



## **AGENDA & Notice of Planning Commission Work Session Meeting**

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The Planning Commission of the City of Newport will hold a work session meeting at **6:00 p.m., Tuesday** (*due to the Monday holiday*), **May 28, 2013**, at the Newport City Hall, Conference Room "A", 169 SW Coast Hwy., Newport, OR 97365. A copy of the meeting agenda follows.

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

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

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### **NEWPORT PLANNING COMMISSION Tuesday, May 28, 2013, 6:00 P.M.**

#### **AGENDA**

#### **A. Unfinished Business.**

1. Review the draft amendment of the Port Facilities element of the Newport Comprehensive Plan.
2. Review draft language regarding park models for an amendment to the Newport Zoning Ordinance.

#### **B. Adjournment.**

# Memorandum

To: Newport Planning Commission/Advisory Committee

From: Derrick Tokos, Community Development Director 

Date: May 22, 2013

Re: Updates to the Port Facilities Element of the Newport Comprehensive Plan

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Attached for your consideration are draft amendments to the Port Facilities Element of the Newport Comprehensive Plan. The document titled "Port Facilities" contains updated information from the Port of Newport's Strategic Business and Capital Improvement Plans, dated January 2013. Copies of those plans are available on the Port of Newport website at: <http://www.portofnewport.com/>. Enclosed for reference, a copy of the current Port Facilities element of the Comprehensive Plan, which is out of date and sorely in need of revision.

I have also added goals and policies to the Public Facilities Element of the Comprehensive Plan that speak to how the City should coordinate with the Port of Newport. Lastly, your packet includes a map of the Port's facilities.

I look forward to your feedback on Tuesday as to whether or not this language is on target, or if additional changes are needed before the amendments are scheduled for a hearing.

# **PORT FACILITIES<sup>1</sup>**

## **BACKGROUND**

The Port District was formed in 1910 to promote water-related commerce in Lincoln County. The Port is located on the central Oregon coast and encompasses the Yaquina Bay estuary. The Port boundaries extend north to Otter Rock, east up to six miles inland, south to Seal Rock, and west to the Pacific Ocean. The Port of Toledo is adjacent to the Port of Newport's eastern boundary and the Port of Alsea adjoins the Seal Rock boundary.

## **VISION AND MISSION**

Vision: The Port of Newport will serve as the premier Oregon coast port for the commercial fishing fleets, for recreational fishing and tourism, and for ocean observation and marine research support. We will be one of the top two Oregon coast ports for waterborne commerce while protecting and enhancing the beauty and integrity of the natural environment which is the foundation of our working waterfront community.

Mission: Build and maintain waterfront facilities, and promote/support projects and programs in cooperation with other community organizations and businesses that will retain and create new jobs and increase community economic development.

## **GOVERNANCE**

The Port District is governed by a Board of Commissioners that is elected, at large, from the territory within the District and is responsible for policy setting and providing strategic direction to its professional staff. The Board is comprised of five members elected for four year terms. The terms are staggered.

## **EXISTING PORT FACILITIES**

The Port of Newport was originally formed to promote water related commerce in Lincoln County and throughout its history has evolved and refined the provision of services to the commercial and recreational fishing fleets, to tourists, and for ocean observation and marine research support.

Port facilities are situated in three distinct areas bordering portions of the Yaquina Estuary. The South Beach facilities primarily support the recreational fleet, ocean observation and marine research and tourism activities. The Ports' "Bay Front" facilities on the north shore of the bay primarily support the commercial fishing fleet along with some tourism. The Ports' International Terminal is also located on the north shore of the

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<sup>1</sup> Most of the information contained in this section is taken from the Port of Newport's Strategic Business and Capital Facilities Plans, prepared by the Northwest Port Planning Team, and dated January 2013.

Bay, to the east of the “Bay Front” facilities, adjacent to the Northwest Natural Gas LNG tank.

**Service Facilities**

The South Beach Port facilities consist of a 600 berth recreational boat basin originally installed in 1978-79, a four lane boat launch facility with parking which was installed to replace the original marina launch facility in 2005, a 92 space RV Park installed in 2006, an older 52 space RV Park, the NOAA Marine Operations Center – Pacific (MOC-P) pier, office/operations building and Warehouse, completed in 2012, and several buildings leased to Oregon Brewing and other leased properties associated with ocean observation and marine research organizations (Oregon State Hatfield Marine Science Center, USA of Fish and Wildlife Service, Oregon Coast Aquarium, etc).

The Commercial Marina facilities consist of Port Dock’s 3, 5, 7, Swede’s Dock and the Hoist Dock along with upland dry storage and parking. The Port’s Bay Front facilities also include Port Dock 1, which is used for some transient vessel berthing along with providing a tourist platform for bay viewing and sea lion observation.

The International Terminal area contains facilities which consist of the Terminal Dock Facility (currently under complete reconstruction), along with some commercial fleet dry storage area and several leased properties and structures. A detailed map of existing leased facilities is included as Appendix A to Capital Facilities Plan for the Port of Newport, prepared by the Northwest Port Planning Team, dated January 2013.

A comprehensive inventory of Port owned facilities associated with all properties are is presented in Appendix B of the same Capital Facilities Plan. The inventory includes an estimated current value of each facility along with an estimated replacement cost. The following table indicates a summary of Port owned facilities and estimated current values and replacement costs.

	Replacement Costs	Estimated Existing Value
Buildings	\$ 30,200,295	\$ 26,611,254
Docks/Piers	\$ 52,283,864	\$ 36,883,726
Parking	\$ 4,889,105	\$ 3,854,041
Other Facilities & Structures	\$ 787,000	\$ 338,999
Equipment	\$ 759,500	\$ 496,000
	<b>\$ 88,919,764</b>	<b>\$ 68,184,020</b>

While the numbers presented above are estimated, they give a perspective of the extent of what the Port owns and has responsibility for.

## **Utilities**

Along with the more visible Port owned facilities used for providing Port services and associated with lease holds, there exists considerable utility infrastructure supporting the Port and its operations. Much of the utilities providing services to the Port are owned and operated by outside agencies (City of Newport, Central Lincoln PUD, etc) however, the Port does own and operate some underground utilities primarily associated with storm drainage and area lighting. Appendix C to the Capital Facilities Plan for the Port of Newport includes an inventory of utilities situated on Port properties that are necessary for Port Operations. It also identifies the controlling agency of the Utility. Appendix D to the Capital Facilities Plan contains maps of existing utilities serving the Ports various service areas.

## **DESIGN CRITERIA AND LEVEL OF SERVICE**

### **Design Life of Improvements**

The design life of the Port's infrastructure components is sometimes referred to as its useful life or service life. The selection of a design life is a matter of judgment based on such factors as the type and intensity of use, type and quality of materials used in construction, and the quality of workmanship during installation. The estimated and actual design life for any particular component may vary depending on the above factors. The establishment of a design life provides a realistic projection of service upon which to base an economic analysis of new capital improvements. The typical design life for system components are discussed below.

### **Floating Docks**

Modern concrete floating docks are estimated to have a useful life of 35 to 50 years. Lightweight dock systems, such as timber, aluminum and steel typically have a life of 20 to 30 years.

### **Piling Supported Docks/Piers**

On average, industry experts estimate that a galvanized, epoxy coated or galvanic protected steel pile has 8 – 10 years before it will require constant maintenance and up keep. These piles typically have a lifespan of 30 years. Steel pile lifespan can be significantly extended with the use of HDPE sleeves and caps. The service life of timber pile in a marine environment is dictated by the type of wood used and treatment. The life span of a treated timber pile in a marine setting ranges from 30-50 years. The disadvantage of timber pile is the limited diameter choices and difficulty in splicing for longer lengths needed for many applications.

## Buildings, Upland Structures and Equipment

Major structures and buildings should have a design life of approximately 50 years. Mechanical equipment such as motors, pumps, lifts etc. usually have a useful life of about 15-20 years. The useful life of equipment can be extended when properly maintained.

## Asphalt Surfaced Parking/Storage Areas

Asphalt surfaces for parking and storage areas typically have practical service lives of 15-20 years in the mild coastal climate. With the absence of base material failures (as typically represented by extensive cracking or "alligating" asphalt surface life may be extended an additional 5-10 years through seal coating.

## CAPITAL IMPROVEMENT PROJECTS

The term "capital improvement" refers to new or expanded physical facilities for the Port that are of relatively large size, are relatively expensive, and are considered permanent with respect to usefulness to service area customers. Large-scale replacement and rehabilitation of existing facilities also falls within this category.

In 2012 the Port Commission and its staff engaged stakeholders in the community to identify the District's capital improvement needs. Projects were evaluated on a basis of physical need, desire, importance and availability of funding. The prioritization process placed the projects in three priority categories, Priority 1-3. The priority 1 projects are projects to be scheduled for work by 2018. Priority 2 projects are to be scheduled by 2023, and Priority 3 projects by 2028. The following is an initial cost and priority summary table of the identified projects for the Port:

Project Description	Priority	Estimated Cost of Improvement
Port Dock 7 Replacement	1	\$3,400,000
Wash down facility for South Beach Marina fish waste trash bins	1	\$40,000
Hoist Dock (Center Section) Replacement	1	\$637,500
Reconstruction of Recreational Marina Docks	1	\$130,000
Port Dock 5 Improvements	1	\$775,000
New Port Offices/Parking Area	1	\$878,149
Marina Dredging	1	\$4,732,302
<b>SUBTOTAL -PRIORITY 1 PROJECTS</b>		<b>\$10,592,951</b>
Renovate RV Park Annex	2	\$660,000
Rogue Brewery (Dry Moorage Building) North Wall/Siding Replacement	2	\$150,000
Electrical Load Center South Beach Marina	2	\$100,000

International Terminal Fire Water Line Loop	2	\$127,355
Wastewater Pump Station Replacement -South Beach	2	\$30,000
Port Dock 1 Replacement	2	\$750,000
<b>SUBTOTAL -PRIORITY 2 PROJECTS</b>		<b>\$1,917,355</b>
South Beach/Fishing Pier Storm Sewer Outfall Replacement	3	\$80,685
Picnic Bunker Rebuild	3	\$36,000
Pavement Reconstruction/Seal Coating (all areas)	3	\$400,030
Fishing Pier Replacement	3	\$1,567,000
Old Boat Ramp Fill	3	\$64,116
<b>SUBTOTAL -PRIORITY 3 PROJECTS</b>		<b>\$2,147,831</b>
<b>TOTAL ALL PROJECTS</b>		<b>14,658,137</b>

## FINANCING

### Grant and Loan Programs

The Port of Newport is eligible for federal and state funding assistance in the form of grants or low interest loans. Many of these programs are also available to the City of Newport. The following is a list of the major funding programs, which are typically utilized to assist qualifying ports in the financing of improvements.

- Oregon Business Development Department (OBDD) Community Development Block Grants. May be used for infrastructure or facilities development. The Port is only eligible if the grant is sponsored by the City of County on its behalf.
- OBDD Special Public Works Fund. Provides loan and grant funds for publically owned facilities that support economic and community development.
- OBDD Water/Wastewater Financing Program. A loan program that funds the design and construction of public infrastructure needed to ensure compliance with the Safe Drinking Water Act or the Clean Water Act.
- Connect Oregon. A multimodal transportation fund established by the Oregon Legislature. Subject to periodic reauthorization.
- Oregon Port Revolving Fund. A loan program to assist Oregon ports in the planning and construction of facilities and infrastructure.
- Oregon Port Planning and Marketing Fund. A grant program to help ports fund planning or marketing studies related to expanding their trade and commerce activities.
- Oregon Marine Navigation Improvement Fund. Provides grants and loans that fund either a federally authorized project that needs matching funds; or a non-federally authorized project that directly supports or accesses an authorized navigation improvement project.
- Oregon Marine Board Boating Facility Grant Program. Funds planning, design and construction, or rehabilitation of public recreational boat access and vessel waste collection facilities.

*Staff Note: If adopted, this language would replace the Port Facilities component of the Public Facilities Element of the Newport Comprehensive Plan (pages 175 to 181).*

- Oregon Marine Board Boating Infrastructure Grants. Similar to the above, but larger scale and competitive nationally.
- Oregon Marine Board Clean Vessel Act Funds. A grant program that funds public and private vessel waste collection systems (pumpouts, dump stations, etc.)
- Property Taxes. Includes taxes from permanent rates, local option levies, and bond levies.

Each of the government assistance programs has its own particular prerequisites and requirements. These assistance programs promote such goals as aiding economic development, benefiting areas of low to moderate-income families, and providing for specific community improvement projects. Not all ports or projects may qualify for all programs.

## **GOALS AND POLICIES** **PUBLIC FACILITIES ELEMENT\***

### **GENERAL**

**Goal: To assure adequate planning for public facilities to meet the changing needs of the City of Newport urbanizable area.**

**Policy 1:** The city shall develop and maintain public facilities master plans (by reference incorporated herein). These facility plans should include generalized descriptions of existing facilities operation and maintenance needs, future facilities needed to serve the urbanizable area, and rough estimates of projected costs, timing, and probable funding mechanisms. Public facilities should be designed and developed consistent with the various master plans.

**Policy 2:** In order to assure the orderly and cost efficient extension of public facilities, the city shall use the public facilities master plans in the capital improvement planning.

**Policy 3:** The city shall work with other providers of public facilities to facilitate coordinated development.

**Policy 4:** Essential public services should be available to a site or can be provided to a site with sufficient capacity to serve the property before it can receive development approval from the city. For purposes of this policy, essential services shall mean:

- > Sanitary Sewers
- > Water
- > Storm Drainage
- > Streets

Development may be permitted for parcels without the essential services if:

- > The proposed development is consistent with the Comprehensive Plan; and
- > The property owner enters into an agreement, that runs with the land and is therefore binding upon future owners, that the property will connect to the essential service when it is reasonably available; and
- > The property owner signs an irrevocable consent to annex if outside the city limits and/or agrees to participate in a local improvement district for the essential service.

\*entire chapter repealed & replaced by Ordinance No. 2049 (3-21-13)

Policy 5: Upon the annexation of territory to the City of Newport, the city will be the provider of water and sewer service except as specified to the contrary in an urban service agreement or other intergovernmental agreement.

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## WATER

**Goal: To provide the City of Newport with a high quality water system that will supply residents and businesses with adequate quantities for consumption and fire protection.**

Policy 1: The city will comply with state and federal laws concerning water quality and will take appropriate steps consistent with those laws to protect and maintain drinking water source areas.

Implementation Measure 1: The City shall work to establish a source water protection buffer in the Big Creek Watershed. The City declares the Big Creek Watershed a public facility consistent with the definition of Public Facility Systems in OAR 660-011-0005(7)(a)(A). The City will work to establish a source water protection buffer that is consistent with the findings of the Oregon Department of Environmental Quality / Oregon Health Department source water assessment report (PWS #4100566).

Policy 2: The water system will be designed and developed to satisfy the water demand of the various users under normal and predictable daily and seasonal patterns of use, and at the same time provide sufficient supplies for most emergency situations.

Policy 3: The city may extend water service to any property within the city's urban growth boundary, and may extend water service beyond the urban growth boundary if the extension of service is not inconsistent with an urban service agreement or other intergovernmental agreement. The city may require a consent to annexation as a condition of providing water service outside the city limits.

Policy 4: The city will acquire lands within the municipal watershed when available or necessary to protect water quality or improve its water system.

Policy 5: The city will reconstruct its municipal raw water storage and distribution facilities to address identified structural deficiencies to Big Creek Dam #1 and Big Creek Dam #2.

Implementation Measure 1: The city shall conduct necessary and appropriate engineering studies to determine the safest and most cost-effective approach to ensure the integrity of the municipal water supply. The studies shall identify the cost and timing of needed capital projects to address identified structural

deficiencies and comply with Policy 2 of this section.

Implementation Measure 2: The city shall explore financing mechanisms, and prepare a financing plan to fund construction needed to resolve the structural deficiencies by 2030.

Implementation Measure 3: The city shall use data and findings from Implementation Measures 1 and 2 of this section to update the Water Supply section of the Public Facilities element of the Newport Comprehensive Plan to reflect new information as a result of the engineering and finance studies.

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**WASTEWATER**

**Goal: To provide a wastewater collection and treatment system with sufficient capacity to meet the present and future needs of the Newport urbanizable area in compliance with State and Federal regulations.**

Policy 1: On-site sewer systems shall not be allowed unless the city's sanitary sewer system is greater than 250 feet away. In any case, a subsurface permit from the Lincoln County Sanitarian must be obtained prior to any development that will rely on an on-site sewer system.

Policy 2: City wastewater services may be extended to any property within the urban growth boundary. Except for the very limited circumstances allowed by state law and regulations, the city will not generally provide wastewater services outside the urban growth boundary. The city may require a consent to annexation as a condition of providing wastewater service outside the city limits. Nothing in this policy obligates the City to provide wastewater services outside of the city limits. For property outside the city limits but within the urban growth boundary, wastewater services may be provided at the City's discretion only for:

- a) residentially zoned lands as allowed by county zoning without full services, and
- b) commercial and industrial zoned lands to existing lawful uses as of the date (9/4/07) of this amendment.

Policy 3: The city will design and develop the wastewater collection and treatment system in a way that addresses the demands of the various users under normal and predictable daily and seasonal patterns of use.

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**TRANSPORTATION**

Transportation Goals and Policies repealed by Ordinance No. 1802 (January 4, 1999).

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**STORM WATER DRAINAGE**

**Goal:** To provide a storm water drainage system with sufficient capacity to meet the present and future needs of the Newport urbanizable area.

Policy 1: The city will comply with state and federal laws concerning water quality.

Policy 2: The city will use existing, natural drainage systems to the greatest extent possible.

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**AIRPORT**

**Goal:** To provide for the aviation needs of the City of Newport and Lincoln County.

Policy 1: The city will ensure through zoning and subdivision ordinance provisions that the airport will be able to operate safely and efficiently.

Policy 2: The city will cooperate with state and federal agencies in the development of the airport.

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**PORT OF NEWPORT**

**Goal:** To collaborate with the Port of Newport on the implementation of its Capital Improvement Plan.

Policy 1. The city will coordinate with the Port of Newport when planning to upgrade or construct new public facilities within the Port District and will seek to partner on capital projects to achieve mutually beneficial outcomes.

Policy 2. The city will assist the Port of Newport in its efforts to secure funding for capital projects.

## PORT FACILITIES

The upland areas adjacent to and development within Yaquina Bay are controlled by the City of Newport, Lincoln County, and the Newport Port Authority. The Newport Urban Renewal Agency has a significant development role on both sides of the bay. A brief listing and summary of Newport's major port facilities, their condition, where known, and plans for future development follows.

### Existing Port Facilities:

An inventory of existing port facilities is provided in the document entitled "Update of Port Development Element of Comprehensive Plan" (hereinafter referred to as "Port Update").<sup>1</sup> Figures A-1 through A-5 show the location of the port facilities within the city.

The port consists of over 14,000 feet of waterfront property that borders the north and south shores of Yaquina Bay. Land uses on the north side of Yaquina Bay are primarily focused on tourism, commercial fishing and shipping, and support industries. The south side of the bay is used primarily for research and education facilities and marine-related recreation. Much of the area encompassed by the port is included in Unit 5 of the Yaquina Bay Estuary Management Plan, and approximately 250 acres of the area is undeveloped and zoned for water related/water dependent use. Table 9 on page 176 provides a list of existing port facilities and their condition.

The tourism, commercial fishing, and commercial shipping industries combine with research and educational interests to provide a very significant contribution to the local economy.

In 1987, the Port of Newport's International Terminals facility contributed more than \$8.5 million to the local economy, while providing 100 full-time jobs. In 1988, approximately 550,000 short tons of logs were exported on 33 ships calling at the facility. The Ship Berth One is used for the export of whole logs, while dimensioned lumber is loaded onto barges at the port's Barge Berth One at the International Terminals facility.

In 1986, the commercial fishing industry contributed approximately \$60 million in personal income and employed about 1,000

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<sup>1</sup> This CH2M HILL report is a support document to the Comprehensive Plan but is not adopted by this reference as part of the plan itself.

Table 9  
Port Facilities and Conditions

Existing Facilities	Condition
Port Dock One	Unknown
Public Rest Rooms	Adequate
Case Street Parking Facilities	Inadequate
U.S. Coast Guard Station	Unknown
Port Dock 3	Unknown
Port Dock 5	Inadequate
Army Corps Breakwater	Inadequate
Fuel Dock	Unknown
Maintenance Shop	Unknown
Port Office	Unknown
Swede's Dock	Inadequate
Hoist Dock	Inadequate
Port Dock 7	Inadequate
Gear Storage	Adequate
Embarcadero Marina	
International Terminals	Inadequate
Ship Berth I	Inadequate
Barge Berth I	Unknown
Ro/Ro Dock	Inadequate
Private and Commercial Fishing Moorage	Inadequate
Staging for Log Export	Inadequate
Water Front Nature Trail	Unknown
Hatfield Marine Science Center	Adequate
HMSC Dock	Adequate
Seawater Intake	Adequate
Research Vessel Moorage	Adequate
EPA Facility	Inadequate
South Beach Moorage and Boat Launch	Inadequate
Light Marine Repair and Staging Station	Adequate
Public Fishing Pier	Unknown
Idaho Point Marina	Adequate
Idaho Point Boat Launch and Parking	Unknown
Ore-Aqua Dock	
Fishing Vessel Moorage and Dockside	Inadequate
Repair Area	Adequate
Navigation Channel	Unknown
Industrial Park	

Source: Condition was determined based on whether improvements were needed and if the facility was able to serve 1989 needs. Information on existing facilities and conditions was derived from the 1989 Newport Urban Renewal Agency publication.

people. In addition, close to \$12 million was contributed by the processing industry, and almost \$6 million in personal income was attributed to support activities such as equipment sales and maintenance. Facilities used by the commercial fishing industry include the Hoist Dock for servicing ships, gear storage areas (Port Dock 7 and the Hoist Dock), boat haulouts, moorage, Port Dock One, and the Ore-Aqua Dock for dockside repairs. Lack of moorage for commercial fishing vessels was identified as the most significant deficiency in the Port of Newport's facilities.

The Hatfield Marine Science Center, with over 300 full-time employees, performs a variety of functions and contributes significantly to the Newport economy. Research and education facilities for Oregon State University comprise the majority of the existing facilities. The U.S. Department of Fish and Wildlife and the Environmental Protection Agency also have major offices in these buildings.

#### Recommended Port Improvements:

Based on a review of published literature and statistics, information obtained in public meetings, committee meetings, and personal interviews, deficiencies in port facilities were identified and development plans prepared. The development plans consider the wide variety of needs presented and acknowledge the competition between the marine-related industries for certain tracts of waterfront property.

After the various improvements and developments were identified, a schedule was prepared establishing a potential time frame for completing the proposed developments. Additionally, order of magnitude costs were prepared for each of the major projects that would require public financing. Limited funding and environmental regulations will be the most likely restrictions to developing the identified projects. Section 7 of the Port Update provides a detailed discussion of the recommended time frames for development projects.

Information concerning costs, development priority, and funding source is listed in Table 10 (page 179). The location of new or additional facilities is provided in Figures B-1 through B-7 of the Facilities Plan.

The proposed improvements and developments that may be appropriate for partial public funding include the following.

Fisherman's Investment Site: This project involves the development of the Fisherman's Investment Company property into a multi-use commercial fishing facility. This property includes approximately seven acres and is located in the lower bay outside the urban growth boundary. The proposed facility would relieve

identified deficiencies in permanent and transient moorage, service docks, work docks, dockside repair, gear storage and staging, and marine industrial space.

Port Docks 5X and 5D Expansion: Because the wooden floats for these docks are nearing their useful service life, they need to be replaced with heavy duty concrete float units and expanded. Expansion and rehabilitation of these facilities would provide moorage for boats in the 80 foot and above class.

Corps of Engineers' Breakwater Relocation: The existing bulkhead is nearing the end of its service life and needs to be expanded and relocated to provide for the expansion of commercial moorage. Rehabilitation should include replacing portions of the breakwater that have been destroyed by storms over the years, and a condition survey should be performed to determine what additional repairs are needed.

Port Dock 5 Fill and Redevelopment of Port Dock 7 Fill: Various identified needs could be met by constructing a fill on the tidelands owned by the port between Port Dock 3 and the Port Dock 7 fill. Construction of this fill would be an integral part of the redevelopment of approximately 2,500 feet of waterfront from Port Dock 3 to the Embarcadero. Specific elements of the redevelopment include:

- > Constructing a public waterfront park
- > Providing additional parking for commercial fishing fleet
- > Widening Bay Boulevard
- > Constructing additional staging and gear storage areas
- > Creating new marine-related commercial development areas
- > Relocating Port buildings
- > Constructing a boardwalk from Port Dock 3 to the Embarcadero
- > Creating permanent and transient moorage

Public Dock: The public dock would provide additional access to the waterfront and would be incorporated into the Port Dock 5 fill project. The dock would be very similar in size and type of construction to the Abbey Street Pier.

South Beach RV Park Expansion: The expansion of the South Beach RV Park would provide approximately 120 new spaces. The additional space would eliminate much of the congestion that occurs in the overflow parking areas.

Table 10  
Recommended Improvement Projects

Projects	Cost (\$ x 1,000)	Funding Source
<u>Priority 1 (develop in next 5 years)</u>		
Development of Fisherman's Investment Site	\$ 6,000	Port*
Rehabilitation of Port Docks 5I and 5D	775,000	Port
Multi-level Parking Structure	2,000	UR
Additional Staging for International Terminals	Undetermined	Port
Rehabilitation of Existing Corps of Engineers Breakwater	125,000	Port
South Beach RV Park Expansion	860,000	Port
<u>Priority 2 (develop in 5 to 10 years)</u>		
Relocate Corps of Engineers Breakwater	2,600	Port
Port Dock Fill	Undetermined	Undetermined
Waterfront Park	200,000	Port
Commercial Fishing Center	Undetermined	Undetermined
Marine Commercial Lease Facility	Undetermined	Undetermined
Realignment of Port Docks 5 and 7	6,000	Port
Widening of Bay Boulevard	Undetermined	Undetermined
Public Viewing Dock	Undetermined	Undetermined
Transient Moorage	Undetermined	Undetermined
<u>Priority 3 (develop in next 10 to 15 years)</u>		
Second Ship Berth	32,000	Port
Second Barge Berth	5,800	Port

\* "Port" refers to the Newport Port Authority and "UR" refers to the Newport Urban Renewal Agency.

Source: "Newport Urban Renewal Agency: Update of Port Development Element of Comprehensive Plan," 1989. Prepared by CH2M HILL, Inc.

South Beach Waterfront Park: The park would be located on the north end of the South Beach peninsula and would provide access to the waterfront and tide flats.

Commercial Fishing Fleet Moorage: The construction of this facility would provide much needed additional space. The most promising locations for these facilities are within the Port Dock 5 and 7 complex and at the Fisherman's Investment Site.

Dockside Repair Facility: The Port of Newport's Fishermen's Advisory Committee identified the lack of dockside facilities as one of several shortcomings limiting the growth of Yaquina Bay. The most favorable location for a new facility is at the Fisherman's Investment Site.

Ship Berth Two: Since 1982, there has been a steady increase in cargo movement through Ship Berth One. In 1988, 550,000 tons of short logs were moved through this facility. Because of the increasing demand, the existing facility is marginally adequate, and a second ship berth is needed. The most feasible location for this facility is on the southwest side of McLean Point.

Barge Berth Two: In 1988, there were 41 barge calls for approximately 235,000 short tons of lumber at Barge Berth Two. In 1989, approximately 60 barge calls were scheduled. If barge traffic continues to grow, or if an export cargo other than lumber materializes, a second barge berth will be needed. Suitable locations for this facility include the southwest corner of the International Terminals facility or between the International Terminals facility and McLean Point.

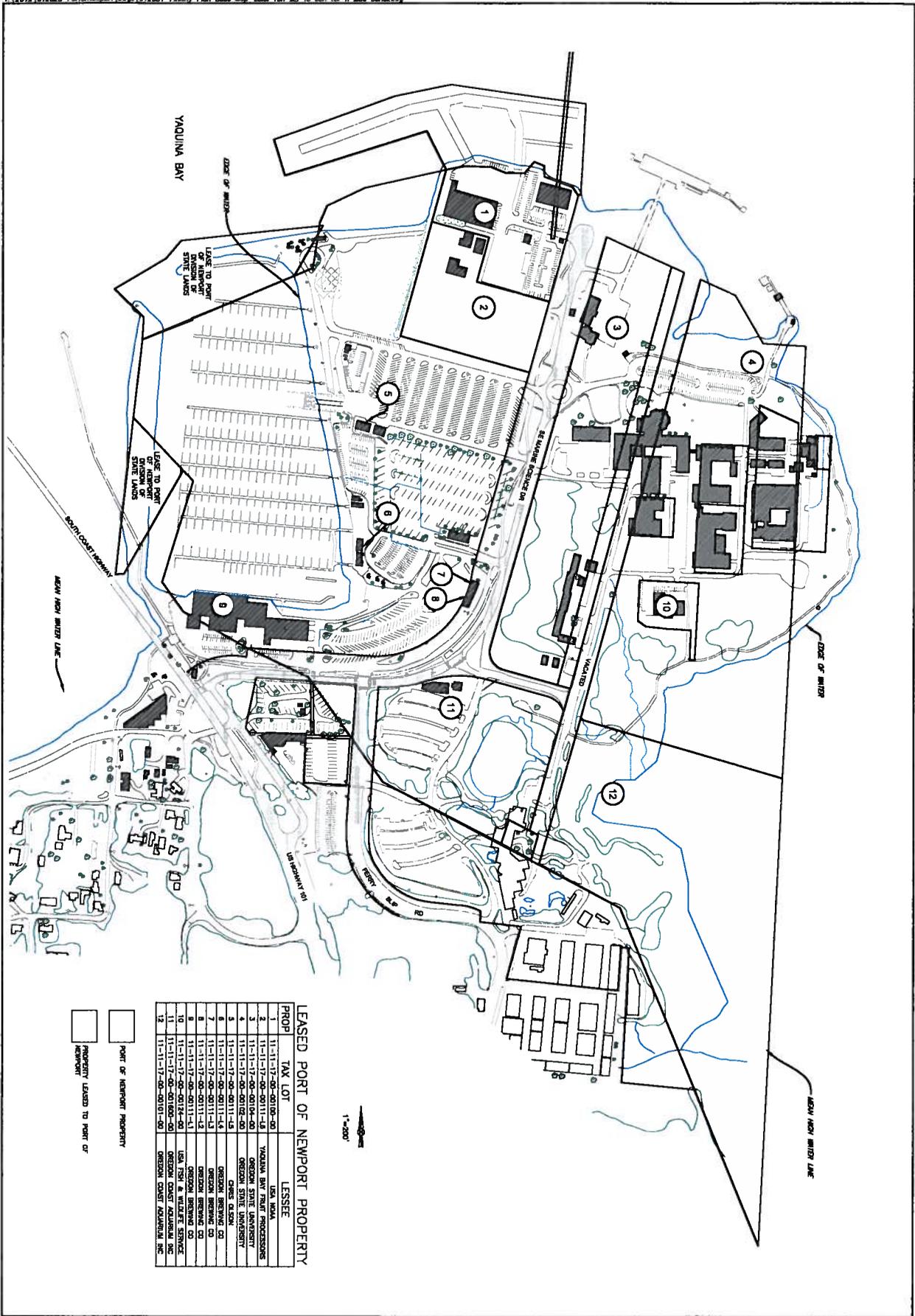
Rehabilitation of Corps of Engineers' Breakwater: If the existing breakwater is not relocated, it would need to be repaired to provide the originally intended protection.

Public Parking Structure: The public parking structure would be a multi-level facility and would accommodate approximately 400 cars. The entrance and exit for the structure would be located on an extension of S.W. 13th Street that would connect to existing streets near the intersection of Fall Street and Canyon Way.

Other Facilities: Other proposed facilities include boat haulout facilities, the expansion of the Hatfield Marine Science Center, a conference center, the construction of a surimi processing facility, and the development and expansion of the Oregon Coast Aquarium. The cost, potential funding sources, and development plans for these facilities were not included in the Port Update study.

**Funding:**

- 1.) **The Port of Newport.** The port funds many of its projects through a combination of federal, state, and local funding sources. Federal funds can be obtained through special appropriation acts of Congress. These funds are managed by the Economic Development Administration (EDA) and usually require a high percentage of matching local funds. State of Oregon funds can be obtained from either the Special Public Works Fund (which involves a 50% grant and 50% loan program) or from the port revolving loan fund, which is frequently used as a local match for federal programs. Local funds can be obtained through industrial revenue bonds or from general obligation bonds.
  
- 2.) **Urban Renewal Funds.** The Newport Development Commission administers the city urban renewal program, which provides monies through tax increment bonds. The commission administers two urban renewal districts located on the north and south sides of the bay.

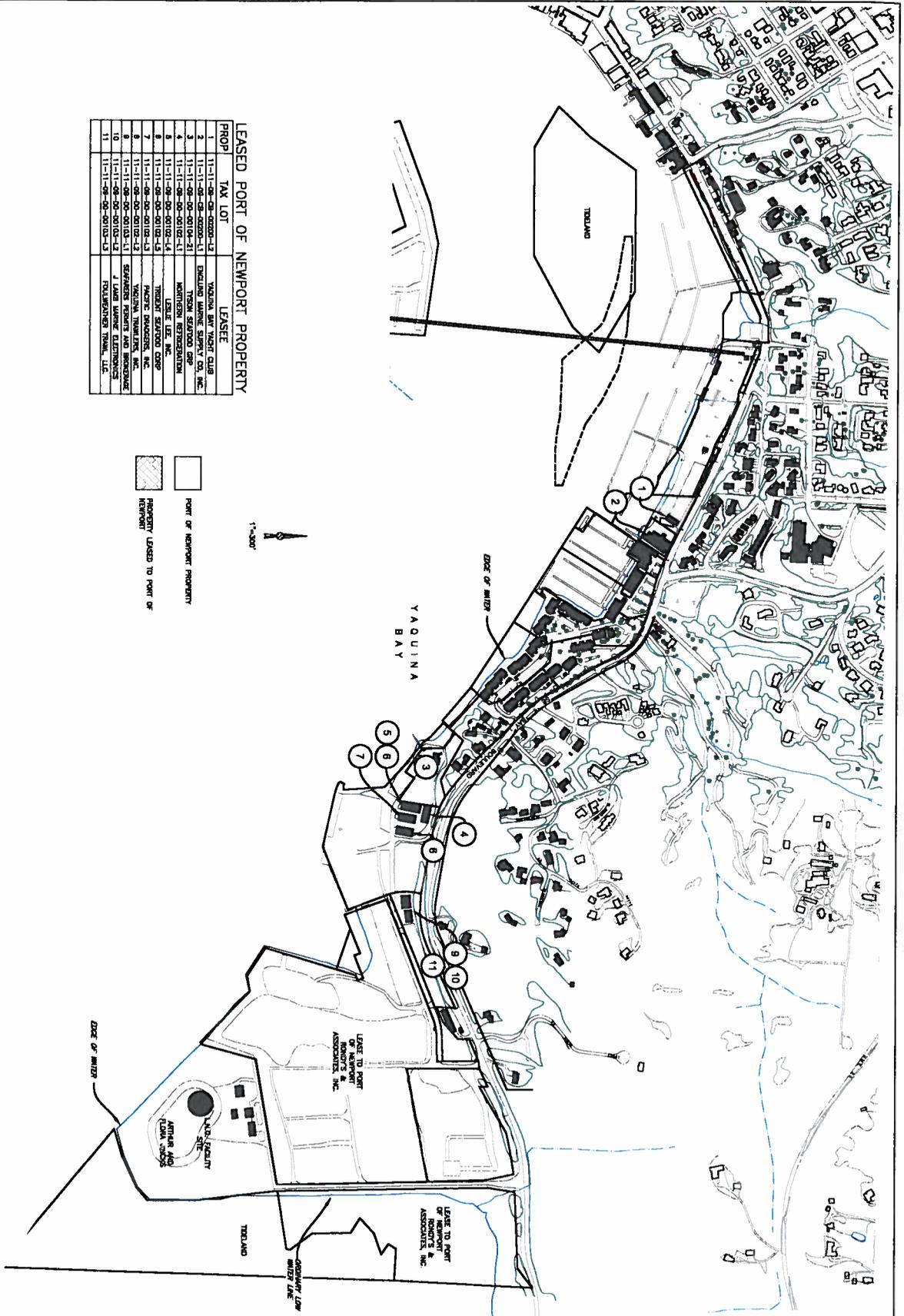


**LEASED PORT OF NEWPORT PROPERTY**

PROP	TAX LOT	LESSEE
1	11-11-17-00-00105-00	USA NAVA
2	11-11-17-00-00111-13	VAQUINA BAY TRAIT PROCESSINGS
3	11-11-17-00-00104-00	OREGON STATE UNIVERSITY
4	11-11-17-00-00102-00	OREGON STATE UNIVERSITY
5	11-11-17-00-00111-14	OREGON BREWING CO
6	11-11-17-00-00111-14	OREGON BREWING CO
7	11-11-17-00-00111-14	OREGON BREWING CO
8	11-11-17-00-00111-14	OREGON BREWING CO
9	11-11-17-00-00111-14	OREGON BREWING CO
10	11-11-17-00-00124-00	USA FISH & WILDLIFE SERVICE
11	11-11-17-00-00102-00	OREGON COAST AQUARIUM INC
12	11-11-17-00-00101-00	OREGON COAST AQUARIUM INC

**LEASED PORT OF NEWPORT PROPERTY**

PROP	TAX LOT	LEASEE
1	11-11-08-00-00102-13	YAQUINA BAY YACHT CLUB
2	11-11-08-00-00200-11	ENGLAND MARINE SUPPLY CO. INC.
3	11-11-08-00-00102-11	TRIMAR SERVICES CORP.
4	11-11-08-00-00102-11	TRIMAR SERVICES CORP.
5	11-11-08-00-00102-14	LEASEE USE, INC.
6	11-11-08-00-00102-14	LEASEE USE, INC.
7	11-11-08-00-00102-13	LEASEE USE, INC.
8	11-11-08-00-00102-13	LEASEE USE, INC.
9	11-11-08-00-00102-13	LEASEE USE, INC.
10	11-11-08-00-00102-13	LEASEE USE, INC.
11	11-11-08-00-00102-13	LEASEE USE, INC.



PORT OF NEWPORT FACILITY PLANNING NEWPORT, OREGON		<b>CONSULTING ENGINEERS &amp; GEOLOGISTS, INC.</b> 275 MARKET AVENUE 0005 BAY, OR. 97142 WWW.SHN-ENGR.COM 541-298-9880		VERIFY SCALES BAR IS ONE INCH ON ORIGINAL DRAWING 0 INCHES = 1 FOOT IF NOT ONE INCH BY THIS SHEET, ADJUST SCALES ACCORDINGLY	
DSGN	RFS	NO.	DATE	REVISION	BY
DR	FMK				
CHK	RFS				
APVD					

**NORTH PORT PROPERTIES**

SHEET 2

DATE 10/20/12  
 PROJ. NO. 812027

# Memorandum

To: Newport Planning Commission/Advisory Committee  
From: Derrick Tokos, Community Development Director   
Date: May 23, 2013  
Re: Park Model Recreational Vehicles

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The 2011 Housing Needs Analysis calls for the City to review the Zoning Ordinance to allow and encourage "Park Model" RVs. For the work session on Tuesday, I will distribute information regarding how the City currently regulates this housing option, what some of the building code limitations are considering that these units are constructed as "RVs," and how the Commission might go about adjusting the rules to make this housing option more viable. This should help facilitate a conversation that hopefully leads to a general consensus of where the group would like to go with this issue.

See you on Tuesday!



## AGENDA & NOTICE OF PLANNING COMMISSION MEETING

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The Planning Commission of the City of Newport will hold a meeting at **7:00 p.m. Tuesday (due to the Monday holiday), May 28, 2013**, at the Newport City Hall, Council Chambers, 169 SW Coast Hwy., Newport, OR 97365. A copy of the meeting agenda follows.

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

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

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### NEWPORT PLANNING COMMISSION **Tuesday, May 28, 2013, 7:00 p.m.** **AGENDA**

**A. Roll Call.**

**B. Approval of Minutes.**

1. Approval of the Planning Commission regular session meeting minutes of May 13, 2013.

**C. Citizens/Public Comment.**

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

**D. Consent Calendar.**

**E. Action Items.**

1. Motion to initiate amendments to the Port Facilities element of the Newport Comprehensive Plan.

**F. Public Hearings.**

Legislative actions:

1. File No. 1-Z-13. Consideration of proposed legislative text amendments to Section 14.01.020 (Definitions), Subsection 14.03.050 (Residential Uses), and Chapter 14.16 (Accessory Uses and Structures) of the Newport Zoning Ordinance as codified in the Newport Municipal Code to create standards for permitting Accessory Dwelling Units (ADUs) on residential properties. The Planning Commission will make a recommendation on this matter to the City Council.

**G. New Business.**

**H. Unfinished Business.**

**I. Director Comments.**

**J. Adjournment.**

**Draft Minutes**  
**City of Newport Planning Commission**  
**Regular Session**  
**Newport City Hall Council Chambers**  
**Monday, May 13, 2013**

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

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

**A. Roll Call.** Chair Patrick called the meeting to order in the Council Chambers of Newport City Hall at 6:00 p.m. On roll call, Branigan, East, Fisher, Patrick, Croteau, Small, and McIntyre were present.

**B. Approval of Minutes.**

1. Approval of the Planning Commission regular session meeting minutes of April 22, 2013.

Croteau noted a correction to remove his name from the list of Commissioners present; as was noted correctly in the roll call. **MOTION** was made by Commissioner Fisher, seconded by Commissioner McIntyre, to approve the Planning Commission minutes as amended. The motion carried unanimously in a voice vote.

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

**D. Consent Calendar.** Nothing on the consent calendar.

**E. Public Hearings.**

**Quasi-Judicial Actions:**

1. File No. 1-TIA-13-A: Deliberation and decision on an appeal of the Community Development Director's decision of approval of a Traffic Impact Analysis (TIA) regarding SE Moore Drive (aka John Moore Road) and SE Bay Boulevard submitted by Teevin Bros. Land and Timber Co., LLC for a proposed log yard at 1650 SE Bay Blvd (Tax Assessor's Map 11-11-09-D, Tax Lots 100 & 101).

Commissioner Croteau stated that he had been absent at the initial hearing, but he has read all the documents and listened to the recording with all of the testimony and felt that he was in a good position to vote on the issue without bias. Chair Patrick asked Croteau for any declarations of ex parte contact. Croteau declared that he is familiar with the site but has had no ex parte contact. Patrick read the summary of File 1-TIA-13-A from the agenda. Before beginning deliberation, Patrick asked the Commissioners if they had any questions of staff, as he did. Patrick noted that the geologic hazard area does touch a part of that property, but he wanted to confirm that the geologic report requirement does not apply to clearing brush. Tokos said that it does touch in the vicinity of the entrance and exit; but as he noted in the findings that he prepared for the Commission's consideration of approval, he confirmed that geologic requirements do not apply to brush clearing.

Deliberations began with Commissioner McIntyre. McIntyre said that he reviewed all of the material. He had a concern whether the City had resolved all of the concerns that were expressed by the appellants' attorney and his summation of the TIA; so as time allowed, he went back through it. McIntyre noted that there were a lot of concerns that the traffic counts were not accurate. He believed that at the last meeting City Engineer Gross indicated that the traffic counts that had been taken had been adjusted upward to take into consideration higher traffic flows during the tourist and busy times of the year. He said that he really wants to be sure that we have resolved all of the issues that were the applicants' concerns expressed in the attorney's letter. Tokos noted that the Commissioners had two sets of findings of facts that were submitted following the open record period; one prepared by staff for approval, and one from the appellant for denial per the Commission's direction. To the extent Tokos felt was relevant, the appellant's concerns are addressed in the finding of fact that the City prepared, which is in favor of going ahead with the project and not in favor of granting the appeal. McIntyre said that basically he feels that the points that were brought up were responded to by the City Engineer. He said that he understands the position of the folks that brought the appeal, but in looking at the TIA and the responses to the concerns in the appeal to the TIA, he believes it has been answered to his satisfaction.

Small said that he was in agreement with McIntyre. He said the fact is that Teevin Bros. was required to submit an analysis; which was completed, submitted, and approved. As the process allows, there was an appeal filed challenging the validity and findings of the impact analysis. He noted that the Commission was tasked with ruling on that appeal. He said that the purview was well-defined and pretty limited. The scope was to decide if the impact analysis was done properly and the findings do warrant approval. The Commission heard things brought up about truck drivers being cowboys, and the need to find a different site. He pointed out

that that is not within the purview of what the Commission can decide. What the Commission must consider is whether the analysis was done correctly and if the findings are sufficient to warrant approval. Another concern was whether the traffic counts were a true sampling; but in hearing the response to that from City Engineer Gross that the numbers were adjusted up 28% to account for the busy time, he thought that was significant numbers. Another comment was about the core sampling and the road composition; and hearing what was found in the core samples and the depth of the road bed, it was more than sufficient to accommodate heavy truck traffic. He believes the concern about the line of site was addressed. Small said that, having heard Tim Gross's explanation, he is satisfied that the impact analysis was done correctly and is sufficient to warrant approval.

Croteau said that he essentially agrees with the other two Commissioners. He appreciated that there are many concerns by citizens and residents that live in that area; but it comes back to the fact that the focus is fairly narrow and decided on technical grounds. He believes the TIA adequately addresses those issues and is in favor of going forward with the report as amended and with the conditions specified.

Fisher said that he has heard numerous points brought forward both at the last meeting and since then. Things like, wouldn't it be nice to actually cut the logs into lumber and ship lumber. He agreed it would be. Or, wouldn't it be a positive thing to bring the logs by train into Toledo. He said those are outside the purview of what the Commission has been examining. He said that those are ideas a business plan or the Port might talk about; but it has nothing to do with what the Planning Commission is appointed to do. He said he too was very concerned after reading some of the comments and after the meeting; but the City Engineer convinced him that the road bed is properly constructed for the job. He noted that there is always water from a spring; and when it's icy, he is concerned. The Engineer explained that is not a problem. He said that in the end, he has to either believe the City Engineer was honest and accurate, or he made a mistake. Fisher said it seems that the studies and the Engineer were accurate. He noted that what the Commission decides is based on a narrow focus. He believed the bases were covered, and the Commission should deny the appeal.

East said that he didn't have much to add. The other Commissioners focused on the issues and voiced his opinion as well. He agreed that the Commission should approve the TIA.

Branigan thanked everybody who submitted testimony; and he added that there was quite a bit of it. He said that the comments were far-ranging and brought forth so many arguments for why the appeal should be upheld. Branigan had read through all the testimony. He went through the Kittelson TIA multiple times. He walked the entire route over the weekend looking for where the core samples were done. To satisfy himself, he took a careful look at the surface area of the road. He looked at the surface water factors. He was at the corner of John Moore Rd. and Bay Blvd. looking at the traffic on a Saturday. As the other Commissioners had explained, he agreed that the Commission's purview is to rule on the TIA and not all of the other issues that were brought up. He said that after careful review, he found that the criteria for the TIA was pretty thorough and is in favor of approving it with the recommendations that were originally in there; completing the site distance improvements near the entrance, and that Teevin coordinate with Lincoln County to replace that section of Yaquina Bay Road that was slumping down. Branigan concurred that the Commission should approve what was originally approved and deny the appeal.

Patrick agreed that it is a very narrow set of grounds on which the Commission has to decide; the TIA is all that is under consideration. He said there was a lot of interesting testimony; and very little of it was relevant to the thing under appeal here. He said in looking through all of the material, almost everything in Greenlight's report was covered. He noted that if they are not building in a geologic hazards area, the geologic report requirement doesn't get triggered. You can remove brush in a geologic hazards area. Patrick noted that material he had looked at showed crosshatching over a portion of the log roll-out; but Tokos said that is not true, it's just over the approach road near Bay Boulevard. Patrick continued that he felt that the traffic counts were adjusted for. He noted that the TIA was triggered by the size of the trucks being run over the road, not the traffic. He recalled that there was something brought up about intersection counts not being counted. If they don't have the traffic, then we don't need the traffic analysis. He noted that the Commission had already discussed the road bed. He said there was also a concern raised about a truck route. As he understands it, that is what the City does if it wants to make sure all trucks go on that road. Newport doesn't have designated truck routes. Patrick said that he had to agree that the Commission has to approve the TIA.

**MOTION** was made by Commissioner Small, seconded by Commissioner Branigan, to approve the Traffic Impact Analysis submitted by Kittelson and Associates for Teevin Bros. with the three conditions noted in the final order. Tokos noted that the decision will be signed tonight, and the deadline for appeal to the City Council will be May 28<sup>th</sup> at 5:00 p.m.

**F. New Business.** No new business.

**G. Unfinished Business.** No unfinished business.

**H. Director's Comments.**

1. Tokos reminded the Commission that the alternative mobility standards work done in South Beach has to be adopted by the County, and the Board of Commissioners finally adopted that process on May 1<sup>st</sup>. There will be a hearing before the County Planning Commission. It is moving along. The trip budget does not go into effect until the County adopts it.

2. Tokos noted that the UGB expansion for the reservoirs was approved by the City Council at their last meeting, and it has now been forwarded to the County for their process. Some changes were made at the City Council level pertaining to the Etherington property. Tokos doesn't anticipate any issues at the County; but it could take time to move through their process.

3. Tokos mentioned the economic opportunity analysis that was adopted last November. He noted that the City Council had the advisory committee reform to work on the business retention and recruitment position. That was done. It provides for some funding from the City. The City is going through budget deliberations right now, and Tokos is unsure if the City Council will find to fully fund that position this year or not. May 30<sup>th</sup> at 6:00 p.m. at the budget meeting is when discussion will be held regarding that. At the next City Council meeting, Bill Hall will be speaking on behalf of the Lincoln Community Land Trust and why from their perspective this is an important agreement to enter into.

Fisher noted that the Commissioners had received information about Nye Beach. Tokos noted that the City Council held a town hall meeting on April 29<sup>th</sup> in Nye Beach, and it was discussed conceptually along with that. The way that code is drafted, that process would be initiated by the City Council. Before the end of the calendar year, the Council needs to hold a meeting taking testimony from the Nye Beach area whether or not it is in the public interest to open it up to take a look at those design standards. Then if they feel it is, they would direct it to the Planning Commission to look at it. The Council has asked Tokos to meet with Nye Beach Merchants in advance to get a short list of issues that can be fleshed out and summarized for the Council at that time.

**I. Adjournment.** Having no further business to discuss, the meeting adjourned at 7:25 p.m.

Respectfully submitted,

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Wanda Haney  
Executive Assistant

**PLANNING STAFF MEMORANDUM**  
**FILE No. 1-Z-13**

- I. **Applicant:** City of Newport.
- Request:** The request before the Planning Commission is to review and provide a recommendation to the City Council on proposed legislative text amendments to Section 14.01.020 (Definitions), Subsection 14.03.050 (Residential Uses), and Chapter 14.16 (Accessory Uses and Structures) of the Newport Zoning Ordinance (Ordinance No. 1308, as amended), as codified in the Newport Municipal Code. The amendments create standards for permitting Accessory Dwelling Units on residential properties, in keeping with the goals and policies of the Newport Comprehensive Plan.
- II. **Findings Required:** As this is a legislative action, there are no required findings. In deliberating on this request, the Planning Commission must consider whether or not the amendments further a public necessity and are needed for the general welfare of the community (NMC Section 14.36.010).
- III. **Planning Staff Memorandum Attachments:**
- Draft Ordinance
  - Planning Commission Minutes, dated 3/25/13 and 4/8/13
  - Notice of Public Meeting
- IV. **Notification:** The Department of Land Conservation & Development was provided notice of the proposed legislative amendments in accordance with its requirements on April 5, 2013. Notice was also provided to City departments on May 8, 2013 and the date and time for the Planning Commission hearing was published in the Newport News-Times on May 17, 2013.
- V. **Comments:** As of May 20, 2013, no comments were received regarding this proposal.
- VI. **Discussion of Request:** Policy 4, Goal 2 of the Housing Element of the Newport Comprehensive Plan (updated in 2011) calls for the City to identify potential amendments to its codes in order to facilitate the development of housing affordable to Newport workers at all wages levels. Implementation Measure 4.2 of this policy specifically refers to the City adopting an ordinance to allow Accessory Dwelling Units (ADUs) in its residential zone districts. An ADU is a dwelling that is ancillary and smaller than a primary dwelling that exists on a lot or parcel. Allowing ADUs affords property owners the opportunity to construct modest, ancillary units that can be rented or used by family members or on-site care givers. ADUs are an important housing option that is in keeping with Goal 1 of the Housing Element, which encourages provision of housing in adequate numbers, price ranges, and rent levels commensurate with the financial capabilities of Newport households.
- VII. **Conclusion and Recommendation:** The Planning Commission should review the proposed amendments and make a recommendation to the City Council on the request. The Commission recommendation can include suggested changes to the proposed amendments.



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

May 20, 2013



**CITY OF NEWPORT**

**ORDINANCE NO. \_\_\_\_**

**AN ORDINANCE AMENDING THE NEWPORT ZONING ORDINANCE  
(ORDINANCE NO. 1308, AS AMENDED) RELATING TO  
ASSESSORY DWELLING UNITS**

**Findings:**

1. On March 25, 2013 the Newport Planning Commission initiated amendments to the Newport Zoning Ordinance to create standards for permitting Accessory Dwelling Units on residential properties.
2. An Accessory Dwelling Unit (ADU) is a second dwelling unit created on a lot or parcel that already contains a house, attached house, or manufactured home. The second unit is created auxiliary to, and is always smaller than the primary residence.
3. Authorizing ADUs in residential zoning districts, irrespective of existing density limitations, creates an avenue for property owners to construct modest, ancillary residential units that can be rented to persons employed in the City, consistent with Policy 4, Goal 2 of the Housing Element of the Newport Comprehensive Plan, which calls for the City to identify potential amendments to its codes in order to facilitate the development of housing affordable to Newport workers at all wages levels.
4. Desirability of ADUs is not limited to persons interested in generating rental income, as they are often constructed for the purpose of providing housing for family members, or on-site care givers. On balance, ADUs are an important housing option that is in keeping with the objectives of Goal 1 of the Housing Element, which encourages provision of housing in adequate numbers, price ranges, and rent levels commensurate with the financial capabilities of Newport households.
5. The Newport Planning Commission discussed the proposed code amendments at work sessions on March 25, 2013 and April 8, 2013. The Commission held a public hearing on May 28, 2013 and voted to recommend adoption of the amendments.
6. The City Council held a public hearing on \_\_\_\_\_ regarding the question of the proposed revisions and voted in favor of their adoption after considering the recommendation of the Planning Commission and evidence and argument in the record.
7. Information in the record, including affidavits of mailing and publication, demonstrate that appropriate public notification was provided for both the Planning Commission and City Council public hearings.

**THE CITY OF NEWPORT ORDAINS AS FOLLOWS:**

**Section 1.** The above findings are hereby adopted as support for the Council's Land Use Code amendments, below.

**Section 2.** A definition for the term “Accessory Dwelling Unit” is added to Section 14.01.020 of Ordinance No. 1308 (as amended), codified as Newport Municipal Code 14.01.020, Definitions, as follows:

**Accessory Dwelling Unit.** A second dwelling unit created on a lot with a house, attached house, or manufactured home. The second unit is created auxiliary to, and is always smaller than the house, attached house, or manufactured home.

**Section 3.** Subsection 14.03.050(A) of Ordinance No. 1308 (as amended), codified as Newport Municipal Code 14.03.050, Residential Uses, is amended to list “Accessory Dwelling Units” as permitted uses.

**Section 4.** Chapter 14.16 of Ordinance No. 1308 (as amended), codified as Newport Municipal Code 14.16, Accessory Uses and Structures, is repealed in its entirety and replaced with a new Chapter 14.16, as shown in Exhibit "A."

**Section 5.** This ordinance shall take effect 30 days after passage.

Date adopted and read by title only: \_\_\_\_\_

Signed by the Mayor on \_\_\_\_\_, 2013.

\_\_\_\_\_  
Sandra Roumagoux, Mayor

ATTEST:

\_\_\_\_\_  
Margaret M. Hawker, City Recorder

## **CHAPTER 14.16 ACCESSORY USES AND STRUCTURES**

**14.16.010 Purpose.** The provisions of this section are intended to establish the relationship between primary and accessory structures or uses and to specify development criteria for accessory structures or uses.

### **14.16.020 General Provisions.**

- A. Accessory uses and structures are those of a nature customarily incidental and subordinate to the primary use of a property. Typical accessory structures include detached garages, sheds, workshops, greenhouses, gazebos and similar structures that, with the exception of Accessory Dwelling Units, are not intended for habitation by people. The Community Development Director, or the Director's designee, shall determine if a proposed accessory use is customarily associated with, and subordinate to, a primary use and may at his/her discretion elect to defer the determination to the Planning Commission. A determination by the Planning Commission shall be processed as a code interpretation pursuant to Section 14.52.001, Procedural Requirements.
- B. An accessory use or structure shall be subject to, and comply with, the same requirements that apply to the primary use except as provided in this section.

**14.16.030 Accessory Use or Structure on a Separate Lot or Parcel.** An accessory use or structure may be located on a lot or parcel that is separate from the primary use provided:

- A. The lot or parcel upon which the accessory use or structure is to be located is contiguous to the property containing the primary use; and
- B. The subject lots or parcels are under common ownership and within the same zone district; and
- C. A deed restriction, in a form approved by the City, is recorded stating that the property on which the accessory use or structure is to be located cannot be sold or otherwise transferred separate from the lot or parcel containing the primary use. This restriction shall remain in effect until a primary use is situated on the same lot or parcel as the accessory building or the accessory building is removed.

### **14.16.040 Development Standards (excluding Accessory Dwelling Units).**

Accessory buildings and structures, except for Accessory Dwelling Units, shall conform to the following standards:

- A. The maximum floor area of the accessory structure in a residential zoning district shall not exceed 1,500 square feet or 65% of the total floor area of the primary structure, whichever is less.
- B. The maximum height of an accessory building in a residential zoning district shall not exceed that of the primary structure.

- C. Accessory buildings shall not extend beyond the required front yard setback lines of adjacent lots or parcels.
- D. Regardless of the setback requirements, a rear yard in a residential zone district may be reduced to five (5) feet for a one-story detached accessory building provided the structure does not exceed 625 square feet in size and 15 feet in height.

**14.16.050 Accessory Dwelling Unit Standards.** Accessory Dwelling Units shall conform to the following standards:

- A. Accessory Dwelling Units are exempt from the housing density standards of residential zoning districts.
- B. A maximum of one Accessory Dwelling Unit is allowed per lot or parcel.
- C. The maximum floor area for an Accessory Dwelling Unit shall not exceed 600 square feet or 50% of the area of the primary dwelling, whichever is less.
- D. Accessory Dwelling Units may be a portion of the primary dwelling, attached to a garage, or a separate free-standing unit.
- E. The maximum height of an Accessory Dwelling Unit detached from the primary dwelling shall not exceed that of the primary dwelling. An Accessory Dwelling Unit attached to the primary dwelling is subject to the height limitation of the residential zone district within which it is located.
- F. Accessory Dwelling Units shall not extend beyond the required front yard setback lines of the adjacent lots or parcels.
- G. Exterior materials used to construct an Accessory Dwelling Unit shall be the same as those of the primary dwelling or garage.
- H. An Accessory Dwelling Unit shall share water, sewer, electric, and gas connections with the primary dwelling.
- I. Either the primary residence or Accessory Dwelling Unit shall be owner-occupied. The property owner shall prepare and record a covenant or deed restriction in a form acceptable to the city, providing future owners with notice of this requirement.
- J. One off-street parking space shall be provided for each Accessory Dwelling Unit. This requirement is in addition to off-street parking standards that apply to the primary dwelling.

**14.16.060 Conditional Use Approval of Accessory Dwelling Units.** If one or more of the standards of this chapter cannot be met, an owner may seek approval of an Accessory Dwelling Unit as a Conditional Use, pursuant to Chapter 14.34. A Conditional Use Permit may allow relief from one or more of the standards of this chapter, but does not excuse the owner from complying with the standards that can be satisfied.

**MINUTES**  
**City of Newport Planning Commission**  
**Work Session**  
**Newport City Hall Conference Room 'A'**  
**Monday, March 25, 2013**

**Planning Commissioners Present:** Bill Branigan, Glen Small, Mark Fisher, Jim Patrick, Rod Croteau, and Jim McIntyre.

**Planning Commissioners Absent:** Gary East.

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

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

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

Chair Patrick called the Planning Commission work session to order at 6:02 p.m. and turned the meeting over to CDD Tokos.

**A. Unfinished Business.**

1. Discussion of code updates relating to accessory dwelling units (ADUs). Tokos noted that in the packets he included the authorization for Wilder where we have authorized ADUs. Wilder is the only place they are expressly allowed right now; but that's not to say there are not some lots out there with multiple dwelling units on one lot. He also attached Astoria's and Portland's language for the Commissioners to take a look at. Tokos said that part of the discussion needs to be about what type of outreach the Commissioners are looking for on this type of amendment. He wondered if there was a need for a work group or if the Commissioners are comfortable fielding it themselves. The indication was that the Commission would do the work themselves. Tokos said that if we are talking about outreach, it would be to every residential owner in the City; but we could do press releases. Legally all we have to do is publish notice in the newspaper. That would be the Commission's choice. The consensus was that the Commission would be comfortable with publishing a notice in the newspaper; and we can always do a press release. Tokos asked if the Commission wanted to shoot for an outright use in all districts. Croteau noted that in the other codes, these units were not counted toward density. Tokos said that is what we did in Wilder. He noted that Astoria made it conditional in R-1. Branigan said many of the residences in Astoria are 50 years old or older, and it sound like what they did was limit it to big old houses. Tokos noted that the model ordinance for small cities from the State had a limit of floor area between 600 and 800 square feet or not more than 40% of the main unit, whichever is smaller. In the model code, they must be owner-occupied and have single utilities; which is what we set up for Wilder. Berman wondered what the intent was here; if it was to allow more flexibility and then once they are allowed to put parameters around that. Tokos said that the objective of this is that it is accommodation for families. He said that the key here is the utility hookup. We don't want to hit them with SDCs; and we would have to for a separate meter. That provides some control because it is one utility bill. Branigan asked what would prevent someone from putting up a mother-in-law unit and then turning it into a vacation rental by owner; and Tokos said there's nothing.

Hardy asked about a requirement for a separate entrance. Tokos said the code defines a dwelling unit as having certain elements such as a sleeping area, and a kitchen is the primary thing. It was noted that most people will create a studio and not put in a kitchen. Patrick mentioned that he built a two-story with two kitchens for someone so that if the owner had to get a care-giver that person would have a kitchen and living area downstairs. Tokos said you would be surprised what is out there that have never received permits.

Berman said that he would not like to see this creating a situation where it becomes common to build a little place behind your house and rent it as a vacation rental for income. Tokos said that if they want additional units, they have to provide parking and landscaping. That is in the vacation rental endorsement standards. Patrick said that most ADUs have not been separate units, but in the same unit already. Fisher said he has to believe there are some that are separate. Tokos wondered if the consensus was to go with standards something like permitting it outright in each district subject to certain restrictions. Patrick said maybe a restriction such as it can't be used as a B&B or vacation rental.

Branigan asked about the percentage of the main house. Small said 40% of the main house or 600-800 square feet, whichever is smaller. Tokos noted that in Wilder it is 600 square feet or 50%; but they are smaller lots. Patrick added that the houses are smaller. He said he would like to go up to 800 square feet; but he wondered if 40% is a good number, or is 50%. Branigan asked if it has to be stand-alone. Patrick suggested borrowing from the other codes; that it is over something, in something, or separate. Small said that he did like the common utility. Tokos thought it would get at the vacation rental issue with the owner-occupied requirement; that is how Astoria tackled it. He said it was discussed with Wilder because they were hoping to

rent to college students as he recalled. Berman wondered that since vacation rental is defined, if they can rent monthly to a student or non-relative. Patrick said that maybe someone would build an ADU and move into it and then rent out the house as a B&B. Hardy wasn't sure how it was any different than adding a room to a house. Patrick said that you can add anything but a kitchen according to the definition of a dwelling. Tokos said that when these do end up coming to a head with our department is when it has to do with financing and a lender is asking the question if this second unit is acceptable. We have to say no because there are no permits, and it ends up getting torn down. Tokos said that every deed says that the buyer is responsible for going to the planning department to make sure you can use your property for what you want. He said that a deed restriction would be one way to handle it. Branigan asked how many issues Astoria has had, and Tokos said that he hasn't asked them. Patrick noted that the State is pushing for this kind of stuff, and there are new rules coming down. The way to get around requirements is by putting in an ADU ordinance. He noted that Newport has one of the highest new building density levels anywhere in the state. In Nye Beach we have all those units on small lots. Small said ADUs help address the affordable housing issue; especially here where housing is pretty expensive. He thought we will see here what we've seen in most developed nations; multiple families living in one home.

Tokos said that what he is hearing is that there is general consensus for some of the standards incorporated for Wilder. Only one ADU per lot is good. The three types are good; a portion of the main house, free-standing, or over a free-standing or attached garage. The size is not to exceed 600 square feet or 50% of the main structure. Fisher said that he would prefer 40%, and Tokos noted that 600 square feet and 40% is out of the model code. Patrick said that we will get a lot of small units. Tokos noted that many of the lots are smaller, so the visual will be less. He wondered what the harm is of 600 square feet or 50%, and that was selected. The height standards of the district govern. Tokos said that he would recommend not applying an architectural compatibility standard citywide. Nye Beach has its own and Wilder has a planned development for architectural standards. Outside of that if we try to do that, it would be a discretionary decision so the neighbors can appeal it. Berman thought that we could require the obvious things such as the same kind of roof and exterior including color. Fisher thought we would have to have a committee for review of that. Patrick said that he knows of houses with multiple architectural designs. Berman said that if they add on, it should be the same kind of roof and exterior; so if it's separate, he wondered what is wrong with having a couple of basic dictates. Hardy said that value judgments are hard to enforce. Berman didn't think that the same kind of roof is a value judgment. Hardy said that you run the risk of affecting those whose design modes are dictated by finances rather than aesthetic tastes. Berman said that he worries about the neighbors and doesn't see that it's unreasonable that it looks much like the house. McIntyre agreed that it should look like the existing home; but this standard is talking about the compatibility with the neighborhood. Tokos said that whatever is put out there, he would say not to go with discretionary standards. In a nondiscretionary way specify that it match with the primary structure. He said that he can see someone using a 600 square foot park model as an ADU in the back. It wouldn't have the same exterior as the house, but they may be able to afford a park model. Branigan also mentioned the use of shipping containers as a dwelling. Branigan asked if something that didn't match couldn't be an exception before the Planning Commission. Patrick wondered if it would be reasonable to create a conditional use path. Tokos thought the consensus was for some standards for stand-alone units that require matching existing materials of the house; not exactly the same but such as composition roof to composition roof. Continuing with the standards, Tokos said that the cleanest way is that ADUs don't count against the density limitations. An ADU shares utility hookups with the main house. Berman wondered if the utilities should be specified, such as water, sewer, electric, and gas; not cable or telephone. Hardy suggested adding the wording, "essential services". Tokos wondered as far as off-street parking spaces, if the Commission wanted what is required plus one additional for the ADU. He noted that this was an issue in Wilder because they don't have typical on-street parking, but we have on-street parking most everywhere else. Croteau wondered if one additional space is prohibitive or reasonable. Patrick said it would be tough on some of them. Small thought one extra space was reasonable, and make that a conditional use if it can't be met. Fisher agreed with one additional, and they have to come to get Planning Commission approval if they can't meet that. Tokos wondered if the Commissioners wanted to set ADUs up as an outright authorized use in every district, and the consensus was yes.

Branigan asked about owner-occupied. Tokos said that can be enforced with deed restrictions or no vacation rentals can be specified with a deed restriction. He noted that owner-occupied means that the owner has to occupy either the principal unit or the accessory unit; one of them has to be owner-occupied. Maybe the accessory dwelling would be a vacation rental. He said it doesn't make sense to have deed restrictions for both. If it has to be owner-occupied, it puts the kibosh on making it all a VRD. Berman said that he would like to see a sharp watch on it because an ADU in the back yard could be a source of income. Tokos wondered what the harm is. He said if it's a lot with multiple deed restrictions, it becomes burdensome. Fisher said he would rather have owner-occupied. If the owner lives there, they will keep an eye on it. Small asked for clarification of why we couldn't do both restrictions. Tokos said that it seemed burdensome to do that. We have no process now that requires multiple deed restrictions. Tokos said that if the purpose here is to provide an avenue for folks to have a place for their family, then owner occupancy is a nice clean avenue. The majority liked the owner occupancy restriction.

Patrick said we can start there. Fisher noted that we want this simple enough so the common person could read it and understand the expectations.

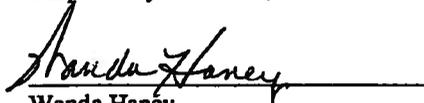
Tokos said he will be making director's comments at the meeting tonight that an appeal did get filed on the Teevin Bros. TIA. An appeal hearing with the Planning Commission will be set up for April 22<sup>nd</sup>. He noted that we had somebody else looking

to do a nonconforming use permit, and he advised them not to set it up for that date. On that evening the Commission will have their hands full with that one appeal only. The Commission will be deciding if the standards for approving a TIA were addressed correctly.

Patrick wondered when the Commission will want to do park models. Tokos will work on that. He said the issue with park models has to do with the City liability issue if there was a fire that caused damage or loss to surrounding homes because they are not built to building code. We are obligated by State law to allow them in manufactured parks. But he said the whole thing is changing, and he can get some other information for the Commissioners. Tokos said the other issue that was raised by an owner at a public hearing was the minimum 5,000 square-foot lot size in manufactured parks. Tokos said that he can tie those two together.

**B. Adjournment.** Having no further discussion, the work session meeting adjourned at 6:46 p.m.

Respectfully submitted,

A handwritten signature in cursive script, reading "Wanda Haney", is written over a horizontal line.

Wanda Haney  
Executive Assistant



**MINUTES  
CITY OF NEWPORT PLANNING COMMISSION  
WORK SESSION  
NEWPORT CITY HALL, CONFERENCE ROOM A  
MONDAY, APRIL 8, 2013  
6:00 P.M.**

**Planning Commissioners Present:** Gary East, Mark Fisher, Jim Patrick, Rod Croteau, Glen Small, and Jim McIntyre.

**Planning Commissioner Absent:** Bill Branigan.

**Citizens Advisory Committee Members Present:** Lee Hardy, Suzanne Dalton, and Bob Berman.

**City Staff Present:** Community Development Director (CDD) Derrick Tokos and City Recorder/Special Projects Director Peggy Hawker.

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. Review and discuss draft code relating to accessory dwelling units (ADU's).**  
Tokos reviewed the definition of "Accessory Dwelling Unit." He reported that the draft includes "Accessory Dwelling Unit" as a permitted use in all residential zoning districts. Tokos reviewed Chapter 14.16 "Accessory Uses and Structures," and specifically 14.16.050 "Accessory Dwelling Unit Standards." A discussion ensued regarding the floor area of Accessory Dwelling Units. Berman addressed 14.16.020 "General Provisions," and specifically that accessory uses and structures, pursuant to this section, are not intended for habitation by people, and would not apply to an Accessory Dwelling Unit. A discussion ensued regarding the maximum height of an accessory building in a residential zoning district. Tokos noted that accessory buildings are separate from accessory dwelling units. It was noted that height restrictions must apply if an accessory dwelling unit is not attached to the primary building. It was also noted that the height of the primary structure must meet the height restrictions of the district, while a separate structure cannot exceed the height of the primary building. If the garage was separate, it would not be allowed to exceed the height of the primary dwelling, but if the garage is a part of the primary dwelling, the height restriction that would apply is that of the zoning district. A discussion ensued regarding the front yard setback requirements for accessory dwelling units. It was noted that the rear yard setback for smaller accessory structures may be reduced to five feet for a one-story detached accessory building if the structure does not exceed 625 square feet and 15 feet in height.

Tokos reviewed the following accessory dwelling unit standards: floor area; type, one unit; exemption from density limits; architecture; utilities; owner-occupied; and off-street parking. Tokos suggested that it might be worth foregoing the off-street parking requirement unless there is a reasonable expectation that there will be additional impact on the system. It was the consensus of the group to leave the off-street parking requirement as it stands. Tokos reported that 14.16.060 contains provisions for conditional use permits if one or more standards cannot be met.

Tokos reported that he would make changes suggested this evening, and that the changes would be scheduled for a public hearing at the second meeting in May.

## **B. New Business.**

1. **Review of the Appeal Procedure.** Tokos reviewed the city's procedures for handling appeals of quasi-judicial decisions (14.52.080 of the Newport Municipal Code). He noted that the Commission will hear the appeal on the Teevin Brothers log yard traffic impact analysis on April 22. Tokos noted that if Commissioners have had ex parte contact, it must be disclosed. He added that if a Commissioner has a fiduciary stake in the proposal; this must be disclosed, and the Commissioner must step down. He noted that it must also be disclosed if a Commissioner has read about the proposal in the news. He reiterated that anyone having a business relationship with Teevin Brothers would have to step down. It was reported that the boundary is 200 feet from the property, and Tokos noted that he notified everyone who provided comment throughout the process. He added that the hearing is only in regard to the present proposal. Tokos reported that a Commissioner must step down if he/she cannot make an impartial decision, and that individual Commissioner participation can be challenged.

Tokos stated that it is anticipated that the appeal will span at least two meetings. He noted that it is within the purview of the Commission to ask folks to state the standard they do not think is being met. He added that the Commission can ask questions after public testimony. Tokos noted that the applicant may not attend the hearing. He stated that speakers will be asked to sign up to speak by completing the speaker request slips. When all the speakers have had an opportunity to talk, the Chair should ask for others who wish to comment. He added that if the applicant is not in attendance, the Chair should ask for others attending in support of the proposal.

Tokos stated that new testimony can be presented at the hearing. He stated that a copy of the appeal with the staff response will be included in the packet.

Tokos explained continuances, noting that the record must be left open if requested, but that the Commission is not obligated to continue the hearing. He noted that he will not have the findings and final order at this meeting, but will be looking for direction from the Planning Commission in crafting the findings.

Tokos noted that if there is no applicant, there will be no rebuttal.

Tokos reported that the appeal document was timely filed. He added that he will include in the upcoming packet where we are in the 120-day clock.

It was noted that the hearing begins at 6:00 P.M., on April 22.

**2. Review Port of Newport's New Strategic Business Plan and New Capital Facilities Plan and Discuss Corresponding Updates to the Port Element of the Newport Comprehensive Plan.** Tokos discussed the Port Facilities section of the Newport Comprehensive Plan and the related Goals and Policies element. He reported that the Port has completed a Strategic Business Plan and Capital Facilities Plan. He noted that the Comprehensive Plan should be amended to include the Capital Facilities Plan, and that a policy and goal could be developed that addresses this collaboration. He asked the Commission to let him know if there is something that should not be included as a priority. He added that he does not see anything that would impact upland zoning or estuary rules.

**Adjournment.** Having no further business, the meeting adjourned at 6:50 P.M.

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Margaret M. Hawker, City Recorder



**CITY OF NEWPORT  
NOTICE OF A PUBLIC HEARING**

The Newport Planning Commission will hold a public hearing on Tuesday, May 28, 2013, at 7:00 p.m. in the City Hall Council Chambers to consider File No. 1-Z-13 in order to make a recommendation to the Newport City Council. A public hearing before the City Council will be held at a later date, and notice of that hearing will also be provided. The request is for legislative text amendments to the Newport Zoning Ordinance Definitions, Zoning Districts, and Accessory Use chapters to allow accessory dwelling units (ADUs) in all residential zoning districts subject to compliance with specific development standards. Pursuant to Newport Municipal Code (NMC) Section 14.36.010, the Commission must find that the change is required by public necessity and the general welfare of the community. 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 the applicant, and questions and deliberation by the Planning Commission. Written testimony sent to the Community Development (Planning) Department, City Hall, 169 SW Coast Hwy, Newport, OR 97365, must be received by 5:00 p.m. the day of the hearing to be included as part of the hearing or must be personally presented during testimony at the public hearing. The proposed code amendments, additional material for the amendments, and any other material in the file may be reviewed or a copy purchased at the Newport Community Development Department (address above). Contact Derrick Tokos, Community Development Director (541) 574-0626 (address above).

***(FOR PUBLICATION ONCE ON FRIDAY, MAY 17, 2013)***





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**NEWS-TIMES**

## LEGAL NOTICES

**LEGAL DEADLINES:**

**WEDNESDAY EDITION:**  
5:00pm THURSDAY  
Prior

**FRIDAY EDITION:**  
5:00pm THURSDAY  
Prior

**CIRCUIT COURT OF LINCOLN COUNTY PROBATE DEPARTMENT**  
MATTER OF THE ESTATE OF LOUISE A. LAETHER  
NO. 13-1267  
NOTICE TO INTERESTED PERSONS  
I, Patricia Lamme, appointed representative of the estate of Louise A. Laether, do hereby give notice to all persons having claims against the estate of Louise A. Laether, to present them, in writing, to me at my office, 190 N.W. Sunberry Road, Waldport, Oregon, within four months of the date of first publication of this notice, or they may be barred. The rights of those whose rights may be affected by the proceedings herein may be affected by the proceedings herein. The representative or attorneys for the estate are: Brian Y. OSB #980588, 3400 S. Hill, PO Box 810, OR 97365, (541) 811-1111. Dated May 17, 2013. M-10, 17, 24

To discuss the budget for the fiscal year July 1, 2013 to June 30, 2014, will be held at the Port's Office at 496 NE Hwy 20, Unit 1, Toledo. The meeting will take place on May 28 at 7:00 pm for the purpose of the meeting is to receive the budget message and to receive comment from the public on the budget. This is a public meeting where deliberation of the Budget Committee will take place. Any person may appear at the meeting and discuss the proposed programs with the Budget Committee. This notice is also posted on the Port's website at [www.porttoledo.org](http://www.porttoledo.org). A copy of the budget document may be obtained on or after May 20 at the Port's Office, between the hours of 9 am and 4 pm. M-17 (47-17)

**INVITATION TO BID 2013 ARFF TRUCK NEWPORT MUNICIPAL AIRPORT**  
NEWPORT, OREGON  
FAA A.L.P.  
NO. 3-41-0040-022  
Sealed proposals for the Newport Municipal Airport - ARFF Truck will be received by Jim Voelberg, Airport Manager/City Manager for the City of Newport, at the City Manager's Office, City Hall, 189 SW Coast Hwy, Newport, OR 97365, until 2:00pm, June 20th, 2013, at which time bids will be publicly opened and read. Bids received after this time will not be accepted. All interested parties are invited to attend. Subcontractor declarations must be delivered to the City of Newport at the address above no later than 4pm on the day of bid opening. The work contemplated consists of, but is not limited to, the following: 1. Manufacturing and delivery of one new Class 2 Aircraft Rescue Fire Fighting (ARFF) Truck to the Newport Municipal Airport, Newport, Oregon. The contract time will be limited to 300 calendar days to substantially complete all work. Liquidated damages will be charged at the rate of \$ 500 per day. Contract documents will be available on Friday 5/17/2013 and may be purchased through American Reprographics Company (ARC) 1431 SW Coast Hwy, Newport, OR 97209, (503) 227-3424 and payment will be the cost of the reproduction. Electronic copies are also available through ARC. Bidding documents for the project may be examined at the following locations: City of Newport - City Manager's Office, 189 SW Coast Hwy, Newport, OR 97365. The proposed contract is subject to the following regulations (see contract documents for all requirements/regulations): Bidders must prepare a statement of qualification in accordance with section 20-02 of the general provisions. Evidence of competency includes previous successful completion of

ARFF vehicle procurement projects. 1. Each Bidder must supply all information required by the bid documents and specifications. 2. To be eligible for award each Bidder must comply with the Buy American requirements which are contained in the specifications. Each proposal must be submitted on the prescribed form and accompanied by a Bid Bond on the form bound within the Contract Documents or one similar, payable to the City of Newport, OR in an amount not less than five percent (5%) of the actual bid. The successful Bidder will be required to furnish a Performance and Payment Bond, each in the full amount of the contract price. There will not be a pre-bid meeting. Questions should be directed to engineer, The engineer for the project is Ransae Anderson P.E. with WHPacific 503.97.9521 and [randerson@whpacific.com](mailto:randerson@whpacific.com). The Owner reserves the right to waive any informality or to reject any or all proposals not in compliance with all prescribed bid procedures or not conforming to the intent and purpose of the actual bid. For good cause, all bids may be rejected if it is in the public's interest to do so. No Bidder may withdraw his or her proposal within ninety (90) days after the actual date of the opening thereof. The award of the contract is subject to approval of the Federal Aviation Administration and availability of federal funding M-17 (49-17)

for legislative text amendments to the Newport Zoning Ordinance Definitions, Zoning Districts, and Accessory Use Chapters to allow accessory dwelling units (ADUs) in residential zoning districts subject to compliance with specific development standards. Pursuant to Newport Municipal Code (NMC) Section 14.36.010, the Commission must find that the change is required by public necessity and the general welfare of the community. 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 proponent 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 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 the applicant and questions and deliberation by the Planning Commission. Written testimony sent to the City of Newport, OR 97365, must be received by 5:00 p.m. the day of the hearing. It is included as part of the hearing or must be personally presented during testimony at the public hearing. The proposed code amendments, additional material to be included, and any other material in the file may be reviewed on a copy posted at the Newport Community Development Department (address above). Contact Derrick Tolson, Community Development Director (541) 574-0829 (address above). M-17 (50-17)

**CITY OF NEWPORT NOTICE OF A PUBLIC HEARING**  
The Newport Planning Commission will hold a public hearing on Tuesday, May 28, 2013, at 7:00 p.m. in the City Hall Council Chambers to consider File No. 1-2-13 in order to make a recommendation to the Newport City Council. A public hearing before the City Council will be held at a later date, and notice of that hearing will also be provided. The request is

**RURAL FIRE PROTECTION DISTRICT ET COMMITTEE MEETING**  
WEDNESDAY MAY 22ND, 2013  
6:00 PM  
NE BURGESS  
TOLEDO OREGON 97381  
a meeting of the Rural Fire Protection District Budget Committee will be held at 7:30am on Wednesday, May 22nd at the Toledo Fire Conference room, Burgess Toledo, 97391 M-10, 17

**NOTICE TO INTERESTED PERSONS**  
Notice is hereby given that the undersigned has been appointed Personal Representative of the ESTATE OF JOHN JOSEPH McLAUGHLIN, deceased, Lincoln County, Oregon, Circuit Court Case No. 131217. All persons having claims against said estate are required to present them, with proper vouchers, within four months after the date of first publication of this notice, as stated below, to the Personal Representative at the address below. All persons whose rights may be affected by these proceedings may obtain additional information from the records of the court, the Personal Representative, DATED and first published: May 17, 2013. Jacquelyn A. McLaughlin, Personal Representative, Law Office of Holly Arne Gibbons, Attorney for Personal Representative, P.O. Box 700, Waldport, Oregon 97365, (503) M-17, 24, 31 (48-31)

**NOTICE OF PUBLIC SALE**  
On June 4th, 2013 at 2:00 PM a public sale will be held at Ideal Storage, 150 Dahl Ave, Waldport. We reserve the right to reject any or all bids/leases. Contents of unit #B028 rented by Mike or Renee Vovles will be for sale. The aforementioned party can contact prior to the sale at 235 SW Dahl Ave or call 541-583-8111. M-17, 24 (51-24)

**PUBLIC NOTICE**  
The PCHD Board of Directors will meet in regular session on Monday, May 20th, 2013 at 4:00 p.m. in the education room at Samaritan Pacific Communities Hospital, Newport, Oregon. /s/ Jamie Kraft, Regional, PACIFIC COMMUNITIES HEALTH DISTRICT. For additional information contact 541-574-1803. M-17 (52-17)

**IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR THE COUNTY OF LINCOLN**  
PROBATE DEPARTMENT  
IN THE MATTER OF THE ESTATE OF JAMES WALTER WYANT, DECEASED.  
NO. 13-1408  
NOTICE TO INTERESTED PERSONS  
Notice is hereby given pursuant to ORS 113.155 that the undersigned has been appointed and has qualified as the personal representative of the estate of James Walter Wyant, deceased. All persons having claims against the estate are hereby required to present them, with proper vouchers, within four months after the date of first publication of this notice, as stated below, to the personal representative at: BRUCE McCURUM, 515 W. Olive, Newport, OR 97365 (541) 265-2217 or they may be barred. All persons whose rights may be affected by the proceedings in this estate may obtain additional information from the records of the court, the personal representative or the attorney for the personal representative. Data first published: May 17, 2013. /s/ RONNIE L. WYANT, Personal Representative. M-17, 24, 31 (53-31)

the top of the seventh inning. even better, so I just needed to hit it, get on base." She ended up getting on all four bases, jumping on top of the plate and into a sea of hugs and congratulations from teammates as the game concluded. Cochran said she knew it was gone as soon as she swung. "You can feel it as soon as you hit it," she said. "Actually, you don't feel anything." "When both pitchers are pitching like that, one big one comes through nice for you," Schiewe added.

### Cubs crush conference

While this final win was a non-league contest against the fourth-ranked 3A team in the state, it was a sweet way to ice the cake of the Cub's undefeated run through the Oregon West this year. "It makes it a little sweeter for everyone," Schiewe said of

Cubs' unbeaten league season, the first in his eight years as head coach. There were certainly some close calls. Four of their 15 Oregon West games were decided by one run or fewer, with three of those requiring extra frames to decide, including their first win at Taft, which was scoreless after regulation. Cochran remembers that game well. She tallied a record 22 strikeouts out of 24 batters faced in the no-hitter, which the Cubs pulled out with six runs in the top of the eighth. They went to extras again against Taft two days later, holding on to win a 12-inning slugfest by a final score of 6-5. Schiewe remembers the close ones, too, especially the eighth-inning rally the Cubs orchestrated to clinch the unbeaten league record with a win at home against Central. "We were down 4-2 after the top of the eighth, and with two outs, we got three

runs to come back and win 5-4," he said. "At Cascade we were down 5-1 going into the top of the seventh," he continued, "and we got four runs in the top of the seventh and then we were able to get one run in the top of the eighth to win it. All those games that are extra innings and come right down to the end are pretty exciting." "We just seem like the bottom of the seventh, extra inning team," Cochran added. "We always come clutch." "My whole team has been on fire since the start, and we're peaking at the right time, everyone's coming along," she added. "Our fielding's great, they back me up, and our fitting is on top of it." With the number three ranking in the state, the Cubs will start their playoffs at home next Wednesday. Their opponent will be determined by a play-in game later this week.

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**NEWS-TIMES**  
EDDYVILLE CHARTER SCHOOL is seeking a High School Volleyball Coach for the 2013-2014 season. Applicant should possess the following:

- Knowledge of volleyball rules and regulations
- Current first aid card
- Complete and pass OSAA Standards Certification Test
- Possess the ability to promote conditioning and care and prevention of injuries
- Favorable background check
- Ability to model good sportsmanship and promote leadership and positive reinforcement

Send a letter of interest to: Dennis Schultz, Principal Eddyville Charter School, PO Box 68 Eddyville, OR 97343.

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1-2-13  
5/17/13  
News-James

