



AGENDA & NOTICE OF PLANNING COMMISSION MEETING

The Planning Commission of the City of Newport will hold a meeting at **7:00 p.m., Monday, April 11, 2011**, 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.

NEWPORT PLANNING COMMISSION Monday, April 11, 2011, 7:00 p.m.

AGENDA

A. Approval of Minutes.

1. Approval of the Planning Commission work session and the regular session meeting minutes of March 28, 2011.

B. 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.

C. Consent Calendar.

1. Final Order for File No. 1-ADJ-11. Approval of an application submitted by Gary Mines for an adjustment to reduce the setback along SW 27th Street from 20 feet to 12 feet for a townhouse unit located at 2638 SW Brant Street. The Planning Commission held a public hearing on this matter on March 28, 2011.

D. Public Hearings.

1. File No. 1-SV-11. A request submitted by Dean Coppage (Newport Church of the Nazarene, property owner) for approval of a proposed vacation of approximately 90 feet of undeveloped 20-foot wide alley easement on the south side of NW 11th Street between NW Grove Street and NW Nye Street. The abutting properties are currently identified as Tax Lots 2100 and 2700 of Assessor's Tax Map 11-11-05-CA. The Planning Commission will make a recommendation to the City Council.

E. New Business.

1. Discussion about Community Development Department Goals.

F. Unfinished Business.

1. Update on Territorial Sea Planning.

G. Adjournment.

Please Note: The order of the agenda may change without notice.

Please Note: ORS197.763(6): "Unless there is a continuance, if a participant so requests before the conclusion of the initial evidentiary hearing, the record shall remain open for at least seven days after the hearing." (applicable only to quasi-judicial public hearings)

Draft MINUTES
City of Newport
Planning Commission Work Session
City Hall Conference Room "A"
Monday, March 28, 2011

Planning Commissioners Present: Jim Patrick, Mark Fisher, Melanie Sarazin, Rod Croteau, Glen Small, John Reh fuss, and Gary East.

Citizens Advisory Committee Members Present: Lisa Mulcahy.

Citizens Advisory Committee Members Absent: Bill Branigan and Dustin Capri.

City Staff Present: Community Development Director (CDD) Derrick Tokos and Senior Administrative 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. Unfinished Business.

1. Opportunity for follow-up questions on Housing Study Technical Analysis & review of the full scope of policy options & focus areas identified by the TAC. Tokos noted that the housing and buildable lands TAC is past the technical data and is moving into the interesting part of the discussion regarding housing policy options and which direction the City should go. For the Commissioners, Tokos thought that he would run through the same PowerPoint the TAC had received. Tokos had prepared a brief memo that includes policy options the TAC felt were appropriate and what was not. He is looking for feedback whether these are going in the right direction or whether there are other options we should be considering. Going through the PowerPoint, Tokos noted that coming out of the technical analysis, ECO gave the key issues that Newport is facing: limited multi-family housing, higher density land located in the wrong place, aging housing stock, lack of affordable workforce housing, and substantial amount of commuting by workers to Newport. Tokos said that he was going through the broader range of land based options and touch on ECONorthwest's recommendations to see how the committee got to the recommendations they made. The first option was to work with LCLT, LCHA, and other nonprofits, who purchase for long-term leases to insure homes (single-family primarily) are affordable. These agencies obtain properties from cities or from developers. They own that property and work with Habitat for Humanity or somebody to get a house built and market it for a long-term lease at a price for affordable workforce housing. Mulcahy asked what the criteria were for affordable workforce housing. Patrick said it is a percentage of median income. Tokos said that affordable has a stigma, and low income certainly has a stigma. Workforce housing is for service-type jobs primarily. East said that what he remembers is \$750-\$800 a month, which would work out in the mid \$100,000 range. Tokos said \$125,000 is what we would see for the land trust. The next option in which the City could get involved is land aggregation or site assembly. The City would need to form a URD to better facilitate that. There are a number of different funding sources there as well. One recommendation was the creation of a housing fund. We would not be looking for one source for that fund; maybe look for small bits. The next option was to inventory and evaluate surplus City lands. Over the years, the City has accumulated a number of properties. The City funded infrastructure and then foreclosed on properties when we didn't get paid. A lot is residential, but there are some commercial properties that would be suitable for resale. That money could then go into a fund. Croteau wondered what the City had done with these properties. Tokos said that the City either held on to them or sold them. He noted that there is no city policy for how to handle those properties. Sarazin wondered if this would create a policy. Tokos said it's not clear now, but the City is free to set policies for how that is to be done. ECO's recommendation regarding these land-based options was to create a land bank program that involves the City and nonprofits, which the TAC thought was one of the easiest to implement. ECO's other recommendations were to evaluate city-owned properties, do further research on funding, and do further research on the issues of selling city-owned properties. Finance tools discussed included restructuring SDCs, but there are limitations in terms of what we can do. SDCs have to be based on methodology based on the impact that the development is having on the overall city services. That's not the easiest to work into workforce housing. Tokos said that SDCs are based on EDUs. The impact for storm water, sewer, water, transportation, parks is all calculated through methodology on a dwelling unit basis. A house with small square footage pays the same as one with large square footage. The SDC methodology could be structured so that it is scaled. A 1,500 square foot house would have less impact than a 4,000 square foot house. Tokos said we probably could do that and come up with reasonable rationale. ECO's recommendation was that this item be tabled, but the TAC felt that that angle was something that needed to be pursued. The next finance tool was URD funds, which could be used for housing. Tokos said that is one of the biggest reasons URDs are formed, but Newport never really centered on that. He said this might be a tough sell for strictly housing but could be bunched with other things. For example, if a storm water, streets, and housing package for Agate Beach were put together, it could sell. Patrick suggested that maybe we could also use some of those funds to jump start commercial that would support housing already out there. East wondered if any URD money could be made

available to jump start projects that are currently standing in limbo. Tokos said potentially. He said the advantage of a URD is that it is utilizing existing tax base. It is transparent to the public. The disadvantage is the same. A URD is a tough sell to Lincoln County and the school district. With a URD, you lock in a frozen rate, and the increment above that goes into the URD. You will get more tax revenue from the improvements. At the close of the URD, the accrued increment is released, and districts get a whole lot more revenue. ECO's recommendation was that this should be a lower priority because it is a bigger effort. It will take a good game plan to sell it to the county, the school district, and the public; which will take time. Tokos said that one of the strongest sets of tools out there would be to proactively work through housing issues. Lodging tax revenue is one of these tools. Tokos said that it's not a huge reach that using a little bit of that tax would be appropriate considering the lodging industry has a large share of service jobs. Taking a small portion and dedicating it to housing is not out of the question. But Tokos noted that this is a highly competitive fund. Patrick said that he thinks the City could make a good case for going after a portion of vacation rental money. He said it has a relationship to it because we have housing tied up in vacation rentals. Tokos agreed that vacation rentals drive prices up and the housing is not available to others in the community. Vacation rental tax revenue goes into the room tax fund. Tokos thought the general consensus of the TAC was that that is a place to look for a modest amount of money. The TAC had discussion about considering additional exemptions for the LCSD construction excise tax. There is already an exemption built in by statute and the program adopted with Lincoln County, which is the same as HUD (60% of median household income). The general consensus of the TAC was that that is good enough, and we don't need to look at this any further. The last finance tool was to research other grant programs with agencies like OHCS, HUD, LCHA, and others. Tokos noted that HUD has a \$1 program, where they make property available to cities to purchase for \$1 if it's used in a workforce-housing-type arrangement. If the City bought it we would turn it over to the land trust to manage. Tokos said there are none in Newport in that market for sale, but it could come up over the next year or two. The TAC's general consensus was a recommendation that this does need to be explored. Regulatory options discussed include establishing an exclusive multi-family zone, which can insure multi-family is not co-opted with single-family development. Whether this means we would actually realize multi-family is something else because there is the question of whether the market is going to build it. We're not sure it's worth the fight and that it will result in what we are looking for. East noted that most areas of town are mixed now. He said it's what the developer feels can provide the best profit right now. Patrick added that's not multi-family right now. Tokos said condos have been the multi-family constructed here, and that's not for affordable housing. ECO's recommendation is that this is not the place to put a lot of resources, so to drop this. Another tool is to evaluate regulatory barriers to multi-family. Tokos noted that ECO is going through the City's code to identify any major regulatory barriers. They recommend we provide more flexibility in terms of housing types such as row houses and co-houses. Our code doesn't necessarily prohibit them; it's just vague. Reducing minimum lot size was discussed. ECO's recommendation is to focus on this. It reduces the cost of land, which reduces the cost of housing. A reasonable approach to take is that if the lot size goes down, the house mass goes down as well, which gives us homes at more moderate prices. There were some cautionary notes about small homes. The question was raised as to how small a house can really be built. There is nothing under the building code about minimum square footage for a single-family home. There are just the minimums for rooms, which would add up to about 600 square feet. It was cautioned that if we get into tiny homes to be careful about what is permitted. We could end up with "shacks" so to speak. Fisher noted that in Wilder there are a lot of variety with some smaller homes and some granny apartments in back. He said that we have been pretty flexible out there. Tokos noted that the TAC was supportive of ADUs. They thought that will meet the needs of some people and should be one of the regulatory methods to look at. East said that Bonnie Serkin had talked about manufacturers that specialize in small homes. He thought she had talked about taking a small part of Wilder and dedicating it to those smaller homes. He wondered if she had submitted anything. Tokos said she has been in contact with the Land Trust, and there may be some partnering in the future. Tokos cautioned that one thing that tiny homes lead to is park models, which are built to RV standards. If we are looking at providing for those, how should those be permitted? They are not really designed as permanent year-round residences. East talked about a development south of Yachats where they allowed somebody to put in a park model and then do an addition to make it a little more appealing. He said that gives an idea of what something like that would look like. Tokos wondered if we reduce lot size in R-1 and R-2, should there be interest in reducing it in mobile home parks. He said that if we go down that path, you can be assured that it will be done to facilitate park models in many cases. He said they could provide affordable housing, but we need to think about that dynamic. East said he wouldn't care if they were in mobile home parks, but not on single-family lots. Tokos said park models are RVs if we keep them that by definition. Patrick said he was thinking a park model is 840 square feet. East added that they are limited to the same length as trailers. He noted that they make nice-looking, substantial units with Hardy plank siding. Fisher said that in a neighborhood of stick-built homes these would stick out and affect the resale of homes. East agreed that we would want these in a designated spot. Fisher agreed that would be necessary. Patrick said there shouldn't be a problem putting them in the RV category. Tokos noted that RVs are to be permitted on individual lots in RV parks. Tokos doesn't think the TAC has a focus on tiny homes. The TAC's general consensus was that pre-approved building plans approach is something to take a look at. There would be a range of moderate-sized homes with several different plans that we have reviewed and accepted; then when someone is ready to build, they can choose one of those plans and don't have to pay a plan review fee moving forward. To continue to meet code, the plans would have to be updated from time to time. Plan review is 60% of the building permit fee, which can be substantial. Patrick said when you are talking about small homes, there are not a lot of different designs. East mentioned a small house on the north end of Yachats that has the kitchen, bath, living room, and dining room in one structure about 200 square feet connected by a breezeway to the second structure with the master bedroom for a total of around 400 square feet. Patrick pointed out that apartments of 200-400 square feet are not

uncommon, so people are living in units smaller than tiny houses. Tokos said that ADUs are another regulatory tool. He said that we could certainly come up with regulatory framework that allows them in some, if not all, residential zones. That can be explored. He said that narrow streets were discussed. Infrastructure is a significant part of the cost of construction to building a home. Patrick said the question is whether we can get the fire marshal to sign off on that. East said a development was done in Toledo for Habitat for Humanity where the fire department insisted on a hammerhead turn around, which was a huge added cost. Tokos said the thought was that this would have to be put to use. This would insure workforce housing. It's not as direct a connection as some of the other approaches. It does have some ramifications as far as parking. The TAC thought it was an avenue to explore in greater detail. The last discussion was about multi-family housing design standards. We could put in standards that require amenities be put in. That will add cost to the overall project. We do have to provide clear and objective standards for what amenities could be done. The TAC determined that this was not a place to spend a lot of time. Maybe we could just provide examples of designs that provide these amenities rather than try to achieve this type of multi-family. Tokos said that, getting back to the age of multi-family housing, there have not been these developments in a long time. Most go back to the early 70s, so it's not like we had a new project that didn't provide amenities. Fisher noted that when you keep reducing the size of everything, you get down to a point that it becomes almost a slum after a number of years. He said you still have to have something nice enough to attract people to; but what you'll have are narrow streets, little lots, and cracker-box houses. Which everyone then said sounds like Nye Beach. Tokos said that Nye Beach is a great example of small lots and attractive houses; but not necessarily workforce housing. He said Fisher's point was well taken. Tokos said that something that can be done with pre-approved plans is to make sure they have design elements we are looking for. Not just a box; but a nice design on a small lot, relatively affordable.

In the memo he provided, Tokos mapped out different options the TAC talked about. Land bank was the most popular. They talked about an incentive versus a regulatory package. While we need to work on both fronts, they felt that the incentive-based options are likely to result in some positive change more quickly than regulatory. Under the incentive options, creating a land bank in partnership with nonprofits was priority from the TAC's perspective. We need to look at finance tools to match up with that. We can create a housing fund that we could pull from a number of areas. Under the finance area, in-lieu-of fees were talked about. The TAC thought we should explore that. Tokos said that we could set up this type of fee. He gave the example of a Wal-Mart with a whole lot of employees needing affordable housing. With service industry jobs we can make the connection that they need to contribute to a housing fund because their employees can't afford housing in the community. The TAC thought it was appropriate to pursue. On the regulatory side, the TAC's recommendation was to look hard at reducing minimum lot size, look at ADUs, and things of that nature. Their recommendation was to drop multi-family housing design guidelines, drop exclusive multi-family zone, and that the excise tax is fine. East thought that partnering up with the Housing Authority would be the fastest way to help get immediate relief to the situation. They are in a good position to expedite help rather quickly. Maybe partnering would be the best for them to get projects started. Tokos noted that he is a board member of the Community Land Trust. Patrick said that in looking at our code, he doesn't think there are a lot of barriers in Newport. The only thing we could do is up the density for R-3 and R-4, but in all the applications that have gone through he hasn't seen anybody hitting the density level. Tokos thought that Newport's nearly 9 dwelling units per acre is very good. He said a large part is terrain-based. Small said that his concern is that if we make smaller streets and houses, we get more people living in that smaller area, which doesn't necessarily create a good place to live. Croteau said we need a proactive way to move things forward. As long as we have pre-approved plans, he thinks that will have the most immediate impact on housing. Small wondered if the Land Trust owns the house. He said it's his experience that people are going to take care of what they own. If they are just renting, why do they care. Patrick said the Land Trust sells to an owner with the stipulation that they get money back when he sells the house. Tokos said it can be done through deed restriction. Another approach, at least with Lincoln County Land Trust, is that they own the land but sell the house under a long-term lease arrangement. A person buys the house; the land is under a long-term lease. They can resell the house plus a fixed increment of appreciation to insure that the house is still affordable at resale. Small said if pride in ownership is built in, then he has less concern.

Tokos said that what he is getting from the discussion is that the Commissioners think the direction the TAC is going is reasonable.

Mulcahy wondered if we put these incentives in place, if the City ever does any kind of marketing to let outside builders know there is property available that will help them build multi-family. Tokos said that the City doesn't now, but we don't really have policies. He said it's something to think about. He said one thing to caution about on the land bank approach is that the City wouldn't want to get into the job of managing. The City would provide properties to the Land Trust, and there would be strings attached to the transfer. The other thing is if we put in SDC adjustments, would people do small homes. We may need to do some advertising to get the word out. He thought that was a good point. Patrick noted that we are not trying to purchase land; we are using existing properties that we already own. Tokos said that if we set up a housing fund, buying land would be permitted but not all that feasible. Another thing that could be done is to set it up so the Housing Authority or Land Trust can tap those funds to help on projects. Those funds would have to be used for workforce housing. Patrick said this could be treated as a revolving fund so that we get the money back to use again. Croteau asked what the chances were for a URD for major infrastructure upon which we could piggyback housing. Tokos said that is hard to say; the timing is not good right now given the economy. It's difficult to sell. In the next couple of years, we could put together a package that we could sell. It

needs to be broader than housing. With infrastructure, particularly on the north side, there is no way to tackle the compelling issues; but with a URD we can accomplish something meaningful. He said it will take time.

2. Discussion about Measure 56 Notice for SIC code revisions. Tokos handed out information regarding Measure 56 language. He noted that he needs to schedule a public hearing for the SIC code revisions in order to move it along, but he hasn't yet. For any proposed changes to the code that restrict uses we have to send out language that conforms to that statute, which will alarm folks. Tokos said that looking at the changes we are making to the C-1 zone, for example, they are more permissible in many respects, but more restrictive in some. He said that, given that, it is borderline whether we need to send out notice in the C-1 zone or not. It's such a narrow thing. He said the risk is that if somebody wants to put a jail in C-1 and they can't because it is no longer allowed because we got rid of that use and we didn't provide notice, the whole ordinance gets unraveled. Tokos wanted the Commissioner's opinion if we really need to send notice out in C-1 and C-3 zones. He said that we could send it out to C-1, but a number of folks will get alarmed. It's not as drastic a change as they may think when they get the notice. Still, it's some pretty strong language. Tokos said he could put together a summary of the changes in each zone and post to the website and make up flyers for the public. He could set it up such that there is a work session before the first Planning Commission meeting to clear up any concerns there. We have to direct mail notice to everybody in the district. Fisher said that there are some people that don't have a problem hiring attorneys. For some, we just have to do it ahead of time. East said that it is better to do it now than have it pop up down the road. Patrick thought notice should be sent to everybody. Then we can work our way through it. The consensus was to send out notice to all districts and to have a work session first. Tokos will set a work session date and a hearing date and send a notice of both. Mulcahy asked if we could put a preemptive notice in the paper at the same time we send out the notice so that we get the press to put the message out there at the same time we send it out. Tokos said it will be sent to the press at the same time. He can have a conversation with the News-Times so they understand what is going out and why. Croteau said that what he thinks Mulcahy is talking about is an article rather than just a notice. Tokos thought that was a good point. He said that notice is always sent out to the press, but he could have a conversation with them about what the nature of the changes are. It will be up to them if they do an article.

B. Adjournment. Having no further time, the work session meeting adjourned at 7:06 p.m.

Respectfully submitted,

Wanda Haney
Senior Administrative Assistant

Draft Minutes
City of Newport Planning Commission Regular Session
Monday, March 28, 2011

Commissioners Present: Jim Patrick, Mark Fisher, Melanie Sarazin, Rod Croteau, Glen Small, Gary East, and John Rehfluss.

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

Chair Patrick called the meeting to order in the Council Chambers of Newport City Hall at 7:07 p.m.

A. Approval of Minutes

1. Approval of the work session and regular session Planning Commission meeting minutes of March 14, 2011.

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

B. Citizen/Public Comment. No comments regarding non-agenda items.

C. Consent Calendar

1. Final Order for File No. File No. 1-VAR-11. Approval of a request submitted by Roy & Suzanne Kennan for a variance to Section 2-4-3.005/"Front Yard Vision Clearance" of the Newport Zoning Ordinance (NZO) (No. 1308, as amended) to allow established vegetation to remain within the front yard vision clearance area on the applicant's property located at 303 & 311 NE 2nd Street. The Planning Commission held a public hearing on this matter on March 14, 2011.

MOTION was made by Commissioner Sarazin, seconded by Commissioner Rehfluss, to approve the Final Order for File No. 1-VAR-11 as presented. The motion carried unanimously in a voice vote.

D. Unfinished Business

1. Renaming a portion of SE 84th Street. The City Council referred to the Planning Commission a request for renaming a portion of SE 84th Street to SE Winningstad Way. The Planning Commission considered this matter at its meeting on February 14, 2011, and continued the matter to their meeting on March 14, 2011, in order to receive testimony and further information. Because there was a tie vote on this consideration at that meeting, the Commission continued this matter to tonight's meeting for further consideration. The Commission will make a recommendation to the City Council.

Testimony: Ed Camron, 113 NW Coast Street #1, Newport, wanted to add to his testimony of March 14th. Camron noted that the symphony orchestra had dedicated their performance in memory of Norm Winningstad. He just wanted to put that before the Commission as an example of the consideration of respect and appreciation that is being shown to Winningstad.

MOTION was made by Commissioner Fisher, seconded by Commissioner Sarazin to forward to the City Council a recommendation of denial for renaming that portion of 84th Street to Winningstad Way.

Rehfluss said that he thought that Winningstad was a fine member of the community and thought it was appropriate as Winningstad Way. Patrick said that he didn't have a problem renaming the street. He believes it needs to be changed from 84th Street. Croteau said that he doesn't have a problem renaming the street either, but he does have an issue with setting precedent. He said he doesn't know if we might be missing other citizens worthy of honor. Small said he was of similar opinion. He said that he is sure that Winningstad was a great member of the community who invested in Newport. At the same time, Newport is full of men and women that give to the community. He doesn't want to open the precedent that we begin to rename city streets to honor all of those contributing to the community and honoring all of those that rightfully should have a street renamed after them. East agreed with that. He didn't want to start a precedent. Patrick said that he can see their point of not setting precedent because who else do we change street names for; but he said that looking at the city's street naming plan, that street should have a different name. Fisher pointed out that there already is a bench at the airport that is dedicated to pilots who have passed on. The intention was that when Newport pilots go down, we will put plaques with their names on it. He said if the City Council doesn't rename the street, he thinks putting Winningstad's name on there would be reasonable also.

Upon call for the vote, the motion to deny renaming the street passed in a voice vote with Fisher, Sarazin, East, Small, and Croteau voting in favor, Rehfluss voting against, and Patrick abstaining.

E. Public Hearings.

Patrick opened the public hearing portion of the meeting at 7:17 p.m. by reading the statement of rights and relevance. He asked the Commissioners for declarations of conflicts of interest, ex parte contact, bias, or site visits. Small, Fisher, and Sarazin declared site visits. Patrick asked for objections to any of the Planning Commissioners or the Commission as a whole hearing these matters; and no objections were raised.

Quasi-Judicial Actions:

1. File No. 1-ADJ-11. A request submitted by Gary Mines for an adjustment to Section 2-4-17.040(G)"Development Standards" of the Newport Zoning Ordinance (NZO) (No. 1308, as amended) criteria for townhouse development, which requires townhouse construction adhere to minimum parent lot setback requirements. The applicant's request reduces the setback along SW 27th Street from 20 feet to 12 feet, which is a 40% reduction to the standard. The property is located at 2638 Brant St (Assessor's Map 11-11-17-BD, Tax Lot 4900).

Patrick opened the hearing for File No. 1-ADJ-11 at 7:19 p.m. by reading the summary from the agenda. He asked for a staff report. Tokos read through the criteria for an adjustment from the zoning ordinance. He noted that the staff report includes analysis of each of the criteria and outlines the rationale the Planning Commission can use if they so choose. Tokos said that the nature of the setbacks for townhouse developments is applied to the parent parcel. In this case the parent property abuts three streets. The development on this portion of the townhouse development has effectively four lots. One townhouse has already been constructed adjacent to Brant Street. Ten feet was applied to Brant Street, so 20 feet would apply to 27th Street. That gets to the 30 feet combined setback total under Table A of the zoning ordinance. The applicant is proposing constructing on the lot next to 27th only 12 feet from the property line. The property is irregular in shape, and the house would extend into the setback at an angle. The purposes of setbacks are to provide adequate vision clearance, solar access, privacy, landscaping, and off-street parking. He said that the analysis explains how the Commission can find that the adjustment will equally meet the purpose of the district. With the angle of the house, it will not obstruct site; there is still adequate line of site onto 27th. With the angled lot, there will be a fair amount dedicated to landscaping because it is undevelopable. It will have more than is required for a townhouse development. Solar access and privacy are more for interior lots. The street provides a fair amount of separation. Off-street parking for townhouses is 1.5 spaces per unit. The exterior elevation shows a two-car garage, meeting the requirements. The staff's view is that the Commission could find the nature of the adjustment is equally meeting the objective of why we have setbacks in the first place. Regarding criterion 2, as long as the applicant constructs the project as shown, no mitigation needs to be done. For criterion 3 regarding utilities, there are easements depicted on the Playa del Sur plat and the plans. As long as they stay out of easements, the development will be fine. Fire access should not be an issue because the house is adjacent to 27th Street. And the final criterion does not apply since there is only one adjustment being requested. Tokos noted that one public comment was received that they desire not to see a three-story house there. As the elevation shows, the applicant is not proposing a three-story house, so this issue is addressed. In answer to a question from Rehfuss, Tokos noted that the driveway is a private driveway, and the parking is accommodated in the garages. The drawings of the garages show that they have four panels but just two doors.

Proponents: Vicki Mines, 238 SW 27th Street, Newport, co-owner of the property, was present to testify on behalf of her husband and applicant, Gary Mines. Mines said that it has been a good representation of what they presented in their work up. The criteria seem to be spelled out. She has nothing additional. All needed information appears to be there. She said they are asking for approval. She said that she would answer any questions. Small asked if it is correct that the garage is accessed from the private driveway, and both Mines and Tokos confirmed that it is. There were no other proponents present wishing to testify.

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

Patrick closed the hearing at 7:28 p.m. for deliberation. Sarazin said that she believed the criteria are met. She believed that any concern about visibility would be alleviated in that area. She said it is very clear. From her site visit she felt there was enough vision clearance for oncoming traffic. She said she would be inclined to approve the request. East said that he has been to the site many times. He felt that this is not going to cause any safety issues. He thought the adjustment should be approved. In answer to a question from Fisher regarding building height, Tokos noted that the two-story construction will meet building height limitations with no problem. Fisher said that he sees that area as a difficult area. There will be more building in that area. Streets are going to get paved. He said that if there is a significant earthquake, there would be heavy duty damage because of the soil. But, he said that in all the rules we have, this is a reasonable request. Rehfuss said that the request meets the criteria, and he is in favor of it. Croteau said that it is a reasonable request, and it meets the criteria. He has no problem with it. Small agreed that it is a reasonable request. He said it doesn't create a site line problem. He sees no adverse impact in that area. He said his concern had been with the garage and with an adjustment on that lot size, if it would leave the driveway too small. If the garage is in the back and the access is off the private driveway that removes his concern. Small said that he would be in favor of granting the adjustment. Patrick agreed that it meets the criteria. He said that the odd-shaped corner lot doesn't impair the line of vision.

MOTION was made by Commissioner Sarazin, seconded by Commissioner Croteau, to approve the adjustment request in File No. 1-ADJ-11 as presented. The motion carried unanimously in a voice vote.

To explain to Mrs. Mines, Tokos said that the next step with this application is that in two weeks the final order will be brought back reflecting this decision, and the Commission will sign off on that. At that time, there is a two-week appeal period. After that closes, we will be able to issue the building permit.

F. New Business.

1. Volunteer Dinner – 6:00 P.M. April 12, 2011. Tokos wanted to remind the Commissioners that on April 12th at 6:00 p.m. at the Oregon Coast Aquarium, a volunteer dinner will be held. He hoped that all of the Commissioners could attend. It was noted that they should RSVP to Cheryl Atkinson if they are going.

G. Adjournment. There being no further business to come before the Planning Commission, the meeting adjourned at 7:34 p.m.

Respectfully submitted,

Wanda Haney
Senior Administrative Assistant

**BEFORE THE PLANNING COMMISSION
OF THE CITY OF NEWPORT,
COUNTY OF LINCOLN, STATE OF OREGON**

**IN THE MATTER OF PLANNING COMMISSION)
FILE NO. 1-ADJ-11, APPLICATION FOR AN) **FINAL**
ADJUSTMENT, AS SUBMITTED BY GARY MINES) **ORDER****

ORDER APPROVING AN ADJUSTMENT to Section 2-4-17.040/"Development Standards" of the Newport Zoning Ordinance (NZO) (No. 1308, as amended) criteria for townhouse development, which requires townhouse construction to adhere to minimum parent lot setback requirements. The applicant's request reduces the setback along SW 27th Street from 20 feet to 12 feet, which is a 40% reduction to the standard. The subject property is located at 2638 SW Brant Street (Assessor's Map 11-11-17-BD, Tax Lot 4900).

WHEREAS:

- 1.) The Planning Commission has duly accepted the application filed consistent with the Newport Zoning Ordinance (No. 1308, as amended); and
- 2.) The Planning Commission has duly held a public hearing on the request for an adjustment, with a public hearing a matter of record of the Planning Commission on March 28, 2011; and
- 3.) At the public hearing on said application, the Planning Commission received testimony and evidence, including testimony and evidence on behalf of the applicant, and from Community Development Department staff; and
- 4.) At the conclusion of said public hearing, after consideration and discussion, the Newport Planning Commission, upon a motion duly seconded, **APPROVED** the request for the adjustment.

THEREFORE, LET IT BE RESOLVED by the City of Newport Planning Commission that the attached findings of fact and conclusions (Exhibit "A") support the approval of the adjustment as requested by the applicant with the following condition(s):

1. Approval of this land use permit is based on the submitted written narrative and plans listed as Attachments to this report. No work shall occur under this permit other than that which is specified within these documents. It shall be the responsibility of the property owner to comply with these documents and the limitations of approval described herein.

2. The property owner shall comply with all applicable building codes, fire codes, and other public health and safety regulations to ensure that the use will not be detrimental to the safety and health of persons in the neighborhood. The property owner is responsible for obtaining the necessary approvals and permits pertaining to the proposed use.
3. Pursuant to Section 2-6-1.070/"Expiration and Extension of Decision" of the Newport Zoning Ordinance, this approval shall be void after 18 months unless all necessary building permits have been issued. An extension may be granted by the Community Development Director as provided in this section provided it is sought prior to expiration of the approval period.

BASED UPON THE ABOVE, the Planning Commission determines that the request for an adjustment is in conformance with the provisions of the Comprehensive Plan and the Zoning Ordinance of the City of Newport.

Accepted and approved this 11th day of April, 2011.

James Patrick, Chair
Newport Planning Commission

Attest:

Derrick I. Tokos, AICP
Community Development Director

EXHIBIT "A"

Case File No. 1-ADJ-11

FINDINGS OF FACT

1. Gary Mines submitted a request on February 18, 2011 for approval of an adjustment to Section 2-4-17.040(G)/"Development Standards" of the Newport Zoning Ordinance (NZO) (No. 1308, as amended) criteria for townhouse development, which requires townhouse construction adhere to minimum parent lot setback requirements. The applicant's request reduces the setback along SW 27th Street from 20 feet to 12 feet, which is a 40% reduction to the standard. The subject property is located at 2638 SW Brant Street (Assessor's Map 11-11-17-BD, Tax Lot 4900).

2. Staff reports the following facts in connection with the application:

- a. Plan Designation: High Density Residential.
- b. Zone Designation: R-4/"High Density Single-Family Residential".
- c. Surrounding Land Uses and Zoning: Surrounding uses are single-family and multi-family residences, and a state park. See Planning Staff Report Attachment "C" (Zoning Map of Area).
- d. Topography: The property is flat with no vegetation.
- e. Existing Structures: None.
- f. Utilities: All are available to the subject property.
- g. Past Land Use Actions:

File No. 1-SUB-07 – Subdivision approval for 14-lot townhouse development (Playa del Sur) approved by Final Order adopted 3/26/07.

File No. 1-CUP-07 – Conditional Use Permit to allow units in townhouse subdivision to be used as vacation rentals approved by Final Order adopted 3/26/07.

- h. Notification: All affected property owners within 200 feet, applicable city departments, and other agencies were notified on February 25, 2011. See Planning Staff Report Attachment "B" (Public Hearing Notice and Map). The public hearing notice was published in the Newport News-Times on March 18, 2011.

3. NZO 2-4-17.040(G) establishes the minimum setback to be that of the parent lot. Attached is a map of the Playa Del Sur Townhouse Subdivision (Attachment G). It shows that the parent lot bordered SW 27th Street, SW Brant Street, SW Jetty Way and private property to the west. NZO 2-3-2.005 establishes yard requirements for new buildings to be as specified in "Table A" (Attachment G). They are measured from front, side and rear lot lines. In this case, the front lot line definition is most relevant. It reads as follows:

Lot Line, Front. *In the case of an interior lot, a straight line joining the foremost points of the side lot lines. The foremost points of the side lot, in the case of rounded property corners at street intersections, shall be assumed to be the point at which the side and front lot lines would have met without such rounding, and, in the case of a corner lot, all sides of a lot adjacent to streets other than alleys shall be considered frontage.*

The terms “corner lot” and “street” are also defined terms that are relevant to establishing setback requirements. They are defined as follows:

Lot Corner. *A lot at least two adjacent sides of which abut streets other than alleys, provided the angle of intersection of the adjacent streets does not exceed 135 degrees.*

Street. *The entire width between the boundary lines of every way which provides for public use for transportation purposes and the placement of utilities and including the terms "road," "highway," "land," "place," "avenue," "alley," or other similar designation.*

4. Given this information, it is evident that the parent property is by definition a corner lot since it was adjacent to more than one street. Front lot lines for corner lots are those that abut a street, meaning that property lines adjacent to SW 27th Street, SW Brant Street, and SW Jetty Way would all be front lot lines. Table A establish that setbacks from front lot lines may be 20 feet and 10 feet, 15 feet and 15 feet or any combination in between that when combined totals 30 feet. Development approved on Lot 11 of the Playa Del Sur Subdivision utilized a 10’ setback from SW Brant Street (Attachment H). Therefore, pursuant to Table A the front yard setback off of SW 27th Street is 20 feet.

5. The applicant is seeking approval of an adjustment to allow a townhouse to be constructed on Lot 14 in Playa del Sur with a 12 foot setback from SW 27th Street instead of a 20 foot setback (8 foot adjustment or 40%) as depicted on their site plan (Attachment A-2).

6. There are no interior setbacks for townhouse developments; however, because this is a townhouse plat with lots less than the 5,000 sq. ft. minimum required for single family detached construction, townhouses are the only type of dwellings that are permitted. The owner is aware of this limitation and is setting the structure up so that it can be attached in the future to a building on the neighboring property (Lot 13).

7. A deviation of greater than 10%, but less than or equal to 40%, of a numerical standard shall satisfy criteria for an Adjustment as determined by the Planning Commission using a Type III decision making procedure (NZO Section 2-5-2.015(A)). The requested deviation is a 40% reduction to the front yard setback, so Planning Commission approval of the Adjustment is required.

8. Upon acceptance of the application, the Community Development (Planning) Department mailed notice of the proposed action on February 25, 2011, to property owners within 200 feet required to receive such notice by the Newport Zoning Ordinance, and to various City departments and other agencies. The notice referenced the criteria by which the application was

to be assessed. The notice required that written comments on the application be submitted by 5:00 p.m., March 8, 2011. Comments could also be submitted during the course of the public hearing. The notice was also published in the Newport News-Times on March 18, 2011. The only written comment that was received was from Marylou Quinn asking that the City prohibit construction of a three story home.

9. A public hearing was held on March 28, 2011. At the hearing, the Planning Commission received the staff report and oral testimony from the applicant. The minutes of the March 28, 2011, meeting is hereby incorporated by reference into the findings. The Planning Staff Report with Attachments is hereby incorporated by reference into the findings. The Planning Staff Report Attachments included the following:

- Attachment "A" – Applicant’s Written Findings of Fact
- Attachment "A-1" – Drawing of Lots 11-14 Playa Del Sur Subdivision
- Attachment "A-2" – Site Plan
- Attachment "A-3" – Exterior Elevations (reduced in size)
- Attachment "B" – Public Hearing Notice and Map
- Attachment "C" – Zoning Map of Area
- Attachment "D" – Topography Map
- Attachment "E" – Aerial Photograph
- Attachment "F" – Playa Del Sur Townhouse Subdivision plat (reduced)
- Attachment "G" – Table A of the Zoning Ordinance
- Attachment "H" – Site Plan for Lot 11, Playa Del Sur Subdivision

10. The applicable criteria for approval of an adjustment are found in NZO Section 2-5-2.025 as follows:

- i. That granting the adjustment will equally or better meet the purpose of the regulation to be modified; and
- ii. That any impacts resulting from the adjustment are mitigated to the extent practical; and
- iii. That the adjustment will not interfere with the provision of or access to appropriate utilities, nor will it hinder fire access; and
- iv. That if more than one adjustment is being requested, the cumulative effect of the adjustments results in a project that is still consistent with the overall purpose of the zoning district.

CONCLUSIONS

Criterion #1. That granting the adjustment will equally or better meet the purpose of the regulation to be modified.

1. In regard to this criterion, the Planning Commission considered whether the applicant has sufficiently demonstrated that granting the adjustment will equally or better meet the purpose of the regulation to be modified.
2. The applicant submitted findings in regard to this criterion in Planning Staff Report Attachment "A" (Applicant’s Written Findings of Fact). The applicant states that adjusting the setback will not diminish the intent of the setback regulation in that the driveway adjacent

to the subject property is 20 feet wide to accommodate a private driveway for the fourteen lots in the Playa Del Sur Townhouse Subdivision; so vision won't be impaired thus causing a safety issue. The applicant notes that 27th Street is not a heavily used road, and the reduced setback does not appear to have other vision/safety/aesthetic negatives.

3. Front yard setback requirements for corner lots ensure vision clearance for traffic safety, provide area for landscaping, separation for solar access and privacy, and adequate area for off-street parking. As shown on the applicant's site plan, given the angled nature of the encroachment, line of sight for vehicles entering or exiting the private drive off of SW 27th Street should not be impeded. In addition to the lot coverage standard of the R-4 zone (64% max.), townhouse developments must provide a minimum of 150 sq. ft. of outdoor open space or patio space (NZO2-4-17.040). As depicted on the applicant's site plan, given the irregular shape of the property compliance with these minimum requirements is not an issue as there are portions of the property that are too narrow to be built upon (approx. 27% lot coverage). Townhouse parking requirements are 1.5 spaces per unit, and they may be satisfied with garage spaces. An elevation drawing of the townhouse unit shows a two car garage, which satisfies this requirement (Attachment "A-3"). Privacy and solar access tend to be more of an issue with side and rear lot lines. The subject request encroaches into a setback adjacent to a street, which provides additional separation from other buildings and uses.
4. Considering the above, the Planning Commission finds that granting the adjustment equally meets the purpose of the setback regulations. Therefore, the Planning Commission determines that Criterion # 1 has been satisfied.

Criterion #2. *That any impacts resulting from the adjustment are mitigated to the extent practical.*

5. The applicant's findings indicate that a consideration is the amount of sunlight that might be blocked by allowing a setback adjustment. If the north face of neighboring structures is deprived of sunlight during the winter months, there is a problem of moss buildup and degradation of the wood from remaining wet throughout the winter. The applicant notes that adjusting the setback would not impact any of the neighboring structures inordinately. The applicant believes that a plus of adjusting the setback would be that the properties to the east of the subject property gain protection from the south winds we experience in the area from time to time. There would be no impact on drainage or access to adjoining properties.
6. In this case, granting the adjustments does not appear to impact adjacent properties to the extent that it would be appropriate to impose requirements for mitigation. The exterior elevation drawing provided by the applicant shows a two story structure, addressing Ms. Quinn's concern about a three story structure being built.
7. Based on the above, the Planning Commission concludes that this criterion has been satisfied.

Criterion #3. *That the adjustment will not interfere with the provision of or access to appropriate utilities, nor will it hinder fire access.*

8. The applicant notes that there are eleven other lots within this subdivision that are already built on. All of them have their utilities installed, and none of their services pass through this lot. As to the fire access, the setback adjustment would be toward 27th Street, which would not impact the safety or fire access of other properties in the area.
9. Provided the townhouse unit is constructed as depicted on the site plan, outside of easement areas, the Planning Commission finds that granting the adjustment will not interfere with utility or fire access.
10. Based on the above, the Planning Commission concludes that Criterion #3 has been satisfied.

Criterion #4. That if more than one adjustment is being requested, the cumulative effect of the adjustments results in a project that is still consistent with the overall purpose of the zoning district.

11. The only adjustment the applicant is requesting is the 8 foot adjustment to the front yard setback adjacent to SW 27th Street; findings of which are addressed above.
12. Based on the above, the Planning Commission concludes that this criterion is satisfied.

OVERALL CONCLUSION

Based on the staff report, the application material, and other evidence and testimony in the record, the Planning Commission concludes that the above findings of fact and conclusions demonstrate that the applicant has demonstrated compliance with the criteria for granting an adjustment; and, therefore, the request is **APPROVED** with the following conditions of approval:

1. Approval of this land use permit is based on the submitted written narrative and plans listed as Attachments to this report. No work shall occur under this permit other than that which is specified within these documents. It shall be the responsibility of the property owner to comply with these documents and the limitations of approval described herein.
2. The property owner shall comply with all applicable building codes, fire codes, and other public health and safety regulations to ensure that the use will not be detrimental to the safety and health of persons in the neighborhood. The property owner is responsible for obtaining the necessary approvals and permits pertaining to the proposed use.
3. Pursuant to Section 2-6-1.070/"Expiration and Extension of Decision" of the Newport Zoning Ordinance, this approval shall be void after 18 months unless all necessary building permits have been issued. An extension may be granted by the Community Development Director as provided in this section provided it is sought prior to expiration of the approval period.

PLANNING STAFF REPORT

- A. **APPLICANT:** Dean R. Coppage (Newport Church of the Nazarene, property owner).
- B. **REQUEST:** The applicant requests the city vacate approximately 90 feet of undeveloped 20-foot wide alley right-of-way between NW Grove Street and NW Nye Street immediately south of NW 11th Street.
- C. **SUBJECT PROPERTY:** The abutting properties involved are identified as Tax Lots 2100 and 2700 of Assessor's Tax Map 11-11-05-CA.
- D. **STAFF REPORT**
1. **REPORT OF FACT**
- a. **Plan Designation:** Low Density Residential.
- b. **Zone Designation:** R-2/"Medium Density Single-Family Residential".
- c. **Surrounding Land Uses:** Surrounding uses include residential uses, and the property abuts heavy commercial uses. The Newport Fire Station is situated southwest of the subject site.
- d. **Topography and Vegetation:** The applicant notes that the property is cleared and slopes gently from north to south.
- e. **Existing Structures:** None.
- f. **Utilities:** All are available to the site.
- g. **Development Constraints:** None known.
- h. **Past Land Use Actions:** File No. 11-CUP-10, approval of a request for construction of a new building on the church property located in a residential zone. Final Order adopted January 13, 2011.

File No. 1-SV-02, a request to vacate the alley was submitted by the Nazarene Church, but was not granted. From the record, it appears that the Church received direction from the City to prepare an easement for a storm drainage line that is located in the alley. The easement agreement and street vacation were not completed.

i. **Notification:** Notification to surrounding property owners, to City departments, and to public/private utilities/agencies was mailed on March 21, 2011. See Planning Staff Report Attachment "B" (Public Hearing Notice and Map). Notification distance is as specified in ORS 271.080(2) for street vacations. The notice of Planning Commission public hearing for the request was also published in the Newport News-Times on April 1, 2011, and April 6, 2011. Notice was also posted at or near each end of the proposed vacation consistent with ORS 271.110(2).

j. **Attachments:**

Attachment "A" – Application Form

Attachment "A-1" – Applicant's Letter Requesting Vacation

Attachment "A-2" – Legal Description for Area to be Vacated

Attachment "A-3" – Title Report

Attachment "A-4" – Proposed Vacation Area Map

Attachment "A-5" – Map of Consenting Properties

Attachment "A-6" – List of Property Owners Receiving Notice

Attachment "B" – Public Hearing Notice and Map

Attachment "C" – Zoning Map of Area

Attachment "D" – Aerial Map of the Property

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

The church received approval of a Conditional Use Permit in order to construct a new community outreach/youth center facility adjacent to the subject property. To further meet the parking requirement as outlined in the Conditional Use Permit, they propose to construct a parking lot along the south side of NW 11th Street between NW Grove Street and NW Nye Street. Their plans include the use of the 20-foot wide alley right-of-way area as part of the parking lot.

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

a. **Comments:** Surrounding property owners and affected city departments and public/private utilities/agencies were notified on March 21, 2011. As of April 5, 2010, only one comment was received. On April 5th, Greg Schaecher with the Public Works Department commented that a 24" concrete storm drain pipe is located within the alley right-of-way and that an easement should be reserved for maintenance of this facility.

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

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

2. Whether notice has been duly given [for the public hearing before the City Council] and,
3. Whether the public interest will be prejudiced by the vacation of such plat or street or parts thereof.

c. **Staff Analysis:**

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

- (1) Whether the consent of the owners of the requisite area [as defined in ORS 2.71.080 (2)] have been obtained;

On March 15, 2011, the applicant submitted the names and addresses of abutting property owners along with their original, notarized signatures indicating consent for the street vacation. These documents are available in the case file. For Approval of the vacation, ORS 271.080 (2) requires "the consent of the owners of the abutting property and not less than two-thirds in area of the real property affected thereby." Written notarized consents were submitted from property owners as follows:

Assessor's Map 11-11-05-CA

<u>TAX LOT</u>	<u>OWNER</u>
00300	Newport Church of the Nazarene
02100	Newport Church of the Nazarene
02300	Newport Church of the Nazarene
02400	Newport Church of the Nazarene
02500	Newport Church of the Nazarene
02600	Newport Church of the Nazarene
02700	Newport Church of the Nazarene
02800	Sacred Heart Catholic Church
03200	Sacred Heart Catholic Church
03300	Sacred Heart Catholic Church
03303	City of Newport
03400	Sacred Heart Catholic Church

Assessor's Map 11-11-05-BD

<u>TAX LOT</u>	<u>OWNER</u>
04800	G & G Investments
05002	Newport Church of the Nazarene

The notification area under ORS 271.080 extends 200 feet to either side of the right-of-way being vacated, and a distance of 400 feet from the terminal ends of the right of way being vacated. This creates a rectangular shaped notification area (see Planning Staff Report Attachment "A-4"). As noted,

consent must be obtained from the owners of two-thirds of the real property (excluding right-of-way) within the notice boundary. In the subject circumstances, consent has been obtained for almost all of the property (Staff report Attachment "A-5"). The only properties where consent was not obtained are Tax Lot 2200, and small portions of along the perimeter of the notification boundary. This information is adequate to establish that the required level of ownership consent has been obtained.

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

Notice of the Planning Commission hearing has been provided direct mail and newspaper notice and posted signs on the property advising the public of the petition request. This satisfies the requirements of ORS 271.110.

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

The existing alley right-of-way is not improved. The applicant in the proposed findings contends that the public interest will not be prejudiced given that this is the case, and that the area was a deep canyon drainage area until the Church acquired the adjoining properties and filled the area. As noted earlier, the Church intends to develop a parking lot at this location consistent with plans approved by the City for an outreach/recreation facility (Permit #11-CUP-10). The city approval noted that a street vacation would be required in order for the parking area to be completed as proposed.

Staff has reviewed the Newport Transportation System Plan (1997), North Side Local Street Plan (2008) and Newport Bicycle and Pedestrian Plan (2008). The plans do not identify specific improvements for the alley. There are no projects planned for the alley that the City is collecting System Development Charges to complete.

Staff conferred with the Public Works Department and reviewed utility plans submitted with Permit #11-CUP-10. A 24" concrete storm drainage line is located within the right-of-way that is to be vacated. Public Works recommends that an easement be reserved to the benefit of the City for maintenance purposes. This can be accomplished as part of a Street Vacation Order, and would not prevent the applicant from constructing a parking lot at this location.

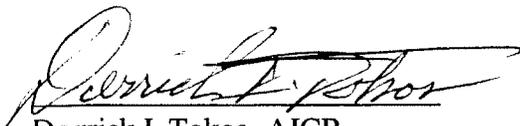
Given the above, it is reasonable for the Planning Commission to find that the public interest will not be prejudiced.

4. **Conclusion:** The staff report has been prepared based on the information available to staff at the time of writing the report. If additional comments or information is provided during the course of the public hearing process, the analysis or conditions of approval recommended by staff are subject to change.

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

- D. **STAFF RECOMMENDATION:** If the Commission decides to recommend approval of the requested street vacation, the Commission may want to consider recommending or attaching the following condition.

1. The City Council should retain a storm drainage utility easement over the portion of the alley to be vacated as there is a 24" concrete drainage pipe within the area that will need to be maintained.



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

April 5, 2011

City of Newport Land Use Application

ATTACHMENT "A"
File No. 1-SV-11 Staff Report
Application Form

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

Applicant Name(s): DEAN R. COPPAGE	Property Owner Name(s): NEWPORT CHURCH OF THE NAZARENE
Applicant Mailing Address: P.O. BOX 946 LINCOLN CITY, OR. 97367	Property Owner Mailing Address: 227 N.W. 12th ST. - P.O. BOX 1068 NEWPORT, OR. 97365
Applicant Telephone No.: 541-992-4058	Property Owner Telephone No.: 541-265-6684
Authorized Representative(s): DEAN R. COPPAGE	
Authorized Representative Mailing Address: P.O. BOX 946, LINCOLN CITY, OR. 97367	
Authorized Representative Telephone No.: 541-992-4058	

Project Information

Property Location: ALLEY EASEMENT - SOUTH SIDE OF N.W. 11th ST. BETWEEN N.W. GROVE ST. + N.W. N4E ST.		
Tax Assessor's Map No.: 11-11-05 CA	Tax Lot(s):	
Zone Designation: R2	Legal Description: SEE ATTACHED LEGAL DESCRIPTION	
Comp Plan Designation:		
Brief Description of Land Use Request(s): TO ABANDON THE NORTHERN MOST 90.12 FT. OF A NEVER DEVELOPED 20FT. WIDE ALLEY EASEMENT BETWEEN LOT 2100 AND LOT 2700, BLOCK 16 OF THE OCEANVIEW (TOWN) CREATED BY PLAT RECORDED JULY 1, 1892, IN PLAT BOOK 1, PAGE 36. PLAT RECORDS OF LINCOLN COUNTY, OREGON.		
Existing Structures: NONE - ALLEY WAY NEVER DEVELOPED		
Topography and Vegetation: SLOPING DOWN FROM N.W. 11th TO N.W. 10th ST.		
APPLICATION TYPE (please check all that apply)		
<input type="checkbox"/> Annexation <input type="checkbox"/> Appeal <input type="checkbox"/> Comp Plan/Map Amendment <input type="checkbox"/> Conditional Use Permit <input type="checkbox"/> PC <input type="checkbox"/> Staff <input type="checkbox"/> Design Review <input type="checkbox"/> Geologic Permit	<input type="checkbox"/> Interpretation <input type="checkbox"/> Minor Replat <input type="checkbox"/> Partition <input type="checkbox"/> Planned Development <input type="checkbox"/> Property Line Adjustment <input type="checkbox"/> Shoreland Impact <input type="checkbox"/> Subdivision <input type="checkbox"/> Temporary Use Permit	<input type="checkbox"/> UGB Amendment <input checked="" type="checkbox"/> Vacation <input type="checkbox"/> Variance/Adjustment <input type="checkbox"/> PC <input type="checkbox"/> Staff <input type="checkbox"/> Zone Ord/Map Amendment <input type="checkbox"/> Other _____
FOR OFFICE USE ONLY		
File No. Assigned: <u>1-SV-11</u>		
Date Received: <u>3-15-11</u>	Fee Amount: <u>5628.00</u>	
Received By: <u>BM</u>	Receipt No.: <u>12289</u>	
Date Accepted as Complete: _____		
Accepted By: _____		

(SEE REVERSE SIDE)

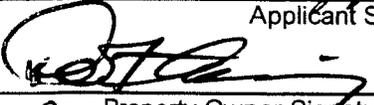
I understand that I am responsible for addressing the legal criteria relevant to my application and that the burden of proof justifying an approval of my application is with me. I also understand that this responsibility is independent of any opinions expressed in the Community Development & Planning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

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



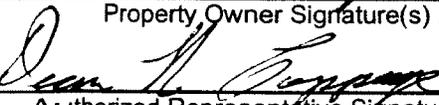
Applicant Signature(s)

MARCH 15, 2011
Date Signed



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

03/15/2011
Date Signed



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

MARCH 15, 2011
Date Signed

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.

Coastal Project Consultants

Dean R. Coppage

P.O. Box 946 • Lincoln City, OR 97367 • Office: 1130 NE. Voyage Ave. • Lincoln City, OR 97367
Phone 541-994-1133 • Fax 541-994-1134 • Cell 541-992-4058
email: drccpc6962@live.com

March 15, 2011

Derrick I. Tokos, AICP
Community Development Director
City of Newport
169 SW Coast Highway
Newport, Oregon 97365

Re: Alley Vacation – Newport Church of the Nazarene

Derrick

In the furtherance of meeting the "Parking Requirement" as outlined in the Conditional Use Permit issued to the Newport Church of the Nazarene in the development of their new Community Outreach / Youth Center Facility, the Church proposes to expand the parking lot along the south side of NW 11th St. between NW Grove St. and NW Nye St. To build this expanded parking area would require incorporating a portion of an existing but never developed twenty ft. (20') wide Alley Easement. Western Title & Escrow, Newport, Oregon, on December 08, 2010, issued the "Church" a Report Number 42910 which states the following:

" That certain 20 foot strip of land lying within Block 16, of Ocean View, Lincoln County, Oregon, bounded on the West by Lots 6 through 10, of said Block 16, and on the East by Lots 1 through 5, of said Block 16 and as of December 8, 2010, at 5:00 P.M., we find that the said alley was created by the Plat of Ocean View recorded July 1, 1892, in Plat Book 1, page 36, Plat Records for Lincoln County, Oregon. (Report Attached).

To construct this parking lot will require that the northern 90.12 ft. of said 20 foot alley easement bounded on the west by original Lot 6 and a 36 ft. wide piece of original Lot 7, (now shown as Lot 2100) and on the east by original Lots 3, 4 & 5 (now shown as Lot 2700). The Newport Church of the Nazarene now owns both of these adjacent lots as exhibited by the " Buyer's Final Settlement Statement " File No. 7111-1668467, as issued by First American Title Insurance Company of Oregon on 12/29/2010. (Copy Attached) The Church has been deeded the three lots in this block that were previously shown to be owned by The Hathaway Revocable Trust of Glenwood, WA. Only an 18' wide section of original Lot 7 along with a 27' wide section of original Lot 8, (now shown as Lot 2200 on current Lincoln County Records) is not owned by the Church. This property is owned by a Mrs. Constance Zaugg, 1032 NW Nye St., Newport, Oregon 97365. The Church was never able to acquire the consent to vacate from this "Abutting Property Owner" so therefore has given up on vacating the entire 270 ft. by 20 ft. wide existing alley easement at this time.

In the furtherance of meeting the "Application Submittal Requirements" we have attached exhibits relate to Items 1 through 4. As to Item 5, we submit that this existing easement "Does Not" lie within 5000 ft. of the harbor or pier head line of the Port of Newport.

As to Item No.6, we do not believe that the public interest would be prejudiced in any way by the vacation of the alley easement. This easement was never developed and until the Church acquired the east half of Block 16 and filled the area it was just a deep canyon drainage area.

As to Item No. 7, we find that Newport Zoning Ordinance Section 2-4-12 is not applicable to this easement .

As to Item No. 8, the requested alley way vacation does not involve any righ-of-way on the hillside above the Newport Bay Front and therefore the Bay Front Plan Goal 5, Policy 1 doe not apply to this requested vacation.

We appreciate your pending review of this application request and if any additional information is needed, please do not hesitate to contact me.

Sincerely

A handwritten signature in black ink that reads "DEAN COPPAGE". The signature is written in a cursive style with a large, stylized initial 'D'.

Dean R. Coppage – Agent for the Newport Church of the Nazarene
Cc: Rev. Don Minter, Rich Wanke, Great Western Corporation.

Denison Surveying, Inc.
720 SW Angle St.
Newport, Or. 97365
(541) 265-9308

LAND DESCRIPTION FOR THE EXTERIOR
BOUNDARIES OF A PORTION OF THE
20 FOOT WIDE ALLEY WITHIN BLOCK
16, PLAT OF OCEANVIEW
11-11-05 CA

Commencing at the Northwest corner of Block 16, Plat of **OCEANVIEW**, as recorded in Book 1, Page 36, Lincoln County Plat Records, located in the Southwest one-quarter of Section 5, Township 11 South, Range 11 West, Willamette Meridian in Lincoln County, Oregon; thence South $89^{\circ}51'27''$ East, along the north line of said Block 16 to the westerly right of way of a 20 foot wide alley, a distance of 125.10 feet and the True point of Beginning; thence South $00^{\circ}17'15''$ West, along said westerly right of way to the Northeast corner of a tract of land as described in Document No. 200708779, Lincoln County Film Records, a distance of 90.12 feet; thence South $89^{\circ}51'27''$ East to the easterly right of way of said 20 foot wide alley, a distance of 20.00 feet; thence North $00^{\circ}17'15''$ East, parallel to the westerly right of way of said alley to the north line of Block 16, a distance of 90.12 feet; thence North $89^{\circ}51'27''$ West, along said north line, a distance of 20.00 feet to the point of beginning.

End of Description



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:

Church of Nazarene
Attention: Rev Donald Minter
P.O. Box 1068
Newport, OR 97365

Date Prepared: December 13, 2010

Report Number: 42910

Fee: \$100.00

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 **December 08, 2010**.
- (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: 42910

Effective Date: December 08, 2010 at 5:00 p.m.

Dear Rev. Donald Minter

At your request and as a service to you we have searched our tract indices as to the following described property:

That certain 20 foot strip of land lying within Block 16, of Ocean View, Lincoln County, Oregon, bounded on the West by Lots 6 through 10, of said Block 16, and on the East by Lots 1 through 5, of said Block 16

and as of December 8, 2010, at 5:00 P.M., we find that the said alley was created by the Plat of Ocean View recorded July 1, 1892, in Plat Book 1, page 36, Plat Records for Lincoln County, Oregon, which recites

"Do hereby lay out said premises as a Town to be known as the Town of "Ocean View" as shown on this map and plat in Blocks 270 feet square divided into ten lots each. Said Blocks being numbered and with alleys as shown on the plat and streets sixty feet which as shown by this plat and I hereby dedicate said streets to the use of the public."

We find that the adjacent property is owned by:

TAX LOT	ASSESSED OWNER
11-11-05-CA-2100	George A. Hathaway and Dee M. Hathaway, Co-Trustees of the Hathaway Revocable Trust dated January 28, 1994 1807 BZ Glenwood Highway, Glenwood, WA 98619-9051
11-11-05-CA-2200	Constance A. Zaugg 1026 Laurence Avenue, SW Albany, OR 97321
11-11-05-CA-2300	George A. Hathaway and Dee M. Hathaway, Co-Trustees of the Hathaway Revocable Trust dated January 28, 1994 1807 BZ Glenwood Highway, Glenwood, WA 98619-9051
11-11-05-CA-2400	George A. Hathaway and Dee M. Hathaway Co-Trustees of the Hathaway Revocable Trust dated January 28, 1994 1807 BZ Glenwood Highway, Glenwood, WA 98619-9051
11-11-05-CA-2500	Newport Church of the Nazarene PO Box 1068 Newport, Oregon 97365

11-11-05-CA-2600

Newport Church of the Nazarene
PO Box 1068
Newport, Oregon 97365

11-11-05-CA-2700

Newport Church of the Nazarene
PO Box 1068
Newport, Oregon 97365

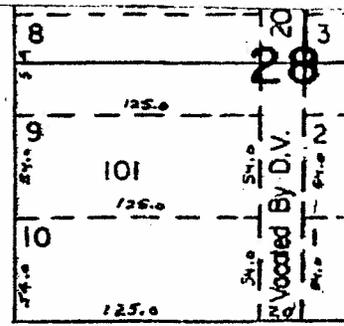
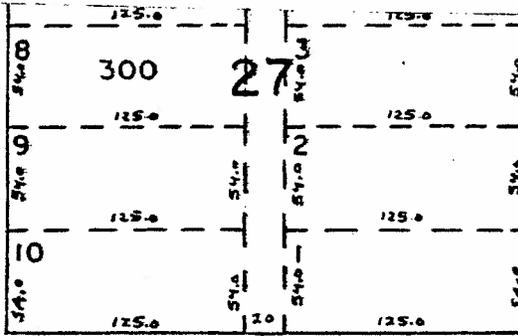
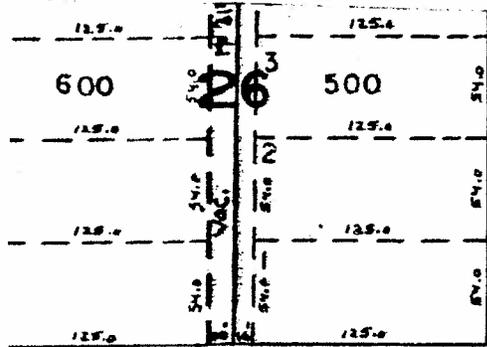
END OF REPORT

Western Title & Escrow

42910

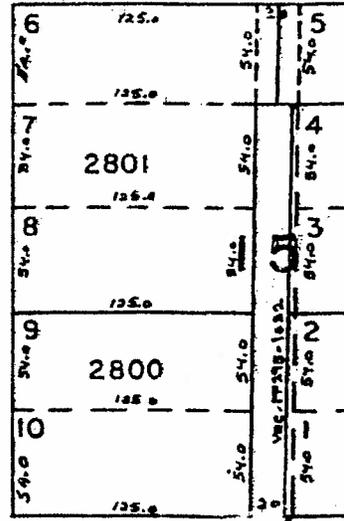
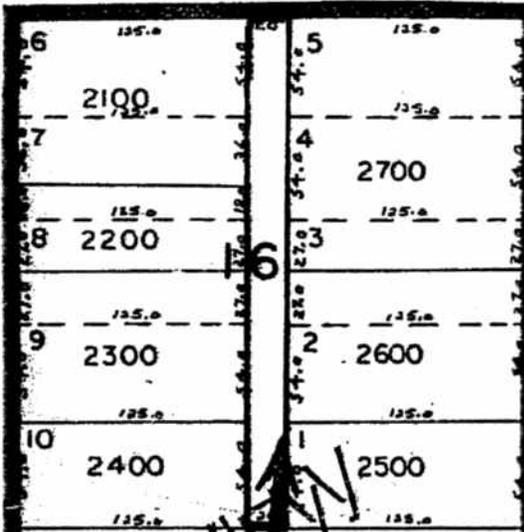
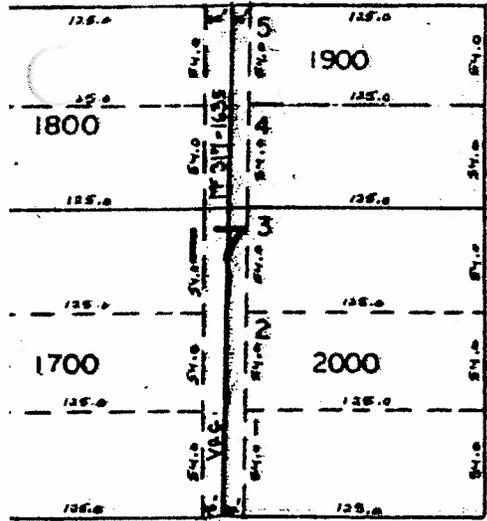
Compliments of Western Title & Escrow Company. This map is not a survey and we assume no liability for inaccuracies.

11-11-05 - CA



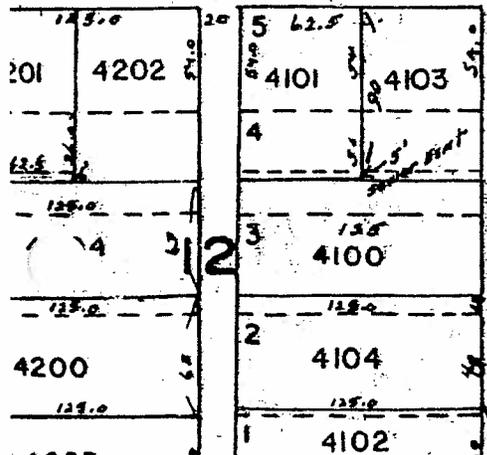
104

NW 11TH ST

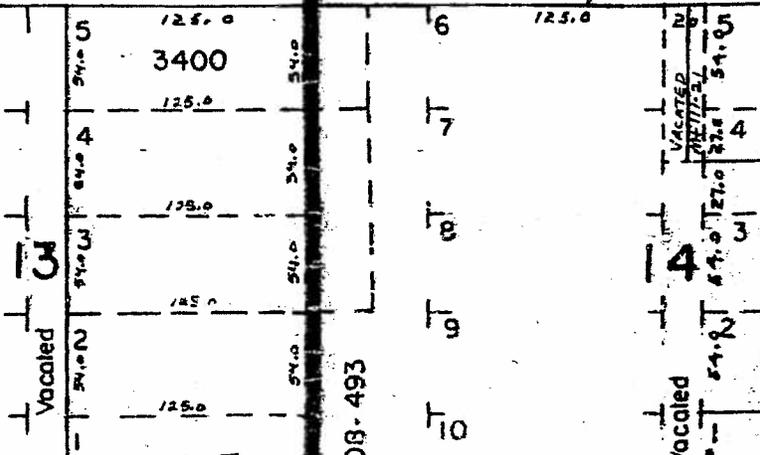


NW GROVE ST

NW 10TH ST



JW NYE ST.

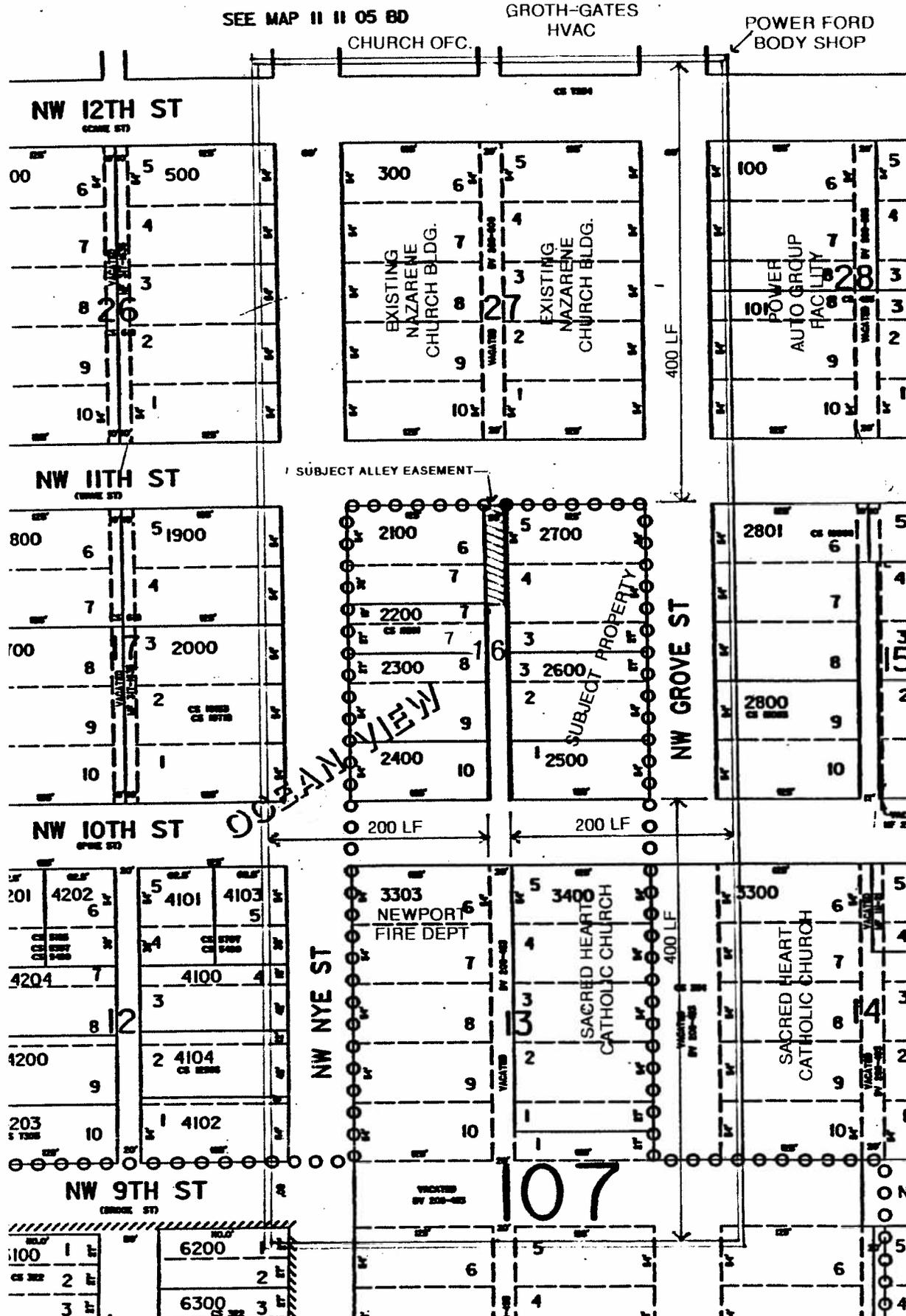


38-493

NE 1/4 SW 1/4 SECTION 5 T1 LINCOLN COUNTY

1" = 100'

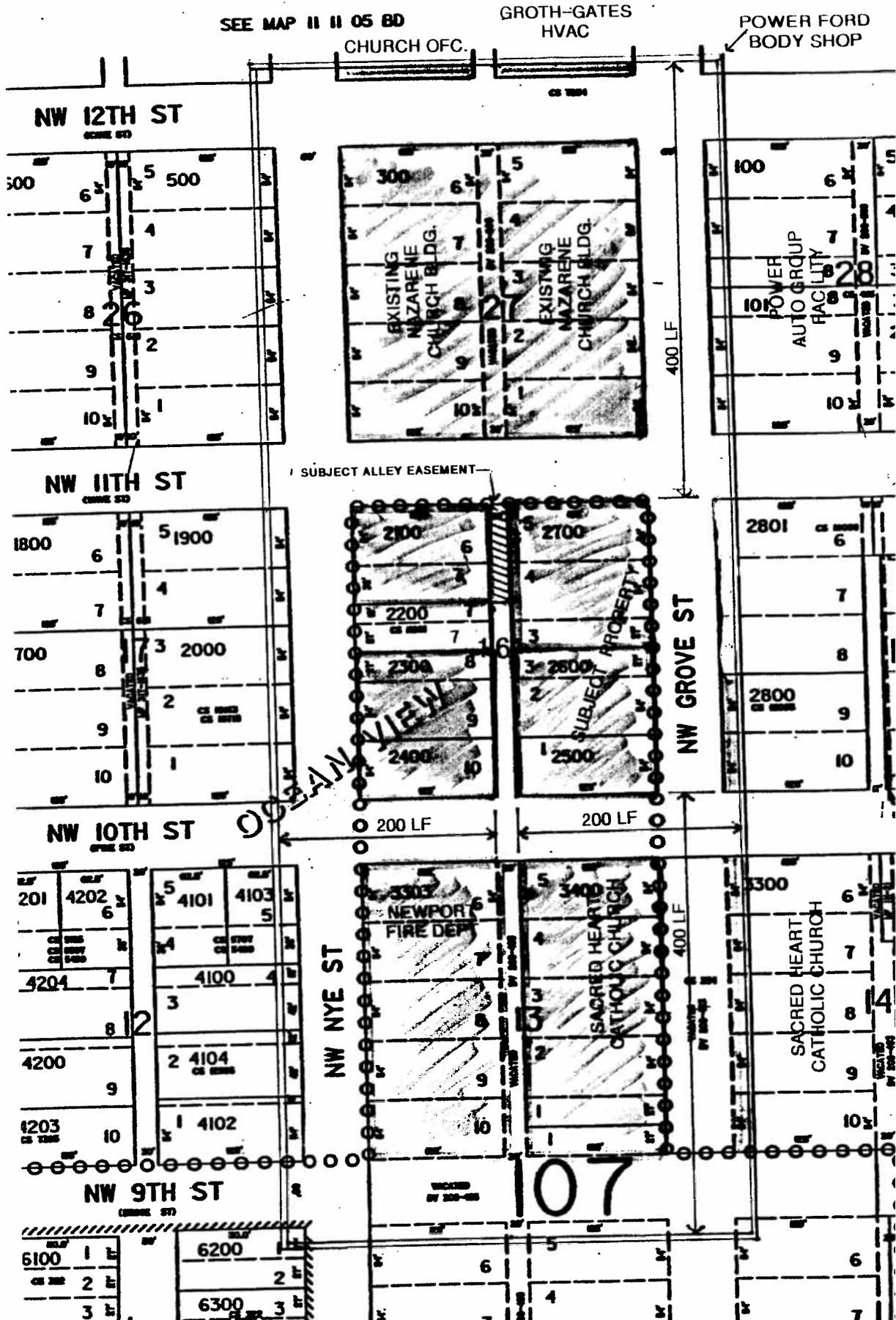
ATTACHMENT "A-4"
File No. 1-SV-11 Staff Report
Proposed Vacation Area Map



NE 1/4 SW 1/4 SECTION 5 T LINCOLN COUNTY

1" = 100'

ATTACHMENT "A-5"
File No. 1-SV-11 Staff Report
Map of Consenting Properties



11-11-05-CA-04801-00	1952 NW HURBERT ST	HOUSING AUTHORITY OF	LINCOLN COUNTY	PO BOX 1470		NEWPORT, OR 97365
11-11-05-CA-05000-00	932 NW HURBERT ST	WILSON CABIN LLC	% AYERS R M & L A	LIFE ESTATE	221 ENTRPRISE DR	RICHLAND, WA 99354-1909
11-11-05-CA-05200-00	912 NW HURBERT ST	LACY LARRY D	995 N 7TH ST			AUMSVILLE, OR 97325
11-11-05-CA-05300-00		CITY OF NEWPORT	CITY MANAGER	169 SW COAST HWY		NEWPORT, OR 97365
11-11-05-CA-05400-00		CITY OF NEWPORT	CITY MANAGER	169 SW COAST HWY		NEWPORT, OR 97365
11-11-05-CA-05500-00	826 NW COTTAGE ST	RHOADES ALLEN K &	RHOADES MARGARET L	3501 BENNETT DR		BELLINGHAM, WA 98225
11-11-05-CA-05600-00		RHOADES ALLEN K &	RHOADES MARGARET L	3501 BENNETT DR		BELLINGHAM, WA 98225
11-11-05-CA-05700-00		RHOADES ALLEN K &	RHOADES MARGARET L	3501 BENNETT DR		BELLINGHAM, WA 98225
11-11-05-CA-05800-00	418 NW 8TH ST	TARVER CLAY	PO BOX 11533			HONOLULU, HI 96828
11-11-05-CA-05900-00	350 NW 8TH ST	MEAGHER RICHARD F	PO BOX 455			NEWPORT, OR 97365
11-11-05-CA-06000-00		CITY OF NEWPORT	CITY MANAGER	169 SW COAST HWY		NEWPORT, OR 97365
11-11-05-CA-06100-00		CITY OF NEWPORT	CITY MANAGER	169 SW COAST HWY		NEWPORT, OR 97365
11-11-05-CA-06200-00	307 NW 9TH ST	OHARE RITA	3205 SNYDER AVE			NEWPORT, OR 97365
11-11-05-CA-06300-00		CITY OF NEWPORT	CITY MANAGER	169 SW COAST HWY		NEWPORT, OR 97365
11-11-05-CA-06400-00		CITY OF NEWPORT	CITY MANAGER	169 SW COAST HWY		NEWPORT, OR 97365
11-11-05-CA-07200-00	843 N COAST HWY	LAFRANCHI RON	580 N CENTRAL			COQUILLE, OR 97423
11-11-05-CA-07300-00	843 N COAST HWY	M & K HOLDINGS LLC	PO BOX 830			NEWPORT, OR 97365
11-11-05-CA-07300-00	811 N COAST HWY	M & K HOLDINGS LLC	PO BOX 830			NEWPORT, OR 97365
11-11-05-CA-07300-00	811 N COAST HWY	M & K HOLDINGS LLC	PO BOX 830			NEWPORT, OR 97365

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

NOTICE IS HEREBY GIVEN that the Planning Commission of the City of Newport, Oregon, will hold a public hearing on Monday, April 11, 2011, to review and make a recommendation to the Newport City Council on a partial alley vacation as requested in:

File No. 1-SV-11:

Applicant: Dean Coppage (Newport Church of the Nazarene, property owner).

Request/Subject Property: The request is for a proposed vacation of approximately 90 feet of undeveloped 20-foot wide alley easement on the south side of NW 11th Street between NW Grove Street and NW Nye Street. The abutting properties are currently identified as Tax Lots 2100 and 2700 of Assessor's Tax Map 11-11-05-CA (see the attached illustration of the proposed area to be vacated).

Date Request Received: March 15, 2011

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

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

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

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

Time/Place of Hearing: Monday, April 11, 2011; 7:00 p.m.; City Hall Council Chambers (address above in "Reports/Materials").

MAILED: March 21, 2011.

PUBLISHED: April 1, 2011 & April 6, 2011/News-Times.

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

ATTACHMENT "D"
File No. 1-SV-11 Staff Report
Aerial Map of the Property



Subject Right-Of-Way

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




189 SW Coast Highway P+ 1 541 574 0629
Newport, Oregon 97385 541 574 0644

Memo

To: Planning Commission/Commission Citizen Advisory Committee

From: Derrick Tokos, Community Development Director

Date: April 7, 2011

Re: FY 11/12 Community Development Department Goals

The following is a list of FY 11/12 goals that I submitted to the City Council for the Community Development Department. The Council is meeting on Friday to set their goals for the coming year, and these are subject to change based upon that conversation. I wanted to get these in front of you so that you could let us know if there is anything major we are missing, or if any of these seem inappropriate to you. I am not sure if your comments can be worked into the Council Goals conversation given their schedule, but they can definitely be shared with the Council independent of that and can be considered as part of the budgetary process.

1. Goal 5 Planning. Initiate work on land use regulations to protect environmentally sensitive areas, namely wetlands. This builds on the work we just completed in developing a Local Wetland Inventory (LWI) that mapped wetland and riparian areas within the Newport UGB. It also follows through with a commitment the City made to complete the work prior to its next periodic review (Goal 2, Policy 5 Natural Features section of the Comprehensive Plan). A significant portion of the work would be contracted, and it is likely that the City will be eligible for grant funding. Work would be prioritized on that basis.
2. Goal 9 Planning. Look at updating the Comprehensive Plan regarding the City's commercial land supply. The City has a limited inventory of readily developable commercial properties, particularly larger parcels. To make adjustments requires a comprehensive look at what we have, and whether or not there is a sufficient supply under state law. There are also policy and service implications related to where and how commercial development is encouraged. It has been many years since the City has looked at this issue community-wide. State grant funding may be available for the work, and a significant portion of it would be contracted.
3. Implement Housing Study Recommendations. The Planning Commission will be acting on policy recommendations from the Housing Task Force in May. The Council will see them in June/July. Recommendations will likely include direct incentives and regulatory changes to facilitate development of workforce housing. For the upcoming fiscal year, we will look to implement key recommendations.
4. Improving Public Access to Building/Land Use Records. The City receives numerous requests for land use and building information. We recently finished scanning the City's building records and the IT Department is developing an online search tool. Next year we will begin a

maintenance program on the building side to keep records current and begin to scan land use records. We will use the annual coastal DLCD grant for that purpose.

5. Improved Informational Materials. A lot of progress has been made on the GIS front to improve access of land use/building information to assist the public. The effort will focus more on handouts with the intent being to provide the public with all of the process and cost information up front to minimize surprises as they proceed with construction projects.
6. Transportation System Plan Update. This has been a goal for several years. ODOT is overseeing this project and it appears that we will be able to wrap it up before the end of the next fiscal year. It will result in changes to the Transportation element of the Newport Comprehensive Plan. Those changes should provide improved “predictability” in terms of the level of development that can occur on properties accessing state highways. The trade-offs include commitments to completing projects to improve highway capacity in South Beach. Trip caps may also come into play for some properties.
7. Planning Commission Legislative Agenda. The Commission will continue its work to streamline and improve the operation of the City’s Zoning Code. This will include a number of the initiatives listed above and other efforts such as implementing changes to land use rules for vacation rentals (consistent with recommendations of an Ad-Hoc work group), facilitating the development of local policy options for the Territorial Sea Planning process, and potentially taking on changes to water-related and water-dependant zoning in consultation with the Port of Newport on updates to their master plan.
8. Building Services. This is a carry-over goal from last year. The City does not have a contract with the Building Department LLC for the commercial plan reviews and plumbing and electrical inspections it provides. This has been the case for many years, and begs the question of what the City’s long term preference is for provision of building services (i.e. in-house, contracted, combination of the above, etc.).
9. City Center. As a staff we recognize that good work has been done, and additional work is needed, to identify avenues for revitalizing the City Center area. Unfortunately, given our limited resources, it is something we probably can’t tackle next year but would like to keep it on the Council’s radar.

CITY OF NEWPORT
169 SW COAST HWY
NEWPORT, OREGON 97365

COAST GUARD CITY, USA



phone: 541.574.0629
fax: 541.574.0644
<http://newportoregon.gov>

mombetsu, japan, sister city

April 7, 2011

Ocean Policy Advisory Council
c/o Andy Lanier, DLCD
635 Capitol St NE, Ste 150
Salem, OR 97301-2540

RE: Updates to the Territorial Sea Plan

Dear Council Members,

On February 28, 2011 Aquamarine Power USA, LLC made a presentation to a joint meeting of the Newport and Lincoln County Planning Commission's at which they presented plans for placing wave energy devices in near shore areas off of the Oregon coast, including potential sites in the vicinity of Newport. Aquamarine Power hopes to deploy the devices commercially by 2013. Various interested parties were in attendance that night and our Planning Commission learned a great deal about activities that are underway at the state level to plan for existing and new uses of our coastal waters. In particular there was great interest in the work that the Ocean Policy Advisory Council (OPAC) and Department of Land Conservation and Development (DLCD) are doing to update the Oregon Territorial Sea Plan.

Large wave energy devices, located close to the shoreline will alter the ocean viewshed. The placement of those devices near populated places could impact property values and the tourism industry within our community. We understand that the process for updating the Territorial Sea Plan, as OPAC implements Goal 19, must provide for the protection of recreational uses and aesthetic enjoyment of the ocean. We also understand that there will be opportunities for local governments and the general public to influence OPAC's work in the coming months.

The City of Newport looks forward to learning more about how we can maximize our involvement in the ocean planning process. We also anticipate working with Lincoln County and other interested coastal jurisdictions to help frame local issues and provide a forum for community members in Lincoln County to provide input into OPAC's process.

Thank you for your time and consideration.

Respectfully,

A handwritten signature in black ink, appearing to read "Mark McConnell".

Mark McConnell, Mayor
On behalf of the Newport City Council

xc: Lincoln County
Lincoln City
Depoe Bay
Waldport
Yachats

1882

