Meeting Notice

Please note that there will not be a 6:00 p.m. Newport Planning Commission work session meeting held prior to the regular 7:00 p.m. session on **Monday, April 28, 2014.**

AGENDA & NOTICE OF PLANNING COMMISSION MEETING

The Planning Commission of the City of Newport will hold a meeting at 7**:00 p.m. Monday, April 28, 2014**, at the Newport City Hall, Council Chambers, 169 SW Coast Hwy., Newport, OR 97365. A copy of the meeting agenda follows.

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

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

NEWPORT PLANNING COMMISSION
Monday, April 28, 2014, 7:00 p.m.
AGENDA

A. Roll Call.

B. Approval of Minutes.

1. Approval of the Planning Commission work session and regular session meeting minutes of April 14, 2014.

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.

F. Public Hearings.

1. File No. 2-CUP-14. Consideration of a request submitted by Oregon Brewing Co., Inc. (Dennis Bartoldus, authorized representative) (Port of Newport, property owner) for approval of a conditional use permit in order to add approximately 10,600 square feet of warehouse and barrel fabrication space to an existing building currently being used for warehouse, barrel fabrication, and distillation. The request involves property located at 2150 SE Marine Science Drive (Tax Map 11-11-17 portion of Tax Lot 111), which is located in a W-2/"Water-Related" zone.

G. New Business.

H. Unfinished Business.

I. Director Comments.

J. Adjournment.

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

***Draft* MINUTES**
City of Newport Planning Commission
Work Session
Newport City Hall Conference Room 'A'
Monday, April 14, 2014

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

Citizens Advisory Committee Members Present: Lee Hardy, Suzanne Dalton, and Dustin Capri.

City Staff Present: Community Development Director (CDD) Derrick Tokos, Library Director Ted Smith, 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. New Business.

1. Review of Updated Library Goals, Objectives, and Strategies (File No. 2-CP-14) for potential action in regular session. Tokos noted that he had invited Ted Smith to join the meeting to walk through the different goals, objectives, and strategies the Library has been working on. He noted that after this presentation and asking questions, if the Commissioners are comfortable with it, they can initiate legislative policy update to the Comprehensive Plan in tonight's regular session. Tokos turned the presentation over to Smith for him to give the background on why and how this document came to be.

Smith said that their last strategic plan was done in 2004. Ever since he got here in 2009, he wanted to do a plan with a building analysis and have someone look at infrastructure and IT issues and give an idea of what can be done within the footprint the library is on without expansion. Also to look at what we could do in the community and in the Library to increase efficiencies and make more space and keep as many books as we have. The Library Foundation gave some money, and he had consultants come in and prepare this strategy. He noted that there is more to the original document. Tokos had provided the strategies, but didn't include the details. Smith said the consultants went out to the community and had focus groups with teachers and home-schooling parents. They held meetings in the Library with advocates and meetings where they invited people randomly. The consultants asked questions about how they used the Library. They talked to leaders in the community. The result of all of those talks with residents and leaders is the strategic plan here. He noted that basically they find that they have three strategies externally, which focus on life enrichment and life skills and that create young readers. He said the Library is doing a pretty good job of meeting a lot of needs people expect them to do. There are a few things to tweak, but they are basically meeting the external needs; they just need to do more of the same and get more efficient. The internal strategy is basically to remodel the library. He noted that the Library has 90-inch-high shelving, and patrons have to climb on small stools. While doing that, some of the older patrons have found it hard to read through the bottom of the lens of their bifocals. What they found was that you can make room by taking out shelving, put some high-use DVDs in a vending kiosk similar to a Red Box; and that creates more space for patrons, seating, and meetings. The Library only has one meeting room and an informal conference room. They can reconfigure the shelving in the Library for height. In the children's area, they can reconfigure seating so the parents and kids can meet together. Now the parents are estranged from the kids because there isn't enough room for the parents to sit on the floor like the kids. He said there is some work to do. Smith is writing grants to pay for as much of this as possible. The Library Board is committed to whatever is needed.

Branigan asked if this has to go to the City Council. Tokos said it is the existing Library Services section in the Comprehensive Plan that needs to be amended because it is out-of-date; and this is the type of effort you would use to do that. It will require public hearings before the Planning Commission and the City Council. Tokos said that he was talking to Smith, and one of the things they will have to talk about is how to work this into the Comprehensive Plan by reframing it as City objectives as opposed to Library Committee services. It will just take some wordsmithing. Branigan noted that these are aggressive goals. Smith agreed and said that he didn't know if they would be able to hit them; but it is an aiming point. In addition, he noted that the Library is considered to serve 18,000 Lincoln County residents.

Croteau asked if they are looking at increasing square footage 40%, how they will do that. Smith said they would add to the footprint they have to the west side as far as to the ravine; and on the north side to the parking lots. He said if they went much farther north, they would have to acquire land. In addition, parking is as dire a need. The lower parking lot is used when people can't find a place to park; so it gets full too. When the disabled park there, they have to roll their chairs all the way around and back up. There is no outside elevator. East asked if there is any plan to access the lower parking lot. Smith said yes if there is an expansion; but the initial plan is not opening walls. There is a door downstairs, but it is a one way door and can't be used

when there is a meeting down there. Smith said that the City owns all of the ravine and over to Literacy Park. He thought they may be able to put in a big culvert and expand the parking or build there.

Fisher said that he is a great user and supporter of the Library. He noted that in the 90s when he was on the school budget committee, he noticed that they were putting aside most extra money for computer systems and equipment and all to the detriment of getting more library books. He tried to make a case each year. He thinks our Library for a town this size is remarkable. He said that he actually appreciated the self-check-out of books, which works so easily and so well. He would like to see getting funding from other grants and entities. He said the Library does have a lot of books there; and he hopes this won't be to the detriment of increasing the number of books. Berman said he found the hours to be most impressive. He also would like to see an expansion of public meeting space. Smith agreed that is one of the biggest issues they have out there. Fisher added that he also appreciates the children's section downstairs. He said we need to hook children into reading and using books; and McIntyre added, at an early age.

Dalton said that she also truly values the Library and the concept of a more comprehensive plan. She said maybe she missed it when she reviewed this, but asked Smith who was surveyed. She wondered if they surveyed the youth. Smith said there were 13 youths on one committee. There was a group of 20 people randomly pulled from the community; and there were 35-40 educators that use the Library regularly. They went to Head Start and had meetings with the teachers and parents; and they heard from home teachers. There were individual interviews with community leaders to get a feel for the community and how the community views the Library; and they got very positive things out of that. Smith said they tried to cover as much of the community as they could. Dalton asked if there was anyone for whom English is their second language. Smith said that most of those at Head Start are Spanish-speakers. He said they have a lot of information. Also, the Library has bilingual story time; and they are getting a lot of feedback from those parents.

Branigan asked how they got the consultants; is that her specialty. Smith said yes; and a facilities planner from San Francisco; and the IT person that works with libraries in Portland, and an interior designer.

Fisher noted that Tokos' memo says that in regular session, if the Commission wants, we would recommend that this study that Smith put together be adopted and referred on to the City Council. Tokos said the Commission would initiate amendments to the Library section of the Comprehensive Plan. He would be working with Smith and bringing a draft back to the Planning Commission for public hearing. Patrick said this is just starting the process. Tokos said an amendment needs either the City Council or Planning Commission to initiate. It would just be a motion to initiate the amendment process.

The group thanked Smith and told him that the study was a very nice piece of work.

2. <u>Discussion about pursuing regulatory options for medical marijuana dispensaries as provided in SB1531</u>. Tokos noted that at their April 7th meeting, the City Council put in place a temporary moratorium on medical marijuana dispensaries within city limits. That option was made available with passage of SB 1531 in March. SB 1531 authorized temporary moratorium until May 1, 2015, unless rescinded sooner; and that is what the City Council chose to put in place. It also allows reasonable regulations to be imposed on medical marijuana facilities. Tokos said those of a zoning nature would be in terms of further refining where these facilities would be allowed within commercial, industrial, and mixed use zones; and hours of operation. There is a provision for other reasonable conditions that may be non-land-use-related. The City Council referred this to the Planning Commission to explore whether or not to provide a recommendation if the City should be pursuing any of these options in terms of reasonable regulations under SB 1531. It was sent for the Planning Commission to work through whether any specific changes should be pursued through City regulations. Berman asked if these would be over and above what the State set up; and Tokos confirmed that. He said the Council also wanted to make sure that the process to make a recommendation provides for input from those interested in establishing medical marijuana dispensaries; and several of those folks were in attendance at this meeting. Tokos said he looked at the land use code; and unlike some jurisdictions, we go by categories and not by individual land uses anymore. We made that change because we recognized that with a 20-page SIC listing, they needed to be constantly updated; and it just wasn't prudent. He said that the way our code is set up makes it challenging to pull out a particular use and say that this one is restricted from Tourist Commercial for instance. It would look at the entire category and whether it was inappropriate.

Tokos said that his sense is that we might want to tackle this in a couple of work sessions to address the threshold and whether there's any reason to pursue this further on the land-use side. He thought that land use isn't the place to go. If there are any restrictions, it would likely be non-land-use; like if the Police Department wants enhanced background checks. It could be an endorsement to the business license and probably not code. Tokos suggested a couple of work sessions. Invite those interested to weigh in whether they believe there are any additional types of regulations that would be prudent. Similarly, invite the Police to weight in. Work through this in a couple of work sessions to get to the point to say that we discussed and thought about this and come up with a letter back to the City Council indicating where we think they should go before taking it through a full process. That is how we have addressed some of the issues the Council has sent back to the Commission; we have sent a written response back. Tokos suggested tackling this matter that way. Dalton wondered if that could also include learning what other cities nearby are doing. Tokos said yes, that could be part of the work session process.

Fisher noted that he's not opposed to using medical marijuana. But he read this, he noticed that is says "governing body of city or county may;" and he's thinking that we already have the County Health Department that does licensing for restaurants and food events, and the State already has set up a body of people knowledgeable in dispensing such drugs (pharmacies). He is not convinced that we have an obligation to set up an actual business code saying here is what you have to do. He's not sure that we shouldn't recommend referring this to the County; maybe they are the proper body and should be doing that in concert with the State Pharmacy Board. He didn't know if anybody at the table is qualified to set up these rules and know how it should be done properly. Patrick said that he didn't see how this can be done through zoning without doing some major monkey-wrenching. He agrees that the Commission can do the hearing and can ask what kind of rules they would like to see. Berman thought that the whole mechanism with the VRDs and the business license endorsement was a good approach. Then we can get as specific as we want and come up with a list of conditions. Patrick agreed that process worked pretty well. Berman thought that would be a good mechanism for implementing something if it were to occur. Croteau said from a land-use aspect, it is medical marijuana, and we have facilities that sell medical supplies. That is the way it should be handled. He didn't see a valid reason to separate them. Hardy agreed and asked why they are any different than pharmacies. McIntyre said that they are really controlled by the Oregon Health Authority. Patrick said he could see this being controversial so the Commission could take the approach like we did with the VRDs; talk to the people who want to dispense and to the Police Department. Tokos said it would create a structured process for people to provide information to us so that we have it for the next work session. Interested parties can submit what types of reasonable restrictions are prudent if any. The Commission can discuss those at the next work session and provide to the City Council how we want to pursue changes or if it's set hard enough. Then in letter form, he'll prepare and bring back a response to the Council at the regular meeting for Commission approval. Tokos wondered if that seemed reasonable. Berman said it is a starting point and lets public input come in from various sources to say why and if there should be any additional restrictions above what are there already. McIntyre agreed. Capri said we could invite those that would be upset, like certain neighborhoods, and those that will have an opinion about it. Fisher said he didn't think that we can get through this in one two-hour evening. We will have groups of people coming in.

Branigan wondered if anyone had contacted Vancouver, Washington or any other city in Washington. He said there has to be some cities that have gone through a lengthy process. Tokos said that he can certainly reach out and see what other jurisdictions are doing with SB 1531 if anything and can report back on that. East said some surrounding cities are not going to pursue a moratorium.

From the audience, Lou Limbrunner, asked why the City Attorney wasn't present. Tokos said it's not necessary; we are just talking about the process to solidify information. Limbrunner said this affects the business licenses. These people made decisions that cost lots of money. Tokos said that's not the question before the Commission right now. Limbrunner noted that the State already has rules and regulations in place. Tokos said that he understood. Again, Tokos asked if the work session approach seemed reasonable; and the consensus was that it did. Berman said we will need good publicity. Patrick wanted to make sure that we hear from both sides. He thought the work session was best.

Audience member Jack O'Neil suggested looking at the OHA rules and regulations final draft. He said it is comprehensive and he believes covers most of the bases. He said it is written very carefully and requires security and very stringent accountability. He said the zoning is addressed just like Tokos had mentioned. He noted that around the country, other cities and local governments have tried to adopt regulations to ban this based on other business association in a given area. Other businesses might protest even though it is zoned correctly. He said the courts have been ruling pretty consistently in favor of the State zoning regulations as opposed to neighbors heavily protesting this existence. He said the State did put a lot into this thing and covered it pretty thoroughly. He said he is unsure what local jurisdictions are looking for. O'Neil said that he has been operating a dispensary for two and a half years. At this point he is dealing with the State and trying to be compliant. He said he can't imagine how this could get more stringent. His dispensary is in Salem. He had a good video system, but he had to completely redo it because it wasn't good enough for the State. They also seem very serious about their regulations. When you read them, you wonder if they have the ability or intent to regulate to that extent. Berman thought the document from the Health Authority would be a good thing to include. Tokos said absolutely.

Tokos said he would envision that the next work session would be the first one in May. That's four weeks from now. We can provide three weeks' outreach and pull information together for that meeting. Dalton asked if it's appropriate when we do the announcement of the public meeting to also cite the law and the Health Authority resource that was referenced. Tokos said what he was thinking of is that basically this is an opportunity for interested folks to provide feedback about what, if any, reasonable regulations should be considered in work session. We don't have anything that is appropriate for a hearing at this point. We may not want to go down the path of any changes and just kick back to the Council that the Commission doesn't see any reasonable regulations to pursue. He is cautious about public hearings right off the bat because that is inviting testimony, and they don't know what to testify to. That is why he is framing this in a work-session-structured way for input of what they think should be considered or why not. That gives the Commission time to digest it and talk about it as a group and decide where you want to go.

Limbrunner asked if any other municipality is doing this. Tokos said that Lincoln County did put in a temporary moratorium. Limbrunner said that Toledo already has one; and Yachats and Lincoln City are not doing this. Tokos said that is possible. He will see what other jurisdictions are doing.

O'Neil had one comment regarding the problems with the issuance of the business licenses. He asked if it was possible to come up with some sort of timeframe. He said if they have a timeframe, they can deal more easily with some of these problems that are happening so suddenly. He said that they ran into this at the last minute and were already tied into leases and commitments. He said a timeframe would really be helpful.

Fisher thought that the City Council was clear that this moratorium isn't going to be quickly recalled. They are serious about putting this off awhile to see what the Planning Commission comes up with. Tokos thought the initial step with May 12th is reasonable to provide three weeks for comments and is moving along in a timely manner. If what the Commission determines it wants to do is a recommendation for specific changes or report back to the City Council why we don't think it should be pursued, he can bring that back to the second meeting in May at the regular session for the Commission to consider. After May 12th, if the Planning Commission directs Tokos to prepare additional changes that will have to go through public hearing, which would be four weeks out; possibly the first meeting in June. Tokos said those are the two paths. We are moving as timely as we can and also respecting that we need to do meaningful outreach and get information to the Planning Commission.

B. <u>Unfinished Business</u>.

1. <u>Further discussion regarding the feasibility of the formation of a North Side Urban Renewal District</u>. Tokos said that he hoped everyone had read through the final report. He said what he tried to do was summarize the revisions in a memo. He noted that the revenue sharing provisions were clarified on page 3. We had talked about it not being clear with the different thresholds you see. They cleared up the 10% and the partial revenue of 12.5%. There are additional details provided regarding compression including the trend, and that was moved up in the report. Street labeling was improved on the map so you can read it. Tokos thought they did a nice job of cleaning up the tables, and the summary on Exhibit 3 was a good one. Croteau asked if the total column was only of the large option. Tokos said what that is saying is the large option includes those elements; and the small and middle do not include those. Looking at Exhibit 3, the small and mid means those aren't further projects at all; they are in the large to that amount (100%, 50%, 75%, and so forth). Tokos said he had a conversation with ECO about this; and they held with 4.5% growth forecast. They asked if we really want to do 3.65% because 4.5% is realistic; and they felt that 3.65% is too conservative. They said that was taking in a recession that we are unlikely to see again. ECO said that 4.5% is more typical and is reasonably conservative. Tokos noted that this is the feasibility study, and if you form a plan based on 4.5% growth that doesn't mean that can't be refined. He said in South Beach we went with 7.1% growth because that seemed reasonable in 2008. That changed, and we adjusted it down to 3% based on experience. You can make course corrections after you make the plan. If you don't meet it, that means less money coming in and less projects. Berman asked if that is the rate only within the plan area or citywide. Tokos said the 4.5% should be just in the plan area. He continued noting corrections by saying that they cleared up the error in the TIF forecasts in Exhibits 6, 7, and 8. He said he talked to them about truncating the tables and why not stop them at the year they retire; and that is what they did. He asked them if they would flag the year when we would be closing the South Beach District because the entities will be getting an infusion back; and they footnoted that. Croteau asked if 2026 is realistic; and Tokos said it is shown as 2027 on the tables, which is realistic but we may actually close sooner. At that point we would have $2.8 million in annual TIF revenue that will roll back to the taxing districts. ECO added a new section to the report to address impacts to taxing districts. Tokos said that he didn't appreciate fully until he had a talk with ECO that school districts are held harmless. It is picked up through a State formula, which funds based on student population. The school district is not going to get impacted. You also have compression, so the loss in property taxes to schools in the near term wouldn't be as significant anyway because of the compression issue. If an urban renewal district passes, the school district is losing a half million dollars to compression; that shifts to general government, and the school district will no longer lose that. That clarified the school a little bit, which was helpful. Existing GO bonds are not affected by the creation of a new urban renewal district. The pool bond would not be affected. They clarified that all three options assume that for certain projects there will be other funding partners; the middle just assumes the most. Tokos caught a typographical error in the tables where fairgrounds was misspelled and will pass that on to ECO.

Tokos said his thoughts for next steps is for him to take this to the taxing entities and have a conversation with each of them and bring that information back to the Planning Commission. He noted that City Manager Nebel wants to participate in that. Tokos said the City Council will get this document so they can start looking at it; maybe at their next work session. As feedback, Tokos noted that the new City Manager read this report. Nebel has been digging through all kinds of documents trying to get up to speed and familiarize himself with things; and he said that this gave him a better sense of how these different issues are intertwined. Tokos said that's good to hear. Other entities that don't deal with urban renewal will read this and share their candid thoughts.

Berman wondered if the City Council asked the Planning Commission to take a look at this. Tokos said this came out of a recommendation in the Economic Opportunity Analysis. This was one of the key recommendations out of that. The Council

wanted to get this policy going. The TAC group was formed from a large group from the taxing entities and businesses in the community. Croteau asked if other taxing entities will see this report. Tokos said that is his thought. We're not in a rush, but want to move timely. Berman said that he sees three serious impacts. The school district essentially has no impact. The County out of their $12 million, they could at least get a $3 million contribution back in their new building. Tokos said the hospital district similarly. They will have a near-term hit; but they will see that we are programing in projects benefiting them because otherwise they would have to spend money on them. Tokos noted that the taxing entities don't have veto power; but we want everyone going the same direction. Patrick agreed that we want to do a good sales job.

2. Discussion regarding urban renewal collection on tax statement. Berman had provided a sheet to explain a city's urban renewal tax calculations. He told Fisher the bottom line is that $8,800, if there hadn't been any urban renewal, is money that he still would have paid. Berman explained that you start with an URD, you define an area, and come up with a frozen base. It's the assessed value on the day it's set up in that area. The next year that assessed value goes up by some percent; say 3%. So that 3% is a countable number; you know how much that is. You can say what city taxes would have to be to generate that much money. If city tax was $1 per thousand, a million dollars in increment then would be 1/100 of 1%. You simply apply that rate to the whole city. It raises exactly the same as if you applied the full tax rate in the small district. In the example he provided, with urban renewal, urban renewal would raise $3,449; the city would raise $86,916. The sum of that is $90,366, which is what the total taxes would have been if there hadn't been an URD. You figure the rate adjustment for all taxing districts and subtract it out and apply it to everybody. Tokos said that's the way the assessor would chose to calculate the amount payable to urban renewal. That is strictly what would be going from the frozen base in the district. That is a given. If the frozen base means a half million dollars to urban renewal; next year the county could take it on just within that district. It's easier to calculate it citywide. Fisher said the bottom line is that some of the entities he has been paying taxes to are getting less money that is now going to an URA. He said it is not an accurate way to reflect it. His statement shows him paying into urban renewal whether or not the bottom line changes. There is some money not going to these others because it's been reduced. Berman said the rate presented on these tax statements was the same reason he started asking. He agreed that this is poor presentation. Fisher said the bottom line is that money would have gone to other entities if it didn't go into urban renewal; and that is not right. He said $20 million over ten years is not right. Patrick said that people in the district paid more money. They paid more than they were supposed to. Fisher said he shouldn't have had money that he was paying to other entities taken away. It should have gone where he was paying it instead of into an URA. Fisher said he will have a hard time voting for a new urban renewal district because it will make this more egregious. Berman agreed they would take more from other entities. Again, Fisher said that isn't right. Berman said that is how State regulations are written. Dalton said she appreciated what they just shared. Tokos said it doesn't reflect how it's displayed here. Fisher said they can explain it away all day; but it isn't right.

C. Adjournment. Having no further time for discussion, the work session meeting adjourned at 7:02 p.m.

Respectfully submitted,

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Wanda Haney,
Executive Assistant

Draft Minutes
City of Newport Planning Commission
Regular Session
Newport City Hall Council Chambers
Monday, April 14, 2014

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

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

A. Roll Call. Chair Patrick called the meeting to order in the Council Chambers of Newport City Hall at 7:03 p.m. On roll call, Berman, McIntyre, Croteau, Patrick, Fisher, East, and Branigan were present.

B. Approval of Minutes.

1. Approval of the Planning Commission work session and regular session meeting minutes of February 24, 2014, and the work session meeting minutes of March 24, 2014.

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

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

D. Consent Calendar. Nothing on the consent calendar.

E. Action Items.

1. Initiate a Comprehensive Plan amendment to adopt the Library Goals, Objectives, and Strategies (File No. 2-CP-14).

MOTION was made by Commissioner Fisher, seconded by Commissioner McIntyre, to initiate a Comprehensive Plan amendment to adopt the Library goals and strategies as presented in work session (File No. 2-CP-14). The motion carried unanimously in a voice vote.

2. Consideration of appointing Karen Wilson as an additional member to the Nye Beach Design Review Overlay Ad Hoc Work Group. The consensus was to have as much input as we can from Nye Beach residents and business owners. Patrick noted that Ms. Wilson had attended the first Ad Hoc meeting.

MOTION was made by Commissioner Fisher, seconded by Commissioner Croteau, to appoint Karen Wilson to the Nye Beach Design Review Overlay Ad Hoc Work Group. The motion carried unanimously in a voice vote.

F. Public Hearings.

Patrick opened the public hearing portion of the meeting at 7:06 p.m. by reading the statement of rights and relevance. He asked the Commissioners for declarations of conflicts of interest, bias, ex parte contacts, or site visits. Croteau and Branigan declared site visits. Patrick asked for objections to any of the Commissioners or the Commission as a whole hearing this matter; and none were heard.

1. File No. 1-UGB-14 / 1-CP-14. Consideration of a request submitted by Newport Assisted Living, LLC (Andrew Plant, Managing Member) (Bob Parker & Beth Goodman of ECONorthwest, authorized representatives) for a minor amendment to the Newport Urban Growth Boundary to include an approximately 0.61-acre site in order to construct an addition to the Oceanview Senior Living facility. The proposal would also include an amendment to the Newport Comprehensive Plan map designating the subject site High Density Multi-family Residential. The Planning Commission will make a recommendation to the City Council on this matter.

Patrick opened the public hearing for File No. 1-UGB-14 / 1-CP-14 at 7:07 p.m. by reading the summary of the file from the agenda and then called for the staff report. Tokos noted that before the Commission was a request for a minor amendment to the UGB. He noted that the required findings can be found in the "Urbanization" and the "Administration" sections of the Plan. The first set is based on land need, and the second set is on boundary location. He read through these required findings. Also there is a need to demonstrate compliance with applicable Statewide Planning Goals unless an exception is taken to a particular goal. Tokos noted that these findings were addressed by ECO in Attachment C. He noted that Bob Parker from ECONorthwest was attending the meeting and could answer any questions. Tokos said effectively what the Commission will find is an argument that due to

demographics changes there is a need for memory care. Tokos explained that Newport Assisted Living also operates Ocean View Senior Living facility. They are looking to do a 48-bed addition, with the first phase being 24 beds. The 0.61 acres for the expansion will need to get slightly bigger because in addition to bringing in the land they acquired from the City as part of as property line adjustment, a 50-foot right-of-way also needs to be brought in to make it easier to extend the road to provide access to the addition. Tokos said that if the Commission is inclined to make a favorable recommendation to the City Council, that stipulation should be included in a motion. Tokos said that regarding the boundary, the applicant did a good job explaining how with the high cost of these types of facilities it is very efficient to bring it in at this location where there is already staff qualified to provide this type of care and is an aggregation of comparable uses. As he noted, the location is in the Iron Mountain Quarry area. If this is brought into the UGB and later annexed and zoned, at that time the Iron Mountain Impact Area (IMIA) Overlay will be applied. Before development, they would have to record a covenant that they would not object to the continued operation of the quarry. He said this is a matter of Statewide Planning Goal 5 (production of aggregate resources), which the State filters down to local governments to insure that conflicting uses don't put aggregate uses out of business. That is typically what happens, and that is what these rules are intended for. Fisher asked if there is no problem with the quarry and the additional building harming one another. Tokos said there shouldn't be. There can be noise, truck traffic, and a certain amount of dust; but he is not aware of complaints from the existing senior living facility. The quarry is not entitled to do physical harm to their neighboring properties. For instance, they are not entitled to do blasting. Those building the new addition recognize there is a quarry; and they will probably design it for soundproofing and potential vibration. Branigan said there is a lot of timber beyond the addition. Tokos said that is correct; but by expanding the UGB, that doesn't have an impact on that. There are existing easement rights across their property. That is independent of this action. East said that one access road behind the existing assisted living facility is rarely used and is gated off. Branigan said it was used a lot last year. He said it is gated off; but instead of coming out in front, they went down that back road. They hauled in a lot of aggregate and improved the road. McIntyre said he assumed it would be covered in the covenant. Tokos said the covenant has to do with the quarry and that the assisted living facility can't object to that operation. There are existing easement rights to how that land is used independent of our action. McIntyre assumed they both would be covered under agreements; and Tokos confirmed that. Summing up, Tokos said he believes that the analysis is sufficient to support the required findings. Branigan asked if the acreage needs to be increased to include where the road would extend. Tokos said it's just kind of a dirt road right now. Branigan asked if the applicant would pave that. Tokos said the improvements will come after the property is annexed. Tokos said this is just the first step; then annexation and zone change. Before the actual development, they first have to get it into the city limits proper. Branigan asked if they plan on physical construction occurring this year. Tokos said that Parker could address that. Berman asked if this is across the street from the new water tank; and Tokos confirmed where the water tank will go. Tokos noted that there had been the earlier discussion about annexing for the water tank, but the City decided just to do a Conditional Use Permit; the water reservoir UGB amendment was enough. Patrick thought eventually we will want to look at that. He said the timber stuff was the only other thing that he saw; but it is fairly minor. Berman asked if Tokos considered the transportation analysis to be adequate; and Tokos confirmed that he did.

Proponents: Bob Parker with ECONorthwest, the applicant's agent on the application wanted to make a couple of comments. Parker said that the Commission obviously has a sense that these UGB actions are complicated. He said this is a minor amendment where the appeal path is to LUBA and not in the manner of periodic review to LCDC. He said the process for doing this is very prescriptive. First is a demonstrated need; and in this instance it uses the study they did two years ago to demonstrate population growth and how specific housing for memory care is not addressed. Regarding inventory, he noted that there is one other memory care facility in the City; and it is nearly fully occupied at this point. Statistics on memory care suggest a substantial need for these kinds of facilities. He said this may be the first of many you will be seeing in the coming years. The argument they are making is that there is a need for memory care, which have specific siting requirements; in this instance, the efficiencies that are generated from the existing facilities. He said the process for choosing locations is pretty precisely defined in State Statute and Goals. There are steps to do the locational analysis. First, you go to urban reserves. If that's not adequate, you can go to an exception area. Then you can go to marginal lands. Finally, you can go to resource lands. There is one exception specifically for siting requirements; and the findings say there is. This type of development is normally not in the Iron Mountain Overlay, but the subject property is more than 300 feet from the quarry. The application indicates that annexation would be in the IMIA Overlay and as zoning changes, a covenant will be processed basically saying that they agree that those operations are going on. Surrounding the proposed area to the north is ODOT, to the east is the City, and private timber lands about 500 feet away. The actual logging isn't going to affect the applicant. The trucking going on has a right of access through easements. Parker said the only other issue is the Goal 12 issue; the transportation findings. Under State rules, the applicant could choose to defer until the point they change the zoning. They did the analysis basically demonstrating that the additional bedrooms won't have substantial impact on traffic so no additional analysis is necessary. The final comment Parker wanted to make was that they notified adjacent property owners, and they have had some conversation with ODOT's staff early on; and ODOT was satisfied with the IMIA Overlay providing protection with their ongoing activities there.

There were no other proponents or opponents present wishing to testify.

Patrick closed the hearing at 7:25 for Commission deliberation. Berman said that this sounds very straightforward to him. He said he was completely blown away by the complexity when he thought it should be simple. He understands that the regulations are in place to protect the larger picture. He did see that ECO did a nice job of providing the arguments. His only question would be whether there was any chance LUBA will have a problem with it; but he doesn't see any problems. McIntyre agreed. He saw no problem with it. He said he is vaguely familiar with the area; not specifically where the addition is. He thinks it is a good plan.

Croteau said this will fulfill a need. He found it in order and is favorably inclined. Fisher said he had a concern about the IMIA Overlay and later on if something goes wrong. He wouldn't want that. Otherwise, he thought it's a good thing. East concurred with the rest of the Commissioners. He believes we need that type of facility. It will serve the city and its citizens well. He agreed the application should be moved forward. Branigan said that he is very familiar with that piece of land. With the aging population, the City could certainly stand the addition. We need more assisted living and memory care units. He thought everything was addressed. He doesn't see why LUBA would have any objections to it. He concurred we should have a motion to move this on.

MOTION was made by Commissioner Branigan to forward to the City Council a favorable recommendation for a minor amendment to the Urban Growth Boundary (File 1-UGB-14 / 1-CP-14) to include the 0.61-acre site to construct the memory care addition. He amended his motion to include the adjoining 50-feet along the south side of the expansion area for road improvements to provide access. Commissioner McIntyre seconded the motion as amended. The motion carried unanimously in a voice vote.

Parker noted that the question had been raised earlier, and it is the applicant's intention to start as soon as possible. He said there will be a City Council hearing, and the County has to give approval on the action. The annexation and zone change will come in almost immediately after the County takes action. Whether this can happen this year depends on the County's agenda. The County will see some additional findings because the County has additional criteria. Parker also notified Patrick Wingard of DLCD and didn't hear anything back from him.

G. New Business. No new business.

H. Unfinished Business.

1. Reminder of Volunteer Appreciation Banquet, April 22nd at 6:00 p.m. at the Oregon Coast Aquarium. Tokos said that he hoped the Commissioners could attend. Branigan, Croteau, and maybe McIntyre said they should be able to make it.

I. Director's Comments.

1. Regarding UGB amendments, Tokos wanted to give the Commissioners a heads up that a public hearing with the County Board of Commissioners on the reservoir UBG amendment was held; and they directed their Counsel to prepare for annexation this week. Tokos said it was last May that the Commission raised it up to the City Council; and it was submitted to the County in June. The Lincoln County Planning Commission held a hearing within about thirty days, but they didn't issue a final order until February. It finally got in front of the Board of Commissioners. Tokos talked to Onno Husing, Lincoln County Planning Director, and told him that wouldn't have been good if we had a pending project that was eating us alive; but it happened to not be the case. We are still going through getting funds to offset some expenses in doing detailed analyses we need to do. We are still going through the process of assessing the structural conditions and what remediation options are. So this delay hasn't held us up. It would hang up someone like the assisted living facility, which we hope will move quicker. As soon as the Board of Commissioners acts on this, it will go to DLCD. Their staff said it will be handled by the director, not the full commission; which is a good sign.

Berman asked if Big Creek Road will be a two-lane road. Tokos said he's not exactly sure with respect to that. There was a Memorandum of Understanding agreement that the City Council signed off on outlining steps necessary to transfer the rest of Big Creek Road. We legalized the part of the road within the city limits; and the County will have to legalize the rest of it. The transfer would happen as annexation occurs. The process is mapped out, and we will initiate annexation as soon as the UGB amendment is final. The annexation of just over 300 acres will be before the Planning Commission in a few months. Berman asked if the MOU is about maintaining the road. Tokos said that is part of it. The City is not equipped to maintain gravel. We will just do a maintenance agreement with the County and work with them. The City Council recognizes that there is a cost with jurisdictional control; but it will make things easier at the end of the day. Tokos said that he also emphasized with the County Commissioners, after Norm Ferber testified that this is just a way for the City to side step the conditional use permit process and avoid public comment, that the conditional use process was created to protect timber land and this is a public facility so it isn't necessary. Besides, there will be public outreach during annexation; and a GO bond is likely, which means lots of public outreach. So, the conditional use process is something that should go away. There will be lots of opportunity for public input as we get a better idea of the problems and the full range of solutions. Tokos said there has been an influx of grant funding with the Oregon Department of Water Resources to deal with these types of issues; which is a big plus.

2. Tokos noted that the Nye Beach Design Review Overlay Ad Hoc Work Group held their first meeting, and the next meeting is scheduled for April 23rd. They are starting to identify issues that need to be worked through. That will eventually be brought back to the Planning Commission.

J. Adjournment. Having no further business to discuss, the meeting adjourned at 7:39 p.m.

Respectfully submitted,

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Wanda Haney, Executive Assistant

PLANNING STAFF REPORT

Case File No. 2-CUP-14

A. **APPLICANT:** Oregon Brewing Co, Inc. (Dennis Bartoldus, authorized representative).

B. **REQUEST:** Approval of a Conditional Use Permit, per Section 14.03.080/"Water-Dependent and Water-Related Uses" of the Newport Zoning Ordinance, for a conditional use permit in order to add approximately 10,608 square feet of warehouse and barrel fabrication space to an existing building currently being used as a distillery. The request involves property that is located in a W-2/"Water-Related" zone.

C. **LOCATION:** 2150 SE Marine Science (OSU) Drive.

D. **LEGAL DESCRIPTION:** Lincoln County Assessor's Tax Map 11-11-17, a portion of Tax Lot 111.

E. **LOT SIZE:** Approximately 62.76 acres per the Assessor's map.

F. **STAFF REPORT**

1. **REPORT OF FACT**

a. **Plan Designation:** Shoreland.

b. **Zone Designation:** W-2/"Water-Related".

c. **Surrounding Land Uses:** Uses include a mixture of public land, educational facilities, and commercial uses.

d. **Topography and Vegetation:** Level site with landscaping to the east.

e. **Existing Structures:** Distillery building.

f. **Utilities:** All are available to the site.

g. **Development Constraints:** None known.

h. **Past Land Use Actions:** File No. 1-CUP-12, a request to locate a 500-gallon still in the former Serven Marine Building, which is property the Brewery leases from the Port of Newport in South Beach. Approved by Final Order adopted May 14, 2012.

File No. 4-CUP-11, a request to expand the existing brewery by approximately 20,000 square feet for increased production capacity and storage. Approved by Final Order adopted May 9, 2011.

File No. 7-CUP-05, a request for amendment of a conditional use permit to expand the restaurant to the lower floor of the brewery. The warehouse capacity was also expanded at this time. Approved by Final Order adopted 10/10/05.

File No. 4-CUP-99, a request for amendment of a conditional use permit to allow construction of a second floor deck within the pub to increase seating capacity. Approved by Final Order adopted 9/13/99.

File No. 6-CUP-96, request for amendment of conditional use permit to allow the relocation of the brewery tasting room. Approved by Final Order adopted 5/29/96.

File No. 2-INT-94, an interpretation concurring with the applicant that the warehousing use of the property by the Oregon Brewing Company is a use permitted outright in the W-2 zone and finding that the office use is a permitted accessory use to the warehouse operation of the Oregon Brewing Company.

File No. 2-CU-92, request for a conditional use permit to allow the operation of a micro-brewery and tasting room in a W-2 zoning district. Approved by Final Order adopted 4/13/92.

i. **Notification:** Notification to surrounding property owners and to city departments/public agencies was mailed on March 31, 2014; and the notice of public hearing was published in the Newport News-Times on April 18, 2014.

j. **Attachments:**

Attachment "A" – Applicant's Written Findings of Fact
Attachment "A-1" – Site Plan, by ITM Assoc. Inc., dated 4/23/14
Attachment "A-2" – Building Elevations, by RSS Arch., dated March 2014
Attachment "A-3" – 2013 Aerial Photo
Attachment "B" – Public Hearing Notice
Attachment "C" – Assessment Map of the Property
Attachment "D" – Zoning Map of the Area
Attachment "E" – Memo from Tim Gross, Public Works, dated 4/17/14

2. **Explanation of the Request:** Pursuant to Section 14.03.080/"Water-dependent and Water-related Uses" of the Zoning Ordinance, a use that is permitted outright in a C-2/"Tourist Commercial" zoning district requires a conditional use permit to be located in a W-2/"Water-Related" zoning district. Entertainment-oriented retail, including taverns and bars, is a permitted use in the C-2 district. With this

application, Oregon Brewing, Inc., commonly known as "Rogue Brewery," is seeking approval of a conditional use permit to add approximately 10,608 square feet of warehouse and barrel fabrication space to an existing building on property it leases from the Port of Newport in South Beach. The addition will be located and attached to the former Serven Marine Building, which is located on the east side of tax lot 111 (Attachment "C"). City zoning maps confirm that the property is within a W-2/"Water-Related" district (Attachment "D").

The applicant notes that Rogue Brewery originally obtained a conditional use permit from the Newport Planning Commission in 1992 to locate a brewing facility at its present location in South Beach. That permit was granted in Case File 2-CUP-92. The Commission found that a microbrewery was an eating and drinking establishment pursuant to then Section 2-2-1.040(18) of the Newport Zoning Ordinance. In 1999, Rogue applied for and was granted a conditional use permit to increase the size of the eating and drinking capacity of the facility. That permit was approved September 13, 1999, as Case File 4-CUP-99. In 2005, another conditional use permit was approved (Case File 7-CUP-05) granting permission to allow further expansion of the existing facility. As part of the 2005 expansion, a tasting room with retail sales was permitted at what was known as the South Beach Marina Store. Storage and office facilities were also permitted in another building; the Serven Marine Building. In 2011, under Case File 4-CUP-11, the Planning Commission approved another conditional use permit to allow expansion of the large building in South Beach by approximately 20,000 square feet. Finally, in 2012 the Planning Commission approved a conditional use permit (Case File No. 1-CUP-12) to include a still/distillery in a portion of the former Serven Marine Building.

The Zoning Ordinance permits, as conditional uses in a W-2 zone, uses that are outright allowed in a C-2 zone and manufacturing in conjunction with such uses. The still supports the tasting and retail sales of distilled liquor in the old South Beach Marina store and is, therefore, a permissible component of an entertainment-oriented retail use. Accordingly, the use is permissible in the W-2 zone subject to conditional use approval. The applicant points out that this is the premise and authorization under which previous conditional use applications have been approved for the Rogue Brewery. Additionally, it should be noted that warehouses are permitted as outright uses in a W-2 zone. Space in the proposed building addition will be used predominantly for storage warehouse purposes. The use being proposed is ancillary to, and enhances the production capacity of the distillery operation and is complementary to uses already existing at the Rogue facility in South Beach. The addition of warehouse space and a barrel fabrication space to the existing building is a continuation of like uses; storage space and processing space.

3. **Evaluation of the Request:**

a. **Comments:** All surrounding property owners and affected city departments and public utilities were notified on March 31, 2014. The notice was published in the Newport News-Times on April 18, 2014. Only one comment was received, a memo from Tim Gross, Public Works

Director, dated April 17, 2014 (Attachment "E").

b. **Conditional Use Criteria (Section 14.34.050):**

(1) The public facilities can adequately accommodate the proposed use.

(2) The request complies with the requirements of the underlying zone or overlay zone.

(3) The proposed use does not have an adverse impact greater than existing uses on nearby properties; or impacts can be ameliorated through imposition of conditions of approval.

(4) A proposed building or building modification is consistent with the overall development character of the neighborhood with regard to building size and height, considering both existing buildings and potential buildings allowable as uses permitted outright.

c. **Staff Analysis:**

In order to grant the permit, the Planning Commission must find that the applicant's proposal meets the following criteria.

(1) The public facilities can adequately accommodate the proposed use.

Public facilities are defined in the Zoning Ordinance as sanitary sewer, water, streets and electricity. The applicant notes that sanitary sewer, storm sewer, water, natural gas, and electricity are available to the site and can be readily provided.

The memo from Tim Gross, Public Works Director/City Engineer, notes that the Distillery has a significant impact on the City's wastewater system due to the high biological oxygen demand (BOD), high pH, and high temperatures associated with the facilities wastewater effluent. He further notes that the City has observed the distillery discharging wastewater that exceeds parameters defined in Section 5.15.060 of the Newport Municipal Code. The proposed addition enhances the capacity of the distillery operation, which will further exacerbate the problem if it is not addressed.

Mr. Gross recommends that the Commission impose a condition of approval requiring the applicant, Oregon Brewing Company, Inc., install, at its expense, a sampling vault in the road right-of-way before their service discharges to the sanitary sewer system. The equipment that is to be installed in the vault will monitor flow, BOD, pH, and temperature. It will need to be designed to city standards, and would be owned and operated by the City. The Public Works Department believes that with this improvement, they will have the tools needed to ensure that effluent from the distillery fall within the parameters that will allow it to be safely

discharged into the public sewer system.

Given the above, it is reasonable for the Planning Commission to find that the public facilities can adequately accommodate the proposed building expansion, provided the effluent monitoring system is installed as requested.

(2) The request complies with the requirements of the underlying zone or overlay zone.

This criterion addresses special requirements of the underlying or overlay zone beyond the standard zoning ordinance requirements.

The applicant notes that the Planning Commission has previously made several determinations that the proposed use complies with the underlying zone; specifically, that a brewery constitutes an eating and drinking establishment, which is an entertainment-oriented retail use permitted outright in the C-2 zone. Outright uses in the C-2 zone are allowed conditionally in the W-2 zone. Additionally, the applicant notes that the 2005 Planning Department staff report explained why the uses of the Serven Marine Building by the Rogue Brewery is considered an accessory use to the operation in the large building, which is located on the same tax lot. The distillery is also a manufacturing operation, which is permissible in conjunction with an entertainment-oriented retail use.

An expansion to an allowed use is required to provide off-street parking in accordance with Chapter 14.14 of the Newport Municipal Code. The applicant's site plan shows the 17 spaces required for the expanded building and proposes that they be striped. It also provides a striping plan for the loading areas. The existing building has three loading bays that exit to the west, toward the parking area. The expansion has two additional loading bays, with trucks exiting to the north toward the parking. The Newport Municipal Code requires that parking and loading areas be available for the respective uses. Given the proximity and orientation of the loading bays to the parking area, it may be prudent for the Commission to require wheel stops along the perimeter of the parking area. This would better define the drive isles, and would serve as a deterrent to trucks cutting through or parking in the stalls, which are designated for passenger vehicles. While a continuous curb or landscape strips could be installed to provide more robust separation between parking and loading areas, wheel stops may be sufficient and could be readily removed if the parking area needs to be reconfigured in the future.

There are no special requirements in the underlying zone that apply to this application.

Given the above, it is reasonable for the Planning Commission to find that this criterion has been satisfied and to impose a requirement that wheel stops be installed along the perimeter of the parking area to ensure that there is adequate separation between loading and parking activities.

(3) <u>The proposed use does not have an adverse impact greater than existing uses on nearby properties; or impacts can be ameliorated through imposition of conditions of approval.</u>

This criterion relates to the issue of whether or not the proposed use has potential "adverse impacts" greater than existing uses and whether conditions may be attached to ameliorate those "adverse impacts." Impacts are defined in the Zoning Ordinance as the effect of nuisances such as dust, smoke, noise, glare, vibration, safety, and odors on a neighborhood.

The applicant notes that there will be no additional vehicular traffic on the adjacent street as a result of the proposed building addition. Pedestrian and forklift traffic will occur between portions of the existing building and the proposed new construction. There will be no additional plumbing fixtures required by Building Code for the proposed new construction. The predominant use of the new construction, just like a portion of the existing building use, is storage of beverages. Employees working in the new construction, just like now in the existing building, will be part of the overall workforce for Rogue Brewery in South Beach. More product storage space will not create additional/unreasonable noise. A barrel fabrication space will have a fume hood and dust collection system; neither of which create unreasonable noise, and both of which limit dust and air quality concerns.

The applicant further notes that the proposed building addition is a continuation of storage use currently in place in the existing building. The proposed building addition will contain a space for manufacturing and processing wood barrels for storage of distilled alcohol beverages. The existing distillery space in the existing building is for manufacturing and processing distilled alcohol beverages to be stored in wood barrels. The purpose and function of each space, existing and new, is to achieve the same result – a manufactured and processed product. The proposed woodshop is a continuation of use of manufacturing space currently in place in the existing building.

To ensure that there are no adverse impacts that could create a nuisance, a condition of approval can be imposed requiring the applicant comply with building, fire, zoning and other public health and safety regulations to ensure the use will not be detrimental to the surrounding neighborhood.

A narrow, blocked entry is shown at the northwest corner of the property. This was once a general point of ingress/egress to the site. As depicted on the site plan, it is now shown as a dedicated truck turn area for vehicles backing into the northernmost distillery loading bay. With the area now dedicated to truck turn movements, it would be reasonable for the Commission to require that this ingress/egress point remain blocked or that it be removed and become part of the landscape islands that border it on both sides. The access is too narrow for trucks to make the turn movement without driving over and damaging

adjoining landscaped areas, making it a safety and nuisance issue.
The southeast corner of the proposed building addition extends into a narrow driveway, which has served as a fire lane. This creates a safety issue as there is inadequate line of sight for a vehicle to see around the edge of the building. Removing all or a portion of the narrow driveway is an option as the Newport Fire Department has indicated that it is not needed for fire suppression purposes and there are alternative access arrangements for vehicles as depicted on the site plan. It would be reasonable for the Commission to require the applicant, Oregon Brewing Company, Inc., alter the design to render the driveway impassible to vehicles. The applicant and Port of Newport are discussing the possibility of removing at least a portion of the driveway and altering its alignment so that it can operate as an extension of the adjoining multi-use path. This might be the most elegant way of addressing the issue, creating a win-win for all involved.

Given the above, it is reasonable for the Planning Commission to find that this criterion has been satisfied with the conditions noted.

(4) A proposed building or building modification is consistent with the overall development character of the neighborhood with regard to building size and height, considering both existing buildings and potential buildings allowable as uses permitted outright.

The applicant notes that the proposed building addition is being designed to mimic the motif and character of the existing Serven Marine Building aesthetic. The proposed building addition will be taller than the existing building; and the proportions, character, materials, and aesthetic character of the proposed addition will be very compatible with the existing building in order to provide an addition that appears as if it and the existing building are one in the same and have always been one structure. Doing so will result in overall development character consistent with the area and adjacent structures.

Given the above, it is reasonable for the Planning Commission to find that the addition to the Serven Building for expansion of the existing beverage distillation production and storage capacity will be consistent with the overall development character of the neighborhood.

4. **Conclusion:** If the Planning Commission finds that the applicant has met the criteria established in the Zoning Ordinance for granting a conditional use permit, then the Commission should approve the request. The Commission can attach reasonable conditions that are necessary to carry out the purposes of the Zoning Ordinance and the Comprehensive Plan. If the Commission finds that the request does not comply with the criteria, then the Commission should deny the application.

G. **STAFF RECOMMENDATION:** As outlined in this report, this application to add approximately 10,608 square feet of warehouse and barrel fabrication space to the Serven Marine Building can satisfy the approval criteria for a conditional use provided conditions are imposed as outlined below. Accordingly, the Commission should approve this request,

subject to the following:

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

2. Wheel stops, curbs, or landscape strips shall be installed around the perimeter of the seventeen (17) space parking area to provide separation between loading and parking activities.

3. The applicant/owner shall remove and/or otherwise alter the driveway immediately east of the proposed addition such that it is not accessible to vehicles.

4. The ingress/egress point at the northwest corner of the site, shown on the site plan as a "Blocked Entry," shall remain blocked or be removed and incorporated into the adjoining landscape islands.

5. The applicant/owner shall install, at their expense, a sampling vault in the road right-of-way at a point prior to the service discharging to the sanitary sewer system. The vault and associated equipment shall be designed to city standards for the purpose of monitoring effluent flow, BOD, pH, and temperature, and when completed is to be owned and operated by the City.

6. The applicant/owner shall comply with all applicable building codes, fire codes, and other public health and safety regulations to ensure that the use will not be detrimental to the safety and health of persons in the neighborhood. The applicant is responsible for obtaining the necessary approvals and permits pertaining to the proposed use.

Derrick I. Tokos AICP
Community Development Director
City of Newport

April 24, 2014

PAGE ONE

INFORMATION IN SUPPORT OF CONDITIONAL USE PERMIT APPLICATION; OREGON BREWING, INCORPORATED
DISTILLERY WAREHOUSE ADDITION/REMODEL
ROGUE BREWERY
RSS ARCHITECTURE, P.C.
ARCHITECT'S PROJECT NO. 1402

1. Oregon Brewing, Incorporated, commonly known as "Rogue Brewery" is submitting a conditional use permit application to add approximately 10,600 square feet of warehouse and barrel fabrication space to an existing building on property it leases from the Port of Newport in South Beach. The addition will be located and attached to the former Serven Marine Building, which is located on the east side of tax lot 111. A map/site plan is included as part of the application showing the location of the building.

2. Rogue Brewery originally obtained a conditional use permit from the Newport Planning Commission in 1992 to locate a brewing facility at its present location in South Beach. That permit was granted in Case File 2-CUP-92. In 1999 Rogue Brewery applied for and was granted a conditional use permit to increase the size of the eating and drinking capacity of the facility. That permit was approved September 13, 1999 as Case File 4-CUP-99. In 2005 another conditional use permit was approved, Case File 7-CUP-05, granting permission to allow further expansion of the existing facility. As part of the 2005 expansion a tasting room with retail sales was permitted at what was known as the South Beach Marine Store. Storage and office facilities were also permitted in another building - the Serven Marine Building. In 2011 the City of Newport Planning Commission approved another conditional use permit application, Case File 4-CUP-11, to allow expansion of the large building in South Beach by approximately 20,000 square feet. Finally, in 2012 the City of Newport Planning Commission approved a conditional use permit, Case File No. 1-CUP-12, to include a still/distillery in a portion of the former Serven Marine Building.

3. The City of Newport Zoning Ordinance permits as conditional uses in a W-2 zone uses that are outright allowed in a C-2 zone. This is the premise and authorization under which previous conditional use applications have been approved for the Rogue Brewery. Note that warehouses are permitted as an outright use in W-2 zones. The proposed building addition will be used predominantly for storage warehouse purposes.

4. The use being proposed for this conditional use application permit is an ancillary use to the uses already existing at the Rogue facility in South Beach. The addition of warehouse space and a barrel fabrication space to the existing building is a continuation of like uses - storage space and processing space.

5. Section 2-5-3.025 of the Newport Zoning Ordinance sets forth criteria for approval of a conditional use permit applications. Those criteria and the addressing of the same are set forth below.

   (a) That the public facilities can adequately accommodate the proposed use.

   Public facilities are available to the site; adequate sanitary sewer, storm sewer, water, natural gas, and electricity can be readily provided.

   (b) That the request complies with the requirements of the underlying zone or overlay zone.

   As indicated above, the City of Newport Planning Commission has previously made several determinations the proposed use complies with the underlying zone. The Planning Commission has previously determined that a brewery constitutes an eating and drinking establishment, which is an outright use in a C-2 zone. Outright uses in the C-2 zone are allowed conditionally in the W-2 zone.

INFORMATION IN SUPPORT OF CONDITIONAL USE PERMIT APPLICATION; OREGON BREWING, INCORPORATED
DISTILLERY WAREHOUSE ADDITION/REMODEL
ROGUE BREWERY
RSS ARCHITECTURE, P.C.
ARCHITECT'S PROJECT NO. 1402

5. (continued)

(b) *That the request complies with the requirements of the underlying zone or overlay zone* (continued).

The City of Newport 2005 Planning Department staff report explained why the uses of the Serven Marine Building by the Rogue Brewery is considered an accessory use to the operation in the large building. The staff report stated:

"The offices and storage to be provided in the Serven Marine Building may be considered accessory uses to the other Rogue activities conducted on the same tax lot that require a conditional use permit. Restaurant and gift shops frequently have a portion of the space within the building used for storage or for office use. As such, the storage and office space is considered a part of the main restaurant/gift shop use. In the request by Oregon Brewing Company, the office and storage space would be located not within the same building, but in a separate building but located on the same property. Under the definition of "Accessory Use" in the NZO Section 2-1-1.101 (Definitions), the accessory use must be incidental and subordinate to the main use of the property and located on the same lot with the main use of the property. As the proposed conditional uses and the accessory use would be located on the same lot owned by the Port of Newport, the accessory use for storage and office use can be permitted in a separate building as long as the conditional use permit also covers the building with the proposed accessory use. This is consistent with the Planning Commission interpretation in File NO. 1-INT-95, which held that a rectory building is a permitted accessory use to a church provided the rectory is located on the same lot as the church".

(c) *That the proposed use does not have an adverse impact greater than exisiting uses on nearby properties, or impacts can be ameliorated through imposition of conditions of approval. (For purpose of this criterion, "adverse impact" is the potential adverse physical impact of a proposed Conditional Use including but not limited to, traffic beyond the carrying capacity of the street, unreasonable noise, dust, or loss of air quality).*

There will be no additional vehicular traffic on the adjacent street as a result of the proposed building addition.

Pedestrian and forklift traffic will occur between portions of the existing building and the proposed new construction.

There will be no additional plumbing fixtures required by Building Code for the proposed new construction.

The predominant use of the new construction, just like a portion of the existing building use, is storage of beverages.

Employees working in the new construction, just like now in the existing building, will be part of the overall workforce for Rogue Brewery in South Beach.

INFORMATION IN SUPPORT OF CONDITIONAL USE PERMIT APPLICATION; OREGON BREWING, INCORPORATED
DISTILLERY WAREHOUSE ADDITION/REMODEL
ROGUE BREWERY
RSS ARCHITECTURE, P.C.
ARCHITECT'S PROJECT NO. 1402

(c) (continued)

More product storage space will not create additional/unreasonable noise. A barrel fabrication space will have a fume hood and dust collection system, neither of which create unreasonable noise, both of which limit dust and air quality concerns.

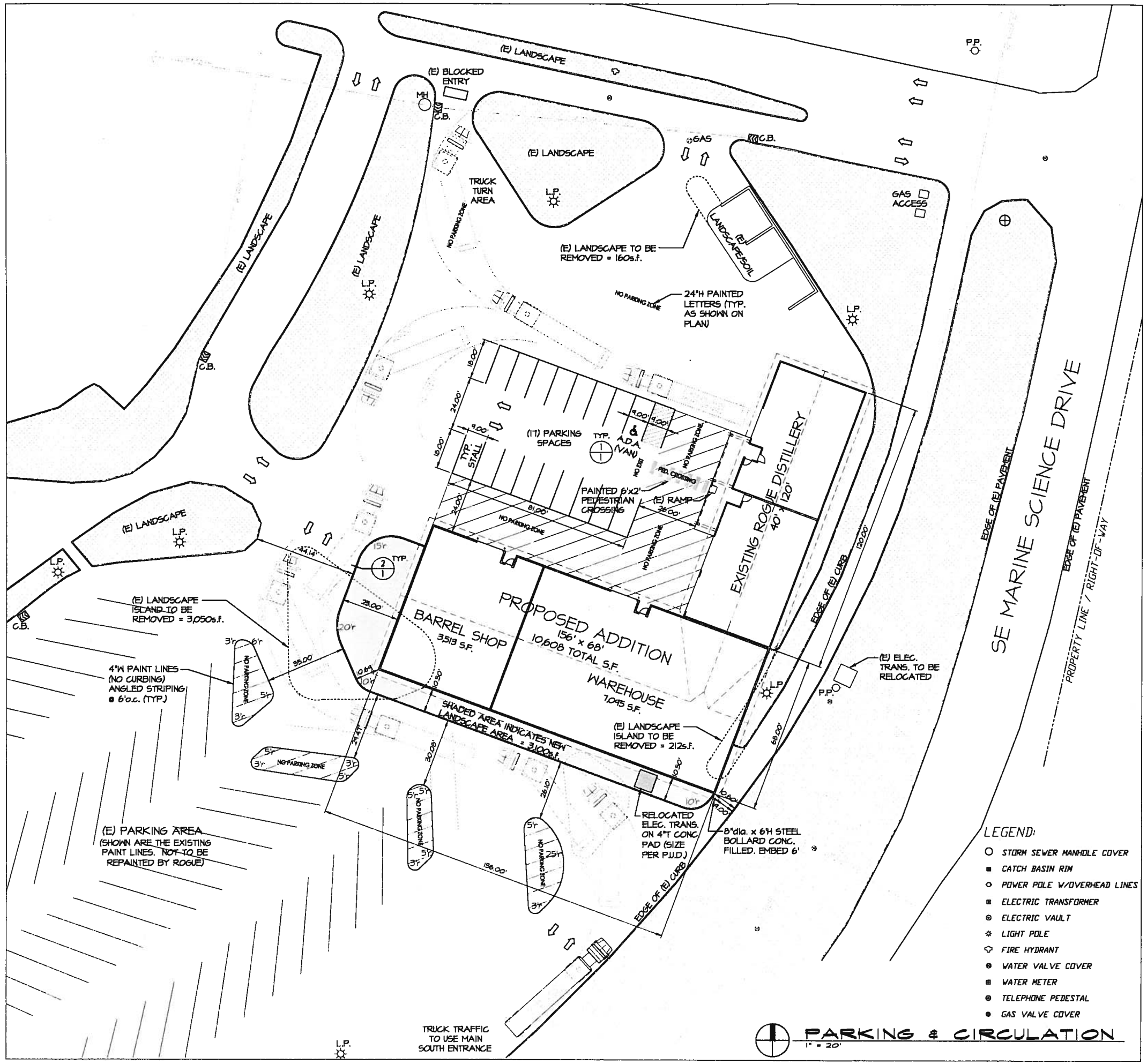
The proposed building addition is a continuation of storage use currently in place in the existing building.

The proposed building addition will contain a space for manufacturing and processing wood barrels for storage of distilled alcohol beverages. The existing distillery space in the existing building is for manufacturing and processing distilled alcohol beverages to be stored in wood barrels. The purpose and function of each space, existing and new, is to achieve the same result - a manufactured and processed product. The proposed woodshop is a continuation of use of manufacturing space currently in place in the existing building.

(d) A proposed building or building modification is consistent with the overall development character of the area with regard to building size and height, considering both existing buildings and potential buildings as uses permitted outright.

The proposed building addition is being designed to mimic the motif and character of the existing Serven Marine Building aesthetic. The proposed building addition will be taller than the existing Serven Marine Building, the proportions, character, materials, and aesthetic character of the proposed addition will be very compatible with the existing Serven Marine Building - to provide an addition that appears as if it and the existing building are one in the same and have always been one structure. Doing so will result in overall development character consistent with the area and adjacent structures.

END OF INFORMATION IN SUPPORT OF CONDITIONAL USE MEMO



PARKING & CIRCULATION

1" = 20'

GENERAL LANDSCAPE & PARKING

THE APPLICANT/OWNER WILL REPAIR OR REPLACE ANY ASPHALT PAVING DISRUPTED BY THE NEW CONSTRUCTION. ANY EXISTING LANDSCAPE ISLANDS THAT ARE REMOVED WILL BE REPLACED WITH LANDSCAPE ISLANDS OF THE SAME SQUARE FOOTAGE AND PLANTED WITH SIMILAR EXISTING VEGETATION.

PARKING, LOADING, & ACCESS REQUIREMENTS

CITY OF NEWPORT MUNICIPAL CODE CHAPTER 14.14

REQUIRED PARKING PROVIDED 14.14.030	
EXISTING DISTILLERY (MAIN FLOOR & LOFT STOR. GROSS S.F.): 6,553s.f. 14.14.030(15) INDUSTRIAL 1.5/1,000s.f. =	7
PROPOSED ADDITION (BARREL SHOP GROSS S.F.): 3,513s.f. 14.14.030(15) INDUSTRIAL 1.5/1,000s.f. =	4
PROPOSED ADDITION (WAREHOUSE GROSS S.F.): 7,095s.f. 14.14.030(17) WAREHOUSE 1/2,000s.f. =	4
TOTAL PARKING SPACES REQUIRED	15
TOTAL PARKING SPACES PROVIDED	17
1 ACCESSIBLE SPACE REQUIRED (TABLE 1106.1 2010 OSSC): 9'W x 18'D w/ 8'W min. ACCESS AISLE — (1) VAN ACCESSIBLE A.D.A.	

14.14.040. PARKING LOT STANDARDS. PARKING LOTS SHALL COMPLY WITH THE FOLLOWING:

A. SIZE OF SPACES. STANDARD PARKING SPACES, (9) FEET IN WIDTH BY 18 FEET IN LENGTH.

B. AISLE WIDTHS. PARKING AREA AISLE WIDTHS SHALL CONFORM TO THE FOLLOWING TABLE, WHICH VARIES THE WIDTH REQUIREMENT ACCORDING TO THE ANGLE OF PARKING:

	PARKING ANGLE				
AISLE WIDTH	0°	30°	45°	60°	90°
ONE-WAY TRAFFIC	13	11	13	18	24
TWO-WAY TRAFFIC	19	20	21	23	24

C. SURFACING.
(1) ALL PARKING LOTS THAT ARE REQUIRED TO HAVE MORE THAN FIVE PARKING SPACES SHALL BE GRADED AND SURFACED WITH ASPHALT OR CONCRETE. OTHER MATERIAL THAT WILL PROVIDE EQUIVALENT PROTECTION AGAINST POTHOLES, EROSION, AND DUST MAY BE APPROVED BY THE CITY ENGINEER IF AN EQUIVALENT LEVEL OF STABILITY IS ACHIEVED.
(2) N/A
(3) PARKING SPACES IN AREAS SURFACED IN ACCORDANCE WITH SUBSECTION (1) SHALL BE APPROPRIATELY DEMARCATED WITH PAINTED LINES OR OTHER MARKINGS.

PAINTED STRIPING, ARROWS AND PRINT

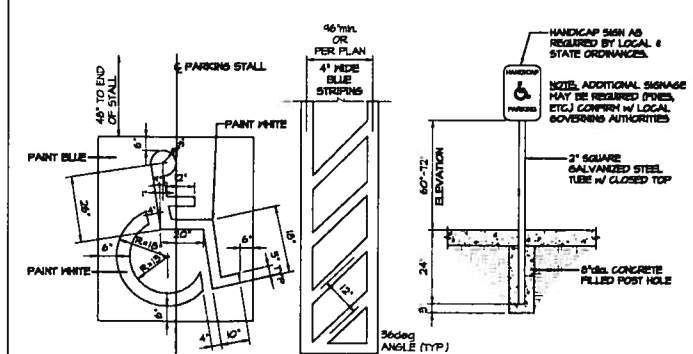
PARKING STALL STRIPES TO BE 4" WIDE WHITE (U.N.O.)

A. HANDICAP SYMBOLS SHALL BE PAINTED STANDARD BLUE.

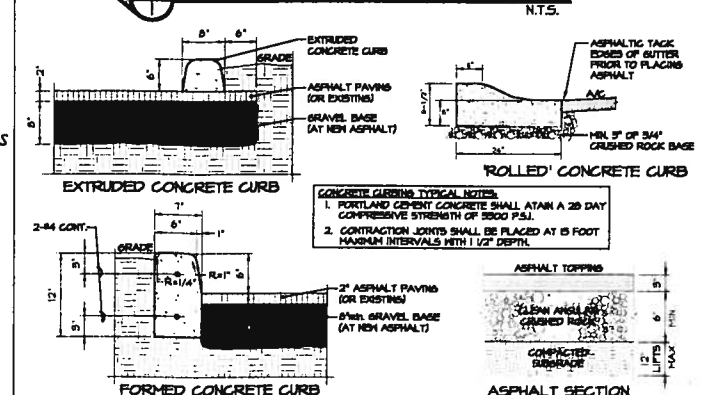
ALL PAINT TO BE 100% ACRYLIC MARKING PAINT, MEETING FEDERAL SPECIFICATIONS TAP 1952 TYPES 1 AND 2.
ALL SURFACES SCHEDULED TO RECEIVE PAINT FINISH: REMOVE DIRT, LOOSE MORTAR, SCALE, SALT OR ALKALI POWDER AND OTHER FOREIGN MATTER.
REMOVE OIL AND GREASE WITH A SOLUTION OF TRI-SODIUM PHOSPHATE; RINSE WELL AND ALLOW TO DRY. REMOVE STAINS CAUSED BY WEATHERING OF CORRODING METALS WITH A SOLUTION OF SODIUM METASILICATE AFTER THOROUGHLY WETTING WITH WATER. ALLOW TO DRY.

ASPHALTIC CONCRETE PAVING

1. BASE MATERIAL TO BE MEDIUM DENSE RECOMPACTED SAND OR "STRUCTURAL FILL" AS SPECIFIED PER PROJECT SOILS REPORT.
2. CHECK FINISHED BASE ROCK FOR SLOPE BEFORE STARTING PAVING. NOTIFY GENERAL CONTRACTOR BEFORE PROCEDING WITH PAVING IF ANY SITE AREAS HAVE INSUFFICIENT SLOPE. (LESS THAN 1 PERCENT)
3. CRUSHED ROCK SHOULD CONFORM TO ODOT BASE ROCK STANDARDS, WITH THE EXCEPTION THAT NO MORE THAN 6% SHOULD PASS A #200 SIEVE. ASPHALT CONCRETE SHOULD BE COMPACTED TO 91% OF A RICE DENSITY, OR 95% OF A TEST STRIP.
4. ASPHALT PAVING TO BE CLASS C MIX (ODOT), THICKNESS SHOWN ON DRAWINGS. DELIVER AND PLACE ASPHALT PAVING IN ACCORDANCE WITH ODOT STANDARD SPECIFICATIONS UNLESS OTHERWISE APPROVED.
5. SLOPE ALL ASPHALT PAVING MINIMUM 1 PERCENT TO DRAINAGE



TYPICAL HANDICAPPED PARKING DETAIL
N.T.S.



2 TYPICAL CONCRETE CURB & ASPHALT PAVING DETAILS
N.T.S.

CONSTRUCTION NOTE: REVIEW FINAL LAYOUT W/ OWNER TO IDENTIFY CURBING TYPE DESIRED

ASSOCIA
DESI
studios •
14229 SE 33
Bellevue, V
o 425.41
itm-associa
RESIDENTIAL •

ATTACHMENT "A-1"
File No. 2-CUP-14
Site Plan, by ITM Assoc. Inc., dated 4/23/14

Proposed Distillery Expansion - Site Parking & Circulation Plan for:

Oregon Brewing Company
2140 Marine Science Drive, Newport, Oregon 97365

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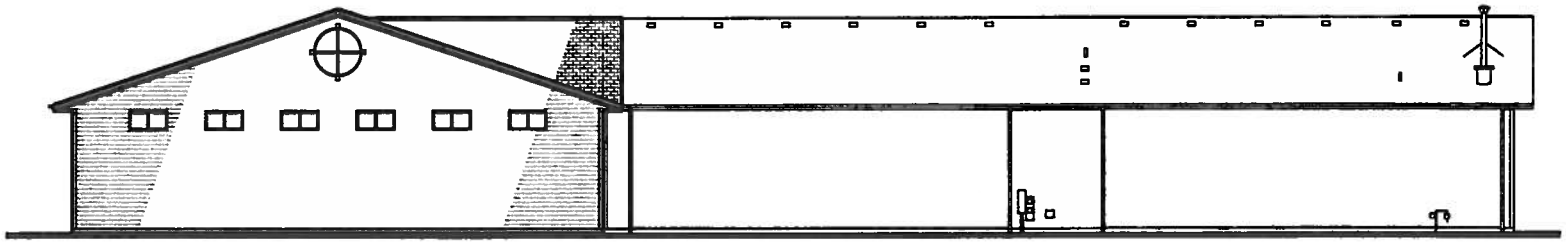
THIS DOCUMENT: THE IDEAS AND THE DESIGNS INCORPORATED HEREIN, IN THE PROPERTY OF ITM ASSOCIATES, Inc., AND MAY NOT BE REUSED, IN WHOLE OR IN PART WITHOUT THE WRITTEN CONSENT OF ITM ASSOCIATES, Inc.

Project No: 1403
Drawn: ITM
Checked By:
Date: April 23, 2014

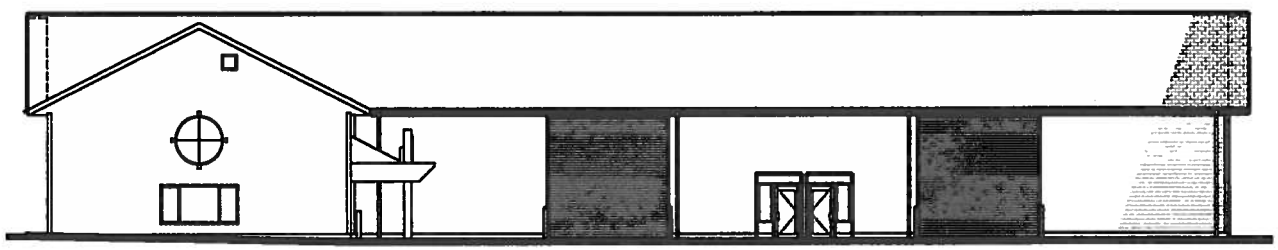
Sheet 1 of 1

ATTACHMENT "A-2"
File No. 2-CUP-14
Building Elevations, by RSS Arch., dated March 2014



EAST ELEVATION

1/16" =1'-0"



NORTH ELEVATION

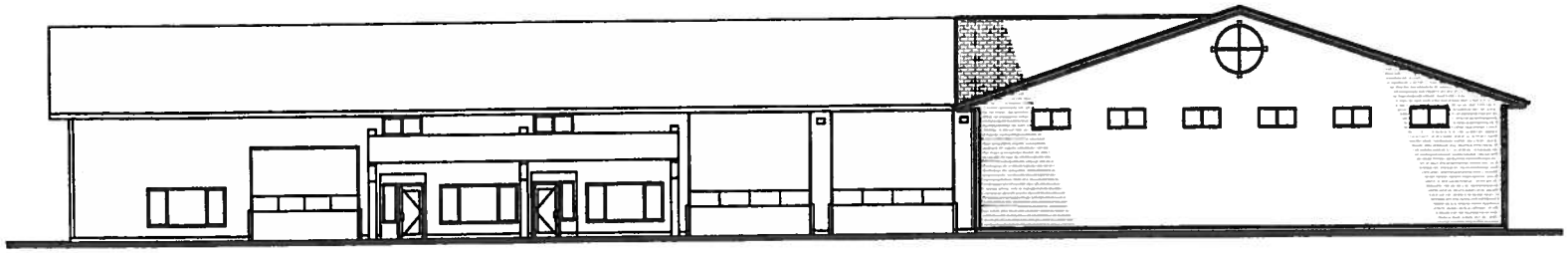
1/16" =1'-0"

DISTILLERY WAREHOUSE ADDITION/REMODEL
ROGUE BREWERY

CONDITIONAL USE PERMIT APPLICATION
PAGE 1 OF 2

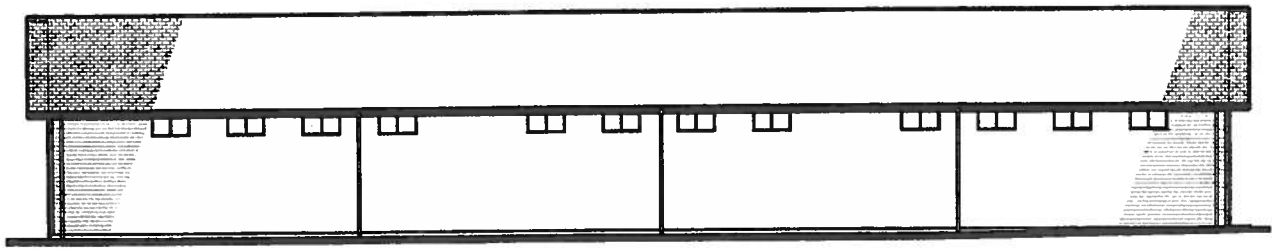
RSS ARCHITECTURE, P.C.
Donald E. Saunders Architect/President
[illegible] COUNTRY CLUB RD.
[illegible], OREGON [illegible]
[illegible]
[illegible]

PROJECT NO. 1402
MARCH 2014



WEST ELEVATION

1/16" =1'-0"



SOUTH ELEVATION

1/16" =1'-0"

DISTILLERY WAREHOUSE ADDITION/REMODEL
ROGUE BREWERY

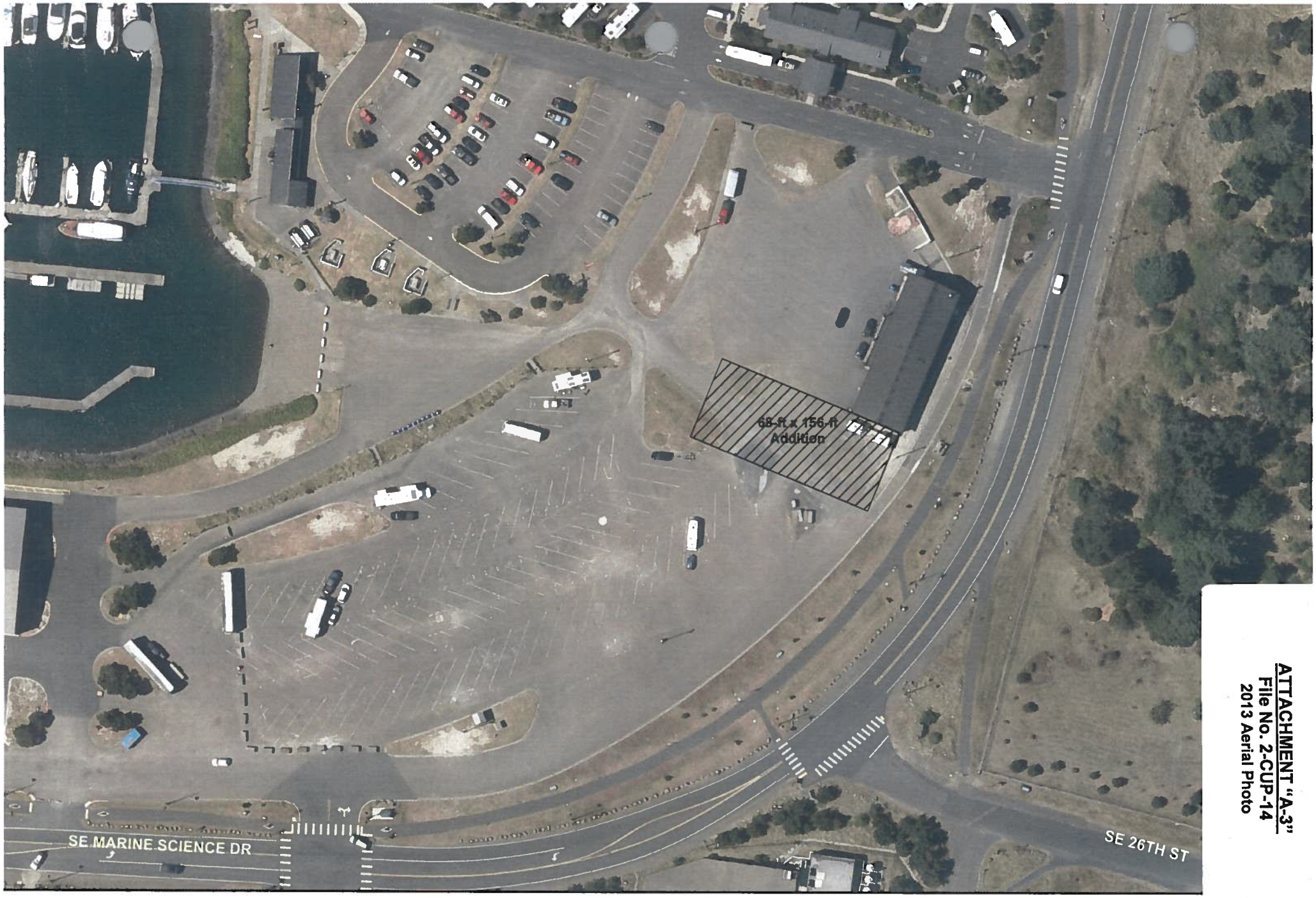
CONDITIONAL USE PERMIT APPLICATION
PAGE 2 OF 2

ARCHITECTURE, P.C.

Daniel E. Sanders Architect/President

2300 COUNTRY CLUB RD. (503) 990-1231
WOODBURN, OREGON 97071 (503) 570-7000

PROJECT NO. 1402
MARCH 2014



ATTACHMENT "A-3"
File No. 2-CUP-14
2013 Aerial Photo

City of Newport
Community Development Department
169 SW Coast Highway
Newport, OR 97365
Phone:1.541.574.0629
Fax:1.541.574.0544

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

Rogue Distillery Warehouse Remodel

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

0 50 100 200 Feet

N

ATTACHMENT "B"
File No. 2-CUP-14
Public Hearing Notice

CITY OF NEWPORT
NOTICE OF A PUBLIC HEARING[1]

NOTICE IS HEREBY GIVEN that the Planning Commission of the City of Newport, Oregon, will hold a public hearing to consider the following Conditional Use Permit request:

File No. 2-CUP-14:

Applicant and Owner: Oregon Brewing Co., Inc., 2320 SE Marine Science (OSU) Dr., Newport, OR 97365 (Dennis L. Bartoldus, PO Box 1510, Newport, OR 97365, authorized representative) (Port of Newport, 600 SE Bay Blvd, Newport, OR 97365, property owner).

Request: Approval of a request per Section 14.03.080/"Water-Dependent and Water-Related Uses" of the Newport Zoning Ordinance, for a conditional use permit in order to add approximately 10,600 square feet of warehouse and barrel fabrication space to an existing building currently being used for warehouse, barrel fabrication, and distillation. The request involves property that is located in a W-2/"Water-Related" zone.

Location: 2150 SE Marine Science (OSU) Dr (Lincoln County Assessor's Map 11-11-17; portion of Tax Lot 111).

Applicable Criteria: NZO Section 14.34.050: (1) The public facilities can adequately accommodate the proposed use; 2) the request complies with the requirements of the underlying zone or overlay zone; 3) the proposed use does not have an adverse impact greater than existing uses on nearby properties, or impacts can be ameliorated through imposition of conditions of approval; and 4) a proposed building or building modification is consistent with the overall development character of the neighborhood with regard to building size and height, considering both existing buildings and potential buildings allowable as uses permitted outright.

Testimony: Testimony and evidence must be directed toward the criteria described above or other criteria in 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. Submit testimony in written or oral form. Oral testimony and written testimony will be taken during the course of the public hearing. Letters sent to the Community Development (Planning) Department (address below under "Reports/Application Material") must be received by 5:00 p.m. the day of the hearing to be included as part of the hearing or must be personally presented during testimony at the public hearing. The hearing will include a report by staff, testimony (both oral and written) from the applicant and those in favor or opposed to the application, rebuttal by the applicant, and questions and deliberation by the Planning Commission. Pursuant to ORS 197.763 (6), any person prior to the conclusion of the initial public hearing may request a continuance of the public hearing or that the record be left open for at least seven days to present additional evidence, arguments, or testimony regarding the application.

Reports/Application Material: The staff report may be reviewed or a copy purchased for reasonable cost at the Newport Community Development (Planning) Department, City Hall, 169 SW Coast Hwy, Newport, Oregon, 97365, seven days prior to the hearing. The application materials (including the application and all documents and evidence submitted in support of the application), the applicable criteria, and other file material are available for inspection at no cost; or copies may be purchased for reasonable cost at this address.

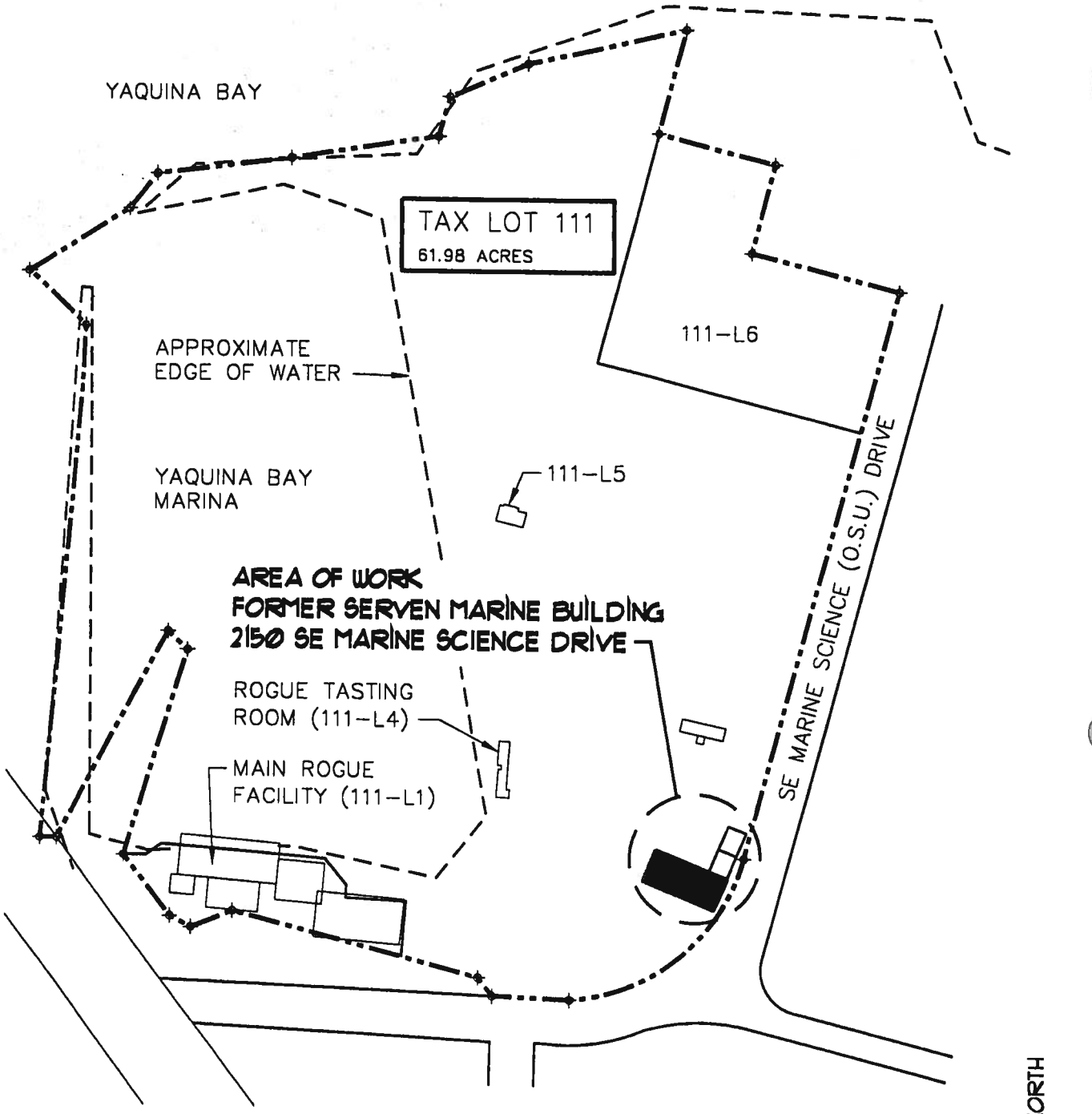
Contact: Derrick Tokos, Community Development Director, (541) 574-0626, (address above in "Reports/Application Material").

Time/Place of Hearing: Monday, April 28, 2014; 7:00 p.m.; City Hall Council Chambers (address above in "Reports/Application Material").

MAILED: March 31, 2014.

PUBLISHED: April 18, 2012/News-Times.

[1] Notice of this action is being sent to the following: (1) Affected property owners within 200 feet of the subject property (according to Lincoln County tax records); (2) affected public/private utilities/agencies within Lincoln County, and (3) affected city departments.



FULL SITE PLAN

1" = 300'-0"

ARCHITECTURE, P.C.

Randal S. Saunders Architect/President

2225 COUNTRY CLUB ROAD
WOODBURN, OREGON 97071
(503) 982-121
(503) 370-792

PROJECT NO. 1402
MARCH 2014

DISTILLERY WAREHOUSE ADDITION/REMODEL
ROGUE BREWERY

CONDITIONAL USE PERMIT APPLICATION
PAGE 1 OF 2

The Boomers are also finding something new in their quiver: power. Four of Toledo's 12 hits were for extra bases, including long doubles from Ehrman and Cross. A foul ball off of Cross had the length to leave the yard but not the location, and Dylan Purdom hammered multiple foul balls with home-run range before singling in the fifth.

"We've got some big kids who can really drive the ball, and they're really starting to find their favorite pitches and not trying to do too much with it," Darrin Purdom said. "Look at how quiet those swings look, everything came together."

scored another.

Whitehead came on to pitch in the [illegible]nth and, despite two runs for Lowell, held the lead to earn a save for himself and a win for the club after Siletz starter DeAnda went six innings, allowing just six hits and two runs without a walk, striking out six to earn the decision.

"He doesn't walk a lot of kids, he throws a lot of strikes," Metcalf 2-2 with two walks and three stolen bases.

"He was on every ti[illegible] Metcalf said. "He was instrumental."

For the Siletz skipper, it's rewarding to see his club's determination pay off.

"It's huge, it's what we've been trying to preach them the entire time about 'play the hard.' They're starting to buy in, and its good to see the progress we're having," he said. "We played well from the first inning on. We hit the ball well every inning and played good D. We've been getting steadily closer every game, so it's good to finally see them get over the hump and pick up a win."

Keep fighting, keep playing

Get the scoop.

We're dishing out what's happening from north to south Lincoln County.

NEWS & TIMES

WEDNESDAY EDITION: 5 p.m. Thursday Prior

FRIDAY EDITION: 5 p.m. Tuesday Prior

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mance of which is secured by the Trust Deed, and the words "trustee" and "beneficiary" include their respective successors in interest, if any. In accordance with the Fair Debt Collection Practices Act, this is an attempt to collect a debt, and any information obtained will be used for that purpose. This communication is from a debt collector. For further information, please contact Jesús Miguel Palomares at his mailing address of Miller Nash LLP, 111 S.W. Fifth Avenue, Suite 3400, Portland, Oregon 97204 or telephone him at (503) 224-5858. DATED this 14th day of February, 2014. /s/ Jesús Miguel Palomares, Successor Trustee. File No. 080090-0893. A-4, 11, 18, 25 (94-25)

NOTICE OF SHERIFF'S SALE #14-0223

On May 6, 2014, at the hour of 10:00 a.m, at the Lincoln County Sheriff's Office, 225 W Olive St., Rm 203, in the City of Newport, Oregon, the defendant's interest will be sold, subject to redemption, in the real property commonly known as: 620 SW Alder Street, Newport, OR 97365. The court case number is 131517, Wells Fargo Bank, National Association, as trustee for Structured Asset Securities Corporation Mortgage Pass-Through Certificates, Series 2007-BC1, plaintiff vs. Eberhard Fritz Van Der Vlugt, Johanna Hauke Agatha Van Der Vlugt, and Persons or Parties unknown claiming any right, title, lien, or interest in the property described in the complaint herein defendants. This is a public auction to the highest bidder for cash or cashier's check, in hand. For more details go to http://www.oregonsheriffs.com/sales-lincoln.htm. A-4, 11, 18, 25 (95-25)

NOTICE OF SHERIFF'S SALE #14-0331

On May 6, 2014, at the hour of 10:00 a.m, at the Lincoln County Sheriff's Office, 225 W Olive St., Rm 203, in the City of Newport, Oregon, the defendant's interest will be sold, subject to redemption, in the real property commonly known as: 720 SW 6th Street Unit G302, Newport, OR 97365.. The court case number is 132308, JPMorgan Chase Bank, National Association, plaintiff vs. Michael A. O'Neal; Marlene A. O'Neal; Association of Unit Owners of Playa Del Mar Condominiums; Occupants of the Property, defendants. This is a public auction to the highest bidder for cash or cashier's check, in hand. For more details go to http://www.oregonsheriffs.com/sales-lincoln.htm. A-4, 11, 18, 25 (97-25)

NOTICE OF SHERIFF'S SALE #14-0380

On May 15, 2014, at the hour of 10:00 a.m, at the Lincoln County Sheriff's Office, 225 W Olive St., Rm 203, in the City of Newport, Oregon, the defendant's interest will be sold, subject to redemption, in the real property commonly known as: 885 N. Sundown Drive, Otis, OR 97368. The court case number is 134239, Donald L. Matheson, plaintiff vs. Rochelle Hawash-Keeler, Rebecca Morrison, State of Oregon defendants. This is a public auction to the highest bidder for cash or cashier's check, in hand. For more details go to http://www.oregonsheriffs.com/sales-lincoln.htm. A-11, 18, 25, M-2 (09-02)

NOTICE OF SHERIFF'S SALE #14-0379

On May 15, 2014, at the hour of 10:00 a.m, at the Lincoln County Sheriff's Office, 225 W Olive St., Rm 203, in the City of Newport, Oregon, the defendant's interest will be sold, subject to redemption, in the real property commonly known as: 545 Southeast 4th Street, Newport, Oregon 97365. The court case number is 122497, CITIMORTGAGE, INC., its successors in interest and/or assigns, plaintiff vs. Jonathan Sparks; Kari Sparks; and Occupants of the Premises defendants. This is a public auction to the highest bidder for cash or cashier's check, in hand. For more details go to http://www.oregonsheriffs.com/sales-lincoln.htm. A-11, 18, 25, M-2 (11-02)

IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR THE COUNTY OF LINCOLN PROBATE DEPARTMENT IN THE MATTER OF THE ESTATE OF DAVID H. ESLINGER CASE NO. 13-3946 NOTICE TO INTERESTED PERSONS

NOTICE IS HEREBY GIVEN that Mikaela Eslinger and Megan Herrick have been appointed co-personal administrators. All persons having claims against the estate are required to present them, with vouchers attached, to a co-personal administrator at 5801 NE Voyage Ave. #48 and/or 950 Urania Avenue, respectively, within four months after the date of first publication of this notice, or the claims may be barred. All persons whose rights may be affected by the proceedings may obtain additional information from the records of the court, the administrator, or the attorneys for the administrator, Brian Haggerty, OSB #980588, Minor, Bandonis & Haggerty, P.C., P.O. Box 510, Newport, OR 97365, (541) 265-8888. Dated and first published April 11, 2014. A-11, 18, 25 (14-25)

PUBLIC NOTICE 1970 – '41 HATTERAS SEALED BID

This vessel is being sold as is and the bill of sale will expressly disclaim all warranties, express or implied. Bidders will be given every reasonable opportunity to have the vessel inspected. Newport Marina at South Beach – 2120 SE OSU Drive – Slip G-57. Open for inspection: Thursday, April 17, 2014, 1:00 pm – 4:30 pm. Wednesday, April 22, 2014, 1:00 pm – 4:30 pm. Sealed bids must be received no later than 5:00 pm Wednesday, April 23, 2014 to be opened at 9:00 am, Thursday, April 24, 2014. Send Bids to: Port of Newport, 600 SE Bay Blvd., Newport, OR 97365. For further information call 541-265-7758. A-18, 18 (18-18)

FORECLOSURE SALE

at South Beach Mini Storage, 4844 S Coast Hwy, South Beach, OR 97366. 10am on 05/02/2014 for unit # A28 rented by Timothy Flores. A-18, 25 (28-25)

PUBLIC NOTICE

The PCHD Board of Directors will meet in regular session on Monday, April 21st, 2014 at 4:00pm in the education room at Samaritan Pacific Communities Hospital, Newport, Oregon. The regular meeting agenda includes monthly financial reports, legal and facilities reports. Jamie Kraft, Recorder, PACIFIC COMMUNITIES HEALTH DISTRICT. For additional information contact 541-574-1803. A-18 (29-18)

DEPOE BAY RURAL FIRE PROTECTION DISTRICT NOTICE OF BUDGET COMMITTEE MEETING

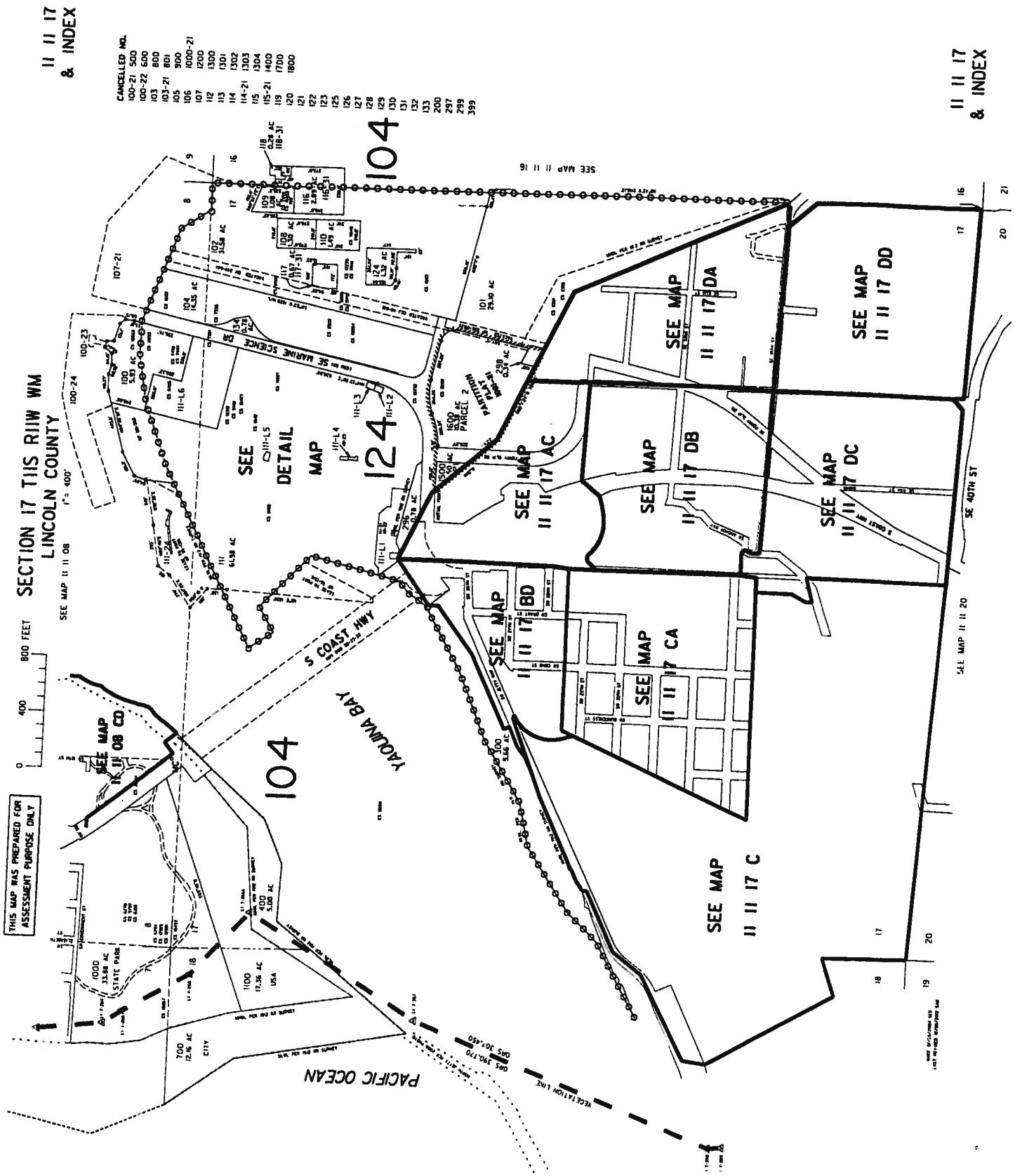
A public meeting of the Budget Committee of the Depoe Bay Rural Fire Protection District, Lincoln County, State of Oregon, to discuss the budget for the fiscal year July 1, 2014 to June 30, 2015 will be held at the Gleneden Beach Fire Station (Station 2200), 6445 Gleneden Beach Loop Road, Gleneden Beach, Oregon. The meeting will take place on the 13th day of May 2014 at 10:00 am. 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. A copy of the budget document may be inspected or obtained on or after May 9, 2014 at the Gleneden Beach Fire Station (Station 2200), 6445 Gleneden Beach Loop Road, Gleneden Beach, Oregon, between the hours of 9:00 a.m. and 3:00 p.m., excluding the lunch hour. A-18, M-2 (30-02)

CITY OF NEWPORT NOTICE OF A PUBLIC HEARING

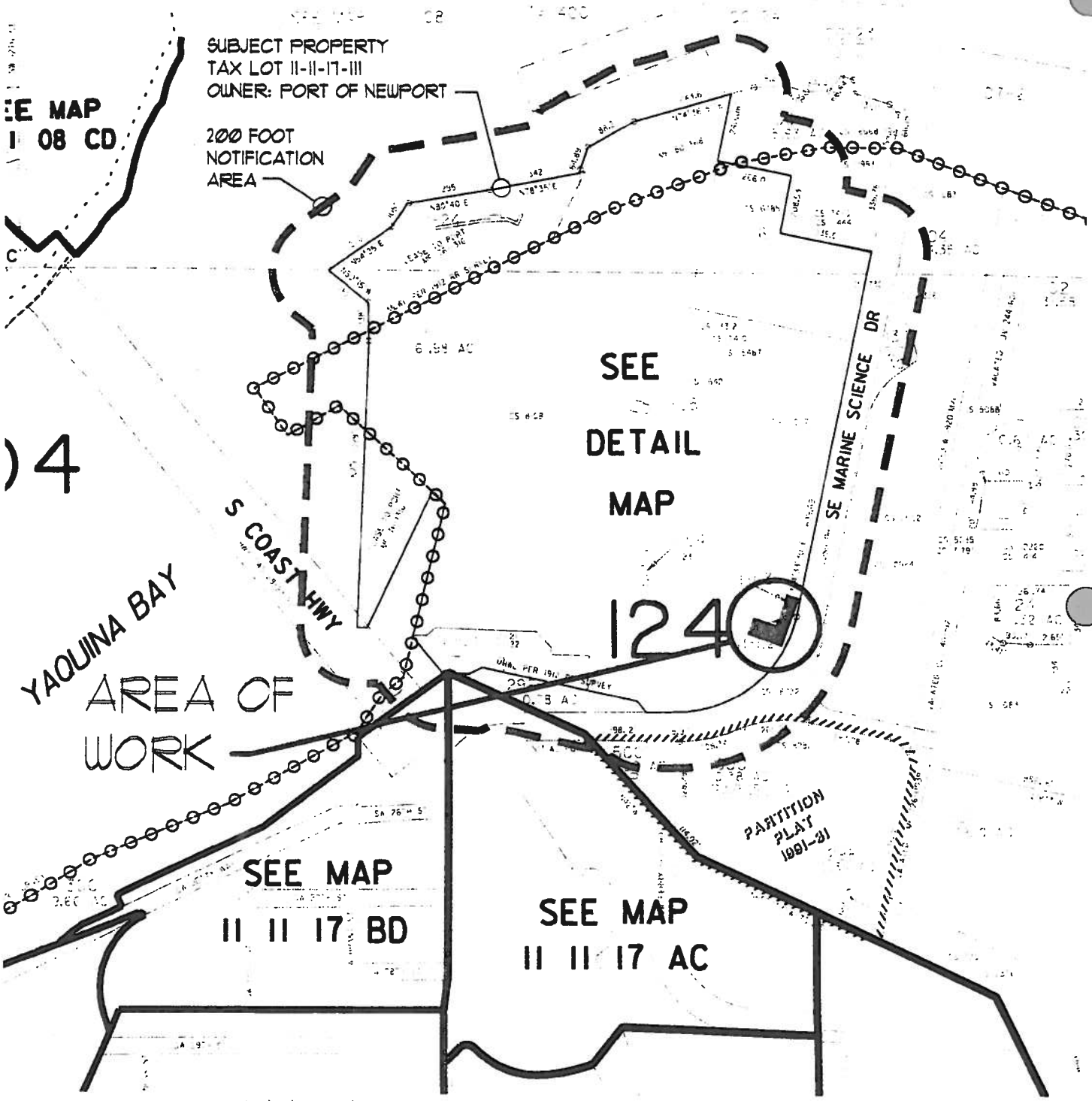
The City of Newport Planning Commission will hold a public hearing on Monday April 28, 2013, at 7:00 p.m. in the City Hall Council Chambers to consider File No: 2-CUP-14, a request submitted by Oregon Brewing Co., Inc., 2320 SE Marine Science (OSU) Dr., Newport, OR 97365 (Dennis L. Bartoldus, PO Box 1510, Newport, OR 97365, authorized representative) (Port of Newport, 600 SE Bay Blvd, Newport, OR 97365, property owner) per Section 14.03.080/"Water-Dependent and Water-Related Uses" of the Newport Municipal Code, for a conditional use permit in order to add approximately 10,600 square feet of warehouse and barrel fabrication space to an existing building currently being used for warehouse, barrel fabrication, and distillation. The request involves property located at 2150 SE Marine Science (OSU) Drive (Lincoln County Assessor's Map 11-11-17; portion of Tax Lot 111), which is in a W-2/"Water-Related" zone. The applicable criteria per NMC Chapter 14.34.050 are that: (1) The public facilities can adequately accommodate the proposed use; 2) the request complies with the requirements of the underlying zone or overlay zone; 3) the proposed use does not have an adverse impact greater than existing uses on nearby properties, or impacts can be ameliorated through imposition of conditions of approval; and 4) a proposed building or building modification is consistent with the overall development character of the neighborhood with regard to building size and height, considering both existing buildings and potential buildings allowable as uses permitted outright. Testimony and evidence must be directed toward the criteria described above or other criteria in 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. Submit testimony in written or oral form. Oral testimony and written testimony will be taken during the course of the public hearing. Letters 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 hearing will include a report by staff, testimony (both oral and written) from the applicant and those in favor or opposed to the application, rebuttal by the applicant, and questions and deliberation by the Planning Commission. Pursuant to ORS 197.763 (6), any person prior to the conclusion of the initial public hearing may request a continuance of the public hearing or that the record be left open for at least seven days to present additional evidence, arguments, or testimony regarding the application. The staff report may be reviewed or a copy purchased for reasonable cost at the Newport Community Development (Planning) Department (address above) seven days prior to the hearing. The application materials (including the application and all documents and evidence submitted in support of the application), the applicable criteria, and other file material are available for inspection at no cost; or copies may be purchased for reasonable cost at the above address. Contact Derrick Tokos, Community Development Director, (541) 574-0626, (address above). A-18 (31-18)

News Times 4/18/14 Pg C 3

ATTACHMENT "C"
File No. 2-CUP-14
Assessment Map of the Property



SECTION 17 T11S R11W WM
LINCOLN COUNTY



LINCOLN COUNTY ASSESSOR MAP AND NOTIFICATION AREA

DISTILLERY WAREHOUSE ADDITION/REMODEL
ROGUE BREWERY

SEE ATTACHED 18x24
ASSESSOR'S MAPS

CONDITIONAL USE PERMIT APPLICATION
PAGE 1 OF 1

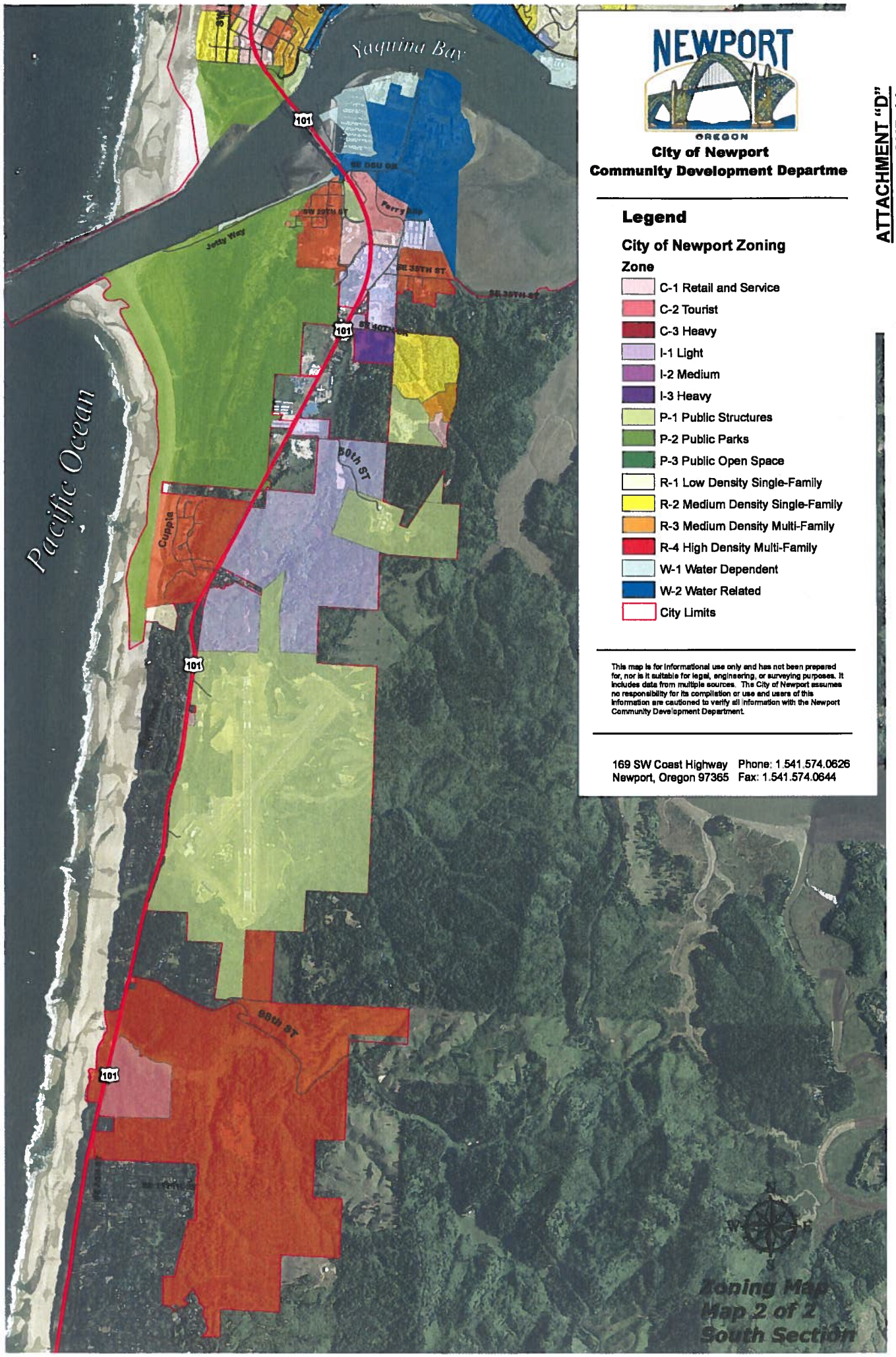
ARCHITECTURE, P.C.

Randal S. Saunders Architect/President

2225 COUNTRY CLUB RD.
WOODBURN, OREGON 97071

(503) 982-1211
(503) 370-7929

PROJECT NO. 1402
MARCH 2014



NEWPORT
OREGON

City of Newport
Community Development Departme

Legend

City of Newport Zoning

Zone

- C-1 Retail and Service
- C-2 Tourist
- C-3 Heavy
- I-1 Light
- I-2 Medium
- I-3 Heavy
- P-1 Public Structures
- P-2 Public Parks
- P-3 Public Open Space
- R-1 Low Density Single-Family
- R-2 Medium Density Single-Family
- R-3 Medium Density Multi-Family
- R-4 High Density Multi-Family
- W-1 Water Dependent
- W-2 Water Related
- City Limits

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

169 SW Coast Highway Phone: 1.541.574.0626
Newport, Oregon 97365 Fax: 1.541.574.0644

ATTACHMENT "D"
File No. 2-CUP-14
Zoning Map of the Area

ATTACHMENT "E"
File No. 2-CUP-14
Memo from Tim Gross, Public Works, dated 4/17/14

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

Memo

To: City of Newport Planning Commission
Derrick Tokos, Community Development Director

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

Date: 4/17/2014

RE: SANITARY SEWER EFFLUENT MONITORING – ROGUE DISTILLERY

The Rogue Brewery and Distillery have had significant impact on the City's wastewater system due to the high biological oxygen demand (BOD), high pH, and high temperatures associated with their wastewater effluent from both facilities. The City currently conducts periodic sampling at the brewery, but currently does not conduct sampling at the distillery. The City has visually observed the distillery discharging wastewater that exceeds parameters defined in section 5.15.060 *Discharge Regulations* of the Municipal Code.

As a condition of the CUP approval, the Public Works Department will require the Rogue Distillery at their expense to install a sampling vault in the road right-of-way before their service discharges to the sanitary sewer system. This vault and monitoring equipment will monitor flow, BOD, pH, and temperature. The vault and monitoring equipment will be designed to City standards, and will be owned and operated by the City. The specific location and details of this equipment will be addressed during the building permitting process.