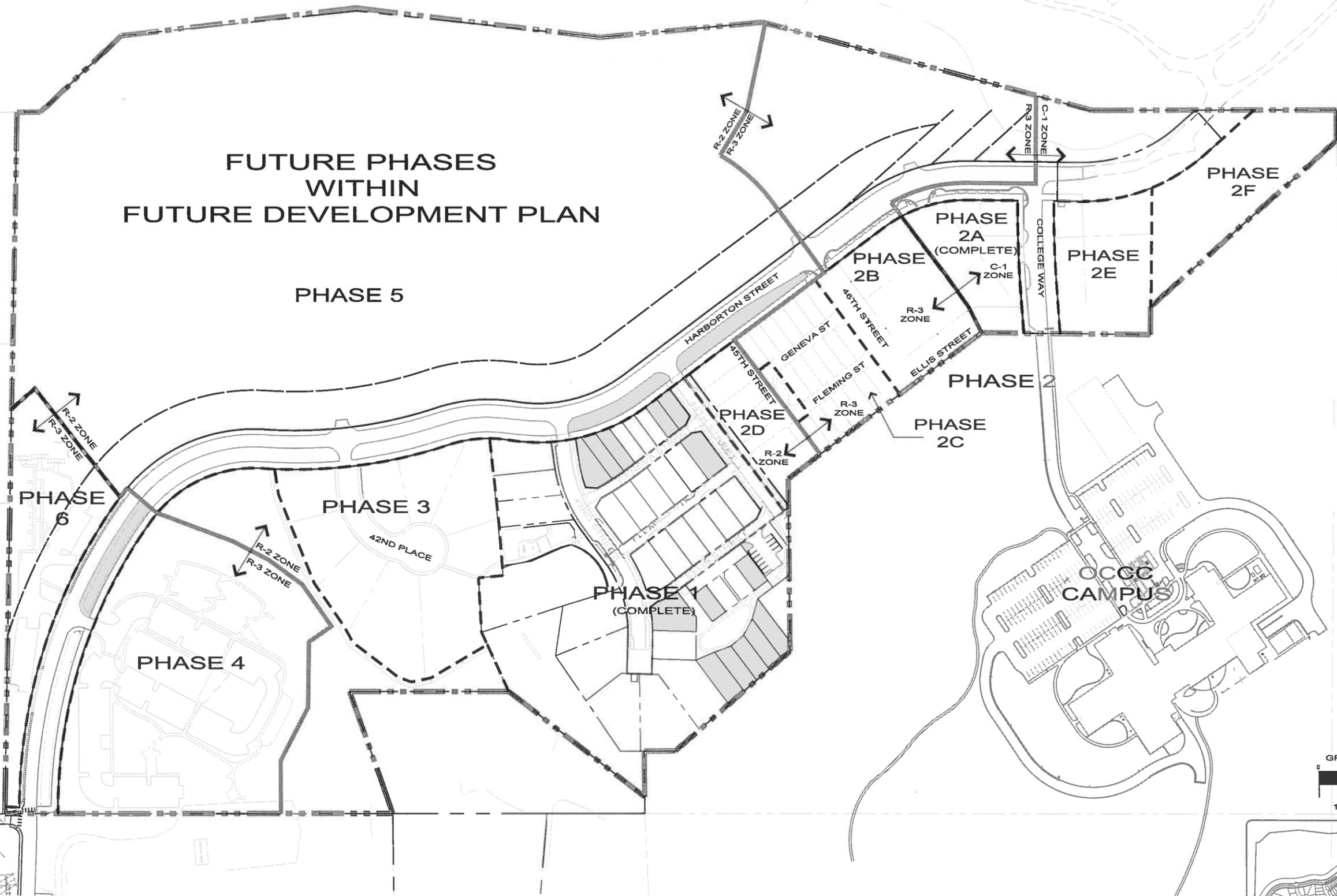
Cross Section Phase 3 and Phase 4
HORIZONTAL SCALE: 1" = 50'
VERTICAL SCALE: 1" = 50'

PREPARED BY:
2G ASSOCIATES
400 COLUMBIA STREET
SUITE 160
VANCOUVER, WA 98660
PHONE: 503-939-8750



Jul 19, 2016 - 3:22pm
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FUTURE PHASES WITHIN FUTURE DEVELOPMENT PLAN



400 COLUMBIA STREET
SUITE 160
VANCOUVER, WA 98660
PHONE: 503-839-8750

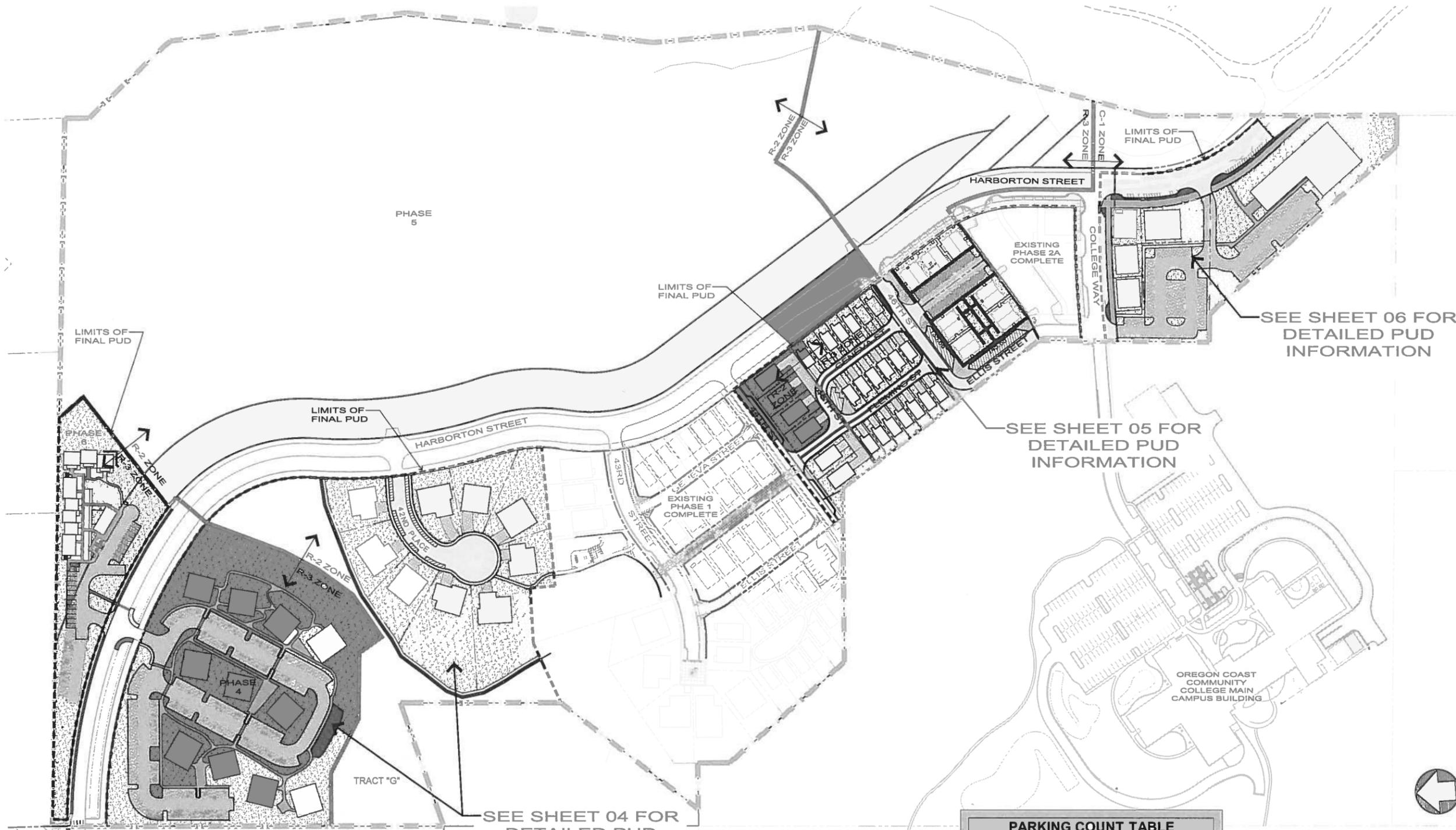


JET Planning, LLC
215 W. 4th Street Ste. 209
Vancouver, WA 98660
TEL: 503-705-9806

landwaves inc
2712 SE 20th Ave
Portland, Oregon 97202
TEL: (503) 221-0167
FAX: (503) 221-0741

JOB NO.:	MAH001
DATE:	JULY 20, 2016
APPLICATION:	Community Master Development Plan Applications

WILDER PHASING PLAN



SEE SHEET 04 FOR DETAILED PUD INFORMATION

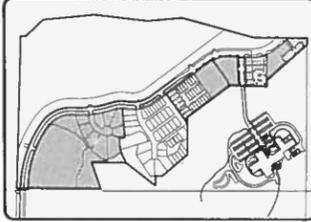
SEE SHEET 05 FOR DETAILED PUD INFORMATION

SEE SHEET 06 FOR DETAILED PUD INFORMATION

AREA TABLE	
SYMBOL	DESCRIPTION
	BUILDINGS
	GREEN SPACE
	OPEN SPACE
	PUBLIC PARKING
	PRIVATE PARKING
	SIDEWALK
	PUBLIC STREET
	PRIVATE STREET

PARKING COUNT TABLE		
	PRIVATE	PUBLIC
Phase 2A	39	9
Phase 2B	28	18
Phase 2C	20	0
Phase 2D	12	11
Phase 2E	51	10
Phase 2F	40	4
Phase 3	18	15
Phase 4	184	0
Phase 6	44	0
(DEVELOPMENT PLAN TOTAL)	436	67

- PARKING NOTES:**
- UNLESS NOTED OTHERWISE, TYPICAL PARKING STALLS ARE 9' WIDE BY 18' DEEP.
 - UNLESS NOTED OTHERWISE TYPICAL PARALLEL PARKING STALLS ARE 7' WIDE AND MINIMUM 24' LONG.
 - WHEN COUNTING PRIVATE PARKING SPACES IN RESIDENTIAL AREAS 1 PARKING SPACE IS ASSUMED FOR EACH FLEX LOT AND 2 PARKING SPACES ARE ASSUMED FOR EACH OTHER LOT TYPE.
 - PARKING AREAS ARE DIMENSIONED AND IDENTIFIED ON SHEETS 4 THROUGH 6.



Key Map
N.T.S.

JOB NO.: MAH001
DATE: JULY 20, 2016
APPLICATION: Community Development Plan

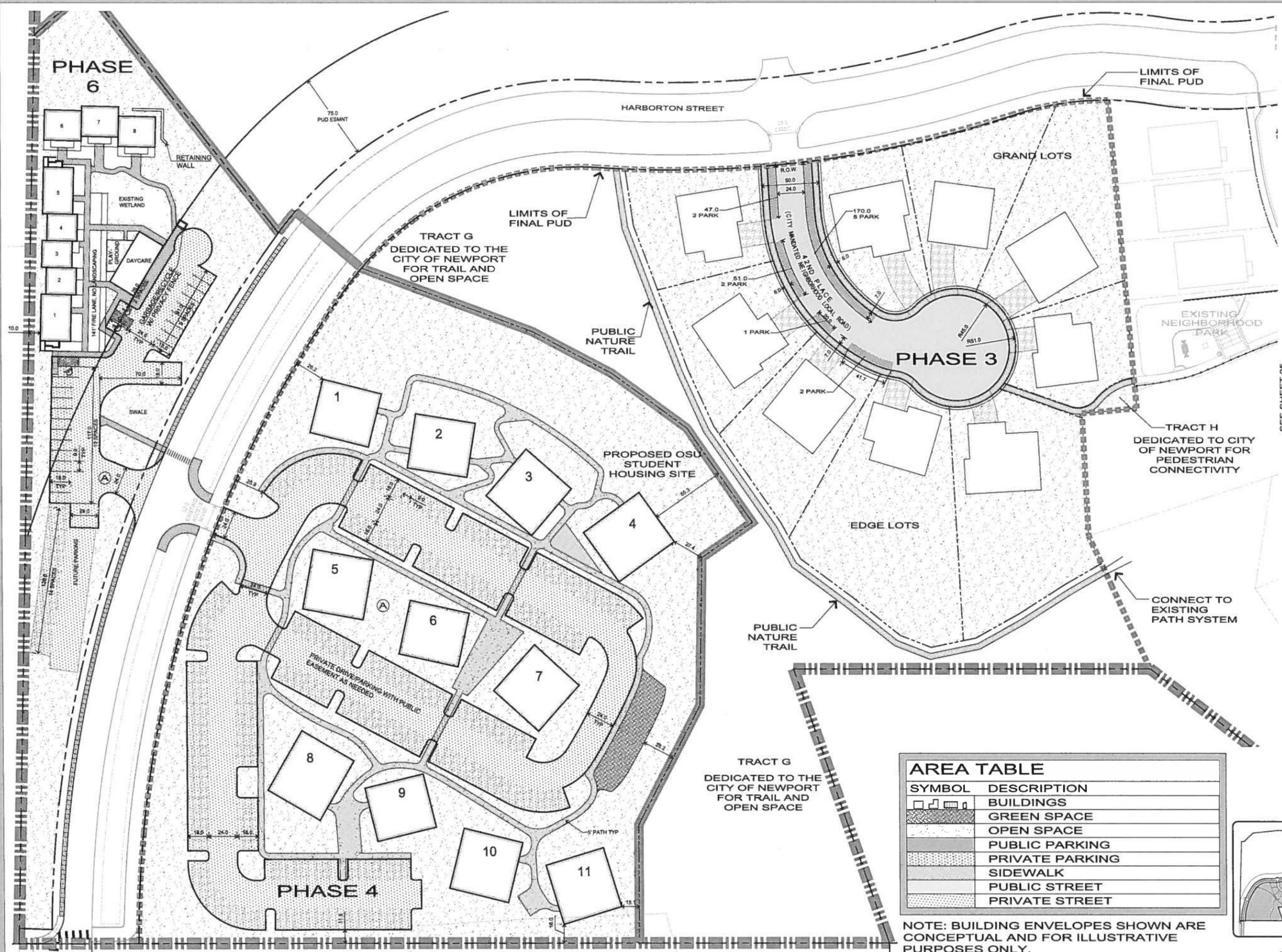
WILDER
FINAL DEVELOPMENT PLAN MASTER PLAN

SHEET
03

landwaves
JET Planning, LLC
215 W. 4th Street Ste. 209
Portland, OR 97202
TEL: (503) 221-0187
FAX: (503) 221-0774

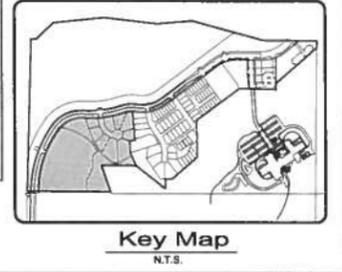
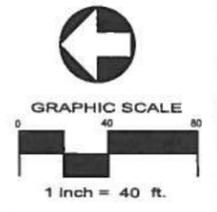
2G ASSOCIATES
400 COLUMBIA STREET
SUITE 160
VANCOUVER, WA 98660
PHONE: 503-939-8750

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AREA TABLE	
SYMBOL	DESCRIPTION
[Building symbol]	BUILDINGS
[Green hatched symbol]	GREEN SPACE
[White symbol]	OPEN SPACE
[Dark grey hatched symbol]	PUBLIC PARKING
[Light grey hatched symbol]	PRIVATE PARKING
[Dashed line symbol]	SIDEWALK
[Solid line symbol]	PUBLIC STREET
[Dotted line symbol]	PRIVATE STREET

NOTE: BUILDING ENVELOPES SHOWN ARE CONCEPTUAL AND FOR ILLUSTRATIVE PURPOSES ONLY.



SEE SHEET 05

landwaves
 2712 SE 20th Ave
 Portland, Oregon 97202
 TEL: (503) 221-0187
 FAX: (503) 221-0741

JET Planning, LLC
 215 W. 4th Street Ste. 209
 Vancouver, WA 98660
 TEL: 503-705-3808
 FAX: (503) 705-3808

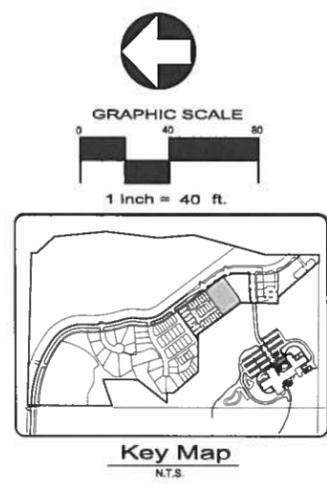
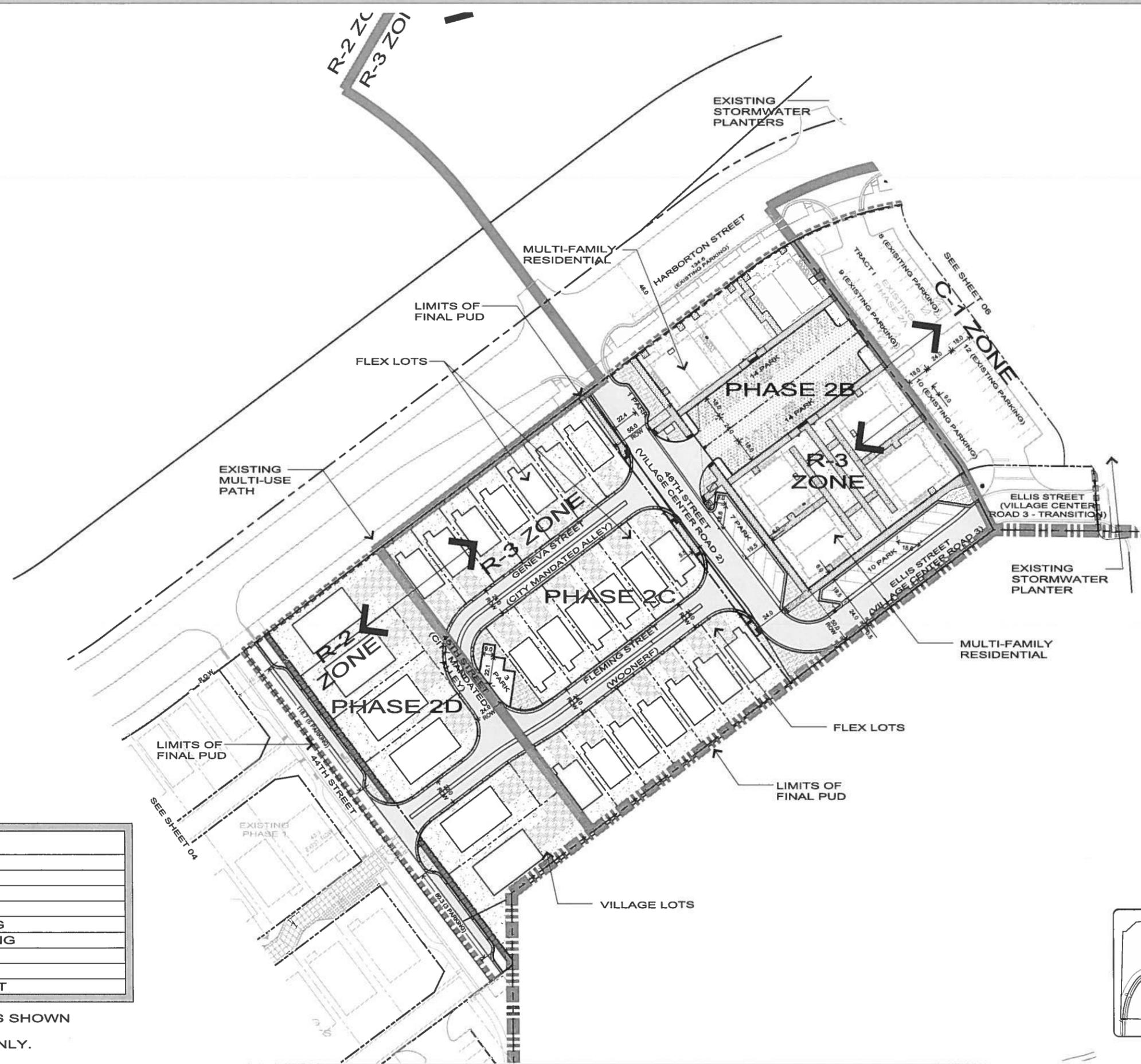
2G ASSOCIATES
 400 COLUMBIA STREET
 SUITE 160
 VANCOUVER, WA 98660
 PHONE: 503-938-8750

JOB NO.: MAH001
 DATE: JULY 20, 2016
 APPLICATION: Community Master Development Plan Applications

WILDER
 FINAL DEVELOPMENT PLAN
 PHASE 3, 4 and 6

AREA TABLE	
SYMBOL	DESCRIPTION
	BUILDINGS
	GREEN SPACE
	OPEN SPACE
	PUBLIC PARKING
	PRIVATE PARKING
	SIDEWALK
	PUBLIC STREET
	PRIVATE STREET

NOTE: BUILDING ENVELOPES SHOWN ARE CONCEPTUAL AND FOR ILLUSTRATIVE PURPOSES ONLY.



landwaves
2712 SE 20th Ave
Portland, Oregon 97202
TEL: (503) 221-0187 FAX: (503) 221-0741

JET Planning, LLC
215 W. 4th Street Ste. 209
Vancouver, WA 98660
TEL: 503-705-3905

400 COLUMBIA STREET
SUITE 160
VANCOUVER, WA 98660
PHONE: 503-939-8750

2G ASSOCIATES

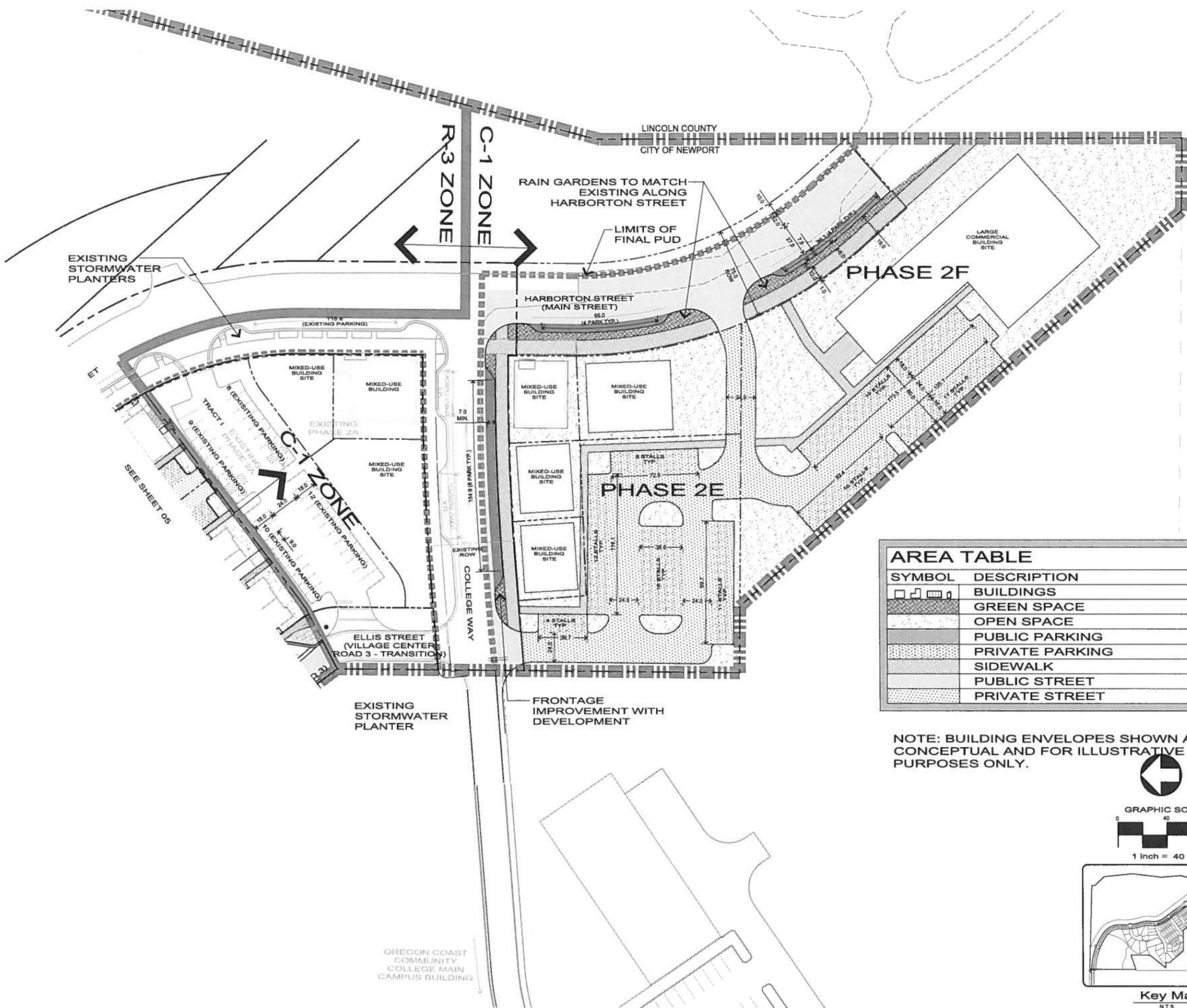
JOB NO.: MAH001
DATE: JULY 20, 2016
APPLICATION: Community Master Development Plan Applications

WILDER
FINAL DEVELOPMENT PLAN
Phase 2B 2C and 2D

SHEET
05

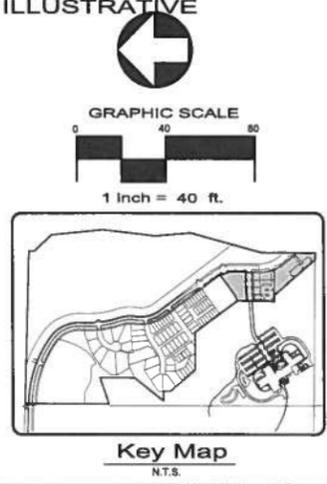
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AREA TABLE	
SYMBOL	DESCRIPTION
	BUILDINGS
	GREEN SPACE
	OPEN SPACE
	PUBLIC PARKING
	PRIVATE PARKING
	SIDEWALK
	PUBLIC STREET
	PRIVATE STREET

NOTE: BUILDING ENVELOPES SHOWN ARE CONCEPTUAL AND FOR ILLUSTRATIVE PURPOSES ONLY.



JOB NO.: MAH001
 DATE: JULY 20, 2016
 APPLICATION: Community Master Development Plan Applications

WILDER
FINAL DEVELOPMENT PLAN
 Phase 2E and 2F

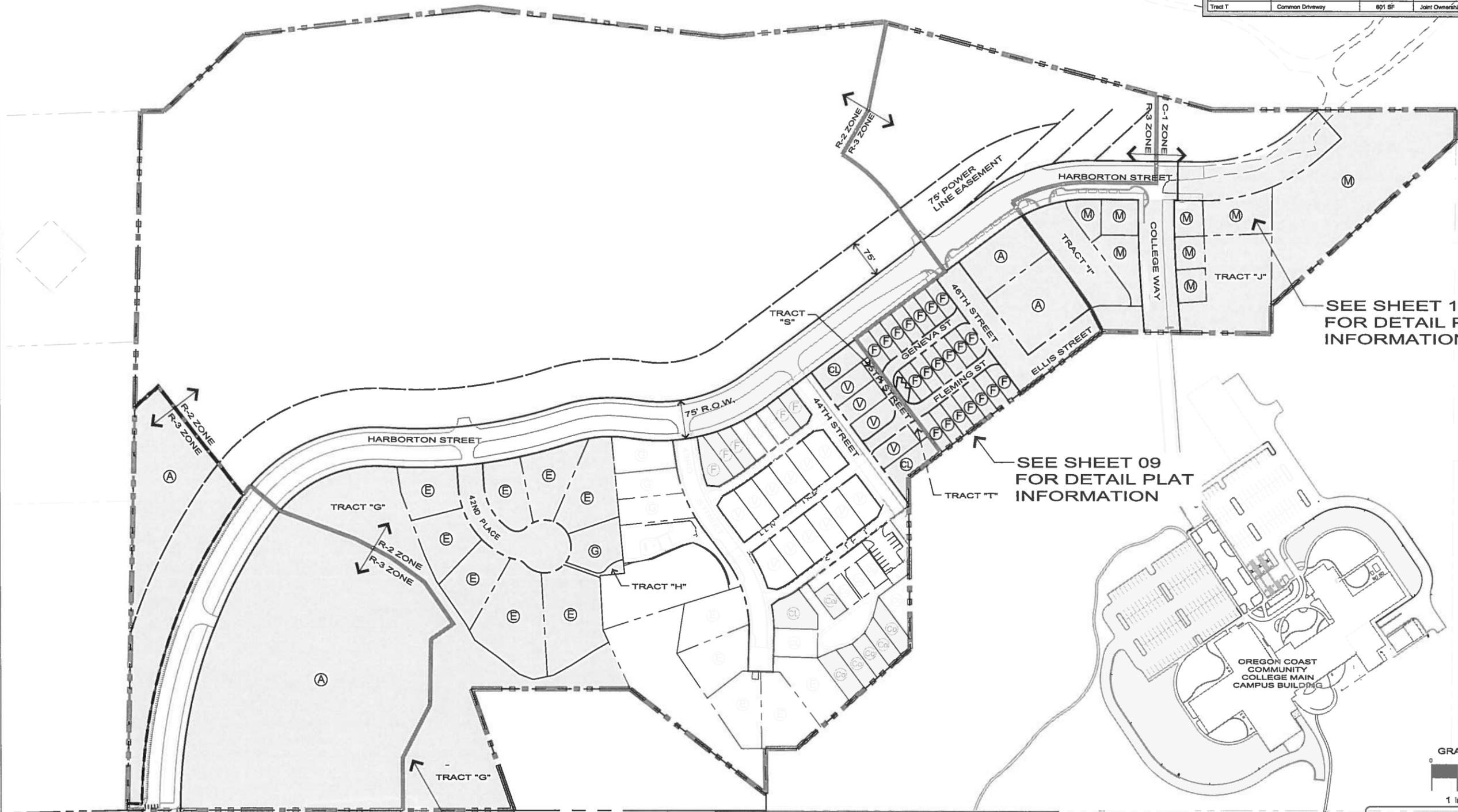
SHEET
06



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JET Planning, LLC
 2712 SE 20th Ave
 Portland, Oregon 97202
 TEL: (503) 221-0167
 FAX: (503) 221-0741

400 COLUMBIA STREET
 SUITE 160
 VANCOUVER, WA 98660
 PHONE: 503-639-9750

TRACT TABLE			
Tract Name	Tract Purpose	Tract Size	Tract Conveyed To:
Tract G	Common Open Space	94,812 SF	City of Newport Parks and Recreation
Tract H	Common Open Space	1,321 SF	City of Newport Parks and Recreation
Tract I	Common Parking Lot	17,721 SF	Joint Ownership for Commercial
Tract J	Common Parking Lot	27,440 SF	Joint Ownership for Commercial
Tract S	Common Driveway	850 SF	Joint Ownership Lots 5 and 6
Tract T	Common Driveway	801 SF	Joint Ownership Lots 1 and 2



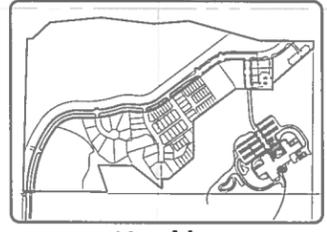
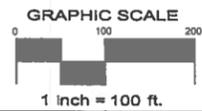
SEE SHEET 10 FOR DETAIL PLAT INFORMATION

SEE SHEET 09 FOR DETAIL PLAT INFORMATION

SEE SHEET 08 FOR DETAIL PLAT INFORMATION

LOT COUNT TABLE			
	EXISTING	PROPOSED	DEV. TOTALS
Cottage Lots (Co)	10	0	10
Flex Lots (F)	8	20	28
Village Lots (V)	12	4	16
Classic Lots (CL)	2	2	4
Grand Lots (G)	3	1	4
Edge Lots (E)	5	8	13
Apartment Lots (A)	0	4	4
Mixed Use Lots (M)	0	8	8

- (A) - APARTMENT RESIDENTIAL
- (F) - FLEX LOTS
- (V) - VILLAGE LOTS (3,700-4,600 SF)
- (CL) - CLASSIC LOTS (4,601-6,200 SF)
- (G) - GRAND LOTS (6,201-9,999 SF)
- (E) - EDGE LOTS (10,000 SF +)
- (M) - MIXED USE



Key Map
N.T.S.

JOB NO.:	MAH001
DATE:	JULY 20, 2016
APPLICATION:	Community Master Development Plan Applications

WILDER
 TENTATIVE SUBDIVISION PLAT
 MASTER PLAN

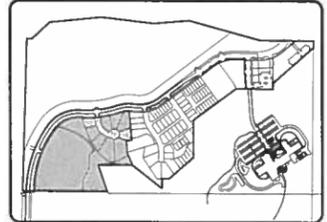
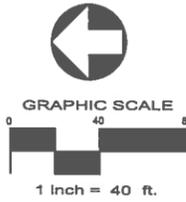
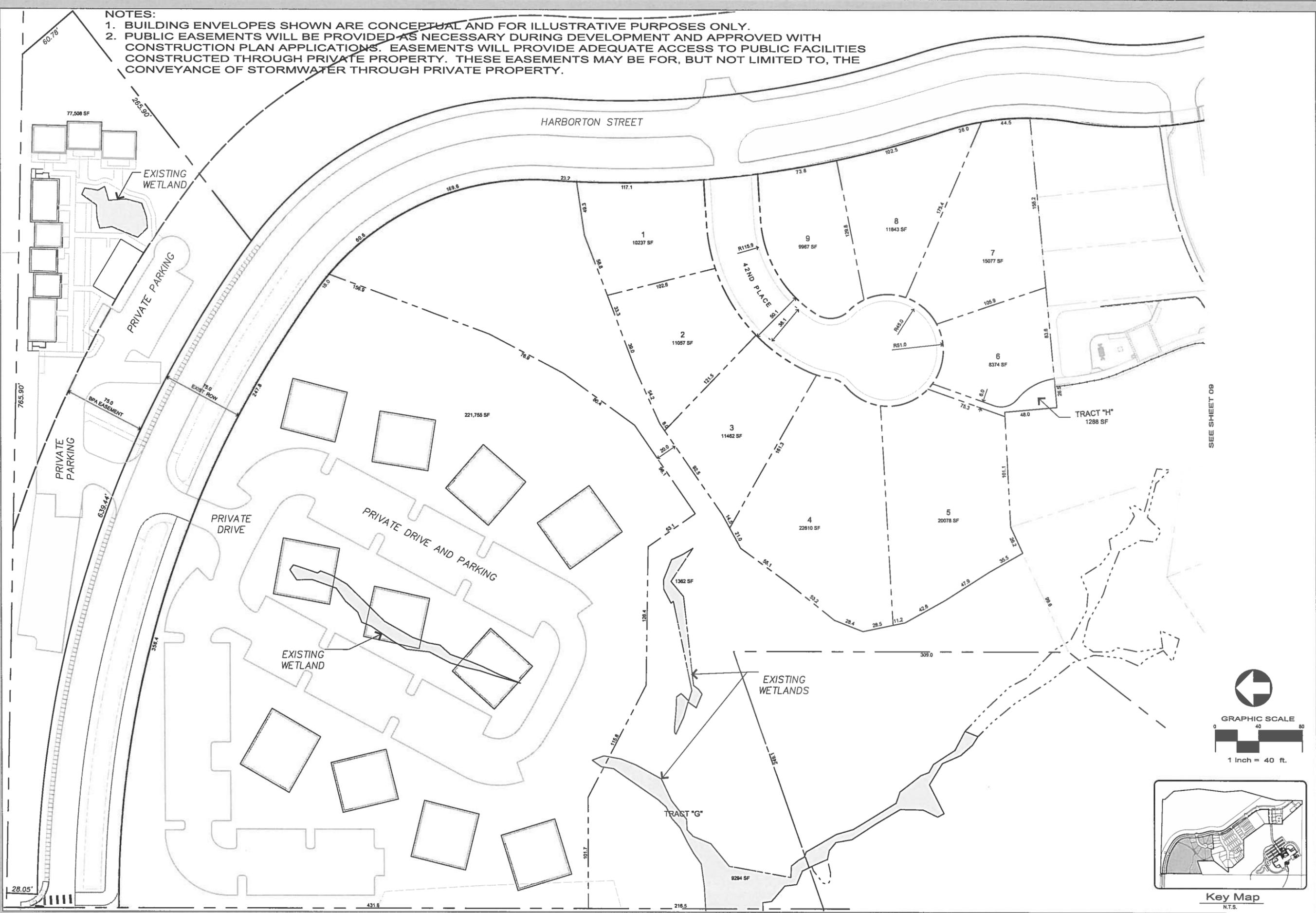
land aves JET Planning, LLC
 2712 SE 20th Ave
 Portland, Oregon 97202
 TEL: (503) 221-0167
 FAX: (503) 221-0741

2G ASSOCIATES
 400 COLUMBIA STREET
 SUITE 160
 VANCOUVER, WA 98660
 PHONE: 509-938-8750

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NOTES:

1. BUILDING ENVELOPES SHOWN ARE CONCEPTUAL AND FOR ILLUSTRATIVE PURPOSES ONLY.
2. PUBLIC EASEMENTS WILL BE PROVIDED AS NECESSARY DURING DEVELOPMENT AND APPROVED WITH CONSTRUCTION PLAN APPLICATIONS. EASEMENTS WILL PROVIDE ADEQUATE ACCESS TO PUBLIC FACILITIES CONSTRUCTED THROUGH PRIVATE PROPERTY. THESE EASEMENTS MAY BE FOR, BUT NOT LIMITED TO, THE CONVEYANCE OF STORMWATER THROUGH PRIVATE PROPERTY.



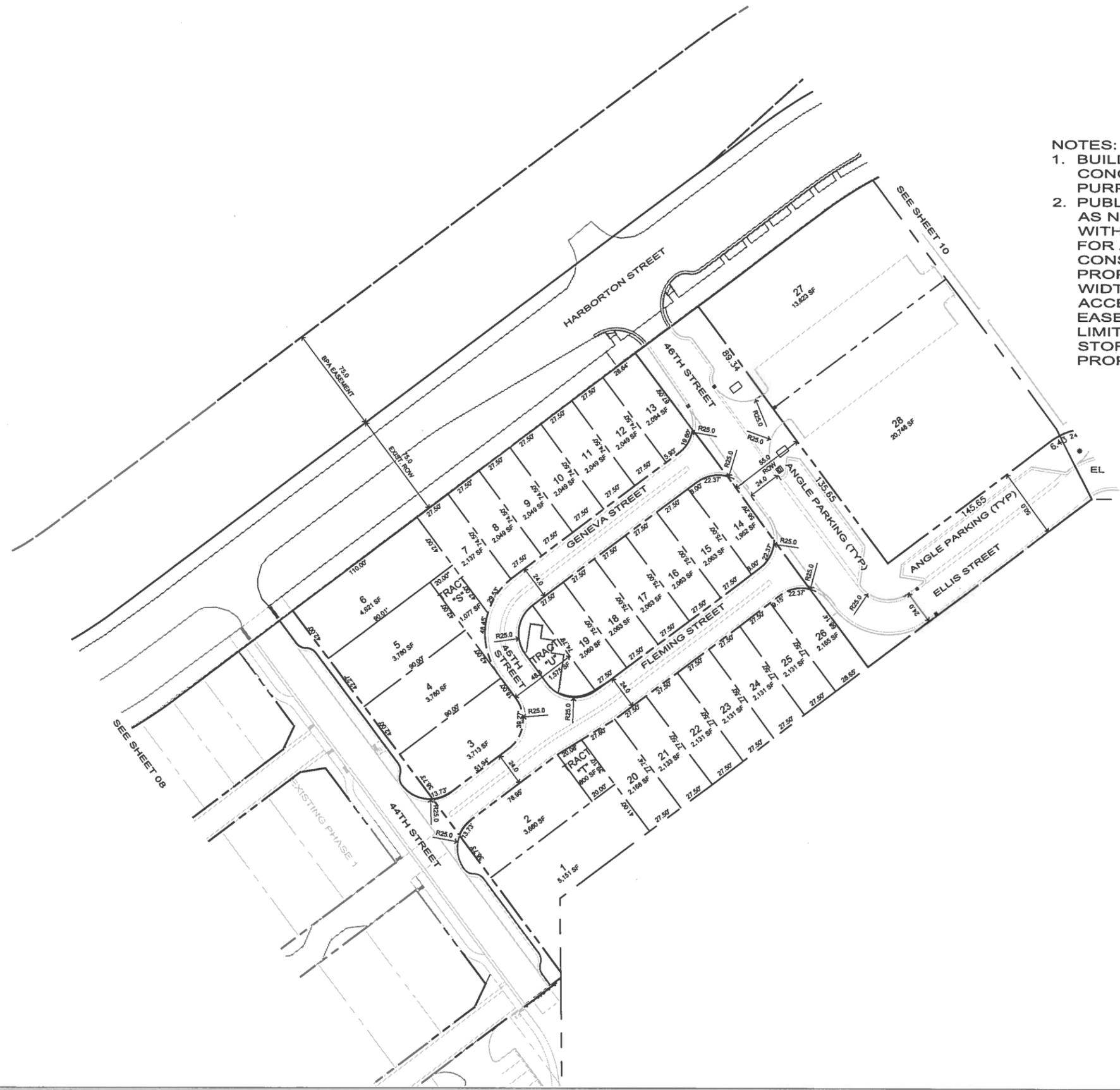
400 COLUMBIA STREET
SUITE 160
VANCOUVER, WA 98660
PHONE: 503-838-8750



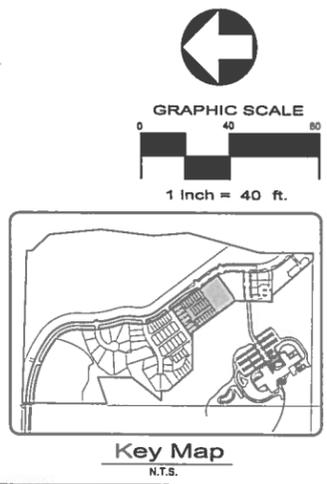
landwaves INC
JET Planning, LLC
215 W. 4th Street Ste. 209
Vancouver, WA 98660
TEL: 503-705-3806

JOB NO.:	MAH001
DATE:	JULY 20, 2016
APPLICATION:	Community Master Development Plan Applications

WILDER
TENTATIVE SUBDIVISION PLAT
Phase 3, 4 and 6



- NOTES:**
1. BUILDING ENVELOPES SHOWN ARE CONCEPTUAL AND FOR ILLUSTRATIVE PURPOSES ONLY.
 2. PUBLIC EASEMENTS WILL BE PROVIDED AS NECESSARY DURING DEVELOPMENT WITH CONSTRUCTION APPLICATIONS FOR ACCESS TO PUBLIC FACILITIES CONSTRUCTED THROUGH PRIVATE PROPERTY AND WHERE ADDITIONAL WIDTH FOR PUBLIC MAINTENANCE ACCESS IS NEEDED. THESE EASEMENTS MAY BE FOR, BUT NOT LIMITED TO, THE CONVEYANCE OF STORMWATER THROUGH PRIVATE PROPERTY.



WILDER
 TENTATIVE SUBDIVISION PLAT
 Phase 2B 2C 2D

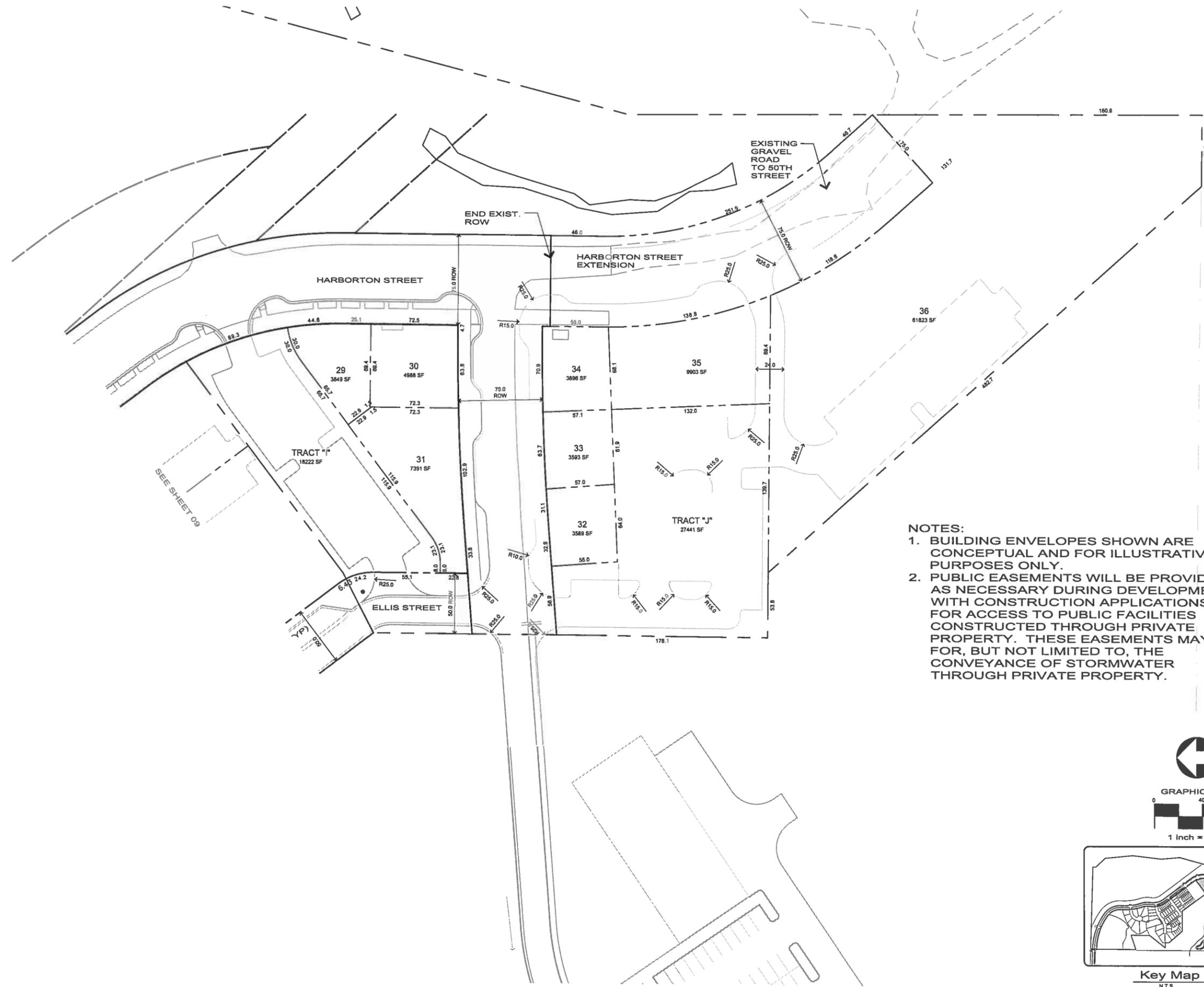
JOB NO.:	MAH001
DATE:	JULY 20, 2016
APPLICATION:	Community Master Development Plan Applications

landwaves INC
 JET Planning, LLC
 2712 SE 20th Ave
 Portland, Oregon 97202
 TEL: (503) 221-0167
 FAX: (503) 221-0741

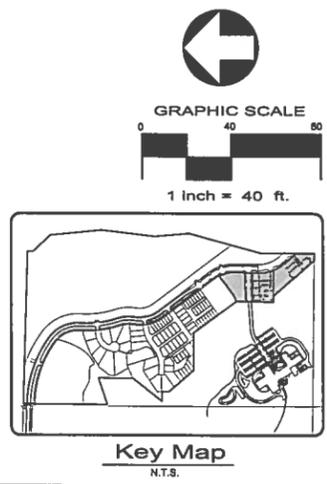


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 SUITE 160
 VANCOUVER, WA 98660
 PHONE: 503-939-8750

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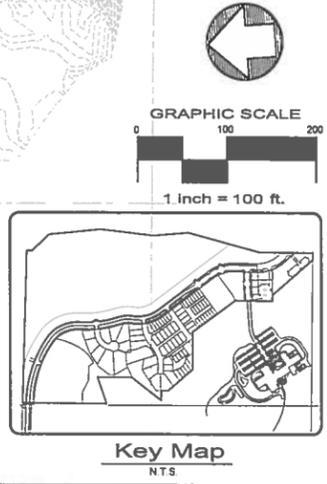
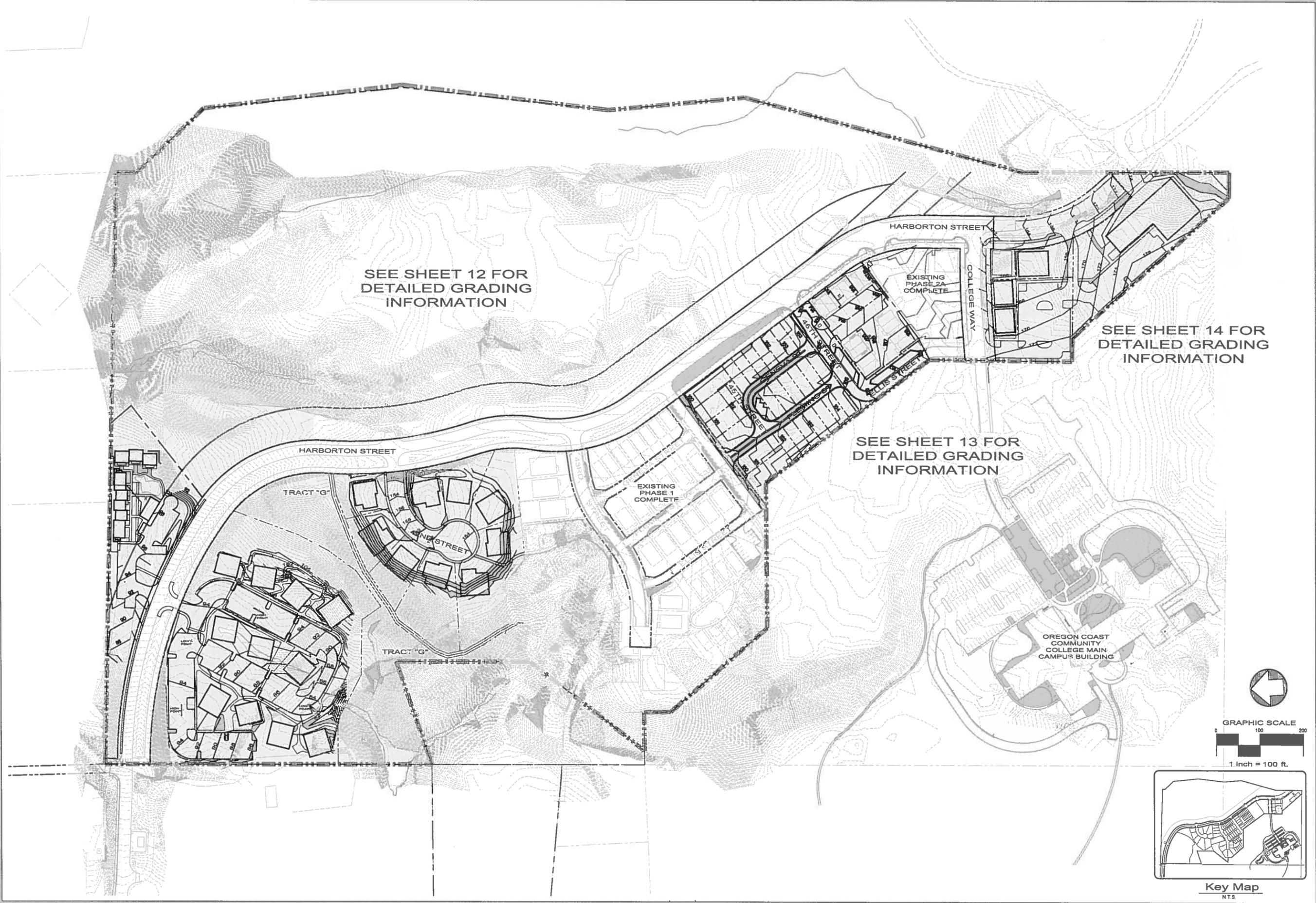


- NOTES:**
1. BUILDING ENVELOPES SHOWN ARE CONCEPTUAL AND FOR ILLUSTRATIVE PURPOSES ONLY.
 2. PUBLIC EASEMENTS WILL BE PROVIDED AS NECESSARY DURING DEVELOPMENT WITH CONSTRUCTION APPLICATIONS FOR ACCESS TO PUBLIC FACILITIES CONSTRUCTED THROUGH PRIVATE PROPERTY. THESE EASEMENTS MAY BE FOR, BUT NOT LIMITED TO, THE CONVEYANCE OF STORMWATER THROUGH PRIVATE PROPERTY.



landwaves <small>INC</small>	JET Planning, LLC 215 W. 4th Street Ste. 209 Vancouver, WA 98660 TEL: 503-705-3808
400 COLUMBIA STREET SUITE 160 VANCOUVER, WA 98660 PHONE: 503-938-6750	
JOB NO.: MAH001 DATE: JULY 20, 2016 APPLICATION: Community Master Development Plan Applications	WILDER TENTATIVE SUBDIVISION PLAT Phase 2A 2E and 2F
SHEET 10	

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SEE SHEET 12 FOR
DETAILED GRADING
INFORMATION

SEE SHEET 13 FOR
DETAILED GRADING
INFORMATION

SEE SHEET 14 FOR
DETAILED GRADING
INFORMATION

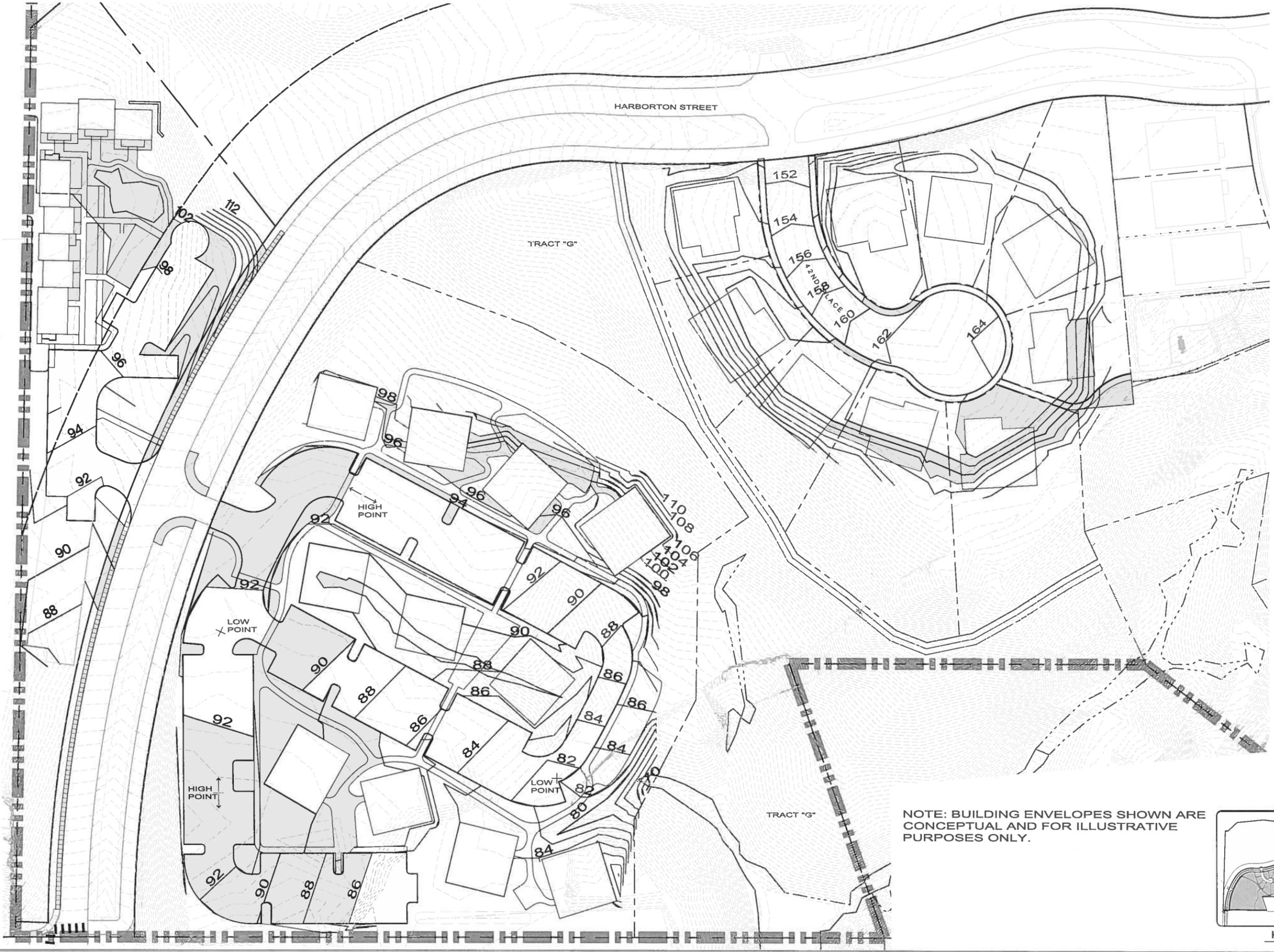
WILDER GRADING MASTER PLAN

SHEET
11

JOB NO.: MAH001
DATE: JULY 20, 2016
APPLICATION: Community Master
Development Plan
Applications

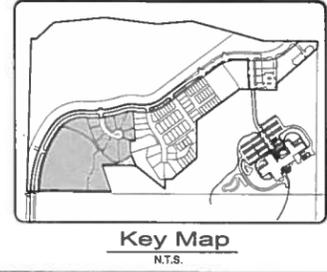
landwaves inc
JET Planning, LLC
2712 SE 20th Ave
Portland, Oregon 97202
TEL: (503) 221-0167
FAX: (503) 221-0741

2G ASSOCIATES
400 COLUMBIA STREET
SUITE 160
VANCOUVER, WA 98660
PHONE: 503-939-8750



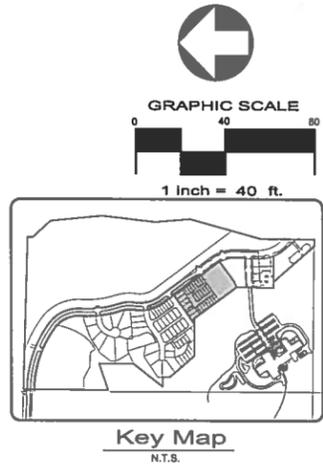
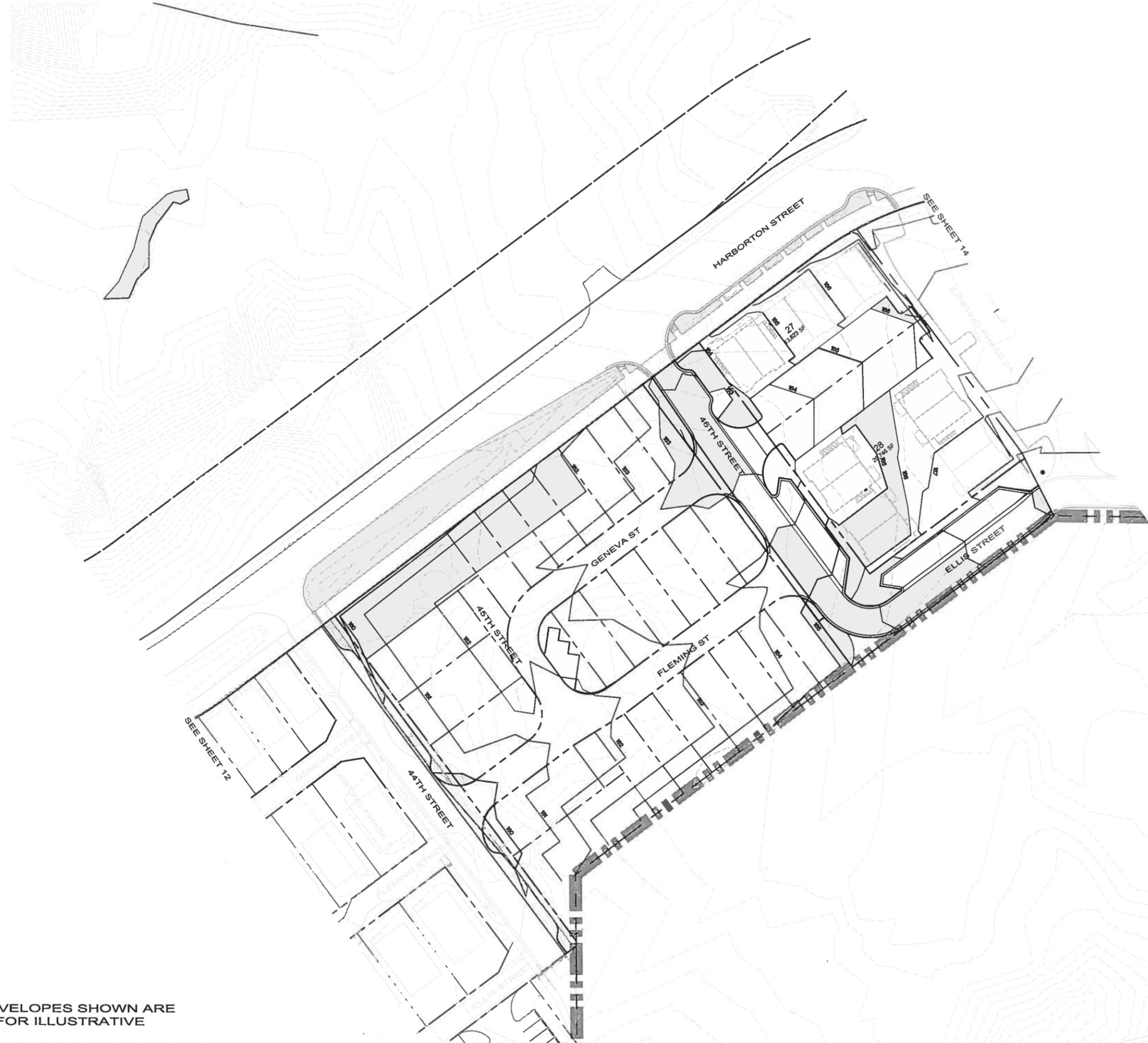
NOTE: BUILDING ENVELOPES SHOWN ARE CONCEPTUAL AND FOR ILLUSTRATIVE PURPOSES ONLY.

SEE SHEET 13



WILDER GRADING PLAN Phase 3, 4 and 6	SHEET 12	JOB NO.: MAH001 DATE: JULY 20, 2016 APPLICATION: Community Master Development Plan Applications	 2G ASSOCIATES JET Planning, LLC 215 W. 4th Street, 209 Vancouver, WA 98660 TEL: 503-705-3906 FAX: (503) 221-0741 landwaves inc 2712 SE 20th Ave Portland, Oregon 97202 TEL: (503) 221-0167 FAX: (503) 221-0741
		400 COLUMBIA STREET SUITE 160 VANCOUVER, WA 98660 PHONE: 503-939-8750	292

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 PURPOSES ONLY.



JOB NO.:	MAH001
DATE:	JULY 20, 2016
APPLICATION:	Community Master Development Plan Applications

WILDER
GRADING PLAN
 Phase 2B 2C and 2D

SHEET
13

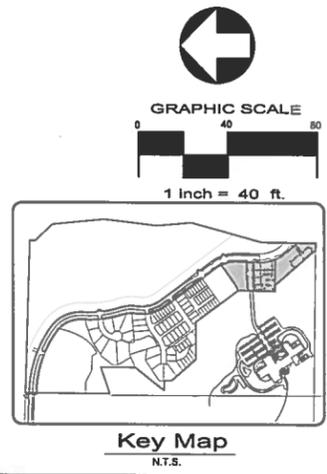
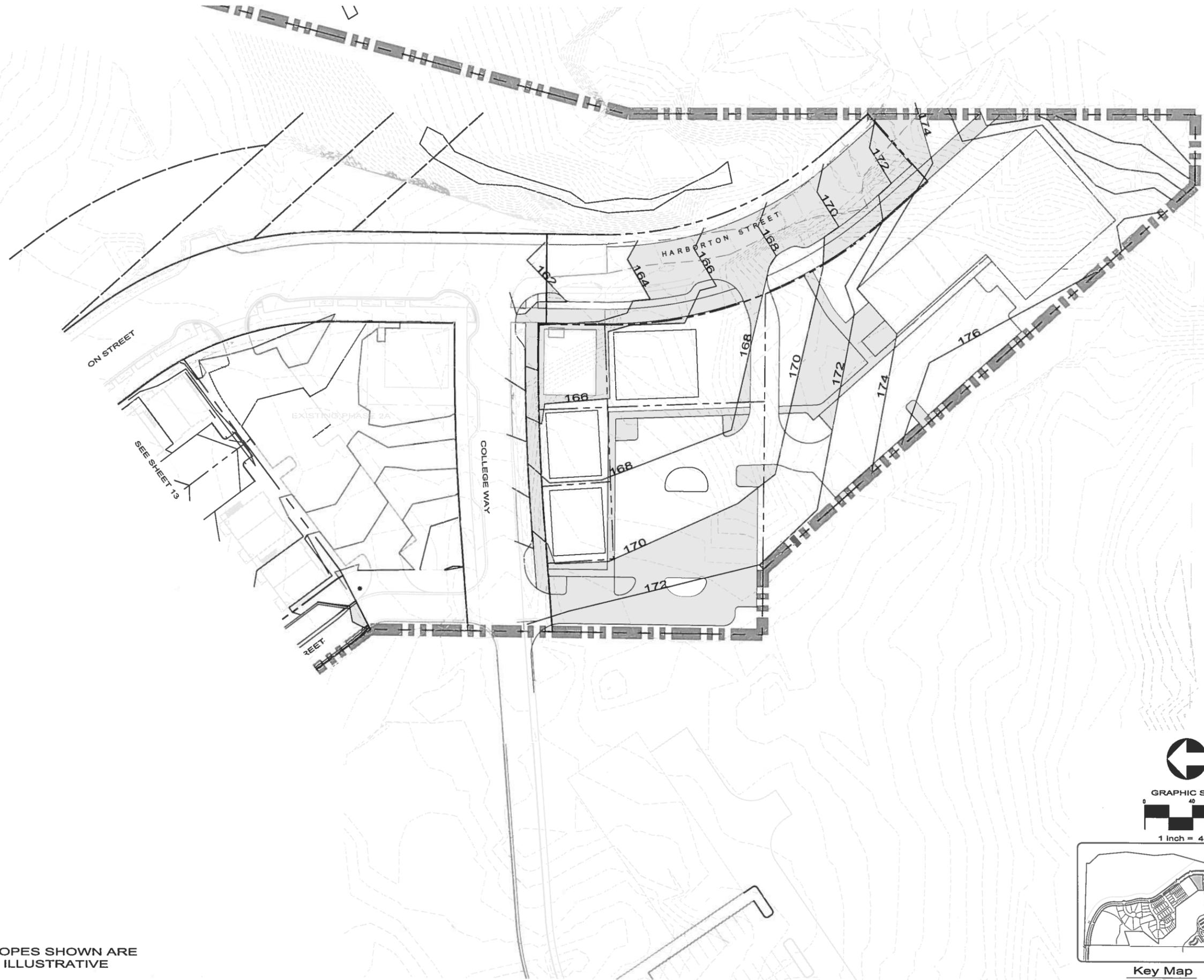
landwaves
 2712 SE 20th Ave
 Portland, Oregon 97202
 TEL: (503) 221-0187
 FAX: (503) 221-0741

JET Planning, LLC
 215 W. 4th Street Ste. 209
 Vancouver, WA 98660
 TEL: 503-705-3806



400 COLUMBIA STREET
 SUITE 160
 VANCOUVER, WA 98660
 PHONE: 503-938-8750

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JOB NO.:	MAH001
DATE:	JULY 20, 2016
APPLICATION:	Community Master Development Plan Applications

WILDER GRADING PLAN

Phase 2E and 2F

SHEET
14
N.T.S.

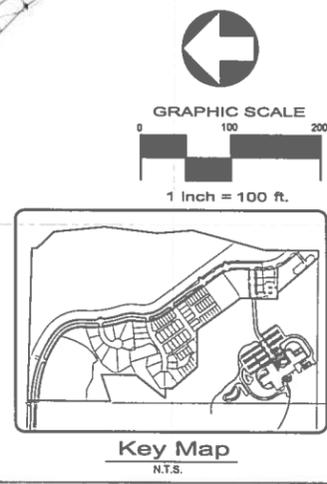
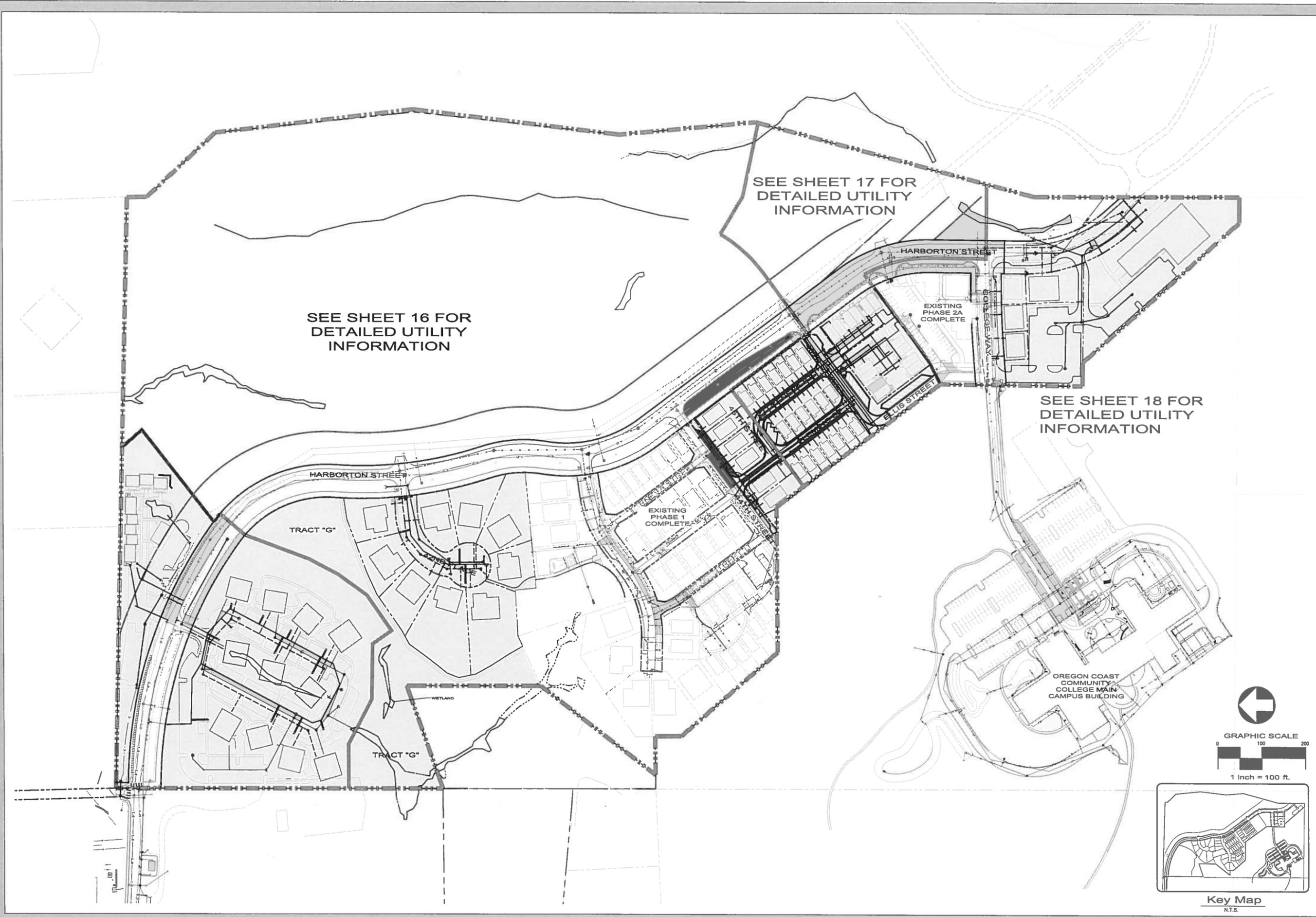
landwaves INC
2712 SE 20th Ave
Portland, Oregon 97202
TEL: (503) 221-0167
FAX: (503) 221-0741

JET Planning, LLC
215 W. 4th Street, 209
Vancouver, WA 98660
TEL: 503-705-3806



400 COLUMBIA STREET
SUITE 160
VANCOUVER, WA 98660
PHONE: 503-939-8750

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WILDER UTILITY MASTER PLAN

JOB NO.: MAH001
DATE: JULY 20, 2016
APPLICATION: Community Master
Development Plan
Applications

landwaves
2712 SE 20th Ave
Portland, Oregon 97202
TEL: (503) 221-0167
FAX: (503) 221-0741

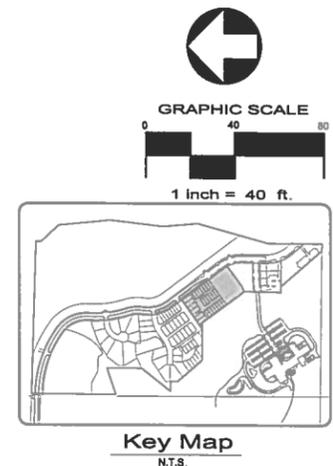
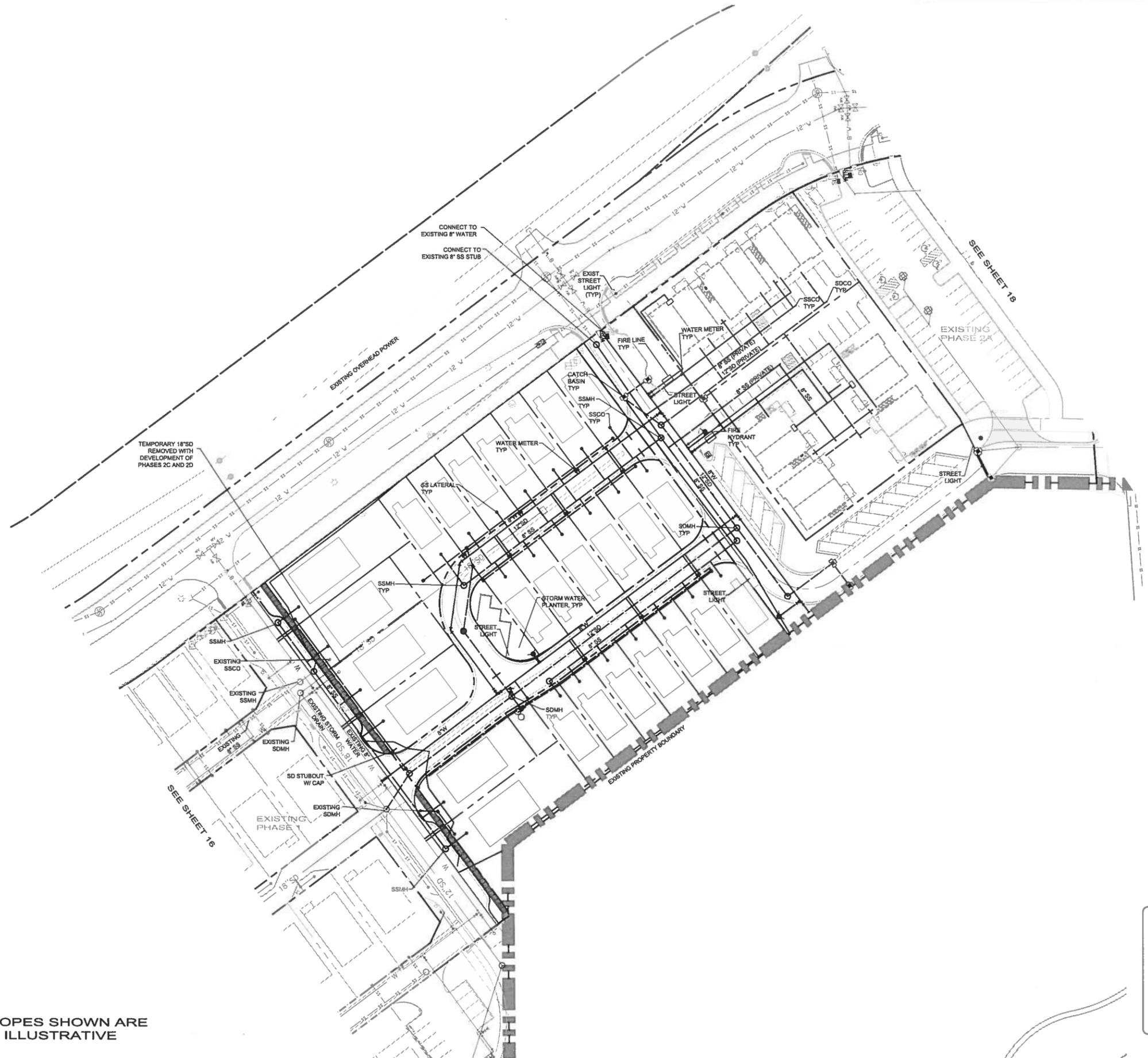
JET Planning, LLC
215 W. 4th Street, Ste. 209
Vancouver, WA 98660
TEL: 503-705-3806



400 COLUMBIA STREET
SUITE 160
VANCOUVER, WA 98660
PHONE: 503-939-8750

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NOTE: BUILDING ENVELOPES SHOWN ARE CONCEPTUAL AND FOR ILLUSTRATIVE PURPOSES ONLY.



JOB NO.:	MAH001
DATE:	JULY 20, 2016
APPLICATION:	Community Master Development Plan Applications

WILDER
UTILITY PLAN
 Phase 2B 2C and 2D

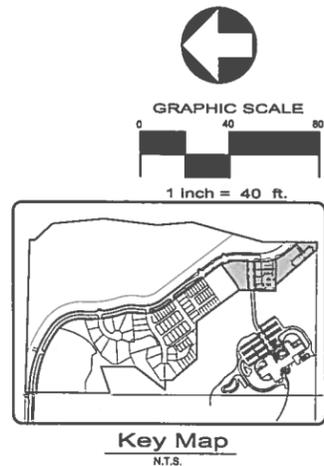
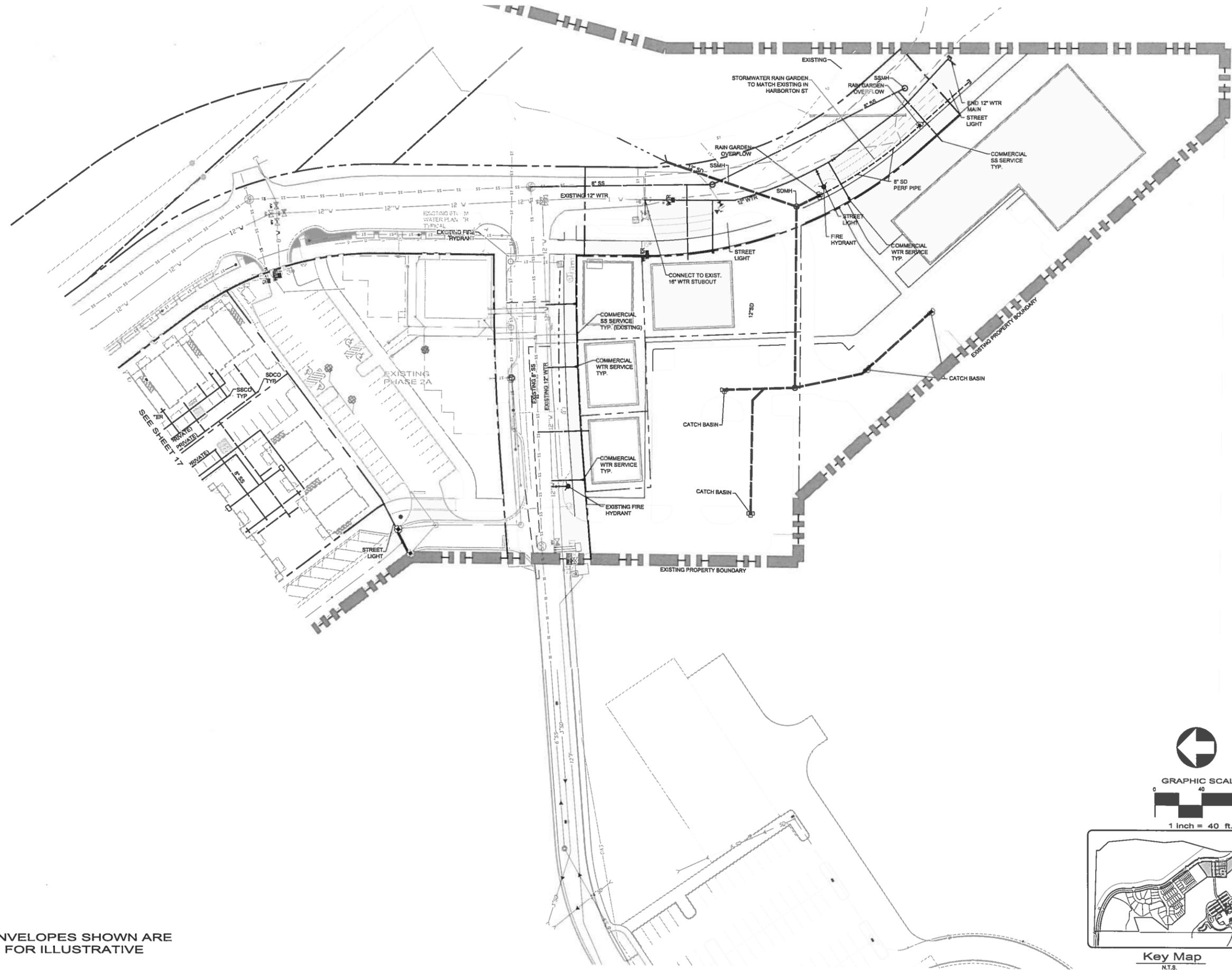
SHEET
17

landwaves
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 215 W. 4th Street Ste. 209
 Vancouver, WA 98660
 TEL: (503) 221-0167
 FAX: (503) 221-0741

2G ASSOCIATES
 400 COLUMBIA STREET
 SUITE 160
 VANCOUVER, WA 98660
 PHONE: 503-939-8750

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WILDER UTILITY PLAN Phase 2A 2E and 2F

SHEET
18

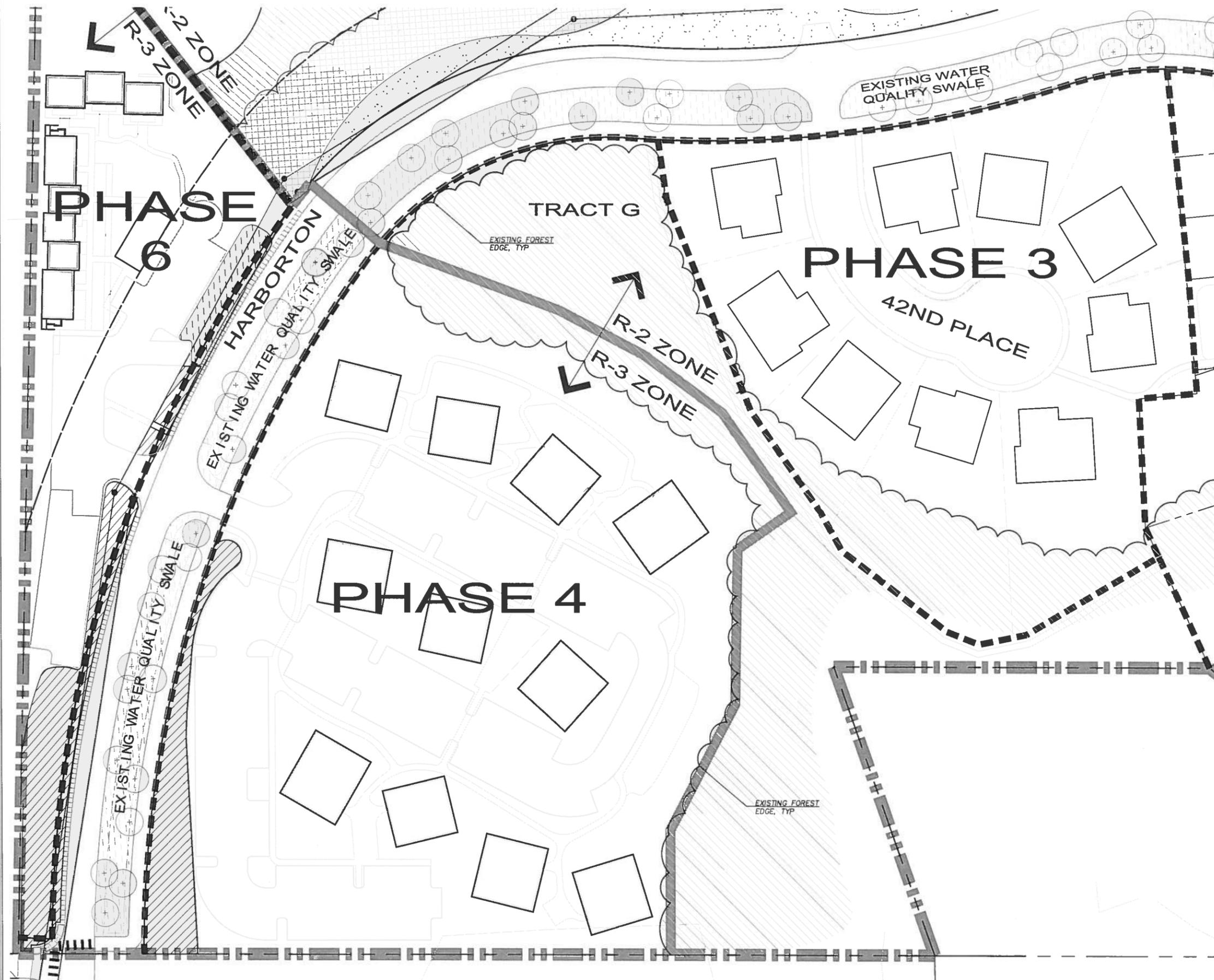
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2712 SE 20th Ave
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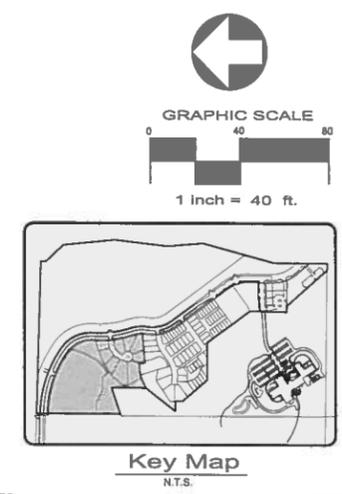
JET Planning, LLC
216 W. 4th Street Ste. 209
Vancouver, WA 98660
TEL: 503-705-3606

400 COLUMBIA STREET
SUITE 160
VANCOUVER, WA 98660
PHONE: 503-699-8750



- LEGEND**
- WATER QUALITY SWALE**
 CAREX/ELEOCHARIS/JUNCUS SPP.
 CORNUS SERICEA "KELSEYI" - DWARF REDTWIG DOGWOOD
 FRAGARIA CHILOENSIS - COAST STRAWBERRY
 RIBES SANGUINEUM - RED FLOWERING CURRANT
 SPIRAEA DOUGLASSII - DOUGLAS SPIREA
 - ENHANCED FOREST EDGE**
 ACER CIRCINATUM - VINE MAPLE
 MAHONIA NERVOSA - CASCADE OREGON GRAPE
 MYRICA CALIFORNICA - PACIFIC WAXMYRTLE
 PICEA SITCHENSIS - SITKA SPRUCE
 THUJA PLICATA - WESTERN RED CEDAR
 - STREET TREES**
 ALNUS RUBRA - RED ALDER
 NYSSA SYLVATICA - BLACK TUPELO
 PINUS CONTORTA - SHORE PINE
 PRUNUS CERASIFERA "NEWPORT" - NEWPORT PLUM
 - NATIVE GRASSES AND WILDFLOWERS**
 - ENHANCED ENTRY LANDSCAPE**
 - EXISTING FOREST**

NOTES
 1. PROVIDE NATIVE GRASS SEED TO ALL UNDISTURBED AREAS NOT SHOWN ON THIS PLAN



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:

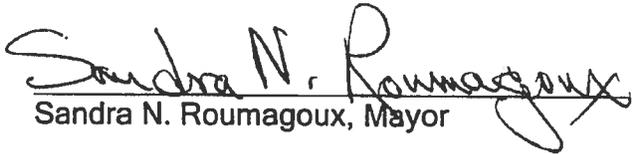
Section 1. The Housing element of the City of Newport Comprehensive Plan is hereby amended as set forth in Exhibit "A."

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.

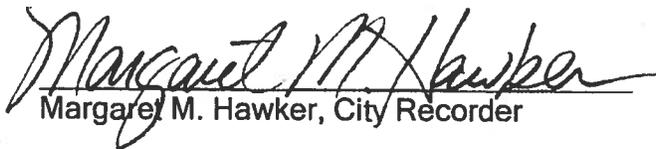
Section 3. This ordinance shall take effect 30 days after passage.

Date adopted and read by title only: February 17, 2015

Signed by the Mayor on February 18, 2015.


Sandra N. 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 endeavor to 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 endeavor to 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 endeavor to 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.

Wanda Haney

From: Amanda Phipps <aphipps@newportnewstimes.com>
Sent: Wednesday, June 15, 2016 9:59 AM
To: Wanda Haney
Subject: RE: City of Newport Legal Notice - File 1-SUB-16/1 & 2-PD-16/2-CP-16/1-Z-16

Wanda,
We have received your notice and will publish accordingly.

Thank you,
Amanda

From: Wanda Haney [mailto:W.Haney@NewportOregon.gov]
Sent: Wednesday, June 15, 2016 9:51 AM
To: 'Amanda Phipps'
Subject: City of Newport Legal Notice - File 1-SUB-16/1 & 2-PD-16/2-CP-16/1-Z-16

Amanda,
Attached is another notice of a public hearing (this one before the Planning Commission) for our File No. 1-SUB-16/1 & 2-PD-16/2-CP-16/1-Z-16, for publication once on **FRIDAY, JULY 15, 2016**, please. Again, would you please respond with an email confirming receipt of the notice & if it will publish on this date.
Thanks,

Wanda Haney
Executive Assistant
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

The City of Newport Planning Commission will hold a public hearing on Monday, July 25, 2016, at 7:00 p.m. in the City Hall Council Chambers to consider **File No. 1-SUB-16/1 & 2-PD-16/2-CP-16/1-Z-16** as submitted by Ronald L. Adams, Oregon State University (Bonnie Serkin, Landwaves, Inc., property owner) (Elizabeth Decker, JET Planning, authorized representative). The applicant is applying for modifications in order to allow for development of student housing to support OSU's expanding Newport operations centered around the Hatfield Marine Science Center and for multi-family development for Samaritan House. The proposed modifications would amend the Comprehensive Plan map designations by shifting locations of about 11 acres of low density and high density residential designated areas within the planned development with no net change to the total number of permitted dwelling units. The application includes the following requests: **1-SUB-16**: Modifications to the tentative subdivision plan for portions of Phase 1 of Wilder specific to proposed Wilder Phase 4 and to include a new parcel for Phase 6 in the tentative plan. The plan was previously approved as Case File #1-SUB-09 and modified through Case File #3-SUB-09, #1-SUB-10, and #1-SUB-15. The proposed modifications provide for a single lot in Phase 4 intended for multi-family development in place of individual single-family lots and cottage lots previously proposed, and a single parcel for multi-family development in Phase 6. As previously conditioned, the proposed phased tentative plat will be valid for a period of at least 10 years. **1-PD-16**: Major modifications to the approved Preliminary Development Plan for Phase 1 of Wilder (most recently modified in Case File #2-PD-15) to add multi-family development to the northwest corner of the site, shown as Phase 4, in place of single-family development, to accommodate student housing for OSU; add multi-family development to north of the site, shown as Phase 6, in place of single-family development, to accommodate an affordable housing project; replace multi-family development in the southeast corner of the site with single-family development to balance the proposed development for Phases 4 and 5; introduce a new multi-family residential development type to the "Kit of Parts" called Multi-Family: Clustered for the proposed student housing development; allow a variance to the multi-family clustered residential parking standard to decrease required spaces in recognition of available multimodal transportation alternatives; allow 'Day Care' and supporting Community Services uses as permitted uses in the R-3 Medium-Density Multi-Family zone; adjust range of development for various residential types with no net increase in units; and adjust multi-family and single-family lot configurations for future phases of development east of Harborton Street. The Village Center continues to be the heart of activity serving a spectrum of residential development types that gradually reduce in density farther from the Village Center, with the addition of a node of student housing, located closest to the OSU Hatfield Marine Science Center, and affordable housing strategically located near the entrance to Wilder. **2-PD-16**: Major modifications to the approved Final Development Plan for Phase 1 of Wilder (Case Files #2-PD-09, #6-PD-09, #2-PD-10, #2-PD-14, and #3-PD-15) by proposing detailed development, including streets, buildings, landscaping, open space, etc., within the portion of Phase 1 of Wilder on the west side of Harborton Street. This application expands the Final Development Plan to encompass Phase 6 as well. The major modifications to the Final Development Plan incorporate the change to multi-family development in Phase 4 for student housing and in Phase 6 for affordable housing consistent with the changes to the Preliminary Development Plan. **2-CP-16**: The comprehensive Plan map amendment involves a change to the comprehensive plan designation for Phase 4 and Phase 6 to High-Density Residential from Low-Density Residential, with a corresponding change to Low-Density Residential from High-Density on the east side of Harborton Street north of the Village Center to minimize the net change to High-Density Residential acres. There are no changes to the total number of dwelling units proposed within Phase 1 of Wilder as a result of this amendment, simply a relocation of density within the development. **1-Z-16**: The zoning ordinance map amendment proposes to change the zoning for Phase 4 and Phase 6 to R-3 Medium-Density Multi-family zoning from R-2 Medium-Density Single-family to accommodate student and affordable housing. The zoning on the east side of Harborton Street north of the Village Center will be changed correspondingly from R-3 Medium-Density Multi-family zoning to R-2 Medium-Density Single-family to partially offset the additional R-3 acres in Phases 4 and 6. The location of the subject property includes Tax Lot 00100 of Assessor's Tax Map 11-11-20-00, Tax Lots 00700 & 01300 of Assessor's Tax Map 11-11-21-00 (Parcels 1 and 2, Partition Plat No. 2015-01). The site is located in the South Beach neighborhood directly east of Mike Miller Park and south of SE 40th Street on land zoned R-2, R-3, and C-1. The application must be consistent with those approval criteria as set forth in Section 13.05.015 (for tentative subdivision plan approval) of the City of Newport's Municipal Code (NMC); NMC Chapter 14.35.070 (for preliminary development plan approval); and NMC Section 14.35.100 (for final development plan approval). Pursuant to NMC 14.35.110 (C), major changes to approved preliminary and final development plans, such as changes in character of the development or any increase in the intensity or density of the land use or in the location or amount of land devoted to specific land uses or any change in the location, width, or size of a collector or major thoroughfare street, or that substantially

changes the location or specification for utilities but will not materially affect future street or utility plans of the City may be approved by the Planning Commission after public hearing and must satisfy the original approval criteria. Pursuant to NMC Section 13.05.105 (A) (Exceptions for Planned Developments), the standards and requirements otherwise applicable to standard subdivisions under Chapter 13 of the Municipal Code may be modified without a variance for planned developments. Comprehensive Plan Map amendments require findings addressing the following: 1. Change in one or more goal or policy; and 2. Demonstrated need to accommodate unpredicted population trends, housing needs, employment needs, or change in community attitudes; and 3. Orderly and economic provision of key public facilities; and 4. Ability to serve the subject property with City services without an undue burden on the general population; and 5. Compatibility of the proposed change with the surrounding neighborhood and community. Zoning Map amendments (as per NMC Section 14.36.010) require findings that the proposed zoning is consistent with the Comprehensive Plan Map, furthers a public necessity, and promotes the general welfare. Testimony and evidence must be directed toward the criteria described above or other criteria in the Comprehensive Plan and its implementing ordinances that a person believes applies to the decision. Failure to raise an issue with sufficient specificity to afford the City and the parties an opportunity to respond to that issue precludes an appeal (including to the Land Use Board of Appeals) based on that issue. Testimony may be submitted in written or oral form. Oral and written testimony will be taken during the course of the public hearing. Letters to the Community Development (Planning) Department, City Hall, 169 SW Coast Hwy, Newport, OR 97365, must be received by 5:00 p.m. the day of the hearing or submitted to the Planning Commission during the hearing. The hearing will include a report by staff, testimony (both oral and written) from those in favor (including the applicant) or opposed to the application, rebuttal by the applicant, and questions and deliberation by the Planning Commission. Pursuant to ORS 197.763 (6), any person prior to the conclusion of the initial public hearing may request a continuance of the public hearing or that the record be left open for at least seven days to present additional evidence, arguments, or testimony regarding the application. 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 application materials (including the application and all documents and evidence submitted in support of the application), the applicable criteria, and other file material are 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, d.tokos@newportoregon.gov (mailing address above).

(FOR PUBLICATION ONCE ON FRIDAY, JULY 15, 2016)

**CITY OF NEWPORT
NOTICE OF A PUBLIC HEARING¹**

NOTICE IS HEREBY GIVEN that the Planning Commission of the City of Newport, Oregon, will hold a public hearing on Monday, July 25, 2016, to consider the following requests related to the Wilder development.

File No. 1-SUB-16/1 & 2-PD-16/2-CP-16/1-Z-16.

Applicant & Owner: Ronald L. Adams, Oregon State University (Bonnie Serkin, Landwaves, Inc., property owner) (Elizabeth Decker, JET Planning, authorized representative).

Requests: The applicant is applying for modifications in order to allow for development of student housing to support OSU's expanding Newport operations centered around the Hatfield Marine Science Center and for multi-family development for Samaritan House. The proposed modifications would amend the Comprehensive Plan map designations by shifting locations of about 11 acres of low density and high density residential designated areas within the planned development with no net change to the total number of permitted dwelling units.

1-SUB-16: Modifications to the tentative subdivision plan for portions of Phase 1 of Wilder specific to proposed Wilder Phase 4 and to include a new parcel for Phase 6 in the tentative plan. The plan was previously approved as Case File #1-SUB-09 and modified through Case File #3-SUB-09, #1-SUB-10, and #1-SUB-15. The proposed modifications provide for a single lot in Phase 4 intended for multi-family development in place of individual single-family lots and cottage lots previously proposed, and a single parcel for multi-family development in Phase 6. As previously conditioned, the proposed phased tentative plat will be valid for a period of at least 10 years.

1-PD-16: Major modifications to the approved Preliminary Development Plan for Phase 1 of Wilder (most recently modified in Case File #2-PD-15) to add multi-family development to the northwest corner of the site, shown as Phase 4, in place of single-family development, to accommodate student housing for OSU; add multi-family development to north of the site, shown as Phase 6, in place of single-family development, to accommodate an affordable housing project; replace multi-family development in the southeast corner of the site with single-family development to balance the proposed development for Phases 4 and 5; introduce a new multi-family residential development type to the "Kit of Parts" called Multi-Family: Clustered for the proposed student housing development; allow a variance to the multi-family clustered residential parking standard to decrease required spaces in recognition of available multimodal transportation alternatives; allow 'Day Care' and supporting Community Services uses as permitted uses in the R-3 Medium-Density Multi-Family zone; adjust range of development for various residential types with no net increase in units; and adjust multi-family and single-family lot configurations for future phases of development east of Harborton Street. The Village Center continues to be the heart of activity serving a spectrum of residential development types that gradually reduce in density farther from the Village Center, with the addition of a node of student housing, located closest to the OSU Hatfield Marine Science Center, and affordable housing strategically located near the entrance to Wilder.

2-PD-16: Major modifications to the approved Final Development Plan for Phase 1 of Wilder (Case Files #2-PD-09, #6-PD-09, #2-PD-10, #2-PD-14, and #3-PD-15) by proposing detailed development, including streets, buildings, landscaping, open space, etc., within the portion of Phase 1 of Wilder on the west side of Harborton Street. This application expands the Final Development Plan to encompass Phase 6 as well. The major modifications to the Final Development Plan incorporate the change to multi-family development in Phase 4 for student housing and in Phase 6 for affordable housing consistent with the changes to the Preliminary Development Plan.

2-CP-16: The comprehensive Plan map amendment involves a change to the comprehensive plan designation for Phase 4 and Phase 6 to High-Density Residential from Low-Density Residential, with a corresponding change to Low-Density Residential from High-Density on the east side of Harborton Street north of the Village Center to minimize the net change to High-Density Residential acres. There are no changes to the total number of dwelling units proposed within Phase 1 of Wilder as a result of this amendment, simply a relocation of density within the development.

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

1-Z-16: The zoning ordinance map amendment proposes to change the zoning for Phase 4 and Phase 6 to R-3 Medium-Density Multi-family zoning from R-2 Medium-Density Single-family to accommodate student and affordable housing. The zoning on the east side of Harborton Street north of the Village Center will be changed correspondingly from R-3 Medium-Density Multi-family zoning to R-2 Medium-Density Single-family to partially offset the additional R-3 acres in Phases 4 and 6.

Location: The subject property includes Tax Lot 00100 of Assessor's Tax Map 11-11-20-00, Tax Lots 00700 & 01300 of Assessor's Tax Map 11-11-21-00 (Parcels 1 and 2, Partition Plat No. 2015-01). The site is located in the South Beach neighborhood directly east of Mike Miller Park and south of SE 40th Street on land zoned R-2, R-3, and C-1.

Applicable Criteria: Must be consistent with those approval criteria as set forth in Section 13.05.015 (for tentative subdivision plan approval) of the City of Newport's Municipal Code (NMC); NMC Chapter 14.35.070 (for preliminary development plan approval); and NMC Section 14.35.100 (for final development plan approval). Pursuant to NMC 14.35.110 (C), major changes to approved preliminary and final development plans, such as changes in character of the development or any increase in the intensity or density of the land use or in the location or amount of land devoted to specific land uses or any change in the location, width, or size of a collector or major thoroughfare street, or that substantially changes the location or specification for utilities but will not materially affect future street or utility plans of the City may be approved by the Planning Commission after public hearing and must satisfy the original approval criteria. Pursuant to NMC Section 13.05.105 (A) (Exceptions for Planned Developments), the standards and requirements otherwise applicable to standard subdivisions under Chapter 13 of the Municipal Code may be modified without a variance for planned developments. Comprehensive Plan Map amendments require findings addressing the following: 1. Change in one or more goal or policy; and 2. Demonstrated need to accommodate unpredicted population trends, housing needs, employment needs, or change in community attitudes; and 3. Orderly and economic provision of key public facilities; and 4. Ability to serve the subject property with City services without an undue burden on the general population; and 5. Compatibility of the proposed change with the surrounding neighborhood and community. Zoning Map amendments (as per NMC Section 14.36.010) require findings that the proposed zoning is consistent with the Comprehensive Plan Map, furthers a public necessity, and promotes the general welfare.

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

Reports/Application Material: The staff report may be reviewed or a copy purchased at the Newport Community Development (Planning) Department, City Hall, 169 SW Coast Hwy, Newport, Oregon 97365, seven days prior to the hearing. The application materials (including the application and all documents and evidence submitted in support of the application), the applicable criteria, and other file material are 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/Application Material").

Time/Place of Hearing: Monday, July 25, 2016, 7:00 p.m. in the Newport City Hall Council Chambers (address above in "Reports/Application Materials").

MAILED: June 15, 2016.

PUBLISHED: Friday, July 15, 2016/Newport News-Times.

Wanda Haney

From: Wanda Haney
Sent: Wednesday, June 15, 2016 11:05 AM
To: Derrick Tokos; Jim Protiva; Joseph Lease; Mark Miranda; Mike Murzynsky; Rob Murphy; Spencer Nebel; Ted Smith; Tim Gross; Victor Mettle
Subject: Public Hearing Notice - File No. 1-SUB-16/1 & 2-PD-16/2-CP-16/1-Z-16
Attachments: File 1-SUB-16--1 & 2-PD-16--2-CP-16--1-Z-16 Notice.docx

Attached is a public notice concerning a land use application. The notice contains an explanation of the requests, a property description, and a date for a public hearing. Please review this information to see if you would like to make any comments. We must receive comments at least 10 days prior to the hearing in order for them to be considered. **Should no response be received, a "no comment" will be assumed.**

Wanda Haney

Executive Assistant

City of Newport

Community Development Department

169 SW Coast Hwy

Newport, OR 97365

541-574-0629

FAX: 541-574-0644

w.haney@newportoregon.gov

Wanda Haney

From: Wanda Haney
Sent: Wednesday, June 15, 2016 10:58 AM
To: 'Wingard, Patrick'; '~97365NewportOR@usps.gov'
Subject: City of Newport Public Hearing Notice - File 1-SUB-16/1 & 2-PD-16/2-CP-16/1-Z-16
Attachments: File 1-SUB-16--1 & 2-PD-16--2-CP-16--1-Z-16 Notice.docx

FYI – Attached is a notice of a Planning Commission public hearing regarding amendments to the tentative subdivision plan, the preliminary development plans, the final development plan, the Comprehensive Plan map, and the Zoning map within the Wilder Development.

Wanda Haney

Executive Assistant

City of Newport

Community Development Department

169 SW Coast Hwy

Newport, OR 97365

541-574-0629

FAX: 541-574-0644

w.haney@newportoregon.gov

BONNIE SERKIN
LANDWAVES INC
2712 SE 20TH AVE
PORTLAND OR 97202

ELIZABETH DECKER
JET PLANNING
215 W 4TH ST STE 209
VANCOUVER WA 98660

RONALD L ADAMS
OREGON STATE UNIVERSITY
3015 SW WESTERN BLVD
CORVALLIS OR 97333-4038

CENTRAL LINCOLN PUD
ATTN: BRIAN BARTH
MGR ACCT & FINANCE
PO BOX 1126
NEWPORT OR 97365

MARION E STOCKER
9566 LOGSDEN RD
SILETZ OR 97380

FRED ARTHUR YECK
TRUSTEE
PO BOX 352
NEWPORT OR 97365

JACK E STOCKER
TRUSTEE
PO BOX 688
SOUTH BEACH OR 97366

BGB LLC
16538 SW GLENEAGLE DR
SHERWOOD OR 97140

MARK B & CAROL S SALVAGE
23151 NE 15TH CT
SAMMAMISH WA 98074

EQUITY TRUST CO CUSTODIAN &
FBO MICHAEL IRA YEOMANS
ATTN: MICHAEL YEOMANS
5745 SW ARBOR DR
SOUTH BEACH OR 97366

F & S NEWPORT LLC
2110 NE 36TH DR STE 1100
LINCOLN CITY OR 97367

GARY E & VERNON & ROBERT &
LOREN TRYON
PO BOX 975
WALDPORT OR 97394

OCCC SERVICE DISTRICT
ATTN: BIRGITTE RYSLINGE
400 SE COLLEGE WAY
NEWPORT OR 97365

OKSENHOLT CONSTRUCTION CO
PO BOX 540
LINCOLN CITY OR 97367

SUSANNAH LYNN ELIZONDO
2830 LEGACY POINT DR
ARLINGTON TX 76006

WILDER HOMEOWNERS ASSN
2712 SE 20TH AVE
PORTLAND OR 97202

VIRGINIA G GIBBS
4340 SE FLEMING ST
SOUTH BEACH OR 97366

BEVERLY W SHUTT
TRUSTEE
1565 SE RUNNING SPRINGS CT
NEWPORT OR 97365

KATHLEEN M ATKINSON
TRUSTEE
3001 OVERLOOK DR
BLOOMINGTON MN 55431

R EUGENE CURTIS &
CINDY SLYH CURTIS
4340 SE ELLIS ST
SOUTH BEACH OR 97366

KAREN BLOOMQUIST
4350 SE ELLIS ST
SOUTH BEACH OR 97366

SHARON AMLIN HANSEN &
KENNETH J HANSEN
4184 MEADOW WOOD DR
EL DORADO HILLS CA 95762

MARKUS HORNING &
LISA T MULCAHY
4356 SE ELLIS ST
SOUTH BEACH OR 97366

EMERY INVESTMENTS INC
ATTN: WILLIAM H EMERY
2712 SE 20TH AVE
PORTLAND OR 97202

GARY & SHIRLEY J HUNTER
TRUSTEES
410 SE 43RD ST
SOUTH BEACH OR 97366

EDGAR L & CYNTHIA J WALES
1295 SE 11TH LP
CANBY OR 97013

DIEDRE CONKLING
4335 SE FLEMING ST
SOUTH BEACH OR 97366

DENISE E GUILD
TRUSTEE
PO BOX 681
DEPOE BAY OR 97341

WILLIAM D MORIN &
LAURA MERNITZ
4041 NE WEST DEVILS LK RD #9
LINCOLN CITY OR 97367

LEONARD J & SUSAN E BYNUM
640 SW LINNEMAN CT
GRESHAM OR 97030

CONSTANCE M MCLEOD
4365 SE FLEMING ST
SOUTH BEACH OR 97366

STEVEN S & MICHELE M HALLMARK
PO BOX 89
WINSTON OR 97396

JEAN Z LARSON
4330 SE ELLIS ST
SOUTH BEACH OR 97366

SARA BROCK
4316 SE ELLIS ST
SOUTH BEACH OR 97366

RYAN M PARKER &
SACHIKO OTSUKI
4360 SE FLEMING ST
SOUTH BEACH OR 97366

JASON DUCKLES &
ANTHEA KRESTON
861 SW JEFFERSON
CORVALLIS OR 97333

SARA BARTON SCHREIBER
4336 SE ELLIS ST
SOUTH BEACH OR 97366

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

Email: Patrick Wingard
DLCD

CenturyLink
ATTN: Corky Fallin
740 State St
Salem OR 97301

Lincoln County Assessor
Lincoln County Courthouse
225 W Olive St
Newport OR 97365

Lincoln County Surveyor
880 NE 7th St
Newport OR 97365

WVCC
911 Dispatch
555 Liberty St SE Rm P-107
Salem OR 97301-3513

Lincoln County Clerk
Lincoln County Courthouse
225 W Olive St
Newport OR 97365

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

Charter Communications
ATTN: Keith Kaminski
355 NE 1st St
Newport OR 97365

Lincoln County School District
ATTN: Superintendent
PO Box 1110
Newport OR 97365

Lincoln County Commissioners
Lincoln County Courthouse
225 W Olive St
Newport OR 97365

Lincoln County Planning Dept
210 SW 2nd St
Newport OR 97365

Email: Newport Post Office

Victor Mettle
Code Administrator/Planner

Mark Miranda
Police Chief

Spencer Nebel
City Manger

JIM PROTIVA
PARKS & REC

Tim Gross
Public Works

Ted Smith
LIBRARY

Mike Murzynsky
Finance Director

Joseph Lease
Building Official

EXHIBIT 'A'
(Affected Agencies)

Rob Murphy
Fire Chief

Derrick Tokos

From: Derrick Tokos
Sent: Monday, June 13, 2016 4:36 PM
To: 'plan.amendments@state.or.us'
Subject: Notice of Proposed Amendment
Attachments: FORM_1_Notice_of_Proposed_Amendment.pdf; PreliminaryDevelopmentPlan_Old.pdf; PreliminaryDevelopmentPlan_New.pdf; Appliation-Materials.pdf

Attached is a copy of the notice and supporting materials for proposed revisions to the Wilder Planned Development in Newport.

Let me know if you have any questions.

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



University Housing and Dining Services
Oregon State University, 102 Buxton Hall, Corvallis, Oregon 97331-1317
T 541-737- 4771 | F 541-737- 0686 | <http://oregonstate.edu/uhrs>

June 17, 2016

Project: Oregon State University Proposed student housing within Wilder Development
Subject: Neighborhood Meeting June 28 at 6:30pm, Oregon Coast Community College

Dear Neighbor:

Oregon State University (OSU), is applying for land use and zoning modifications within the Wilder Development to allow for the development of student housing to support future expansion of university marine studies teaching and research in Newport. The proposed modifications will be integrated into the Wilder development, a mixed-use residential development centered around SE Harborton Street and College Way. OSU is proposing to construct apartments within the northwest corner of the Wilder Development for use as student housing.

OSU will hold a neighborhood meeting to share information about this proposal and respond to questions about the project's conceptual plans. This meeting will be held in the Oregon Coast Community College community meeting room on June 28th from 6:30-7:30pm. A short presentation on the proposed development will be provided by OSU student housing staff. Following the presentation, OSU encourages neighbors to ask questions and provide the university feedback on the proposed project.

Proposed Project Details:

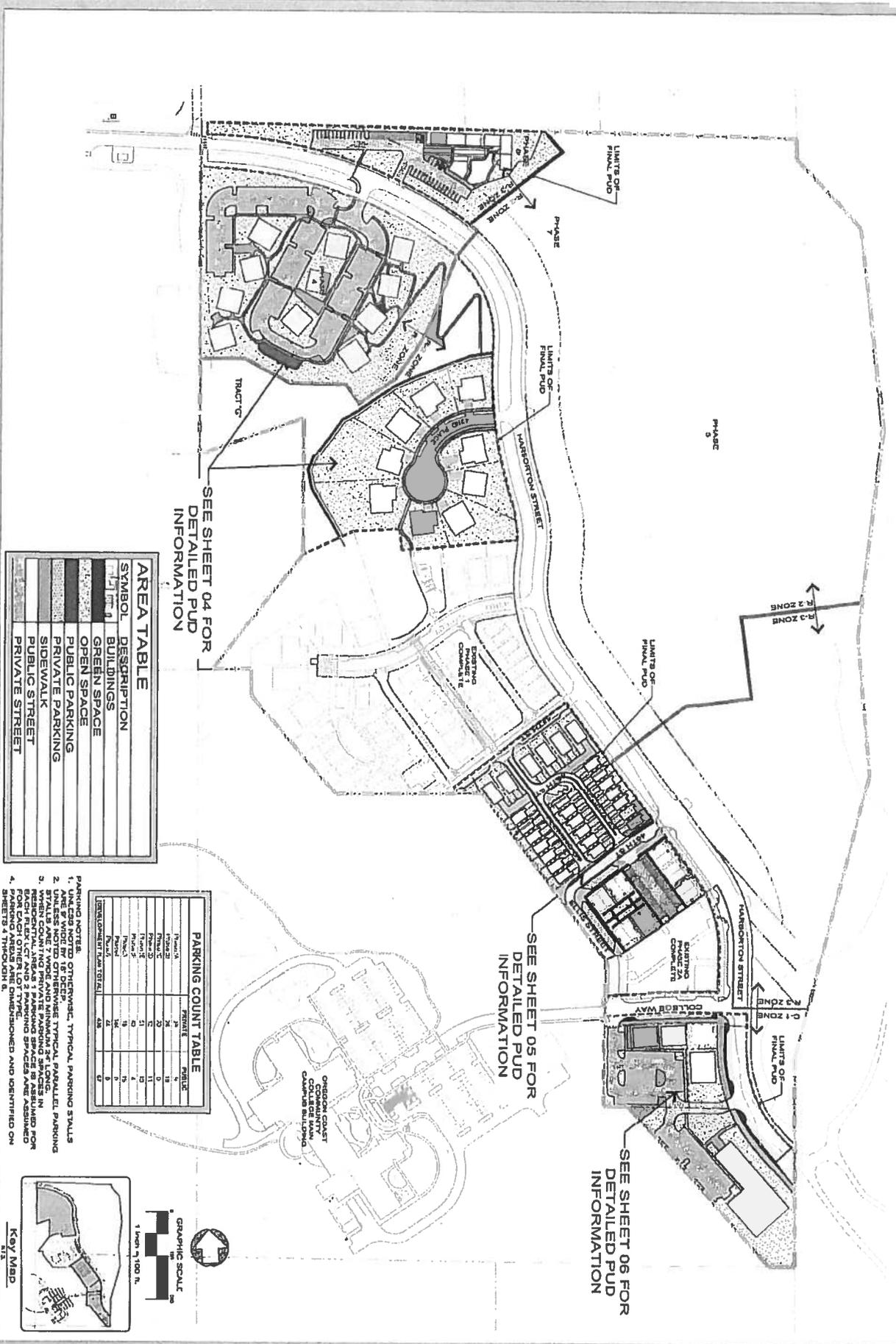
- Location: SE Harborton Street (the extension of 40th Street) east of Ash Street, within Wilder development.
- Size: 5-acre site.
- Timing: The proposed project will undergo review by the city of Newport over the summer of 2016. If approved by the city, the project's completion is planned to coincide with the opening of the new OSU marine studies building to be built in Newport.
- Project applicant: Oregon State University.
- Current landowner: Landwaves, Inc (Wilder Development owner and developer).
- Proposed development: 130 apartments to be used for student housing, with parking, on-site landscaping, a new public trail and open space.
- Zoning: Proposed change to R-3 Medium-Density Multifamily Residential.
- Infrastructure: Roads, water, and sewer have been completed to serve the proposed development within the Wilder Development and have capacity to serve this project with no net impact.
- Relationship to the Wilder Development: This development is currently approved for the construction of up to 345 residential units on both sides of SE Harborton Street, including homes already constructed. This proposal will adjust the location of some of those units, but will not result in an increase in future residences.
- City of Newport development review process: OSU's housing development proposal will also be reviewed during a City of Newport Planning Commission meeting at 7 p.m. on July 25th. The Planning Commission meeting is open to the public.

Please contact me at any time with questions regarding this proposed project or the June 28th meeting.

Regards,

A handwritten signature in black ink, appearing to read "Dan Larson".

Dan Larson
Executive Director, University Housing & Dining Services



AREA TABLE

SYMBOL	DESCRIPTION
[Symbol]	BUILDINGS
[Symbol]	GREEN SPACE
[Symbol]	OPEN SPACE
[Symbol]	PUBLIC PARKING
[Symbol]	PRIVATE PARKING
[Symbol]	SIDEWALK
[Symbol]	PUBLIC STREET
[Symbol]	PRIVATE STREET

PARKING COUNT TABLE

DEVELOPMENT TYPE	TYPE	AMOUNT
Private	Surface	10
	Structure	10
Public	Surface	10
	Structure	10
Total	Surface	20
	Structure	20

PARKING NOTES:

1. UNLESS NOTED OTHERWISE, TYPICAL PARKING STALLS
2. UNLESS NOTED OTHERWISE TYPICAL PARALLEL PARKING
3. WHEN COUNTING PRIVATE PARKING SPACES IN RESIDENTIAL AREAS 1 PARKING SPACE IS ASSUMED FOR EACH OTHER LOT TYPE.
4. PARKING AREAS ARE DIMENSIONED AND IDENTIFIED ON SHEET 04 THROUGH 06.



GRAPHIC SCALE
1 Inch = 100 ft.

WILDER
FINAL DEVELOPMENT PLAN MASTER PLAN

JOB NO: WAH001
DATE: JUNE 3, 2016
APPLICATION: Community Master Development Plan Applications

landwaves JET Planning, LLC
2712 SE 20th Ave 215 W. 4th Street, 200
Portland, Oregon 97202 Vancouver, WA 98660
TEL: (503) 221-0167 TEL: 803-705-3638
FAX: (503) 221-0741

2G ASSOCIATES
400 COLUMBIA STREET
SUITE 100
VANCOUVER, WA 98660
PHONE: 503-839-8750

Derrick Tokos

From: Derrick Tokos
Sent: Thursday, June 23, 2016 5:17 PM
To: 'Jon'
Cc: Serina Adams; 'Elizabeth Decker'; Tim Gross
Subject: RE: Samaritan House driveway alignment

Hi Jon,

I brought this concern to Elizabeth's attention shortly after we received the application so that you had ample time to look at design alternatives prior to the Planning Commission meeting. SE 40th/Harborton is a collector roadway that will carry a large volume of traffic as the Planned Development builds out and we want to avoid offset intersections along this roadway because they create turn movement conflicts that can compromise public safety.

Here are two relevant provisions of the Municipal Code:

NMC 14.35.100(D) – "Access shall be designed to cause minimum interference with traffic movement on abutting streets." This is a Final Development Plan standard. Offset intersections create safety issues on the abutting street for the reason noted and we would construe that to be "interference with traffic movement."

NMC 14.14.120(C) – "All accesses shall be approved by the City Engineer or designate." I talked to our City Engineer, Tim Gross, and he advised that the accesses will be required to be aligned because of the safety concerns.

We are in the process of putting together our completeness review comments, and will have them finished by the end of next week. This may bring up other issues relevant to your project. I'll make sure to copy you as well as Elizabeth once the comments are compiled.

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

From: Jon [mailto:custhome@hotmail.com]
Sent: Thursday, June 23, 2016 8:31 AM
To: Derrick Tokos <D.Tokos@NewportOregon.gov>
Cc: Serina Adams <serinaadams@gmail.com>
Subject: Samaritan House driveway alignment

Hi Derrick,

We're working on the Samaritan House design and apparently you told Elizabeth Decker that you might want the Samaritan House driveway to align with the roadway on the opposite side of Harborton. My question is, where in the municipal code does it state that a private driveway to a single piece of property needs to align

with a public street. This has never been a policy that I have heard of. Also keeping in mind that this is a PUD, It does not make any sense that this should be a requirement.

Jon Holbrook

Jon Holbrook Design

405 SE Scenic Loop

Newport, OR 97365

Ph. 541-265-9366



Virus-free. www.avast.com

Derrick Tokos

From: GRIGG DEVIS Valerie <Valerie.GRIGGDEVIS@odot.state.or.us>
Sent: Tuesday, July 05, 2016 3:25 PM
To: Derrick Tokos
Cc: LINER Duane J
Subject: RE: 11 Acre Comp Plan amendment & zone change
Attachments: DOC000.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Derrick –

Thank you for the timely information. No further comments/concerns at this time.

With Best Regards,

Valerie Grigg Devis
Senior Region Planner
Oregon Department of Transportation
541-757-4197

From: Derrick Tokos [mailto:D.Tokos@NewportOregon.gov]
Sent: Thursday, June 30, 2016 8:32 AM
To: GRIGG DEVIS Valerie
Subject: RE: 11 Acre Comp Plan amendment & zone change

Valerie,

Here is the narrative and copies of relevant plan sheets. Phase 4 is the OSU student housing development (130 units). Phase 6 is a 12 unit development for Samaritan House, a local non-profit. The proposal doesn't increase the total number of dwelling units, just shifts more to apartments. Trips are within the approved budget for this TAZ.

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

From: GRIGG DEVIS Valerie [mailto:Valerie.GRIGGDEVIS@odot.state.or.us]
Sent: Wednesday, June 29, 2016 1:50 PM

To: Derrick Tokos <D.Tokos@NewportOregon.gov>
Subject: RE: 11 Acre Comp Plan amendment & zone change

Hello Derrick –

*I am having difficulty setting up a dropbox account – I'm not sure why.
 With a be possible for you to just send me a site plan, and a brief description?*

With Best Regards,

Valerie Grigg Devis
Senior Region Planner
 Oregon Department of Transportation
541-757-4197

From: Derrick Tokos [<mailto:D.Tokos@NewportOregon.gov>]
Sent: Tuesday, June 28, 2016 3:38 PM
To: GRIGG DEVIS Valerie; LYONS Sheila A
Cc: 'Elizabeth Decker'
Subject: RE: 11 Acre Comp Plan amendment & zone change

Valerie and Sheila,

I couldn't get the 8mb file to you as an attachment, so I am sending you a Dropbox link to the information via a separate email.

The file that I uploaded is the higher resolution copy of the application. Let me know if you have any trouble accessing the information.

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

From: Derrick Tokos
Sent: Tuesday, June 28, 2016 3:23 PM
To: 'GRIGG DEVIS Valerie' <Valerie.GRIGGDEVIS@odot.state.or.us>
Cc: LYONS Sheila A <Sheila.A.LYONS@odot.state.or.us>; 'Elizabeth Decker' <edecker@ietplanning.net>
Subject: RE: 11 Acre Comp Plan amendment & zone change

Hi Valerie,

Here is a copy of the application. It is a little fuzzy as I had to reduce the resolution of the document in order to keep the file size under 10 mb. The applicant's representative, Elizabeth Decker, may have a better version if you are concerned about legibility.

Please copy Ms. Decker on any comments you provide.

Thank you,

Derrick I. Tokos, AICP

Community Development Director

City of Newport

169 SW Coast Highway

Newport, OR 97365

ph: 541.574.0626 fax: 541.574.0644

d.tokos@newportoregon.gov

From: GRIGG DEVIS Valerie [<mailto:Valerie.GRIGGDEVIS@odot.state.or.us>]

Sent: Friday, June 24, 2016 8:12 AM

To: Derrick Tokos <D.Tokos@NewportOregon.gov>

Cc: LYONS Sheila A <Sheila.A.LYONS@odot.state.or.us>

Subject: 11 Acre Comp Plan amendment & zone change

Hello Derrick –

We'd like to see some additional details about this proposal....Thanks!

Newport 1-SUB-16/2-PD-16/2CP 004-16

Amend the Comprehensive Plan Map from Low Density Residential to High Density Residential from High Density Residential to Low Density Residential; and the Zoning Map from R-3 to R-2 for 11.00 acres locates at T11S, R11W, Sec 20, TL 100m 700 & 1300.

With Best Regards,

Valerie Grigg Devis

Senior Region Transportation Planner



3700 Southwest Philomath Blvd., Corvallis, Oregon 97333

Office: 541-757-4197 | Cell: 971-600-4335

Office Hours: Monday through Thursday 7:30 AM to 5 PM - Friday 9 AM to 1 PM

CITY OF NEWPORT
169 SW COAST HWY
NEWPORT, OREGON 97365



fax: 541.574.0644
<http://newportoregon.gov>

COAST GUARD CITY, USA

mombetsu, japan, sister city

July 1, 2016

Elizabeth Decker
Jet Planning
215 W 4th Street, #209
Vancouver, WA 98660

RE: Amendment to Wilder Phase 1 Planned Development (File No. 1-SUB-16/1 & 2-PD-16/2-CP-16/1-Z-16)

Dear Ms. Decker,

We appreciate the time and attention you put into preparing the above referenced amendment to Phase 1 of the Wilder Planned Development. After reviewing the documents, it appears that there are a few additional pieces of information and/or clarifications needed before the request is considered by the Newport Planning Commission.

The following are the specific issues that need to be addressed:

1. As referenced in my June 23rd email, driveway accesses onto SE 40th/Harborton for phases 4 and 6 need to be aligned so that they are directly across from each other. SE 40th/Harborton is a collector roadway that will carry a large volume of traffic as the Planned Development builds out and we want to avoid offset intersections along this roadway because they create turn movement conflicts that can compromise public safety. The parking layout for phase 6 should assume a single point of access onto SE 40th/Harborton.
2. Please provide text legal descriptions and graphic exhibits for areas where the Comprehensive Plan Map and Zoning Map are being amended to accomplish the shift in density referenced in your narrative. This information will be used in the ordinance that will adopt the map changes.
3. The narrative discusses a transition between Phases 5 and 7; however, the boundary between those phases is not shown on the phasing plan. Please add a boundary to illustrate the relative size and location of the two phases.
4. The final development plan and tentative subdivision plan do not pick-up the map change from R-3 to R-2. Please revise the plan sheets to reflect the location of the new zone boundary line (except for Existing Conditions, Sheet 1).
5. I realize that it is a little more work, but it would be helpful if you could put together a total of 4 tables on sheet 16 of the narrative that compare the estimated range of development for the preliminary and final development plans, as approved, to what is proposed with this amendment.

The current marked up tables lead people to assume that there is an increase, which is true for the final development plan but not for the preliminary development plan. I have received questions about this from a couple of people.

6. Please provide data to support the request to reduce the parking standard from 1.5 to 1.3 per unit after the first 4 units. While expect students to walk or bike to the Hatfield Marine Science Center, they still need a car in order to get to Newport and to access the services they will need (groceries, restaurants, etc.). Can OSU provide supporting information from other housing projects that they have been involved with?
7. If you are going to rely upon transit service to the apartments, then what kind of arrangements have you made with the Lincoln County Transit District to provide service? Have you considered creating a dedicated stop and bus shelter for students?
8. Provide a breakdown of the assumptions used to calculate required parking for phase 6.
9. The narrative makes reference to a landscaping plan that has been previously approved (page 20). What plan are you referring too? A landscaping plan is needed to illustrate concepts discussed in your narrative for phases 4 and 6 and the open space tract between phases 3 and 4. Areas where trees are to be retained for screening purposes should be identified on the plan.
10. A profile drawing illustrating the grade change between Phases 3 and 4 with conceptual elevation drawings and tree heights would be helpful to show the level of screening that will take place. This could be an effective way of addressing concerns raised at the neighborhood meeting.
11. Please list the vested trips table in the narrative (page 25) as tentative. We'll confirm the number of vested trips by separate letter after a decision has been made on the application. Phase 6 should include trips attributed to the day care in addition to the 12 residential units.
12. The narrative indicates that sidewalk will be constructed on the north and east side of SE 40th/Harborton as those phases are built out (page 25) then indicates that it is not being provided with Phase 6 (page 29). It appears that the requirement for sidewalk on the north/east side of Harborton was deferred until development occurred that would generate a need for the improvement. Phase 6 is such a development, and we request that you add sidewalk along the phase 6 frontage tying in to where it currently terminates to the west.
13. Please confirm that trails in Tract "G" will be constructed prior to the final plat being recorded. They will be consistent with the "nature trails" concept in the "Kit of Parts" correct?
14. It appears that Tract "G" at its narrowest is about 14-feet wide. The terrain is pretty steep and retaining walls may be needed. Have you considered this when planning to extend a trail through this narrow corridor? Also, I recall a discussion about limitations being put in place to ensure that fencing is not installed along the perimeter of phase 3 so as to avoid a "walled" effect that would be inconsistent with the natural trail concept in the "Kit of Parts." How has that been addressed?
15. I have received preliminary feedback from our Public Works Department regarding the utilities depicted on Sheet 16. They are summarized as follows:
 - a. The hydrant and water meter for phase 6 should be located adjacent to Harborton. There is no need for a public line to be stubbed into the property. The hydrant will need to be served off of a separate fire line.

- b. Water service to phase 4 will need to be looped. This will improve fire flows and provides redundancy should the City need to repair the line. One option is to extend a public line into the property from the stub that is in place further to the west along Harborton.
- c. Storm drainage information is incomplete. For example, an isolated catch basin is shown for phase 6. Where does it go? Is the westernmost line on phase 4 private? What is its size? Why does the public storm drainage system need to be channeled through phase 4? If it must run through phase 4 then the system will need to be modelled to confirm that it is adequately sized and that the outfall will be sufficient to dissipate anticipated flows.

This application is scheduled for a public hearing before the Newport Planning Commission on Monday, July 25, 2016. I would appreciate receiving nine full sized plan sets and one 11x17 inch reduced copy by Wednesday, July 20, 2016, so that we can include the information in the Commission's packets.

Please don't hesitate to contact me if you have questions regarding any of the points in this letter.

Sincerely,



Derrick I. Tokos, AICP
 Community Development Director
 City of Newport
 ph: 541-574-0626
d.tokos@newportoregon.gov

xc: Tim Gross, City Engineer
 Rob Murphy, Fire Marshall
 File

CITY OF NEWP

JUL 07 20

RECEIVED

To: City of Newport

Re: Public Hearing regarding Wilder development

ATTACHMENT "1"
File #1-SUB-16/1 & 2-PD-16/2-CP-16/1-Z-16
Letter from Sara Schreiber, Wilder
Resident
(dated 7/7/16)

I am unable to attend the hearing scheduled for July 25, 2016. This is a submission to address the Landwaves application for a change in zoning. Quotes are taken from the Wildernewport.com web site.

Noise: With apartments to house 200-500 students the impact on all property abutting that development will be severe. One cannot deny the physics of acoustics; sound travels up so those of us living in phase I above the 200-500 student housing will be effected. We hear the Wine & Seafood Festival, various Rogue events, Fourth of July, and sea lions along the waterfront, so of course, the sound from this density of humanity will also travel up to us.

Congestion: 200-500 individuals, many with cars, will come to Wilder to live over a period of time. This hub of humanity will be compounded with the establishment of Samaritan House and its attendant residents and social service staff. Parking within Wilder Phase I has been an issue since the building started. Also in the mix is Wilder Phase II which entails an additional 6 houses, 7 quad apartments, and 20, 700 sq. ft. mini-homes. All this traffic "will not materially affect future street or utility plans of the city"?

What does this mean? "Allow a variance to the to the Multi-family clustered residential parking standard to decrease required spaces in recognition of available multimodal transportation alternatives." There is a city bus and individual bicycles and???

Adequate building site: will the 8 apartments plus parking plus "green space" actually fit on the land allocated? The development will be overlooking the plant working to supply sand, gravel, and in the past, asphalt. No anticipated health effect or noise from this proximity?

Mitigation of the wetland will be done how? This area was supposed to be a cottage cluster like the one in Wilder Phase I and the wetland was touted as part of the appeal for this development.

The zoning to the east side of Harborton and north of the Village Center (aka coffee shop) will be changed from R-3 medium density, multi family density to R-2 Medium-Density Single-family to *partially offset*" the proposed development. Realistically does the city planning office consider this parcel (which now also includes a Disc Golf course and a Pump Track) likely to be developed considering the topography? Is this a sleight of hand move?

What does this mean - introduce a new multi-family residential development type to the "kit of parts" called multi-Family.

Housing management: who will manage the property and enforce whatever standards are applicable to the residents?

This is what we heard before we made the decision to buy a home in the Wilder subdivision. "More than a name, Wilder is a philosophy." "The best way to live is in a balance between human society and nature, and we created Wilder to strike that balance. To make sure that balance is respected, we constructed a bioswale that empties into the road, not into the ocean. We built our roads from permeable pavement and shaped the thoroughfares of Wilder to encourage foot and bike traffic. We also left the vast majority of the surrounding forest intact to make sure every view is a stunner."

This proposal to change the zoning of Wilder leaves those of us who invested, literally as well as philosophically, in Phase I, up the proverbial creek. I do now think that we were deceived by the marketing of this development.

A handwritten signature in cursive script that reads "Sara Schreiber". The signature is written in black ink and is positioned above a thin horizontal line.

Sara Schreiber

4336 SE Ellis (Phase I)

541-758-0332

Derrick Tokos

From: lola jones <lolakathleenjones@gmail.com>
Sent: Wednesday, July 20, 2016 3:33 PM
To: Derrick Tokos
Cc: Bonnie Serkin; Elizabeth Decker (edecker@jetplanning.net); Evelyn Brookhyser; Bill Hall
Subject: Response to citizen input on Wilder Phase 6 - for use in the hearing Monday

Hello Derrick,

Thank you for taking my input and sharing it with the group on Monday night. I would like to respond to the questions posed by Ms. Schreiber that reference the Samaritan House project.

Management on the property and enforcement of the standards of residency:
Samaritan House staff will manage this property. We currently employ one full time site manager for our transitional housing facility and plan to hire an additional .5 time site management staff. These staff will be responsible for maintenance of the site.

Management of resident services will be performed by the case manager and executive director of Samaritan House. We plan to hire an additional .5 time case manager for this project. The case manager will work with residents on matters of personal development and family dynamics. The executive director will work with residents on matters of tenancy, namely executing lease agreements, and recruiting new tenants. The executive director and case manager will work together on matters of violation of standards of residency. If necessary, these two staff will also conduct terminations of lease agreements for residents who violate the residency standards.

Additionally, I would like to respond to some concerns that were voiced at the informational session held at the community college in late June: guest parking/standards of behavior and drug and alcohol use.

All Samaritan House residents are responsible for the conduct of their guests. Guests of our residents are held to the same standard of behavior as the residents themselves. These standards include things such as: cleanliness of the unit and surrounding property, adherence to all city, county, state and federal laws, and behavior that does not disturb neighbors. Guests are also subject to a curfew unless they have been approved as an overnight guest. Non-overnight guests must leave property by 10pm. A resident may have a total of six overnights with a guest in a six month period.

Guests are also required to adhere to our drug and alcohol policy that states that all illicit substances are banned from property; this includes substances that are considered legal for adults such as alcohol or marijuana. Residents with prescriptions for pharmaceuticals such as anti depressants or pain medications are permitted to possess these medications on site and to use them according to the prescription. Misuse or abuse of a prescribed medication is not allowed on any Samaritan House property. Violation of the drug and alcohol policy is grounds for immediate removal from the program and termination of the lease agreement.

Relative to parking, guests will be required to park in the parking lot. Our project has ample parking for our residents, their guests and the daycare program. After 10pm, only resident vehicles or pre-approved overnight guest vehicles will be allowed in the lot. Samaritan House staff will enforce all relevant parking codes, including ordinances regarding "car camping."

In conclusion I wish to say that we at Samaritan House look forward to contributing to the Wilder community and sharing our highly successful model with more families than ever before. I thank the planning commission for its consideration of our proposal and the community for their support of Samaritan House and the families we serve. I invite people who are curious about our residency program to visit our website www.samfamshelter.org.

Lola

--

Lauren (Lola) K. Jones, Executive Director
Samaritan House, Inc.
work: 541-574-8898
cell: 541-272-4527

GO DUCKS!

Please link your Fred Meyer Rewards card to Samaritan House and help homeless families, simply by shopping at your local Fred Meyer.

Use ID #85585

www.fredmeyer.com/communityrewards

Derrick Tokos

From: Elizabeth Decker <edecker@jetplanning.net>
Sent: Thursday, July 21, 2016 12:11 PM
To: Derrick Tokos
Subject: Fwd: Wilder application revisions for PC review
Attachments: IMG_3993 - Park Phase 1 Boundary Fence.JPG; IMG_3991 - Park Phase 1 Boundary Fence.JPG; Narrative_TCREvisions160720.docx

----- Forwarded message -----

From: Elizabeth Decker <edecker@jetplanning.net>
Date: Wed, Jul 20, 2016 at 2:04 PM
Subject: Wilder application revisions for PC review
To:
Cc: Fred Garmire <fred.garmire@2gassociates.us>, Bonnie Serkin <bonnie@eenw.com>, Beth Brett <EBrett@mahlum.com>, Nicole Neuschwander <Nicole.Neuschwander@oregonstate.edu>, David Craig <david.craig@oregonstate.edu>

Hi Derrick,

Our team has revised the application materials in response to the technically complete comments we received to facilitate PC review next week. We will be delivering printed materials as requested to update the plans and binders this afternoon.

Generally, we have addressed your TC comments as follows, using the same numbering as your initial letter:

1. The driveways for Phases 4 and 6 have been aligned, with a single access onto Harborton from Phase 6, as shown in the final development plan. (Appendix G, Sheet 4.)
2. Text legal descriptions are included in Appendix I with the zoning map. To simplify the legal descriptions, some additional right-of-way was included within the R-3 area proposed in the NW corner of Wilder, which slightly increases the total R-3 area proposed on paper, but does not have any impact on developable R-3 area.
3. All map and text references to Phase 7 have been eliminated, and the area generally intended as Phase 7 has been combined with Phase 5 to be further defined in future applications.
4. The zoning boundary changes have been updated on all sheets in the final plan set, see Appendix G and full size plans.
5. The preliminary and final development plan tables are included on pages 16-17 showing the changes to units proposed with this application.
6. Current parking information for OSU and Hatfield specifically shows that about 30-35% of students have cars, as shown in data summarized on page 20. OSU is proposing to provide enough parking spaces for one per bedroom as the site is configured, which we propose is more accurate relative to demand than the blanket 1.5 spaces per unit since there are a large number of studio and one-bedroom units proposed (approximately 70% of units in preliminary architectural plans).

7. OSU, Samaritan and Wilder are supportive of adding a pair of bus stops on either side of Harborton to serve these two developments, to take advantage of the existing Newport City Loop bus route that travels along Harborton. No discussions or commitments have been made with Lincoln County Transit so far because it is relatively early in the development process, but the site plan has been designed for Phases 4 and 6 to reserve room for bus stops or shelters immediately adjacent to both developments. Both OSU and Samaritan have also discussed providing their own shuttles for residents, on routes and timing in highest demand, depending on future needs.

8. Parking for Phase 6 will be provided as follows, consistent with NMC ratios:

12 multifamily units at 1 space for the first four units, then 1.5 spaces: 16 spaces required

1200 SF day care center not to exceed occupancy of 32 persons at 1 space per 4 persons/occupancy: 8 spaces required

Total required: 24

Total provided: 24, plus identified location onsite to develop additional 14 spaces for future parking as needed

9. A revised landscaping plan is included with Appendix G, Sheet 19.

10. A cross-section showing the relative height of residential units, existing trees, and topography changes is included in Appendix K.

11. Trips on page 26 are listed as tentative. I included 15 additional trips for the 1,200 SF of daycare proposed for Phase 6, using the rate of 12.46 PM peak hour trips per 1000 SF for daycare centers, from the 8th edition ITE Trip Generation Manual, which is the most recent one I could locate.

12. Sidewalk will be built along the Harborton Street frontage of Phase 6 to serve residents and connect to the existing sidewalk along the north side of 40th St that currently terminates at Chestnut Street. Future pedestrian connections from Phase 6 south to the Village Center will be developed in concert with plans for Phase 5, which may include alternatives to a Harborton St sidewalk such as a trail through a linear park along Harborton or a sidewalk connection to the east of Harborton through future residential development. References to the sidewalk have been cleared up and aligned throughout the narrative.

13. The public trail in Tract "G" will be constructed or bonded for prior to final plat of Phase 4, consistent with City requirements. The trail will be constructed to the "natural trail" segment contained in the Kit of Parts (see page 29).

14. Tract "G" will be a minimum of 20-feet wide as proposed, which will provide sufficient width for trail construction, screening, and Public Works access as previously discussed with the City. The terrain in the vicinity is steep, but our engineer and surveyor have sited the trail alignment to allow construction at 2:1 to 3:1 slopes maximum. (See cross-section in Appendix K.) Existing fencing between Wilder Twin Park and the trail connection to Mike Miller Park is shown in the two attached photos, and uses black vinyl chain link fence and existing vegetation to minimize the visual impact. The applicant proposes to use a combination of the same techniques for lots in Phases 3 and 4 along the boundary of Tract "G."

15. Utility information has been updated on Exhibit G, Sheets 15-18. Public water is stubbed to the property line in Phase 4 with a second stub to loop the system. (comments a & b.) Storm drainage info has been updated on the utility sheets.

I realize, now that I already sent the document to the printers, that we had also discussed adding a process update about the community meeting and I forgot. We can pull something together and submit later this week or just mention it in our testimony on Monday. You had also suggested the opportunity to respond to the public

comment letter received. Samaritan and OSU will be preparing responses to add to the record and will submit them separately this week.

I have attached the revised narrative in track changes format so you can see where changes were made. Please let me know if you'd like electronic versions of any of the other application materials.

Could you please send me a copy of the staff report when it is available, and any other written public comments you receive prior to the hearing?

Thanks,
ED

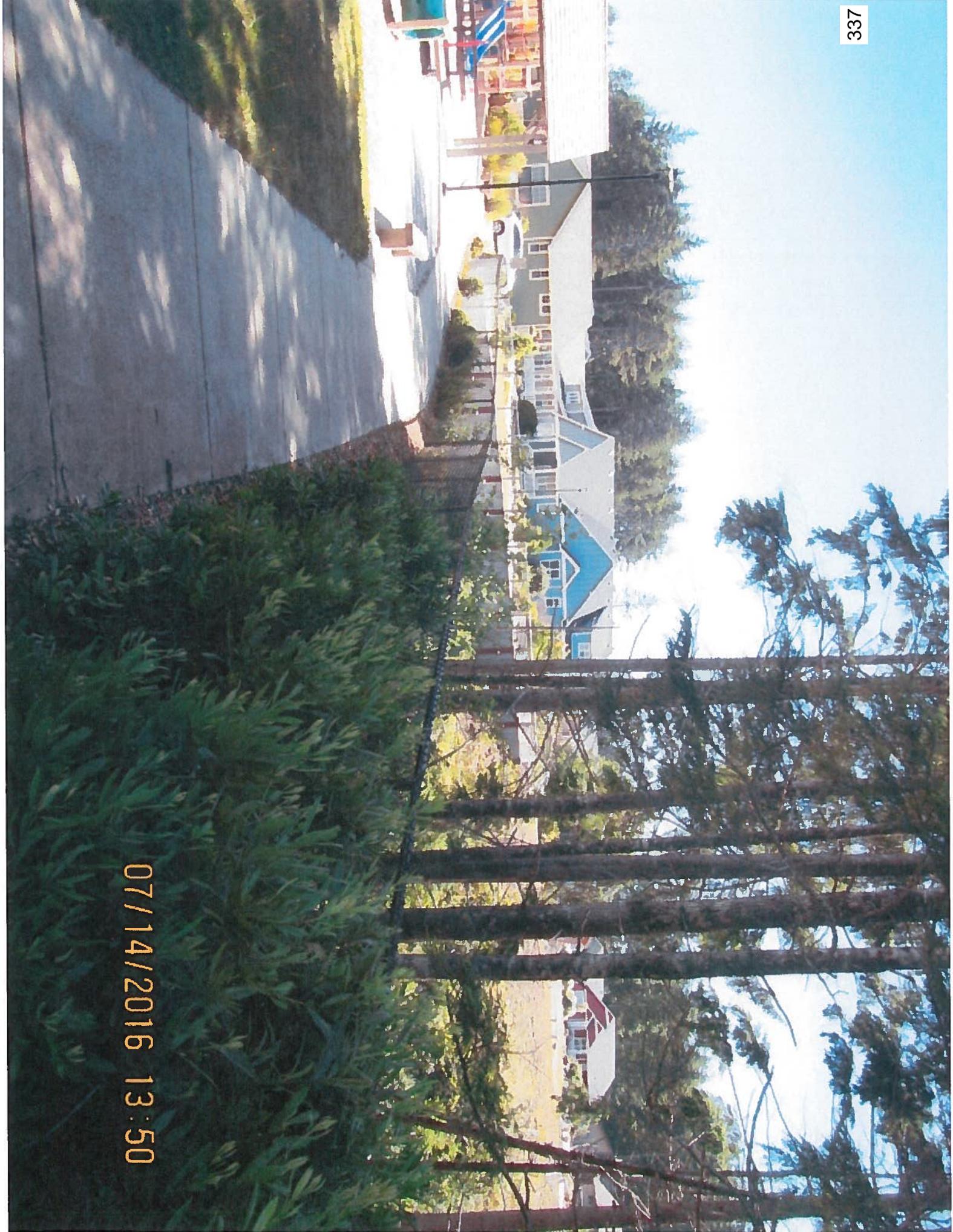


Elizabeth Decker
215 W 4th Street, #209
Vancouver, WA 98660
503.705.3806
edecker@jetplanning.net

07/14/2016 13:50



07/14/2016 13:50



Derrick Tokos

From: Oreguild02@yahoo.com
Sent: Sunday, July 24, 2016 10:44 AM
To: Derrick Tokos
Subject: Contact Us - Web Form

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

The following information was submitted on 7/24/2016 at 10:44:27 AM

To: Derrick Tokos
Name: Denise Guild
Email: Oreguild02@yahoo.com
Phone: 503-705-5992
Subject: Public Hearing July 25, 2016 re: Wilder Development

Message: I am a home owner in Wilder and wish to go on record as supporting the OSU request though the traffic will be impacted and the overall busyness of the area. We are doing our "good deed" for the community by contributing to OSU's expansion by providing housing.

However, I draw the line at adding another layer of rental housing in the form of transitional housing proposed for Samaritan House. I strongly oppose this addition. Wilder is fast becoming a rental housing development with the proposed building of 21 tiny houses (reported to become rentals) as are the original 6 and the 4 quads (also rentals) in Phase 2. The affordability of all those units would be another interesting discussion at another time as a followup to the study done in Oct. 2014.

Wilder was to be a mix of young and older family homeowners interested in a quiet, nature inspired lifestyle. The density issues along with the high percentage of rentals makes that a dead issue.

In short: Yes for OSU and No for Samaritan House.

Thank you for your attention,
Denise Guild, Wilder Homeowner

CITY OF NEWPORT

JUL 25 2016

RECEIVED

City of Newport
Planning Commission
169 SW Coast Hwy
Newport, Oregon 97365

July 24, 2016

Re: 1-SUB-16/1; 2-PD-16/2.

OSU Student Housing

Dear Planning Committee,

With the multi- million dollar OSU Marine educational center approved, funded, and underway, there is an obvious need for student (as well as staff) housing. Where better than the new (15yr+/-) Wilder Development at 40th Street, South Beach?

Advantages are:

1. It's a new well planned development
2. Has a Village Center plan for (groceries, gas, pub ?)
3. Will likely have a church soon
4. Very near to OCCC and aquarium facility
5. About a mile from the proposed OSU facility as well as HMSC, Aquarium, NOAA (2 facilities) EPA, USFWS, ODFW, etc.
6. No need to cross bridge daily
7. Access will be available for vehicles, bicycles or walking (Ash Street/Ferry Slip Road) without entering busy Hwy 101.
8. Above the Tsunami zone
9. Infrastructure like water, sewer, electricity are in
10. South Beach has its own USPO 97366

SUMMARY: It's a no brainer!

Sincerely,



Jim Shaw, P. O. Box 128, South Beach, OR 97366

PS Reading the News Times 7/15/16, a 3 column "legalize" Notice of Public Hearing was a nightmare. Sorry I can't be there to enjoy the "festivities".

~~Cc: Ronald Adams, OSU~~

~~Bonnie Seckins, Landwaves~~



Planning Commission
City of Newport
169 SW Coast Hwy
Newport, OR 97365

July 25, 2016

Re: 1-SUB-16/2-PD-16/2CP

Dear City of Newport Planning Commissioners:

This letter is submitted jointly by Housing Land Advocates (HLA) and the Fair Housing Council of Oregon (FHCO). Both HLA and FHCO are non-profit organizations that advocate for land use policies and practices that ensure an adequate and appropriate supply of affordable housing for all Oregonians. FHCO's concerns relate to a jurisdiction's obligation to affirmatively further fair housing. Please include these comments in the record for the above-referenced proposed amendment.

Overall, we support the proposed comprehensive plan amendment and we both understand and appreciate that the proposal is designed to be responsive to the city's and region's overall housing market by providing housing onsite for OSU students, rather than exacerbate an already very tight rental housing market on the coast. However, we found that the staff report recommending the adoption of the proposed amendment does not analyze or mention the potential impact of the amendment on the City's Statewide Planning Goal 10 (Goal 10) obligations. Goal 10 requires that "the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type and density" shall be encouraged. We recommend that the staff report address the Goal 10 findings.

Thank you for your consideration.

Pursuant to ORS 197.615(4), please also provide written notice of your decision to, FHCO, c/o Louise Dix, at 1221 SW Yamhill Street, #305, Portland, OR 97205 and HLA, c/o Jennifer Bragar, at 121 SW Morrison Street, 11th Floor, Portland, OR 97204.

Sincerely,

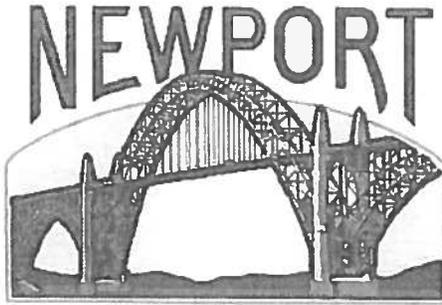
A handwritten signature in black ink that reads "Louise Dix".

Louise Dix
AFFH Specialist
Fair Housing Council of Oregon

1221 SW Yamhill Street, Portland, Oregon 97205

169 SW COAST HWY
NEWPORT, OREGON 97365

COAST GUARD CITY, USA



www.newportoregon.gov

MOMBETSU, JAPAN, SISTER CITY

July 26, 2016

Oregon State University
Leasing and Strategic Real Property Management
3015 SW Western Boulevard
Corvallis, OR 97333

RE: Wilder Community Development Plan Application dated July 20, 2016
Sufficiency of Public Utilities

To whom it may concern:

This letter is to provide comments on the utility drawings included as part of the above referenced submittal. The submittal includes general utility layout and grading plans for phases 2B, 4, and 6.

In general, the submittal is not detailed enough in regards to utilities for the City to provide more than a cursory review. A full utility plan submittal including plan and profile views with rim and invert elevations and pipe slopes is necessary to determine if the development can be adequately served with the illustrated utilities. General comments are as follows:

Phase 2B:

The submittal indicates that Phase 2B will be split into two lots. The drawing indicates two separate 8" sewer lines serving the units for each lot. Because of the size of these service lines, manholes should be included where the services lines connect to the 8" public sewer on 46th Street. If adjusted slightly east, it is likely that the sanitary service for the eastern lot could utilize the existing proposed manhole at the intersection of 46th & Geneva.

The water service for the eastern lot will need a gate valve at the tee connecting to the City main.

Phase 4:

Because this is now a single tax lot private development with no public right-of-way (ROW), all water, sewer, and storm water systems should be private. The water supplying the lot should be fed through a combination meter which will allow for fire flows, but still can be read with accuracy for domestic water uses.

The development cannot be served with sewer as shown. The sanitary sewer manhole at the entrance to the development where the site is proposed to be connected, is approximately 8 to 10 feet deep. The finished ground elevation from north to south across the site has more than 10 feet of elevation change. It may be possible to serve the site with gravity sewer by connecting to an existing sanitary sewer manhole further west on Harborton.

EST.

1882

The storm sewer from Harborton Street should not be directed through the private lot. Because of the nature of the ditch storm drainage system on Harborton, and the frequency of the area inlet along the ditch upstream from the site, there should not be much storm water volume entering the site from Harborton. The City recommends installing a culvert across the entrance to the site and allowing the water to continue downstream in the ditch along Harborton to the next area drain inlet.

Phase 6:

The fire hydrant shown along Harborton needs to be within the public ROW.

Because the drainage of Harborton is being modified due to the required sidewalk and curb on the north side, storm drainage and associated catch basins sufficient to handle the street runoff shall be installed. Alternatively, the sidewalk could be moved further to the north with a ditch between the walk and roadway, similar to the multi-use trail/drainage swale configuration on the south side of the road.

Sincerely,



Timothy Gross, PE
Director of Public Works/City Engineer
t.gross@newportoregon.gov
P | 541-574-3369
F | 541-265-3301

Cc: Derrick Tokos, Community Development Director, City of Newport





2G Associates, Inc.
 400 Columbia Street, Suite 160
 Vancouver WA, 98660
 (503) 939-8750
 www.2GAssociates.us

MEMORANDUM

WILDER DEVELOPMENT PLAN

Date: August 18, 2016
 Prepared By: Fred Garmire, 2G Associates, Inc.
 Prepared For: Derrick Tokos, City of Newport
 Tim Gross, City of Newport
 Distributed to: Elizabeth Decker, JET Planning
 2G Project# MAH001-16-1, OSU Student Housing –Wilder Development Plan

RE: Sufficiency of Public Utilities - Wilder Development Plan Application

This memorandum accompanies revised Utility Plans (Sheets C16 and C17 of the Wilder Development Plan Application) and is intended to address comments included in letter dated July 26, 2016 from Director of Public Works/City Engineer Tim Gross related to sufficiency of public utilities for Phase 2B, Phase 4 and Phase 6 of the Wilder Development Plan Application. The following is a summary of how these comments have been addressed.

Phase 2B (Sheet C17):

Sanitary Sewer:

The sanitary sewer lateral that serves the four buildings in the western lot will connect to the proposed manhole in SE 46th Street and be extended into this lot. The sanitary sewer lateral that serves the three buildings in the eastern lot is proposed to be a 6-inch lateral and connect directly to the 8-inch public sanitary sewer in SE 46th Street. Both of these laterals are shown to be private where they are outside (south of) the proposed public right-of-way of SE 46th Street. Additional detail will be included on the final engineering plans submitted for permit.

Water:

A gate valve has been included on the water service for the western lot. Additional detail will be included on the final engineering plans submitted for permit.

Phase 4 (Sheet C16):

General:

Storm sewer, sanitary sewer and water utilities on the Phase 4 site are now shown as private systems to be owned and maintained by the lot owner.

Water:

The water system serving the Phase 4 site will connect to the existing 8-inch water stub-out in SE Harborton and pass through a combination meter and continue onto the site as a private system. Additional detail will be included on the final engineering plans submitted for permit.

Sanitary Sewer:

To provide gravity service to all proposed buildings on the site, the proposed sanitary service for Phase 4 will connect to the existing 8-inch sanitary sewer stub-out located in SE Harborton approximately 200 feet west of the entrance road to Phase 4. The invert of this existing 8-inch sanitary sewer stub-out is at elevation 74.0' +/- . A private sanitary sewer system will be extended onto the Phase 4 site to provide gravity sanitary sewer service to all proposed buildings. The revised plan includes preliminary sanitary sewer manhole rim and invert elevations as well as proposed building finished floor elevations to clearly show that a gravity sanitary sewer system will service the proposed improvements. Additional detail will be included on the final engineering plans submitted for permit.

Storm Sewer:

Storm runoff from the entire width of SE Harborton along the Phase 4 frontage is currently collected in the roadside swale along the south side of SE Harborton and routed through the Phase 4 site and into an existing drainage-way located just south of the of the Phase 4 site. As a part of the Phase 4 improvements, storm runoff from SE Harborton will be redirected to stay in this roadside swale by installing two culverts that interconnect these roadside swales and also eliminating the two existing storm drain pipes that discharge the runoff from this roadside swale into the Phase 4 site, as shown on the plan. It should be noted that both the roadside swale storm system along the south side of SE Harborton and the existing drainage-way on the south side of Phase 4 drain to the same storm system in SE 40th Street west of the Phase 4 site, so there will be no change in the ultimate destination of the storm runoff, simply a change in the means and path of conveyance.

The proposed storm sewer system for the Phase 4 site will be private and not include any connections to the public drainage system in SE Harborton. The Phase 4 storm system will discharge into the existing drainage-way south of the site as noted above. Additional detail will be included on the final engineering plans submitted for permit.

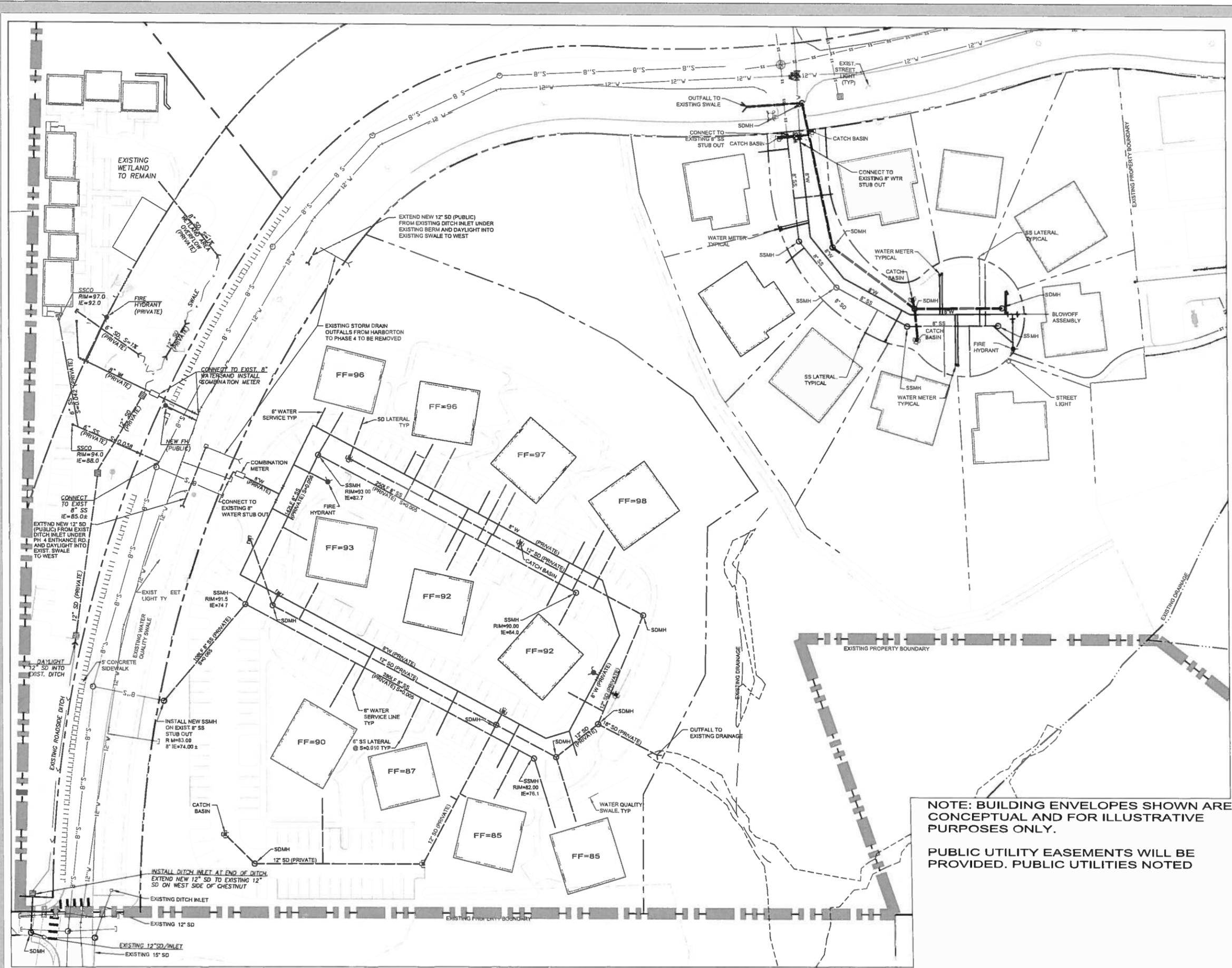
Phase 6 (Sheet C16):**Water:**

The fire hydrant shown along SE Harborton has been located in the public right-of-way. Additional detail will be included on the final engineering plans submitted for permit.

Storm Sewer:

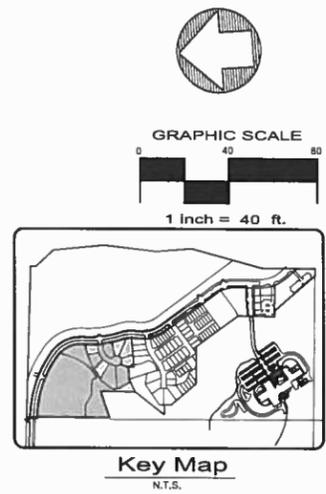
As noted above, the cross section of SE Harborton along the Phase 4 frontage slopes to the south, directing runoff from the entire road width to the roadside swale along the south side of SE Harborton. The installation of a proposed curb and sidewalk along the north side of SE Harborton will not require any additional storm drain improvements in the public right-of-way since the storm runoff will continue this same flow pattern.

The storm system serving the Phase 6 site will be private and direct runoff to the west and into the existing public storm system located in SE Chestnut Road on the north side of SE Harborton as shown on the plan. This storm system may consist of either a small ditch north of the proposed sidewalk and outside the public right-of-way as shown on Sheet C16 or a piped system. Additional detail will be included on the final engineering plans submitted for permit.



NOTE: BUILDING ENVELOPES SHOWN ARE CONCEPTUAL AND FOR ILLUSTRATIVE PURPOSES ONLY.

PUBLIC UTILITY EASEMENTS WILL BE PROVIDED. PUBLIC UTILITIES NOTED



SEE SHEET 17

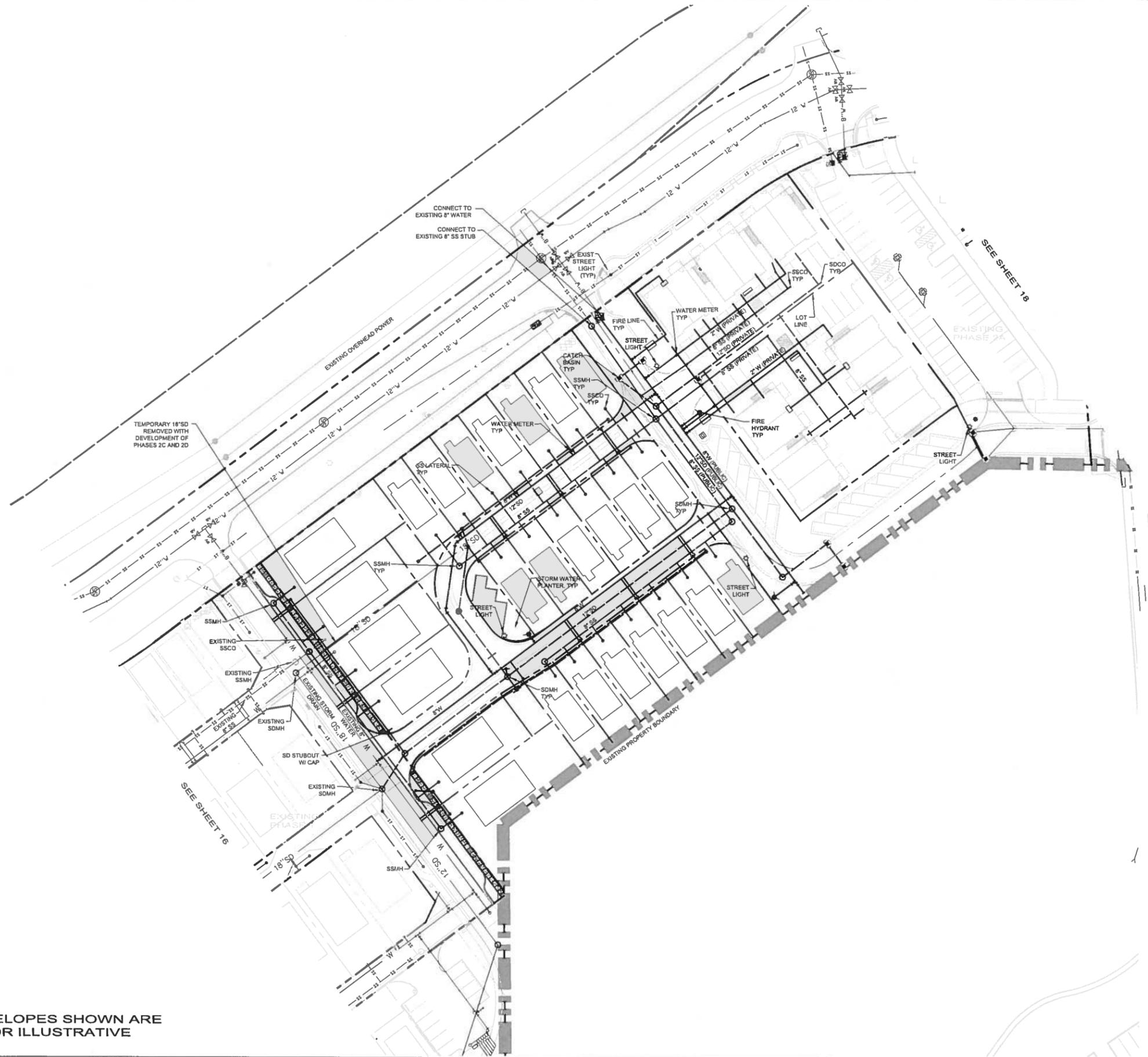
JOB NO.:	MAH001
DATE:	JULY 20, 2016
APPLICATION:	Community Master Development Plan Applications

WILDER
 UTILITY PLAN
 Phase 3, 4 and 6

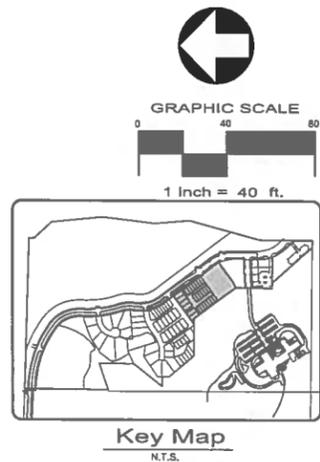
SHEET
16

landwaves INC. **JET Planning, LLC**
 215 W. 4th Street Ste. 209
 Portland, Oregon 97202
 TEL: (503) 221-0167
 FAX: (503) 221-0741

20 ASSOCIATES
 400 COLUMBIA STREET
 SUITE 160
 VANCOUVER, WA 98660
 PHONE: 503-959-8750



NOTE: BUILDING ENVELOPES SHOWN ARE CONCEPTUAL AND FOR ILLUSTRATIVE PURPOSES ONLY.



WILDER
 UTILITY PLAN
 Phase 2B 2C and 2D

SHEET

17

JOB NO.: MAH001
 DATE: JULY 20, 2016
 APPLICATION: Community Master
 Development Plan
 Applications

landwaves
 JET Planning, LLC
 2712 SE 20th Ave
 Portland, Oregon 97202
 TEL: (503) 221-0167
 FAX: (503) 221-0741

2G
 ASSOCIATES
 400 COLUMBIA STREET
 SUITE 160
 VANCOUVER, WA 98660
 PHONE: 503-939-8750

Wanda Haney

From: Amanda Phipps <aphipps@newportnewstimes.com>
Sent: Tuesday, August 16, 2016 3:06 PM
To: Wanda Haney
Subject: RE: City of Newport Legal Notice

Your notice will publish as requested.

Thank you,

Amanda Phipps
Circulation
News-Times
541-265-8571
541-265-3862 (fax)
aphipps@newportnewstimes.com
www.newportnewstimes.com

From: Wanda Haney [mailto:W.Haney@NewportOregon.gov]
Sent: Monday, August 15, 2016 8:41 AM
To: 'Amanda Phipps'
Subject: City of Newport Legal Notice

Attached is a legal notice regarding a City Council public hearing on our file #1-SUB-16/1 & 2-PD-16/2-CP-16/1-Z-16 for publication once on **Friday, August 26, 2016**, please. Would you please return an email confirming receipt of the notice & if it will publish on that day.

Thanks as always,

Wanda Haney
Executive Assistant
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**

The City of Newport City Council will hold a public hearing on *Tuesday (due to the Monday holiday)*, September 6, 2016, at 6:00 p.m. in the City Hall Council Chambers to consider **File No. 1-SUB-16/1 & 2-PD-16/2-CP-16/1-Z-16** as submitted by Ronald L. Adams, Oregon State University (Bonnie Serkin, Landwaves, Inc., property owner) (Elizabeth Decker, JET Planning, authorized representative). The applicant is applying for modifications in order to allow for development of student housing to support OSU's expanding Newport operations centered around the Hatfield Marine Science Center and for multi-family development for Samaritan House. The proposed modifications would amend the Comprehensive Plan map and Zoning map designations by shifting locations of about 11 acres of low density and high density residential designated areas within the planned development with no net change to the total number of permitted dwelling units. The application includes the following requests: **1-SUB-16**: Modifications to the tentative subdivision plan for portions of Phase 1 of Wilder specific to proposed Wilder Phase 4 and to include a new parcel for Phase 6 in the tentative plan. The plan was previously approved as Case File #1-SUB-09 and modified through Case File #3-SUB-09, #1-SUB-10, and #1-SUB-15. The proposed modifications provide for a single lot in Phase 4 intended for multi-family development in place of individual single-family lots and cottage lots previously proposed, and a single parcel for multi-family development in Phase 6. As previously conditioned, the proposed phased tentative plat will be valid for a period of at least 10 years. **1-PD-16**: Major modifications to the approved Preliminary Development Plan for Phase 1 of Wilder (most recently modified in Case File #2-PD-15) to add multi-family development to the northwest corner of the site, shown as Phase 4, in place of single-family development, to accommodate student housing for OSU; add multi-family development to north of the site, shown as Phase 6, in place of single-family development, to accommodate an affordable housing project; replace multi-family development in the southeast corner of the site with single-family development to balance the proposed development for Phases 4 and 5; introduce a new multi-family residential development type to the "Kit of Parts" called Multi-Family: Clustered for the proposed student housing development; allow a variance to the multi-family clustered residential parking standard to decrease required spaces in recognition of available multimodal transportation alternatives; allow 'Day Care' and supporting Community Services uses as permitted uses in the R-3 Medium-Density Multi-Family zone; adjust range of development for various residential types with no net increase in units; and adjust multi-family and single-family lot configurations for future phases of development east of Harborton Street. The Village Center continues to be the heart of activity serving a spectrum of residential development types that gradually reduce in density farther from the Village Center, with the addition of a node of student housing, located closest to the OSU Hatfield Marine Science Center, and affordable housing strategically located near the entrance to Wilder. **2-PD-16**: Major modifications to the approved Final Development Plan for Phase 1 of Wilder (Case Files #2-PD-09, #6-PD-09, #2-PD-10, #2-PD-14, and #3-PD-15) by proposing detailed development, including streets, buildings, landscaping, open space, etc., within the portion of Phase 1 of Wilder on the west side of Harborton Street. This application expands the Final Development Plan to encompass Phase 6 as well. The major modifications to the Final Development Plan incorporate the change to multi-family development in Phase 4 for student housing and in Phase 6 for affordable housing consistent with the changes to the Preliminary Development Plan. **2-CP-16**: The comprehensive Plan map amendment involves a change to the comprehensive plan designation for Phase 4 and Phase 6 to High-Density Residential from Low-Density Residential, with a corresponding change to Low-Density Residential from High-Density on the east side of Harborton Street north of the Village Center to minimize the net change to High-Density Residential acres. There are no changes to the total number of dwelling units proposed within Phase 1 of Wilder as a result of this amendment, simply a relocation of density within the development. **1-Z-16**: The zoning ordinance map amendment proposes to change the zoning for Phase 4 and Phase 6 to R-3 Medium-Density Multi-family zoning from R-2 Medium-Density Single-family to accommodate student and affordable housing. The zoning on the east side of Harborton Street north of the Village Center will be changed correspondingly from R-3 Medium-Density Multi-family zoning to R-2 Medium-Density Single-family to partially offset the additional R-3 acres in Phases 4 and 6. The location of the subject property includes Tax Lot 00100 of Assessor's Tax Map 11-11-20-00, Tax Lots 00700 & 01300 of Assessor's Tax Map 11-11-21-00 (Parcels 1 and 2, Partition Plat No. 2015-01). The site is located in the South Beach neighborhood directly east of Mike Miller Park and south of SE 40th Street on land zoned R-2, R-3, and C-1. The application must be consistent with those approval criteria as set forth in Section 13.05.015 (for tentative subdivision plan approval) of the City of Newport's Municipal Code (NMC); NMC Chapter 14.35.070 (for preliminary development plan approval); and NMC Section 14.35.100 (for final development plan approval). Pursuant to NMC 14.35.110 (C), major changes to approved preliminary and final development plans, such as changes in character of the development or any increase in the intensity or density of the land use or in the location or amount of land devoted to specific land

uses or any change in the location, width, or size of a collector or major thoroughfare street, or that substantially changes the location or specification for utilities but will not materially affect future street or utility plans of the City may be approved by the Planning Commission after public hearing and must satisfy the original approval criteria. Pursuant to NMC Section 13.05.105 (A) (Exceptions for Planned Developments), the standards and requirements otherwise applicable to standard subdivisions under Chapter 13 of the Municipal Code may be modified without a variance for planned developments. Comprehensive Plan Map amendments require findings addressing the following: 1. Change in one or more goal or policy; and 2. Demonstrated need to accommodate unpredicted population trends, housing needs, employment needs, or change in community attitudes; and 3. Orderly and economic provision of key public facilities; and 4. Ability to serve the subject property with City services without an undue burden on the general population; and 5. Compatibility of the proposed change with the surrounding neighborhood and community. Zoning Map amendments (as per NMC Section 14.36.010) require findings that the proposed zoning is consistent with the Comprehensive Plan Map, furthers a public necessity, and promotes the general welfare. Testimony and evidence must be directed toward the criteria described above or other criteria in the Comprehensive Plan and its implementing ordinances that a person believes applies to the decision. Failure to raise an issue with sufficient specificity to afford the City and the parties an opportunity to respond to that issue precludes an appeal (including to the Land Use Board of Appeals) based on that issue. Testimony may be submitted in written or oral form. Oral and written testimony will be taken during the course of the public hearing. Letters to the Community Development (Planning) Department, City Hall, 169 SW Coast Hwy, Newport, OR 97365, must be received by 5:00 p.m. the day of the hearing or submitted to the Planning Commission during the hearing. The hearing will include a report by staff, testimony (both oral and written) from those in favor (including the applicant) or opposed to the application, rebuttal by the applicant, and questions and deliberation by the City Council. 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 application materials (including the application and all documents and evidence submitted in support of the application), the applicable criteria, and other file material are 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, d.tokos@newportoregon.gov (mailing address above).

(FOR PUBLICATION ONCE ON FRIDAY, AUGUST 26, 2016)

**CITY OF NEWPORT
NOTICE OF A PUBLIC HEARING¹**

NOTICE IS HEREBY GIVEN that the City Council of the City of Newport, Oregon, will hold a public hearing on Tuesday (due to the Monday holiday), September 6, 2016, to consider the following requests related to the Wilder development.

File No. 1-SUB-16/1 & 2-PD-16/2-CP-16/1-Z-16.

Applicant & Owner: Ronald L. Adams, Oregon State University (Bonnie Serkin, Landwaves, Inc., property owner) (Elizabeth Decker, JET Planning, authorized representative).

Requests: The applicant is applying for modifications in order to allow for development of student housing to support OSU's expanding Newport operations centered around the Hatfield Marine Science Center and for multi-family development for Samaritan House. The proposed modifications would amend the Comprehensive Plan map and Zoning map designations by shifting locations of about 11 acres of low density and high density residential designated areas within the planned development with no net change to the total number of permitted dwelling units.

1-SUB-16: Modifications to the tentative subdivision plan for portions of Phase 1 of Wilder specific to proposed Wilder Phase 4 and to include a new parcel for Phase 6 in the tentative plan. The plan was previously approved as Case File #1-SUB-09 and modified through Case File #3-SUB-09, #1-SUB-10, and #1-SUB-15. The proposed modifications provide for a single lot in Phase 4 intended for multi-family development in place of individual single-family lots and cottage lots previously proposed, and a single parcel for multi-family development in Phase 6. As previously conditioned, the proposed phased tentative plat will be valid for a period of at least 10 years.

1-PD-16: Major modifications to the approved Preliminary Development Plan for Phase 1 of Wilder (most recently modified in Case File #2-PD-15) to add multi-family development to the northwest corner of the site, shown as Phase 4, in place of single-family development, to accommodate student housing for OSU; add multi-family development to north of the site, shown as Phase 6, in place of single-family development, to accommodate an affordable housing project; replace multi-family development in the southeast corner of the site with single-family development to balance the proposed development for Phases 4 and 5; introduce a new multi-family residential development type to the "Kit of Parts" called Multi-Family: Clustered for the proposed student housing development; allow a variance to the multi-family clustered residential parking standard to decrease required spaces in recognition of available multimodal transportation alternatives; allow 'Day Care' and supporting Community Services uses as permitted uses in the R-3 Medium-Density Multi-Family zone; adjust range of development for various residential types with no net increase in units; and adjust multi-family and single-family lot configurations for future residential types east of Harborton Street. The Village Center continues to be the heart of activity serving a spectrum of residential development types that gradually reduce in density farther from the Village Center, with the addition of a node of student housing, located closest to the OSU Hatfield Marine Science Center, and affordable housing strategically located near the entrance to Wilder.

2-PD-16: Major modifications to the approved Final Development Plan for Phase 1 of Wilder (Case Files #2-PD-09, #6-PD-09, #2-PD-10, #2-PD-14, and #3-PD-15) by proposing detailed development, including streets, buildings, landscaping, open space, etc., within the portion of Phase 1 of Wilder on the west side of Harborton Street. This application expands the Final Development Plan to encompass Phase 6 as well. The major modifications to the Final Development Plan incorporate the change to multi-family development in Phase 4 for student housing and in Phase 6 for affordable housing consistent with the changes to the Preliminary Development Plan.

2-CP-16: The comprehensive Plan map amendment involves a change to the comprehensive plan designation for Phase 4 and Phase 6 to High-Density Residential from Low-Density Residential, with a corresponding change to Low-Density Residential from High-Density on the east side of Harborton Street north of the Village Center to minimize the net change to High-Density Residential acres. There are no changes to the total number of dwelling units proposed within Phase 1 of Wilder as a result of this amendment, simply a relocation of density within the development.

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

1-Z-16: The zoning ordinance map amendment proposes to change the zoning for Phase 4 and Phase 6 to R-3 Medium-Density Multi-family zoning from R-2 Medium-Density Single-family to accommodate student and affordable housing. The zoning on the east side of Harborton Street north of the Village Center will be changed correspondingly from R-3 Medium-Density Multi-family zoning to R-2 Medium-Density Single-family to partially offset the additional R-3 acres in Phases 4 and 6.

Location: The subject property includes Tax Lot 00100 of Assessor's Tax Map 11-11-20-00, Tax Lots 00700 & 01300 of Assessor's Tax Map 11-11-21-00 (Parcels 1 and 2, Partition Plat No. 2015-01). The site is located in the South Beach neighborhood directly east of Mike Miller Park and south of SE 40th Street on land zoned R-2, R-3, and C-1.

Applicable Criteria: Must be consistent with those approval criteria as set forth in Section 13.05.015 (for tentative subdivision plan approval) of the City of Newport's Municipal Code (NMC); NMC Chapter 14.35.070 (for preliminary development plan approval); and NMC Section 14.35.100 (for final development plan approval). Pursuant to NMC 14.35.110 (C), major changes to approved preliminary and final development plans, such as changes in character of the development or any increase in the intensity or density of the land use or in the location or amount of land devoted to specific land uses or any change in the location, width, or size of a collector or major thoroughfare street, or that substantially changes the location or specification for utilities but will not materially affect future street or utility plans of the City may be approved by the Planning Commission after public hearing and must satisfy the original approval criteria. Pursuant to NMC Section 13.05.105 (A) (Exceptions for Planned Developments), the standards and requirements otherwise applicable to standard subdivisions under Chapter 13 of the Municipal Code may be modified without a variance for planned developments. Comprehensive Plan Map amendments require findings addressing the following: 1. Change in one or more goal or policy; and 2. Demonstrated need to accommodate unpredicted population trends, housing needs, employment needs, or change in community attitudes; and 3. Orderly and economic provision of key public facilities; and 4. Ability to serve the subject property with City services without an undue burden on the general population; and 5. Compatibility of the proposed change with the surrounding neighborhood and community. Zoning Map amendments (as per NMC Section 14.36.010) require findings that the proposed zoning is consistent with the Comprehensive Plan Map, furthers a public necessity, and promotes the general welfare.

Testimony: Testimony and evidence must be directed toward the criteria described above or other criteria in the Comprehensive Plan and its implementing ordinances that a person believes applies to the decision. Failure to raise an issue with sufficient specificity to afford the City and the parties an opportunity to respond to that issue precludes an appeal (including to the Land Use Board of Appeals) based on that issue. Testimony may be submitted in written or oral form. Oral and written testimony will be taken during the course of the public hearing. Letters to the Community Development (Planning) Department (address below under "Reports/Application Material") must be received by 5:00 p.m. the day of the hearing or submitted to the Planning Commission during the hearing. The hearing will include a report by staff, testimony (both oral and written) from those in favor (including the applicant) or opposed to the application, rebuttal by the applicant, and questions and deliberation by the City Council.

Reports/Application Material: The staff report may be reviewed or a copy purchased at the Newport Community Development (Planning) Department, City Hall, 169 SW Coast Hwy, Newport, Oregon 97365, seven days prior to the hearing. The application materials (including the application and all documents and evidence submitted in support of the application), the applicable criteria, and other file material are 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/Application Material").

Time/Place of Hearing: Tuesday, September 6, 2016, 6:00 p.m. in the Newport City Hall Council Chambers (address above in "Reports/Application Materials").

MAILED: August 15, 2016.

PUBLISHED: Friday, August 26, 2016/Newport News-Times.

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

Email: Patrick Wingard
DLCD

CenturyLink
ATTN: Corky Fallin
740 State St
Salem OR 97301

Lincoln County Assessor
Lincoln County Courthouse
225 W Olive St
Newport OR 97365

Lincoln County Surveyor
880 NE 7th St
Newport OR 97365

WVCC
911 Dispatch
555 Liberty St SE Rm P-107
Salem OR 97301-3513

Lincoln County Clerk
Lincoln County Courthouse
225 W Olive St
Newport OR 97365

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

Charter Communications
ATTN: Keith Kaminski
355 NE 1st St
Newport OR 97365

Lincoln County School District
ATTN: Superintendent
PO Box 1110
Newport OR 97365

Lincoln County Commissioners
Lincoln County Courthouse
225 W Olive St
Newport OR 97365

Lincoln County Planning Dept
210 SW 2nd St
Newport OR 97365

Email: Newport Post Office

Victor Mettle
Code Administrator/Planner

Mark Miranda
Police Chief

Spencer Nebel
City Manger

JIM PROTIVA
PARKS & REC

Tim Gross
Public Works

Ted Smith
LIBRARY

Mike Murzynsky
Finance Director

Joseph Lease
Building Official

EXHIBIT 'A'
(Affected Agencies)

Rob Murphy
Fire Chief

FRED GARMIRE
2G ASSOCIATES
400 COLUMBIA ST STE 160
VANCOUVER WA 98660

DAVID CRAIG
957 SW JEFFERSON
CORVALLIS OR 97333

BRUCE MATE
176 SE LARCH ST
NEWPORT OR 97365

EVELYN BROOKHYSER
253 NE CHAMBERS CT
NEWPORT OR 97365

JON OKSENHOLT
OKSENHOLT CONSTRUCTION
PO BOX 540
LINCOLN CITY OR 97367

LINDA ROGGENBURY
4340 SE ELLIS ST
SOUTH BEACH OR 97366

CONSTANCE MCLEOD
4365 SE FLEMING ST
SOUTH BEACH OR 97366

BONNIE SERKIN
LANDWAVES INC
2712 SE 20TH AVE
PORTLAND OR 97202

ELIZABETH DECKER
JET PLANNING
215 W 4TH ST STE 209
VANCOUVER WA 98660

RONALD L ADAMS
OREGON STATE UNIVERSITY
3015 SW WESTERN BLVD
CORVALLIS OR 97333-4038

CENTRAL LINCOLN PUD
ATTN: BRIAN BARTH
MGR ACCT & FINANCE
PO BOX 1126
NEWPORT OR 97365

MARION E STOCKER
9566 LOGSDEN RD
SILETZ OR 97380

FRED ARTHUR YECK
TRUSTEE
PO BOX 352
NEWPORT OR 97365

JACK E STOCKER
TRUSTEE
PO BOX 688
SOUTH BEACH OR 97366

BGB LLC
16538 SW GLENEAGLE DR
SHERWOOD OR 97140

MARK B & CAROL S SALVAGE
405 SE 43RD ST
SOUTH BEACH OR 97366-9201

EQUITY TRUST CO CUSTODIAN &
FBO MICHAEL IRA YEOMANS
ATTN: MICHAEL YEOMANS
5745 SW ARBOR DR
SOUTH BEACH OR 97366

****UNDELIVERABLE****
F & S NEWPORT LLC
2110 NE 36TH DR STE 1100
LINCOLN CITY OR 97367

GARY E & VERNON & ROBERT &
LOREN TRYON
PO BOX 975
WALDPOROT OR 97394

OCCC SERVICE DISTRICT
ATTN: BIRGITTE RYSLINGE
400 SE COLLEGE WAY
NEWPORT OR 97365

OKSENHOLT CONSTRUCTION CO
PO BOX 540
LINCOLN CITY OR 97367

****UNDELIVERABLE****
SUSANNAH LYNN ELIZONDO
2830 LEGACY POINT DR
ARLINGTON TX 76006

WILDER HOMEOWNERS ASSN
2712 SE 20TH AVE
PORTLAND OR 97202

VIRGINIA G GIBBS
4340 SE FLEMING ST
SOUTH BEACH OR 97366

BEVERLY W SHUTT
TRUSTEE
1565 SE RUNNING SPRINGS CT
NEWPORT OR 97365

KATHLEEN M ATKINSON
TRUSTEE
3001 OVERLOOK DR
BLOOMINGTON MN 55431

R EUGENE CURTIS &
CINDY SLYH CURTIS
4340 SE ELLIS ST
SOUTH BEACH OR 97366

KAREN BLOOMQUIST
4350 SE ELLIS ST
SOUTH BEACH OR 97366

SHARON AMLIN HANSEN &
KENNETH J HANSEN
113 COPPER LANTERN CT
EL DORADO HILLS CA 95762-6616

MARKUS HORNING &
LISA T MULCAHY
4356 SE ELLIS ST
SOUTH BEACH OR 97366

EMERY INVESTMENTS INC
ATTN: WILLIAM H EMERY
2712 SE 20TH AVE
PORTLAND OR 97202

GARY & SHIRLEY J HUNTER
TRUSTEES
410 SE 43RD ST
SOUTH BEACH OR 97366

EDGAR L & CYNTHIA J WALES
1295 SE 11TH LP
CANBY OR 97013

DIEDRE CONKLING
4335 SE FLEMING ST
SOUTH BEACH OR 97366

DENISE E GUILD
TRUSTEE
420 SE 43RD ST
SOUTH BEACH OR 97366

WILLIAM D MORIN &
LAURA MERNITZ
4041 NE WEST DEVILS LK RD #9
LINCOLN CITY OR 97367

LEONARD J & SUSAN E BYNUM
640 SW LINNEMAN CT
GRESHAM OR 97030

CONSTANCE M MCLEOD
4365 SE FLEMING ST
SOUTH BEACH OR 97366

STEVEN S & MICHELE M HALLMARK
PO BOX 89
WINSTON OR 97396

JEAN Z LARSON
4330 SE ELLIS ST
SOUTH BEACH OR 97366

SARA BROCK
4316 SE ELLIS ST
SOUTH BEACH OR 97366

RYAN M PARKER &
SACHIKO OTSUKI
4360 SE FLEMING ST
SOUTH BEACH OR 97366

JASON DUCKLES &
ANTHEA KRESTON
861 SW JEFFERSON
CORVALLIS OR 97333

SARA BARTON SCHREIBER
4336 SE ELLIS ST
SOUTH BEACH OR 97366

MINUTES
City of Newport Planning Commission
Regular Session
Newport City Hall Council Chambers
Monday, July 25, 2016

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

Commissioners Absent: Bill Branigan.

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

1. **Call to Order & Roll Call.** Chair Patrick called the meeting to order in the City Hall Council Chambers at 7:00 p.m. On roll call, Hardy, Berman, Croteau, Patrick, Franklin, and Hanselman were present. Branigan was absent, but excused.

2. **Approval of Minutes.**

A. Approval of the Planning Commission regular session meeting minutes of June 13, 2016, and the work session minutes of June 27, 2016.

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

3. **Citizen/Public Comment.** No public comments.

4. **Action Items.** No action items.

5. **Public Hearings.** At 7:01 p.m. Patrick opened the public hearing portion of the meeting by reading the statement of rights and relevance. He asked the Commissioners for declarations of conflicts of interest, ex parte contacts, bias, or site visits. Hardy declared a drive-by; Berman declared site visits to both and noted that he does volunteer work for OSU; Rod declared site visits to both and that he volunteers for Samaritan House; Mike declared site visits for both; and Hanselman declared site visits to both and that he supports Samaritan House through donations. Patrick called for objections to any member of the Planning Commission or the Commission as a whole hearing this matter; and none were heard.

A. **File No. 1-NCU-16.** A request submitted by First Baptist Church (Pastor Glen W. Small, authorized representative) for approval per Section 14.32/ "Nonconforming Uses, Lots, and Structures" of the Newport Municipal Code, for nonconforming use status of an existing building located on C-1 zoned property at 628 N Grove Street (Lincoln County Assessor's Tax Map 11-11-05-CD; Tax Lot 02300) that does not conform to the height buffer (NMC 14.18.010) and separated yard buffer (NMC 14.18.030) requirements of the Newport Zoning Ordinance. The church intends to construct an addition to the building and use the structure for church activities. The balance of the church property, to the west, is within an R-2 zone district.

Patrick opened the public hearing for File No. 1-NCU-16 at 7:03 p.m. by reading the summary of the file from the agenda. He called for the staff report. Tokos noted that the Commissioners had received in their packets the staff report containing findings and relevant criteria. He noted that he also had the entire application should there be any questions. He said, as Patrick pointed out, this is a request for alteration to a nonconforming use. In the city's code, we have rules for how nonconforming uses and structures can be modified. He explained that a nonconforming use or structure is something that was lawfully constructed at the time, and the rules were later changed giving it its nonconforming status. In this case the nonconformity has to do with the height buffer and separated yard requirement put in place to require some distance between commercial development and adjoining residential development. Typically, in commercial zones there are no setbacks; you can build up to the property lines. In this case, the setback for the commercial abutting residential is limited to ten feet at the property line and is scaled to increase at a 1:1 ratio. This takes into account that in commercial typically you can build up to fifty feet high, while residential is thirty to

thirty-five feet. The separated yard requirement requires a ten-foot separation and plantings to provide a visual buffer between commercial and residential. This is in an area where you have pre-existing development; there are a number of different commercial sites where larger structures are built up to the property lines. You have nonconforming lots in that area. As he pointed out in the staff report, in this particular case the abutting residential is actually the church, which is permitted in a residential zone. The pole building was built on the property line. The records show the building since 1935, and it has been maintained since even though portions have been torn down. The pole building has sustained the zero-foot setback since 1935. The church is proposing to do an addition, which they did set back to the east. The addition meets those two standards because it's further back on the property. That goes a long way in addressing the key standards that there's no greater adverse impact on the neighborhood considering the character and history of the area and the impacts on privacy, services, solar access, etc. Tokos said that the applicant has done a nice job trying to work with the property they have in situating the building so it would otherwise meet the standards. They're not putting a large structural mass on the property line. They already have the pole building and are not proposing to modify that in any way. Should the church ever choose to sell this parcel, it could be independent of the church operation. Also, there's space for parking should they sell that and the church parking to the west becomes unavailable. Tokos thought that by and large the application meets the standards for approval and recommended that the Planning Commission approve this subject to the applicant carrying out the addition as is proposed. He said he'd be happy to put together findings and final order to that fact for the next meeting.

Proponents: Glen Small, 244 NE 8th Street, Newport, representing the First Baptist Church, 208 NW 6th Street, came forward to address the Commission. Small said that CDD Tokos did a great job explaining this request. He had just a couple of details to add. He said that he understands that the distinction between commercial and residential was put in place to protect residential properties. In this case that residential property is the First Baptist Church. He said it's kind of the back side of the church, so that view factor doesn't come into play. He said that in developing this property, they are hoping to enhance the overall quality of the entire area. That area has the appearance of a vacant lot and invites transients and use as a garbage dump. The hope is that as it's developed with landscaping and a new building, that will discourage that activity to the benefit of the neighborhood.

Berman asked Small if he had discussed the proposal with Bike Newport. Small noted that Elliott Crowder of Bike Newport was in attendance as well. Small said that Bike Newport is a great neighbor. They talk a lot about the property and how to reduce that kind of traffic.

Elliott Crowder, owner of Bike Newport, 150 NW 6th Street, came forward to testify. Crowder wanted to let the Commission know that he fully supports the plans of the church. He noted that, as the neighbor with the primary impact, he's happy about it. He's all for the project. His property is the only one that adjoins that lot other than Pro-Build. He said Bike Newport is in full support of the project.

There were no other proponents present wishing to testify.

Opponents or Interested Parties: There were no opponents or interested parties present wishing to testify; so rebuttal was waived.

Patrick closed the public hearing at 7:13 p.m. for deliberation. Hardy thinks this is a wonderful improvement and has no problems with it. Berman agreed. He asked if that's a platted city street. Tokos said that's actually Grove and there are public utilities in there. Berman asked if there's any anticipation of doing actual improvement on that street; and Tokos said not to his knowledge. Berman said he thought the request is pretty straightforward and will be an actual improvement. He said the approval criteria are met and he sees no issues at all. Franklin said everything looks good. It's great for the community. He thought it should move forward. Hanselman said it's a good project, well thought out, benefitting to the church and Bike Newport and even Pro-Build. He sees it as an appropriate step for the church. Patrick agreed that it meets the criteria and thinks it will be an improvement. He said one thing is that the Commission needs to have discussion about why we have such a setback when there's a street between the two zones. We want to pull commercial structures out to the street. He said that has nothing to do with this, but thought we should make a note somewhere for discussion at a work session.

MOTION was made by Commissioner Croteau, seconded by Commissioner Hardy, that the nonconforming use permit requested in File No. 1-NCU-16 be granted with the conditions indicated. The motion carried unanimously in a voice vote.

B. File No. 1-SUB-16/1 & 2-PD-16/2-CP-16/1-Z-16. A request submitted by Ronald L. Adams, Oregon State University (Bonnie Serkin, Landwaves, Inc., Property owner) (Elizabeth Decker, JET Planning, authorized representative) for modifications in order to allow for development of student housing to support OSU's expanding Newport operations centered around the Hatfield Marine Science Center and for multi-family development for Samaritan House. The proposed modifications would amend the Comprehensive Plan map and Zoning map designations by shifting locations of about 11 acres of low-density and high-density residential designated areas within the planned development with no net change to the total number of permitted dwelling units. The Commission will forward a recommendation on this matter to the City Council.

Patrick opened the public hearing for File No. 1-SUB-16/1 & 2-PD-16/2-CP-16/1-Z-16 at 7:16 p.m. by reading the summary of the file from the agenda. He called for the staff report. Tokos noted that, unlike the last application, the Commission will be providing a recommendation to the City Council. Normally a planned development would be approval by the Planning Commission; but in this case, there's an amendment to the Comprehensive Plan map and the zoning map, which requires Council approval. So, the entire package would be adopted by them should they find that the criteria are met and after a recommendation from the Planning Commission. Tokos said, should the Commission provide a favorable recommendation, he would put together a draft ordinance for Council consideration at a public hearing; likely on September 6th. He said, as Patrick pointed out, what the Commission has before them is a proposal for an amendment to Phase 1 of Wilder, which includes changing the Comprehensive Plan map. The change is largely up in the northwest corner of the planned development close to Harborton and 40th on the edge there. He noted that the applicant's Appendix "I" provides a good view of that. There's approximately 8.1 acres changing from low-density to high-density residential, and approximately 2.2 acres going from high-density to low-density residential. There's more in high-density being created along with the R-3 zoning; but the total number of units is not increasing. Wilder has a cap of 345 units. It provides more multi-family to accommodate 130 units of OSU student housing in Phase 4 on the south side of Harborton and Samaritan housing on the north side of Harborton. A daycare would be introduced as part of the Samaritan project. There is an approximately 13% deviation on parking standards. Right now for apartments, the requirement is one space for each unit for the first four and then 1.5 per unit for each additional apartment in the project. The applicant's reasoning is twofold. For one thing, their students are unlike the conventional apartment complex. They're likely to have just one vehicle per student as opposed to multiple cars per family. They do have space to provide additional parking should they need it. Tokos thinks it's reasonable to accept so we don't force over-parking that's not needed. He thinks transit will play a role, but it's not compelling up front. They have to travel to Newport and likely will have vehicles for that reason. Even going to and from class, if they're biking or walking or taking transit, they'll still need to park a vehicle. Tokos thinks this parking variance is feasible because the student dynamics are different than multi-family available for anybody. Our standards are not structured so close that they can't accommodate a 13% adjustment. Tokos noted that Phase 2B where there are 28 units of four-plexes has a small change. Where it was envisioned to be one parcel, they decided to put them on two parcels. They will change out the utilities provided to do that. In Phase 4, ADUs were eliminated. Tokos said those were the major changes that are part of this particular proposal.

Tokos said the criteria are outlined in the staff report. For the Comprehensive Plan map change, it's spelled out on pages 287-289 of the Comprehensive Plan. It's basically a public need for the change. He thinks that's documented at this point. We amended the Comprehensive Plan and Buildable Lands Inventory. Then once we learned about the OSU campus expansion, we went back; and through that dialog, prioritized the need that with the expansion they need to provide student housing. We added a policy to look hard at Wilder because of the proximity to HMSC. This planned development is above the tsunami inundation area; and it's close enough to the campus that it makes sense. The criteria for changes to zoning maps are that there needs to be public necessity, and it should promote public welfare. There are a number of standards for amending development plans in NMC Section 14.35. Each of those standards is discussed in detail in the staff report.

Tokos noted that a planned development is a little different than typical zoning in that it envisions tradeoffs and allows for some flexibility so that they don't have to build as each zone dictates. They have the ability to do different things with infrastructure like Wilder has done with the pedestrian-friendly, narrower streets. He noted that much of the staff report gets at the tradeoffs that have been done. There's the planned trail between Phases 3 and 4; the property owner will get that constructed. They will continue the nature trail type program in existence with trails connecting into Mike Miller Park.

Tokos noted that in the packets were two letters that came in during the comment period. One was an ODOT email expressing that they had no objections to this proposal, which is important to note. There's a long history of working with ODOT and the applicant, setting out rules for additional development and how much is too much before it impacts Highway 101. There's a trip budget established for that work; and Landwaves is well within that trip budget. They're shifting density around and not increasing the overall units. That was sufficient for ODOT. Also, there was a letter from Sara Schreiber outlining a number of issues. After the packets were distributed, three letters came in, which are in front of the Commissioners this evening. Those included one from Jim Shaw in support, another from Denise Guild, and another from Louise Dix with the Fair Housing Council. He noted that there has been concern with Samaritan House and whether it's appropriate in Wilder. He wanted to caution that under the rules we have to work with, a "family" is a "family". That's not something we can weigh in on. Twelve units of housing for Samaritan House is nothing different than market-rate in terms of our rules. There was also the reference to Goal 10. If this moves forward to the City Council with a favorable recommendation, he will put more in the ordinance that deals with that. We are required to do a Buildable Lands Inventory, which we have done. There's a documented need for more multi-family development in this city. There hasn't been anything substantial since Little Creek in 1993. In terms of who they choose to market those to, we have less control and less obligation under Goal 10 for what those rates are. We want to push for a mix of units available in different levels. We don't have any authority to dictate what it looks like on a development-by-development basis. He can put it in more tightly, but just didn't for this hearing.

Tokos noted that there's also a sidewalk going along the frontage of Phase 6. Four feet is proposed; but we will need at least five feet to meet disabled standards. He said those are the only two things that are outstanding. Neither will require substantial changes to the layout and can be sorted out before the City Council hearing.

As outlined in the staff report, Tokos believes there's sufficient information provided by the applicant that the criteria have been met to garner a favorable recommendation to the City Council.

Hardy asked if the OSU housing will be owned and managed by OSU. Tokos said he didn't know if the discussion has been made in that regard. He suggested she ask the applicant. Hardy wondered the same about the Samaritan housing; and Tokos said to raise that with the applicant as well.

Croteau noted that there was a reference to treatment of storm water, and he wondered what Public Works considers treatment of runoff. Tokos said he's not exactly sure and asked where the reference was. Croteau said on page 16 and 17. Tokos said the primary concern with storm water is to look at why it's necessary to extend public storm water through Phase 4 and dispense it on the south side and into a natural drainage way. The City's was in Harborton within the public right-of-way. It's easier to deal with. Treatment is required as part of that. Public Works will continue to look at that and get additional information from the applicant. Hanselman said he assumes the larger wetland feature is a continuation of the same drainage concept; not down slope down 40th. He said they mentioned that natural features of land can be used for drainage. He noticed they quickly eliminated the wetland. He said wetlands are natural flood preventers. They are water cleaning systems. In Phase 4 there's a rather large wetland that according to the proposals will be filled in. He's not sure of the policy; if you have to mitigate when you fill something. He said he was surprised they suggested using natural features to help with runoff yet filled the larger wetland. Tokos said there are times when wetlands have to be filled to develop property. When you look at wetlands, DSL is the primary controller. They will be most concerned about the largest wetlands; say along 101 in South Beach. With smaller isolated wetlands, and these would fall into that, they're more accommodating to allowing those to be filled. There's a certain amount of flood storage a wetland provides. The applicant will have to provide how the wetlands will be managed; structural (pipe), swale, or information that down slope drainage is large enough. In this particular case, this is the type of wetland that can be mitigated for development. Tokos said Hanselman may want to ask the applicant; but it's certainly something that can be done. What they proposed with the public facility through Phase 4 is not unreasonable. He said Public Works drives this to minimize what they have to maintain. Tim Gross will make sure it's the best way to handle it.

Proponents: Elizabeth Decker with JET Planning, 215 W 4th Street #209, Vancouver, WA 98660, who is the authorized representative for this application, came forward to testify as the proponent. Decker noted that the bulk of the amendments before the Commission as outlined in the staff report are provisions to provide for the 130-unit student housing and 12 units of affordable apartments. There is a minor lot division near the village center. She said they thank staff for working with them through this. Generally, they are in agreement with all of the findings. She said she would highlight some questions raised in the staff report, by the Planning Commission, and the public comments.

She said they are looking for a positive recommendation on the Comprehensive Plan and zone change for the planned development. The relative criteria in the Comprehensive Plan and the zoning code have been addressed. She said there have been some additional concerns about how this comes together. She noted that the Commission has seen Landwaves before. There have been a lot of evolutions in the long-term vision of the planned development. Decker said they appreciate the opportunity to work within the code with staff and the Planning Commission to shape this and provide something over and above. The vision has always been to provide a full range of housing types; apartments, ADUs, cottage houses, single-family, and custom homes. There's a broad range. The exact details have been changing. This proposal to discuss tonight is because they have opportunities for student and affordable housing. The latest refinement is not adding density; but they are adding multi-family. They are simply redistributing it. The initial layout had the main cluster near the village center. They will maintain some of that. Most will be moved to a new node in the northwest corner of Wilder where there's better access to HMSC, transit, and other services. Also it's nice visually because of the topography changes. The plan will still include single-family phases. Phase 5 will be on the east side of Harborton where there's more single-family to come. They are still sticking to 345 units already approved for Wilder. Regarding parking and traffic impacts, the net remains the same. There is open space throughout. Phase 4 has the trail. Traffic generation remains the same. Utility demand remains the same. It's just being shifted around. The development for the OSU housing is a long-term project; they are looking at 2025 or 2030 for full buildout; so it will continue to evolve. They started in 2014 with the initial conversation. That resulted in the Comprehensive Plan revisions. OSU is now actively pursuing this opportunity for student housing.

Decker said, as Tokos had mentioned, there's a minor adjustment to the parking standards for OSU from 1.5 to 1.3 per apartment. OSU will provide 184 parking spaces on their site; roughly one per bedroom. There are 180 bedrooms within the 130 units planned. The majority of these units, about 60-70%, will be one-bedroom or studios; which is much lower than other multi-family development. The overall parking generation will be lower compared to typical units with two bedrooms or families with more than one car. It's a long-term project for OSU. It's in their best interest to manage parking. From the traffic perspective, Wilder has been approved for 345 units. There's no change to that and no change to net traffic either. Harborton was approved as a collector; it has more than enough capacity to serve 345 units. The only thing this does is shift where it originates from to further north from the village center. It's a shorter route out to get to 101.

Decker noted that their application included the "Kit of Parts," which has been integral since the beginning. It's a tool they use as they build out to get the architecture and design standards for units that get built. They are proposing a new type; multi-family cluster apartments. That's what they're proposing for the student housing. The height limitation has already been approved. The cluster apartments will be built as individual buildings, each with twelve units; eleven individual buildings. Dispersing those creates new nodes; hopefully mini-communities. Decker said they also prepared a visual exhibit, Appendix "K", showing how the grade changes. Phase 3 is located to the south approximately 60 feet above Phase 4. The maximum height in Phase 4 is 45 feet. Phase 3 will have clear view over 4. Also, there's vegetation that acts as a buffer.

In terms of the wetland in Phase 4, Decker noted that the wetland is approximately 2,500 square feet. It's not graded as a high quality feature; it's an isolated feature. They are proposing to fully mitigate it outside Phase 4. They want to make the best use of this land. There's very little land for multi-family. That's why they're looking at how much to devote to parking and mitigating the wetland to maximize the opportunity to take advantage of this rare site. On site will be natural swale features that mimic some of the same features as the wetland.

Decker summed up that they are seeking approval of this combined application.

Croteau asked if the route between Wilder and Hatfield will be bike-friendly, and will there be provisions for that at both ends? He asked if they've thought about that in terms of bike facilities. Decker said they've discussed that preliminarily at the OSU site. She said she would have the OSU representative address how they've handle it at other sites. She said that's great feedback that they will look at not just meeting city standards but working with the students to understand their needs.

Hanselman asked Decker to describe the typical resident. Decker said for Phase 4, it would be Juniors and Seniors. They've done their requirements and have to apply to get into this program to do some advanced studies. Hanselman asked, 130 units, which is more than 1/3 in the development, will be filled by Juniors and Seniors in college? Decker said that's correct. Hanselman was just looking at the mix of that development and what some of the original thoughts

were for the people who had bought into it under one vision, and now we seem to have changing visions. That can sometimes be damaging for those who have already bought. He was just trying to figure out the distribution of age groups in this development; the road, traffic patterns, etc., and whether you want the community in essence to be 1/3 Juniors and Seniors in college. He said he's just thinking it through. Regarding the parking, he wondered if there's anything on the Corvallis campus that would support those parking numbers. Are there studio apartments in the same numbers as the project for Wilder that have worked in the Corvallis area? Decker noted that the representative from OSU was present and could speak to that; but she added that in general, they are proposing more parking per unit for the Wilder site than has been needed based on previous services in Corvallis. She said that OSU has data that they will be sharing. Hanselman said that he thinks bicycling is wonderful; as a group they would be purchasing fewer cars. He said, however, that the coast is known for our wet weather several months of the year. He said that his students didn't like to ride bikes in the rain. He wondered if OSU has ever considered a small bus; a shuttle. Decker said that has been considered. Again, she noted that Dave Craig with OSU will talk about that. She said that the vision has been evolving in terms of the mix of residents; but that's always been the vision of Wilder. She said that Bonnie Serkin with Landwaves could speak more about that.

Bonnie Serkin with Landwaves, the developer, 2712 SE 20th Ave, Portland, OR, testified next. Serkin wanted to address the question about the change in the mass of demographics and how it fits with the vision. She said the vision is what this is all about. She just spent two hours with the residents in Wilder talking about this application. She does this regularly with the residents. She said one take-away from that meeting is that the vision of Wilder has been so strong and well-received by the people living there. They treasure the vision and living there as much as the developer does. They state it rather clearly on the website and in the materials, and when she talks to groups. They're not a gated community. Every house has a front porch, and people use those porches. It's where homes are affordably priced. There's a sustainability factor. There's much access to nature. They opened their forests to bicyclists. There's dog walks, the dog park, and the golf course. She said that every resident can state what it's about. There was a lot of flexibility built in from the beginning when they were invited to bring that land back into the City in 2004 because OCCC needed a campus. They decided that a village would be a great thing to build there. The demographics changed somewhat, but the density hasn't changed. Just how it's being dispersed is a little different. When Phase 1 appeared on the ground, the idea of putting over 120 super-high-density units in the middle seemed almost the wrong direction in Wilder; so they considered dispersing the multi-family. She said this kind of harks back to that. She likes this model better. They took one-half to two-thirds density out of the middle area and put it physically separate down there when you first come into Wilder. Serkin said from talking to the owners, traffic and noise were a concern. This keeps traffic and parking way out of the village center. It's a workable solution. By putting OSU student housing and Samaritan House as the gateway to Wilder, it changes that aspect successfully. She said this is exciting for Newport because Wilder had the flexibility to offer OSU what they needed for student housing and the need for affordable housing. She said it's their privilege to provide to Samaritan House an area with access to public transportation and access to nature. She noted that Samaritan will stay involved in managing the housing; which is important to them, the owners' association, and the residents. Serkin said Landwaves is flexible enough to welcome both OSU and Samaritan into Wilder. Serkin noted that if you look at the plans, it's not just a monolithic building. They came back with small units with roof lines so that people looking down from Wilder into the OSU campus will see some of the prettiest roofs in town. Serkin said Landwaves is thrilled to work with them. She noted that also for the market-rate apartments, they are asking that one big lot be divided into two.

Berman asked Serkin when she's speaking with the residents, and some have strong feelings about the mix and how it's changing, what does she say to them. Serkin said it's the inclusiveness; the ability to provide a variety of housing to the people who live and work in this city. She said that's just what they are doing. The vision hasn't changed. She said the details were always meant to change because they can't predict where the demand is going to be; what the needs for the community and the people who live here will be.

Hanselman asked Serkin if Landwaves believes that this project helps existing housing issues for the current community of Newport. He noted that these are students coming here; not current residents. We have a pressing housing problem currently. He was trying to see how this helps the city. Serkin said so you don't have 300 students looking for housing when there's already a shortage of housing. Patrick said it doesn't address the current housing issue; but it does address finding housing for students, which he sees as very important. He hopes it would help. Serkin said the Samaritan project really helps where there's such a shortage of affordable housing units. Patrick said we have a lot of needs already. It's wonderful to look down the road, and it's important to work with OSU to find

housing. That's a transient population. They're important, but we also have a lot of permanent residents that have housing issues. Serkin said that Landwaves has 200 more acres up there.

Fred Garmire of 2G Associates, 400 Columbia St. Ste. 160, Vancouver, WA 98660, was the next proponent to testify. Garmire wanted to address some of the civil engineering components. He noted that he has been involved in this project since the first phase and has a good knowledge of what's up there and what's planned. He said that 40th Street, which is now Harborton, to serve the development and the college included utilities sized to serve the full buildout of the development. As phases have developed, they have extended that in each phase. He noted that Phase 2B is for the apartments; Phase 4 is for student housing; and Phase 6 is Samaritan House. They've taken that backbone system and extended it into those phases. He said the next step for them is to work out the details with Tim Gross on the public side for how he can maintain it and on the private side for how to provide services to the buildings. With what is shown on the plans right now they have an opportunity to work with Public Works on details that work for the city and provides the services they need. Overall the capacity is there. The water system has a pretty high-capacity booster pump system and sanitary connected to the public system. They'll work on the sizing to accommodate the number of units. Phase 4 storm water will be similar to what they had in the last application. Right now Harborton and 40th drain into the large swales on the side and then is collected by some inlets and right now discharges that runoff across Phase 4. What happened was, when they envisioned Phase 4 being developed, they didn't know what was going to happen there and put a storm line across there. There's some flexibility. They will work with Tim Gross on that as they did on the last phase. Regarding the traffic concerns brought up about the volume, he said they're not increasing traffic already in the Harborton design. It's just moving where the traffic starts down to Phase 4; so there will be less impact up the hill and toward the college. There will probably be less trips through Phase 1 residential, and a lot of the density in Phase 2 is moved down there. It should free up the capacity. Garmire noted that the sidewalk for Phase 6 that extends up from the current sidewalk on the north side of Harborton where Chestnut is will be continued around Phase 6. If needed, they can provide five feet and will work with Public Works. They will meet the requirements and what makes sense.

Tokos told Garmire that one of the things Gross will be looking for additional information on has to do with the sewer extension in Phase 4. Gross had just mentioned to him that when he looked at the grades on the far southern side, it's 82 feet and up by Harborton you're at 92 feet, and he didn't see a booster pump on the sanitary line. What kind of grade do you need to get that to gravity as it comes back into Harborton? And where exactly are those mains in terms of depth? Those are the kinds of details Gross will need to see to make sure the design is something that would functionally work at that location. Garmire said as far as the sewer, there are two stub-outs on Harborton to the side; on the lower end and where the existing driveway is. The lower is about 20 feet below. He will work with Gross.

David Craig with OSU, 957 SW Jefferson, Corvallis, OR 97333, testified next. Craig said they're excited to expand to Newport. He noted that student housing is critical. The students will be upper classmen that are here three to six months. They are focused on their studies. It's a competitive program that they're applying to get into. He said that OSU has experience in student housing. They are committed to managing the parking needs over the course of the future. Studies show that 30-35% of students living in nontraditional housing bring their cars with them to campus. Craig said they have a development in Corvallis that is managed through outside management (College Housing Northwest). Parking is through a permit system. It's a 245-bed facility, and 2/3 of the parking is used. They actually lease the rest of the parking to the private community. OSU wants to make the best use of this Wilder site that is out of the tsunami zone and in close proximity to OSU. They expect to have parking permits, shuttles to OSU and city services, and there may be some off-site parking. There's a direct walking and biking route along Ash and Ferry Slip that's about a mile and not along 101. That's one of the factors that attracted OSU to Wilder. Craig noted that they have campus design standards for bike parking. There will be bike parking at the housing site and at Hatfield. They've also had preliminary discussions with transit about adding a stop as well as potentially an entire route. They won't be fully developed until 2025-2030, so they will continue to develop the parking needs. He said this is for upper classmen. They are here to stay. They don't see a problem with this demographic in Corvallis. There will be a resident manager on site as well as assistants. Conduct applies in housing and off campus. They are accountable should there be behavior issues. To sum up, Craig said they are looking for the support of the Planning Commission.

Berman asked, in terms of the behavior, does OSU have internal rules that are more restrictive than the city's in terms of drinking, marijuana, and noise of parties. Craig said they have noise standards. He said typically what they find is that if the city has a noise ordinance, those standards are lower than OSU's. Noise impacts the students much sooner than other neighbors. He said as far as marijuana, it's still federally-regulated. They receive federal funding, so

marijuana is not allowed on the university. OSU's alcohol policy is that students of age can have alcohol in their rooms for their personal use; not in public and not on the grounds. It's not allowed on the university property other than in the private rooms. For violations, they run an in-house diversion program; and there's a cost to the student for that. Hanselman asked how many students are attending here currently. Craig said it varies from term to term; summer is the highest. He said there are 100 in-house in Hatfield right now. There are about 30 adjacent parking spaces; and today when he drove by, there were about eight or nine empty.

Bruce Mate, 176 SE Larch St, Newport, testified as a proponent. He said he's excited about what's happening. He came here because of HMSC. He said he's the most elder of the current staff. He's seen a lot of change since 1965. They wanted to make this a world class development. This direction will make that possible on a scale they've not had before. He said the overall vision came from the university president. They will hire 25 new faculty members to teach 75 courses a year. When they get to that 300, they might be looking at 50 faculty members. He said he's not aware of another facility that offers over thirty courses a year in marine-related studies; it's not just science. Mate was interested in marine biology. That's what brought him to the coast. His wife brought skills as a nurse. He would like to think that he became a good teacher. He wanted to be involved in something that makes a difference; and this program is that kind of thing. He's incredibly excited about this. In addition to the faculty that will come, they will hire graduate students and assistants. These are family-wage jobs. It will increase the diversity in Newport. It will bring additional interests. In the planning, some units will be two to three bedrooms. That makes it easier for transitional housing where you can start off with a young family. So there's the transitional aspect while they may be finding a home besides just students. Mate noted that Hanselman had mentioned the transient population of the students. In the summer there are 100 students; mostly undergraduates. Although individuals may be transient, it's a very static situation. This program will attract students from all over the nation and the world. Students will be competitive and will be serious about what they do. Noise will be self-policing. If a student is studying and there's noise next door, they will tell them to calm down. The need to house married students is also a concern. Right now they're spread out in the community. Mate has research assistants who commute daily from Corvallis. The MMI that he directs has five faculty members and 37 research assistants and graduate students; all of which are family-wage jobs. He said, but more importantly, they bring interests into the community and provide diversity and excitement about what they do. He said they have a budget from OSU of \$25 thousand a year. They brought in more than \$4.2 million worth of research from outside Oregon. He thinks the students will be very focused, and there won't be a noise issue. Craig said he's representing the students and the staff.

Berman said he was under the impression that Phase 4 was dedicated to students; but Mate just made reference to faculty. Will there be both? Mate said from the community meeting at OCCC, it was brought up that the multiple-unit aspect would provide for that transition. He understood that that might be a possibility. Craig came back up to address that. He said that it has been talked about; but the primary focus is to house the students. They will be looking into staff and graduate students needing housing. Mate added that some students will have their spouses with them.

Evelyn Brookhyser, 253 NE Chambers Ct., Newport, who is on the Board of Samaritan House had been asked to testify this evening on behalf of Samaritan House. Brookhyser wanted to give the background of Samaritan House. She said that their mission is to help homeless families with children reach independence through counseling and education. The parents have to pass a drug test, and they meet weekly with a case manager. They are given suggestions to reach success. The staff monitor each apartment. The parents are developing personal management skills like applying for jobs, interviewing for jobs, balancing family needs, parenting, supporting children to be successful in school, nutrition and keeping their families healthy, and learning how to manage money. Families don't pay rent. When they get a job, a percentage is given to Samaritan House who puts it into a savings account for the family. When the family moves out, that money is given to them to get into an apartment. They've had some families leave with \$3 thousand amassed. When these families move on, they really don't want to return to a car or a tent. They learn skills. They become responsible for meeting their own goals. When a family leaves, they have routines established. They're motivated not to return to a homeless lifestyle. They are the type that would be moving into the Wilder apartments. They know that life is better without drugs and alcohol. They are content with moving into independent living with those rules. They will be monitored by staff. There's a half-time person assigned. These families will be sent out of their apartment if they don't follow the rules of no drugs or alcohol. Also, overnight guests are limited. Brookhyser said that one thing that's interesting is that there's an 85% success rate with people that go through the program. Those would be moving into those apartments. She noted that some of the site improvements Samaritan House takes responsibility for is the sidewalk along the north side of 40th Street. Brookhyser noted that

low-cost housing is almost nonexistent in Newport. They are excited to extend services in Newport and being part of Wilder. She thanked the Commission for considering this and said Samaritan would appreciate their support.

Franklin asked if it will be random drug testing or just visual? Brookhyser said it will probably be visual. There's a case manager working with those families. Franklin asked if there will be a Samaritan employee living on site. Brookhyser said probably; there's the possibility. Berman asked what the program is that they've graduated from before they move in. Brookhyser said just what she discussed. They will have gotten to a lot more independent state at that time. The program is eight to ten months. Berman asked, it's finished off site? Brookhyser said yes. Lola Jones would be managing both. Hanselman asked, in terms of the residency, it's eight to twelve months? Brookhyser said that's the program operating now. Hanselman asked if there's overnight supervision. Brookhyser said probably not. She said Jones is creative. There may be supervision electronically. Franklin asked if there wasn't mention of a day care facility. Brookhyser said it looks like a separate building; number 3. They are working on a nursery. She said that Jones is working with other people in the community to operate that. Serkin came forward to provide some clarification because she's been talking with Jones. Serkin explained that the initial plan is to have a staff person on site during working hours; 9:00-5:00 Monday through Friday. At other times, someone would be available on call. She said that one thing they will work out in the formal agreement is exactly what that entails. They will maintain that close relationship to have their community interface with the rest of the Wilder community. Serkin said that the day care center is a relief nursery. The services that Samaritan provides is for the whole family. If there's the potential for child abuse in a family, what could exacerbate it is being together 24/7; so children can go into this relief nursery, and the parent can go shopping, to a job interview, or just go to the ocean. The program applies to the whole family. Serkin said it's an amazing support network that makes this workable. People who are selected will have gone through the transitional housing program getting skills. They will have been successful. Serkin noted that Jones hopes to make this a model.

Jon Oksenholt, Oksenholt Construction, PO Box 540, Lincoln City, OR 97367, came forward as an advocate. He noted that there is a slight change to the Phase 2B four-plexes previously approved, but you're not even going to notice it on the ground. Oksenholt said that their company has been the biggest builder out there; both for-rent and for-sale units. There's almost an insatiable demand. His site manager was injured in a water rescue and has been off the job; but now he's back. Oksenholt's looking forward to getting back to building more units. He said that he also owns rental units in university cities. He's heard this discussion before. Generally, it's the same no matter what residential housing is available; market or student. He said that we know OSU students are coming; and he thinks it's the City's responsibility to plan for that. He said that putting housing out of the tsunami inundation zone is important. He hasn't heard concern from folks that have built and the ones he has sold to about university housing; maybe more about Samaritan. He said he also would be in favor of asking about the drug testing. Having a strict policy in place might be prudent. Oksenholt said he's considered a reformed developer. He has been where Serkin and Emery are. It takes a strong financial commitment. He said they have been great for the City of Newport. They are very receptive to what the community has evolved into. He said part of the discussion about the village center was that with 130 units, the thought was that was too dense. Now it's a number much less than that. Oksenholt said that he appreciates the Commissioners' time. He said that some of these students may live here and replace the Commissioners' great brains behind the panel someday.

There were no other proponents present wishing to testify.

At 8:52 p.m., Chair Patrick called a short break. The meeting reconvened at 9:00 p.m.

Opponents or Interested Parties: Linda Roggenbury, a Wilder resident at 4340 SE Ellis Street, was the first to testify as a concerned individual. Roggenbury said that she moved there this spring. She has some concerns about Samaritan House. She said that the location isn't walking distance to shopping. It's not centrally located as it is now. She wondered how that's going to work if there's also less supervision and some distance. She said if they're in a community they're more likely to be where everybody is driving by in cars and wondered if OSU has a shuttle what the availability would be for the Samaritan families as well. She was also wondering about the use of the land if there are other spots that Samaritan has. Maybe the land where they are planning to put Samaritan might be needed by OSU for some uses in the future; say for graduate students or faculty. Roggenbury had a question about the OSU housing and whether there are lounges or food facilities or just bedrooms. Berman said these sound like valid questions. He thought that probably a face-to-face with Serkin or somebody within the development would be best for Roggenbury to get answers. Patrick said maybe those questions could be covered in the rebuttal.

Ryan Parker, Wilder resident at 4360 SE Fleming Street, testified next with some concerns. Parker said that he has no issue with the OSU side of the plan; but he has concerns about Samaritan House. He said that their director mentioned in the community meeting that this was a grant-based type of thing; and they would know in October. If they get money, they will quickly build it. The issue was brought up about sinking maintenance fund or funding to keep the facility in line with other Wilder design guidelines. He doesn't know that that question has been answered. He's concerned if they build a nice facility, and it doesn't get maintained. If there's a staffing shortage, it could start to not be a nice facility over the years. Since it's one of the first things you see as you go up the hill, the residents would be concerned about how it's maintained and how it looks. That will determine the acceptance by other residents. Parker said Samaritan was also asked about criminal backgrounds; and they were told that none had violent family backgrounds. He said he has young children. He knows that these people are going through tough times, but he's concerned as a parent. Just because these people have qualified, there may be family members that aren't pre-screened that drop by and maybe even bring RVs. He's concerned about the kids' safety and about the quality of life for his family. Parker said he also agrees with the concern about the lack of facilities. The County has a few social services offices by the courthouse. There's a lack of services on the other side of the bridge. He said imagine if they have difficulty with their cars. This location is not within walking distance. He suggested beta testing before making a decision on this site. He said that site is quite far from everything. He noted that it's also next to a power station, which brings up safety issues. Berman asked what Parker was referring to about living next to a substation. Samaritan has in-house training about the supervision of their kids. Parker said that Harborton is a 25-mph street; but as you roll down that hill you can get up to 45 mph without too much difficulty. He's aware that Central Lincoln will relocate their facility; but it's about keeping the children out of a dangerous area.

Constance McLeod, a Wilder resident at 4365 SE Fleming Street, also raised concerns. McLeod said she feels like she got the bait and switch. She was presented with the idea of community to be built in phases. It was on their billboards, all over their website, and in their brochures and flyers. She retired and bought her home to be here the rest of her life. She could still be here the rest of her life, but she doesn't know if she wants to live where there are speeding cars and more traffic. She feels like if she sold, she'd be buying high and selling low. It would be driving her property values down compared to what she was presented with. She said that she just found a heroin kit by the coffee shop. It was given to the sheriff's office. She said another thing, there is a pedophile who hangs out by the coffee house every day. She's concerned that Wilder will attract more people like that with Samaritan House. She said, like Parker mentioned, those people's visitors will not have been screened. She would want to know who is parking next to them to visit.

There were no other opponents or interested parties present wishing to testify.

Rebuttal: Decker returned to address the concerns. She said there will be transportation options for Samaritan. They have considered a shuttle option as well for grocery runs and that sort of thing. She said that OSU mentioned talks with transit. She said perhaps a pair of bus stops could be put in; and public transit as well as Samaritan could provide shuttles to serve those residents. Regarding the comments about the availability of services and the core of the County public services, there are long-term plans to develop South Beach out. She said don't think of what is just there today, but additional services that will be available in the future. In terms of visitors to Samaritan House, as was discussed at the community meeting, there are strict overnight parking regulations. Only residents can park overnight, and no RVs. Regarding funding to keep up maintenance, Decker said she didn't have specific details. Jones will get into that. Samaritan would be a member of the HOA and governed by CC&Rs. Regarding the dangers of the substation, Decker noted that that area is already zoned residential. It was precleared that that's where residential could happen. One additional tool that Samaritan has is the parenting classes. That's an on-going process of the operations of Samaritan. It could be brought up at the parenting classes. In terms of the traffic conflict, that's part of why they are building a sidewalk on Harborton. There will be marked crosswalks. There's a multi-use path on the south and west side that goes all the way to OSU and down to Twin Park into the village center where there will be additional services. In terms of how Wilder has built out, the community has always intended to build in phases; and some have always been multi-family. Decker said this plan provides for multi-family on the edges, there's buffering, it disperses the density, and minimizes impacts on the lots in the single-family Phase 1. In terms of overall traffic on Harborton, as we see Harborton today there's relatively low traffic. Decker noted that Wilder has been approved for 345 units. That roadway was built to accommodate the college and the extension of Harborton when it extends to 50th. Harborton was designed as a collector roadway to do everything including future phases of Wilder and was meant to keep traffic off the individual residential streets.

Serkin said, on phasing and the balance, she thinks what was perceived as a phasing problem was just that it was different than what people expect. Originally, Landwaves was thinking more single-family residences. That didn't pan out; so they got approval for D and 3. They expected those fifteen residential lots to be started by now. She noted as Oksenholt had mentioned, his six haven't started yet; but they're coming up now just a year later. Fowler is the other builder in Wilder, but they have been building in the Willamette Valley. They're still working with Wilder. They hope to get a commitment from them for next year in Phase 3. Serkin said single-family is still coming on. Where the golf course is, it's ready to be developed when its time is right. There will be fifty single-family houses on there. It will happen; it just didn't this year. Serkin said with Samaritan there are still details that need to be worked out. They haven't entered into a formal agreement yet. She thought that Parker's idea of a sinking fund is a great idea. It may be a good solution to something that she's concerned about, too; will properties be maintained. She said the design of the building is outstanding. That inspiration will be a model. There will be something in the agreement about what happens if they don't maintain the buildings. Serkin will also ask Lola Jones to meet with the residents again. Jones wasn't able to attend the hearing tonight, but she'll come back and address these specific concerns. There's the education on parenting. If they're crossing the streets wrong, Jones will include that. Approaching the substation, there will be safety training about that. Serkin has confidence that it will be effective.

Berman asked if they've considered speed bumps or some other device on Harborton. Serkin said it's a public road, and she doesn't have any control. Tokos said Public Works would say to find another way. Speed bumps cause a problem for fire engines and Public Works' heavy equipment that they use to maintain the sewer or what not.

Berman asked Serkin what mechanism they have for people that have complaints or issues like the heroin kit or the pedophile other than the HOA she mentioned. Serkin said she knows there's been a car parked with a person in it. It was reported to the police. That report came to her through the onsite manager. They've arranged for private security to patrol at the coffee shop at least until it's opened. She said that yesterday at the owners' meeting other topics came up; and they've already taken action on some things. Residents have been reporting to Jay Robinson, the onsite manager, or emailing Serkin or someone else in the office. There are open lines of communication, and action is taken.

Brookhyser said that you could go by the current Samaritan House on Bay Street and take a look at how that facility is maintained. There's just a small space that children have to play in, and there's been no issues with safety. That situation's not very good there; but it's being managed by the families.

Because it had been raised in the comments, Croteau asked Craig whether a recreational component and dining were planned. Craig said these are classified just as apartments with kitchens. There's a lot of open space; but a food service component, no. It's apartments.

Patrick closed the public hearing at 9:30 p.m. for deliberation. Hanselman said, although he has some reservations with this, especially having been a student and a teacher; he has no issues with students or the numbers of them. What he has concerns with is the distribution of the age groups that will now be represented in Wilder and that it's not addressing the current need; but he's still okay with the development of both. He doesn't have enough reservations to not recommend this to the City Council. Franklin said his thoughts are along the same lines. He agreed with what Serkin had stated about high density sitting right there in the center of Wilder; he thought that was a big problem. He actually likes this a lot better. He said OSU traffic doesn't need to be going up through Wilder where you have residents that want quiet. He thinks this actually adds to the vision and helps it out. He thinks it's important for Landwaves to organize this and sit down with Samaritan House and talk things through. He thinks it's a go on both. Croteau said there have been a number of issues raised; but for the most part they have been responsibly addressed by the developer. He said this looks like a firm plan. It makes sense. It's satisfying a community need. It's valuable to the Newport community. He's in favor. Berman agreed that student housing is necessary. He said with the average stay of a student being six months, there's never going to be a sense of community that includes those people. That little corner over there with both Samaritan House and OSU students won't ever really be a part of Wilder. Both of those functions are necessary. The concerns are being addressed. He agrees with going ahead and proceeding. Hardy thought it's an excellent opportunity for the community of Wilder to be as inclusive as the vision intended. She said one of the best cures to the divisiveness and total idiocy of prejudice is that idea of "us" and "them." The student population will get a chance occasionally to rub shoulders with the mature, settled adults. She thinks the same could happen with the Samaritan House residents. They will get to see the type of life more appealing than what they're

coming from. Hardy doesn't have the same concerns that have been expressed with respect to those kinds of people living in my neighborhood because she's a property manager. They are all human beings. She thinks it's a great idea and supports it. Patrick said he also supports the proposal. The cure to a lack of housing is more housing. He doesn't care what kind of housing it is; we'll take whatever we can get. He said that the majority of houses being built now are vacation rentals or second homes. At least these won't be. They'll actually get used. There will be people in them. He likes what Wilder is doing with their mixed use. It's nice to see this type of development where there's a mixture of uses. It's one of the urban design things they are doing these days. It does seem to work. He said it's great to see it.

MOTION was made by Commissioner Croteau, seconded by Commissioner Berman, that the Planning Commission make a favorable recommendation to the City Council to approve the request described in File No. 1-SUB-16/1 & 2-PD-16/2-CP-16/1-Z-16. The motion carried unanimously in a voice vote.

6. **New Business.** No new business.

7. **Unfinished Business.** No unfinished business.

8. **Director Comments.**

A. Tokos noted that the Planning Commission had received a copy of an article about the on-going discussion on the floodplain front. Tokos attended one FEMA outreach meeting in Tillamook, which was informative. This will be an on-going discussion over the next year or two to figure out how exactly we go about implementing this stuff. Tokos had some discussion with Kevin Greenwood with the Port of Newport, who are the most impacted. There's a fair amount of work to bring out what the certainty of these rules are, at least on an interim basis. What additional steps we will need to take to address the impacts to salmon basically as a result of development and redevelopment in floodplains and make sure it's a manageable program. When he asked the question to FEMA about how they deal with developed waterfronts, they referenced King County where they mitigate somewhere else. Mitigation banking may be an option for us, but Newport is not King County. There's a fair amount of work still to be done over the next year or two. Tokos will continue to bring information to the Commission to keep them informed on the progress.

B. Tokos noted that the UGB amendment for Lettenmeir was approved by the City Council. And the ordinance is final. It's going through the County approval process now. The first hearing with the County Planning Commission will be in a week or two.

C. The RFP for the SDC/CET project closes on August 5th. There's one proposal coming in, and Tokos is doing his best to get two or three. At the Planning Commission's August meeting he will bring the list of potential advisory members and discuss how to interface with that as well.

D. Regarding the planner recruitment, Tokos noted that the final interviews will be conducted on Friday and Monday. We should have somebody hired by mid-August and onboard in early September.

E. Tokos noted that for the Greater Newport Vision 2040 Project, the City Council accepted the committee's recommendation of HDR Engineering for the consultant. Now it's determining how many outreach meetings to hold, what the deliverables will be, and whether additional resources need to be brought to the table.

F. Tokos noted that the City Council had a joint work session on workforce affordable housing with Lincoln County, Lincoln City, and other elected officials. There was a good discussion. There was general consensus on things we've discussed such as the multiple-unit property tax exemption and leveraging foreclosed housing and that it needs to be done. There was some desire by the Economic Development Alliance that they be the umbrella through which some of this stuff happens. We'll see how that evolves. At their August 1st meeting, the Council will discuss their relationship with the Land Trust. The other partners made it clear that they have relationships with the Land Trust. Tokos said we'll see what the City Council wants to do; whether to continue with that relationship or not.

G. Croteau said that he has been getting this League of Oregon Cities magazine since he joined the Planning Commission. He noted that it has interesting stuff; and often there are things that are relevant. There was some discussion about how to get on the mailing list. Berman said he will pull out information on how to receive the

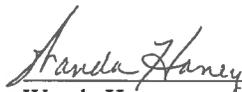
magazine and send an email. Haney will check with City Recorder Peggy Hawker as well. The Commissioners agreed that it looks like a good resource.

Franklin thought that Patrick had brought up a good point that a lot of homes going into our community are second homes and tourist-related. He wondered if there's anything we can do to keep from becoming like Lincoln City and keep from sucking out our available homes. Tokos said the City Council had an extensive discussion about this. He said we are not Lincoln City right now. We're not anywhere near their percentage at this point. They have something like 28% of their housing stock tied up in second homes and a good portion of that is vacation rentals. We are sitting at about 14%. Cannon Beach and Manzanita are at about 60-80%. If we start to see ourselves getting into that, then there may be discussion about things like capping the total number that will be issued business licenses. You can have that discussion. The Council said we're not there yet. Our program seems to be working. We need to continue to collect data so we actually have that information to base decisions on. Tokos said there's not much we can do about second homes; and a good chunk of vacation rentals come out of second homes. Tokos said Patrick made a good point, we have to get additional housing inventory. If we get it in areas like Wilder, that's not where we see vacation rentals. All VRDs are ocean view, next to tourist-related commercial; it's all location. Croteau said one thing to lessen the number of vacation rentals is increasing the commercial and industrial base of the city. Increasing the number of workers who are here as full-time residents. It's an indirect effect. It's one of the very few things we could encourage as a Planning Commission.

H. Tokos said that he appreciates the Commission's patience with all of this. A couple of the comments had been that this was hard to digest in such a short period of time. Fortunately, the Commissioners have been through the drill with Wilder a few times. He said we can slow these down a little bit and get more lead time if necessary on certain things. He just needs to get feedback from the Commission as to what your thoughts are at some point. Maybe we can do that at a work session. What Tokos wants to do with any applicant is make sure he gives them clear expectations of how the process works. So as long as he could tell them up front. Croteau said even getting stuff in parts even a week or two before hand. Tokos thought in this case he gave the applicant a little too much time to get their resubmittal in. It came in on the 20th, and Tokos was getting a report out the next day; and the Commissioners didn't get the materials until Friday. Berman said if there are oversize materials, for those who view the packet electronically, it would still be nice to pick those up. Maybe just a mention in the email notice about the packets that there are oversize materials to pick up at the desk. Hanselman said he knows he's miles behind the pack because the Commission has been dealing with Wilder for a while. For him, a work session or more lead time would have helped him in preparing for tonight because he didn't have the background. Patrick said that the only saving grace was that there was so much of this that the Commission had already been through.

9. **Adjournment.** Having no further business, the meeting adjourned at 9:50 p.m.

Respectfully submitted,



Wanda Haney
Executive Assistant

...the ... of ...

**CITY OF NEWPORT
CITY COUNCIL LAND USE HEARING PROCEDURES
Quasi-Judicial Proceeding**

CHAIR OPENS HEARING:

The public hearing before the Newport City Council is now open to consider a proposal by Oregon State University, on behalf of the owner Landwaves, Inc., to amend the Newport Comprehensive Plan Map, Newport Zoning Map, and Phase 1 Wilder Planned Development to allow construction of 130 student housing apartments to support their expanding Newport operations at the Hatfield Marine Science Center. The proposal also includes a 12-unit multi-family project for Samaritan House, and several smaller amendments to the Phase 1 development standards.

Do any Council members need to disclose any conflicts of interest, bias, ex-parte contacts, or site visits?

Does anyone in the audience object to any of the Council members hearing this application?

Oregon land use law requires several items to be read into the record at the beginning of each and every public hearing:

LAND USE STATEMENT READ FOR THE RECORD:

The applicable substantive criteria upon which the application will be decided are found in the “Administration of the Plan” element of the Comprehensive Plan (pages 285-292) and Chapters 13.05, 14.35 and 14.36 of the Newport Municipal Code. These criteria are addressed in the draft ordinance and findings of fact included with the staff report and will be read and summarized by staff during the presentation. All testimony, arguments, and evidence presented must be directed toward these criteria or other criteria in the

Newport Comprehensive Plan or Newport Municipal Code which the speaker believes to apply to the decision.

The failure of anyone to raise an issue accompanied by statements or evidence sufficient to afford the Council and the parties an opportunity to respond to the issue will preclude appeal to the Land Use Board of Appeals (LUBA) based on that issue.

An issue which may be the basis for an appeal to LUBA shall be raised not later than the close of the record at or following this evidentiary hearing. Such issues shall be raised and accompanied by statements or evidence sufficient to afford the city decision makers and the parties an adequate opportunity to respond to each issue.

The failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow the city to respond to the issue precludes an action for damages in circuit court.

The Council may, at the request of a participant or on its own accord, continue the hearing to a date certain to provide an opportunity for persons to present and rebut new evidence, arguments or testimony related to the approval criteria.

ORDER OF THE PROCEEDINGS:

Staff and the applicant will be allocated up to 15 minutes each for presentations. The applicant will also receive up to 5 minutes for final rebuttal. All others wishing to testify will be given 3 minutes each. The order of the testimony is as follows:

- Staff Report
- Applicant and Others in Favor
- Persons Opposed
- Applicant's Rebuttal
- Any Further Questions from Council

Samaritan House Multi-Family Housing & Daycare Project

Project summary:

Samaritan House will build and manage a 12-unit multi-family complex of permanent affordable housing. These housing units will be occupied by successful graduates of the Samaritan House residency program. There will be a flexible space for mixed delivery childcare and resident services on site. Residents will be subject to a code of conduct similar to that of our existing residency program, which includes limitations on guests and guest conduct, resident behavior and substance use and child supervision. We expect that residents will live in the facility for an average of 1-3 years, although there will be no maximum length of residency.

CITY MANAGER REPORT AND RECOMMENDATIONS



Meeting Date: September 6, 2016

Agenda Item:

Public Hearing and Adoption of Ordinance No. 2102, an Ordinance Reducing the Number of Members of the Wayfinding Committee.

Background:

At the August 15, 2016 City Council meeting, the Council heard a report from Linda Neigebauer regarding the challenges of the Wayfinding Committee has had in obtaining a quorum for that committee. The committee has also had difficulty in recruiting members to fill vacancies on that committee. At the meeting it was suggested that by downsizing the committee, the committee would be fully staffed and with a five-member committee would only require three members to obtain a quorum for that group. It is my recommendation that Council consider reducing the size of the Wayfinding Committee.

Recommended Action:

I recommend that the Mayor conduct a public hearing on the adoption of Ordinance No. 2101, an ordinance reducing the number of members to the Wayfinding Committee from seven to five.

Following the public hearing, and considering any comments made, I recommend the City Council consider the following motion:

I move adoption of Ordinance No. 2012, an ordinance reducing the number of members of the Wayfinding Committee from seven members to five members.

The Mayor will then ask for a voice vote on whether or not to read the ordinance by title only and placed for final passage.

If the motion is 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 by this change.

Alternatives:

None recommended.

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read "Spencer R. Nebel". The signature is written in a cursive style with a large initial "S".

Spencer R. Nebel

CITY OF NEWPORT
ORDINANCE NO. 2102

AN ORDINANCE AMENDING CHAPTER 2.05.070(A)
OF THE MUNICIPAL CODE RELATED TO
THE COMPOSITION OF THE WAYFINDING COMMITTEE

WHEREAS, Chapter 2.05.070(A) of the Newport Municipal Code provides that the Wayfinding Committee shall consist of seven full members; and

WHEREAS, a representative of the Wayfinding Committee addressed the City Council, at its August 15, 2016 meeting, regarding the difficulty in obtaining a quorum of the Committee in order to hold meetings; and

WHEREAS, the City Council discussed the quorum issue of the Wayfinding Committee and concluded that an appropriate solution would be to reduce the number of Committee members from seven to five.

THE CITY OF NEWPORT ORDAINS AS FOLLOWS:

Section 1. Chapter 2.05.070(A) is amended to read as follows:

2.05.070 Wayfinding Committee

A. The Wayfinding Committee shall consist of five voting members, and may include one ex-officio/non-voting staff member from the Greater Newport Chamber of Commerce. Committee members shall serve two-year terms. All Committee members must be residents, or business owners, of the City of Newport.

Section 2. This ordinance shall become effective 30 days after passage.

Adopted by the Newport City Council on September 6, 2016

Sandra N. Roumagoux, Mayor

ATTEST:

Margaret M. Hawker, City Recorder

APPROVED AS TO FORM:

Steven Rich, City Attorney

CITY MANAGER REPORT AND RECOMMENDATIONS



Meeting Date: September 6, 2016

Agenda Item:

From the Lincoln Community Land Trust - Establishing a Work Plan to evaluate City of Newport Participation in the Final Year of the Memorandum of Understanding

Background:

At the August 15, 2016 City Council meeting, the Council requested a work plan from the Land Trust to specifically identify work items that would be completed by the Lincoln Community Land Trust in the next few months. The Council will be reviewing performance based on this work plan, prior to making a decision on whether or not to continue contributing funding in accordance with the memorandum of understanding for the third and final year of this agreement. The attached work plan outlines the specific efforts that would be undertaken between now and the end of the calendar year, with a report being provided to the City Council in January of 2017. I have scheduled this item on the regular agenda for the City Council to review, and would suggest if there is a need for a work session, we try to schedule that for the September 19 City Council meeting. Please note that Diane Linn, on behalf of the Lincoln Community Land Trust, requested to be present to discuss these items with the Council, if the Council feels that is necessary. Unfortunately, I did not try to confirm a time with her until later this week, and she is out of the office and unavailable to be contacted by e-mail until Tuesday, September 6. I did want to get the information to the Council for your review, and if there is a desire to have some detailed conversation regarding this item, I would suggest that we schedule a work session at a time when Diane Linn can be present to participate.

I do believe that this outlines some very specific efforts that will be undertaken in the coming months by the Land Trust. It will also give the Council an opportunity to evaluate whether we should financially be participating in the third and final year of the memorandum of understanding following a work session with the Land Trust in January.

Please note that as part of this work plan, the Lincoln Community Land Trust anticipates making a general request to the City Council for use of city property for affordable housing. This request would be made to the Council before the Land Trust would proceed with any specific proposals for the use of the site. This would come to the City Council as a formal request from the Lincoln Community Land Trust at a future meeting. Also, please note that Site 7 is a 0.52-acre parcel located on NE 10th Street between Benton and Eads, and Site 10 is located at the southeast corner of NW High Street and 8th Street next to the skate park.

Recommended Action:

I recommend that the City Council consider the following motion:

I move that the work plan as outlined by Diane Linn, on behalf of the Lincoln Community Land Trust, dated August 25, 2016, be accepted, with a decision to fund the third and final year of the memorandum of understanding, following receipt of a comprehensive report and meeting with the Land Trust in January of 2017.

Fiscal Effects:

None by this action.

Alternatives:

Schedule a work session to discuss the work plan with Diane Linn, prior to accepting it, or as suggested by the City Council.

Respectfully Submitted,

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

Spencer R. Nebel



TO: Spencer Nebel, City Manager, City of Newport
FR: Diane Linn, Managing Director, Lincoln Community Land Trust
Date: August 25, 2016
RE: Outline of plan for immediate action per the request from the Newport City Council

The Newport City Council agreed on Monday, August 15th to continue participation in the Memo of Understanding agreement with Lincoln County and the City of Lincoln City through this fiscal year to support the Lincoln Community Land Trust. The Council requested a plan to review in September to be able to evaluate our next steps giving the recommitment of public funds to the effort. We agreed to share with you a series of next steps now that the jurisdictional partnership is in place. We anticipate that city officials will consider our progress on these steps in January to decide whether or not to stay in the agreement for the third year of the MOU.

- For Newport, target publically-owned surplus land identified in our site evaluation process appropriate for a donation request (Site #7 and #10), with a focus on the property adjacent to the skate board park near Nye Beach. Explore and negotiate the best housing configuration for the community given the condition of the park and offer options to improve the functionality of the park in our plans. Follow the process for requesting land donation as indicated by the Newport City Manager (outlined below):

You outlined a number of steps in dealing with the use of City owned properties for workforce housing. They were as follows:

1. An organization would make a general request for possible consideration of use of city property for affordable housing to the Council, with the Council indicating whether they are open to discussing that specific parcel for that purpose or not. This would be done before there any specific proposals for the use of the site. The Council would then indicate whether they were willing to entertain a proposal for affordable housing on that property.
2. If the Council is willing to consider a proposal for the development of city property, the organization would be referred to the Planning Commission where a more detailed review on whether this property should be used to meet affordable housing needs. This would be reviewed and evaluated by the Planning Commission then a recommendation to the City Council would be made. If the Planning Commission supports the use of that property for that specific purpose then that recommendation would also be forwarded to the City Council. If the Planning Commission does not recommend favorable consideration that recommendation would also be forwarded to the City Council.
3. If the City Council accepts a favorable recommendation, then the organization would be invited to submit a full proposal to the City Council on the use of city property for affordable housing with the Council then making a decision as to whether to go forward with that proposal after reviewing the detailed proposal for the use of the property.

- Identified two properties on the countywide foreclosed properties evaluated by Proud Ground staff and pursue donation request to Lincoln County Board of Commissioners.

Also contact smaller cities, Yachats and Toledo specifically about the site available for redevelopment in their communities.

- In Lincoln City, track progress on the Village at Cascade Head, staying abreast on the potential partnership (per the RFP from the City) with the developer so as many units as possible can be identified for permanently affordable homeownership opportunities for local working families. In the meantime, pursue several sites and approaches in Lincoln City specifically on 22nd and Mast, and SE Keel Avenue for example, will be pursued for land donation for development or resale where proceeds can be used for buyer initiated grants to families.
- Work with the jurisdictions to define the process for accessing the revolving loan funds, and any other available tools, in Newport and Lincoln City (such as SDC deferral) to be used for home acquisition and rehabilitation or the development process of projects in the pipeline. Identify steps and start the process of pursuing funds in accordance with jurisdictional requirements and expectations.
- Communicate again with Habitat for Humanity to consider possible partnerships with them for added permanent affordability to houses they are building.
- Explore possible donated land south of Newport (couple exploring buildability presently).
- Pursue signing up for the local RMLS so Proud Ground staff can scan the market for houses or lots for sale that fit our criteria for acquisition/resell or development. Work to identify funding support for subsidy necessary to make the home affordable to qualified families.
- Recruit new members or liaisons to the board with a priority on a member of the City Council in Newport and Lincoln City and people with special skills that will help promote our mission. Offer board membership option to current homeowners.
- Continue aggressive advocacy for more investment in homeownership at the state and federal levels. Assert the option of homeownership subsidy support in discussions about the establishment of the construction excise tax locally, and any other applicable options (ex. Inclusionary Zoning).

CITY MANAGER REPORT AND RECOMMENDATIONS



Meeting Date: September 6, 2016

Agenda Item:

Possible Adoption of Amendment No. 1 to an Intergovernmental Agreement between the City of Newport and Port of Newport Regarding Participation in the Bayfront Parking System Improvements

Background:

The City of Newport and the Port of Newport entered into an intergovernmental agreement on October 6, 2011 to coordinate the management of parking on the Bayfront, and to contribute funding for future improvements to the parking district in the amount of \$6,000 a year. As you are aware, the city is currently conducting a parking study to identify longer term plans for proceeding with various parking improvements in the city. As a result, the various districts have been extended until these new plans are put into place. Likewise, it is appropriate to extend the agreement with the Port for that same purpose.

The Port reviewed that agreement and requested additional information from Derrick Tokos which was subsequently provided. Following a review of that information, the Port unanimously approved Amendment No. 1 which extends the agreement to June 30, 2018.

Recommended Action:

I recommend the City Council consider the following motion:

I move that the City Council adopt Amendment No. 1 to the Intergovernmental Agreement between the City of Newport and Port of Newport related to the Bayfront Parking District and Authorize the City Manager to execute the agreement as presented.

Fiscal Effects:

These funds are placed in the Bayfront Parking Fund to be used for various parking improvements. The parking study will identify specific plans for addressing parking in the Bayfront, City Center, and Nye Beach upon completion of the parking study.

Alternatives:

None recommended.

Respectfully Submitted,

Spencer R. Nebel



STAFF REPORT
CITY COUNCIL AGENDA ITEM

Title: Amendment No. 1 to Intergovernmental Agreement Between the City of Newport and the Port of Newport Regarding Participation in Bay Front Area Parking System Improvements

Prepared by: Derrick I. Tokos, AICP, Community Development Director

Recommended Motion: I move that the City Council adopt Amendment No. 1 to the Intergovernmental Agreement between the City of Newport and Port of Newport related to the Bay Front Parking District and authorize the City Manager to sign the document, as presented.

Background Information: On October 6, 2011 Port and City entered into an Intergovernmental Agreement (IGA) outlining Port's roles and responsibilities in regards to an Economic Improvement District ("District") that the City formed in the Bay Front area to fund parking system improvements. The IGA included a commitment by the Port to make an annual \$6,000 contribution to the District on its behalf and on behalf of the fisherman mooring at Port facilities.

The IGA was to terminate at such time as the City ordinance establishing the District (Ordinance No. 2020) was repealed or expired. On June 20, 2016, the City extended the expiration date of the District by two (2) years so that a parking study can be performed to establish if the District should continue in its current form or whether alternative approaches should be pursued to address the areas parking needs (Ordinance No. 2098). The new expiration date of the District is June 30, 2018. The parking study is funded, in part, by the District.

The Port of Newport is assisting with the preparation of the parking study, with its General Manager serving on the project advisory committee. On August 23, 2016, the Port Commission considered this first amendment to the IGA and approved the agreement. In exchange for the Port's voluntary participation in the District, Port properties will continue to be eligible for receipt of parking system improvements and the Port will be represented on the District Advisory Committee. The IGA commits the City to completing the parking study.

Alternatives: Not adopting the Intergovernmental Agreement. This would result in the Bay Front Parking District collecting \$6,000 less per year for the next two fiscal years.

Attachments: Draft Amendment No. 1 to the IGA, copy of the 2011 IGA, and Ordinance No. 2098 extending the Bay Front Parking District for two-years.

**AMENDMENT NO. 1 TO INTERGOVERNMENTAL AGREEMENT
BETWEEN THE CITY OF NEWPORT AND THE PORT OF NEWPORT
REGARDING PORT PARTICIPATION IN BAY FRONT AREA
PARKING SYSTEM IMPROVEMENTS**

This Intergovernmental Agreement is between the Port of Newport, a port district organized under ORS Chapter 777 (“Port”) and the City of Newport (“City”).

Both entities are units of local government, organized and operated under the laws of the state of Oregon. Oregon Revised Statutes, Chapter 190 specifically authorizes agreements between units of local government for any and all functions and activities that any party to the Agreement may perform.

RECITALS

A. On October 6, 2011 Port and City entered into an Intergovernmental Agreement (“Agreement”) outlining Port’s roles and responsibilities in regards to an Economic Improvement District (“District”) that the City formed in the Bay Front area to fund parking system improvements. The Agreement included a commitment by the Port to make an annual monetary contribution to the District on its behalf and that of the fisherman mooring at Port facilities.

B. The Agreement was to terminate at such time as the City ordinance establishing the District (Ordinance No. 2020) was repealed or expired. On June 20, 2016, City extended the expiration date of the District by two (2) years so that a parking study can be performed to establish if the District should continue in its current form or whether alternative approaches should be pursued to address the areas parking needs (Ordinance No. 2098). The new expiration date of the District is June 30, 2018. The parking study is funded, in part, by the District.

C. Port is assisting with the preparation of the parking study and supports its completion. Accordingly, Port agrees to this Amendment No. 1 to its Agreement with the City, to extend its expiration date by two (2) years so that it aligns with the new District expiration date.

TERMS OF AGREEMENT

1. **Port Obligations.** Port shall pay \$6,000 annually at the end of each fiscal year to City. This amount represents Port’s contribution to the Bay Front Area Economic Improvement District.
2. **City Obligations**
 - a. Upon execution of this Agreement by both parties, City agrees to complete a parking study for the Bay Front area as outlined in its contract with Lancaster Street Labs, dated February 11, 2016.

b. Upon receipt of Port's annual payment, City shall place such amounts into the account City shall create for business license surcharge fees pursuant to Ordinance No. 2020, §3(f).

3. **Term of Agreement.** The term of this Agreement shall be two (2) years, commencing on July 1, 2016 and concluding June 30, 2018. Upon completion of this two-year term, the parties may elect to extend this Agreement by written amendment for the duration of any City Council extension of District per Ordinance No. 2020, §11.]
4. **Effect of Payments.** Port payments made under §1 of this Agreement represent Port's voluntary participation in the Bay Front Area Economic Improvement District. In exchange for this participation, Port properties will be eligible for receipt of parking system improvements and the Port shall be represented on the District Advisory Committee, pursuant to §5(b) of Ordinance No. 2020.
5. **Termination.** This Agreement terminates at such time as City Ordinance No. 2020 is repealed or expires. In the event that the City Council makes further amendments to Ordinance No. 2020 during the term of this Agreement, Port may elect to terminate the Agreement. A decision by the Port to terminate the Agreement shall be made in writing, within 30 days of the effective date of the amendment to Ordinance No. 2020.
6. **Notice.** All notice required under this Agreement shall be written and sent to the parties at the following addresses:

City of Newport
Attention: City Manager
169 SW Coast Highway
Newport, Oregon 97365

Port of Newport
Attention: General Manager
600 SE Bay Boulevard
Newport, Oregon 97365

7. **Attorney Fees.** If either party commences any arbitration, legal action, suit, or proceeding against the other to rescind, interpret or enforce the terms of this Agreement, the parties agree that the prevailing party shall be awarded reasonable attorney's fees and costs incurred in any such arbitration, action, suit or proceeding and in any later appeals filed as a consequence thereof. Such costs shall bear interest at the statutory legal rate from the date incurred, until the date paid.
8. **Severability.** If any part, term or clause of this contract is held by a court or arbitrator to be unenforceable, of no effect or in conflict with any law, the validity

of the remaining provisions and clauses shall not be affected and the rights and obligations of the parties shall be construed and in force as if the Agreement did not contain the particular part, term or clause held to be unenforceable.

9. Amendments. The terms of this Agreement may be waived, modified, supplemented or amended only upon written agreement of both parties.

PORT OF NEWPORT

CITY OF NEWPORT

By: Port Authorized Representative

By: City Manager

Date: _____

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**INTERGOVERNMENTAL AGREEMENT BETWEEN
THE CITY OF NEWPORT AND THE PORT OF NEWPORT
REGARDING PORT PARTICIPATION IN BAY FRONT AREA
PARKING SYSTEM IMPROVEMENTS**

This Intergovernmental Agreement is between the Port of Newport, a port district organized under ORS Chapter 777 ("Port") and the City of Newport ("City").

Both entities are units of local government, organized and operated under the laws of the state of Oregon. Oregon Revised Statutes, Chapter 190 specifically authorizes agreements between units of local government for any and all functions and activities that any party to the Agreement may perform.

RECITALS

A. Port desires that City establish an Economic Improvement District ("District") in the Bay Front area for parking system improvements, and is prepared to make an annual monetary contribution to the District on behalf of the Port and fisherman mooring at Port facilities.

B. On September 6, 2011, City tentatively approved the creation of said District, contingent upon the Port and City entering into an Intergovernmental Agreement describing the nature of the Port's contribution.

TERMS OF AGREEMENT

-
1. **Port Obligations.** Port shall pay \$6,000 annually at the end of each fiscal year to City. This amount represents Port's contribution to the Bay Front Area Economic Improvement District.
 2. **City Obligations**
 - a. Upon execution of this Agreement by both parties, City agrees to complete the adoption process for Ordinance No. 2020, establishing an economic improvement district pursuant to ORS 223.144 in the Bay Front Area for parking system improvements.
 - b. Upon receipt of Port's annual payment, City shall place such amounts into the account City shall create for business license surcharge fees pursuant to Ordinance No. 2020, §3(f).
 3. **Term of Agreement.** The term of this Agreement shall be five (5) years, commencing upon the effective date of City Ordinance No. 2020. Upon completion of this five-year term, the parties may elect to extend this

Agreement by written amendment for the duration of any City Council extension of District per Ordinance No. 2020, §11.]

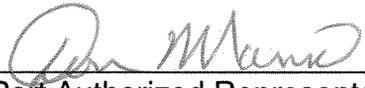
4. **Effect of Payments.** Port payments made under §1 of this Agreement represent Port's voluntary participation in the Bay Front Area Economic Improvement District. In exchange for this participation, Port properties will be eligible for receipt of parking system improvements and the Port shall be represented on the District Advisory Committee, pursuant to §5(b) of Ordinance No. 2020.
5. **Termination.** This Agreement terminates at such time as City Ordinance No. 2020 is repealed or expires. In the event that the City Council amends Ordinance No. 2020 during the term of this Agreement, Port may elect to terminate the Agreement. A decision by the Port to terminate the Agreement shall be made in writing, within 30 days of the effective date of the amendment to Ordinance No. 2020.
6. **Notice.** All notice required under this Agreement shall be written and sent to the parties at the following addresses:

City of Newport
Attention: Jim Voetberg, City Manager
169 SW Coast Highway
Newport, Oregon 97365

Port of Newport
Attention: Don Mann, General Manager
600 SE Bay Boulevard
Newport, Oregon 97365

7. **Attorney Fees.** If either party commences any arbitration, legal action, suit, or proceeding against the other to rescind, interpret or enforce the terms of this Agreement, the parties agree that the prevailing party shall be awarded reasonable attorney's fees and costs incurred in any such arbitration, action, suit or proceeding and in any later appeals filed as a consequence thereof. Such costs shall bear interest at the statutory legal rate from the date incurred, until the date paid.
8. **Severability.** If any part, term or clause of this contract is held by a court or arbitrator to be unenforceable, of no effect or in conflict with any law, the validity of the remaining provisions and clauses shall not be affected and the rights and obligations of the parties shall be construed and in force as if the Agreement did not contain the particular part, term or clause held to be unenforceable.
9. **Amendments.** The terms of this Agreement may be waived, modified, supplemented or amended only upon written agreement of both parties.

PORT OF NEWPORT


By: Port Authorized Representative

Date: 9-29-11

CITY OF NEWPORT


By: City Manager

10-6-11

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CITY OF NEWPORT

ORDINANCE NO. 2098

**AN ORDINANCE AMENDING ORDINANCES 1993, 2009 AND 2020,
EXTENDING THE BAYFRONT, CITY CENTER AND NYE BEACH
ECONOMIC IMPROVEMENT DISTRICTS FOR PARKING SYSTEM IMPROVEMENTS
AND THE ASSESSMENT OF A SURCHARGE ON BUSINESS LICENSE FEES
FOR A PERIOD OF 24-MONTHS AND DECLARING AN EMERGENCY**

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

WHEREAS, each of the Parking Districts is an economic improvement district, funded through a business license surcharge, and was authorized for a 5-year periods; and

WHEREAS, Ordinance No. 1993, which created the Nye Beach Parking District, was established a year earlier than the other Parking Districts, and was extended for a 12-month period with Ordinance No. 2078 so that it was in sync with the effective dates of the other Parking Districts; and

WHEREAS, Oregon Revised Statute (ORS) 223.154 provides that a City Council may extend the effective period of Parking Districts and business license surcharges for a specific period of time provided it grants persons conducting business in the districts with notice and right of remonstrance; and

WHEREAS, the Newport City Council has elected to extend the Parking Districts for a period of 24-months so that a parking study can be performed to establish whether or not the Parking Districts should continue in their current form or whether an alternative approach should be pursued to address each of the areas parking needs; and

WHEREAS, the Advisory Committee to the Parking Districts, which is assisting with the parking study and includes persons conducting business within the Districts, supports the 24-month extension; and

WHEREAS, notice was provided to affected businesses in accordance with ORS 223.147 informing business owners of their right to appear in support or opposition to the 24-month extension to the business license surcharges; and

WHEREAS, fewer than 33 percent of persons conducting business within the Parking Districts submitted written objections to the City Council extending the Parking Districts.

THE CITY OF NEWPORT ORDAINS AS FOLLOWS:

Section 1. The above findings are hereby adopted as support for the amendments, below.

Section 2. Section 10 of Ordinance No. 1993, Duration, is amended to read as follows:

“The District shall be in effect through June 30, 2018. Council may extend the duration of the District, after following the public notice procedure outlined in ORS 223.147. In the event the District is not renewed then off-street parking requirements shall apply as provided for in the Newport Zoning Ordinance in effect at the time the District is dissolved.”

Section 3. Section 10 of Ordinance No. 2009, Duration, is amended to read as follows:

“The District shall be in effect through June 30, 2018. Council may extend the duration of the District, after following the public notice procedure outlined in ORS 223.147. In the event the District is not renewed then off-street parking requirements shall apply as provided for in the Newport Zoning Ordinance in effect at the time the District is dissolved.”

Section 4. Section 11 of Ordinance No. 2020, Duration, is amended to read as follows:

“The District shall be in effect through June 30, 2018. Council may extend the duration of the District, after following the public notice procedure outlined in ORS 223.147. In the event the District is not renewed then off-street parking requirements shall apply as provided for in the Newport Zoning Ordinance in effect at the time the District is dissolved.”

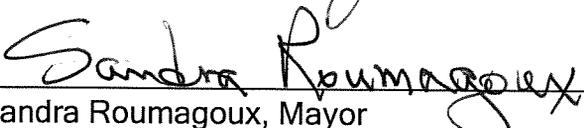
Section 5. All other provisions of Ordinance Nos. 1993, 2009, and 2020 remain in full force and effect.

Section 6. Emergency Declaration. Business licenses are renewed and surcharges collected at the beginning of the fiscal year, which starts on July 1, 2016. In order to avoid public confusion and to facilitate continuity of collections it is hereby adjudged and declared that an emergency exists requiring that this ordinance take effect immediately upon passage, as such action is necessary for the immediate preservation of the public peace, health, and safety of the City of Newport. Accordingly, this ordinance shall be in full force and effect as of the date of its adoption.

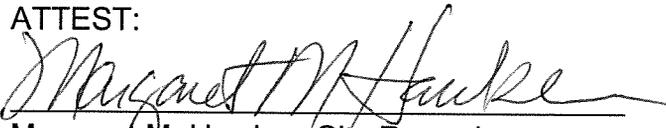
Date adopted and read by title only:

June 20, 2016

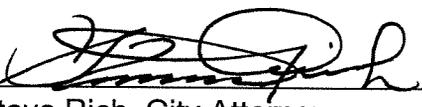
Signed by the Mayor on June 21, 2016.


Sandra Roumagoux, Mayor

ATTEST:


Margaret M. Hawker, City Recorder

Approved as to form:


Steve Rich, City Attorney

CITY MANAGER REPORT AND RECOMMENDATIONS



Meeting Date: September 6, 2016

Agenda Item:

Approval of a Memorandum of Understanding between the City of Newport, the Newport Urban Renewal Agency, and Landwaves for Acquisition of SE 50th Street and SE 62nd Street Rights-of-Way

Background:

On August 15, 2016, the City Council held a work session to review a draft of a memorandum of understanding for proceeding with the acquisition of right-of-way from Landwaves for the future development of SE 50th Street and the extension of SE 62nd Street. It is also our intent to address the current portion of 50th Street that is developed that is located on an easement converting that to a formal right-of-way as part of this process.

The memorandum of understanding provides a framework to proceed with the acquisition of these rights-of-way. In addition, it addresses an encroachment for the Airport navigational aid, which was inadvertently constructed on Landwaves property a number of years ago. While this navigational aid is owned by the FAA, the city was (and continues to be) responsible for providing the property to allow the FAA to build the navigational aids. The agreement provides for the conversion of the SE 50th Street easement to an 80-foot wide public road right-of-way without any monetary compensation associated for this conversion to Landwaves. For the future alignment of SE 50th Street and SE 62nd Street, the city will work with Landwaves to review existing wetlands delineation reports to identify the location for the right-of-way. Once this property is identified, the property will be appraised with a value for acquisition determined at that time. The city will pay the appraised value for this property. The memorandum of understanding also provides that the city will provide an easement for a future industrial park sign along US Highway 101. Furthermore, the MOU provides that the city shall proceed to obtain a proper easement for the Airport navigational ray that is currently located on Landwaves property with the City, and paying the appraised value for a perpetual easement for this equipment. Landwaves has requested language indicating that the city will stabilize the hillside above the right-of-way on the westerly boundary of the Wastewater Treatment Plant to the extent a slide area requiring stabilization exists. It is the intent of the memorandum of understanding that the various rights-of-way easements are put in place by June 30, 2017

This work is consistent with the Newport Transportation System Plan, which identified these two streets as critical elements of the city's overall transportation system, with the South Beach Urban Renewal Plan including funding for the acquisition of road rights-of-

way associated with street projects identified in the plan. There have been several modifications to the draft memorandum of understanding since the August 15 work session. These modifications are based on discussions with the Council, and comments from Landwaves. They have been incorporated into the Memorandum of Understanding that is attached for your consideration for approval.

Recommended Action:

I recommend that the City Council consider the following motion.

I move the City of Newport enter into a non-binding Memorandum of Understanding with Landwaves, Inc., for acquisition of the SE 50th Street and SE 62nd Street rights-of-way, and authorize the Mayor to execute the agreement on behalf of the City Council.

Fiscal Effects:

None directly by entering into the Memorandum of Understanding. Funding has been appropriated in the budget for the South Beach Urban Renewal District for rights-of-way acquisition.

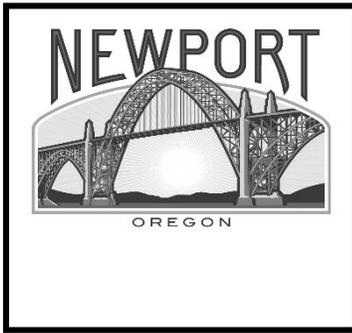
Alternatives:

None recommended.

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read "S. R. Nebel", is written over the typed name.

Spencer R. Nebel



STAFF REPORT
CITY COUNCIL
AGENDA ITEM

Title: Memorandum of Understanding Between the City of Newport, Newport Urban Renewal Agency, and Landwaves for acquisition of SE 50th St and SE 62nd St rights-of-way

Prepared by: Derrick I. Tokos, AICP, Community Development Director

Recommended Motion: I move that the Urban Renewal Agency enter into a non-binding Memorandum of Understanding with Landwaves, Inc. for acquisition of SE 50th Street and SE 62nd Street rights-of-way.

Background Information: The Newport Transportation System Plan, adopted in November of 2012 (the "Plan"), identifies the realignment of a portion of SE 50th Street and the extension of SE 62nd Street as critical elements of the City's transportation system, and the South Beach Urban Renewal Plan includes funding for the acquisition of road right-of-way associated with street projects identified in the Plan.

The "as-travelled" portion of SE 50th Street is contained within an easement acquired by the City of Newport when it constructed the wastewater treatment plant. This stretch of roadway, the portion of SE 50th that is to be realigned, and the future extension of SE 62nd Street, pass through property owned by Landwaves, Inc. At this time, Landwaves is contemplating how best to position the property for industrial development, including certification through the State's shovel ready industrial lands program. Getting the "as travelled" portion of SE 50th Street into a public road right-of-way and identifying the specific location for the realignment of SE 50th Street and the extension of SE 62nd Street provides Landwaves with needed access and a degree of certainty around which they can put together development plans. The City's buildable lands inventory, last updated in 2012, demonstrated that the City lacks an adequate supply of developable industrial sites. Inadequate infrastructure is one of the principal reasons for this deficiency, and the City established, as a matter of policy, that it would work with property owners to overcome such obstacles, with urban renewal funds being identified as a potential source of funding (ref: Policy 7, Economy Section, Newport Comprehensive Plan). Obtaining these rights-of-way is consistent with this policy direction.

Both SE 50th and SE 62nd Street are identified in the Plan as collector roadways that, when constructed, will serve the broader public and provide an alternative north-south route to US 101. They are identified as part of the off-highway street network the City agreed to put in place as part of its negotiations with the State of Oregon to secure an alternate mobility standard for US 101. That mobility standard loosened restrictions on

the amount of vehicle trips new development could load onto the highway, to the benefit of South Beach property owners. By establishing a right-of-way alignment for these future roads, the City demonstrates that it is committed to getting this local street network in place.

An airport lighting array exists at the south end of the Landwaves industrial property, in the vicinity of where right-of-way for the extension of SE 62nd Street will tie into the “as travelled” segment of SE 62nd Street. The City does not currently have an easement over the lighting array and such an easement would be obtained concurrent with the dedication of the street right-of-way.

The acquisition of SE 62nd Street right-of-way was discussed as a potential project at the Urban Renewal Agency’s April 4, 2016 meeting and funding for right-of-way/easement acquisition is included in the FY 16/17 budget.

At an August 15, 2016 work session the City Council, which also serves as the City’s Urban Renewal Agency, reviewed a draft of the Memorandum of Agreement and revisions were made based upon that discussion. Subsequently, Landwaves, Inc. requested additional changes clarifying some of the terms. A copy of the agreement with their suggested edits is enclosed.

Fiscal Notes: As noted, the budget for the South Beach Urban Renewal District includes funding for right-of-way acquisition.

Alternatives: Move forward with the MOU as drafted, proceed with a modified version of the MOU, forgo the MOU, or as directed by the Agency.

Attachments:

Mark-up copy of the MOU showing Landwaves suggested revisions
Clean copy of the draft MOU and Exhibit Map

DRAFT

August ~~15, 22,~~ 2016

Memorandum of Understanding
among
City of Newport, Oregon (“City”),
Newport Urban Renewal Agency (“Agency”)
and
Landwaves, Inc. (“Landwaves”)

Recitals

- A. The City and Agency have established an overall infrastructure plan for the South Beach area, as depicted in Newport Transportation System Plan, adopted in November 2012 with Ordinance No. 2045 (the “Plan”). All Parties desire to work collaboratively to implement the Plan in a coordinated and equitable fashion. Except where the context otherwise indicates, when used herein the term “Parties” means City, Agency, and Landwaves.
- B. As Landwaves contemplates future development of its industrial zoned South Beach property, and potential certification of said property through the State of Oregon “shovel ready” industrial lands program, it finds that it is desirous to establish some certainty as to the location where SE 50th Street is to be realigned and SE 62nd Street extended, and to place the “as travelled” portion of SE 50th Street, which is currently contained within an easement, into a formal public street right-of-way.
- C. Similarly, the City and Agency are interested in placing the “as travelled” portion of SE 50th Street into a public street right-of-way and in securing rights-of-way to facilitate the future realignment of SE 50th Street and the future extension of SE 62nd Street in accordance with the Plan because it facilitates the establishment of needed industrial development sites and furthers the City’s plans to create an alternative north-south route to US 101 that will serve the broader public.
- D. The Parties recognize that care will need to be taken in establishing the location of a realigned SE 50th Street and SE 62nd Street given the sensitive wetlands that exist in the area, and agree that every effort should be made to establish right-of-way alignments that will minimize impacts to these resources once the roads are constructed.
- E. Agency has identified and appropriated funding for acquisition of rights-of-way for the realignment of SE 50th Street and the extension of SE 62nd Street in fiscal year 2016/2017.
- F. An airport lighting array exists at the south end of Landwaves industrial property, in the vicinity of where right-of-way for the extension of SE 62nd Street would tie into the “as travelled” segment of SE 62nd Street. The Parties agree that the array should remain in its existing location with SE 62nd Street being extended underneath the array in the future. City is prepared to

acquire, and Landwaves is willing to grant, an easement over that portion of the array that encroaches onto its property [on terms to be agreed upon by City and Landwaves](#).

- G. This memorandum is limited to those portions of SE 50th Street, including its future realignment, and SE 62nd Street that are on Landwaves property. The Parties understand that rights-of-way from other property owners will be needed to complete the realignment of SE 50th Street and may be needed to construct the SE 62nd Street extension.
- H. Landwaves acknowledges that the execution of this memorandum does not constitute a commitment by Agency or City to obtain additional rights-of-way for the realignment of SE 50th Street or the extension of SE 62nd Street or to construct said streets or that such streets will be constructed within a specific timeframe. The Parties share the goal of determining the appropriate timing for the construction of the street improvements and an equitable distribution of those costs amongst the benefitted owners.

Terms

1. SE 50th Street Property Dedication (Existing Alignment)

- a. City shall prepare a draft right-of-way dedication document for the “as travelled” portion of SE 50th Street to establish an 80-foot wide public road right-of-way where the City currently possesses a utility and access easement to its Water Treatment Plant as described in Book 358 at Page 1086, and modified with Instrument No. 200307325, of the Lincoln County Records.
- b. City will provide Landwaves a copy of the draft right-of-way dedication document for its review and comment. Landwaves and City will collaborate on any revisions needed to the document.
- c. Once the Parties are in agreement with the language contained in the right-of-way dedication document, the dedication instrument will be executed by Landwaves and accepted by the City. City will pay for the recording costs.
- d. City agrees to release its rights to easements now encumbering the land that is to be dedicated as part of the right-of-way dedication document or by separate recorded instrument following its acceptance of the dedication.
- e. The Parties agree that there should be no monetary compensation associated with this right-of-way conveyance.

2. SE 50th Street (Future Alignment) and SE 62nd Street Dedication

- a. Agency will retain a surveyor to prepare a conceptual drawing of an 80-foot wide road right-of-way for the east-west realignment of SE 50th Street and for the extension of SE 62nd Street envisioned in the Plan (ref: Exhibit A). Landwaves will provide City ([without warranty as to accuracy](#)) with any survey records or wetland delineation reports in its possession that would inform the preparation of the concept drawing. Agency will provide a copy of the conceptual drawing to Landwaves for its review.

- b. Landwaves shall review the conceptual drawing and provide Agency feedback regarding any changes it would like to see made to the document. Agency and City are amenable to Landwaves naming the north / south segment of the new street right-of-way extending south to SE 62nd Street in accordance with the City's established street naming conventions. The east / west oriented portion of the new right-of-way, where it ties into the as-travelled portion SE 62nd Street, will be known as SE 62nd Street.
- c. Agency and Landwaves will collaborate to determine the best location for the new SE 50th Street and SE 62nd Street alignments. Once the Parties are in agreement with the conceptual alignments, Agency will have the rights-of-way appraised by an MAI designated appraiser, licensed in the State of Oregon. A copy of the appraisal report will be provided to Landwaves for its review, and any comments provided by Landwaves will be shared with the appraiser who may, at their sole discretion, elect to modify the appraisal.
- d. Landwaves agrees to dedicate rights-of-way for the realignment of SE 50th Street and extension of SE 62nd Street to the City for its fair market value. If Landwaves disagrees with the fair market value established by Agency's appraiser then it shall, at its expense, retain an MAI designated appraiser, licensed in the State of Oregon, to perform a separate appraisal with the sales price being the average of the two appraisals.
- e. Once a sales price is established, Agency shall finalize the right-of-way survey and prepare the dedication documents. A copy of the final documents shall be provided to Landwaves for its review and comment. Once Landwaves completes its review and its comments have been addressed, the proposed right-of-way dedications shall be presented to the Agency Board and Newport City Council for approval.
- f. Closing and settlement shall occur after approval by [Landwaves and](#) the Newport City Council at a Title Company designated by Landwaves, and Landwaves shall be responsible for its pro-rated share of the *ad valorem* taxes due as of the date of the closing. [City will be responsible for causing the dedicated area to become exempt from real property taxation.](#)
- g. Agency shall be responsible for all costs attributed to the acquisition of the rights-of-way, unless otherwise specified above.

3. Easement for Industrial Park sign along US 101

- a. City is willing to grant Landwaves an easement over its property at the intersection of SE 50th Street and US 101 so that Landwaves may construct a freestanding pole or monument sign for its industrial properties.
- b. Agency will prepare a draft easement document that it will provide to Landwaves for comment. The location, size, and value of the easement will be determined as part of the process described in Section 2 of this memorandum.
- c. Parties acknowledge that the City property, which is a fee owned strip of land over which SE 50th Street was constructed, is located outside of the city limits and that Landwaves construction of a sign will be subject to approval by Lincoln County.

4. Airport Navigational Array Easement

- a. City will prepare a draft airport navigational array easement and conceptual drawing of the easement area for that portion of the airport approach lighting system situated on Landwaves property and will provide Landwaves a copy of the draft easement documents for its review and comment. [The area to be encumbered by the easement is subject to Landwaves' prior approval.](#)
- b. Landwaves and City will collaborate on any revisions needed to the easement documents. It is City's desire that the easement be exclusive and perpetual in nature, but is open to language that would provide for the release of the easement at such time as the lighting array is no longer needed. City further desires that it be given access over Landwaves property to maintain the approach lighting system. If desired by Landwaves, City is open to a provision being included in the easement to allow the lighting array to be relocated, at Landwaves expense, subject to Federal Aviation Administration approval.
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- ~~d. d.~~ Landwaves agrees to dedicate the airport navigational array easement to the City for its fair market value [in accordance with terms and using a form acceptable to Landwaves.](#) If Landwaves disagrees with the fair market value established by Agency's appraiser then it shall, at its expense, retain an MAI designated appraiser, licensed in the State of Oregon, to perform a separate appraisal with the sales price being the average of the two appraisals.
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5. Other Easements or Rights-of-Way

- a. The Parties understand that the rights-of-way being dedicated pursuant to this memorandum may not be sufficient to contain the full extent of development required to construct the streets given existing terrain and wetland constraints. Should this occur, the parties agree to work collaboratively to modify the right-of-way or put in place temporary or permanent easements over areas proposed for street or related development at such time as the extent of the construction is known. Such changes to the location of the right-of-way or the dedication of easements would be negotiated separate from this memorandum.
- b. Landwaves ~~is interested,~~ and ~~the City is willing to entertain, the creation of~~ City will work together in good faith to create a public access easement over ~~city~~ City owned property east of its wastewater treatment facility to provide alternative access to Landwaves industrial properties. Landwaves agrees to take the lead in developing a conceptual alignment for such an easement and its specific location, size and value would be negotiated separate from this memorandum. Landwaves will pay for and provide the surveying work and legal description for the easement area.

6. Schedule

- a. The Parties will work in good faith to complete their respective responsibilities under this Memorandum of Understanding (MOU) so that the rights-of-way and ~~easement~~ easements are in place by June 30, 2017.

7. Slope

City will stabilize the hillside above the right-of-way on the western boundary of the waste water treatment plant to avoid any landslide onto Landwaves' property to the extent a slide area requiring stabilization exists.

8. Non-Binding MOU

- a. It is the intent of the Parties to work together in good faith to implement the terms of this MOU such that the rights-of-way and ~~airport navigational array easement~~ easements can be established in an efficient and equitable manner. However, this memorandum is non-binding on the Parties and represents only the intent of the Parties with respect to the subjects herein.

IN WITNESS WHEREOF, the Parties hereto have executed this Memorandum on the dates show hereunder, 7.

[Signatures follow on next page.]

Newport Urban Renewal Agency by

Signature: _____

Printed Name/Title:

~~David Allen, Chair~~

City of Newport by Newport Urban Renewal Agency by

Signature: _____ Signature:

Printed Name/Title: _____ Printed Name/Title:

Sandra Roumagoux, Mayor David Allen, Choir

169 SW Coast Hwy _____ 169 SW Coast Hwy

Newport, Oregon 97365 Newport, Oregon 97365

Date: _____ Date:

Landwaves, Inc. by

Signature: _____

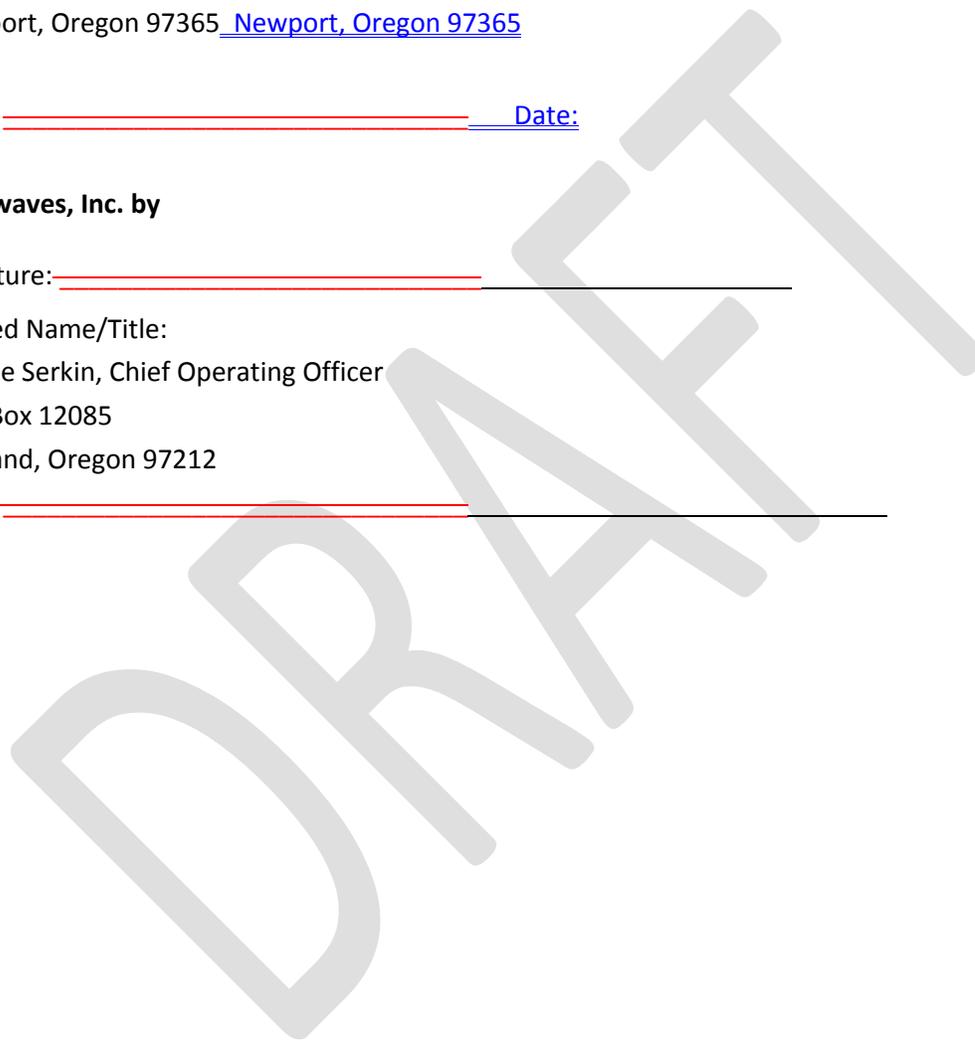
Printed Name/Title:

Bonnie Serkin, Chief Operating Officer

P.O. Box 12085

Portland, Oregon 97212

Date: _____



Memorandum of Understanding
among
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7. Slope

City will stabilize the hillside above the right-of-way on the western boundary of the waste water treatment plant to avoid any landslide onto Landwaves' property to the extent a slide area requiring stabilization exists.

8. Non-Binding MOU

- a. It is the intent of the Parties to work together in good faith to implement the terms of this MOU such that the rights-of-way and easements can be established in an efficient and equitable manner. However, this memorandum is non-binding on the Parties and represents only the intent of the Parties with respect to the subjects herein.

IN WITNESS WHEREOF, the Parties hereto have executed this Memorandum on the dates show hereunder.

[Signatures follow on next page.]

City of Newport by

Signature: _____

Printed Name/Title:

Sandra Roumagoux, Mayor
169 SW Coast Hwy
Newport, Oregon 97365

Date: _____

Newport Urban Renewal Agency by

Signature: _____

Printed Name/Title:

David Allen, Chair
169 SW Coast Hwy
Newport, Oregon 97365

Date: _____

Landwaves, Inc. by

Signature: _____

Printed Name/Title:

Bonnie Serkin, Chief Operating Officer
P.O. Box 12085
Portland, Oregon 97212

Date: _____

DRAFT



CITY MANAGER REPORT AND RECOMMENDATIONS



Meeting Date: September 6, 2016

Agenda Item:

Authorization of an Agreement with the Federal Aviation Administration for the Purchase of Land at the Airport

Background:

The City of Newport has been working with the FAA regarding the acquisition of three parcels of property that are located within the Runway 34 Protection Zone at the south end of the Airport. These parcels include a 19.99-acre parcel, a 5.03-acre parcel, and a 25.03-acre parcel. The Federal government will pay 90% of the acquisition costs, with the maximum application of the FAA being \$400,000 for this project. The city has appropriated the local match in the current year budget for this acquisition.

Recommended Action:

I recommend the City Council consider the following motion:

I move approval of a grant agreement with the US Department of Transportation Federal Aviation Administration to acquire Runway 34 Protection Zone land, with the FAA paying 90% of the allowable cost for this acquisition, up to a maximum obligation of \$400,000, with the City being responsible for 10% of the eligible costs; and authorize the City Manager to execute the grant agreement on behalf of the City of Newport.

Fiscal Effects:

\$59,611 has been appropriated for the city's participation in this acquisition.

Alternatives:

Do not proceed with the grant agreement, or as suggested by the City Council.

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read "S. Nebel", is written over a light blue horizontal line.

Spencer R. Nebel



U.S. Department
of Transportation
Federal Aviation
Administration

GRANT AGREEMENT

PART I – OFFER

Date of Offer	<u>August 30, 2016</u>
Airport/Planning Area	<u>Newport Municipal Airport – Newport, Oregon</u>
AIP Grant Number	<u>3-53-0040-024-2016 (Contract Number: DOT-FA16NM-0046)</u>
DUNS Number	<u>030794671</u>
TO:	<u>City of Newport, Oregon</u> (herein called the “Sponsor”)

FROM: **The United States of America** (acting through the Federal Aviation Administration, herein called the “FAA”)

WHEREAS, the Sponsor has submitted to the FAA a Project Application dated August 16, 2016, for a grant of Federal funds for a project at or associated with the Newport Municipal Airport, which is included as part of this Grant Agreement; and

WHEREAS, the FAA has approved a project for the Newport Municipal Airport (herein called the “Project”) consisting of the following:

Acquire Runway 34 Protection Zone (RPZ) land, including Parcels 11-11-32-00-01602 (19.99) acres, 11-11-32-00-01604-00 (5.03 acres) and 11-11-32-00-01601-00 (25.03 acres);

which is more fully described in the Project Application.

NOW THEREFORE, According to the applicable provisions of the former Federal Aviation Act of 1958, as amended and recodified, 49 U.S.C. 40101, et seq., and the former Airport and Airway Improvement Act of 1982 (AAIA), as amended and recodified, 49 U.S.C. 47101, et seq., (herein the AAIA grant statute is referred to as “the Act”), the representations contained in the Project Application, and in consideration of (a) the Sponsor’s adoption and ratification of the Grant Assurances dated March 2014, and the Sponsor’s acceptance of this Offer, and (b) the benefits to accrue to the United States and the public from the accomplishment of the Project and compliance with the Grant Assurances and conditions as herein provided,

THE FEDERAL AVIATION ADMINISTRATION, FOR AND ON BEHALF OF THE UNITED STATES, HEREBY OFFERS AND AGREES to pay ninety (90) percent of the allowable costs incurred accomplishing the Project as the United States share of the Project.

This Offer is made on and **SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS:**

CONDITIONS

1. **Maximum Obligation.** The maximum obligation of the United States payable under this Offer is \$400,000.

The following amounts represent a breakdown of the maximum obligation for the purpose of establishing allowable amounts for any future grant amendment, which may increase the foregoing maximum obligation of the United States under the provisions of 49 U.S.C. § 47108(b):

- \$0 for planning
- \$400,000 for airport development or noise program implementation
- \$0 for land acquisition.

2. **Period of Performance.** The period of performance begins on the date the Sponsor formally accepts this agreement. Unless explicitly stated otherwise in an amendment from the FAA, the end date of the project period of performance is 4 years (1,460 calendar days) from the date of formal grant acceptance by the Sponsor.

The Sponsor may only charge allowable costs for obligations incurred prior to the end date of the period of performance (2 CFR § 200.309). Unless the FAA authorizes a written extension, the sponsor must submit all project closeout documentation and liquidate (pay off) all obligations incurred under this award no later than 90 calendar days after the end date of the period of performance (2 CFR § 200.343).

The period of performance end date does not relieve or reduce Sponsor obligations and assurances that extend beyond the closeout of a grant agreement.

3. **Ineligible or Unallowable Costs.** The Sponsor must not include any costs in the project that the FAA has determined to be ineligible or unallowable.
4. **Indirect Costs – Sponsor.** Sponsor may charge indirect costs under this award by applying the indirect cost rate identified in the project application and as accepted by the FAA to allowable costs for Sponsor direct salaries and wages.
5. **Determining the Final Federal Share of Costs.** The United States' share of allowable project costs will be made in accordance with the regulations, policies and procedures of the Secretary. Final determination of the United States' share will be based upon the final audit of the total amount of allowable project costs and settlement will be made for any upward or downward adjustments to the Federal share of costs.
6. **Completing the Project Without Delay and in Conformance with Requirements.** The Sponsor must carry out and complete the project without undue delays and in accordance with this agreement, and the regulations, policies and procedures of the Secretary. The Sponsor also agrees to comply with the assurances which are part of this agreement.
7. **Amendments or Withdrawals before Grant Acceptance.** The FAA reserves the right to amend or withdraw this offer at any time prior to its acceptance by the Sponsor.
8. **Offer Expiration Date.** This offer will expire and the United States will not be obligated to pay any part of the costs of the project unless this offer has been accepted by the Sponsor on or before September 6, 2016, or such subsequent date as may be prescribed in writing by the FAA.
9. **Improper Use of Federal Funds.** The Sponsor must take all steps, including litigation if necessary, to recover Federal funds spent fraudulently, wastefully, or in violation of Federal antitrust statutes, or misused in any other manner in any project upon which Federal funds have been expended. For the purposes of this grant agreement, the term "Federal funds" means funds however used or dispersed by the Sponsor that were originally paid pursuant to this or any other Federal grant agreement. The Sponsor must obtain the approval of the Secretary as to any determination of the amount of the Federal share of such funds. The Sponsor must return the recovered Federal share, including funds recovered by

settlement, order, or judgment, to the Secretary. The Sponsor must furnish to the Secretary, upon request, all documents and records pertaining to the determination of the amount of the Federal share or to any settlement, litigation, negotiation, or other efforts taken to recover such funds. All settlements or other final positions of the Sponsor, in court or otherwise, involving the recovery of such Federal share require advance approval by the Secretary.

10. United States Not Liable for Damage or Injury. The United States is not responsible or liable for damage to property or injury to persons which may arise from, or be incident to, compliance with this grant agreement.

11. System for Award Management (SAM) Registration And Universal Identifier.

A. Requirement for System for Award Management (SAM): Unless the Sponsor is exempted from this requirement under 2 CFR 25.110, the Sponsor must maintain the currency of its information in the SAM until the Sponsor submits the final financial report required under this grant, or receives the final payment, whichever is later. This requires that the Sponsor review and update the information at least annually after the initial registration and more frequently if required by changes in information or another award term. Additional information about registration procedures may be found at the SAM website (currently at <http://www.sam.gov>).

B. Requirement for Data Universal Numbering System (DUNS) Numbers

1. The Sponsor must notify potential subrecipient that it cannot receive a contract unless it has provided its DUNS number to the Sponsor. A subrecipient means a consultant, contractor, or other entity that enters into an agreement with the Sponsor to provide services or other work to further this project, and is accountable to the Sponsor for the use of the Federal funds provided by the agreement, which may be provided through any legal agreement, including a contract.
2. The Sponsor may not make an award to a subrecipient unless the subrecipient has provided its DUNS number to the Sponsor.
3. Data Universal Numbering System: DUNS number means the nine-digit number established and assigned by Dun and Bradstreet, Inc. (D & B) to uniquely identify business entities. A DUNS number may be obtained from D & B by telephone (currently 866-606-8220) or on the web (currently at <http://fedgov.dnb.com/webform>).

12. Electronic Grant Payment(s). Unless otherwise directed by the FAA, the Sponsor must make each payment request under this agreement electronically via the Delphi eInvoicing System for Department of Transportation (DOT) Financial Assistance Awardees.

13. Informal Letter Amendment of AIP Projects. If, during the life of the project, the FAA determines that the maximum grant obligation of the United States exceeds the expected needs of the Sponsor by \$25,000 or five percent (5%), whichever is greater, the FAA can issue a letter amendment to the Sponsor unilaterally reducing the maximum obligation.

The FAA can also issue a letter to the Sponsor increasing the maximum obligation if there is an overrun in the total actual eligible and allowable project costs to cover the amount of the overrun provided it will not exceed the statutory limitations for grant amendments. The FAA's authority to increase the maximum obligation does not apply to the "planning" component of condition No. 1.

The FAA can also issue an informal letter amendment that modifies the grant description to correct administrative errors or to delete work items if the FAA finds it advantageous and in the best interests of the United States.

An informal letter amendment has the same force and effect as a formal grant amendment.

14. Air and Water Quality. The Sponsor is required to comply with all applicable air and water quality

standards for all projects in this grant. If the Sponsor fails to comply with this requirement, the FAA may suspend, cancel, or terminate this grant.

- 15. Financial Reporting and Payment Requirements.** The Sponsor will comply with all federal financial reporting requirements and payment requirements, including submittal of timely and accurate reports.
- 16. Buy American.** Unless otherwise approved in advance by the FAA, the Sponsor will not acquire or permit any contractor or subcontractor to acquire any steel or manufactured products produced outside the United States to be used for any project for which funds are provided under this grant. The Sponsor will include a provision implementing Buy American in every contract.
- 17. Maximum Obligation Increase for Nonprimary Airports. In accordance with 49 U.S.C. § 47108(b), as amended,** the maximum obligation of the United States, as stated in Condition No. 1 of this Grant Offer:
- A. May not be increased for a planning project;
 - B. May be increased by not more than 15 percent for development projects;
 - C. May be increased by not more than 15 percent or by an amount not to exceed 25 percent of the total increase in allowable costs attributable to the acquisition of land or interests in land, whichever is greater, based on current credible appraisals or a court award in a condemnation proceeding.
- 18. Audits for Public Sponsors.** The Sponsor must provide for a Single Audit in accordance with 2 CFR Part 200. The Sponsor must submit the Single Audit reporting package to the Federal Audit Clearinghouse on the Federal Audit Clearinghouse's Internet Data Entry System at <http://harvester.census.gov/facweb/>. The Sponsor must also provide one copy of the completed 2 CFR Part 200 audit to the Airports District Office.
- 19. Suspension or Debarment.** When entering into a "covered transaction" as defined by 2 CFR § 180.200, the Sponsor must:
- A. Verify the non-federal entity is eligible to participate in this Federal program by:
 1. Checking the excluded parties list system (EPLS) as maintained within the System for Award Management (SAM) to determine if non-federal entity is excluded or disqualified; or
 2. Collecting a certification statement from the non-federal entity attesting they are not excluded or disqualified from participating; or
 3. Adding a clause or condition to covered transactions attesting individual or firm are not excluded or disqualified from participating.
 - B. Require prime contractors to comply with 2 CFR § 180.330 when entering into lower-tier transactions (e.g. Sub-contracts).
 - C. Immediately disclose to the FAA whenever the Sponsor: (1) learns they have entered into a covered transaction with an ineligible entity or (2) suspends or debar a contractor, person, or entity.
- 20. Ban on Texting While Driving.**
- A. In accordance with Executive Order 13513, Federal Leadership on Reducing Text Messaging While Driving, October 1, 2009, and DOT Order 3902.10, Text Messaging While Driving, December 30, 2009, the Sponsor is encouraged to:
 1. Adopt and enforce workplace safety policies to decrease crashes caused by distracted drivers including policies to ban text messaging while driving when performing any work for, or on behalf of, the Federal government, including work relating to a grant or subgrant.
 2. Conduct workplace safety initiatives in a manner commensurate with the size of the business, such as:

- a. Establishment of new rules and programs or re-evaluation of existing programs to prohibit text messaging while driving; and
 - b. Education, awareness, and other outreach to employees about the safety risks associated with texting while driving.
- B. The Sponsor must insert the substance of this clause on banning texting while driving in all subgrants, contracts and subcontracts.

21. Trafficking in Persons.

- A. Prohibitions: The prohibitions against trafficking in persons (Prohibitions) apply to any entity other than a State, local government, Indian tribe, or foreign public entity. This includes private Sponsors, public Sponsor employees, subrecipients of private or public Sponsors (private entity). Prohibitions include:
- 1. Engaging in severe forms of trafficking in persons during the period of time that the agreement is in effect;
 - 2. Procuring a commercial sex act during the period of time that the agreement is in effect; or
 - 3. Using forced labor in the performance of the agreement, including subcontracts or subagreements under the agreement.
- B. In addition to all other remedies for noncompliance that are available to the FAA, Section 106(g) of the Trafficking Victims Protection Act of 2000 (TVPA), as amended (22 U.S.C. 7104(g)), allows the FAA to unilaterally terminate this agreement, without penalty, if a private entity –
- 1. Is determined to have violated the Prohibitions; or
 - 2. Has an employee who the FAA determines has violated the Prohibitions through conduct that is either:
 - a. Associated with performance under this agreement; or
 - b. Imputed to the Sponsor or subrecipient using 2 CFR part 180, “OMB Guidelines to Agencies on Government wide Debarment and Suspension (Nonprocurement),” as implemented by the FAA at 2 CFR part 1200.

- 22. Exhibit “A” Property Map.** The Exhibit “A” Property Map dated July 24, 1986, is incorporated herein by reference or is submitted with the project application and made part of this grant agreement.
- 23. Airport Layout Plan.** The Sponsor understands and agrees to update the Airport Layout Plan to reflect the construction to standards satisfactory to the FAA and submit it in final form to the FAA. It is further mutually agreed that the reasonable cost of developing said Airport Layout Plan Map is an allowable cost within the scope of this project.
- 24. Update Approved Exhibit “A” Property Map for Land in Project.** The Sponsor understands and agrees to update the Exhibit “A” Property Map to standards satisfactory to the FAA and submit it in final form to the FAA. It is further mutually agreed that the reasonable cost of developing said Exhibit “A” Property Map is an allowable cost within the scope of this project.
- 25. Protection of Runway Protection Zone.** The Sponsor agrees to prevent the erection or creation of any structure, place of public assembly, or other use in the runway protection zone, as depicted on the Exhibit "A": Property Map, except for NAVAIDS that are fixed by their functional purposes or any other structure permitted by the FAA. The Sponsor further agrees that any existing structures or uses within the Runway Protection Zone will be cleared or discontinued by the Sponsor unless approved by the FAA.
- 26. Land Acquisition.** The Sponsor agrees that no payments will be made on the grant until the Sponsor has presented evidence to the FAA that it has recorded the grant agreement, including the grant assurances in

the public land records of the county courthouse. The Sponsor understands and agrees that recording the grant agreement legally enforces these requirements, encumbrances and restrictions on the obligated land.

27. Grant Approval Based Upon Certification. The FAA and the Sponsor agree that the FAA approval of this grant is based on the Sponsor's certification to carry out the project in accordance with policies, standards, and specifications approved by the FAA. The Sponsor Certifications received from the Sponsor for the work included in this grant are hereby incorporated into this grant agreement. The Sponsor understands that:

- A. The Sponsor's certification does not relieve the Sponsor of the requirement to obtain prior FAA approval for modifications to any AIP standards or to notify the FAA of any limitations to competition within the project;
- B. The FAA's acceptance of a Sponsor's certification does not limit the FAA from reviewing appropriate project documentation for the purpose of validating the certification statements;
- C. If the FAA determines that the Sponsor has not complied with their certification statements, the FAA will review the associated project costs to determine whether such costs are allowable under AIP

The Sponsor's acceptance of this Offer and ratification and adoption of the Project Application incorporated herein shall be evidenced by execution of this instrument by the Sponsor, as hereinafter provided, and this Offer and Acceptance shall comprise a Grant Agreement, as provided by the Act, constituting the contractual obligations and rights of the United States and the Sponsor with respect to the accomplishment of the Project and compliance with the assurances and conditions as provided herein. Such Grant Agreement shall become effective upon the Sponsor's acceptance of this Offer.

**UNITED STATES OF AMERICA
FEDERAL AVIATION ADMINISTRATION**



(Signature)

Joelle Briggs

Manager, Seattle Airports District Office

PART II - ACCEPTANCE

The Sponsor does hereby ratify and adopt all assurances, statements, representations, warranties, covenants, and agreements contained in the Project Application and incorporated materials referred to in the foregoing Offer, and does hereby accept this Offer and by such acceptance agrees to comply with all of the terms and conditions in this Offer and in the Project Application.

I declare under penalty of perjury that the foregoing is true and correct.¹

Executed this _____ day of _____, _____.

(Name of Sponsor)

By:

(Signature of Sponsor's Authorized Official)

(Typed Name of Sponsor's Authorized Official)

(Title of Sponsor's Authorized Official)

CERTIFICATE OF SPONSOR'S ATTORNEY

I, _____, acting as Attorney for the Sponsor do hereby certify:

That in my opinion the Sponsor is empowered to enter into the foregoing Grant Agreement under the laws of the State of _____. Further, I have examined the foregoing Grant Agreement and the actions taken by said Sponsor and Sponsor's official representative has been duly authorized and that the execution thereof is in all respects due and proper and in accordance with the laws of the said State and the Act. In addition, for grants involving projects to be carried out on property not owned by the Sponsor, there are no legal impediments that will prevent full performance by the Sponsor. Further, it is my opinion that the said Grant Agreement constitutes a legal and binding obligation of the Sponsor in accordance with the terms thereof.

Dated at _____ (location) this _____ day of _____.

By:

(Signature of Sponsor's Attorney)

¹ Knowingly and willfully providing false information to the Federal government is a violation of 18 U.S.C. Section 1001 (False Statements) and could subject you to fines, imprisonment, or both.

ASSURANCES

AIRPORT SPONSORS

A. General.

- a. These assurances shall be complied with in the performance of grant agreements for airport development, airport planning, and noise compatibility program grants for airport sponsors.
- b. These assurances are required to be submitted as part of the project application by sponsors requesting funds under the provisions of Title 49, U.S.C., subtitle VII, as amended. As used herein, the term "public agency sponsor" means a public agency with control of a public-use airport; the term "private sponsor" means a private owner of a public-use airport; and the term "sponsor" includes both public agency sponsors and private sponsors.
- c. Upon acceptance of this grant offer by the sponsor, these assurances are incorporated in and become part of this grant agreement.

B. Duration and Applicability.

1. Airport development or Noise Compatibility Program Projects Undertaken by a Public Agency Sponsor.

The terms, conditions and assurances of this grant agreement shall remain in full force and effect throughout the useful life of the facilities developed or equipment acquired for an airport development or noise compatibility program project, or throughout the useful life of the project items installed within a facility under a noise compatibility program project, but in any event not to exceed twenty (20) years from the date of acceptance of a grant offer of Federal funds for the project. However, there shall be no limit on the duration of the assurances regarding Exclusive Rights and Airport Revenue so long as the airport is used as an airport. There shall be no limit on the duration of the terms, conditions, and assurances with respect to real property acquired with federal funds. Furthermore, the duration of the Civil Rights assurance shall be specified in the assurances.

2. Airport Development or Noise Compatibility Projects Undertaken by a Private Sponsor.

The preceding paragraph 1 also applies to a private sponsor except that the useful life of project items installed within a facility or the useful life of the facilities developed or equipment acquired under an airport development or noise compatibility program project shall be no less than ten (10) years from the date of acceptance of Federal aid for the project.

3. Airport Planning Undertaken by a Sponsor.

Unless otherwise specified in this grant agreement, only Assurances 1, 2, 3, 5, 6, 13, 18, 25, 30, 32, 33, and 34 in Section C apply to planning projects. The terms, conditions, and assurances of this grant agreement shall remain in full force and effect during the life of the project; there shall be no limit on the duration of the assurances regarding Exclusive Rights and Airport Revenue so long as the airport is used as an airport.

C. Sponsor Certification.

The sponsor hereby assures and certifies, with respect to this grant that:

1. General Federal Requirements.

It will comply with all applicable Federal laws, regulations, executive orders, policies, guidelines, and requirements as they relate to the application, acceptance and use of Federal funds for this project including but not limited to the following:

FEDERAL LEGISLATION

- a. Title 49, U.S.C., subtitle VII, as amended.
- b. Davis-Bacon Act - 40 U.S.C. 276(a), et seq.¹
- c. Federal Fair Labor Standards Act - 29 U.S.C. 201, et seq.
- d. Hatch Act – 5 U.S.C. 1501, et seq.²
- e. Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 Title 42 U.S.C. 4601, et seq.^{1,2}
- f. National Historic Preservation Act of 1966 - Section 106 - 16 U.S.C. 470(f).¹
- g. Archeological and Historic Preservation Act of 1974 - 16 U.S.C. 469 through 469c.¹
- h. Native Americans Grave Repatriation Act - 25 U.S.C. Section 3001, et seq.
- i. Clean Air Act, P.L. 90-148, as amended.
- j. Coastal Zone Management Act, P.L. 93-205, as amended.
- k. Flood Disaster Protection Act of 1973 - Section 102(a) - 42 U.S.C. 4012a.¹
- l. Title 49, U.S.C., Section 303, (formerly known as Section 4(f))
- m. Rehabilitation Act of 1973 - 29 U.S.C. 794.
- n. Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252) (prohibits discrimination on the basis of race, color, national origin);
- o. Americans with Disabilities Act of 1990, as amended, (42 U.S.C. § 12101 et seq.), prohibits discrimination on the basis of disability).
- p. Age Discrimination Act of 1975 - 42 U.S.C. 6101, et seq.
- q. American Indian Religious Freedom Act, P.L. 95-341, as amended.
- r. Architectural Barriers Act of 1968 -42 U.S.C. 4151, et seq.¹
- s. Power plant and Industrial Fuel Use Act of 1978 - Section 403- 2 U.S.C. 8373.¹
- t. Contract Work Hours and Safety Standards Act - 40 U.S.C. 327, et seq.¹
- u. Copeland Anti-kickback Act - 18 U.S.C. 874.1
- v. National Environmental Policy Act of 1969 - 42 U.S.C. 4321, et seq.¹
- w. Wild and Scenic Rivers Act, P.L. 90-542, as amended.
- x. Single Audit Act of 1984 - 31 U.S.C. 7501, et seq.²
- y. Drug-Free Workplace Act of 1988 - 41 U.S.C. 702 through 706.
- z. The Federal Funding Accountability and Transparency Act of 2006, as amended (Pub. L. 109-282, as amended by section 6202 of Pub. L. 110-252).

EXECUTIVE ORDERS

- a. Executive Order 11246 - Equal Employment Opportunity¹
- b. Executive Order 11990 - Protection of Wetlands
- c. Executive Order 11998 – Flood Plain Management

- d. Executive Order 12372 - Intergovernmental Review of Federal Programs
- e. Executive Order 12699 - Seismic Safety of Federal and Federally Assisted New Building Construction¹
- f. Executive Order 12898 - Environmental Justice

FEDERAL REGULATIONS

- a. 2 CFR Part 180 - OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement).
- b. 2 CFR Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards. [OMB Circular A-87 Cost Principles Applicable to Grants and Contracts with State and Local Governments, and OMB Circular A-133 - Audits of States, Local Governments, and Non-Profit Organizations].^{4, 5, 6}
- c. 2 CFR Part 1200 – Nonprocurement Suspension and Debarment
- d. 14 CFR Part 13 - Investigative and Enforcement Procedures 14 CFR Part 16 - Rules of Practice For Federally Assisted Airport Enforcement Proceedings.
- e. 14 CFR Part 150 - Airport noise compatibility planning.
- f. 28 CFR Part 35- Discrimination on the Basis of Disability in State and Local Government Services.
- g. 28 CFR § 50.3 - U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964.
- h. 29 CFR Part 1 - Procedures for predetermination of wage rates.¹
- i. 29 CFR Part 3 - Contractors and subcontractors on public building or public work financed in whole or part by loans or grants from the United States.¹
- j. 29 CFR Part 5 - Labor standards provisions applicable to contracts covering federally financed and assisted construction (also labor standards provisions applicable to non-construction contracts subject to the Contract Work Hours and Safety Standards Act).¹
- k. 41 CFR Part 60 - Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor (Federal and federally assisted contracting requirements).¹
- l. 49 CFR Part 18 - Uniform administrative requirements for grants and cooperative agreements to state and local governments.³
- m. 49 CFR Part 20 - New restrictions on lobbying.
- n. 49 CFR Part 21 – Nondiscrimination in federally-assisted programs of the Department of Transportation - effectuation of Title VI of the Civil Rights Act of 1964.
- o. 49 CFR Part 23 - Participation by Disadvantage Business Enterprise in Airport Concessions.
- p. 49 CFR Part 24 – Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally Assisted Programs.^{1, 2}
- q. 49 CFR Part 26 – Participation by Disadvantaged Business Enterprises in Department of Transportation Programs.
- r. 49 CFR Part 27 – Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefiting from Federal Financial Assistance.¹

- s. 49 CFR Part 28 – Enforcement of Nondiscrimination on the Basis of Handicap in Programs or Activities conducted by the Department of Transportation.
- t. 49 CFR Part 30 - Denial of public works contracts to suppliers of goods and services of countries that deny procurement market access to U.S. contractors.
- u. 49 CFR Part 32 – Governmentwide Requirements for Drug-Free Workplace (Financial Assistance)
- v. 49 CFR Part 37 – Transportation Services for Individuals with Disabilities (ADA).
- w. 49 CFR Part 41 - Seismic safety of Federal and federally assisted or regulated new building construction.

SPECIFIC ASSURANCES

Specific assurances required to be included in grant agreements by any of the above laws, regulations or circulars are incorporated by reference in this grant agreement.

FOOTNOTES TO ASSURANCE C.1.

- ¹ These laws do not apply to airport planning sponsors.
- ² These laws do not apply to private sponsors.
- ³ 49 CFR Part 18 and 2 CFR Part 200 contain requirements for State and Local Governments receiving Federal assistance. Any requirement levied upon State and Local Governments by this regulation and circular shall also be applicable to private sponsors receiving Federal assistance under Title 49, United States Code.
- ⁴ On December 26, 2013 at 78 FR 78590, the Office of Management and Budget (OMB) issued the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards in 2 CFR Part 200. 2 CFR Part 200 replaces and combines the former Uniform Administrative Requirements for Grants (OMB Circular A-102 and Circular A-110 or 2 CFR Part 215 or Circular) as well as the Cost Principles (Circulars A-21 or 2 CFR part 220; Circular A-87 or 2 CFR part 225; and A-122, 2 CFR part 230). Additionally it replaces Circular A-133 guidance on the Single Annual Audit. In accordance with 2 CFR section 200.110, the standards set forth in Part 200 which affect administration of Federal awards issued by Federal agencies become effective once implemented by Federal agencies or when any future amendment to this Part becomes final. Federal agencies, including the Department of Transportation, must implement the policies and procedures applicable to Federal awards by promulgating a regulation to be effective by December 26, 2014 unless different provisions are required by statute or approved by OMB.
- ⁵ Cost principles established in 2 CFR part 200 subpart E must be used as guidelines for determining the eligibility of specific types of expenses.
- ⁶ Audit requirements established in 2 CFR part 200 subpart F are the guidelines for audits.

2. Responsibility and Authority of the Sponsor.

a. Public Agency Sponsor:

It has legal authority to apply for this grant, and to finance and carry out the proposed project; that a resolution, motion or similar action has been duly adopted or passed as an official act of the applicant's governing body authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required.

b. Private Sponsor:

It has legal authority to apply for this grant and to finance and carry out the proposed project and comply with all terms, conditions, and assurances of this grant agreement. It shall designate an official representative and shall in writing direct and authorize that person to file this application, including all understandings and assurances contained therein; to act in connection with this application; and to provide such additional information as may be required.

3. Sponsor Fund Availability.

It has sufficient funds available for that portion of the project costs which are not to be paid by the United States. It has sufficient funds available to assure operation and maintenance of items funded under this grant agreement which it will own or control.

4. Good Title.

- a. It, a public agency or the Federal government, holds good title, satisfactory to the Secretary, to the landing area of the airport or site thereof, or will give assurance satisfactory to the Secretary that good title will be acquired.
- b. For noise compatibility program projects to be carried out on the property of the sponsor, it holds good title satisfactory to the Secretary to that portion of the property upon which Federal funds will be expended or will give assurance to the Secretary that good title will be obtained.

5. Preserving Rights and Powers.

- a. It will not take or permit any action which would operate to deprive it of any of the rights and powers necessary to perform any or all of the terms, conditions, and assurances in this grant agreement without the written approval of the Secretary, and will act promptly to acquire, extinguish or modify any outstanding rights or claims of right of others which would interfere with such performance by the sponsor. This shall be done in a manner acceptable to the Secretary.
- b. It will not sell, lease, encumber, or otherwise transfer or dispose of any part of its title or other interests in the property shown on Exhibit A to this application or, for a noise compatibility program project, that portion of the property upon which Federal funds have been expended, for the duration of the terms, conditions, and assurances in this grant agreement without approval by the Secretary. If the transferee is found by the Secretary to be eligible under Title 49, United States Code, to assume the obligations of this grant agreement and to have the power, authority, and financial resources to carry out all such obligations, the sponsor shall insert in the contract or document transferring or disposing of the sponsor's interest, and make binding upon the transferee all of the terms, conditions, and assurances contained in this grant agreement.
- c. For all noise compatibility program projects which are to be carried out by another unit of local government or are on property owned by a unit of local government other than the sponsor, it will enter into an agreement with that government. Except as otherwise specified by the Secretary, that agreement shall obligate that government to the same terms, conditions, and assurances that would be applicable to it if it applied directly to the FAA for a grant to undertake the noise compatibility program project. That agreement and changes thereto must be satisfactory to the Secretary. It will take steps to enforce this agreement against the local government if there is substantial non-compliance with the terms of the agreement.

- d. For noise compatibility program projects to be carried out on privately owned property, it will enter into an agreement with the owner of that property which includes provisions specified by the Secretary. It will take steps to enforce this agreement against the property owner whenever there is substantial non-compliance with the terms of the agreement.
- e. If the sponsor is a private sponsor, it will take steps satisfactory to the Secretary to ensure that the airport will continue to function as a public-use airport in accordance with these assurances for the duration of these assurances.
- f. If an arrangement is made for management and operation of the airport by any agency or person other than the sponsor or an employee of the sponsor, the sponsor will reserve sufficient rights and authority to insure that the airport will be operated and maintained in accordance Title 49, United States Code, the regulations and the terms, conditions and assurances in this grant agreement and shall insure that such arrangement also requires compliance therewith.
- g. Sponsors of commercial service airports will not permit or enter into any arrangement that results in permission for the owner or tenant of a property used as a residence, or zoned for residential use, to taxi an aircraft between that property and any location on airport. Sponsors of general aviation airports entering into any arrangement that results in permission for the owner of residential real property adjacent to or near the airport must comply with the requirements of Sec. 136 of Public Law 112-95 and the sponsor assurances.

6. Consistency with Local Plans.

The project is reasonably consistent with plans (existing at the time of submission of this application) of public agencies that are authorized by the State in which the project is located to plan for the development of the area surrounding the airport.

7. Consideration of Local Interest.

It has given fair consideration to the interest of communities in or near where the project may be located.

8. Consultation with Users.

In making a decision to undertake any airport development project under Title 49, United States Code, it has undertaken reasonable consultations with affected parties using the airport at which project is proposed.

9. Public Hearings.

In projects involving the location of an airport, an airport runway, or a major runway extension, it has afforded the opportunity for public hearings for the purpose of considering the economic, social, and environmental effects of the airport or runway location and its consistency with goals and objectives of such planning as has been carried out by the community and it shall, when requested by the Secretary, submit a copy of the transcript of such hearings to the Secretary. Further, for such projects, it has on its management board either voting representation from the communities where the project is located or has advised the communities that they have the right to petition the Secretary concerning a proposed project.

10. Metropolitan Planning Organization.

In projects involving the location of an airport, an airport runway, or a major runway extension at a medium or large hub airport, the sponsor has made available to and has provided upon request to the metropolitan planning organization in the area in which the airport is located, if any, a copy

of the proposed amendment to the airport layout plan to depict the project and a copy of any airport master plan in which the project is described or depicted.

11. Pavement Preventive Maintenance.

With respect to a project approved after January 1, 1995, for the replacement or reconstruction of pavement at the airport, it assures or certifies that it has implemented an effective airport pavement maintenance-management program and it assures that it will use such program for the useful life of any pavement constructed, reconstructed or repaired with Federal financial assistance at the airport. It will provide such reports on pavement condition and pavement management programs as the Secretary determines may be useful.

12. Terminal Development Prerequisites.

For projects which include terminal development at a public use airport, as defined in Title 49, it has, on the date of submittal of the project grant application, all the safety equipment required for certification of such airport under section 44706 of Title 49, United States Code, and all the security equipment required by rule or regulation, and has provided for access to the passenger enplaning and deplaning area of such airport to passengers enplaning and deplaning from aircraft other than air carrier aircraft.

13. Accounting System, Audit, and Record Keeping Requirements.

- a. It shall keep all project accounts and records which fully disclose the amount and disposition by the recipient of the proceeds of this grant, the total cost of the project in connection with which this grant is given or used, and the amount or nature of that portion of the cost of the project supplied by other sources, and such other financial records pertinent to the project. The accounts and records shall be kept in accordance with an accounting system that will facilitate an effective audit in accordance with the Single Audit Act of 1984.
- b. It shall make available to the Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, for the purpose of audit and examination, any books, documents, papers, and records of the recipient that are pertinent to this grant. The Secretary may require that an appropriate audit be conducted by a recipient. In any case in which an independent audit is made of the accounts of a sponsor relating to the disposition of the proceeds of a grant or relating to the project in connection with which this grant was given or used, it shall file a certified copy of such audit with the Comptroller General of the United States not later than six (6) months following the close of the fiscal year for which the audit was made.

14. Minimum Wage Rates.

It shall include, in all contracts in excess of \$2,000 for work on any projects funded under this grant agreement which involve labor, provisions establishing minimum rates of wages, to be predetermined by the Secretary of Labor, in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a-276a-5), which contractors shall pay to skilled and unskilled labor, and such minimum rates shall be stated in the invitation for bids and shall be included in proposals or bids for the work.

15. Veteran's Preference.

It shall include in all contracts for work on any project funded under this grant agreement which involve labor, such provisions as are necessary to insure that, in the employment of labor (except in executive, administrative, and supervisory positions), preference shall be given to Vietnam era veterans, Persian Gulf veterans, Afghanistan-Iraq war veterans, disabled veterans, and small business concerns owned and controlled by disabled veterans as defined in Section 47112 of Title

49, United States Code. However, this preference shall apply only where the individuals are available and qualified to perform the work to which the employment relates.

16. Conformity to Plans and Specifications.

It will execute the project subject to plans, specifications, and schedules approved by the Secretary. Such plans, specifications, and schedules shall be submitted to the Secretary prior to commencement of site preparation, construction, or other performance under this grant agreement, and, upon approval of the Secretary, shall be incorporated into this grant agreement. Any modification to the approved plans, specifications, and schedules shall also be subject to approval of the Secretary, and incorporated into this grant agreement.

17. Construction Inspection and Approval.

It will provide and maintain competent technical supervision at the construction site throughout the project to assure that the work conforms to the plans, specifications, and schedules approved by the Secretary for the project. It shall subject the construction work on any project contained in an approved project application to inspection and approval by the Secretary and such work shall be in accordance with regulations and procedures prescribed by the Secretary. Such regulations and procedures shall require such cost and progress reporting by the sponsor or sponsors of such project as the Secretary shall deem necessary.

18. Planning Projects.

In carrying out planning projects:

- a. It will execute the project in accordance with the approved program narrative contained in the project application or with the modifications similarly approved.
- b. It will furnish the Secretary with such periodic reports as required pertaining to the planning project and planning work activities.
- c. It will include in all published material prepared in connection with the planning project a notice that the material was prepared under a grant provided by the United States.
- d. It will make such material available for examination by the public, and agrees that no material prepared with funds under this project shall be subject to copyright in the United States or any other country.
- e. It will give the Secretary unrestricted authority to publish, disclose, distribute, and otherwise use any of the material prepared in connection with this grant.
- f. It will grant the Secretary the right to disapprove the sponsor's employment of specific consultants and their subcontractors to do all or any part of this project as well as the right to disapprove the proposed scope and cost of professional services.
- g. It will grant the Secretary the right to disapprove the use of the sponsor's employees to do all or any part of the project.
- h. It understands and agrees that the Secretary's approval of this project grant or the Secretary's approval of any planning material developed as part of this grant does not constitute or imply any assurance or commitment on the part of the Secretary to approve any pending or future application for a Federal airport grant.

19. Operation and Maintenance.

- a. The airport and all facilities which are necessary to serve the aeronautical users of the airport, other than facilities owned or controlled by the United States, shall be operated at all times in a safe and serviceable condition and in accordance with the minimum standards as may be

required or prescribed by applicable Federal, state and local agencies for maintenance and operation. It will not cause or permit any activity or action thereon which would interfere with its use for airport purposes. It will suitably operate and maintain the airport and all facilities thereon or connected therewith, with due regard to climatic and flood conditions. Any proposal to temporarily close the airport for non-aeronautical purposes must first be approved by the Secretary. In furtherance of this assurance, the sponsor will have in effect arrangements for-

- 1) Operating the airport's aeronautical facilities whenever required;
 - 2) Promptly marking and lighting hazards resulting from airport conditions, including temporary conditions; and
 - 3) Promptly notifying airmen of any condition affecting aeronautical use of the airport. Nothing contained herein shall be construed to require that the airport be operated for aeronautical use during temporary periods when snow, flood or other climatic conditions interfere with such operation and maintenance. Further, nothing herein shall be construed as requiring the maintenance, repair, restoration, or replacement of any structure or facility which is substantially damaged or destroyed due to an act of God or other condition or circumstance beyond the control of the sponsor.
- b. It will suitably operate and maintain noise compatibility program items that it owns or controls upon which Federal funds have been expended.

20. Hazard Removal and Mitigation.

It will take appropriate action to assure that such terminal airspace as is required to protect instrument and visual operations to the airport (including established minimum flight altitudes) will be adequately cleared and protected by removing, lowering, relocating, marking, or lighting or otherwise mitigating existing airport hazards and by preventing the establishment or creation of future airport hazards.

21. Compatible Land Use.

It will take appropriate action, to the extent reasonable, including the adoption of zoning laws, to restrict the use of land adjacent to or in the immediate vicinity of the airport to activities and purposes compatible with normal airport operations, including landing and takeoff of aircraft. In addition, if the project is for noise compatibility program implementation, it will not cause or permit any change in land use, within its jurisdiction, that will reduce its compatibility, with respect to the airport, of the noise compatibility program measures upon which Federal funds have been expended.

22. Economic Nondiscrimination.

- a. It will make the airport available as an airport for public use on reasonable terms and without unjust discrimination to all types, kinds and classes of aeronautical activities, including commercial aeronautical activities offering services to the public at the airport.
- b. In any agreement, contract, lease, or other arrangement under which a right or privilege at the airport is granted to any person, firm, or corporation to conduct or to engage in any aeronautical activity for furnishing services to the public at the airport, the sponsor will insert and enforce provisions requiring the contractor to-
 - 1) furnish said services on a reasonable, and not unjustly discriminatory, basis to all users thereof, and
 - 2) charge reasonable, and not unjustly discriminatory, prices for each unit or service,

provided that the contractor may be allowed to make reasonable and nondiscriminatory discounts, rebates, or other similar types of price reductions to volume purchasers.

- a.) Each fixed-based operator at the airport shall be subject to the same rates, fees, rentals, and other charges as are uniformly applicable to all other fixed-based operators making the same or similar uses of such airport and utilizing the same or similar facilities.
- b.) Each air carrier using such airport shall have the right to service itself or to use any fixed-based operator that is authorized or permitted by the airport to serve any air carrier at such airport.
- c.) Each air carrier using such airport (whether as a tenant, non-tenant, or subtenant of another air carrier tenant) shall be subject to such nondiscriminatory and substantially comparable rules, regulations, conditions, rates, fees, rentals, and other charges with respect to facilities directly and substantially related to providing air transportation as are applicable to all such air carriers which make similar use of such airport and utilize similar facilities, subject to reasonable classifications such as tenants or non-tenants and signatory carriers and non-signatory carriers. Classification or status as tenant or signatory shall not be unreasonably withheld by any airport provided an air carrier assumes obligations substantially similar to those already imposed on air carriers in such classification or status.
- d.) It will not exercise or grant any right or privilege which operates to prevent any person, firm, or corporation operating aircraft on the airport from performing any services on its own aircraft with its own employees [including, but not limited to maintenance, repair, and fueling] that it may choose to perform.
- e.) In the event the sponsor itself exercises any of the rights and privileges referred to in this assurance, the services involved will be provided on the same conditions as would apply to the furnishing of such services by commercial aeronautical service providers authorized by the sponsor under these provisions.
- f.) The sponsor may establish such reasonable, and not unjustly discriminatory, conditions to be met by all users of the airport as may be necessary for the safe and efficient operation of the airport.
- g.) The sponsor may prohibit or limit any given type, kind or class of aeronautical use of the airport if such action is necessary for the safe operation of the airport or necessary to serve the civil aviation needs of the public.

23. Exclusive Rights.

It will permit no exclusive right for the use of the airport by any person providing, or intending to provide, aeronautical services to the public. For purposes of this paragraph, the providing of the services at an airport by a single fixed-based operator shall not be construed as an exclusive right if both of the following apply:

- a. It would be unreasonably costly, burdensome, or impractical for more than one fixed-based operator to provide such services, and
- b. If allowing more than one fixed-based operator to provide such services would require the reduction of space leased pursuant to an existing agreement between such single fixed-based operator and such airport. It further agrees that it will not, either directly or indirectly, grant or permit any person, firm, or corporation, the exclusive right at the airport to conduct any aeronautical activities, including, but not limited to charter flights, pilot training, aircraft

rental and sightseeing, aerial photography, crop dusting, aerial advertising and surveying, air carrier operations, aircraft sales and services, sale of aviation petroleum products whether or not conducted in conjunction with other aeronautical activity, repair and maintenance of aircraft, sale of aircraft parts, and any other activities which because of their direct relationship to the operation of aircraft can be regarded as an aeronautical activity, and that it will terminate any exclusive right to conduct an aeronautical activity now existing at such an airport before the grant of any assistance under Title 49, United States Code.

24. Fee and Rental Structure.

It will maintain a fee and rental structure for the facilities and services at the airport which will make the airport as self-sustaining as possible under the circumstances existing at the particular airport, taking into account such factors as the volume of traffic and economy of collection. No part of the Federal share of an airport development, airport planning or noise compatibility project for which a grant is made under Title 49, United States Code, the Airport and Airway Improvement Act of 1982, the Federal Airport Act or the Airport and Airway Development Act of 1970 shall be included in the rate basis in establishing fees, rates, and charges for users of that airport.

25. Airport Revenues.

- a. All revenues generated by the airport and any local taxes on aviation fuel established after December 30, 1987, will be expended by it for the capital or operating costs of the airport; the local airport system; or other local facilities which are owned or operated by the owner or operator of the airport and which are directly and substantially related to the actual air transportation of passengers or property; or for noise mitigation purposes on or off the airport. The following exceptions apply to this paragraph:
 - 1) If covenants or assurances in debt obligations issued before September 3, 1982, by the owner or operator of the airport, or provisions enacted before September 3, 1982, in governing statutes controlling the owner or operator's financing, provide for the use of the revenues from any of the airport owner or operator's facilities, including the airport, to support not only the airport but also the airport owner or operator's general debt obligations or other facilities, then this limitation on the use of all revenues generated by the airport (and, in the case of a public airport, local taxes on aviation fuel) shall not apply.
 - 2) If the Secretary approves the sale of a privately owned airport to a public sponsor and provides funding for any portion of the public sponsor's acquisition of land, this limitation on the use of all revenues generated by the sale shall not apply to certain proceeds from the sale. This is conditioned on repayment to the Secretary by the private owner of an amount equal to the remaining unamortized portion (amortized over a 20-year period) of any airport improvement grant made to the private owner for any purpose other than land acquisition on or after October 1, 1996, plus an amount equal to the federal share of the current fair market value of any land acquired with an airport improvement grant made to that airport on or after October 1, 1996.
 - 3) Certain revenue derived from or generated by mineral extraction, production, lease, or other means at a general aviation airport (as defined at Section 47102 of title 49 United States Code), if the FAA determines the airport sponsor meets the requirements set forth in Sec. 813 of Public Law 112-95.
 - a.) As part of the annual audit required under the Single Audit Act of 1984, the sponsor will direct that the audit will review, and the resulting audit report will provide an opinion concerning, the use of airport revenue and taxes in paragraph (a), and indicating whether funds paid or transferred to the owner or operator are paid or transferred in a

manner consistent with Title 49, United States Code and any other applicable provision of law, including any regulation promulgated by the Secretary or Administrator.

- b.) Any civil penalties or other sanctions will be imposed for violation of this assurance in accordance with the provisions of Section 47107 of Title 49, United States Code.

26. Reports and Inspections.

It will:

- a. submit to the Secretary such annual or special financial and operations reports as the Secretary may reasonably request and make such reports available to the public; make available to the public at reasonable times and places a report of the airport budget in a format prescribed by the Secretary;
- b. for airport development projects, make the airport and all airport records and documents affecting the airport, including deeds, leases, operation and use agreements, regulations and other instruments, available for inspection by any duly authorized agent of the Secretary upon reasonable request;
- c. for noise compatibility program projects, make records and documents relating to the project and continued compliance with the terms, conditions, and assurances of this grant agreement including deeds, leases, agreements, regulations, and other instruments, available for inspection by any duly authorized agent of the Secretary upon reasonable request; and
- d. in a format and time prescribed by the Secretary, provide to the Secretary and make available to the public following each of its fiscal years, an annual report listing in detail:
 - 1) all amounts paid by the airport to any other unit of government and the purposes for which each such payment was made; and
 - 2) all services and property provided by the airport to other units of government and the amount of compensation received for provision of each such service and property.

27. Use by Government Aircraft.

It will make available all of the facilities of the airport developed with Federal financial assistance and all those usable for landing and takeoff of aircraft to the United States for use by Government aircraft in common with other aircraft at all times without charge, except, if the use by Government aircraft is substantial, charge may be made for a reasonable share, proportional to such use, for the cost of operating and maintaining the facilities used. Unless otherwise determined by the Secretary, or otherwise agreed to by the sponsor and the using agency, substantial use of an airport by Government aircraft will be considered to exist when operations of such aircraft are in excess of those which, in the opinion of the Secretary, would unduly interfere with use of the landing areas by other authorized aircraft, or during any calendar month that –

- a. Five (5) or more Government aircraft are regularly based at the airport or on land adjacent thereto; or
- b. The total number of movements (counting each landing as a movement) of Government aircraft is 300 or more, or the gross accumulative weight of Government aircraft using the airport (the total movement of Government aircraft multiplied by gross weights of such aircraft) is in excess of five million pounds.

28. Land for Federal Facilities.

It will furnish without cost to the Federal Government for use in connection with any air traffic control or air navigation activities, or weather-reporting and communication activities related to air traffic control, any areas of land or water, or estate therein, or rights in buildings of the sponsor

as the Secretary considers necessary or desirable for construction, operation, and maintenance at Federal expense of space or facilities for such purposes. Such areas or any portion thereof will be made available as provided herein within four months after receipt of a written request from the Secretary.

29. Airport Layout Plan.

- a. It will keep up to date at all times an airport layout plan of the airport showing:
- 1) boundaries of the airport and all proposed additions thereto, together with the boundaries of all offsite areas owned or controlled by the sponsor for airport purposes and proposed additions thereto;
 - 2) the location and nature of all existing and proposed airport facilities and structures (such as runways, taxiways, aprons, terminal buildings, hangars and roads), including all proposed extensions and reductions of existing airport facilities;
 - 3) the location of all existing and proposed nonaviation areas and of all existing improvements thereon; and
 - 4) all proposed and existing access points used to taxi aircraft across the airport's property boundary. Such airport layout plans and each amendment, revision, or modification thereof, shall be subject to the approval of the Secretary which approval shall be evidenced by the signature of a duly authorized representative of the Secretary on the face of the airport layout plan. The sponsor will not make or permit any changes or alterations in the airport or any of its facilities which are not in conformity with the airport layout plan as approved by the Secretary and which might, in the opinion of the Secretary, adversely affect the safety, utility or efficiency of the airport.
- a.) If a change or alteration in the airport or the facilities is made which the Secretary determines adversely affects the safety, utility, or efficiency of any federally owned, leased, or funded property on or off the airport and which is not in conformity with the airport layout plan as approved by the Secretary, the owner or operator will, if requested, by the Secretary (1) eliminate such adverse effect in a manner approved by the Secretary; or (2) bear all costs of relocating such property (or replacement thereof) to a site acceptable to the Secretary and all costs of restoring such property (or replacement thereof) to the level of safety, utility, efficiency, and cost of operation existing before the unapproved change in the airport or its facilities except in the case of a relocation or replacement of an existing airport facility due to a change in the Secretary's design standards beyond the control of the airport sponsor.

30. Civil Rights.

It will promptly take any measures necessary to ensure that no person in the United States shall, on the grounds of race, creed, color, national origin, sex, age, or disability be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination in any activity conducted with, or benefiting from, funds received from this grant.

- a. Using the definitions of activity, facility and program as found and defined in §§ 21.23 (b) and 21.23 (e) of 49 CFR § 21, the sponsor will facilitate all programs, operate all facilities, or conduct all programs in compliance with all non-discrimination requirements imposed by, or pursuant to these assurances.
- b. Applicability
 - 1) Programs and Activities. If the sponsor has received a grant (or other federal assistance)

for any of the sponsor's program or activities, these requirements extend to all of the sponsor's programs and activities.

- 2) Facilities. Where it receives a grant or other federal financial assistance to construct, expand, renovate, remodel, alter or acquire a facility, or part of a facility, the assurance extends to the entire facility and facilities operated in connection therewith.
- 3) Real Property. Where the sponsor receives a grant or other Federal financial assistance in the form of, or for the acquisition of real property or an interest in real property, the assurance will extend to rights to space on, over, or under such property.

c. Duration.

The sponsor agrees that it is obligated to this assurance for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the assurance obligates the sponsor, or any transferee for the longer of the following periods:

- 1) So long as the airport is used as an airport, or for another purpose involving the provision of similar services or benefits; or
- 2) So long as the sponsor retains ownership or possession of the property.

d. Required Solicitation Language. It will include the following notification in all solicitations for bids, Requests For Proposals for work, or material under this grant agreement and in all proposals for agreements, including airport concessions, regardless of funding source:

"The **(Name of Sponsor)**, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises and airport concession disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award."

e. Required Contract Provisions.

- 1) It will insert the non-discrimination contract clauses requiring compliance with the acts and regulations relative to non-discrimination in Federally-assisted programs of the DOT, and incorporating the acts and regulations into the contracts by reference in every contract or agreement subject to the non-discrimination in Federally-assisted programs of the DOT acts and regulations.
- 2) It will include a list of the pertinent non-discrimination authorities in every contract that is subject to the non-discrimination acts and regulations.
- 3) It will insert non-discrimination contract clauses as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a sponsor.
- 4) It will insert non-discrimination contract clauses prohibiting discrimination on the basis of race, color, national origin, creed, sex, age, or handicap as a covenant running with the land, in any future deeds, leases, license, permits, or similar instruments entered into by the sponsor with other parties:

- a.) For the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
- b.) For the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.
- f. It will provide for such methods of administration for the program as are found by the Secretary to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the acts, the regulations, and this assurance.
- g. It agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the acts, the regulations, and this assurance.

31. Disposal of Land.

- a. For land purchased under a grant for airport noise compatibility purposes, including land serving as a noise buffer, it will dispose of the land, when the land is no longer needed for such purposes, at fair market value, at the earliest practicable time. That portion of the proceeds of such disposition which is proportionate to the United States' share of acquisition of such land will be, at the discretion of the Secretary, (1) reinvested in another project at the airport, or (2) transferred to another eligible airport as prescribed by the Secretary. The Secretary shall give preference to the following, in descending order, (1) reinvestment in an approved noise compatibility project, (2) reinvestment in an approved project that is eligible for grant funding under Section 47117(e) of title 49 United States Code, (3) reinvestment in an approved airport development project that is eligible for grant funding under Sections 47114, 47115, or 47117 of title 49 United States Code, (4) transferred to an eligible sponsor of another public airport to be reinvested in an approved noise compatibility project at that airport, and (5) paid to the Secretary for deposit in the Airport and Airway Trust Fund. If land acquired under a grant for noise compatibility purposes is leased at fair market value and consistent with noise buffering purposes, the lease will not be considered a disposal of the land. Revenues derived from such a lease may be used for an approved airport development project that would otherwise be eligible for grant funding or any permitted use of airport revenue.
- b. For land purchased under a grant for airport development purposes (other than noise compatibility), it will, when the land is no longer needed for airport purposes, dispose of such land at fair market value or make available to the Secretary an amount equal to the United States' proportionate share of the fair market value of the land. That portion of the proceeds of such disposition which is proportionate to the United States' share of the cost of acquisition of such land will, (1) upon application to the Secretary, be reinvested or transferred to another eligible airport as prescribed by the Secretary. The Secretary shall give preference to the following, in descending order: (1) reinvestment in an approved noise compatibility project, (2) reinvestment in an approved project that is eligible for grant funding under Section 47117(e) of title 49 United States Code, (3) reinvestment in an approved airport development project that is eligible for grant funding under Sections 47114, 47115, or 47117 of title 49 United States Code, (4) transferred to an eligible sponsor of another public airport to be reinvested in an approved noise compatibility project at that airport, and (5) paid to the Secretary for deposit in the Airport and Airway Trust Fund.
- c. Land shall be considered to be needed for airport purposes under this assurance if (1) it may be needed for aeronautical purposes (including runway protection zones) or serve as noise buffer land, and (2) the revenue from interim uses of such land contributes to the financial self-sufficiency of the airport. Further, land purchased with a grant received by an airport

operator or owner before December 31, 1987, will be considered to be needed for airport purposes if the Secretary or Federal agency making such grant before December 31, 1987, was notified by the operator or owner of the uses of such land, did not object to such use, and the land continues to be used for that purpose, such use having commenced no later than December 15, 1989.

- d. Disposition of such land under (a) (b) or (c) will be subject to the retention or reservation of any interest or right therein necessary to ensure that such land will only be used for purposes which are compatible with noise levels associated with operation of the airport.

32. Engineering and Design Services.

It will award each contract, or sub-contract for program management, construction management, planning studies, feasibility studies, architectural services, preliminary engineering, design, engineering, surveying, mapping or related services with respect to the project in the same manner as a contract for architectural and engineering services is negotiated under Title IX of the Federal Property and Administrative Services Act of 1949 or an equivalent qualifications-based requirement prescribed for or by the sponsor of the airport.

33. Foreign Market Restrictions.

It will not allow funds provided under this grant to be used to fund any project which uses any product or service of a foreign country during the period in which such foreign country is listed by the United States Trade Representative as denying fair and equitable market opportunities for products and suppliers of the United States in procurement and construction.

34. Policies, Standards, and Specifications.

It will carry out the project in accordance with policies, standards, and specifications approved by the Secretary including, but not limited to, the advisory circulars listed in the Current FAA Advisory Circulars for AIP projects, dated December 31, 2015 and included in this grant, and in accordance with applicable state policies, standards, and specifications approved by the Secretary.

35. Relocation and Real Property Acquisition.

- a. It will be guided in acquiring real property, to the greatest extent practicable under State law, by the land acquisition policies in Subpart B of 49 CFR Part 24 and will pay or reimburse property owners for necessary expenses as specified in Subpart B.
- b. It will provide a relocation assistance program offering the services described in Subpart C and fair and reasonable relocation payments and assistance to displaced persons as required in Subpart D and E of 49 CFR Part 24.
- c. It will make available within a reasonable period of time prior to displacement, comparable replacement dwellings to displaced persons in accordance with Subpart E of 49 CFR Part 24.

36. Access By Intercity Buses.

The airport owner or operator will permit, to the maximum extent practicable, intercity buses or other modes of transportation to have access to the airport; however, it has no obligation to fund special facilities for intercity buses or for other modes of transportation.

37. Disadvantaged Business Enterprises.

The sponsor shall not discriminate on the basis of race, color, national origin or sex in the award and performance of any DOT-assisted contract covered by 49 CFR Part 26, or in the award and performance of any concession activity contract covered by 49 CFR Part 23. In addition, the sponsor shall not discriminate on the basis of race, color, national origin or sex in the

administration of its DBE and ACDBE programs or the requirements of 49 CFR Parts 23 and 26. The sponsor shall take all necessary and reasonable steps under 49 CFR Parts 23 and 26 to ensure nondiscrimination in the award and administration of DOT-assisted contracts, and/or concession contracts. The sponsor's DBE and ACDBE programs, as required by 49 CFR Parts 26 and 23, and as approved by DOT, are incorporated by reference in this agreement. Implementation of these programs is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the sponsor of its failure to carry out its approved program, the Department may impose sanctions as provided for under Parts 26 and 23 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1936 (31 U.S.C. 3801).

38. Hangar Construction.

If the airport owner or operator and a person who owns an aircraft agree that a hangar is to be constructed at the airport for the aircraft at the aircraft owner's expense, the airport owner or operator will grant to the aircraft owner for the hangar a long term lease that is subject to such terms and conditions on the hangar as the airport owner or operator may impose.

39. Competitive Access.

- a. If the airport owner or operator of a medium or large hub airport (as defined in section 47102 of title 49, U.S.C.) has been unable to accommodate one or more requests by an air carrier for access to gates or other facilities at that airport in order to allow the air carrier to provide service to the airport or to expand service at the airport, the airport owner or operator shall transmit a report to the Secretary that-
 - 1) Describes the requests;
 - 2) Provides an explanation as to why the requests could not be accommodated; and
 - 3) Provides a time frame within which, if any, the airport will be able to accommodate the requests.
- b. Such report shall be due on either February 1 or August 1 of each year if the airport has been unable to accommodate the request(s) in the six month period prior to the applicable due date.



**FAA
Airports**

Current FAA Advisory Circulars Required for Use in AIP Funded and PFC Approved Projects

Updated: 12/31/2015

View the most current versions of these ACs and any associated changes at:
<http://www.faa.gov/airports/resources/advisorycirculars>

NUMBER	TITLE
70/7460-1L	Obstruction Marking and Lighting
150/5020-1	Noise Control and Compatibility Planning for Airports
150/5070-6B Changes 1- 2	Airport Master Plans
150/5070-7 Change 1	The Airport System Planning Process
150/5100-13B	Development of State Standards for Nonprimary Airports
150/5200-28E	Notices to Airmen (NOTAMS) for Airport Operators
150/5200-30C Change 1	Airport Winter Safety And Operations
150/5200-31C Changes 1-2	Airport Emergency Plan
150/5210-5D	Painting, Marking, and Lighting of Vehicles Used on an Airport
150/5210-7D	Aircraft Rescue and Fire Fighting Communications
150/5210-13C	Airport Water Rescue Plans and Equipment
150/5210-14B	Aircraft Rescue Fire Fighting Equipment, Tools and Clothing
150/5210-15A	Aircraft Rescue and Firefighting Station Building Design
150/5210-18A	Systems for Interactive Training of Airport Personnel

NUMBER	TITLE
150/5210-19A	Driver's Enhanced Vision System (DEVS) Ground Vehicle Operations on Airports
150/5220-10E	Guide Specification for Aircraft Rescue and Fire Fighting (ARFF) Vehicles
150/5220-16D	Automated Weather Observing Systems (AWOS) for Non-Federal Applications
150/5220-17B	Aircraft Rescue and Fire Fighting (ARFF) Training Facilities
150/5220-18A	Buildings for Storage and Maintenance of Airport Snow and Ice Control Equipment and Materials
150/5220-20A	Airport Snow and Ice Control Equipment
150/5220-21C	Aircraft Boarding Equipment
150/5220-22B	Engineered Materials Arresting Systems (EMAS) for Aircraft Overruns
150/5220-23	Frangible Connections
150/5220-24	Foreign Object Debris Detection Equipment
150/5220-25	Airport Avian Radar Systems
150/5220-26 Change 1	Airport Ground Vehicle Automatic Dependent Surveillance - Broadcast (ADS-B) Out Squitter Equipment
150/5300-7B	FAA Policy on Facility Relocations Occasioned by Airport Improvements of Changes
150/5300-13A Change 1	Airport Design
150/5300-14C	Design of Aircraft Deicing Facilities
150/5300-16A	General Guidance and Specifications for Aeronautical Surveys: Establishment of Geodetic Control and Submission to the National Geodetic Survey
150/5300-17C	Standards for Using Remote Sensing Technologies in Airport Surveys
150/5300-18C	Survey and Data Standards for Submission of Aeronautical Data Using Airports GIS
150/5300-18B Change 1	General Guidance and Specifications for Submission of Aeronautical Surveys to NGS: Field Data Collection and Geographic Information System (GIS) Standards
150/5320-5D	Airport Drainage Design
150/5320-6E	Airport Pavement Design and Evaluation

NUMBER	TITLE
150/5320-12C Changes 1-8	Measurement, Construction, and Maintenance of Skid Resistant Airport Pavement Surfaces
150/5320-15A	Management of Airport Industrial Waste
150/5235-4B	Runway Length Requirements for Airport Design
150/5335-5C	Standardized Method of Reporting Airport Pavement Strength - PCN
150/5340-1L	Standards for Airport Markings
150/5340-5D	Segmented Circle Airport Marker System
150/5340-18F	Standards for Airport Sign Systems
150/5340-26C	Maintenance of Airport Visual Aid Facilities
150/5340-30H	Design and Installation Details for Airport Visual Aids
150/5345-3G	Specification for L-821, Panels for the Control of Airport Lighting
150/5345-5B	Circuit Selector Switch
150/5345-7F	Specification for L-824 Underground Electrical Cable for Airport Lighting Circuits
150/5345-10H	Specification for Constant Current Regulators and Regulator Monitors
150/5345-12F	Specification for Airport and Heliport Beacons
150/5345-13B	Specification for L-841 Auxiliary Relay Cabinet Assembly for Pilot Control of Airport Lighting Circuits
150/5345-26D	FAA Specification For L-823 Plug and Receptacle, Cable Connectors
150/5345-27E	Specification for Wind Cone Assemblies
150/5345-28G	Precision Approach Path Indicator (PAPI) Systems
150/5345-39D	Specification for L-853, Runway and Taxiway Retro reflective Markers
150/5345-42H	Specification for Airport Light Bases, Transformer Housings, Junction Boxes, and Accessories
150/5345-43G	Specification for Obstruction Lighting Equipment
150/5345-44K	Specification for Runway and Taxiway Signs
150/5345-45C	Low-Impact Resistant (LIR) Structures

NUMBER	TITLE
150/5345-46D	Specification for Runway and Taxiway Light Fixtures
150/5345-47C	Specification for Series to Series Isolation Transformers for Airport Lighting Systems
150/5345-49C	Specification L-854, Radio Control Equipment
150/5345-50B	Specification for Portable Runway and Taxiway Lights
150/5345-51B	Specification for Discharge-Type Flashing Light Equipment
150/5345-52A	Generic Visual Glideslope Indicators (GVGI)
150/5345-53D	Airport Lighting Equipment Certification Program
150/5345-54B	Specification for L-884, Power and Control Unit for Land and Hold Short Lighting Systems
150/5345-55A	Specification for L-893, Lighted Visual Aid to Indicate Temporary Runway Closure
150/5345-56B	Specification for L-890 Airport Lighting Control and Monitoring System (ALCMS)
150/5360-12F	Airport Signing and Graphics
150/5360-13 Change 1	Planning and Design Guidelines for Airport Terminal Facilities
150/5360-14	Access to Airports By Individuals With Disabilities
150/5370-2F	Operational Safety on Airports During Construction
150/5370-10G	Standards for Specifying Construction of Airports
150/5370-11B	Use of Nondestructive Testing in the Evaluation of Airport Pavements
150/5370-13A	Off-Peak Construction of Airport Pavements Using Hot-Mix Asphalt
150/5370-15B	Airside Applications for Artificial Turf
150/5370-16	Rapid Construction of Rigid (Portland Cement Concrete) Airfield Pavements
150/5370-17	Airside Use of Heated Pavement Systems
150/5380-6C	Guidelines and Procedures for Maintenance of Airport Pavements
150/5380-9	Guidelines and Procedures for Measuring Airfield Pavement Roughness
150/5390-2C	Heliport Design

NUMBER	TITLE
150/5395-1A	Seaplane Bases

THE FOLLOWING ADDITIONAL APPLY TO AIP PROJECTS ONLY

Updated: 12/31/2015

NUMBER	TITLE
150/5100-14E, Change 1	Architectural, Engineering, and Planning Consultant Services for Airport Grant Projects
150/5100-17 Changes 1 - 6	Land Acquisition and Relocation Assistance for Airport Improvement Program Assisted Projects
150/5300-15A	Use of Value Engineering for Engineering Design of Airports Grant Projects
150/5320-17A	Airfield Pavement Surface Evaluation and Rating (PASER) Manuals
150/5370-12B	Quality Management for Federally Funded Airport Construction Projects
150/5380-6C	Guidelines and Procedures for Maintenance of Airport Pavements
150/5380-7B	Airport Pavement Management Program
150/5380-9	Guidelines and Procedures for Measuring Airfield Pavement Roughness



Single Audit Certification Form

The Single Audit Act of 1984 established audit requirements for non-Federal entities that receive Federal aid. On December 26, 2014, the implementing document, OMB Circular A-133 (Audits of States, Local Governments, and Non-Profit Organizations) was superseded by 2 CFR Part 200 (Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards). If your current fiscal year began before December 26, 2014, then OMB Circular A-133 is still applicable. If your fiscal year begins on or after January 1, 2015, then 2 CFR Part 200 applies.

Under OMB A-133, State or local governments (City, County, Airport Authority, Airport Board) that expend \$500,000 or more a year (calendar or fiscal) in **total** Federal financial assistance must conduct an audit and submit it to the Federal Audit Clearinghouse. If the single audit is required under 2 CFR Part 200, then the total Federal financial assistance expenditure limit is \$750,000 or more. For more information on the Single Audit Act requirements please reference the following web site: <http://harvester.census.gov/sac/>

This notice is our request for a copy of your most recent audit, whether or not there are any significant findings. In accordance with your Airport Improvement Program (AIP) grant agreement, you must also provide that information to your local Airports District Office (ADO). Please fill out the information below by checking the appropriate line(s), sign, date, and return this form to the FAA local ADO identified at the bottom of the form.

Airport Sponsor Information:

_____	_____
Sponsor Name	Fiscal/Calendar Year Ending
_____	_____
Airport Name	
_____	_____
Sponsor's Representative Name	Representative's Title
_____	_____
Telephone	Email

Please check the appropriate line(s):

- We are subject to the Single Audit requirements and are taking the following action:
 - The Single Audit for this fiscal/calendar year has been submitted to the FAA.
 - The Single Audit for this fiscal/calendar year is attached.
 - The Single Audit report will be submitted to the FAA as soon as this audit is available.

- We are exempt from the Single Audit requirements for the fiscal/calendar noted above.

Sponsor Certification:

_____	_____
Signature	Date

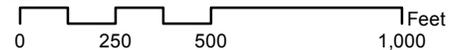
Return to: FAA, Seattle Airports District Office
1601 Lind Ave. SW, Ste. 250
Renton, WA 98057-3356



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

Newport Municipal Airport - Potential Land Acquisition

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 compilation or use and users of this information are cautioned to verify all information with the City of Newport Community Development Department.

Lincoln County Property Report

Account # & Prop. Info		Account Details		Owner & Address	
Account #:	R448380	Neighborhood:		Owner and	STEEL STRING INC
Map Taxlot:	11-11-32-00-01602-00	SBNB		Mailing Address:	2712 SE 20TH AVE PORTLAND, OR 97202
Tax Map:	11s11w32	Property Class:	100	Site Address(es):	
Web Map:	View Map				
Info:	TWNShp 11, RNg 11, ACRES 19.99, MF232-0983				
Tax Code:	126				
Acres:	19.99				

Improvements	Value History			
No Inventory	Year	Imp.Land	Total Market	Total Assessed
	20140	90,920	90,920	90,920
	20130	165,800	165,800	116,430
	20120	180,170	180,170	113,040
	20110	125,480	125,480	109,750
	20100	191,990	191,990	106,560
	20090	148,660	148,660	103,460
	Sales History			
	No Sales Data			

Land				Related Accounts	Disclaimer
Description	Acres	Market Value	Special Use Value		This report was produced using the Lincoln County assessment information. This information is maintained by the county to support its governmental activities. The County is not responsible for errors, omissions, misuse or misinterpretation. Tax data exported 10/2014.
UNDEV RES	1.00	4,550			
HOMESITE					
RESIDENTIAL TRACT	18.99	86,370			
Today's Date: 01/13/2016					

Lincoln County Property Report

Account # & Prop. Info		Account Details		Owner & Address	
Account #:	R450732	Neighborhood:		Owner and	STEEL STRING INC
Map Taxlot:	11-11-32-00-01604-00	SBNB		Mailing Address:	2712 SE 20TH AVE PORTLAND, OR 97202
Tax Map:	11s11w32	Property Class:	101	Site Address(es):	
Web Map:	View Map				
Info:	TWNShp 11, RNg 11, ACRES 5.03, MF232-0983				
Tax Code:	126				
Acres:	5.03				

Improvements	Value History			
No Inventory	Year	Imp.Land	Total Market	Total Assessed
	20140	126,670	126,670	85,450
	20130	137,880	137,880	82,970
	20120	162,380	162,380	80,560
	20110	89,460	89,460	78,220
	20100	98,450	98,450	75,950
	20090	112,820	112,820	73,740
	Sales History			
	No Sales Data			

Land				Related Accounts	Disclaimer
Description	Acres	Market Value	Special Use Value		This report was produced using the Lincoln County assessment information. This information is maintained by the county to support its governmental activities. The County is not responsible for errors, omissions, misuse or misinterpretation. Tax data exported 10/2014.
DEV RES HOMESITE	1.00	23,690			
SITE DEVELOPMENT		7,500			
RESIDENTIAL TRACT	4.03	95,480			
Today's Date: 01/13/2016					

Lincoln County Property Report

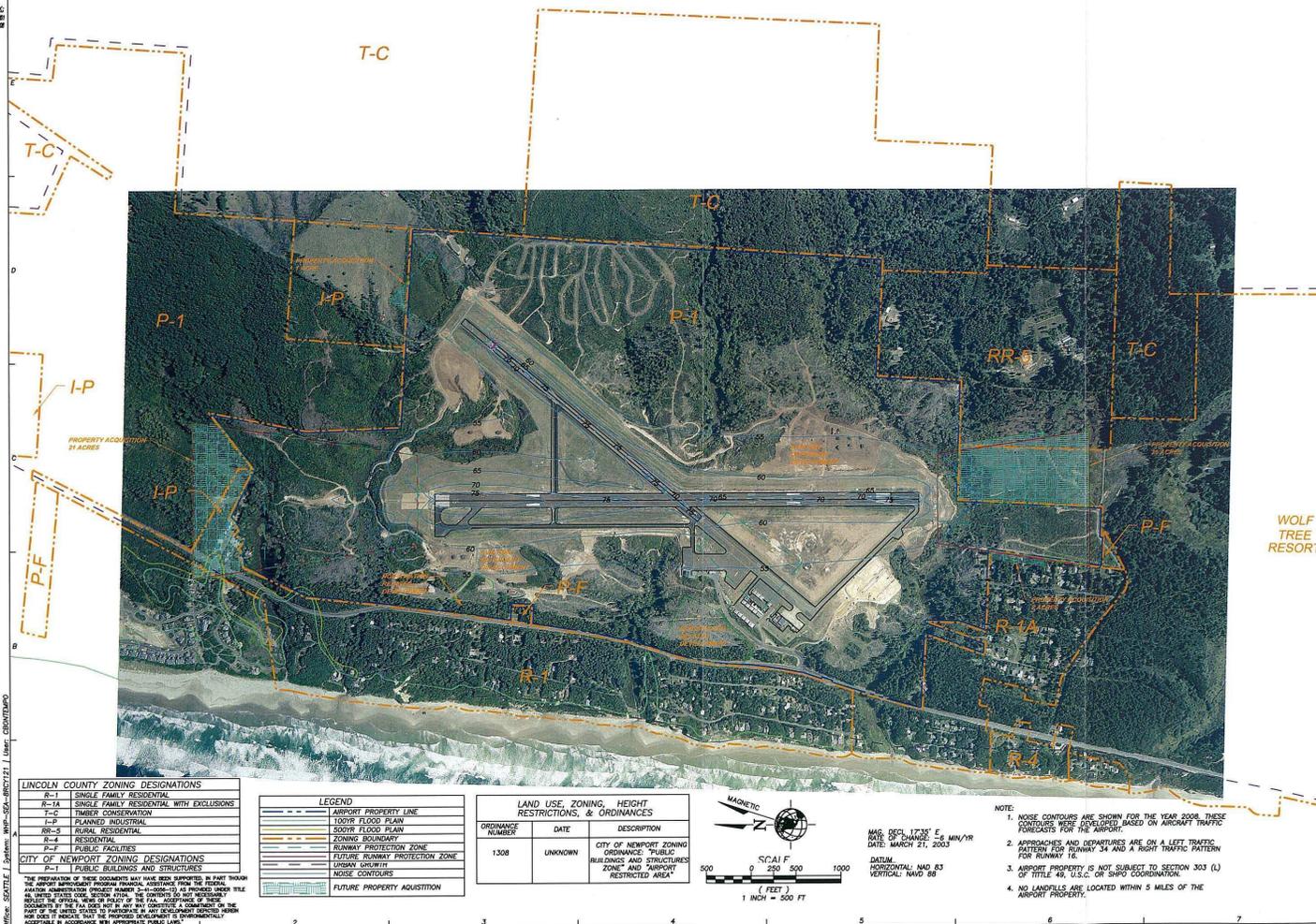
Account # & Prop. Info		Account Details		Owner & Address	
Account #:	R416363	Neighborhood:		Owner and	WATTS LESLIE O &
Map Taxlot:	11-11-32-00-01601-00	SBNB		Mailing Address:	WATTS BETTY J
Tax Map:	11s11w32	Property Class:	400		17372 S HOLCOMB RD
Web Map:	View Map			Site Address(es):	OREGON CITY, OR 97045
Info:	TWNShp 11, RNg 11, ACRES 25.03, MF178-0890				
Tax Code:	148				
Acres:	25.03				

Improvements	Value History			
No Inventory	Year	Imp.Land	Total Market	Total Assessed
	20140	152,140	152,140	120,120
	20130	184,940	184,940	116,630
	20120	428,920	428,920	113,240
	20110	137,490	137,490	109,950
	20100	151,300	151,300	106,750
	20090	162,890	162,890	103,650

Land				Related Accounts	Disclaimer
Description	Acres	Market Value	Special Use Value		This report was produced using the Lincoln County assessment information. This information is maintained by the county to support its governmental activities. The County is not responsible for errors, omissions, misuse or misinterpretation. Tax data exported 10/2014.
UNDEV RES	1.00	6,080			
RESIDENTIAL TRACT	24.03	146,060			

Today's Date: 01/13/2016

SCALE INDEX
 1/8" = 100'
 1/4" = 200'
 1/2" = 400'



LINCOLN COUNTY ZONING DESIGNATIONS

R-1	SINGLE FAMILY RESIDENTIAL
R-1A	SINGLE FAMILY RESIDENTIAL WITH EXCLUSIONS
T-C	TIMBER CONSERVATION
I-P	PLANNED INDUSTRIAL
RR-5	RURAL RESIDENTIAL
P-F	PUBLIC FACILITIES
P-1	PUBLIC BUILDINGS AND STRUCTURES

CITY OF NEWPORT ZONING DESIGNATIONS

P-1	PUBLIC BUILDINGS AND STRUCTURES
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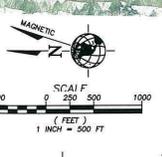
THE PREPARATION OF THESE DOCUMENTS HAS BEEN SUPPORTED IN PART THROUGH THE AIRPORT IMPROVEMENT PROGRAM FINANCIAL ASSISTANCE FROM THE FEDERAL AVIATION ADMINISTRATION (FAR PART 471.33). THE CITY OF NEWPORT ACCEPTS THE AIRPORT IMPROVEMENT PROGRAM FINANCIAL ASSISTANCE TO BE PROVIDED UNDER TITLE 46, U.S.C. ONLY. THE CITY OF NEWPORT ACCEPTS THE AIRPORT IMPROVEMENT PROGRAM FINANCIAL ASSISTANCE TO BE PROVIDED UNDER TITLE 46, U.S.C. ONLY. THE CITY OF NEWPORT ACCEPTS THE AIRPORT IMPROVEMENT PROGRAM FINANCIAL ASSISTANCE TO BE PROVIDED UNDER TITLE 46, U.S.C. ONLY.

LEGEND

---	AIRPORT PROPERTY LINE
---	100HR FLOOD PLAIN
---	500HR FLOOD PLAIN
---	ZONING BOUNDARY
---	RUNWAY PROTECTION ZONE
---	FUTURE RUNWAY PROTECTION ZONE
---	CURBLINE ENCLAVEMENT
---	NOISE CONTOURS
---	FUTURE PROPERTY ACQUISITION

LAND USE, ZONING, HEIGHT RESTRICTIONS, & ORDINANCES

ORDINANCE NUMBER	DATE	DESCRIPTION
1308	UNKNOWN	CITY OF NEWPORT ZONING ORDINANCE: "PUBLIC BUILDINGS AND STRUCTURES ZONE" AND "AIRPORT RESTRICTED AREA"



MAG. DECL. 17°33' E
 DATE OF CHANGE: 6 MIN/YR
 DATE: MARCH 21, 2001
 DATUM: HORIZONTAL: NAD 83
 VERTICAL: NAVD 83

- NOTE:**
1. NOISE CONTOURS ARE SHOWN FOR THE YEAR 2008. THESE CONTOURS WERE DEVELOPED BASED ON AIRCRAFT TRAFFIC FORECASTS FOR THE AIRPORT.
 2. APPROACHES AND DEPARTURES ARE ON A LEFT TRAFFIC PATTERN FOR RUNWAY 34 AND A RIGHT TRAFFIC PATTERN FOR RUNWAY 16.
 3. AIRPORT PROPERTY IS NOT SUBJECT TO SECTION 303 (L) OF TITLE 46, U.S.C. OR SHIP COORDINATION.
 4. NO LANDFILLS ARE LOCATED WITHIN 5 MILES OF THE AIRPORT PROPERTY.

**OREGON DEPARTMENT OF AVIATION
 NEWPORT MUNICIPAL AIRPORT
 LAND USE PLAN**

DRAWING FILE NAME: OREGON_30295-NWP-LU01
 PROJECT NO: 30295
 SCALE: 1" = 500'

W&H PACIFIC
 1855 Maple Hill Parkway
 Portland, Washington 98001-8872
 (509) 837-4000
 (509) 837-4000
 Fax: (509) 837-4000
 Services: Engineering • Surveying • Landscape Architecture

Geotitles
 Airport Consultants

DESIGNED BY: LAM	CHECKED BY: REA	DATE: 09/22/04
DRAWN BY: CMB	APPROVED BY:	
LAST EDIT: DA/29/04	PLLOT DATE: 09/22/04	
DATE: 09/22/04	REGION:	

SHEET 6 / 6



U.S. Department
of Transportation
**Federal Aviation
Administration**

Airports Division
Northwest Mountain Region
Oregon, Washington

FAA SEA ADO
1601 Lind Avenue SE., Suite 250
Renton, WA 98057

August 30, 2016

Mr. Lance Vanderbeck
Airport Operations and
Administration Manager
City of Newport
169 SW Coast Hwy
Newport, OR 97365

Dear Mr. Vanderbeck:

We are enclosing the Grant Offer for Airport Improvement Program (AIP) Project No. 3-41-0040-024-2016 at Newport Municipal Airport in Newport, Oregon. This letter outlines expectations for success. Please read the conditions and assurances carefully.

To properly enter into this agreement, you must do the following:

- a. The governing body must provide authority to execute the grant to the individual signing the grant; i.e. the sponsor's authorized representative.
- b. The sponsor's authorized representative must execute the grant, followed by the attorney's certification, no later than September 6, 2016, in order for the grant to be valid. The date of the attorney's signature must be on or after the date of the sponsor's authorized representative's signature.
- c. You may not make any modification to the text, terms or conditions of the grant offer.
- d. After you properly execute the grant agreement:
 - Return the executed Grant Agreement to us by email (pdf) followed by the hardcopy in the mail.
 - Retain a copy for your records.
 - Forward a copy to your associated State Aviation Official

Subject to the requirements in 2 CFR §200.305, each payment request for reimbursement under this grant must be made electronically via the Delphi eInvoicing System. Please see the attached Grant Agreement for more information regarding the use of this System.

Please note Grant Condition No. 4 requires you to complete the project without undue delay. We will be paying close attention to your progress to ensure proper stewardship of these Federal funds. **You are expected to submit payment requests for reimbursement of allowable incurred project expenses in accordance with project progress.** Should you fail to make draws on a regular basis, your grant may be placed in "inactive" status which will impact future grant offers.

Until the grant is completed and closed, you are responsible for submitting formal reports as follows:

- A signed/dated SF-270 (non-construction projects) or SF-271 or equivalent (construction projects) and SF-425 annually, due 90 days after the end of each federal fiscal year in which this grant is open (due December 31 of each year this grant is open); and
- Performance Reports are due within 30 days of the end of a reporting period as follows:
 1. Non-construction project: Due annually at end of the Federal fiscal year.
 2. Construction project: Submit FAA form 5370-1, Construction Progress and Inspection Report at the end of each fiscal quarter.

As a condition of receiving Federal assistance under this award, you must comply with audit requirements as established under 2 CFR part 200. Subpart F requires non-Federal entities that expend \$750,000 or more in Federal awards to conduct a single or program specific audit for that year. Note that this includes Federal expenditures made under other Federal-assistance programs. Please take appropriate and necessary action to assure your organization will comply with applicable audit requirements and standards.

Once the project(s) is completed and all costs are determined, we ask that you close the project without delay and submit the final closeout report documentation as required by your Airports District Office.

Dan Stewart, (425) 227-2666, is the assigned program manager for this grant and is readily available to assist you and your designated representative with the requirements stated herein. We sincerely value your cooperation in these efforts and look forward to working with you to complete this important project.

Sincerely,

A handwritten signature in cursive script that reads "Joelle Briggs".

Joelle Briggs
Seattle ADO Manager

CITY MANAGER REPORT AND RECOMMENDATIONS



Meeting Date: September 6, 2016

Agenda Item:

Consideration and Possible Adoption of Resolution No. 3762 - A Resolution Requesting Funding from U.S. Department of the Interior Bureau of Reclamation for a WaterSMART Water Grant.

Background:

The City of Newport has been awarded a WaterSMART water grant in the amount of \$300,000 for the city's automatic meter reading project. As you may recall, the city submitted two grant applications for this process: one with a request for \$300,000 in grant funds, and the second one requesting \$829,500 in grant funds. The program will convert all the city's water meters over to an automated reading system, which will eliminate the need to go to each property to obtain a meter reading from that property.

The city has been proceeding with a meter replacement program with approximately \$250,000 being invested in the automated meters to date. The full system will include having the meters installed throughout the city, and having the receiver stations placed at strategic locations in order to obtain the data from the automated meter system. Once this system is in place, we will have the ability to read meters remotely. This will facilitate final meter readings when people are moving in or out of properties, and help detect water leaks when an unusual amount of water is running through a meter. This will help reduce the water usage and Wastewater Treatment requirements over time. The system can be set up to allow home owners to review their water usage remotely through an interactive website as well.

The primary concern with receiving the smaller grant is that the US Department of Interior is requiring that the city complete the entire project utilizing local funds for the balance of this project if we accept the grant. In reviewing this issue with Public Works Director, Tim Gross, and Finance Director, Mike Murzynsky, it appears that we can fund this project to satisfy this requirement, which would involve the current fiscal year, and the next two fiscal years to complete this project. The total project costs are as follows:

Estimated Costs and Sources of Funding WaterSMART Water Grant	
ESTIMATED COST	\$1,500,000
Invested to date	(\$250,000)
Appropriated 16-17	(\$250,000)
WaterSMART Grant	(\$300,000)
REMAINING FUNDS NEEDED	\$700,000
Remaining Unappropriated Funds 2015	(\$234,000)
Bond Issue	

FUNDING NEEDED IN 17-18, 18-19	\$466,000
--------------------------------	-----------

It is our opinion, the remaining funding to complete this project needed in the 2017-18 and 2018-19 Fiscal Years of \$466,000 can be funded from the existing water rates (\$233,000/a year). Another option would be to include it in the next bond issue for the next phase of projects, which is based on the bonding scenario that was outlined by the Infrastructure Task Force moving forward. I do believe we have an opportunity to get part of this system paid for with federal funds, and this type of metering is the direction that many communities have gone. I further think there is much value in the City of Newport doing the same. The other option would be for the City Council not to accept the grant funds, which would allow this project to be implemented over a longer period of time. Finally, this work is consistent with the goals established by the City Council to pursue utilization of a radio read water meter system.

The city's grant consultant, Chase Park Grants, is pursuing potential funding to help offset a portion of the local match from other sources. I do believe, however, it is important that the city make the decision to go ahead with project understanding that the city may have to bare the expense of the balance of the cost of this project.

Recommended Action:

I recommend that the City Council consider the following motion:

I move adoption of Resolution No. 3732, a resolution requesting funding from the Department of the Interior Bureau of Reclamation for a WaterSMART water grant in the amount of \$300,000, with the city being responsible for the costs to complete this system, estimated at \$1.5 million dollars.

Fiscal Effects:

As outlined within the report. Please note that the city has two years after entering the agreement to complete this project. This means the project would have to be completed in September of 2018.

Alternatives:

Do not proceed with the grant, or as recommended by the City Council.

Respectfully Submitted,



Spencer R. Nebel



Agenda Item # _____
Meeting Date Sept 6, 2016

CITY COUNCIL AGENDA ITEM SUMMARY
City Of Newport, Oregon

Issue/Agenda Title: Consideration and Possible Adoption of Resolutions No. 3762 - A Resolution Requesting Funding from U.S. Department of the Interior Bureau of Reclamation for a WaterSMART Water Grant and committing the City to complete the project and contribute matching funds in the amount of \$300,000.

Prepared By: TEG Dept Head Approval: TEG City Manager Approval: _____

Issue Before the Council:

Consideration and Possible Adoption of Resolutions No. 3732 - A Resolution Requesting Funding from U.S. Department of the Interior Bureau of Reclamation for a WaterSMART Water Grant

Staff Recommendation:

Approve the Resolution

Proposed Motion:

I move to approve Resolution 3732 requesting funding from the U.S Department of the Interior Bureau of Reclamation for a WaterSMART Water Grant in the amount of \$300,000 for the City's automatic meter reading system, and committing the City to complete the project and contribute matching funds in the amount of \$300,000.

Key Facts and Information Summary:

The WaterSmart Water & Energy (W&EE) grant program is available to support projects that conserve and use water more efficiently, increase the use of renewable energy, protect endangered and threatened species, facilitate water markets, or carry out other activities to address climate-related impacts on water or prevent water-related crisis or conflict.

In January of 2016, City staff in conjunction with the City's Grant Consultant, Chase Park Grants, had submitted two grant applications for \$300,000 and \$829,500 to the U.S. Department of the Interior Bureau of Reclamation for a WaterSMART Water Grant to fund the City's Automatic Meter Reading (AMR) conversion project. On June 23, 2016 the City was provided notice of a proposed grant award of \$300,000. A condition of the grant award is a resolution from Council committing to completion of the project, confirming the City's ability to conform to the grant requirements, and commitment to provide matching funds in the amount of \$300,000. Matching funds can include in-kind contributions such as funds spent on acquiring the grant, and staff time spent acquiring and administering the grant.

Other Alternatives Considered:

- Do not authorize the resolution and decline the grant award

City Council Goals:

Goal 3.0 Water and Sewer Improvements

3.4 Pursue the utilization of a radio read water meter system to reduce operational costs and provide immediate detection of leaks and other water problems (2).

Attachment List:

- Resolution 3762

Fiscal Notes:

The total estimated project cost to convert the City to a full AMR system per the cost benefit analysis published in 2011 was approximately \$1.5M.

The City has already spent approximately \$250,000 in previous fiscal years implementing this project by installation of new meters and automatic meter heads. In FY16-17, the City appropriated an additional \$250,000 toward this project. Between currently appropriated funds, staff time, consultant costs, and previous expenditures, the City has already accumulated enough in-kind match to fulfill the \$300,000 commitment within the current fiscal year. The City will need to appropriate up to an additional \$650K over the next two fiscal years to complete this project.

RESOLUTION NO. 3762

CITY OF NEWPORT

**A RESOLUTION REQUESTING FUNDING
FROM THE U.S. DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION
FOR A WATERSMART WATER GRANT
FOR THE CITY'S AUTOMATIC WATER METER READING PROGRAM**

WHEREAS, The U.S. Department of Interior Bureau of Reclamation provides funding opportunities for water and energy efficiency projects as part of the Bureau of Reclamation's WaterSMART Water and Energy Efficiency Program; and

WHEREAS, the City of Newport has applied to the U.S. Department of Interior Bureau of Reclamation for grant funding in an amount not to exceed \$300,000 for funding to help defray the cost of replacing existing water meters with more accurate and efficient automated meter reading equipment; and

WHEREAS, in accordance with the rules and regulations of the U.S. Department of Interior Bureau of Reclamation WaterSMART Program, which governs the procedures of making such application, the governing body of the city is required to adopt a resolution committing to the required matching funds.

THE CITY OF NEWPORT RESOLVES AS FOLLOWS:

Section 1. The U.S. Department of Interior Bureau of Reclamation under the WaterSMART Water and Energy Efficiency Program has provided notice of a proposed grant award of \$300,000 to the City of Newport to help defray the cost of replacing existing water meters with more accurate and efficient automated meter reading equipment as described in the application for financial assistance.

Section 2. The City Manager of the City of Newport is hereby authorized to execute a contract with the U.S. Department of Interior Bureau of Reclamation WaterSMART Water and Energy Efficiency Program for such financial assistance.

Section 3. The City Manager is further specifically authorized to make the required assurances to the U.S. Department of Interior Bureau of Reclamation in accordance with the rules, regulations, and policies of the U.S. Department of Interior Bureau of Reclamation WaterSMART Water and Energy Efficiency Program.

Section 4. The additional funding in support of the project, in the amount of up to \$300,000 will be provided through sources of capital funding available to the city, such as water rates, state revolving loan funds and revenue bonds.

Section 5. The city will work with the U.S. Department of Interior Bureau of Reclamation to meet established deadlines for entering into a grant funding agreement.

Section 6. The City commits to completing the project as described in the grant application.

Section 7. This resolution will become effective on adoption.

Adopted by the Newport City Council on September 6, 2016.

Sandra N. Roumagoux, Mayor

ATTEST:

Margaret M. Hawker, City Recorder

CITY MANAGER REPORT AND RECOMMENDATIONS



Meeting Date: September 6, 2016

Agenda Item:

Consideration and Possible Adoption of Resolution No. 3760 Creating a Vision 2040 Advisory Committee

Background:

At the July 18 meeting the City Council authorized city staff to negotiate and execute an agreement with HDR to assist the Greater Newport Area in developing a community vision to help guide future planning for the city. We have met with HDR and have initiated the contract to proceed with this work. One of the first tasks will be creating the Vision 2040 Advisory Committee.

As you will recall the City Council had created a group to determine whether proceeding with a community vision at this time was appropriate and if so what the scope of that vision should be. The City Council then requested the group develop a formal RFP and serve as the screening committee for potential consultants to assist with that process. In July, they recommended the City Council proceed contracting with HDR to facilitate this process, which concluded the assignment of the visioning work group. At that time, we did not want to create a body that would be involved in guiding the visioning process until after our consultant was hired. We wanted to make sure that the governance structure going forward would be compatible with the approach by the consultant working to facilitate the visioning process.

We met with HDR to discuss the “governance process” that would be best to facilitate the visioning process. HDR was very complementary towards the structure that we utilized to select the consultant and recommended a few adjustments in membership for an advisory committee to be established to guide the city and consultant through this process over the next nine months. Attached is a resolution outlining the proposed membership for the advisory committee. It is my recommendation that the City Council extend an invitation to those individuals who represented any of the same sectors earlier in the visioning work group to see if they are interested in continuing on over the next nine months to facilitate the development of the community vision. We will then approach those organizations who are unrepresented and recruit someone from that group. In addition, the advisory committee expands the number of citizens at large from two to four. We will advertise for those citizen positions to supplement this group. It is important that we pull this group together with the initial appointments being made at the September 19 Council meeting so that we can have a group ready to meet with the consult going forward. It is anticipated that the first community outreach sessions will began in November for this effort.

In addition to the advisory committee, we will establish an Administrative Committee to facilitate issues in between advisory committee meetings. This committee will include the

Chair of the Advisory Committee, Peggy Hawker, Derrick Tokos, and Spencer Nebel. If one of the Council representatives is interesting in participating on this group that would be welcomed as well. This will be a group that can be pulled together quickly to deal with additional issues through the course of this visioning process.

Visioning will be an exciting process for the community and it will be very important to get a broad base of community involvement in order to develop a vision that represents the aspirations of all sections of this community for the long term future of the greater Newport area.

Recommended Action:

I recommend the City Council consider the following motion:

I move adoption of Resolution No. 3760, a resolution establishing a Vision 2040 Advisory Committee.

Fiscal Effects:

None by establishing the committee.

Alternatives:

As suggested by the City Council.

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read "S. R. Nebel", written in a cursive style.

Spencer R. Nebel

CITY OF NEWPORT
RESOLUTION NO. 3760
ESTABLISHING A VISION 2040 ADVISORY COMMITTEE

WHEREAS, on April 6, 2015, the City Council established a Community Visioning Work Group; and

WHEREAS, the Community Visioning Work Group was charged with providing a report to the City Council on whether to initiate a comprehensive community visioning process during the 2015/2016 fiscal year; and

WHEREAS, on September 21, 2015, the recommendation of the Community Visioning Work Group was presented to the City Council; and

WHEREAS, the recommendation of the Community Visioning Work Group was to proceed with a comprehensive community visioning process during the 2015/2016 calendar years; and

WHEREAS, on September 21, 2015, the City Council formally accepted the report from the Community Visioning Work Group, dated August 31, 2015, and directed the city administration to proceed with the report on implementing the recommendations for the development of a "Request for Proposals" and the creation of a steering committee for the October 5, 2015 City Council meeting; and

WHEREAS, the report recommended the creation of the Vision 2040 Steering Committee to help guide the visioning process; and

WHEREAS, on October 5, 2015, the City Council adopted Resolution No. 3727 creating the Vision 2040 Steering Committee; and

WHEREAS, the Vision 2040 Steering Committee developed an RFP for a visioning consultant; interviewed consultants; and made a recommendation that the City Council enter into an agreement with HDR to perform visioning consulting services for the City of Newport; and

WHEREAS, an advisory committee is necessary to assist in the development of the Vision 2040 Plan.

THE CITY OF NEWPORT RESOLVES AS FOLLOWS:

Section 1. The City Council of the City of Newport hereby establishes the Vision 2040 Advisory Committee with the following composition:

- A. Two representatives, and one alternate, from the City Council;
- B. One representative from the Planning Commission;
- C. One representative from the Chamber of Commerce;
- D. One representative from the Port of Newport;
- E. One representative from the Oregon Coast Community College;

- F. Four citizen representatives at-large;
- G. One representative from the Lincoln County School District;
- H. One representative from Lincoln County;
- I. One representative from the Latino community;
- J. One representative from the Confederated Tribes of the Siletz Indians;
- K. One representative from the commercial fishing community;
- L. One representative from the marine science community;
- M. One representative from the faith-based community;
- N. One representative from the arts and culture community;
- O. One representative from the recreational fishing community.

Section 2. The Vision 2040 Advisory Committee shall be empaneled until the Vision 2040 Plan is completed.

Section 3. This resolution shall be effective immediately upon passage.

Adopted by the City Council of the City of Newport on September 6, 2016.

Sandra N. Roumagoux, Mayor

ATTEST:

Margaret M. Hawker, City Recorder

CITY MANAGER REPORT AND RECOMMENDATIONS



Meeting Date: September 6, 2016

Agenda Item:

Use of Funding for Beautification Efforts in the City of Newport

Background:

In the 2016-17 Fiscal Year budget, the City Council appropriated \$50,000 to be used for contractual services for restoring and maintaining publicly landscaped areas within the City of Newport. This would include public facilities, right-of-way areas, parks, and other city owned properties. In addition to this effort, city staff has been meeting to move forward with a city tree plan. The plan would address trees planted in the rights-of-way, as well as on city owned facilities, parks and other properties, and provide guidance for private property owners also. These efforts have been identified as a goal of the City Council

Use of the Appropriated Funds for Addressing Landscaping Efforts

The City Council appropriated \$50,000 from the Room Tax Fund to address landscaping and beautification efforts on publicly owned properties within the City of Newport, including facilities, parks, and rights-of-way. I have met with a group, including City Councilor, Wendy Engler, Joanne Barton, and Veronica Willemin to explore the best way to move forward with the use of these funds. It is my intent, subject to any direction from the Council, to move forward with the following steps:

(1) Review existing resources used by the City for various mowing/landscaping activities for city facilities. This would include work that is currently done by staff, volunteers, or by contractual services for facilities, parks and any right-of-way areas.

(2) Create a small administrative work group to identify specific areas and prioritize those areas for improvement, utilizing the contracted funds. This work group would include a number of citizens, a representative from the Chamber beautification committee, and a member of the Parks maintenance staff. The focus of this group would be to improve existing landscaped areas, as the first priority.

(3) I am proposing to use a portion of these funds to contract with an individual or firm, with sufficient expertise to provide some support to the working group and develop a plan and scope of work for the landscaping projects that are prioritized by the working group. This contract would provide expertise in reviewing existing plants, and to determine what appropriate and sustainable plants should be maintained or planted.

(4) The final step would be to select a qualified landscaping/maintenance company to perform the work identified in this process. The contract for the landscape maintenance would be overseen by Parks Maintenance.

Tree City USA

In addition to discussing the strategies for addressing landscaped areas on public properties, we have had a number of meetings regarding the development of a “tree plan” for the City of Newport. A “tree plan” is one of the requirements to maintain the Tree City USA status for the city. The “tree plan” can describe the species and types of trees that can be planted in various areas in the rights-of-way, and or parks and public properties. It is also our hope that the “tree plan” could be a guide utilized in reviewing landscape requirements for private developments in the city, and provide information to the public wanting to plant trees on private property, as well.

Section 2.05.040 of the Municipal Code charges the Parks & Recreation Committee with creating a Tree Subcommittee to develop a “tree plan” listing acceptable species for planting, and identifying specific species for specific locations for planting in right-of-way areas based on things such as overhead utilities, clear vision, and the appropriate types of trees that will grow upright, and not block sidewalks and streets when planted in the area between the curb and sidewalk of streets. We are collecting data to develop a draft “tree plan” for review by the Parks & Recreation Committee. We may suggest that they expand the Tree Subcommittee to include additional personnel.

In addition, Poulsbo, Washington (pop-10,210), contracts with a part-time arborist to address tree issues in that community with an annual expenditure that is typically between \$4,000 and \$7,000. The arborist assists city staff on tree issues on public properties, creates a tree preservation plan and inventories or other projects as requested from city staff, performs tree risk assessments on public properties, and other related tasks. This is an option that we may want to consider in Newport relating to trees that are on public property and/or in city rights-of-way. It is my intent to utilize the Parks & Recreation Committee, and Tree Subcommittee as a basis to review these plans and any future recommendations.

Recommended Action:

None at this time.

Fiscal Effects:

\$50,000 was appropriated from then Room Tax for contractual beautification, landscaping services in the City of Newport.

Alternatives:

If the Council believes that we should proceeding in a different manner, please let me know.

Respectfully Submitted,



Spencer R. Nebel

Request for Proposals for Personal Services Agreement for Landscaping Consultant Services

The City of Newport is seeking the services of an individual or firm to assist the City of Newport staff in developing a plan for addressing various landscape areas for city facilities, parks and right-of-way areas that are publicly owned by the City of Newport. This plan will be used as a basis to proceed with the development of a scope of work for the proposal for landscaping services.

Responsibilities

- (1) Assist the City of Newport staff to review public landscaping in various areas identified by the city, and develop a work plan that will be part of a future (RFP) Request for Proposals for the actual implementation of the work identified in the plan.
- (2) Meet with city staff, and a City Manager's work group to prioritize those areas, and/or landscape projects that should be completed as part of a future proposal.
- (3) Identify key elements to be included in the RFP for services and,
- (4) Identify trees/shrubs that should be removed, and/or replaced, evaluate the existing landscaping to determine its overall functionality to determine what plants or trees that need to be trimmed, and or pruned in these various public areas.
- (5) Identify what types of plantings are suitable, from a coastal climate standpoint, and what plantings are hardy and sustainable with limited care.
- (6) Identify what native plants are suitable for specific landscape areas.

Qualifications

- (1) The individual or firm may be a licensed landscaper, arborist, or an individual with training and/or experience that would be applicable in developing a plan to address publically landscaped areas within public properties in the City of Newport.
- (2) The firm or individual shall need coastal experience to understand what landscaping will perform the best with limited maintenance in a coastal community.

CITY MANAGER REPORT AND RECOMMENDATIONS



Meeting Date: September 6, 2016

Agenda Item:

Report on Possible Acquisition of Property Located on the Northeast Corner of US Highway 101 and Angle Street.

Background:

The City of Newport has been evaluating possible acquisition of property surrounding the City Hall campus for several years to address parking considerations and any further expansion needs. As part of this effort, the City of Newport entered into negotiations with the owner of property located on the northeast corner of Angle and Highway 101, across Angle Street from City Hall. This is the property that held the former Salvation Army building. At that time, however, the transaction was not pursued.

As a result, the City looked at expanding parking on the south lawn of City Hall (between City Hall and Angle Street) to accommodate the additional parking demand for the Aquatic Center Project. This area would require substantial grading and the cost would be substantial in developing the spaces, including addressing access to City Hall. During this last year, we initiated discussions with the owners of the former Salvation Army site to develop leased parking on this lot to meet the needs of the City Hall campus, which would include the new Aquatic Center. We were recently contacted by the owners, who have now indicated that they would be interested in moving forward with the sale of the property to the city for the amount negotiated between the two parties a year ago, which would be in the amount of \$1,100,000. The City Council has reviewed this offer in executive session, and have suggested that we provide an opportunity for public comment on this possible purchase prior to making a decision to go forward with this purchase. I have shared this process with the sellers of the property and they indicated they are comfortable going forward with these public discussions.

There are a number of advantages to the City of Newport for acquiring this property. Parking can be accommodated at a much cheaper construction cost at this site, with a greatly expanded number of parking spaces from what could be accomplished on the south side of City Hall. This site can meet other parking needs in the area as well. Acquisition may create an opportunity to have an open space that can be used for other community type events, such as the Farmer's Market. This would need to be coordinated with other activities occurring on the City Hall campus in order to assure adequate parking for the various events that may be occurring in this area. In the long term future, the city would have the opportunity to reconfigure Angle Street and this property to meet the future needs of the public at this location.

The purchase would be financed with a short-term loan that would be paid back through the sale of other city property.

I do think that this is a great opportunity for the city to acquire a strategic piece of property that will both meet immediate needs. and will be available to address future needs for the City of Newport.

In accordance with the discussion that was held at the executive session, I would recommend that we schedule a time to allow for public comments on this possible acquisition, and then considering any comments made, make a decision on whether we wish to acquire of this property.

Recommended Action:

I recommend that the City Council consider the following motion:

I move to schedule a public hearing for the September 19, 2016, City Council meeting on the possible acquisition of the southeast corner of Angle and US Highway 101 by the City of Newport.

Fiscal Effects:

The funding for this purchase would be secured through a short-term loan. This loan would be satisfied by the sale of other property owned by the City of Newport.

Alternatives:

Do not pursue the purchase of this property at this time or as suggested by the City Council.

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read "S. R. Nebel", is written over a light blue horizontal line.

Spencer R. Nebel

CITY MANAGER REPORT AND RECOMMENDATIONS



Meeting Date: September 6, 2016

Agenda Item:

Request for an Administrative Hold on Rocky Creek Storage Water Application

Background:

In December 2014, the City Council authorized a water rights application to be submitted to the Oregon Water Resource Department for the storage of municipal water at Rocky Creek located immediately north of Cape Foulweather. This action was taken to replace an application that was made in 1989 jointly by both the City of Newport and the City of Lincoln City. Lincoln City opted not to go forward with a joint application with the City of Newport in 2014.

On July 5 2016, the City of Newport received a proposed final order from the Oregon Water Resource Department recommending that a draft permit issued. A comment period was established that ran until August 19, 2016. A protest to the final submitted order was submitted by Water Watch and two letters were received by the department from the Stewards of Rocky Creek and the Mid Coast Water Sheds Council requesting that the application be placed on hold for the duration of the Place Based Planning effort.

In reviewing this request, it is city staff and my recommendation to the Council that the city formally request an administrative hold on the application of Rocky Creek to the Oregon Water Resources Department to allow the Place Based Planning process to get underway. This will show the city's good faith effort in the Place Based Planning Pilot project to evaluate all of the water resources on a collaborative basis to determine what regional solutions may be available on a collective basis to address the regions long term water needs as well as environmental needs relating to the diversion of water.

Recommended Action:

I recommend that the City Council consider the following motion:

I move to authorized the City Manager to request an administrative hold from the Oregon Water Resource Department in the consideration of the Rocky Creek Storage Water Right Application R-88041 for a mutually agreed period inconsideration of the Place Based Planning Regional Water Resources Planning process that is currently being initiated.

Fiscal Effects:

None by this action.

Alternatives:

If the city does not request a hold on the application, then the city could initiate discussions with the organization that expressed concerns about the permit or proceed with requesting a contested case hearing to work through the various points of protest outlined in the attached protests.

Respectfully Submitted,

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

Spencer R. Nebel



STAFF REPORT
CITY COUNCIL AGENDA ITEM

Prepared by: Timothy Gross, PE, Director of Public Works/City Engineer

Title: Request for Administrative Hold on Rocky Creek Water Storage Application R-88041 from the Oregon Water Resources Department.

Recommended Motion:

I move to authorize staff to request an administrative hold from the Oregon Water Resources Department in the consideration of the Rocky Creek Storage Water Right Application R-88041 for a mutually agreed period in consideration of the Place Based Planning regional water resources planning process.

Background Information:

In 1998, the City of Newport in partnership with the City of Lincoln City submitted water rights applications to the Oregon Water Resources Department (OWRD) for both storage and diversion at Rocky Creek located at the north end of Cape Foulweather.

These initial applications were not complete, and in August of 2014, OWRD sent a letter to both Cities indicating that if we did not withdraw the applications, then they would deny them. The City of Lincoln City was not interested in submitting a replacement application, so the City of Newport requested that the initial applications be withdrawn, and submitted a replacement application for storage in December 2014. This application requested less water than the initial applications because it addressed future water needs for the City of Newport only.

On July 5, 2016, the City received a proposed final order from OWRD recommending that a draft permit be issued, starting a comment period that lasted until August 19, 2016. During that comment period, a protest to the proposed final order was submitted to OWRD by WaterWatch, and two letters were received by OWRD and the City from Stewards of Rocky Creek and the Mid-Coast Watersheds Council requesting that the application be placed on hold for the duration of the Place-Based Planning effort.

OWRD has communicated to the City that it is not their intention that the Place-Based Planning process cause any organization to put their water planning efforts on hold. Rather, the Place-Based Planning process is intended to discuss regional water issues and impacts, and not overly focus on the merits of any particular water project. That said, the City of Newport is in a unique position as a co-convenor of the Place-Based

Planning effort with OWRD. Although I would not expect another organization to act in a similar nature, I think it is in the best interest of the City and for the Place-Based Planning process if the City requests from OWRD an administrative hold on the application of Rocky Creek for a mutually agreed upon period of time, so that the Place Based Planning process can get underway. An administrative hold on this application would allow the Place-Based Planning exercise to get underway without being dominated or overshadowed by the Rocky Creek project, it would show good faith by the City that we are interested in discussing the regional implications of Rocky Creek as a water source, and the planning process may answer and/or address some of the points raised in the protest to the final order by WaterWatch and the letters received by Friends of Rocky Creek and the Mid-Coast Watersheds Council..

Fiscal Notes:

None

Alternatives:

If the City does not ask for a hold on the application, then we will need to decide if the City will open to discussions with WaterWatch or will be requesting a contested case hearing to work through the points of the protest.

Attachments:

- Proposed Final Order, Water Rights Application R-88041
- WaterWatch Protest to Proposed Final Order, R-88041
- Letter from Mid-Coast Watersheds Council
- Letter from Stewards of Rocky Creek

**Oregon Water Resources Department
Water Right Services Division**

Water Rights Application
Number R-88041

Prior to the issuance of a permit, the Department must receive documentation that the proposed use complies with the local acknowledged comprehensive land-use plan.

Please submit documentation from the relevant planning jurisdiction that either a) the proposed use is allowed outright or b) that an approved land-use decision has been obtained, and that either no administrative appeals were received, or all such appeals have concluded.

Consistent with Oregon Revised Statute 537.248(1), you are not required to submit engineering plans and specifications before a permit is issued, if one is issued. However, you may not begin construction of the reservoir until the Department approves the engineering plans and specifications.

Please include the application number on any documents submitted.

Proposed Final Order

Summary of Recommendation: The Department recommends that the attached draft permit be issued with conditions.

Findings of Fact

1. On December 31, 2014, City of Newport submitted an application to the Department for the following water use permit:
 - Amount of Water: 4330.0 acre-feet (AF)
 - Use of Water: storage for municipal use
 - Source of Water: Rocky Creek, a tributary of Pacific Ocean
 - Area of Proposed Use: Lincoln County within Section 20, Section 21, and Section 28, Township 9 South, Range 11 West, W.M.

2. On March 13, 2015, the Department mailed the applicant notice of its Initial Review, determining that "*the diversion of 4330.0 AF of water from Rocky Creek, a tributary of the Pacific Ocean, for storage for municipal use is allowable December 1 through March 31 of each year.*" The applicant did not notify the Department to stop processing the application within 14 days of that date.

3. On March 17, 2015, the Department gave public notice of the application in its weekly notice. The public notice included a request for comments, and information for interested persons about obtaining future notices and a copy of the Proposed Final Order. No written comments were received within 30 days.

In reviewing applications, the Department may consider any relevant sources of information, including the following:

- any applicable basin program
 - applicable statutes, administrative rules, and case law
 - the amount of water available
 - the rate and duty for the proposed use
 - pending senior applications and existing water rights of record
 - any applicable comprehensive plan or zoning ordinance
 - recommendations by other state agencies
 - the Scenic Waterway requirements of ORS 390.835
 - any comments received
4. The Middle Coast Basin Program allows municipal use (OAR 690-518-0010).
 5. Senior water rights exist on Rocky Creek, a tributary of Pacific Ocean, or on downstream waters.
 6. Rocky Creek, a tributary of Pacific Ocean, is not within or above a State Scenic Waterway.
 7. An assessment of water availability has been completed. This assessment compared a calculation of natural streamflow minus the consumptive portion of all relevant rights of record. A copy of this calculation is in the file. This calculation determined that water is available for further appropriation (at a 50 percent exceedance probability) December 1 through March 31 of each year.
 8. The Department finds that the amount of water requested, 4330.0 AF, is an acceptable amount.
 9. Documentation has been submitted from the relevant land-use planning jurisdiction that indicates an approved land-use decision is being pursued.
 10. In accordance with OAR 690-033-0330, an interagency team reviewed this proposed use for potential adverse impacts on sensitive, threatened and endangered fish populations. This team consisted of representatives from the Oregon Departments of Water Resources (WRD), Environmental Quality (DEQ), Fish and Wildlife (ODFW), and Agriculture. WRD and ODFW representatives included both technical and field staff. The interagency team recommended that additional

limitations or conditions of use be imposed on this application as follows:

- A. If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR 635-415, shall be followed.
- B. The permittee shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices SHALL be in place and functional, and approved in writing by ODFW prior to diversion of any water. The permittee may submit evidence in writing that ODFW has determined screens and/or by-pass devices are not necessary. This permit is subject to cancellation proceeding if water use begins before installation of fish screening and/or by-pass devices.

Conclusions of Law

1. Under the provisions of ORS 537.153, the Department must presume that a proposed use will not impair or be detrimental to the public interest if the proposed use is allowed in the applicable basin program established pursuant to ORS 536.300 and 536.340 or given a preference under ORS 536.310(12), if water is available, if the proposed use will not injure other water rights and if the proposed use complies with rules of the Water Resources Commission.
2. The proposed use requested in this application is allowed in the Middle Coast Basin Program.
3. Water is available for the proposed use.
4. The proposed use will not injure other water rights.
5. The application is in compliance with the State Agency Coordination Program regarding land use.
6. The proposed use complies with rules of the Water Resources Commission not otherwise described above.
7. For these reasons, the required presumption has been established.

8. Once the required presumption has been established, under the provisions of ORS 537.153(2) it may be overcome by a preponderance of evidence that either:
 - A. One or more of the criteria for establishing the presumption are not satisfied; or
 - B. The proposed use will impair or be detrimental to the public interest as demonstrated in comments, in a protest . . . or in a finding of the department that shows:
 - a. The specific public interest under ORS 537.170(8) that would be impaired or detrimentally affected; and
 - b. Specifically how the identified public interest would be impaired or detrimentally affected.
9. In this application, all criteria for establishing the presumption have been satisfied, as noted above. The presumption has not been overcome by a preponderance of evidence that the proposed use will impair or be detrimental to the public interest.
10. The Department therefore concludes that the proposed use will not impair or be detrimental to the public interest as provided in ORS 537.170.
11. When issuing permits, ORS 537.211(1) authorizes the Department to include limitations and conditions which have been determined necessary to protect the public interest. The attached draft permit is conditioned accordingly.

Recommendation

The Department recommends that the attached draft permit be issued with conditions.

DATED July 5, 2016

E. Timothy Wallin

E. Timothy Wallin, Water Rights Program Manager
for Thomas M. Byler, Director

Protests

Under the provisions of ORS 537.153(7) (for surface water) or ORS 537.621(8) (for ground water), you can protest this Proposed Final Order. Protests must be received in the Water Resources Department no later than **August 19, 2016**. Protests must be in writing, and must include the following:

- Your name, address, and telephone number;
- A description of your interest in the Proposed Final Order, and, if you claim to represent the public interest, a precise statement of the public interest represented;
- A detailed description of how the action proposed in the Proposed Final Order would impair or be detrimental to your interest;
- A detailed description of how the Proposed Final Order is in error or deficient, and how to correct the alleged error or deficiency;
- Any citation of legal authority to support your protest, if known;
- To affect the Department's determination that the proposed use in this application will, or will not, impair or be detrimental to the public interest ORS 537.153(2)(b) requires that a protest demonstrate, by a preponderance of evidence any of the following: (a) One or more of the criteria for establishing the presumption are, or are not, satisfied; or (b) the specific public interest in ORS 537.170(8) that would be impaired or detrimentally affected, and specifically how the identified public interest in ORS 537.170(8) would be impaired or be detrimentally affected;
- If you are the applicant, the protest fee of \$350 required by ORS 536.050; and
- If you are not the applicant, the protest fee of \$700 required by ORS 536.050 and proof of service of the protest upon the applicant.
- If you are the applicant, a statement of whether or not you are requesting a contested case hearing. If you do not request a hearing, the Department will presume that you do not wish to contest the findings of the Proposed Final Order.

Requests for Standing

Under the provisions of ORS 537.153(7) (for surface water) or ORS 537.621(8) (for ground water), persons other than the applicant who support a Proposed Final Order can request standing for purposes of participating in any contested case proceeding on the Proposed Final Order or for judicial review of a Final Order.

Requests for standing must be received in the Water Resources Department no later than **August 19, 2016**. Requests for standing must be in writing, and must include the following:

- The requester's name, mailing address and telephone number;
- If the requester is representing a group, association or other organization, the name, address and telephone number of the represented group;
- A statement that the requester supports the Proposed Final Order as issued;
- A detailed statement of how the requester would be harmed if the Proposed Final Order is modified; and
- A standing fee of \$200. If a hearing is scheduled, an additional fee of \$500 must be submitted along with a petition for party status.

After the protest period has ended, the Director will either issue a Final Order or schedule a contested case hearing. The contested case hearing will be scheduled only if a protest has been submitted and either:

- upon review of the issues, the director finds that there are significant disputes related to the proposed use of water, or
- the applicant requests a contested case hearing within 30 days after the close of the protest period.

If you do not request a hearing within 30 days after the close of the protest period, or if you withdraw a request for a hearing, notify the Department or the administrative law judge that you will not appear or fail to appear at a scheduled hearing, the Director may issue a Final Order by default. If the Director issues a Final Order by default, the Department designates the relevant portions of its files on this matter, including all materials that you have submitted relating to this matter, as the record for purpose of proving a *prima facie* case upon default.

You may be represented by an attorney at the hearing. Legal aid organizations may be able to assist a party with limited financial resources. Generally, partnerships, corporations, associations, governmental subdivisions or public or private organizations are represented by an attorney. However, consistent with OAR 690-002-0020 and OAR 137-003-0555, an agency representative may represent a partnership, corporation, association, governmental subdivision or public or private organization if the Department determines that appearance of a person by an authorized representative will not hinder the orderly and timely development of the record in this case.

Notice Regarding Service Members: Active duty service members have a right to stay proceedings under the federal Service Members Civil Relief Act. 50 U.S.C. App. §§501-597b. You may contact the Oregon State Bar or the Oregon Military Department for more information. The toll-free telephone number for the Oregon State Bar is: 1 (800) 452-8260. The toll-free telephone number of the Oregon Military Department is: 1 (800) 452-7500. The Internet address for the United States Armed Forces Legal Assistance Legal Services Locator website is: <http://legalassistance.law.af.mil>

This document was prepared by Kim French. If you have any questions about any of the statements contained in this document I can be reached at 503-986-0816.

If you have questions about how to file a protest or a request for standing, please refer to the respective sections in this Proposed Final Order entitled "Protests" and "Requests for Standing". If you have previously filed a protest and want to know its status, please contact Patricia McCarty at 503-986-0820.

If you have other questions about the Department or any of its programs please contact our Customer Service Group at 503-986-0801. Address all other correspondence to:

Water Rights Section, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1266, Fax: 503-986-0901.

DRAFT

This is not a permit.
STATE OF OREGON

DRAFT

COUNTY OF LINCOLN

DRAFT PERMIT TO CONSTRUCT A RESERVOIR AND STORE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

CITY OF NEWPORT
169 SW COAST HWY
NEWPORT, OR 97365

The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: R-88041

SOURCE OF WATER: ROCKY CREEK, A TRIBUTARY OF PACIFIC OCEAN

STORAGE FACILITY: A RESERVOIR

PURPOSE OR USE OF THE STORED WATER: MUNICIPAL

MAXIMUM VOLUME: 4330.0 ACRE-FEET EACH YEAR

WATER MAY BE APPROPRIATED FOR STORAGE DURING THE PERIOD: DECEMBER 1
THROUGH MARCH 31

DATE OF PRIORITY: DECEMBER 31, 2014

THE MAXIMUM HEIGHT OF THE DAM SHALL NOT EXCEED 110.0 FEET

DAM LOCATION: SW ¼ NW ¼, SECTION 20, T9S, R11W, W.M.; 1700 FEET SOUTH
AND 850 FEET EAST FROM NW CORNER, SECTION 20

THE AREA TO BE SUBMERGED BY THE RESERVOIR IS LOCATED AS FOLLOWS:

SW ¼ NE ¼
SE ¼ NE ¼
NE ¼ NW ¼
SW ¼ NW ¼
SE ¼ NW ¼
NE ¼ SW ¼
NE ¼ SE ¼
NW ¼ SE ¼
SE ¼ SE ¼
SECTION 20

NW ¼ NW ¼
SW ¼ NW ¼
SE ¼ NW ¼

SW $\frac{1}{4}$ SW $\frac{1}{4}$
 SE $\frac{1}{4}$ SW $\frac{1}{4}$
 SECTION 21

NE $\frac{1}{4}$ NW $\frac{1}{4}$
 NW $\frac{1}{4}$ NW $\frac{1}{4}$
 SECTION 28

TOWNSHIP 9 SOUTH, RANGE 11 WEST, W.M.

Measurement devices, and recording/reporting of annual water storage conditions:

- A. Before water use may begin under this permit, a staff gage that measures the entire range and stage between full reservoir level and dead-pool storage must be installed in the reservoir. If no dead-pool, the gage must measure the full depth of the reservoir. The permittee shall maintain the device in good working order.
- B. The permittee shall allow the watermaster access to the device; provided however, where any device is located within a private structure, the watermaster shall request access upon reasonable notice.
- C. The permittee shall keep a complete record of the volume of water stored each month, and shall submit a report which includes water-storage measurements to the Department annually (or more frequently as may be required by the Director). Further, the Director may require the permittee to report general water-use information, including the place and nature of use of water under the permit.
- D. The Director may provide an opportunity for the permittee to submit alternative measuring and reporting procedures for review and approval.

The storage of water allowed herein is subject to the installation and maintenance of an outlet pipe (with a minimum diameter of 8" for any in-channel reservoir). This requirement may be waived if the Department determines other means have been provided to evacuate water when necessary.

The permittee shall pass all live flow outside the storage season described above.

The Director may require the user to measure inflow and outflow, above and below the reservoir respectively, to ensure that live flow is not impeded outside the storage season. Measurement devices and their implementation must be acceptable to the Director, and the Director may

require that data be recorded on a specified periodic basis and reported to the Department annually or more frequently.

This permit allows an annual appropriation (not to exceed the specified volume). This permit does not provide for the appropriation of water for out-of-reservoir uses, the maintenance of the water level or maintaining a suitable freshwater condition. If any water is to be used for out-of-reservoir purposes, a secondary water right is required. If any additional live flow is to be appropriated to maintain either the water level or a suitable freshwater condition, an additional water right is required.

The permittee shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices SHALL be in place and functional, and approved in writing by ODFW prior to diversion of any water. The permittee may submit evidence in writing that ODFW has determined screens and/or by-pass devices are not necessary. This permit is subject to cancellation proceeding if water use begins before installation of fish screening and/or by-pass devices.

The permittee shall not construct, operate or maintain any dam or artificial obstruction to fish passage in the channel of the subject stream without providing a fishway to ensure adequate upstream and downstream passage for fish, unless the permittee has requested and been granted a fish passage waiver by the Oregon Fish and Wildlife Commission. The permittee is hereby directed to contact an Oregon Department of Fish and Wildlife Fish Passage Coordinator, before beginning construction of any in-channel obstruction.

Within three years of permit issuance, the permittee shall submit a Water Management and Conservation Plan, addressing use under this permit, consistent with OAR 690-086. The Director may approve an extension of this time line to complete the required Water Management and Conservation Plan. The time line for submittal of a plan under this permit does not alter the time lines for submittal of a plan under any other order of the Department. No water may be diverted if a Water Management and Conservation Plan is not submitted within three years of permit issuance, unless an extension of this time has been approved.

DAM CONDITIONS

Prior to commencing construction activity, all design reports, drawings of the dam and critical appurtenant structures, specifications, and plans for construction administration must be approved by the State

Engineer as indicated by the State Engineer's stamp and a written letter of approval from the State Engineer.

STANDARD CONDITIONS

Failure to comply with any of the provisions of this permit may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the permit.

If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR 635-415, shall be followed.

The use may be restricted if the quality of the source stream or downstream waters decreases to the point that those waters no longer meet state or federal water quality standards due to reduced flows.

This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

Construction of the water system shall begin within ten years of the date of permit issuance. If additional time is needed, the permittee may submit an application for extension of time, which may be approved based upon the merit of the application.

The permitted volume of water shall be stored within twenty years of the date of permit issuance. If additional time is needed, the permittee may submit an application for extension of time, which may be approved based upon the merit of the application.

Within one year after storage of water, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner.

Issued

DRAFT - THIS IS **NOT** A PERMIT

E. Timothy Wallin, Water Rights Program Manager
for Thomas M. Byler, Director

**Oregon Water Resources Department
Water Rights Division**

In the Matter of the Proposed) Final Order for R-88041 in) the Name of City of Newport)		PROTEST TO PROPOSED FINAL ORDER
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I. Name, Address And Telephone Number Of Protestant

WaterWatch of Oregon, Inc.
213 SW Ash Street, Suite 208
Portland, OR 97204
Phone: 503.295.4039
Fax: 503.295.2791
Contact: Lisa Brown, lisa@waterwatch.org

II. Interests Of Protestant

Protestant WaterWatch of Oregon (“WaterWatch”) is a non-profit river conservation and restoration group that has invested time and money protecting and restoring in-stream flows and surface waters in Oregon, including in the Midcoast Basin of Oregon. WaterWatch has over 900 individual and organizational members, including members who regularly use and enjoy the Rocky Creek area and the Midcoast Basin waterways.

Founded in 1985, WaterWatch has committed extensive resources and time to maintaining and restoring streamflows throughout Oregon, where the state water code specifies that “[a]ll water within the state from all sources of water supply belongs to the public.” ORS 537.110. WaterWatch and its members have invested significant time and money promoting sound water policy. WaterWatch does this through advocacy for legislation and through administrative and judicial proceedings.

WaterWatch has specifically expended significant resources promoting sound municipal water supply planning in the Midcoast Basin, including but not limited to

pertaining to the earlier Rocky Creek Reservoir proposal (Application R-83810 and S-83809).

WaterWatch also represents the public's interest in protecting Oregon's waterways and groundwater resources for public uses, including maintaining aquatic habitats, and protecting waterways from from exploitation and waste. WaterWatch does this by participating in the water permitting process, including reviewing and filing protests, as appropriate, to water permitting decisions; participating in the public review process for Water Management and Conservation Plans; and working in the Oregon legislature and on rules advisory committees, and participating in other stakeholder groups, all with the goal of ensuring water laws are properly implemented so to achieve the sustainable and beneficial use of Oregon's waterways.

For all of these reasons, WaterWatch and its members will be affected by the PFO.

III. The PFO Would Impair And Be Detrimental To Protestant's Interests

1. Issuance of the permit would impair and be detrimental to WaterWatch's interest and the public's interest in ensuring that the state not issue water permits for more water than can be applied to a beneficial use, in violation of statutes and rules.

2. Issuance of the permit consistent with the PFO would impair and be detrimental to WaterWatch's interest and the public's interest in protecting the water resources, fisheries resources, and surface waters of the Midcoast Basin; conserving those waters for their highest uses; preventing waste; and

3. Issuance of the permit would impair and be detrimental to WaterWatch's interest and the public's interest in ensuring Oregon's water laws are properly implemented and Oregon's water resources are allocated fairly and not over-allocated.

IV. How The PFO Is In Error And Deficient And How To Correct The Errors And Deficiencies

A. The PFO is in error and deficient for reasons including, but not limited to, the following:

1. **The PFO is unlawful because it would issue a permit allowing 20 years for the applicant to store the water when the law allows only 10 years. ORS 537.248(1).**

The Draft Permit attached to the PFO states that "the permitted volume of water shall be stored within twenty years of the date of permit issuance." (Page 4). However, ORS 537.248(1) specifies that:

"[w]hen Water Resources Department issues a reservoir permit for a new storage project to a county, municipality or district, the department shall include in the permit a date, not more than 10 years after the date the permit is issued, to begin and complete construction of diversion or storage works and to perfect the water right."

Water permit applications must provide the following information: "[t]he time within which it is proposed to begin construction" (ORS 537.140(F)); "[t]he time required for completion of construction" (ORS 537.140(G)); and "[t]he time for the complete application of the water to the proposed use" (ORS 537.140(H)). Accordingly, and consistent with ORS 537.248(1), the application states that it will complete construction and complete water use within 10 years of permit issuance. The cover letter to the application cites ORS 537.248(1) as the basis for requesting 10 years. The PFO is unlawful for failing to conform to ORS 537.248(1).

2. The PFO’s determination that the public interest presumption has been established is in error, and any presumption is rebutted and has been overcome.

In reviewing an application for a new water permit, the department shall presume that a proposed use will not impair or be detrimental to the public interest” if several factors are met including that “the proposed use complies with rules of the Water Resources Commission.” ORS 537.153(2). The statute directs that once the presumption is established:

This shall be a rebuttable presumption and may be overcome by a preponderance of the evidence that either:

- (a) One or more of the criteria for establishing the presumption are not satisfied; or
- (b) The proposed use will impair or be detrimental to the public interest as demonstrated in comments, in a protest under subsection (6) of this section or in a finding of the department that shows:
 - (A) The specific public interest under ORS 537.170 (8) that would be impaired or detrimentally affected; and
 - (B) Specifically how the identified public interest would be impaired or detrimentally affected.

Id. Here, the public interest presumption was not established (and is overcome) because the use does not comply with the “rules of the Water Resources Commission.” Further, the presumption is rebutted and overcome under both ORS 537.153(2)(a) and (b), including because the amount requested is excessive and cannot be beneficially used without waste.

a) The public interest presumption is not established because the PFO does not comply with Division 33.

The PFO fails to comply with Division 33 because the draft permit does not include the fish passage condition required by the Division 33 review. For more information, see number 5 below.

- b) The public interest presumption is not established because the proposed use does not comply with the rules of the Commission because the public interest factors are not met.**

As explained in detail in sections (c)-(f) below, several of the public interest factors of ORS 537.170(8) are not met, including because the PFO proposes to issue a permit for more water than the applicant can put to beneficial use by the end of the period allowed for permit development. OAR 690-310-0120 requires the department to evaluate these public interest factors, and the factors found at OAR 690-310-0120(3)(b), and to deny the permit where the factors cannot be met. The department failed to comply with OAR 690-310-0120 here, the factors are not met, and thus the presumption was not established.

- c) The public interest presumption is overcome because the PFO would approve a permit for more water than the applicant can put to beneficial use and that would impair and be detrimental to the following specific public interest factors (ORS 537.170(8)(a-c), (e) and (g); OAR 690-310-0120(3)-(4)).**

The proposed use would impair and be detrimental to the public interest because the department is proposing to issue a permit for an amount that is excessive cannot be put to beneficial use by the applicant by the end of the permit development period. Because the the permit is being issued for an excessive amount of water that cannot be applied to beneficial use as required by law, the public interest presumption has been rebutted and overcome because several specific public interest factors included at ORS 537.170(8) will be impaired and detrimentally affected. ORS 537.153(2)(b).

The PFO would approve storage of 4,330 acre-feet of water (1,410 million gallons) in a new reservoir, but there is no demonstration of need for this amount of

water. The department may not approve an application for more water than can be beneficially used by the end of permit development period—which in this case is required by statute to 10 years from date of permit issuance (ORS 537.248(1)). ORS 537.190(1) (“department shall not approve an application for more water than can be applied to a beneficial use”); ORS 537.160 (applications must “contemplate the application of water to a beneficial use”); *see also* Final Order in Contested Case and Notice of Right to File Exceptions, In the Matter of Water Right Application S-87330 in the Name of Willamette Water Co. (OAH Case No. WR-10-003, OWRD Case No. S-87330 (Ex. 2). Even if the PFO’s allowance of 20 years for permit development was lawful, a need for the water in 20 years has also not been established.

The PFO incorrectly—and without any supporting findings of fact or analysis—concludes that “[t]he Department finds that the amount of water requested, 4330.0 AF, is an acceptable amount.” (Page 2, finding number 8). However, nothing in the application establishes this need. The application provides an annual amount of delivered water of 622 MG, which is 1,908 acre-feet. (Application, Form M). The applicant claims it “Produced (diverted or pumped)” 827.1 MG (2,538 acre-feet) in 2007—leaving aside various problems with this set of numbers, they do not establish a need for 4,330 acre-feet of water 10 years (or 20 years) from permit issuance. First, if the city is only delivering an average of 1,908 acre-feet, it will not need 4,330 acre-feet ten years from permit issuance. This is all the more true given the city’s other sources of water, to which this permit—by not specifying that it is supplemental—is being issued as an additive source. Further, nothing in the application nor the PFO contain any data or analysis regarding what the city’s water demand will be ten years from permit issuance or how

this demand will be met (or not) with existing sources. The record does not support issuance of a 4,330 acre-foot permit.

There also appears to a very high percentage of unaccounted for water, or waste, in the city's water system. The city's claimed "produced" and "delivered" water amounts indicates that almost a quarter of the produced water is not delivered. To the extent the department is basing any future demand projection on the "produced" volume and not accounting for this extremely high percentage of what appears to be unaccounted for water, that is unlawful because the the department cannot lawfully issue a permit for a wasteful use. ORS 537.170(8)(a)-(c), (e) and (g); OAR 690-310-0120(3)-(4).

To the extent the department is issuing this permit for an amount of water exceeding the city's reasonable need by the end of the permit period because the department views this project as a regional water supply project, neither the application nor the PFO provide any support for this view. It may be that a carefully planned storage project at this site could provide an important regional water supply, including by moving cities and communities including Newport away from more sensitive streams (such as the Siletz River), but nothing in this application nor PFO contain any evidence of such a plan. Previously, this site was proposed for a regional water supply site as evidenced by the now withdrawn Application R-88310, but the application for R-88041 indicates this plan has been scrapped. If this is to be regional supply, the application, draft permit and PFO are wholly inadequate to attain that goal in a way that is consistent with the public interest and put the resources to the their highest and best use.

To the extent the city is applying for a "redundant" source, the PFO has failed to condition the permit as such. Unfortunately, municipalities across the state frequently sell

permitted water to others that was intended as a redundant source but never properly conditioned as such. The reservoir permit as issued by the PFO is not properly conditioned to make the water source redundant and as such, to the extent the department analyzed it as such, that analysis is incorrect.

Because the the permit is being issued for an excessive amount of water that cannot be applied to beneficial use as required by law, the public interest presumption has been rebutted and overcome because several specific public interest factors included at ORS 537.170(8) will be impaired and detrimentally affected. ORS 537.153(2)(b); *see also* Ex. 2. The presumption is rebutted and overcome because the proposed use fails to utilize the site and the public waters to conserve the highest use of the water for all purposes (ORS 537.170(8)(a)); it also does not provide for the maximum economic development of the waters involved (ORS 537.170(8)(b)); does not control the state's water to meet all beneficial purposes (ORS 537.170(8)(c)); it constitutes wasteful, uneconomic and unreasonable use of the water (ORS 537.170(8)(e)); and is inconsistent with important aspects of state water resources policy described at ORS 536.295 to 536.350 and 537.505 to 536.534 (ORS 537.170(8)(g) (including but not limited to ORS 536.310(2), stating that it is in the public interest that integration and coordination of uses of water and augmentation of supplies for all beneficial purposes be achieved for the maximum economic development thereof for the benefit of the state as a whole"; and ORS 536.310(5), stating that "[c]ompetitive exploitation of water resources of this state for single-purpose uses is to be discouraged when other feasible uses are in the general public interest.")

- d) The public interest presumption has been overcome because factors ORS 537.170(8)(a), (b), (c), (e) and (g) are impaired because providing fish passage at the culvert would have better met the public interest.**

The proposed storage site provides habitat for coastal cutthroat trout but anadromous fish such as salmon and steelhead can no longer access the area due to placement of an impassable culvert under Highway 101. Providing passage at this culvert has been proposed and investigated. *See* various letters, reports and articles throughout Ex. 1 (a printout of a .pdf of public comments available on the WRD website in the Water Rights Information System for the now withdrawn R-83810 and S-83809, which also proposed a reservoir at this same site). Providing fish passage at this site, instead of issuing a permit to one city to build a reservoir for its own use where it has not established a need for the water, would have conserved the highest use of the water (ORS 537.170(8)(a)); given the significant economic benefits of sport, recreational and commercial fishing to the coast, it would have also provided for the maximum economic development of the waters involved (ORS 537.170(8)(b)); restoring the area for anadromous fish instead of issuing this permit would have better controlled the state's water to meet all beneficial purposes (ORS 537.170(8)(c)); it would have prevented an uneconomic and unreasonable use of the water (ORS 537.170(8)(e)); and would have better met important aspects of state water resources policy described at ORS 536.295 to 536.350 and 537.505 to 536.534 (ORS 537.170(8)(g) (including but not limited to ORS 536.310(2), stating that it is in the public interest that integration and coordination of uses of water and augmentation of supplies for all beneficial purposes be achieved for the maximum economic development thereof for the benefit of the state as a whole"); and

ORS 536.310(5), stating that “[c]ompetitive exploitation of water resources of this state for single-purpose uses is to be discouraged when other feasible uses are in the general public interest.”)

- e) **The public interest presumption is overcome because the draft permit is for a reservoir for one city whose need is not established, does not commit the public’s water to any type of regional water solution, and does not provide any relief to sensitive streams by carefully allocating the public’s water. ORS 537.170(8)(a), (b), (c), (e), (g).**

Previously, this site was proposed for a regional water supply reservoir. *See generally*, Ex. 1 (a printout of a .pdf of public comments available on the WRD website in the Water Rights Information System for the now withdrawn R-83810 and S-83809, which also proposed a reservoir at this same site). Notably, even though the application does not propose to use the reservoir for a regional water supply and the PFO also does not contain any requirements that the reservoir be used in a regional planning context, this concept is still reflected in the Oregon Department of Fish and Wildlife Division 33 review for R-88041. (Page 2, stating “Due to the time period that anadromy has been absent from the basin it is a more desirable location for water storage for a regional water supply.) In other words, if the site and the public’s waters are to be developed as a reservoir, the department should ensure that these resources are used for the highest uses—and if those uses are ultimately municipal then the resources should be used in a way that maximizes their value to the Midcoast region, by both providing a well thought out regional supply and by providing relief to sensitive streams currently being used for municipal supply (for example, the Siletz River). By issuing this permit to the city, the department is foreclosing the ability to put these waters to their highest use.

The department should deny this permit because, if it going to be developed as a reservoir instead of being used to support the existing fish and wildlife or restored for anadromous fish use, it still fails to utilize the site and conserve the public waters for the highest use (ORS 537.170(8)(a)); it also does not provide for the maximum economic development of the waters involved (ORS 537.170(8)(b)); it does not control the state's water to meet all beneficial purposes (ORS 537.170(8)(c)); it constitutes wasteful, uneconomic and unreasonable use of the water (ORS 537.170(8)(e)); and does not comport with important aspects of state water resources policy described at ORS 536.295 to 536.350 and 537.505 to 536.534 (ORS 537.170(8)(g) (including but not limited to ORS 536.310(2), stating that it is in the public interest that integration and coordination of uses of water and augmentation of supplies for all beneficial purposes be achieved for the maximum economic development thereof for the benefit of the state as a whole"; and ORS 536.310(5), stating that "[c]ompetitive exploitation of water resources of this state for single-purpose uses is to be discouraged when other feasible uses are in the general public interest.")

- f) **The public interest presumption has been overcome because factors ORS 537.170(8)(a), (b), (c) and (e) are impaired because maintaining the Rocky Creek area for its current fish and wildlife uses would have better met the public interest.**

The ODFW Division 33 form describes some of the fish and wildlife use of the area that would be inundated by the proposed reservoirs. The department should deny this permit because the fish and wildlife use of the area proposed for inundation outweighs the city's proposed reservoir, for which it has not established a need. Because of this, the proposed use fails to utilize the site and conserve the public waters for their highest use

(ORS 537.170(8)(a)); it also does not provide for the maximum economic development of the waters involved (ORS 537.170(8)(b)); does not control the state's water to meet all beneficial purposes (ORS 537.170(8)(c)); and it constitutes wasteful, uneconomic and unreasonable use of the water (ORS 537.170(8)(e)); and fails to meet important aspects of state water resources policy described at ORS 536.295 to 536.350 and 537.505 to 536.534 (ORS 537.170(8)(g) (including but not limited to ORS 536.310(2), stating that it is in the public interest that integration and coordination of uses of water and augmentation of supplies for all beneficial purposes be achieved for the maximum economic development thereof for the benefit of the state as a whole"; and ORS 536.310(5), stating that "[c]ompetitive exploitation of water resources of this state for single-purpose uses is to be discouraged when other feasible uses are in the general public interest.")

3. The PFO is unlawful because it would approve an application for more water than can be applied to beneficial use. ORS 537.190(1).

The PFO is contrary to law because there is no evidence showing that the city can apply the water to beneficial use. ORS 537.190(1) (stating that the "department shall not approve an application for more water than can be applied to a beneficial use").

4. The PFO is unlawful because it fails to include "[a]n assessment of the amount of water necessary for the proposed use." ORS 537.153(3).

The PFO in contrary to law because fails to include any "[a]n assessment of the amount of water necessary for the proposed use." ORS 537.153(3).

5. The PFO is in error because it fails to include as the required fish passage permit condition.

The ODFW Division 33 form states that “[t]he following condition will be included in any permit issued unless ODFW explicitly requests that it be omitted.” This is followed by a condition requiring fish passage (or a fish passage waiver) at any artificial obstruction in the channel of the subject stream. ODFW did not explicitly, or otherwise, request that this condition be omitted—yet it is absent from the draft permit. This violates Oregon’s fish passage laws and OAR 690-033.

6. WRD should not issue a permit for this application at this time as it also expends public money on the Midcoast Place Based Planning process.

The applicant for this reservoir permit, City of Newport, also filed an application with WRD for a Place Based Planning grant for the Midcoast area, which WRD is partially funding as one of four pilot projects. Details including the application and the standards for the planning process can be found here:

http://www.oregon.gov/owrd/Pages/Place_Based_Planning.aspx

WRD’s website explains that:

“Place-based integrated water resources planning is a voluntary, locally initiated and led effort in which a balanced representation of water interests within a basin, watershed or groundwater area work in partnership with the state to:

- Build a collaborative and integrated water planning process;
- Characterize current water resources and issues (looking at quantity, quality, ecosystem health);
- Understand current and future instream and out-of-stream water needs;
- Identify and prioritize strategic solutions to meet current and future water needs;
- Develop a place-based integrated water resources plan that informs the IWRS.”

(*Id.*). WRD should not be issuing a permit for a major new storage project while at the same time spending public money to fund and support a Place Based Planning process for the Midcoast. (In addition to the money, WRD will be supporting the process with staff resources). By issuing the PFO for this reservoir permit now, before the Midcoast Place Based Planning group has even started meeting, undermines the process and calls into question the investment of public money in that process.

7. **WRD should not issue a permit for this application at this time when it has provided significant public money for the applicant to study remediating its Big Creek dams and reservoirs and there is no information in this application or PFO that indicates this project would have any seismic benefits over the Big Creek dam.**

WRD has issued one or more grants to the applicant to study remediating its dams and reservoirs on Big Creek. For example, the applicant received \$250,000 from the department's Water Conservation, Reuse and Storage Grant Program to conduct a phase 3 assessment of the static and seismic stability of Big Creek Dam No. 1 and Big Creek Dam No. 2 (BC 2). The final report from the city's consultant is available on the department website and recommends moving forward with remediating the upper dam and increasing its storage capacity.¹ Notably, while the focus of the department's funding to the applicant regarding the Big Creek reservoirs is addressing seismic risk, the PFO is silent as to why the proposed reservoir would address these same concerns. Simply issuing additional water permits for construction of a new storage structure while funding the applicant to address deficiencies in existing facilities is not a good use of public money and resources.

¹ Final report available here:

http://www.oregon.gov/owrd/LAW/docs/GrantApp/2013_15_studies/City_of_Newport.pdf

8. The PFO should be withdrawn until the applicant files an amended application that provides updated water use data.

On Form M of the application, the applicant seems to pick and choose which years it uses for various metrics—with no explanation for why it chose various years—with the most recent year cited being nine years ago and some data cited from twelve years ago. The PFO should be withdrawn until the applicant provides updated data and the department analyzes that data.

9. Reservation

WaterWatch reserves the right to raise any additional issues and arguments not reasonably ascertainable on the currently available record.

B. The errors and deficiencies should be corrected as follows:

The errors and deficiencies should be corrected by withdrawing the PFO and either denying the permit application or issuing a new PFO after the conclusion of the publicly funded Placed Based Planning process that is consistent with that process and addresses the deficiencies raised in this protest.

V. Citation Of Legal Authority

Applicable legal authorities, where known, are cited above.

VI. Protest Fee

The required fee of \$700.00 is included with this protest.

VII. Request For Hearing

Protestant requests a contested case hearing.

Dated: August 15, 2016.

Lisa A. Brown

Lisa Brown
Staff Attorney
WaterWatch of Oregon
213 SW Ash St., STE 208
Portland, OR 97204
Ph: 503.295.4039 x4
lisa@waterwatch.org

Certificate of Service

I certify that on this date, a copy of the foregoing protest was served on each of the following by the method indicated:

APPLICANT:

City of Newport

169 SW Coast HWY

Newport, OR 97365

By placing in the US Postal Mail, first class postage prepaid, from Portland, Oregon

AGENT:

Adam Sussman

GSI Water Solutions

1600 Western Blvd., STE 240

Corvallis, OR 97333

By placing in the US Postal Mail, first class postage prepaid, from Portland, Oregon

Water Rights Section

Oregon Water Resources Department

725 Summer St. NE, STE A

Salem, OR 97301-1266

By hand delivery

Dated: August 15, 2016



Lisa Brown
 WaterWatch of Oregon
 213 SW Ash St., STE 208
 Portland, OR 97204
 Ph: 503.295.4039 x2
 Fax: 503.295.2791
 lisa@waterwatch.org

Newport Mayor Sandra Roumagoux

City Councilors David Allen, Laura Swenson, Ralph Busby, Mark Saelens, Dean Sawyer,

Wendy Engler

Public Works Director Tim Gross:

Dear Madam Mayor, Councilors, and Director:

I am writing on behalf of the MidCoast Watersheds Council (MCWC). We greatly appreciate and look forward to the opportunity to participate in the Place-based Planning effort you have initiated. The MCWC is dedicated to improving watershed health in regional streams, with particular emphasis on salmon, steelhead, and trout habitat. We also are very interested in helping build a healthy sustainable economy, and recognize the role that adequate, secure supplies of water play in economic well-being. We look forward to helping our midcoast communities secure the water they need for the future, while protecting instream flows and minimizing damage to instream habitat and water quality.

We recently learned that Oregon Water Resources Department (OWRD) has proposed to issue a Final Order granting Newport water rights on Rocky Creek, north of Otter Rock. We are concerned that this action, coming right at the start of the Place-based Planning effort, will give the impression that Newport is grabbing one of the key water supply assets in the region, and therefore is not really serious about working for regional solutions. We therefore request that, to avoid this perception, you contact OWRD and ask that the final order be put on hold for the period of the Place-based Planning. We understand that such a hold will not affect the priority of the right eventually granted, as that will date to your application date. This action will allow Newport to go into the planning holding Rocky Creek as a carrot, an asset for potential sharing. We think this posture will be more conducive to a good regional plan, than the current posture of "We just got ours, and now we will help you negotiate over the rest."

Sincerely yours

Paul Engelmeyer, Chair

MidCoast Watersheds Council

Oregon Water Resources Department
Application R-88041

AUG 18 2016

August 16, 2016
Page 2

SALEM, OR

We have sent Dwight French a copy of our 1999 report and asked that it be included in the files for Application R-88041. The conclusions of the report are still valid:

ODOT is required to restore fish passage on a priority basis (the highest use of the watershed is to fix the fish passage); as stated in our report, it is not necessary to destroy the basin in order to solve Newport's water requirements

Projected population increases necessary to justify a water right on Rocky Creek in the Fuller-Morris Report were overstated (Newport increased from 9,522 to 10,117, year 2000-2013 while Lincoln County increased from 44,345 to 46,350, both far less than projected)

Unstable geologic formations between the proposed reservoir and the City of Newport could cause catastrophic pipeline failures; the reservoir site is in the Astoria Formation, which is notorious for landslides.

It is questionable how the population of Newport will fund a project that was estimated to cost \$200 million in 1999 for only the dam (not including the 150-acre reservoir property, a treatment plant, or cost of constructing a pipeline along a heavily-used highway)

Considering the pilot grant for Place-Based Planning, the necessary work at Big Creek that will increase storage capacity, and the problems noted in the Stewards' 1999 report, we believe that WRD should withdraw the Proposed Final Order and place Application R-88041 on hold.

Sincerely,



Joyce Sherman
541-614-1252
rivergraphics@spiritone.com

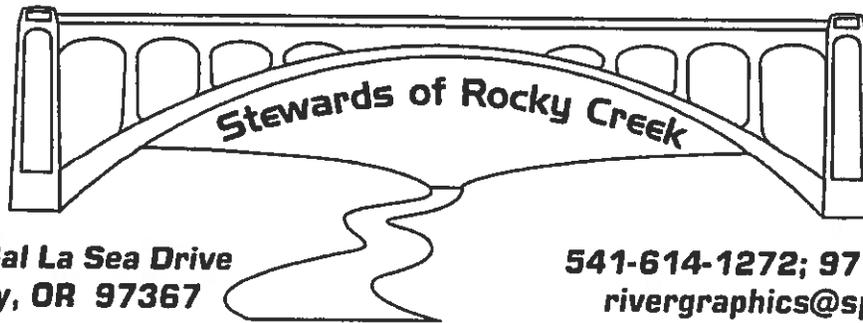
Glen Kirkpatrick
971-337-4954
glenkirkpatrick1@juno.com

Dorothy Mack
541-765-2383
dorothyblairmack@gmail.com

cc: Tim Wallin

AUG 18 2016

SALEM, OR



6110 NE Sal La Sea Drive
Lincoln City, OR 97367

541-614-1272; 971-337-4954
rivergraphics@spiritone.com

August 17, 2016

c: Kim
Harmony
Doug

Tom Byler, Director
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301

Re: Application R-88041

Dear Director Byler:

The City of Newport has been selected as one of four pilot areas to receive \$135,000 from WRD to begin work on Place-Based Planning. The goal is to create an integrated water planning process that informs the Integrated Water Resources Strategy (IWRS).

Since public funds have been made available to the City to meet the goals and requirements of Place-Based Integrated Water Resources Planning, it would appear to be a misuse of public funds to grant the City's application R-88041 for a 4,330 acre-foot water permit *before* the planning process has begun. The City does not have either a present or future demand for this quantity of water: Form M of the application shows a total peak season demand of only 871 acre-feet, *3,430 feet less than the amount applied for*. In addition, the City has other sources. If this is intended to be a regional supply, there must be a plan to show how it would fit with other municipalities' needs. Further, this application does not include agreements from the City of Newport or any other municipality in the area to cease using sources from sensitive streams. These questions should be covered through the Place-Based Planning process.

In addition, WRD has provided \$250,000 for the City of Newport to study the two Big Creek dams for water storage along with remediation of dam safety deficiencies. Their report concludes that the improvements would not only protect the dams from failure during seismic events but would provide a total of 2,270 acre-feet of storage, more than twice the peak season demand of 871 acre-feet. The work at Big Creek is not only necessary to protect against seismic events, but for the most part will utilize existing pipelines, roads, and areas for storage.

CITY MANAGER REPORT AND RECOMMENDATIONS



Meeting Date: September 6, 2016

Agenda Item:

Approval of Amendment No. 2 to Task Order No. 14 with Brown & Caldwell, Inc. for Construction Engineering Services for the Big Creek Pump Station Project

Background:

The Big Creek Pump Station Project is the second phase of a multi-phase project to replace the Big Creek pump station, 48th Street pump station, Schooner Creek pump station and associated force mains and gravity sewer, all of which comprised what is referred to as the Agate Beach Wastewater System.

The bid for this project was awarded to James W. Fowler, Inc. The Project is expected to be completed later this fall.

Brown & Caldwell, Inc. has been retained to handle the engineering services related to the construction phase of the Big Creek pump station. During the construction process, there have been a number of changes to the project that have required additional engineering services, which is more than was anticipated at the beginning of the work. The amount of time that the project has taken has been longer than what was originally anticipated requiring additional engineering services throughout this process. There has been a number of items that have had to be redesigned in order to address conditions in the field, including the lowering the profile of the roof structure to address concerns of the Agate Beach Best Western Hotel.

Amendment No. 2 increases the engineering expenses by \$64,288 to a total contract value of \$711,580.

Recommended Action:

I recommend that the City Council, acting as the Local Contract Review Board, consider the following motion:

I move the approval of Amendment No. 2 to Task Order No. 14 with Brown and Caldwell in the amount of \$64,288 for the Big Creek Pump Station Project, and authorize the City Manager to execute the task order amendment on behalf of the City of Newport.

Fiscal Effects:

\$1.8 million dollars has been appropriated for this project in the 2016-17 Fiscal Year. There are sufficient funds to complete this work. The remaining financial commitment for this project with Amendment No. 2, will be \$1,131,372.

Alternatives:

None recommended.

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read "S. R. Nebel", written in a cursive style.

Spencer R. Nebel



Agenda Item # _____
Meeting Date 9/6/16

CITY COUNCIL AGENDA ITEM SUMMARY
City Of Newport, Oregon

Issue/Agenda Title: Approval of Amendment #2 to Task Order #14 - Brown and Caldwell, Inc. - Construction Engineering Services - Big Creek Pump Station Project

Prepared By: TEG Dept Head Approval: TEG City Manager Approval: _____

Issue Before the Council:

Approval of Amendment #2 to Task Order #14 with Brown and Caldwell, Inc., for engineering services related to the construction phase of the Big Creek Pump Station Project.

Staff Recommendation:

Approve the task order amendment.

Proposed Motion:

I move to approve Amendment #2 to Task Order #14 with Brown and Caldwell, Inc. in the amount of \$64,288, for engineering services related to the construction phase of the Big Creek Pump Station Project and hereby authorize the City Manager to execute the task order amendment on behalf of the City of Newport.

Key Facts and Information Summary:

The Big Creek Pump Station Project is the second phase of a multiphase project to replace the Big Creek Pump Station, 48th Street Pump Station, the Schooner Creek Pump Station, and the associated force mains and gravity sewer, all of which comprise what is referred to as the Agate Beach Wastewater System. The force main was constructed for this pump station in 2014. The contract for the pump station was awarded to JW Fowler for \$2,618,037 at the July 20, 2015 Council Meeting.

This amendment provides hours for items not included in the existing scope of engineering services related to the construction phase of this project. These include additional project management tasks, review of contractor submittals, coordination of weekly meetings, response to a lengthy building permit review process, redesign of the building's roof to address concerns from the neighboring Agate Beach Best Western hotel, and other items (see attachment). The amendment also includes a small credit for unexpended funds during the bidding phase.

Other Alternatives Considered:

None.

City Council Goals:

- Continue improvements to Agate Beach wastewater program.

Attachment List:

- Amendment #2 to Task Order #14 for Engineering Services, Brown and Caldwell, Inc.
- Attachment A (summary of proposed amendment by task)

Fiscal Notes:

This project budget is being funded through a low interest Clean Water SRF Loan through the DEQ. This Amendment #2 in the amount of \$64,288 increases the total Task Order #14 contract value to \$711,580. There are sufficient funds available in the SRF Loan to complete this work.

Task Order #14:	\$ 711,580
Construction Contract:	\$ 2,637,806
<u>Other Project Expenses:</u>	<u>\$ 120,252</u>
Total:	\$ 3,469,638

As of June 30, 2016, \$2,338,266 of this work has been completed leaving a remaining financial commitment of \$1,131,372. In FY16-17 the City appropriated \$1,830,413 for the Big Creek Pump Station project. There are sufficient appropriated funds to complete this work.

**Task Order #14
Amendment #2**

**to Engineering Services Agreement
(Consultant of Record)
for the Big Creek Pump Station Engineering Design Services**

This Amendment #2 to Task Order #14 of the Engineering Services Agreement dated April 12, 2010, hereinafter called Agreement, between the City of Newport (City) and Brown and Caldwell, Inc. (Engineer).

A. Scope of Services

Engineer agrees to perform the services set forth in Attachment A.

B. Compensation

1. City shall pay Engineer according to the fee schedule set forth in Exhibit A to the Agreement.
2. City shall pay Engineer as complete compensation for the services as described in Attachment A, fees not to exceed \$64,288.

C. Miscellaneous

All terms and conditions of the Agreement apply to this Amendment #2, along with Task Order #14 as though fully set forth therein. In the event of a conflict between this Amendment and the Agreement, the terms of this Amendment shall apply.

The parties do mutually agree to all mutual covenants and agreements contained within this Amendment #2.

City of Newport

Signed: _____

Name/Title: _____

Date: _____

Brown and Caldwell, Inc.

Signed: _____

Name/Title: _____

Date: _____

Phase/Task	Description	Authorized Budget	Requested Task Increase or (Decrease)	Estimated Effort at Completion	Notes
1.0	Project Management	\$ 13,256	\$ 7,152	\$ 20,408	Assist owner with project management and difficult construction
2.0	Services During Bidding (SDB)	\$ 12,447	\$ (2,425)	\$ 10,022	Completed - credit 1 addendum
3.0	Services During Construction (SDC)				See SDC task breakdown below
	<i>SDC Task Breakdown</i>				
3.1	Pre-con Meeting	\$ 2,560	\$ -	\$ 2,560	Completed
3.2	Field Visits	\$ 15,986	\$ -	\$ 15,986	Pump startup remains
3.3	Submittal Review	\$ 78,760	\$ 6,448	\$ 85,208	Assist in dealing with difficult contractor
3.4	Record Drawings	\$ 11,856	\$ -	\$ 11,856	Have not started
3.5	RFI's	\$ 18,948	\$ 3,668	\$ 22,616	Assist in dealing with difficult contractor
3.6	Draft O&M Manual	\$ 11,456	\$ -	\$ 11,456	Early stages of development
3.7	Final O&M Manual	\$ 4,276	\$ -	\$ 4,276	Have not started
3.8	* Weekly Meetings	\$ -	\$ 8,300	\$ 8,300	Assists owner with project management
3.9	* Submittal and Cost Proposal Mngmt (NOC/CO)	\$ -	\$ 4,928	\$ 4,928	Assist with accurate document management
3.10	* Field Orders	\$ -	\$ 3,676	\$ 3,676	Assist with accurate document management
3.11	* Keyless Entry	\$ -	\$ 2,418	\$ 2,418	Owner requested item - value added
3.12	* Flow Meter	\$ -	\$ 3,972	\$ 3,972	Owner requested item - value added
3.13	* Wet Well Modifications	\$ -	\$ 2,688	\$ 2,688	Owner requested item - value added
3.14	* Building Permit	\$ -	\$ 13,686	\$ 13,686	Met permit review requirements - value added items (some removed with rood modification).
3.15	* Roof Redesign	\$ -	\$ 9,777	\$ 9,777	Owner requested item - value added (public relations)
Subtotal SDC Task Breakdown		\$ 143,842	\$ 59,561	\$ 203,403	
Total Increase for SDB and SDC		\$ 169,545	\$ 64,288	\$ 233,833	Compare to information provided in amendment No. 1
Total Increase for Task Order No. 14		\$ 647,292	\$ 64,288	\$ 711,580	Original contract for Big Creek project (Invoice No. 28)

* New Task Item

CITY MANAGER REPORT AND RECOMMENDATIONS



Meeting Date: September 6, 2016

Agenda Item:

Authorization of a Notice of Intent to Award for Agate Beach Stairway Improvement Project

Background:

On August 30, 2016, bids were open for a project that will include installing wood stairs from the western end of Agate Way down to the beach. This alignment will follow the current unimproved footpath. Please note that this project was originally set-up to be part of a larger project that included the wayside improvements, construction of a wayside restroom/shower facility, construction of street improvements including the reconstruction of Gilbert Way making it into a two-way street and the construction of stairways from the wayside to Agate Beach. Due to funding difficulties this project was broken-up into three segments. ODOT complete the street and wayside work as part of a state project utilizing the grant funds that were applied for by the city along with ODOT funds to complete this work. The remaining two projects included the construction of the stairway down to the beach and the construction a restroom/shower facility at the wayside. These two projects are now being constructed as city projects utilizing the city's share of funding that was originally slated for the entire project. This allows these facilities to be constructed outside the federal requirements that significantly increased the cost of these improvements.

The low bidder for the stairway project is Oregon Woods Inc. of Eugene, Oregon in the amount of \$78,200. This falls underneath the engineer's estimate and is within the budget remaining for this project.

Recommended Action:

I recommend the City Council acting as the Local Contract Review Board consider the following motion:

I move to authorize a Notice of Intent to Award the Agate Beach stairway project to Oregon Woods, Inc. of Eugene, Oregon in the amount of \$78,200 and contingent upon no protest direct the City Manager to execute the contract after 7 days on behalf of the City of Newport.

Fiscal Effects:

\$290,975 has been appropriated for this project in the 2016-17 fiscal year. To date \$36,429 is estimated to have been spent to complete the storm drain infrastructure, associated engineering services and city requested modifications to the ODOT roadway project. The remaining funds will be available for the restroom/shower facility that will be bid at the final phase of these project. Please note that we will be reviewing available funding prior to Tuesday night's Council meeting.

Alternatives:

None recommended.

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read "Spencer R. Nebel". The signature is written in a cursive style with a large initial "S".

Spencer R. Nebel



City of Newport
Lincoln County, Oregon

VOLUME 3 - Project Drawings

FOR THE CONSTRUCTION OF

Agate Beach Stairway Improvements

July 2016
City Project Number 2013-010

INDEX OF SHEETS	
SHEET NO.	DESCRIPTION
1	Title Sheet
2	Access Plan
3	Access Profile
4	Access Profile
5	Details

CITY OF NEWPORT

GRADING, DRAINAGE, ROADSIDE DEVELOPMENT
AND BUILDING

AGATE BEACH ACCESS IMPROVEMENTS

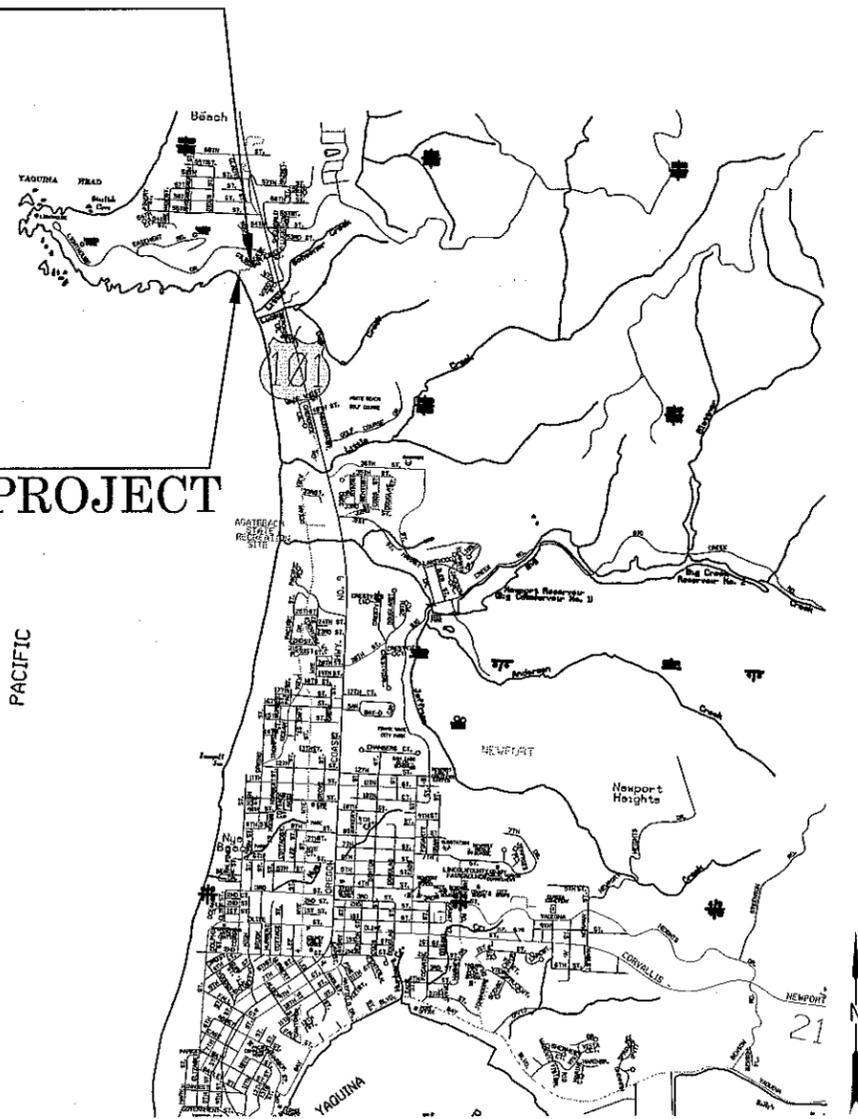
AGATE WAYSIDE
LINCOLN COUNTY
JUNE 2016

ATTENTION:
Oregon Law Requires You To Follow Rules
Adopted By The Oregon Utility Notification
Center. Those Rules Are Set Forth In
OAR 952-001-0010 Through OAR 952-001-0090.
You May Obtain Copies Of The Rules By Calling
The Center. (Note: The Telephone Number For
The Oregon Utility Center Is (503) 232-1987.)

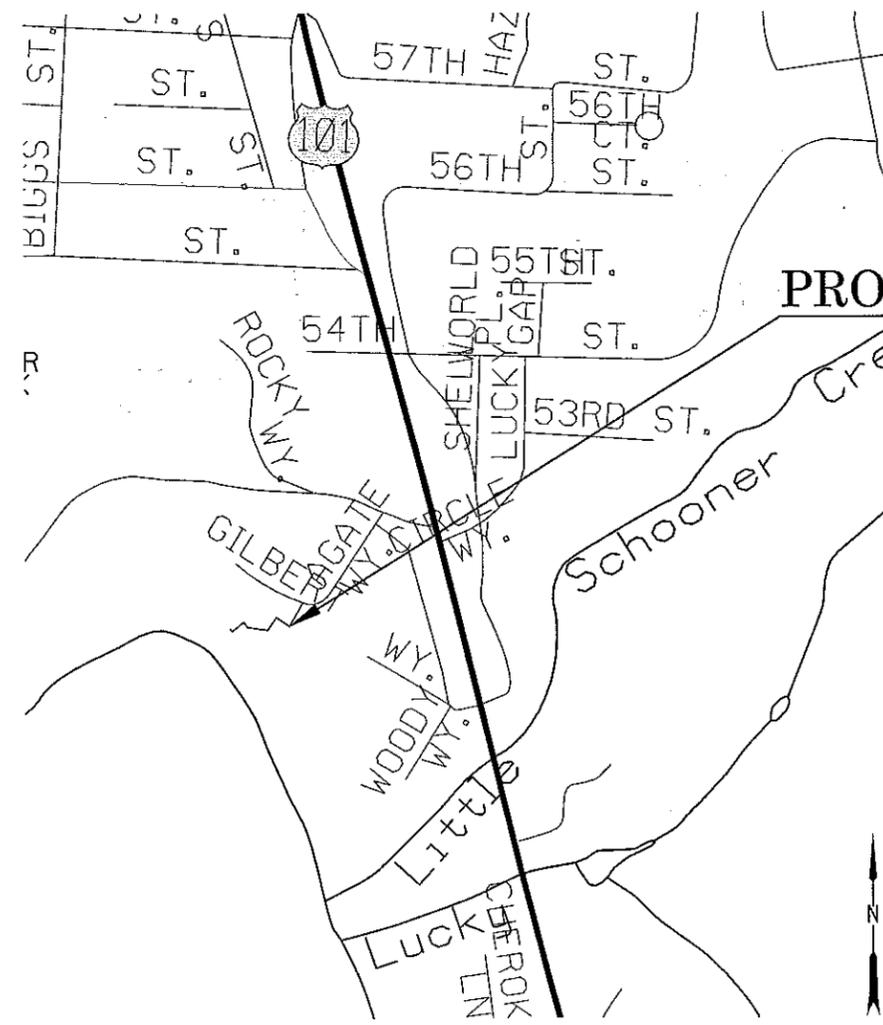


END OF PROJECT

BEGINNING OF PROJECT



OVERVIEW MAP
N.T.S.

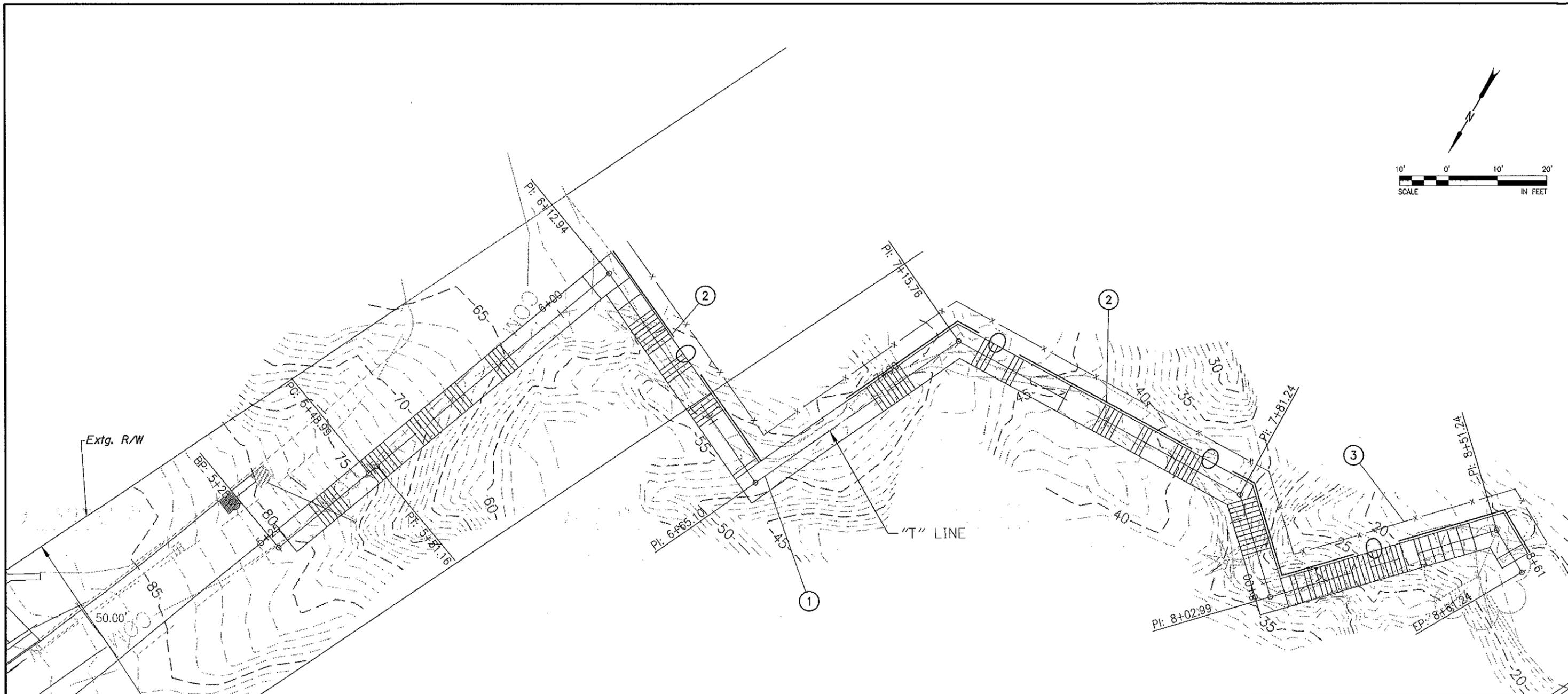
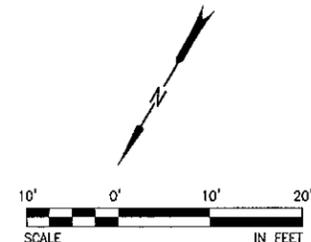


VICINITY MAP
N.T.S.

PROJECT LOCATION

T. 10 S., R. 11 W., W.M.

	<p>City Hall 169 SW Coast Hwy Newport, Oregon 97365 541.574.0603</p>	
	<p>otak Hanmi Global Partner www.otak.com</p> <p>808 SW 3rd Ave., Ste. 300 Portland, OR 97204 Phone: (503) 287-6825 Fax: (503) 415-2304</p>	
<p>AGATE BEACH ACCESS IMPROVEMENTS CITY OF NEWPORT LINCOLN COUNTY</p>		
	PROJECT NUMBER	508
	x	1



- ① Construct wooden stairway.
(See profile shts. 3 and 4)
(See sht. 5 for details)
- ② Construct handrail
Sta 6+12.94 - 8+61.24
(See sht. 5 for details)
- ③ Install sediment fence per
ODOT detail RD 1040



City Hall
169 SW Coast Hwy
Newport, Oregon 97365
541.574.0603



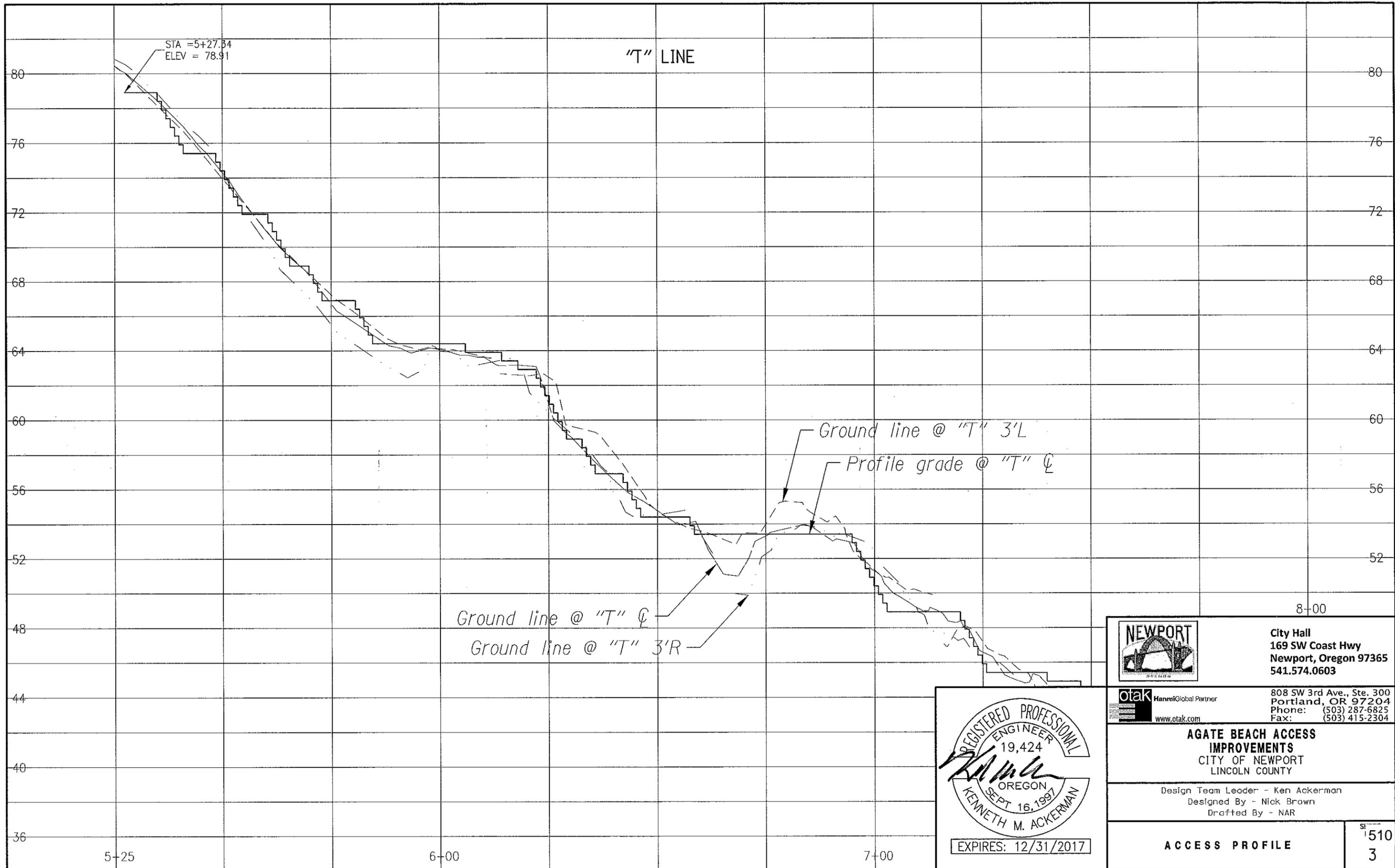
808 SW 3rd Ave., Ste. 300
Portland, OR 97204
Phone: (503) 287-6825
Fax: (503) 415-2304

**AGATE BEACH ACCESS
IMPROVEMENTS**
CITY OF NEWPORT
LINCOLN COUNTY

Design Team Leader - Ken Ackerman
Designed By - Nick Brown
Drafted By - NAR

ACCESS PLAN

SHEET
1509
2



City Hall
 169 SW Coast Hwy
 Newport, Oregon 97365
 541.574.0603



808 SW 3rd Ave., Ste. 300
 Portland, OR 97204
 Phone: (503) 287-6825
 Fax: (503) 415-2304



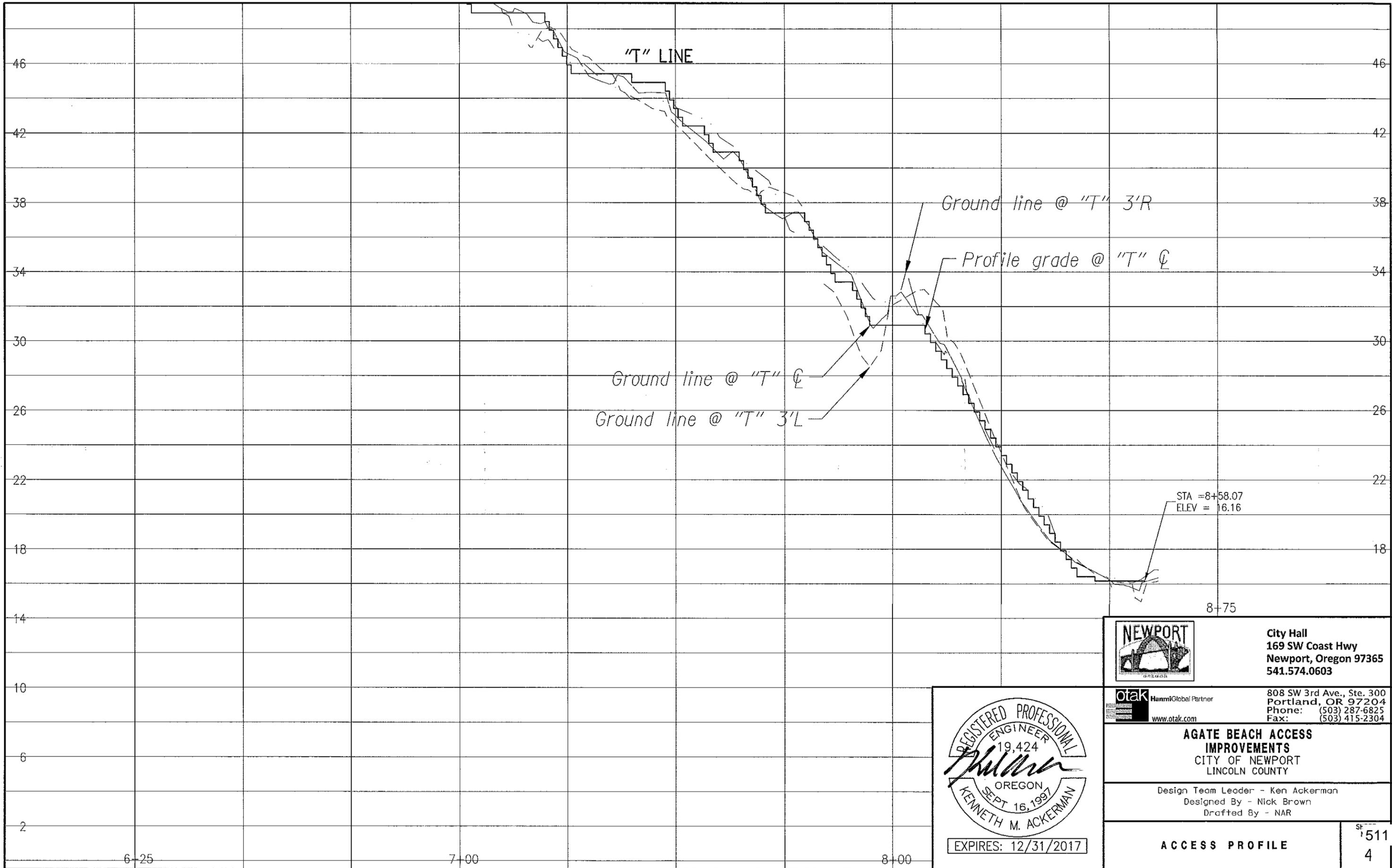
EXPIRES: 12/31/2017

AGATE BEACH ACCESS IMPROVEMENTS
 CITY OF NEWPORT
 LINCOLN COUNTY

Design Team Leader - Ken Ackerman
 Designed By - Nick Brown
 Drafted By - NAR

ACCESS PROFILE

Sheet 3 of 3



City Hall
169 SW Coast Hwy
Newport, Oregon 97365
541.574.0603



808 SW 3rd Ave., Ste. 300
Portland, OR 97204
Phone: (503) 287-6825
Fax: (503) 415-2304

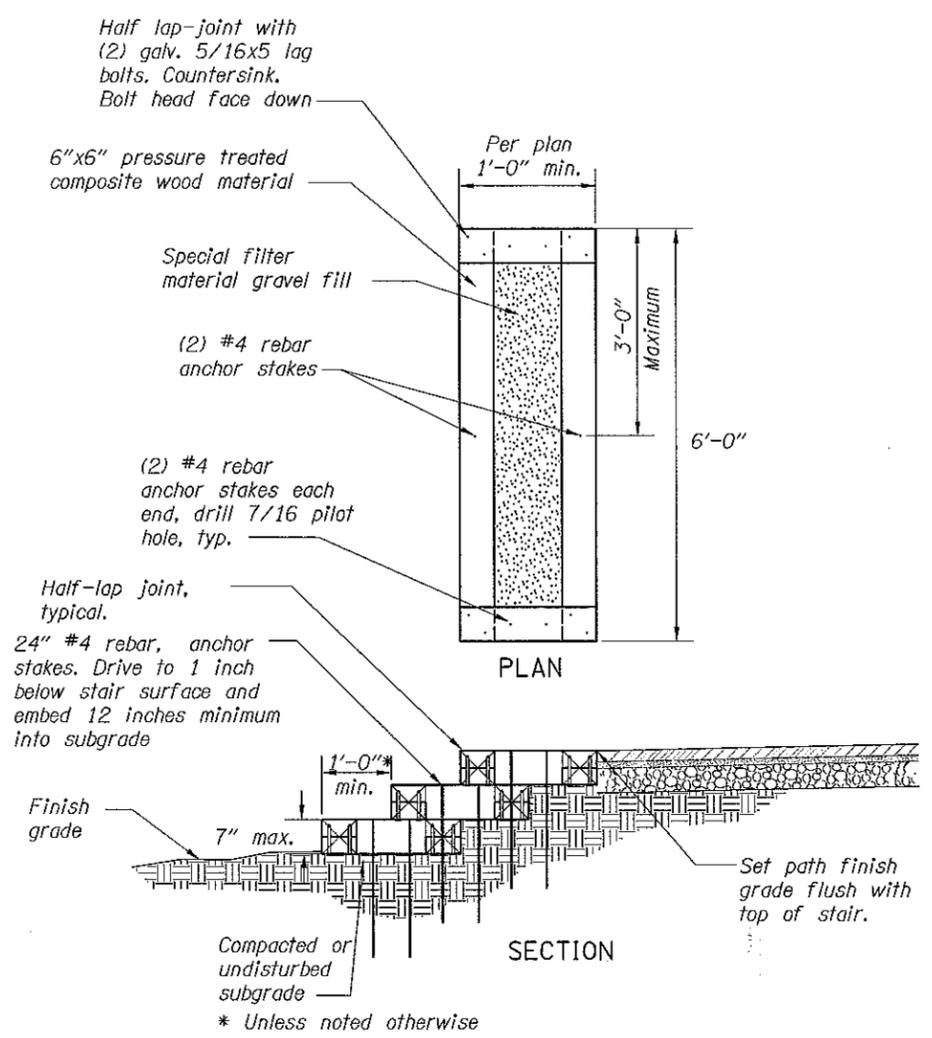


AGATE BEACH ACCESS IMPROVEMENTS
CITY OF NEWPORT
LINCOLN COUNTY

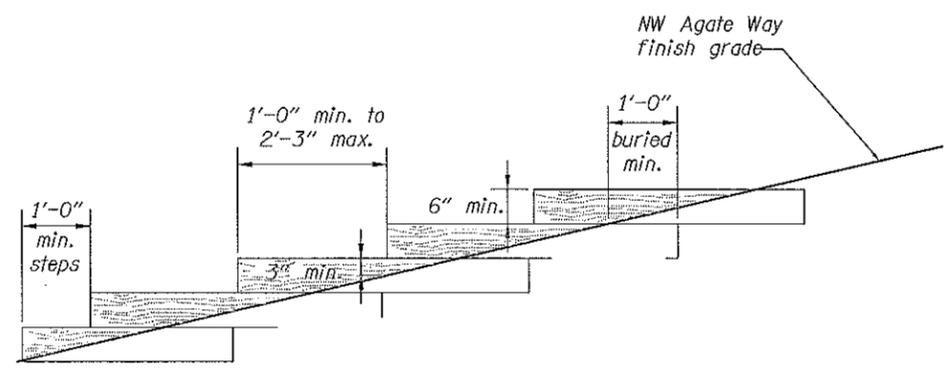
Design Team Leader - Ken Ackerman
Designed By - Nick Brown
Drafted By - NAR

ACCESS PROFILE

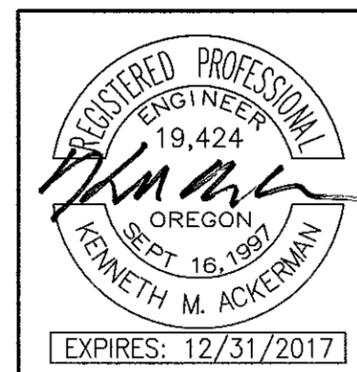
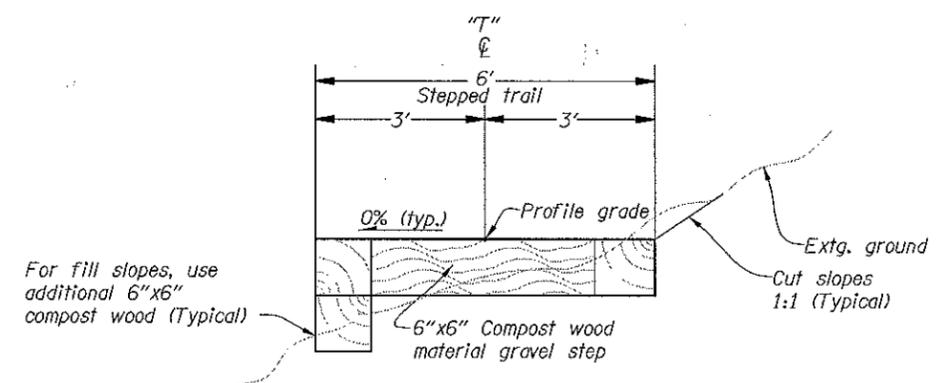
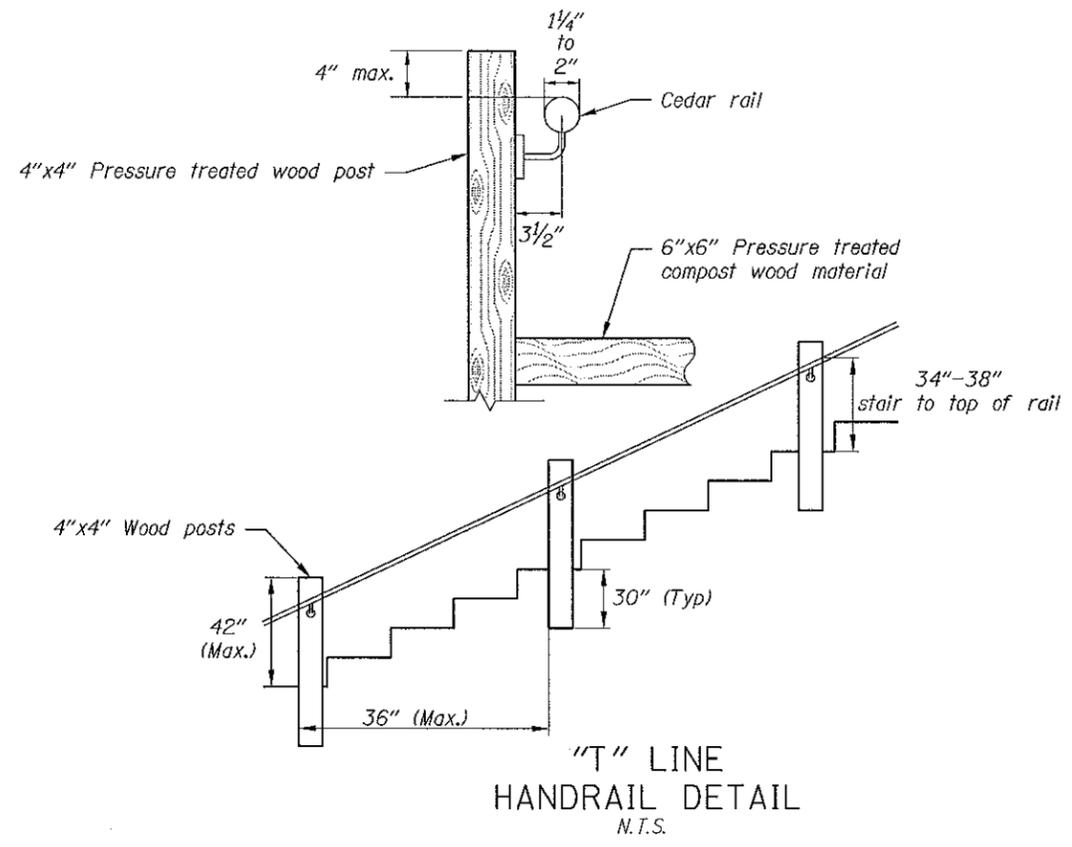
Sheet 4 of 511



WOODEN STAIRS AT "T" LINE
N.T.S.



WOODEN STAIRS ADJACENT TO NW AGATE WAY AT EDGE OF GRAVEL
N.T.S.



	City Hall 169 SW Coast Hwy Newport, Oregon 97365 541.574.0603
 Otak Hanmi Global Partner www.otak.com	808 SW 3rd Ave., Ste. 300 Portland, OR 97204 Phone: (503) 287-6825 Fax: (503) 415-2304
AGATE BEACH ACCESS IMPROVEMENTS CITY OF NEWPORT LINCOLN COUNTY	
Design Team Leader - Ken Ackerman Designed By - Nick Brown Drafted By - NAR	
DETAILS	512 5

Confirmed Bid Tabulation

Project: Agate Beach Recreation Improvements - Stairway Improvements

Project Number: 2013-010

Bid Opening: 8/30/2016

Tabulated by: Jayson Buchholz

				Confirmed 1st Low Bid: Oregon Woods, Inc.		Confirmed 2nd Low Bid: James W. Fowler		Confirmed 3rd Low Bid: KSH Construction		
	Bid Item	Unit	Est. Qty.	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Average Unit Price
1	Mobilization	LS	1	\$7,000.00	\$7,000.00	\$9,000.00	\$9,000.00	\$10,611.11	\$10,611.11	\$8,870.00
2	Erosion and Sediment Control Measures	LS	1	\$1,000.00	\$1,000.00	\$4,000.00	\$4,000.00	\$3,000.00	\$3,000.00	\$2,670.00
3	Construction Survey Work	LS	1	\$4,000.00	\$4,000.00	\$2,000.00	\$2,000.00	\$1,500.00	\$1,500.00	\$2,500.00
4	Clearing and Grubbing	LS	1	\$3,000.00	\$3,000.00	\$3,600.00	\$3,600.00	\$5,000.00	\$5,000.00	\$3,870.00
5	Wooden Stairs	SF	2000	\$31.50	\$63,000.00	\$40.00	\$80,000.00	\$44.00	\$88,000.00	\$39.00
6	Seeding	LS	1	\$200.00	\$200.00	\$1,150.00	\$1,150.00	\$3,000.00	\$3,000.00	\$1,450.00
C. Total Bid Price (Base Bid):					\$78,200.00		\$99,750.00		\$111,111.11	



Agenda Item #
Meeting Date

September 6, 2016

CITY COUNCIL AGENDA ITEM SUMMARY
City Of Newport, Oregon

Issue/Agenda Title: Notice of Intent to Award Agate Beach Recreation Improvements - Stairway Improvements to Oregon Woods, Inc.

Prepared By: JWB Department Head Approval: TEG City Manager Approval: _____

Issue Before the Council:

Notice of Intent to Award Agate Beach Recreation Improvements - Stairway Improvements to Oregon Woods, Inc.

Staff Recommendation:

Staff recommends awarding the Agate Beach Recreation Improvements - Stairway Improvements to Oregon Woods, Inc., in the amount of \$78,200.

Proposed Motion:

I move the City of Newport Public Works Department issue a Notice of Intent to Award the **Agate Beach Recreation Improvements - Stairway Improvements** Contract to **Oregon Woods, Inc.**, in the amount of **\$78,200** and contingent upon no protest, authorize award and direct the City Manager to execute the contract after 7 days on behalf of the City of Newport.

Key Facts and Information Summary:

This project will install wooden stairs from the western termini of Agate Way to the beach. The stairway alignment will follow the current unimproved foot path. The stairway improvements are one component of the overall larger Agate Beach Recreation Improvements. ODOT is currently completing the roadway portion, the storm drain component has been completed and the restroom and outdoor shower facility is yet to be bid.

Bids were opened for this project on Tuesday, August 30, 2016 at 2:00 pm. The bid results are as follows:

No.	Contractor	Total Bid
	Engineers Estimate	\$83,333.00
1	Oregon Woods Inc.	\$78,200.00
2	James W. Fowler Co.	\$99,750.00
3	KSH Construction Co.	\$111,111.11

The apparent low bidder on the project is Oregon Woods, Inc. in the amount of \$78,200.00.

Other Alternatives Considered:

None

City Council Goals:

N/A

Attachment List:

- Detailed bid tabulation
- Project site drawing

Fiscal Notes:

The Agate Beach Recreation project has been broken into four phases. Phase 1 costs were incurred in FY15-16 and is essentially complete. Phase 2 of this project was completed this fiscal year. Actual and projected project costs for fiscal year 16-17 are as follows:

1	Road Improvements to Gilbert Way and wayside parking lot & engineering for phases 2, 3 & 4	\$7,534
2	Storm drainage improvements behind Agate Beach Hotel	\$28,895
3	Surfer access stairway	\$78,200
4	Bathroom facility at wayside (Engineers estimate + 30%)	\$133,380
	Total:	\$248,009

The FY16-17 approved budget has appropriated \$290,975 for the Agate Beach Recreation Improvements project. To date \$36,429.24 has been expended this FY to complete the storm drain infrastructure, associated engineering services, and City requested modifications to the ODOT roadway project. There are sufficient funds budgeted in this fiscal year to complete this project.