



Meeting Notice

Please note that there will not be a 6:00 p.m. Newport Planning Commission work session meeting held prior to the regular 7:00 p.m. session on **Tuesday** (*because of the Monday holiday*), **November 12, 2013.**



AGENDA & NOTICE OF PLANNING COMMISSION MEETING

The Planning Commission of the City of Newport will hold a meeting at 7:00 p.m. **Tuesday** (*because of the Monday holiday*), **November 12, 2013**, at the Newport City Hall, Council Chambers, 169 SW Coast Hwy., Newport, OR 97365. A copy of the meeting agenda follows.

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

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

NEWPORT PLANNING COMMISSION **Tuesday, November 12, 2013, 7:00 p.m.** AGENDA

A. Roll Call.

B. Approval of Minutes.

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

C. Citizens/Public Comment.

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

D. Consent Calendar.

E. Public Hearings.

Quasi-Judicial Hearings:

1. Continued Hearing on File No. 2-NCU-13. Further consideration of a request submitted by Douglas & Verna Fitts (Dennis Bartoldus, authorized agent) for approval per Section 14.32/"Nonconforming Uses, Lots, and Structures" of the Newport Municipal Code of the alteration and expansion of a nonconforming use. The property, located at 392 NW 3rd Street, is currently being used as a mobile home park (Surfside Mobile Village). On October 28, 2013, the Planning Commission opened the public hearing on File No. 2-NCU-13, took testimony, and continued the public hearing to tonight's meeting.

F. New Business.

G. Unfinished Business.

H. Director Comments.

I. Adjournment.

Draft MINUTES
City of Newport Planning Commission
Work Session
Newport City Hall Conference Room 'A'
Monday, October 28, 2013

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

Planning Commissioners Absent: Glen Small (*excused*).

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

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

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

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

A. New Business.

1. Discussion about developing concepts to kick off a new North-Side Urban Renewal District. Tokos said that this was the kick off conversation about the process of the feasibility to form an Urban Renewal District (URD) north of the bridge. He noted that the City used to have a north-side district for many decades, but it is effectively closed. Tokos had a PowerPoint presentation to outline some of the information in the materials he gave the Commissioners in their packets. He included a brief overview of the statutory considerations, which were in the staff memo; the rationale for forming a district; the feasibility study framework; and the initiation concepts. He was hoping to get the Planning Commission's recommendation of whether this sounds like it's going in the right direction or not and if the Commission has an opinion on appropriate study area boundaries. Tokos explained that an urban renewal program is to improve certain parts of a city; those that are poorly developed or underdeveloped. It's called blight. It might be an area with no sidewalks, substandard streets, where the development is dated and old and not worth as much as it otherwise could be on the tax rolls. Also in these areas you typically don't have the best quality of life either. An Urban Renewal District is developed through public process.

Tokos noted that this proposal for the north side is entirely within the City, so there is no requirement that the County approve it. In South Beach there was because portions of the district are in unincorporated areas. A feasibility study would be done first. Assuming an option comes out of that, the Planning Commission and the City Council will actually form a district where it gets into more detail. Tokos explained that once formed, a URD provides a funding mechanism; tax increment financing. It's not a new tax. It taxes a portion of the existing tax base and allows for it to be reinvested back into an area. It allows the district to upgrade public infrastructure; to buy and assemble sites for development or redevelopment; and it allows the district flexibility to work with private parties that we don't have with the Council. Tokos said that raises the question of whether the Council should consider a separate Urban Renewal body as in the past. He said there is an Urban Renewal Agency that exists. Currently it is the City Council, which is commonly done. They have to open their meeting separately. The City had a separate body back in 2007 or 2008. Fisher gave a background story of how there was a disagreement, so that body was dissolved and the Council took over those duties.

Tokos explained that the most common type of projects under an Urban Renewal District are construction of streets, utilities, water lines and sewer lines, burying utility lines, and other public uses. The Performing Arts Center, City Hall, the Visual Arts Center, and the Parks and Rec Center all came in under the prior north-side URD. Also included were the Bay Front boardwalk, the Abbey Street Pier, and the Archway and turnaround walking area in Nye Beach. Tokos added that most people probably don't realize how much water and sewer work was done under the north-side URD. Fisher asked if two districts can overlap. Tokos said no they can't, but the Nye Beach district is done. He said it is officially closed as soon as a minor obligation debt is wrapped up within the next six months or so. So, it is effectively closed; and that increment was released. Tokos continued that other projects can be for the demolition or rehab of buildings, acquisitions and improvement of property, and repair of property.

Tokos explained the concept of tax increment financing. At the time a URD is put in place, the tax base is frozen in place (i.e. a frozen base). Every increment above that goes into urban renewal; and that is what finances projects. Tokos said, assuming that it's 3%, that 3% increment each year is what would be funding the URD. He said that a given year's annual collections usually isn't enough to fund a project; so a financing plan is put in place and you borrow in phases and pay that back with those increments. Berman asked if then we get a plan and wait for the money to build up; and Tokos said it takes a few years. Patrick asked how long the South Beach URD is running. Tokos said that he thought it maybe began in 1982. It was extended in 2007 or 2008 to 2020. The City let the north-side go so that that increment could be released. Croteau asked when the frozen base is

established; and Tokos said at the time the district is put in place. The base will be whatever you are getting at that point in time. He said at some point, when it is put in place, the base would be frozen at a certain level. It is based on the assessments at that time. They cannot go backwards. The collected increment is invested into capital projects over a period of years. The assessed values are increased; and when it is released, the taxing entities benefit from the growth in assessed value attributed to the URD investments. Tokos had included a 2012 report from Elaine Howard, LLC because he thought it might be interesting for the Commissioners to see. He noted that there were some 40 odd districts formed over the last ten years. He showed the districts that had closed since 2002. For the Newport north-side that closed, the frozen base was \$9,910,265; and the excess value at closing was \$33,666,500. Tokos gave an example that a district is created and say that a fire district is part of that URD; if there is a project for a public improvement such as a new fire hall, that's a benefit to the fire district that occurs during the period of time that the frozen base is in place.

Tokos said that, as explained in the staff memo, under ORS 457.420 we have limits. The City can only have so much in urban renewal at any given time. We can have no more than 25% of the total assessed value within the city limits and no more than 25% of the city's acreage. He said that what hurts us a bit in South Beach are portions of the district that are outside the city because they still have to be counted against the city's overall assessed value and acreage. He said that the City may want to pursue annexation to address that. Once they are in the city, it equals out. Patrick agreed that is the long-term goal. Tokos said that the South Beach URD otherwise is just under 13% of the City's total assessed value. Just a little over half of our threshold is tied up in South Beach. He said it is a larger percent of our total acreage. There is only about 600 acres left, unless we factor in future annexations. With the 307 acres of the city reservoir site, that goes up to 677 acres of capacity. Tokos said that the South Beach URD closes in 2027; 2020 for new projects, and the last seven years for debt retirement.

Fisher talked about how there were those that had wanted to take all of that South Beach Urban Renewal money to build a convention center, and the urban renewal folks said no, it's mainly for infrastructure. The convention center eventually fell through, and the money was available to do infrastructure like streets, utilities, and undergrounding. He said he would hate to see something like this happen and build something like an "Eiffel Tower". Tokos said it has to do with the plan and what it says. He said the more general it is, the more flexibility there is to do what Fisher was just talking about. The more specific it is, like the current South Beach plan, there is not a lot of wiggle room. Patrick thought that if the City is limited to 25% assessed value and 600 acres, we will run into the money sooner than acreage. Tokos said it would be pretty close. He said that he doesn't have the new assessment rolls yet, so the numbers are ballpark and would be fleshed out during the feasibility study process. He noted that if the pockets in South Beach were annexed, in addition to the reservoir land, the allowance for the north-side would increase to 762 acres. Patrick asked, and Tokos explained that districts do not have to be contiguous; you can have two distinct pockets. Tokos continued that ORS 457.190 sets the city's maximum indebtedness for each new urban renewal plan at \$50 million. If you go over that, you have to have the taxing entities buy off. The maximum indebtedness for the South Beach plan is \$38,750,000.

Tokos' PowerPoint presented how we got here to this conversation. He explained that there had been a lot of work to get to this point. Throughout 2010-2012 the City did an economic opportunity analysis. There was a lot of analysis that went into that work. ECONorthwest was brought in to assist with data collection, mapping, and technical analysis. There was a large Technical Advisory Committee formed. He presented a list of the names of the members and their affiliations. The employment lands were inventoried. There was a summary of the City's economic development objectives. He said we went through a long, lengthy process to get there. Part of what came out was the improvement to land ratio values, which gives a good sense of whether these properties are really valuable and if they are really adding to the tax base. If there is a low improvement to land value ratio, then a property is at a point where it will likely be redeveloped. He said along the corridors, you see vacant buildings and old commercial buildings that are not desirable to prospective tenants. This study just bore it out; the corridors are dragging us down. One recommendation that came out of the group was for the City to encourage better use of underutilized commercial properties by evaluating the creation of a new URD north of the Bay.

In 2013/2014, the City Council said they were taking the first step in implementing these policies with a goal to prepare the initial concepts for a new north-side Urban Renewal District from the bridge to Walmart. Tokos thought that at least one of the concepts needs to fit closely to that, but that doesn't mean something couldn't come in to pull in Agate Beach as Patrick had mentioned. He thought we should have up to three feasibility study concepts in order to have a variety. A broad range of project categories would be developed and high, medium, and low projections would be prepared for assessed value growth. Here it would be very general; but as we move forward, we would want to get very specific. The analysis would be summarized in a memo format with an estimate of financial impacts to the other districts. We would then meet with the taxing entities to get their feedback on which approach to take. ECONorthwest would be retained to assist. The cost would be up to \$10,000 for that. CDD has funds budgeted for that this year. Tokos said we want a third party to develop those numbers.

Berman asked if the impact is that these districts don't get any of that 3% increase. Tokos said it can be set up that way. You can also elect to take partial increments. It has to be fleshed out. He thought on South Beach there was a percentage increment that it took; but he would have to look. The feasibility process is where we would flesh out what the impacts would be and what the options are in setting that. Tokos presented a list of affected entities, which includes Lincoln County, LCSO, Linn-Benton-

Lincoln ESD, Lincoln County Extension Service, OCCC, Hospital District, Port of Newport, and Lincoln County Transit. Berman asked, and Tokos said that they don't have to sign off on it. It goes through public hearings process. Taxing district sign-off is required if the city proposes a maximum indebtedness limit that is over the \$50 million. Patrick said that we could go over later on, but we have to get permission. Tokos agreed, saying that we have to go through a substantial amendment formal hearing process because we are messing with our indebtedness.

Tokos continued, that Phase II is forming the district. He said that assuming there is general consensus on an approach to take coming out of the feasibility study, we would actually form a district where we would identify specific projects and prepare cost estimates, detailed assessed value growth projections, and findings establishing blight conditions and that the urban renewal plan conforms to the Comprehensive Plan. Presentations would be made to the affected taxing districts. There would be additional community outreach. Finally there would be the Planning Commission and the City Council hearings. Tokos said we are having this conversation now because we wanted to use the most recent tax rolls coming out in October. We can move this process along as soon as that comes out.

Tokos showed the Transportation System Plan concepts. He noted that in putting a URD concept together, we want to think about what we have in the Comprehensive Plan for future capital projects. That should be what we are using to put projects together and for setting the district boundaries. A lot of this work has already been done. The map Tokos presented shows the concepts to do that couplet that would split traffic on US 101 downtown. Options were to utilize SW 7th Street or SW 9th Street. Those are expensive projects that urban renewal could be a potential funding source for. Tokos noted that we don't finance everything in South Beach with urban renewal money. The Safe Haven Hill is \$200 thousand from urban renewal and \$600 thousand from FEMA. The Hatfield project was less than \$2 million urban renewal and about \$1.1 million from State. The 35th and 101 improvements are \$2 million State and \$1.5 million urban renewal. Tokos said that having urban renewal funds puts you in a position to come to the table and leverage other resources. It puts you in the front of the line with more limited funding coming from the federal level. He said that if you put 30%, 40%, or 50% down, that is a big deal. Tokos presented a concept map showing what a new district boundary might look like. Indicating on the map, Tokos explained that Area 1 picks up the areas with the lowest improvement to land values from the Economic Opportunity Analysis. It encompasses a little over 500 acres and 9.8% of assessed value; keeping the city under the 25% limit. If you draw it to include Fred Meyers and Walmart, it puts the district over 600 acres and 1/2% over 25%. That could be added, but we would probably have to take a few properties strategically out; or if we did the South Beach annexation, it would change it a little bit. If the reservoir annexation went through, we would be fine for acreage but still over on assessment. The next slide showed that he tucked it tight to the commercial districts. Both 9th and 7th Streets are entirely in. That is one of the TSP concepts, so you would want it in. It is retail and heavy commercial for the most part. McIntyre asked what the benefit was of having the Walmart and Fred Meyers section in a URD. Patrick said it is the Council's goal to underground those utilities. McIntyre thought that is probably one of the better parts of the city. Tokos said the intersections could use improvement. The only real area for development would be the Safeway property. There is some potential there; but that's about it. Patrick suggested maybe if we just cut Walmart out, we possibly could do this. Tokos said there are some other places like some heavy commercial off Yaquina Heights that we may not want in there. We probably would want to have the batch plant in there because it is at the intersection of Hwy 20 and John Moore.

Tokos said that he just wanted to give the Commissioners something showing what 600 acres and an additional 12% might look like. He believes that we could form a pretty meaningful district. This may change with the 2013 assessed rolls, but we would be able to do something that addresses the three areas along Highways 20 and 101 that have the most depressed value. Croteau suggested that we could go further up 101 into Agate Beach if we had any extra. Tokos agreed that there is a lot of infrastructure work that could be done up there. He noted that this area depicted is exclusively commercial. It's solely focused on commercial. In Agate Beach we can get into residential properties easily. He said that maybe we could have ECONorthwest include that and have a conversation about the benefits of involving residential versus all commercial. Patrick agreed that gives options, but he thinks that sticking fairly tight to the corridors is what we want to do. Berman asked if you can develop them as you go along, like if you decide you want to buy the old Salvation Army building and tear it down. Patrick said that NOAA wasn't in the original plan. Tokos said we had to do an amendment. Tokos said these are living documents; and it is expected that you will have a fairly large number of amendments over time. When you form a district, the detailed plans may make sense but then some opportunity comes along in the next 5-10 years and you might want to come in and adjust that. He noted that we have a nice structure to the South Beach plan. We put in detail as much as we could and in other areas set out categories knowing that they would be refined in the future. Then you can do that as a minor amendment because that concept is already in the plan. He gave an example of public structure construction. If you had that public structure concept in there and it had to be refined, then it would be a minor amendment. Tokos said that is the way the South Beach plan is structured. The north-side was a very old plan and was very general and very flexible. The South Beach plan has just bullet categories and breaks them out by phasing, which gives them relative priority. In South Beach, projects have been moved from Phase 1, 2, or 3. There were some Phase 1 projects that didn't get done, and we are done with that element of the plan.

McIntyre asked how the hospital fits in. Tokos said that is something that we want to talk to them about because they have expansion plans. But any project of consequence will have impacts on somebody. He said that the couplet opens up additional commercial property for development. It would make those properties abutting it more attractive for development. Then the

city center can redevelop. Those types of projects have the potential of positive impacts on assessed values. Croteau asked if there was any talk about moving the armory. Tokos said there has been some conversation about if we can't move them up to the airport. He believes there may be a reversionary clause in the deed. He doesn't know definitively that the state would give us the property back; but there is opportunity there. It's maybe not the best for the armory to be in the city center; maybe it's better at the airport. We have the FAA grants to revamp the runway because they feel that the Newport airport will be accessible in the event of a catastrophe. So maybe it would be nice to have the National Guard down there with all of their equipment.

Tokos said that his question to the Planning Commission is if this sounds like a reasonable approach. He will have a similar conversation with the City Council at their next meeting; and he can convey the Planning Commission's thoughts. Tokos said at the regular meeting, the Commission could make a motion if they wanted to pass something along. Patrick said he was happy with it just being informal at this point. He thought that \$10,000 for the study sounds good. He thought a concept with what is shown here and maybe adding an option for Agate Beach. Fisher thought the idea is reasonable, but said that the devil's in the details. Croteau thought maybe we could incorporate an option of what would happen if the annexation of the reservoir and the pockets in South Beach happen and would increase our assessment base and our acreage. Tokos noted as a third option a bigger concept based on annexation.

Berman wondered if there were any other areas for potential urban renewal. Patrick said that other than South Beach, which already has a district, there are Highways 20 and 101 and Agate Beach. Nye Beach used to be in a district. Croteau wondered if through this we could think of a new bridge or bridge construction. Patrick said it is too far out and too much money. Croteau said that what we do through urban renewal might be impacted by an additional bridge. Tokos said that if this is a district that will be closing in the next twenty years, the only thing with the bridge might be funds for part of the study work. The rationale would be that by contributing money for planning, it might make the replacement process go smoother and faster. Patrick thought maybe it could be in there as a line item. Tokos said we are just starting the bridge planning work. In terms of actual replacement, it's likely 40-50 years.

Tokos said that what he got from the Commission is that they are comfortable with the approach and are in favor of three scenarios: the district just shown, an Agate Beach option, and a US 20 and 101 option that is a little bigger that includes acreage through annexation.

Patrick thought an Agate Beach option could help the north entry to look better. In answer to a question, Tokos said that the City has an ODOT Scenic Byways grant to improve the parking area up by Roby's with restrooms, showers, surfer access, and Gilbert Way will get completed. Fisher asked about OMSI in South Beach. Tokos said that South Beach Urban Renewal is actually putting in a large amount of money for that with close to a million dollars between 30th and Abalone and probably a little more from OMSI and Investors XII. It is a three-way contribution.

Tokos will add a slide to this PowerPoint for the City Council talking about what the Planning Commission's conversation has been. He noted that the City Council, probably as the Urban Renewal Agency, can initiate the feasibility study; and we will retain EcoNorthwest. When we actually do the plan, it has to go through hearings before both the Planning Commission, who makes a recommendation, and the City Council.

B. Adjournment. Having no further discussion, the work session meeting adjourned at 6:56 p.m.

Respectfully submitted,

Wanda Haney
Executive Assistant

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

Commissioners Present: Jim Patrick, Jim McIntyre, Rod Croteau, Mark Fisher, Gary East, and Bill Branigan.

Commissioners Absent: Glen Small (*excused*).

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

A. Roll Call. Chair Patrick called the meeting to order in the Council Chambers of Newport City Hall at 7:00 p.m. On roll call, McIntyre, Croteau, Patrick, Fisher, East, and Branigan were present; with Small absent but excused.

B. Approval of Minutes.

1. Approval of the Planning Commission work session and regular session meeting minutes of September 23, 2013.

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

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

D. Consent Calendar. Nothing on the consent calendar.

E. Public Hearings.

Patrick opened the public hearing portion of the meeting at 7:02 p.m. by reading the statement of rights and relevance. He asked the Commissioners for declarations of conflicts of interest, bias, ex parte contacts, or site visits. Croteau and East both declared site visits. Patrick asked for objections to any of the Commissioners or the Commission as a whole hearing this matter; and none were heard.

Quasi-Judicial Actions:

1. **File No. 2-NCU-13:** Consideration of a request submitted by Douglas & Verna Fitts (Dennis Bartoldus, authorized agent) for approval of a request per Section 14.32/“Nonconforming Uses, Lots, and Structures” of the Newport Municipal Code, for the alteration and expansion of a nonconforming use. The property is currently being used as a mobile home park (Surfside Mobile Village). Specifically, the applicants are requesting to be allowed to have 24 permanent spaces and 3 RV spaces; expand the park for a screened storage area; and to be able to replace mobile homes with “park model” homes. The property is located at 392 NW 3rd St (Lincoln County Assessor’s Map 11-11-05-CD; Tax Lots 10500, 10600, 10501, 10700, 10800, 10300, 10200, 10100, 9900, 9800, 9700, and 9500).

Patrick opened the public hearing for File No. 2-NCU-13 at 7:03 p.m. by reading the summary of the file from the agenda; and he called for the staff report. Tokos noted that the meeting packet material included the staff report, which includes the description of the request, the relevant criteria, and staff analysis related to those. He said that the staff report included a number of attachments, and he went through those. Tokos said that the request before the Planning Commission is for the alteration and expansion of a nonconforming use. The standards required by the NMC are outlined in the staff report. The first is verifying the nonconforming use. That must show that the use was lawfully adopted and no longer complies with the code. The property was zoned R-4 in 1973. The standards within that zone have changed for manufactured home construction. The set of standards for a manufactured home park today is different than in 1973. That is why this use is nonconforming.

Tokos said that there are some issues of verification that still need to be addressed related to the original 1973 approval, which covered a portion of the park. The entire park wasn’t covered under that permit; namely, Tax Lots 10600 and 10800 were not part of that original approval. Tokos said that the applicant needs to submit additional information to establish those were lawfully established at the time. Assuming the Commission can verify that what is there is nonconforming, then the question is if the expansion as proposed will cause any greater adverse impact; and Tokos went over the list of criteria against which the application is evaluated to determine that. Tokos noted that Attachment “F”, the 2007 aerial photo, shows the two proposed expansion areas in green. He said that there are a number of residences along NW 5th Street where the proposal is for storage. In the staff analysis, it states that the applicant needs to provide additional clarification on what is being proposed there. Tokos said that he understood, however, that tonight the applicant will be proposing to remove that area.

Tokos said with respect to the adequacy of water, sewer, and storm drainage, one of the things the applicant should clarify is exactly where the lines and the easements cut through the property relative to where the units are placed so that we can confirm that those lines are able to be serviced. Tax Lot 10700 is where the additional units are to be placed. It is oriented toward 3rd Street, and given the terrain, vehicle access will likely be off 3rd Street through a driveway with a turn-around. It needs to be depicted on the site plan so we can determine if it is adequate for the fire safety standards part of the statute. Tokos noted that the Commission will find discussion in the staff report that one standard requires that each lot has to be 30' x 40'. He said that it appears that all units meet that except for one, No. 25; but he believes this can be done by revising that space. The applicant needs to look at that. Tokos said that the Commission may want to consider requiring that the new units, or as units are replaced, meet the current manufactured dwelling code. It should be addressed as they are swapped out or newly constructed.

In the matter of sidewalks, Tokos noted in the staff report that Hurbert does not have them by and large. He said that one thing for the Commission to weigh, is that frontage improvements are typically addressed when there is development. The Commission may want to consider whether this development warrants that sidewalk should be installed or whether a non-remonstrance agreement would suffice. He said that, as the Commission is aware, that's not an issue on 3rd Street where the City just put in sidewalk as part of an infill project between Coast and 101.

Tokos said those are some of the different factors involved with the application. Staff's recommendation is that the Planning Commission not make a decision tonight; but take testimony and let the applicant make changes to the proposal. Based on what they hear, the applicant can bring the proposal back in a condition where action can be taken in a future meeting.

Proponents: The applicant's representative, Dennis Bartoldus, PO Box 1510, Newport, testified along with the applicant, Doug Fitts. Bartoldus said that as Tokos had indicated, tonight they would address some of the issues listed in the staff report and have the hearing continued to the next meeting where they can answer questions that might be raised at this hearing and make some of the changes Tokos discussed. Bartoldus said they are proposing 31 total lots; 24 are mobile homes, and 7 are RVs. He noted that this park has existed since the 70s. The only additional units being proposed by this application would be on Tax Lot 10700, which would be three mobile home sites with something like the park models the Commissioners have seen. Bartoldus said that one of the things that is important is that as noted in the application this is housing for seniors. This is housing for individuals 55 and older and really does provide affordable income housing. Bartoldus said it is an amazing park in how it has been maintained. It is neat and clean and well laid out, and the buildings are in very good repair. Bartoldus noted that the reasons they did this as an alteration and expansion of a nonconforming use was not only because of the three units but also basically to verify what has been existing for a number of years. Bartoldus said that he understands that Tokos wants more information, and they can provide that. Bartoldus said that one thing he noticed in the 1973 approval for Tax Lot 10500 is that it showed the legal description as Lot 2 Block 10, which should include Tax Lots 10600 and 10700. He said, thinking back at the time of the application, what they intended was to include Tax Lot 10600; which were old cottages existing at that time. The cottages were taken down at some point of time and replaced with manufactured homes. Bartoldus thinks largely this has been approved in the past, but they can give additional information on that.

Bartoldus said one thing that they will be providing to the three units on Tax Lot 10700 is a driveway from 3rd Street with a turn-around in the middle of that. He said with regard to the easements; there are a couple recorded in the 60s and 70s. They can locate those and would address that. He said they are not changing any improvements where the easements exist. There is nothing new there; only on Tax Lot 10700, and there are no easements through there. He noted that if there is something over the easement now, it has been for 30-40 years. Bartoldus noted that Fitts has indicated that a while back, the City put a liner inside the sewer line, and they had no trouble doing that. He said they can talk to Public Works. They are not putting in anything that is not already there that hasn't existed for many, many years; but they can work with the City on that. He said there is an issue with the storage area, and they understand the concern about that. Bartoldus said that after talking with his clients, they are going to withdraw Tax Lots 9500, 9700, 9800, 9900, 10100, 10200, and 10300 from the application entirely. Those are the residentially zoned lots along 5th Street, and there is quite a difference in the terrain there from the rest of the park. That was going to be storage, but it's not critical to the proposal. So, they chose to just go ahead and remove that proposed storage area from the proposal. Bartoldus said that there had been some comment about fill material. He noted that was actually placed there by the City who asked if they could deposit fill material along there. One other issue was sewer and water within the park. All units are connected to the system in the park. Space 25 on the drawing is shown as having a smaller area. He just went back by that, and they can easily accommodate a 30' x 40' lot size. The street width will still exist. They will submit a revised drawing.

Bartoldus said that as he had mentioned, the reason they are doing this as an alteration and expansion of a nonconforming use is to make sure everything is brought together under one roof and everything has been properly approved. Some approvals were old and some were a little less than crystal clear than with what exists today. So, they thought that as long as they were adding three units, it would be wise to address all of those issues all at once. Bartoldus requested that the hearing be left open to provide additional comments until the next meeting on November 12th. He thought the Planning Commission could make a decision at that time.

Patrick asked if he understood correctly that they were completely withdrawing the storage area proposal. Bartoldus confirmed yes, completely. He said those are legal lots that would just retain the R-4 zoning and would be individual lots for the future. Branigan asked if there are only three lots that they would be putting park models on. Bartoldus said yes; Tax Lot 10700 would be divided into three mobile home spaces that would have park models on them.

Fitts noted that old single-wide homes are becoming a thing of the past. They are only good for so many years. They will be torn out and will require a new one coming in. Most all new homes have pitched roofs, sheetrock walls, and Hardiplank siding. People can't get financing on mobile homes through banks. That is why park models, or whatever, are good. Fitts noted that in the last three years they have had vacancies that they never have had before. He said that as the Commissioners can see on the brochure for the park model, they look pretty nice. He noted that the individuals own their homes in the park. McIntyre asked what the lot sizes would be for the park models, and Fitts said 40' x 30'. Tax Lot 10700 will be the parcel they are on, and it can provide the lot sizes. McIntyre agreed that it is 60' deep at the present time.

There were no other proponents present wishing to testify.

Opponents or Interested Parties: John Howell, 396 NW 5th Street (Tax Lots 9000 and 8900). Howell said that he is not really opposed but wanted to make a point of clarification in terms of the material submitted. One of the applicant's findings of facts states that north of 5th Street, some of the single-family residences have lots less than 3,000 square feet. He said that one of his lots is less than 3,000 square feet, but he also owns the lot next to it. He believes that the house at 384 NW 5th Street on Tax Lot 8800 is on 3,150 square feet. Howell just wanted the Commission to be aware of the lots on the other side of 5th Street in case the storage area comes into discussion again; he understands that it has been withdrawn.

James Warren, who lives up off 3rd Street on Lee Street right above Tax Lot 10700, made a comment. He noted that the park models will be just to the west of him. He said that Fitts keeps his place really well and is always working on it. Warren said that he has full faith that Fitts will continue to do that. One thing Warren is concerned about is generator noise. He wondered if that is one of the things being considered. Will any of these park models be using generators? He said that the RVs that do use them really shake their house, and he has a concern when those fire up. He said that if the park models use generators on a regular basis, then that would be something he was opposed to.

Patrick read into the record a letter from James Raske, 406 NW 5th Street, which was hand delivered by a neighbor because Raske was unable to attend the meeting to provide his oral testimony. Raske's letter stated the reasons why he did not want the storage on 5th Street and asked that he be kept updated because he had to work rather than attending the hearing.

There were no other opponents or interested parties present wishing to testify.

Rebuttal: Bartoldus and Fitts returned for rebuttal. In regard to Mr. Warren's concern over the use of generators, Fitts noted that all park models that are going up on that lot will be permanently fixed to electricity. They are not RVs, although technically he guessed park models are considered as RVs. They will be permanently placed. Fitts said they wouldn't allow that in the park.

Bartoldus said that one of the concerns that Mr. and Mrs. Fitts have is that 5th Street is narrow, only about 20 feet of right-of-way; but many people think that they can use the Fitts' property for parking. He said that he had snapped a photo tonight of a car parked on the Fitts' property. Bartoldus said that the Fittses are not putting storage on their property and would ask people to respect their property lines as well and understand that is private property.

Again, Bartoldus said that they are requesting that the hearing be continued until November 12th to address the matters Tokos had indicated. He said that they are glad to do that in order to make sure the record in this matter is complete.

MOTION was made by Commissioner Branigan, seconded by Commissioner Croteau, to continue the public hearing for File No. 2-NCU-13 to November 12th in order to address the concerns that staff has and consider the additional information that Bartoldus said they would provide. The motion carried unanimously in a voice vote.

F. New Business.

1. Branigan's notes from the Planning Commission training that he and Fisher had recently attended had been shared with the rest of the Commissioners. He said that he found the training to be very informative. It brought him up to speed on a lot of parts of what Planning Commissions do. He said a lot had to do with LUBA and various cases, and what had been done this year. The other part was a panel of Planning Commissioners, mostly from the Portland area, talking about specific projects and hurdles they had to overcome.

Fisher said that they had pointed out that next year's meeting is in Eugene, which would be easier to attend without having to stay over. He thought that for once this was a worthwhile group session and was four hours well spent. He noted a couple of things. They talked about that on quasi-judicial matters you don't go seeking information. Look at the information that is presented here; don't go any further than that. However, on legislative matters, feel free to dig away. You can try to learn as much as you can on those. He thought that Branigan did a good job of taking notes.

Tokos noted that next year he will be budgeting training funds again as he did this year. He thought it would be great if another one or two Commissioners would go to the next LOC training.

G. Unfinished Business.

1. Tokos gave an update on the Teevin Brothers appeal. The arguments were made in October, and LUBA has indicated that they will have a decision no later than November 12th.
2. Tokos noted that the City has hired a new City Manager, Spencer Nebel, who is coming from Michigan. Tokos said that he had the pleasure of serving on part of the interview process, and he drove the candidates on a tour of the City the following day. He said that Mr. Nebel was the consensus choice. Everybody felt he was the best candidate, and the City is fortunate to get him. Everybody involved felt it was a good vetting process and are excited with the outcome and looking forward to Mr. Nebel's arrival in mid-December.
3. Fisher raised a question on vacation rentals. Tokos said that since he brought it up, he would update the Commission on what is being worked on. The City Council is putting together a business license committee, which may get into VRDs. If it does, they will have to kick it back to the Planning Commission because that is a land use regulation. At that point, we would be able to determine what the issues are and what they want us to look into.

H. Director's Comments. Tokos had no additional comments.

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

Respectfully submitted,

Wanda Haney
Executive Assistant

Memorandum

To: Newport Planning Commission

From: Derrick Tokos, Community Development Director 

Date: November 7, 2013

Re: Supplemental information for Surfside Mobile Village MFD Park Expansion

Enclosed are the supplemental materials submitted by Dennis Bartoldus, attorney, on behalf of applicants Douglas and Verna Fitts, in support of their application to expand a non-conforming manufactured dwelling park (File No. 2-NCU-13). Considering that the information was submitted on November 7th, which is understandable given the research involved, I was not able to prepare findings-of-fact and a final order for your consideration. I have; however, had an opportunity to review the information and recommend that the Commission proceed in the following manner:

With regards to the non-conforming status of the existing manufactured dwelling park, the records submitted by the applicant show park elements approved by the State of Oregon over the years. Unfortunately, they do not clearly establish that development of Tax Lots 10600 and 10800 was properly permitted in the past. The only map that shows Tax Lot 10800, dated May 1973, identifies the property as a play area, not a location where recreational vehicle pads would be located. The map showing development on Tax Lot 10600, dated November 1982, is not signed or stamped by a government agency. I don't doubt that the current improvements have been on these properties for years, and that the applicant has made every effort to follow all applicable requirements. It is just that the records are inadequate to support findings that required permits were obtained. I believe that the most prudent course of action is for the Commission to direct staff to prepare findings approving the development on these tax lots as an expansion of the non-conforming park. I believe that I can prepare adequate findings to that effect, and that it will achieve the applicant's stated objective of cleaning things up with respect to the permit history of the existing park.

As for the public utilities within the park, the map provided, dated June 1973, is helpful in showing the location of distribution lines, culverts and manholes. When compared to the aerial photograph, it is also evident that manufactured dwellings and appurtenant structures extend over many of these facilities. This makes it difficult for the City to exercise its easement rights and access the utilities for maintenance purposes or to address failures. Copies of some of the easements are enclosed (Book 235, Page 557, Book 124, Page 1509, and Book 124, page 1511). Considering that the applicant has testified that a number of the units in the park are

nearing the end of their useful life, I suggest the Commission address this issue by asking staff to prepare findings in support of a condition of approval that would stipulate that as units are replaced, they be situated in a manner that does not impair the City's ability to exercise its easement rights and access these utilities.

With respect to sidewalks along NW Hurbert Street, the applicant notes that much of the street lacks sidewalk and that it doesn't make a lot of sense to install them piecemeal. The staff report indicates that findings can be prepared to support a condition that the applicants sign a non-remonstrance agreement and staff recommends that this course of action be pursued.

The detail drawing provided by the applicant is helpful in establishing that suitable vehicle access can be provided to three park model recreational vehicle units on Tax Lot 10700. The placement of the units does not comport with the proposed lot pattern shown on the primary site plan. While not a major issue, it would be helpful if the applicant were to clarify this on the plans.

The staff report suggests that the Commission consider requiring new units comply with the most recent version of the Oregon Manufactured Dwelling and Park Specialty Code. This would include the Fire and Life Safety Standards listed under ORS 446.100. Staff recommends that the Commission impose this requirement and can prepare the necessary findings.

I believe that all of the other issues outlined in the staff report were addressed with the applicant's supplemental information.

If this approach is acceptable, I can prepare findings-of-fact and a final order for consideration and potential adoption at the Commission's next meeting.

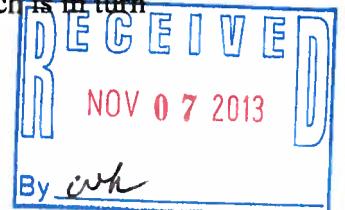
**SUPPLEMENTAL INFORMATION SUBMITTED ON BEHALF OF
DOUGLAS & VERNA FITTS
(Case File No. 2-NCU-13)**

1. The number of spaces being requested is 31 which consists of 24 permanent spaces and 7 RV spaces.
2. The applicant is dropping Tax Lots 9500, 9700, 9800, 9900, 10100, 10200 and 10300 from the request. Therefore, the applicant will not address issues raised in the staff report concerning storage.
3. Submitted herewith is a drawing showing the location of the drainage and the easements. These locations have existed since the 1970s. If there is any improvement over any easement, it is a situation that has existed for over 30 years. There has not been a problem with city access in the past and we do not anticipate any problem in the future.
4. Submitted herewith is the diagram showing the access, layout and turn around area for the 3 units to be located on Tax Lot 10700.
5. A drawing is submitted that shows the change in size of Lot 25. The lot exists and meets the standard for space sizes (at least 30' x 40').
6. The mobile home park has long existed on Tax Lots 10600 and 10800.

The legal description on the application filed in 1973 describes the property as Lot 2, Block 10. Tax Lot 10600 is part of Lot 2.

As has been noted in the staff report, mobile home parks are allowed in the R-4 zone and have been back to the 1970s. In the late 1970s and early 1980s the plans for mobile home parks were inspected and approved by the State of Oregon. Submitted herewith are approved plans showing that Tax Lots 10600 and 10800 were made part of the park at that time and were approved. The uses on Tax Lot 10600 and 10800 have existed since the late 1970s/early 1980s and have at least since that time been part of the park.

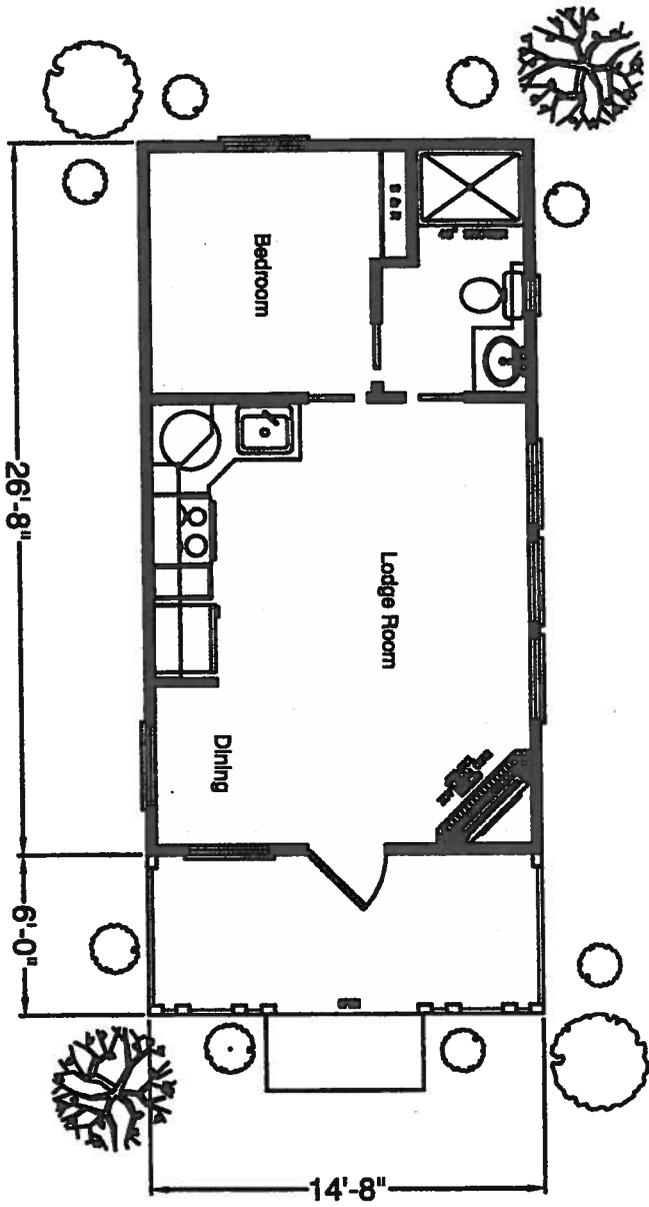
7. Infrastructure exists within the park to serve the 31 spaces. Sewer lines, water lines and utilities were put in to code at the time they were placed. The utilities run to every lot (or will be installed to serve the 3 new lots being created). All the currently existing mobile home and RVs are connected to the parks sewer and water system which is in turn connected to the city's systems.



8. There is no reason to require a sidewalk along Herbert Street as part of this approval. Hurbert Street is already a wide paved street that is not an arterial but a street to access the homes in the vicinity. There is already a sidewalk from the most southerly road entrance to the park off Hurbert Street that runs to Third Street where there are existing sidewalks. Most people walking from the park would be walking up Third to 101 or west to Nye Beach to go to stores. If a sidewalk is ever placed along Hurbert Street in this area it makes more sense to place it on the west side of Hurbert because the topography is not as steep.

It makes more sense to install sidewalks in an entire area rather than piecemeal. If the City decides to put sidewalks in the area then all the owners in the area could participate in the costs. (Personal Note: As a person who has walked extensively in Newport I find it more troublesome to walk through areas where sidewalks are piecemeal. In those areas the walker just generally walks in the street so they don't have to hop on and off the sidewalk.)

9. The staff report correctly indicates that the zoning of the property is R-4, the same as it was in 1973 when the approval was given for the park. The property is still zoned R-4 and a manufactured dwelling park is still a permitted use. The purpose of applying for the alteration/expansion of a non-conforming use is to provide for the addition of the 3 spaces being added and to confirm that the remainder of the park has been acknowledged as approved by the City. For example, there was perhaps some vagueness in the original application in 1973 when Tax Lot 10500 was referenced as the applicable tax lot but the legal description in the affidavit included more land than just 10500. Also, the area involving 10600 and 10800 were approved by the State, the City may not have records showing those were approved. Therefore, the applicant believes it is prudent to make sure there is a City approval on all the area that has historically been used as the park. Additionally, if the applicant had pursued addition of the storage area, that would have required an alteration/expansion of a non-conforming use.



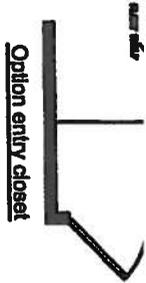
26'-8"

6'-0"

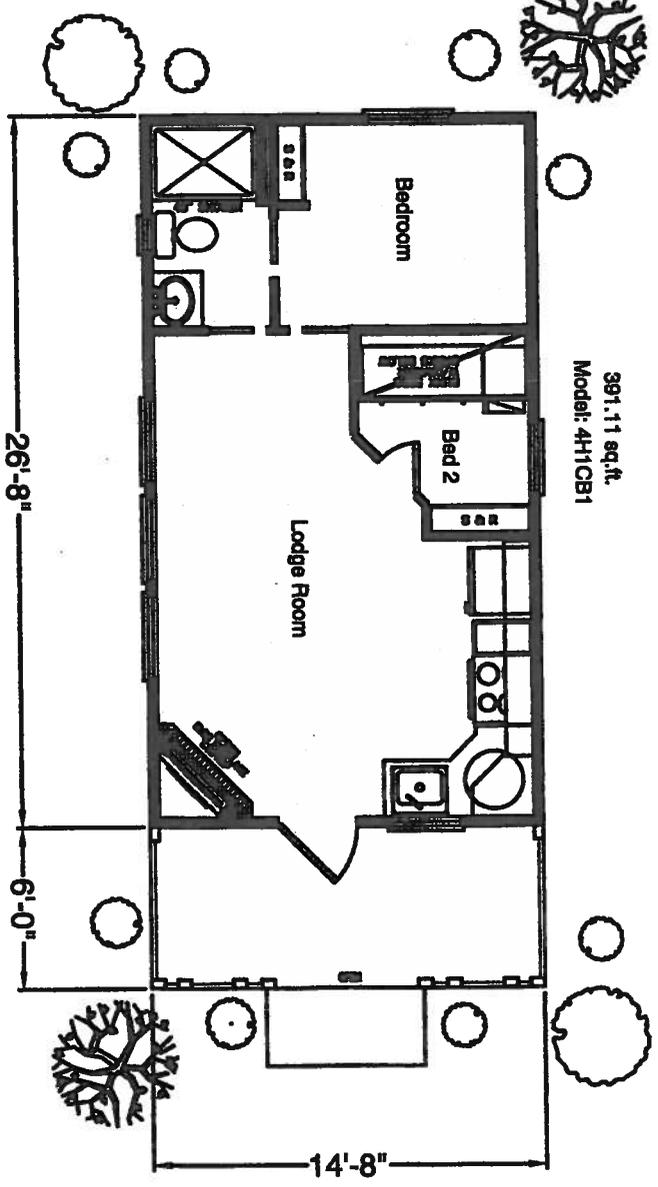
14'-8"

COPYRIGHT © 2010 BY PALM HARBOR HOMES, INC.
All Rights Reserved

391.11 sq.ft.
Model: 4H1CB1



Option entry closet



26'-8"

6'-0"

14'-8"

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All Rights Reserved

391.11 sq.ft.

35500

392 NW 3rd

EXISTING SURFSIDE PARK

N

LOT 10700

PAVED ROAD

EXISTING 4" SEWER LINE

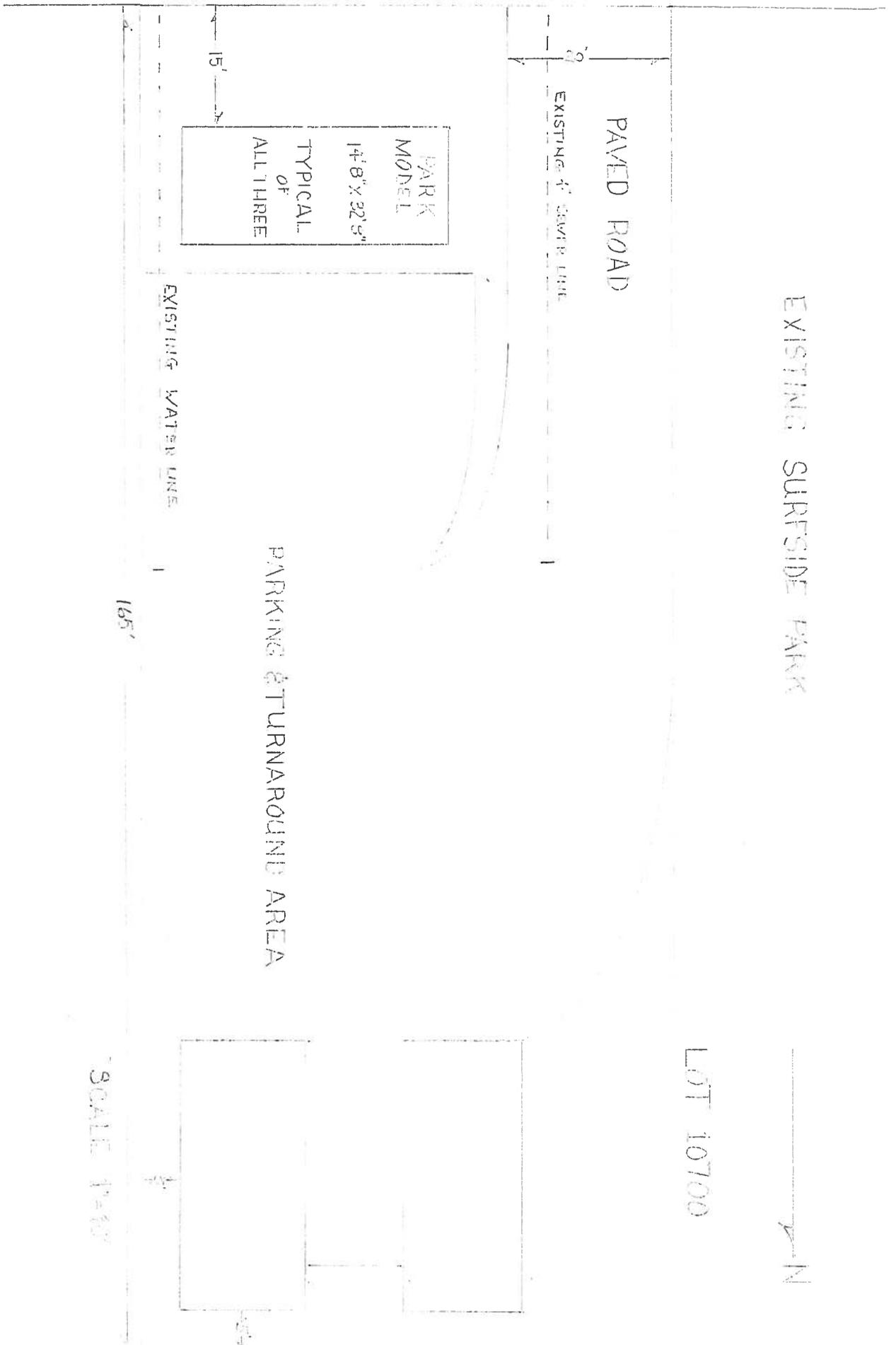
PARK MODEL
14'8" x 32'5"
TYPICAL
OF
ALL THREE

EXISTING WATER LINE

PARKING & TURNAROUND AREA

165'

SCALE 1"=10'



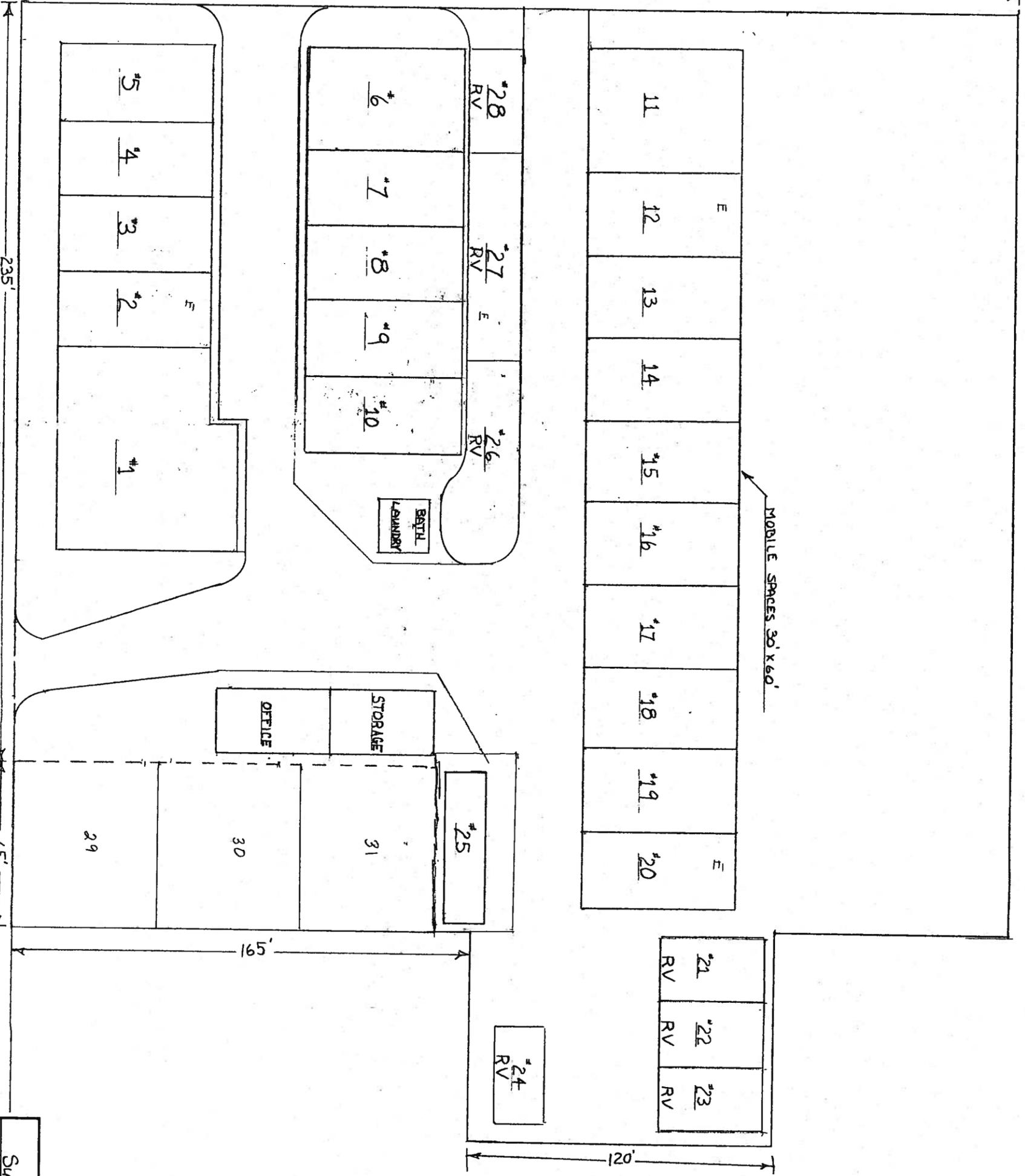
HUBERT ST.

390'

NW 5TH ST

NW 3RD ST

MOBILE SPACES 30' X 60'

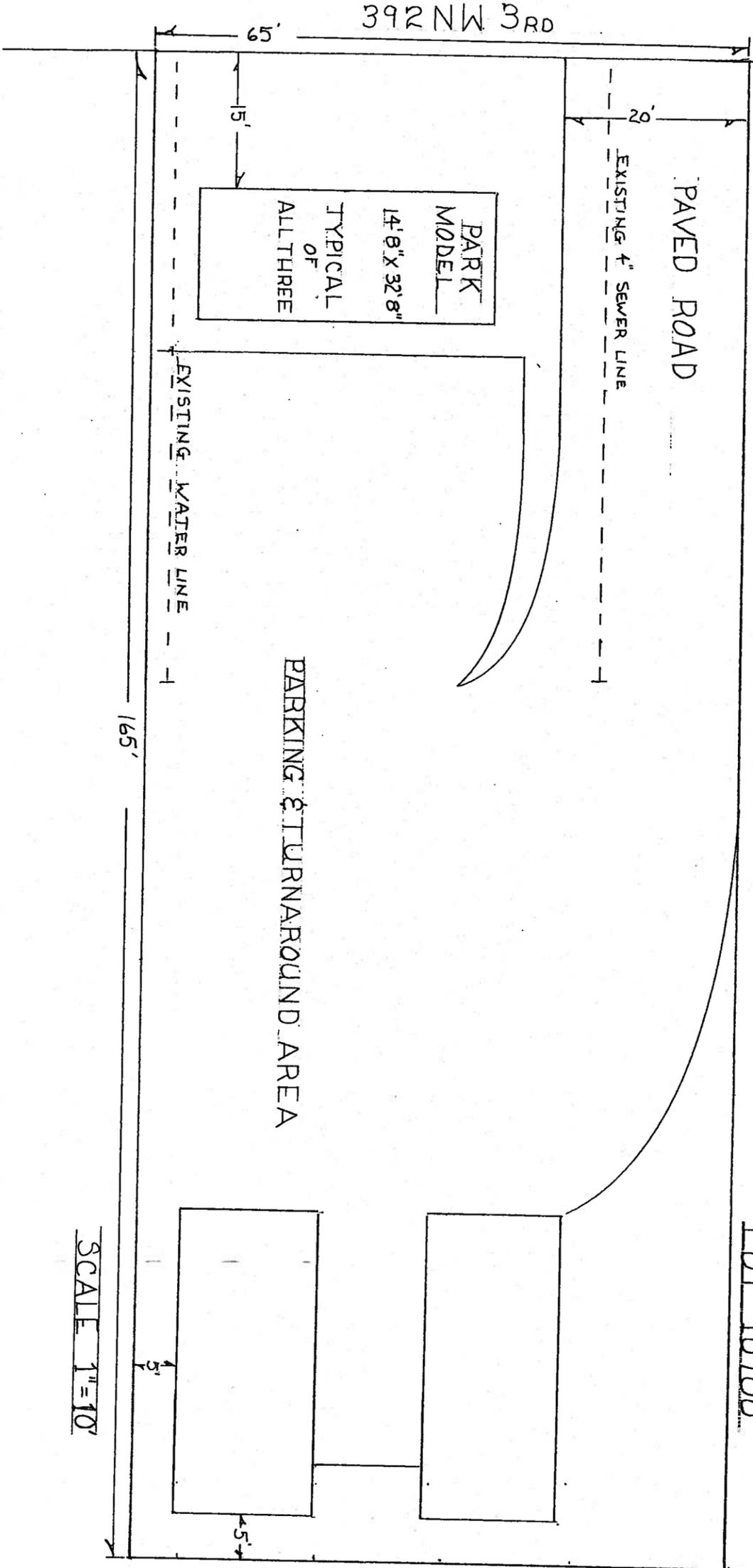


SURFSIDE MOBILE VILLAGE
 SCALE: 3/8" = 1'
 DATE: 4-2013
 APPROVED BY:
 DRAWN BY: FITTS
 REVISED
 DRAWING NUMBER

EXISTING SURFSIDE PARK



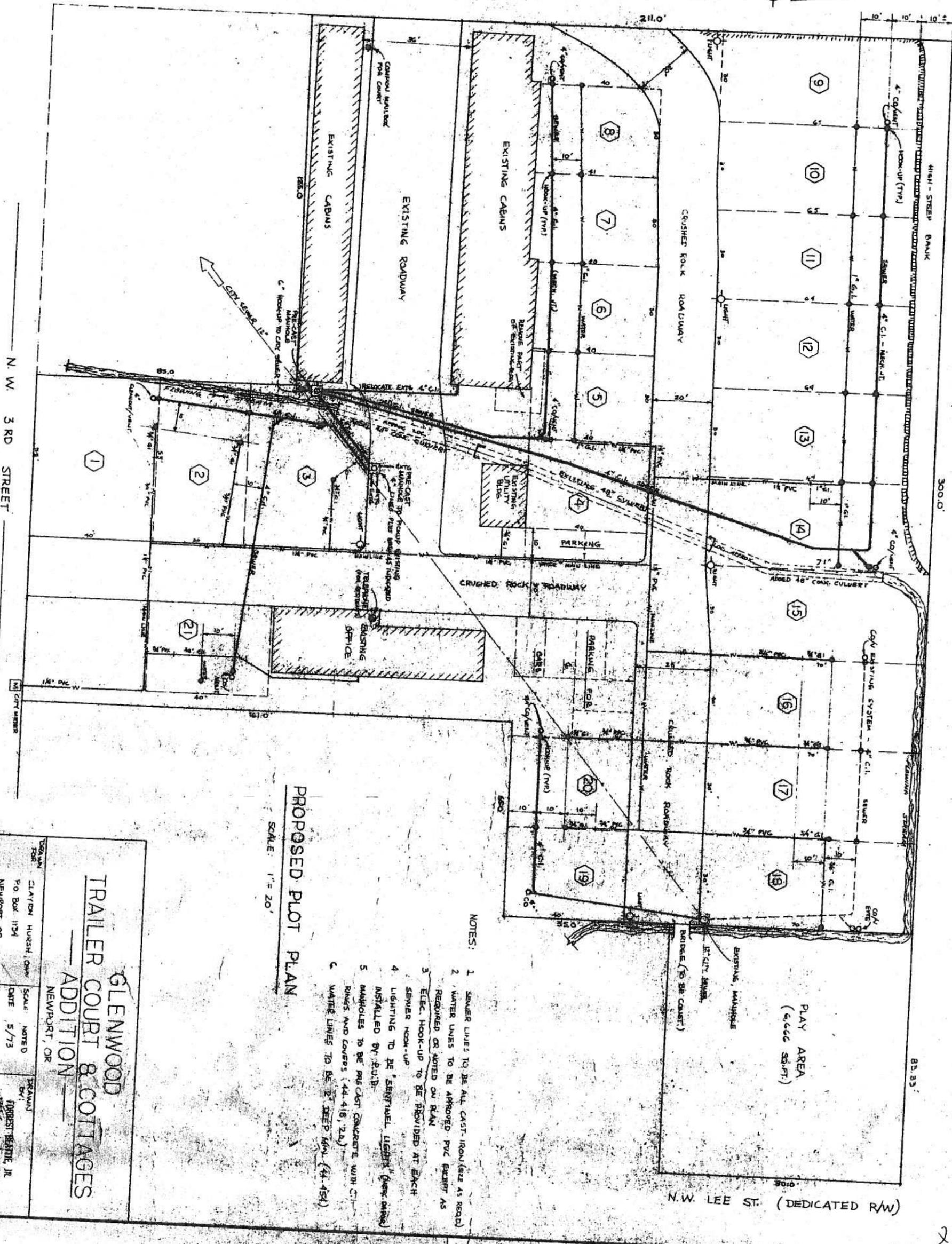
LOT 10700



PARKING & TURNAROUND AREA

SCALE 1"=10'

N. W. HURBERT ST.



PROPOSED PLOT PLAN

SCALE: 1" = 20'

- NOTES:
1. SEWER LINES TO BE 4" CAST-IRON (SIZE AS REQ'D)
 2. WATER LINES TO BE APPROVED PVC EXCEPT AS REQUIRED OR NOTED ON PLAN
 3. ELEC. HOOK-UP TO BE PROVIDED AT EACH SEWER HOOK-UP
 4. LIGHTING TO BE "SUNTANEL LIGHTS" (SPEC. SHEET) INSTALLED BY B.U.D.
 5. MANHOLES TO BE PRE-CAST CONCRETE WITH 24" RINGS AND COVERS (44-418, 2a)
 6. WATER LINES TO BE 2" DEEP MIN. (44-454)

GLENWOOD TRAILER COURT & COTTAGES ADDITION

NEWPORT, OR

DESIGN FOR	CLAYTON HURSH, OWNER	SCALE	NOTED	DRAWN BY	FORREST BEATTIE, JR.
PO BOX	1194	DATE	5/73		1401 George Ave., S.E.
NEWPORT, OR					South Oregon 97302
PH	253-8637				

HURBERT ST

CONCRETE APRON

4 HAULT DRIVEWAYS

SCALE: 1" = 10'

43.6'

11.8'

Future Water Use

Future Sewer

- NOTES:
- ⊙ PUB. POWER POLE
 - ⊙ 200 AMP METRED POWER
 - ⊙ DOMESTIC WATER SUPPLY OIL
 - ⊙ SEWER OUTLET
 - ⊙ 175 WATT MERCURY VAP
 - ⊙ EXISTING CITY SEWER
 - ⊙ CITY WATER METER UNDER ROUND ELECTRIC
 - ⊙ DOMESTIC WATER
 - ⊙ SEWER LINE

SURFSIDE MOBIL

DRAWN BY: DOUGLAS E. FITTS

DATE: 9-10-79

APPROV [Signature]

SHEET :



711

VICINITY MAP
NEWPORT OREGON

SURFSIDE
MOBILE VILLAGE

N.W. 5TH

N.W. 3RD

NYE ST.

NEW COAST HWY

HIGHWAY 20

N.E. 2ND

N.E. 1ST



JOB COPY

JOB COPY

JOB COPY

JOB COPY

ALL PERMITS FOR THIS WORK
SHALL BE NULL AND VOID
UNLESS ACCOMPANIED BY PLANS
APPROVED BY THE DEPARTMENT
OF COMMERCE

STATE OF OREGON

THESE PLANS ARE APPROVED FOR CONSTRUCTION ON THE JOB SITE FOR USE BY THE DEPARTMENT MAKING COVER INSPECTIONS. ANY DEVIATION IN MODIFICATION, RELOCATION OR DELETION AFFECTING THIS APPROVED SET OF PLANS MUST BE SUBMITTED TO THE DEPARTMENT AS CHANGE ORDER DOCUMENTS PRIOR TO IMPLEMENTING ANY DEVIATION, MODIFICATION, RELOCATION OR DELETION NOT NOTED ON THE ORIGINAL OR A REVISED SET OF PLANS.

APPROVED
[Signature]
RECEIVED
OCT 8 1979

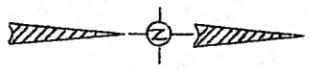
DEPT. OF COMMERCE
P.S./MHP UNIT

SURFSIDE
MOBILE VILLAGE
OWNER: DOUGLASE E. & VERNA L. FITTS
OPERATOR: DOUGLAS E. & VERNA FITTS
DRAWN BY: DOUGLAS E. FITTS
SCALE: 1" = 10'

JOB COPY

JOB COPY

EXISTING SPACES



- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17

EXISTING ASPHALT ROAD

311.0'

P.U.D. POWER POLE

N. W HURBERT

EXISTING 1" CITY WATER METER

- 7
- 6
- 5
- 4
- 3

ASPHALT DRIVEWAYS & ROAD

STORM DRAIN

4" SEWER LINE

CITY WATER METER

- 23
- 22
- 21
- 20

1" WATER LINE

EXISTING OFFICE

PUBLIC PHONE

EXISTING UTILITY BUILDING

EXISTING STORAGE BUILDING

EXISTING HOUSE

EXISTING SPACES

64'

55.0'

PROPOSED PLOT PLAN

SCALE 1" = 20'

SURFSIDE
MOBILE VILLAGE
ADDITION

Drawn By DOUGLASE FITTS OWNER DOUGLAS E. F

DATE 11-16-82

SHEET 2C

N W 3 RD STREET

110' 0"

2" NEW WATER 4" CITY LINE

NEW CONSTRUCTION SPACES 20, 21, 22, 23

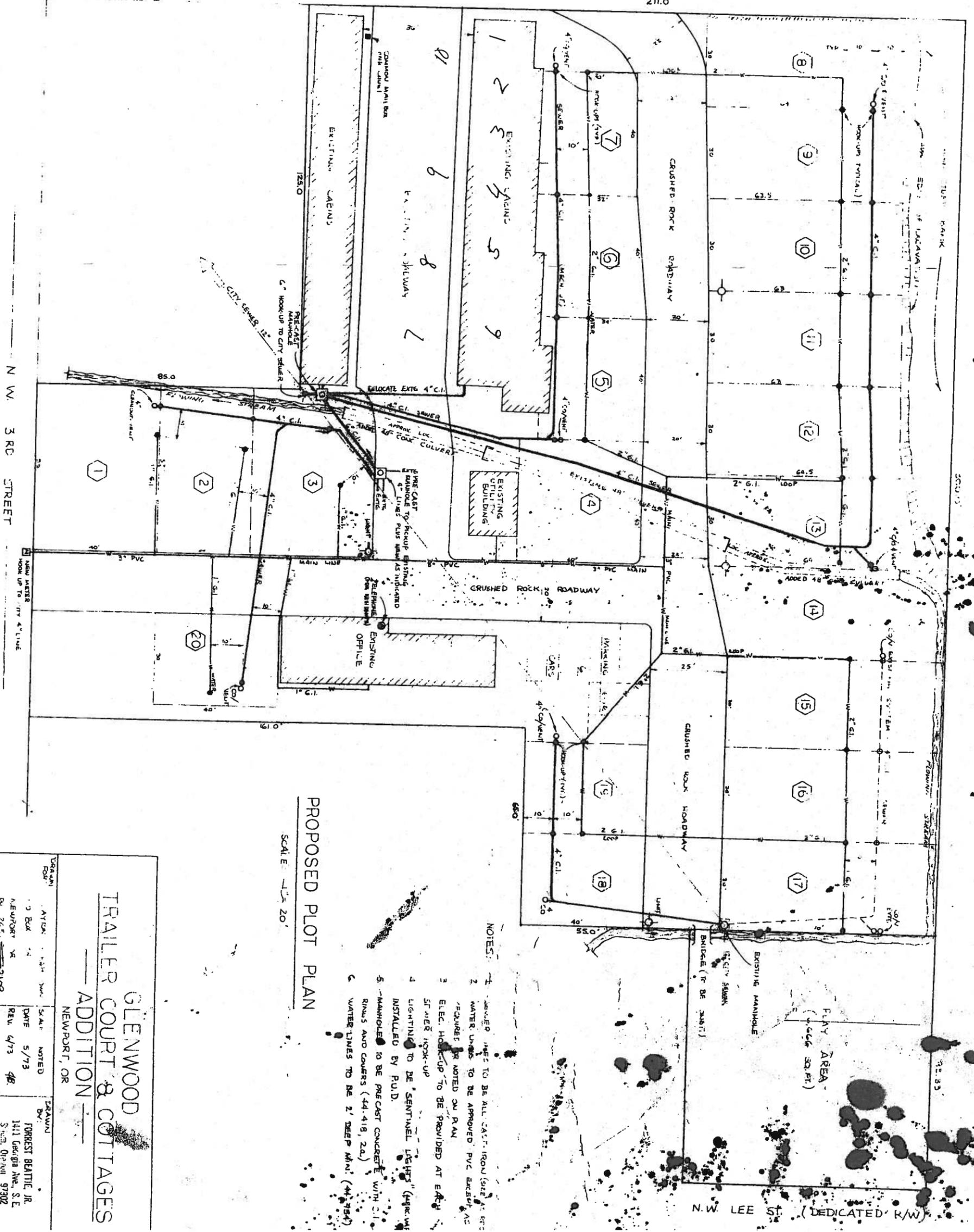
15' 0" - 15' 0" - 4"

157' 0"

N. W. HURBERT



211.0'



PROPOSED PLOT PLAN

SCALE: 1" = 20'

- NOTES:
1. SEWER LINES TO BE ALL CAST-IRON (SEE SPEC.)
 2. WATER LINES TO BE APPROVED PVC EXCEPT AS NOTED ON PLAN
 3. ELEC. HOOK-UP TO BE PROVIDED AT EACH SPREADER HOOK-UP
 4. LIGHTING TO BE "SENTINEL LIGHTS" (SPEC. INSTALLED BY P.U.D.)
 5. MANHOLES TO BE PRECAST CONCRETE WITH C.I. RINGS AND COVERS (44-418, 2A)
 6. WATER LINES TO BE 2' DEEP MIN. (44-354)

GLENWOOD TRAILER COURT & COTTAGES
 ADDITION
 NEWPORT, OR

REVISION	DATE	BY	REASON
1	5/73	FORREST BEATTIE JR.	1411 Georgia Ave., S.E. NEWPORT, OR 97302
2	4/73		
3	4/73		

EASEMENT

KNOW ALL MEN BY THESE PRESENTS, that Elfrieda Yaeger and Fred Yaeger, husband and wife; and Anna Forster and Waldo E. Forster, husband and wife; and Helen M. Fries and Edwin H. Fries, husband and wife, Grantors, for the consideration of One Dollar and other valuable considerations to them paid, the receipt where of hereby is acknowledged, hereby do forever grant unto the CITY OF NEWPORT, a Municipal Corporation of Lincoln County, Oregon, a permanent right-of-way and easement over and along the full width and length of the premises described as follows, to-wit:

A tract of land 20 feet in width located in Lot 2 in Block 10 in Nye and Thompson's Addition to the City of Newport, Lincoln County, Oregon, conveyed to Elfrieda Yaeger and Anna Forster by deed recorded in Book 222, Page 432, Deed Records of Lincoln County, Oregon; the center line of said tract is more particularly described as follows:

Beginning at a point on the West line of Lot 2 in Block 10 in Nye and Thompson's Addition to the City of Newport, Lincoln County, Oregon; said point of beginning being 128.99 feet South of the Northwest corner of Lot 2; thence North $83^{\circ}01'$ East 302.42 feet to the East line of Lot 2 at a point 90.82 feet South of the Northeast corner of Lot 2 and there terminating.

with the right, privilege and authority, to the said City of Newport, to excavate for, and to construct, install, lay, operate, maintain and remove an underground sewer pipeline or pipelines, with all appurtenances incident thereto or necessary therewith, for the purpose of catching, carrying, and conveying sewage, waste and surplus waters, and for similar uses, in, under and across the said premises, and to cut and remove from said right-of-way any trees and other obstructions which may endanger the safety or interfere with the use of said pipelines, or appurtenances attached to or connected therewith; and the right of ingress and egress to and over said above described premises at any and all times for the purpose of patrolling the pipeline or repairing or renewing, and for doing anything necessary or useful or convenient for the enjoyment of the easement hereby granted.

In addition thereto, the Grantors do hereby temporarily grant unto the City of Newport, a construction easement of 30 feet in width along and abutting the North side and for the full length of the aforementioned and described right-of-way and easement, during the initial construction of the pipelines and their related facilities.

The City of Newport shall, upon each and every occasion that the initial installation is repaired, renewed, added to, or removed, restore the premises of the grantors, and any buildings or improvements disturbed by the City, to as good condition as they were prior to any such installation or work.

WITNESS our hands and seals this 15 day of June, 1963.

Edwin H. Fries
Fred Yaeger
Waldo E. Forster

Helen M. Fries
Elfrieda W. Yaeger
Anna Forster

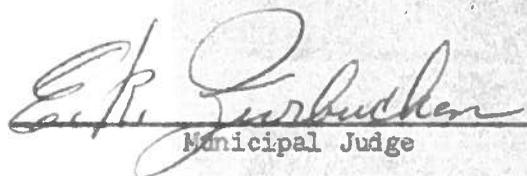
STATE OF OREGON)
COUNTY OF LINCOLN)

BOOK 235 PAGE 558

On this the 15th day of June, 1963, before me a Municipal Judge for the City of Newport, personally appeared Edwin H. Fries and Helen M. Fries, Fred Yaeger and Elfrieda W. Yaeger, and Waldo E. Forster and Anna Forster

Known to me to be the same persons whose names are subscribed to the within instrument and acknowledged that they executed the same for the purposes therein contained.

IN WITNESS WHEREOF I hereunto set my hand and official seal.


Municipal Judge



B 86230

PHOTOSTAT



STATE OF CALIFORNIA
COUNTY OF ...

I hereby certify
that the within instrument
was received for record on
the 26 day of June 1963
at 1:50 o'clock P. M. and

* recorded in Book 225
* on page 5574 record of
M. Deane County.

* Witness my hand and seal
of County

Albrite M. Bryant
County Clerk

* By Felix Goldin
Deputy

250 pd check
TTT

11-11-5 CD

KNOW ALL MEN BY THESE PRESENTS, that DOUG FITTS

for the consideration of One Dollar and other valuable considerations to them paid, the receipt whereof hereby is acknowledged, hereby do forever grant unto the CITY OF NEWPORT, a Municipal Corporation of Lincoln County, Oregon, a permanent right-of-way and easement over and along the full width and length of the premises described as follows, to-wit:

A tract of land in Rhododendron Park Block, Nye & Thompson Addition, Newport, Ore., 12 ft. wide, whose centerline is described as follows: Beginning at a point 31 ft. east of the southwest corner of Rhododendron Park Block, thence N 52° 35' E 125 ft.

with the right, privilege and authority, to the said City of Newport, to excavate for, and to construct, install, lay, operate, maintain and remove an underground sewer pipeline or pipelines, with all appurtenances incident thereto or necessary therewith, for the purpose of catching, carrying, and conveying sewage, waste and surplus waters, and for similar uses, in, under and across the said premises, and to cut and remove from said right-of-way any trees and other obstructions which may endanger the safety or interfere with the use of said pipelines, or appurtenances attached to or connected therewith; and the right of ingress and egress to and over said above described premises at any and all times for the purpose of patrolling the pipeline or repairing or renewing, and for doing anything necessary or useful or convenient for the enjoyment of the easement hereby granted.

The City of Newport shall, upon each and every occasion that the initial installation is repaired, renewed, added to, or removed, restore the premises of the grantors, and any buildings or improvements disturbed by the City, to as good condition as they were prior to any such installation or work.

WITNESS our hands and seals this 3 day of June, 1981.

Douglas E. Fitts

STATE OF OREGON,
COUNTY OF Lincoln

On this, the 3 day of June, 1981, before me, a Notary Public in and for said County and State, personally appeared

Douglas E. Fitts

known to me to be the same persons whose names are subscribed to the within instrument and acknowledged that they executed the same for the purposes therein contained.

IN WITNESS WHEREOF I hereunto set my hand and official seal.

Michael A. Davis
Notary Public
Dec 7, 1984

MICROFILM

J D45520V

STATE OF OREGON
 County of Lincoln

I, Albert M. Bryant, County Clerk, do hereby certify that the within instrument was received for record, and is recorded in the record of _____ of said county at Newport, Oregon.

Date: June 17 1951 P.M. 4:34

Book: 124 Page: 1510

WITNESS my hand and seal of said office at _____, Oregon, this _____ day of _____, 1951.

By: Albert M. Bryant Deputy
 Ck. #3, 50

11-11-5CD

KNOW ALL MEN BY THESE PRESENTS, that Doug Fitts

for the consideration of One Dollar and other valuable considerations to them paid, the receipt whereof hereby is acknowledged, hereby do forever grant unto the CITY OF NEWPORT, a Municipal Corporation of Lincoln County, Oregon, a permanent right-of-way and easement over and along the full width and length of the premises described as follows, to-wit:

A tract of land in Rhododendron Park Block, Nye and Thomson Addition, Newport, Ore., T 11 S, R 11 W, S5, W.M., 12 ft. wide, whose centerline is described as follows:

Beginning at a point 25 ft. east of the southwest corner of Rhododendron Park Block; thence N 50° 23' E 355 ft. to a point which is 5 ft. north of the southwest corner of lot 8, block 2, Rhododendron Park Block; thence S 85° E 84 ft. to Lee St.

with the right, privilege and authority, to the said City of Newport, to excavate for, and to construct, install, lay, operate, maintain and remove an underground sewer pipeline or pipelines, with all appurtenances incident thereto or necessary therewith, for the purpose of catching, carrying, and conveying sewage, waste and surplus waters, and for similar uses, in, under and across the said premises, and to cut and remove from said right-of-way any trees and other obstructions which may endanger the safety or interfere with the use of said pipelines, or appurtenances attached to or connected therewith; and the right of ingress and egress to and over said above described premises at any and all times for the purpose of patrolling the pipeline or repairing or renewing, and for doing anything necessary or useful or convenient for the enjoyment of the easement hereby granted.

The City of Newport shall, upon each and every occasion that the initial installation is repaired, renewed, added to, or removed, restore the premises of the grantors, and any buildings or improvements disturbed by the City, to as good condition as they were prior to any such installation or work.

WITNESS our hands and seals this 3 day of June, 1981.

Douglas E. Fitts

STATE OF OREGON,)
COUNTY OF Linn)

On this, the 3 day of June, 1981, before me, a Notary Public in and for said County and State, personally appeared

Douglas E. Fitts

known to me to be the same persons whose names are subscribed to the within instrument and acknowledged that they executed the same for the purposes therein contained.

IN WITNESS WHEREOF I hereunto set my hand and official seal.

Douglas E. Adams
NOTARY PUBLIC
STATE OF OREGON
My Commission expires: Dec 7, 1984

✓ DUSSAI ✓ MICROFILM

STATE OF OREGON
 County of Lincoln
 I, Alberto M. Bryant, County Clerk, of said county, do hereby certify
 that the within instrument was received for record and recorded in the
 record of _____
 of said county of Lincoln, Oregon.
 Date _____ AM _____
 P.M. 4:30
 By _____
 WITNESS my hand and seal of office this _____ day of _____
 19____
 ALBERTO M. BRYANT, County Clerk
 By _____ Deputy
 RECORDED 63.50