



AGENDA & Notice of Planning Commission Work Session Meeting

The Planning Commission of the City of Newport will hold a work session meeting at **6:00 p.m., Tuesday** (*due to the Monday holiday*), **May 26, 2015**, at the Newport City Hall, Conference Room "A", 169 SW Coast Hwy., Newport, OR 97365. A copy of the meeting agenda follows.

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

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

NEWPORT PLANNING COMMISSION Tuesday, May 26, 2015, 6:00 p.m.

AGENDA

A. Unfinished Business.

1. Revised Proposal by Habitat for Humanity of Lincoln County to build low-income, affordable housing on City-owned land.

B. Adjournment.

May 1, 2015

City of Newport

Newport, Oregon

Re: Revised Proposal by Habitat for Humanity of Lincoln County to build low-income, affordable housing on City of Newport owned land parcels.

Lincoln County, and specifically, Newport, Oregon, has a huge shortage of affordable housing. This shortage of affordable housing often forces residents to live outside of the Newport area where land and rent are somewhat cheaper. These residents are then forced to spend huge amounts of their income on transportation costs getting to and from their job. Habitat for Humanity of Lincoln County would like to partner with the City of Newport, in the building of several units of affordable housing in Newport, on land we are requesting to be donated to Habitat for Humanity of Lincoln County for this purpose.

Organizational History

Habitat for Humanity of Lincoln County (an affiliate of Habitat for Humanity International) operates as a private non-profit organization building/rehabbing affordable, low-income housing and providing critical home repairs for low-income families. Through our two ReStores, we offer low-cost building materials, furniture and appliances, while diverting millions of pounds of useable and recyclable materials from our local landfill.

Since 1995, Habitat for Humanity of Lincoln County has built 14 homes; four in Lincoln City, two in Siletz, two in South Beach, four in Toledo and two in Waldport. Four of these homes have been built in the past three years and all of these homes have been built on time and on budget. Habitat for Humanity of Lincoln County is a proven builder of affordable, well built homes for low-income families.

Application Process

Habitat for Humanity homes are not free. To qualify for a Habitat for Humanity of Lincoln County home, you must be a resident of Lincoln County for a minimum of one year, have an annual income of approximately \$24,000 - \$36,000 (30 – 60% of the Average Median Income), have an established need for housing, put in the required 500 hours of sweat equity on your home, and be willing and able to partner with Habitat for Humanity of Lincoln County.

Nationally, conventional home loans have a default rate of around 11%. Due to the rigorous family selection process, nationally Habitat for Humanity homes has a less than 2% default rate, showing just how successful this home ownership program is. This means that families pay their affordable monthly home mortgage on time, and are left with enough for their other necessities such as heat, food and medical costs.

When land and funding for the build has been obtained, posters and information are disseminated throughout the county through radio ads, newspapers, at both of our ReStores, on our website and Facebook pages. Informational meetings are held throughout the county, where applications are made available. The Family Selection Committee reviews all applications, and site visits are conducted by the Family Selection committee to determine a family's need for housing. In addition, families must pass a criminal history and credit check.

Cost of Habitat for Humanity of Lincoln County home build/rehab

On average, Habitat for Humanity homes are three bedroom, one and one half bath, single family homes of approximately 1,100 square feet. The cost of land for these homes has averaged around \$25,000 (outside of Newport) and the cost to build is around \$70 per square foot (\$77,000), for a total cost of \$102,000. While volunteer labor is used for many aspects of Habitat for Humanity home builds/rehabs including: demolition, framing, painting, landscaping, there are some parts of a home build that volunteers do not do. Those areas include foundation, electrical, plumbing and roofing work, where sub-contractors are contracted and paid for this work. In addition, site development costs are not donated and these fees must also be paid to the city.

Once complete, these homes are sold to the homeowner through a 30 year, zero-percent loan, and mortgage payments are set at no more than 30% of a family's annual income, allowing for affordable monthly payments. Having an affordable monthly mortgage payment frees up money for child care, medicine and other necessities. These homes are then put on the County tax rolls generating much needed property tax revenue. The estimated property tax revenue generated when these homes are complete and put on the property tax rolls is approximately \$2,000 per year, per home (the exact amount would be determined after the duplexes are built and the assessed). For two duplexes, this would result in \$8,000 per year, and over the next 20 years, \$160,000 in property tax revenue will be generated. Currently all of these properties are not on the County tax rolls.

Cost of a conventionally built home and regular financing

A conventionally built home (without any donations of materials/services or labor) square foot cost runs around \$125, for a build cost of \$137,500, plus the cost of the land. In contrast to a Habitat for Humanity of Lincoln County home, income requirements to be eligible for a conventional home loan is much, much higher, and a down payment of 20% is required, with interest on these home loans is running between 3.5% - 5% (depending on credit), increasing the cost of the home build and home loan.

Proposal

Due to the shortage of affordable, buildable land in Newport, Habitat for Humanity of Lincoln County has been unable to build any affordable housing units there. Habitat for Humanity of Lincoln County has identified three lots owned by the City of Newport (see attachment) in Newport, which would be suitable to build low-income, affordable housing on. Two of these lots are flat, and would be suitable to build a duplex on each lot. The third lot is sloped, and may only accommodate one home build. These lots are located within walking distance to many city services and are currently not on the County tax roll.

Habitat for Humanity of Lincoln County is asking the City of Newport for a donation of these properties for the purpose of building low-income, affordable housing. Once completed, these homes will be added to Newport's affordable housing stock. In addition to the donation of these parcels, Habitat for Humanity of Lincoln County is applying to the City of Newport for a \$100,000 loan from the revolving low-income housing fund, through a five year, zero-percent loan. This money would be used to build these low-income and affordable homes.

Without receiving a loan from the City of Newport's affordable housing funds, Habitat for Humanity of Lincoln County has funding to build one duplex in FY 2016 -2017 for an estimated cost of \$150,000 (\$75,000 per duplex, not including land cost), but it will take several years to obtain additional funding for the rest of the duplex/home builds. A loan of \$100,000 from the City of Newport affordable housing fund would facilitate the building of two duplexes per year, resulting in these affordable housing units being built much sooner, resulting in property tax revenue.

The goal of this proposal is to build as many units of low-income, affordable housing on these lots as possible, and we would build one duplex (approximate cost of duplex \$150,000) on one flat lot in FY 2016 – 2017, obtain a \$100, 000 loan from the City of Newport's affordable housing fund and additional \$50,000 in funding for the second duplex, and build that duplex on that second flat lot in FY 2017 – 2018. Once those two duplexes are complete, then funding for the third home would be obtained, and that home would be built on the sloping lot in FY 2018 - 2019. Habitat for Humanity of Lincoln County has previously built a duplex on property in South Beach, with each homeowner being responsible for paying for homeowners insurance, property

taxes, upkeep and maintenance of their side of the duplex. This project would add four, and possibly five, low-income homes to the Newport housing stock, and would give families, who would otherwise be unable to obtain conventional financing, the opportunity to become homeowners.

The City of Newport has a requirement for any donation of land made for the building of affordable housing to stay affordable for 20 years. Habitat for Humanity of Lincoln County will put in the Trust Deed at the time of closing, restrictions on keeping these properties affordable for 20 years.

History of land donations

The City of Lincoln City has previously donated four parcels of land to Habitat for Humanity of Lincoln County for the purpose of building low-income housing. All four of those lots have had homes built on them, and all are currently providing property tax revenue as a result.

Conclusion

The City of Newport has a desperate need for affordable housing stock for low-income families. Habitat for Humanity of Lincoln County is the only agency currently building single family, low income housing in the county, and has a proven record of successfully building these homes on time and on budget. The donation of these parcels of land (currently not on the County tax rolls) for the building of low-income housing will result in several new homes being added to the affordable housing stock in Newport, and the generation of substantial property tax revenue once these homes are put on the County tax rolls.

In addition, the City of Newport will be fulfilling their requirement to build simple, decent and affordable low-income housing in Newport by partnering with Habitat for Humanity of Lincoln County to build these homes.



AGENDA & NOTICE OF PLANNING COMMISSION MEETING

The Planning Commission of the City of Newport will hold a meeting at **7:00 p.m. Tuesday (due to the Monday holiday), May 26, 2015**, at the Newport City Hall, Council Chambers, 169 SW Coast Hwy., Newport, OR 97365. A copy of the meeting agenda follows.

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

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

NEWPORT PLANNING COMMISSION

Tuesday, May 26, 2015, 7:00 p.m.

AGENDA

A. Roll Call.

B. Approval of Minutes.

1. Approval of the Planning Commission regular meeting minutes of April 27, 2015.

C. Citizens/Public Comment.

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

D. Consent Calendar.

E. Action Items.

1. Appoint a Planning Commission member to serve on the Project Advisory Committee for the Local Improvement District (LID) Implementation Plan.

F. Public Hearings.

1. File No. 2-CUP-15. A request submitted by Nobel Estate Vineyard & Winery (Mark Jurasevich, agent) for approval of a request for a conditional use permit in order to operate a retail outlet for wine, ocean/beach photography, fishing gear, and hand-crafted glass seascapes at 145 SW Bay Blvd. Any retail use that is permitted outright in the Toursit Commerical (C-2) district is allowed in the W-2 district following issuance of a conditional use permit.
2. File No. 3-CUP-15. A request submitted by Anthony Hauser for approval of a conditional use permit per Newport Municipal Code (NMC) Chapter 14.25.020(E) for a vacation rental in a residence where the requirements per NMC 14.25.050 for off-street parking spaces cannot be met. The subject property is located at 619 NW Alpine St (Assessor's Map 11-11-05-CC; Tax Lot 6300).
3. File No. 2-PD-15 / 3-PD-15 / 1-SUB-15. A request submitted by Bonnie Serkin of Landwaves, Inc. (Elizabeth Decker of JET Planning, authorized representative) for approval of major modifications to the approved Preliminary Development Plan for Phase 1 of Wilder, and major modifications to the approved Final Development Plan for Phase I of Wilder, and amendments to the tentative subdivision plan for portions of Phase 1 of Wilder. The subject property includes Tax Lots 100 and 103 of Assessor's Tax Map 11-11-20 (Parcels 1 and 2, Partition Plat No. 2015-01) consisting of approximately 41.24 acres.

G. New Business.

H. Unfinished Business.

I. Director Comments.

J. Adjournment.

Draft MINUTES
City of Newport Planning Commission
Regular Session
Newport City Hall Council Chambers
Monday, April 27, 2015

Commissioners Present: Jim Patrick, Rod Croteau, Bob Berman, Bill Branigan, Lee Hardy, Mike Franklin, and Gary East.

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

A. Roll Call: Chair Patrick called the meeting to order in the City Hall Council Chambers at 7:00 p.m. On roll call, Hardy, Berman, Croteau, Patrick, Franklin, East, and Branigan were present.

B. Approval of Minutes.

1. Approval of the Planning Commission regular meeting minutes of March 23, 2015.

MOTION was made by Commissioner Croteau, seconded by Commissioner Berman, to approve the Planning Commission meeting minutes of March 23, 2015, as presented. The motion carried unanimously in a voice vote.

C. Citizen/Public Comment. No public comment.

D. Consent Calendar. Nothing on the Consent Calendar.

E. Action Items. No action items.

F. Public Hearings.

Patrick opened the public hearing portion of the meeting at 7:02 p.m. by reading the statement of rights and relevance. He asked the Commissioners for declarations of conflicts of interest, ex parte contacts, bias, or site visits. Commissioner Hardy declared a conflict because the applicant is her neighbor. She recused herself from the proceedings. Croteau, Berman, Branigan, East, and Patrick each declared site visits. Patrick called for objections to any member of the Planning Commission or the Commission as a whole hearing this matter; and none were heard.

1. File No. 1-ADJ-15. A request submitted by Laurie Ferris (W. G. "Rennie" Ferris, agent) for approval of an adjustment to Section 14.11.030 (Garage Setback) of the Newport Municipal Code (NMC) to allow construction of a proposed garage with a setback of 12 feet 2 inches rather than the required 20 feet, which is a 40% adjustment and requires a Planning Commission decision pursuant to NMC Section 14.33.030(B). The subject property is located at 5640 NW Biggs St (Assessor's Map 10-11-29-BB, Tax Lot 5800).

Patrick opened the public hearing for File No. 1-ADJ-15 at 7:04 p.m. by reading the summary of the file from the agenda. He called for the staff report. Tokos noted that he had the entire case record for this application should it be needed. He said he would read through the approval criteria and share his observations and the potential decision from the Planning Commission. Tokos noted that there are two requests; one to adjust the garage setback close to 40% from the 20-foot requirement, and secondly an additional 3-foot reduction to the 15-foot front yard setback. He read the four adjustment criteria found in Municipal Code Section 14.33.050. Tokos said that as he goes through the criteria, he believes that the Commission is in a position where it can find that the adjustment equally meets the purposes of the regulations. He noted that the garage setback is to ensure that there is a pad area sufficient enough to accommodate parking and not impede the sidewalk. The front yard setback is about solar access and privacy. NW Biggs street is an undeveloped right-of-way that is 20-foot wide and has no sidewalk at this time. The driveway approach extends at least ten feet into the right-of-way. The applicant would still have sufficient area to park in front of the garage and still not project into the traveled roadway. There are no pedestrian amenities at this time so that's a moot point right now. At some time Biggs will be expanded. If a north side Urban Renewal District is formed, that is a potential funding source. Biggs is in the Transportation System Plan to reconfigure allowing a loop system to tie

back to 101. Unfortunately there's a chance we will lose Rhododendron given the geologic conditions there. Once Biggs is expanded, this property will not have that kind of leeway. Tokos is recommending a condition that would prevent them from using the driveway pad to park in a manner that would extend across the sidewalk or extend into the roadway. The applicant is constructing a two-bay garage; and that is their off-street parking because there is room for a couple of vehicles in the garage. As for the front yard, the garage is set back a fair distance from the roadway. It's a garage so it's less sensitive for the need for privacy. Tokos said the other standards are pretty straightforward. The only mitigation would be the adoption of the condition he just discussed. Regarding fire access and utilities, the garage meets the side and rear setbacks, which tend to be the more sensitive for fire access. There may be utilities in the roadway or the side of the roadway. Should Public Works need access to them, they do that in an organized way and send notices out so people can move their vehicles. Tokos believes there are grounds for the Planning Commission to approve the request. He included for the Commission's consideration findings and final order consistent with what is in the staff report with four conditions of approval: 1) that the approval is based on the submitted application; 2) that the applicant comply with the building codes and fire codes; 3) that the area in front of the garage is not to be used to park vehicles; and 4) that all such actions are good for 18 months and if they are not acted upon, the approval would expire.

Branigan thought that legally you couldn't park a vehicle across a sidewalk if you had one in front of your house. Tokos noted that the City has other codes it can impose. In a land use action, it would be an appropriate condition. There are other codes regarding blocking sidewalks or creating hazards in traveled roadways. Franklin asked for clarification on Attachment "A-3", the blueprints. The setback given there is 19 feet 1 inch. This structure appears to be 20' x 24'. Everything else shows that it will end up 12 feet 2 inches back. Tokos said he would let the applicant speak to that. He believes that when the applicant put the design together those dimensions were off; and what is shown on the March 24th drawings is what he intends to build, and "A-3" is not accurate. The site plan that is accurate is the one he provided on March 24th. It shows with dotted lines the outline he intends to construct. Berman said that condition No. 2 is really just stating that the applicant abide with what everybody else has to. He questioned why duplicate it here; when saying he has to conform, it's redundant. He doesn't see any need to put that on every conditional use or variance. Tokos said he sees Berman's point; but sometimes it doesn't hurt to spell out it out in a repetitive basis throughout the process. It helps them to see what their responsibility is. Croteau asked if no comments were received from any source. Tokos said that is correct; there have been no comments.

Proponents: Warren ("Rennie") Ferris came forward in support of the application. He noted that originally they had plans drawn up for the garage, but that guy didn't match what they asked for. The plan will have to be redrawn; but it will match the submittal from March 24th as far as the footprint goes and will be a similar-looking structure. Ferris said, looking at the street, the neighbors got together to put that through there. It goes from one extreme right-of-way on one side from 56th and to the other extreme at the other end. When it's finally put in how it will align is somewhat different than now.

Croteau asked Ferris how many vehicles he is planning on parking there. Ferris explained that his wife and he each have their own vehicle. At times there are others there when somebody is visiting. Berman asked if the boat is permanently stored there. Ferris said no, it is going to South Beach property. Franklin said that Ferris had noted that when the road was put in it wasn't exactly parallel along property lines on the entire street. He asked if when it's put in and squared up if that will make the 12 feet 6 inches less or more. Ferris said that depends on where it's laid out. There are street rights-of-way all the way through town that are 40 feet in an 80-foot right-of-way. He wondered if there would be a particular reason to centerline it; and would they use the entire 50 feet or not. He said their property is on the long side. He noted that if it's his pickup, it will stick out into the 12 feet if he doesn't park in the garage. They are putting a paved parking pad next to the carport, and there would be room for one vehicle to park there and be out of the right-of-way; and they will improve the street-side parking for company. Patrick asked Ferris if there was any particular reason he didn't cut the garage down to 21 feet depth to stay within the 15 feet setback. Ferris said he is trying to get enough room to park a long truck and have room to get around it.

There were no other proponents present to testify.

Opponents and Interested Parties: There were no opponents or interested parties present to testify, so Ferris waived his rebuttal.

Patrick closed the hearing at 7:20 for Commissioner deliberation. Branigan said he really didn't see any reason why the Commission shouldn't approve it for what is being done along with the staff recommendations of the four considerations. He thought that for that particular neighborhood and what the applicant is doing, it's a reasonable request. East agreed. Franklin agreed as well. He said that his earlier concern was about how it would line up if the street were ever paved and sidewalks were put in. He said just the structures along the street alone will create more problems than just the applicant's driveway being a little bit shorter. He saw no issues. Croteau also saw no issues. Berman agreed. Patrick thought it was doable. He said in looking at that area there are a lot of places that are in and a lot that are out by the street. He saw no particular reason why this would hurt.

MOTION was made by Commissioner Croteau, seconded by Commissioner Franklin, to approve File No. 1-ADJ-15. Branigan said to add the four conditions that were put there by staff. Croteau amended his motion to include approval with the conditions; and Franklin agreed with that for the second to the motion. The motion carried unanimously in a voice vote with Hardy recused.

MOTION was made by Commissioner Croteau, seconded by Commissioner East, to approve the final order for File No. 1-ADJ-15 as presented. The motion carried unanimously in a voice vote with Hardy recused.

At this point, Hardy rejoined the proceedings.

2. File No. 2-Z-15. Consideration of text amendments to Section 14.14.100 (Special Area Parking Requirements) of the Newport Municipal Code (NMC) eliminating the option of "payment-in-lieu-of" for off-street parking that would otherwise be required in the Nye Beach, City Center, and Bay Front areas within the City. The amendment also clarifies the geographic boundary of the areas where these changes apply and provides for parking districts to be created that can establish alternative parking standards. The Commission will forward a recommendation on this matter to the City Council.

Patrick opened the public hearing for File No. 2-Z-15 by reading the summary of the file from the agenda. He called for the staff report. Tokos noted that the amendments were consistent with what was presented to the Commission at work session on March 9th. This will eliminate the option for payment in lieu of providing off-street parking in the Bay Front, Nye Beach, and City Center areas. If a developer is developing something requiring additional off-street parking spaces, they will have to provide those; they are not able to pay a fee to avoid that. It clarifies that alternative standards can be put in place as part of the districts. The districts are expiring; Nye Beach in July 2015, and Bay Front and City Center the following year. Nye Beach has requested, and the City Council agreed, to have a hearing on July 1st for consideration of a 12-month extension so that all three districts line up. That provides time to do a parking study in advance, which is budgeted, to show what the iteration should be for these three areas. This amendment will be presented to the City Council before the Nye Beach district expires, should it expire. If 33% of the businesses object, the extension will not happen. This amendment would eliminate the payment-in-lieu-of provision coming back; it's put to rest.

Franklin asked if for any additions or changes down there, they would be required to offer off-street parking. Tokos said that's not what everybody wants, but it forces that conversation. Franklin said his concern is that all the study will suggest is parking meters, which he is against down there. Tokos said the parking study will look at that and other things too. The study will allow the discussion about it. This amendment is so that we don't have the ill-advised payment-in-lieu-of popping up in an area by happenstance. Berman asked if people have taken advantage of payment-in-lieu-of, and if they do is it something we can expand so that they get a credit for that and only provide parking to satisfy the situation, or does it revert back. Tokos said with parking issues, look forward don't look back. Payment-in-lieu-of is gone. Any agreement made is gone. That closed when the districts were created. We don't look back. If Nye Beach is not extended, those businesses there now are as they are. Whether they provide off-street parking or not, it is what it is. When we had the payment-in-lieu-of program it was structured very onerous and unique to each property. Administratively it didn't work. For 30 some years we had it in place. The Finance Department struggled with it. There were complaints that some people had better agreements than others. Each were slightly different. There were complaints that everybody benefits from these public spaces here, so why are some providing payment. He said that's not to say that payment-in-lieu-of programs can't work. It didn't the way it was structured. The genesis for this is for it not to come back in an unorganized ad hoc way. If some form of that comes out of the parking study at least it's done in an organized manner.

Croteau asked if there's a sense in bringing all of the termination dates together of consolidating the parking areas. Tokos said there will be some discussion in terms of one oversight committee as opposed to three. He said that payment-in-lieu-of is gone in all three districts. It was eliminated in favor of the economic improvement districts with business license surcharges from the businesses. The uniqueness here is that we are talking about areas that rely on public parking because they don't have the area to provide off-street parking. There is pretty substantial public parking in these areas, and we don't have a designated funding source to maintain them. Franklin wondered if there was more taken in by payment-in-lieu-of or the parking districts. Tokos wasn't sure. He noted that the districts are coming up on five years, and payment-in-lieu-of was there for 30 years. Patrick thought there would be more out of the current setup. Tokos said currently with the surcharge, it's more equitable because everybody is providing something. Franklin likes that the money raised in Nye Beach stays in Nye Beach as opposed to going somewhere else. He thinks that's the fair and right thing to do. He is skeptical of one big parking district. Tokos thinks it's a structural issue. From the City's administrative side, by going from three districts to one we can staff it more effectively. Then it turns to Franklin's question. If we do it that way how to guarantee that each is getting their appropriate share of investment. He said that's a totally fair question. Patrick said he would like to see one committee, but set up so that the money can't go to the other districts; it stays in its own district. Tokos said we can set up a capital needs list that is fair and proportional. Put a program together for how to meet that and complete that. With everyone around the table saying it's fair, then the City has its marching orders. Croteau asked historically what districts had payment-in-lieu-of. Tokos explained that all three did. Patrick said we got ready to change that fee and went from \$350 to \$3000. Tokos said the actual cost was \$7500 for a space. Patrick said that's when the parking districts were formed. We were only going to charge half of what a space cost; but nobody wanted to pay that. Personally, he wants to see the parking study. You have a parking problem on the Bay Front, but not in Nye Beach. Franklin said for two and a half months there's parking problems in Nye Beach.

Berman asked if Tokos had said that the parking study has been budgeted. Tokos said it's in the proposed budget as a specific item. It has to go through the budget committee and be adopted by the City Council. There is general agreement from the three parking districts who are all contributing funds and there's some General Fund money coming in. So it's coming from four funding sources. Usually a project like that tends to be more palatable when they see funds coming in from different sources and that it's been bounced off different groups. The number could change. At the end of the day, we want the information and will have to pay what the market bears for that. Berman said if it gets struck out of the budget, we're in the exact same situation a year from now. Tokos said all three districts would be facing expiration. They'd have to decide if we want to continue with the parking districts with just a business license surcharge knowing the limitations of that, or do away with those and just be in a position where everybody has to provide off-street parking when doing new development. Patrick said that gets triggered by either new development or more than 50% redevelopment. Berman said that if that study doesn't get done and we don't proceed with some other way to get funding, that could be anti-development potentially. Tokos said this change is forcing a conversation; but it has to. Franklin hopes that coming out of a study that we are paying a large amount of money for we get more viable options than parking meters. He wants to have more options. Tokos said room tax is growing, so it's reasonable that some portion of that should be dedicated to tourism-related facilities. You have that discussion. Even if we implement parking meters, they won't pay for everything themselves; but they are something we should look at. Using the Bay Front as an example, he said it's a tool to encourage business owners and employees not to park right in front of their businesses. It influences behavior.

Croteau asked when the RFPs would go out and when a consultant would be on board. He noted that they would have to see the whole tourist season. Tokos said it would have to go relatively quickly. We might get going once we know it cleared the budgeting but not the end of the fiscal year so they can do their peak and off-peak studies. He's thinking probably August for the peak, and off-peak probably in December or January, and get it wrapped up in February or March. Tokos can put in the scope of work that the studies are conducted in good weather. Then it's on them to schedule appropriately. The same in winter. Patrick wondered who drew the parking district boundaries. Tokos said he didn't know who created the original special parking areas in the code. The districts are close to what those were. The changes he made were so they aligned with how they were formed. Nye Beach aligns with the overlay boundary, which made it easier. Patrick said the Bay Front is fine. The extension to Moore Drive makes sense. He doesn't understand why the City Center goes clear over to 11th Street. Tokos said that the City Center was originally drafted broadly. He believes it probably provides flexibility for future redevelopment in the City Center. He doesn't know that much is going to come out of it for a while.

Berman asked if parking is a valid project for Urban Renewal in the City Center. Tokos said parking is valid in terms of Urban Renewal. Berman said some could be resolved in the City Center as part of Urban Renewal. Tokos said it's part of transportation. Patrick said if we get the couplet that would help with parking. Tokos said the couplet draws strong feelings both ways. It's good that the discussion is starting. Parking's not going to be solved with the creation of an Urban Renewal District; but if a district is created, the first piece will be a corridor study. If it's not a couplet, it will be something else. ODOT has to be at the table. There has to be a general consensus that it will function well into the future and the community is satisfied that it will result in a more vibrant City Center. Franklin raised a question about ODOT and the impact of the bridge. Tokos said for the corridor study, the bridge is what it is. The chances are even if the bridge were replaced, it would probably be in the same corridor. Patrick said we have asked them several times would they leave the bridge there or where is it going to go. We need to know where it's going to go now. We can't wait until failure point and they decide to come through. Berman asked if it's a viable issue to add bicycle and pedestrian lanes to the bridge or just speculation. Tokos said it's in the TSP, but it's extremely expensive. He doesn't believe ODOT would want to do it given the age of the bridge.

MOTION was made by Commissioner Croteau, seconded by Commissioner Franklin, to forward a recommendation to the City Council to consider the text amendments described in File No. 2-Z-15. The motion carried unanimously in a voice vote.

G. New Business.

1. Newport Community Visioning Work Group. Patrick noted that the City is creating a community visioning group and read the letter sent to him regarding that. The group will consist of one from the City Council, one from the Chamber of Commerce, one from the Planning Commission, one from the Port, one from the College, and two citizens appointed by the City Manager. Wendy Engler will be the City Council representative, and one of the citizens will be Carla Perry. The group will be staffed by City Manager Nebel and CDD Tokos. He noted that the charge of the work group will be to provide a report and recommendation to the City Council by July 15th whether the City should proceed with a comprehensive community visioning process during the 2015/2016 fiscal year. If the recommendation is to proceed the report will set out the processes and procedures. Tokos said he wasn't sure what the time commitment is. The intent is to provide some recommendations for how best to approach visioning and flesh it out in July. Having no other member expressing availability, Patrick said that he would fill the position for the Planning Commission.

H. Unfinished Business. No unfinished business.

I. Director Comments.

1. Tokos noted that the Urban Renewal Agency (City Council) will be doing their appointments to the two citizen seats on the Urban Renewal steering committee at their next meeting. Requests for quotes will go out to consultants. He expects to have that sorted out by the middle of next month. He thinks the committee will probably convene towards the latter part of May probably.

2. The budget is out and available, and Tokos encouraged the Commission to take a look at it if they were interested. He did put in to fill the vacant Senior Planner position; but it's not recommended at this time. The ramification there is that Tokos tries to move things as quickly as he can; but he's almost a one-person shop in a lot of these things. The Commissioners have probably noticed that work sessions haven't been as robust. He has a fair amount of items he's doing for the City Council, he's assisting with several committees, and development has picked up. Permit traffic is up on the building side. We already exceeded what we did last year. Through the calendar year so far in land use proposals we have already pulled in more money than we did all of the last calendar year. In the first four months of this calendar year, that exceeds by \$3 thousand what we did last calendar year. There won't be a Planning Commission meeting on May 11th, but there will be three public hearings at the last meeting in May; May 26th. The next three phases of the Wilder development will be coming in, and there are two Conditional Use applications to consider as well. Tokos has a number of administrative actions, which the Commission doesn't see.

Franklin asked when the next opportunity would be to fill the position. Tokos said it will be another whole year. Nebel and Tokos are trying to advise the Council that if they create a north side Urban Renewal District, we need to add an additional staffer at some point. We can't keep adding on things without enough resources to put on it. We

will get the key things done. The pace may not be as robust as we would like to see. He is cautious about the visioning. We don't have the staff resources right now to do a robust process. He would hate getting into a community engagement process knowing that we don't have the resources to do it right. Public outreach takes time and resources to do it right; to hear people, work through their concerns, and get feedback to them. Franklin asked if there was any other position internally to pick up the slack. Tokos said not really; there's training and expertise needed. There's only one potential FTE proposed new in the budget, and that's a school resource officer that would partially be paid by the school district. Some of the Urban Renewal increment can be used to pay for staffing. That would be a way to address that. The General Fund is tight. Patrick wondered if development really picks up, if Tokos couldn't have a contingency in there if he can't keep up. Tokos said he has to work with the legal obligation projects and then move to those that don't have that. Big projects don't have firm dates and will be pushed down and delayed. Like planned developments are on a clock; there are specific dates to meet. The same with building permitting. It is the bigger picture projects that get moved down the line if we don't have the resources. He said the committee has seen it with the Nye Beach stuff. Franklin wondered if Tokos had the option to hire a part-time consultant. Tokos said we do a lot with consultants; but we still have to manage the process. We always have to be there, put together the RFPs and scope of work, and manage the match side of it. We have to make sure the consultant is meeting the committee's wants; and there's pulling the committees together. He has some of those funds he can tap into and farm out stuff if we get desperate. Nebel indicated that if he can make the stars align, filling that position is a possibility. He thinks that the chances are pretty strong next year if not this year. Tokos said these are just budget realities. He just wanted the Commission to be aware of where we are with resources and be patient.

3. Tokos said to the point of Hardy's recusal in the first hearing, when we have a lot of Commission members here and a particular member wants to recuse their self, that's not necessarily a conflict of interest. She had no fiduciary interest. There's no reason that member can't sit here and just not participate. If it's a direct conflict of interest, then generally the member steps down and goes to the audience. Patrick said over the years they made him step down before. On one, they even made him leave the room. Tokos said the only direct conflict of interest is fiduciary. If you or your extended family benefit in some capacity financially, you are not acting as a member of the community. Franklin asked if he will have to recuse himself from decision making on the parking districts because he is in Nye Beach. Tokos said no; everybody is impacted the same way. It's not considered a fiduciary conflict. Franklin is no different than any other business owner down there. Tokos said the fiduciary ones are the important ones to make sure you step down. It's just important to make sure who is participating or not.

J. Adjournment. Having no further business to discuss, the meeting adjourned at 7:56 p.m.

Respectfully submitted,

Wanda Haney
Executive Assistant

PLANNING STAFF REPORT

Case File No. 2-CUP-15

- A. **APPLICANT:** Noble Estate Winery (Mark Jurasevich, authorized representative) (Peter & Heather Heisler, property owners).
- B. **REQUEST:** Approval per Chapter 14.03.080(18)/“Water-dependent and Water-related Uses” of the Newport Municipal Code (NMC) for a conditional use permit in order to operate a retail outlet for wine, ocean/beach photography, fishing gear, and hand-crafted glass seascapes and similar specialty retail items. Any retail use that is permitted outright in the Tourist Commercial C-2 district is allowed in the W-2 district following issuance of a conditional use permit.
- C. **LOCATION:** 146 SW Bay Blvd.
- D. **LEGAL DESCRIPTION:** Lot 2, Block 7, Plan of Newport (Lincoln County Assessor’s Tax Map 11-11-08-AC, Tax Lot 11100).
- E. **LOT SIZE:** Approximately 0.08 acre (3,484.8 sq. ft.) per Lincoln County Tax Assessor records.
- F. **STAFF REPORT**
1. **REPORT OF FACT**
- a. **Plan Designation:** Yaquina Bay Shoreland.
- b. **Zone Designation:** W-2/“Water-Related.”
- c. **Surrounding Land Uses:** A mix of commercial, tourist-oriented uses including eating and drinking places and retail shops, seafood processing related businesses, Port facilities, US Coast Guard facilities, and residential uses.
- d. **Topography and Vegetation:** The property is developed, with site grades that are relatively flat.
- e. **Existing Structures:** A 1,400 sq. ft., one-level building constructed in 1960.
- f. **Utilities:** All are available to the site.
- g. **Development Constraints:** None known.

- h. **Past Land Use Actions:** None specific to the subject property.
- i. **Notification:** Notification to surrounding property owners and to city departments/public agencies was mailed on April 27, 2015; and the notice of public hearing was published in the Newport News-Times on May 15, 2015.
- j. **Attachments:**
 - Attachment "A" – Applicant’s Description of Land Use Application
 - Attachment "A-1" – Site Plan
 - Attachment “A-2” – Photographs of Building
 - Attachment "A-3" – Uses in the W-2 Zoning District
 - Attachment "A-4" – Uses in the C-2 Zoning District
 - Attachment "B" – Public Hearing Notice
 - Attachment "C" – Zoning Map of the Area
 - Attachment "D" – Aerial Image of the Property
 - Attachment "E" – Copy of Ordinance No. 2020 – Bayfront Parking District

- 2. **Explanation of the Request:** Pursuant to Chapter 14.03.080(18)“Water-dependent and Water-related Uses” of the Newport Municipal Code (NMC), a retail 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.

The applicant is requesting the conditional use permit to convert a single family residence into a specialty retail store that will sell such items as wine, ocean/beach photography from Oregon Gallery, fishing gear, and hand-crafted glass seascapes from Celestial Tides. The applicant has agreements in place with Celestial Tides and Oregon Gallery to be their retail outlets for the Newport area. The space will be shared with J. Scott Cellars, which already uses water themes in their branding and marketing.

- 3. **Evaluation of the Request:**

- a. **Comments:** All surrounding property owners and affected city departments and public utilities were notified on April 27, 2015. The notice was published in the Newport News-Times on May 15, 2015. No comments have been received in response to these notices. The Bay Front Parking District received notice of the application on May 14, 2015, consistent with Newport Ordinance No. 2020 and any comments received from the Parking District will be distributed to the Commission members at the May 26, 2015 hearing.

b. **Conditional Use Criteria (NMC Chapter 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:**

NMC 14.34.040(A) requires that applications include a site plan showing the dimensions and arrangement of the proposed development on the lot. The applicant provided a site plan showing the building's existing layout as a residence and the proposed layout for the commercial use. The application also included photographs of the property. This should provide the Commission with enough information to evaluate the application.

NMC 14.34.030 indicates that a Type III decision-making procedure, with review and approval by the Planning Commission, is required for any use that generates more than 50 additional vehicle trips per day, as determined in the document entitled "Trip Generation," an informational report prepared by the Institute of Traffic Engineers (ITE). For specialty retail uses (ITE Code 814), a retail space that is 1,400 sq. ft. in size will generate 62 daily trips. A single family home (ITE 210) generates 10 trips per day, meaning that the proposal will generate 52 additional vehicle trips per day. The number of new daily trips exceeds 50; therefore, this application must be approved by the Planning Commission.

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. All public facilities are available and serve the property.

As depicted with the photographs of the property (Staff Report Attachment "A-2") and aerial image of the site (Staff Report Attachment "D"), street and sidewalk access to this developed site is available off of SW Bay Boulevard. SW Bay Boulevard is designed as a collector roadway and is fully improved and paved. The Commission accepts this as sufficient evidence to establish that street access to the property is adequate. The City provides water service to the site via 12-inch mains in SW Bay Blvd. Sewer service is provided via a 10-inch line in SW Bay Boulevard. Storm drainage is collected in catch basins and directed under SW Bay Boulevard to the bay. The existing residence utilizes these services. The services have been sized to accommodate regional development in the area, including industrial users such as the fish plants along SW Bay Boulevard and the Commission can rely upon the presence of these utilities to establish that the water, sewer, and storm drainage services are adequate to support a retail use at this location. Electric service is available to the existing building and the demands a retail use will place on electrical service should be comparable to the existing residential use.

Given the above, it is reasonable for the Planning Commission to find that the public facilities can adequately accommodate the retail use.

- (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 Zoning Ordinance requires that in all areas that are considered to be historic, unique, or scenic waterfront communities, proposed conditional uses shall be designed to maintain or enhance the historic, unique, or scenic quality of the area. The Bay Front, in which the proposed use will be located, is considered a historic and unique waterfront community by the adopted Bay Front Plan, thereby, requiring the preservation and enhancement of its characteristics.

The applicant has not indicated that there will be any changes to exterior of the premises, and the overall development character of the area will not be changed. Lincoln County Assessment records indicate that the structure was originally built in 1960.

The premises is zoned W-2 with retail uses permitted in C-2 being conditional. The applicant's retail business complies with these zoning parameters.

Given the above, it is reasonable for the Planning Commission to find that this criterion is satisfied.

- (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.

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 including, but not being limited to, the effect of nuisances such as dust, smoke, noise, glare, vibration, safety, and odors on a neighborhood. Adequate off-street parking, or the lack thereof, may also be considered by the Commission under this criterion.

The area around the subject property is zoned for "Tourist Commercial" uses. The businesses around the premises are varied, but include retail sales businesses and restaurants.

This property is within the Bay Front Commercial Parking District (ref: Ordinance No. 2020, Attachment "E"). Chapter 14.14 of the Newport Municipal Code sets out the City of Newport's parking requirements. NMC 14.14.030 notes that off-street parking must be provided in conjunction with new and/or expanded uses in a manner consistent with the provisions of the chapter. Later on, NMC 14.14.100 indicates that the off-street parking requirements of the chapter may be superseded in the Bay Front area if a parking district is formed. That is the case here, as Ordinance No. 2020 contains provisions addressing when new off-street spaces must be constructed. Specifically, Section 8(E) of that ordinance indicates that new development, redevelopment or building expansions that generate a demand for more than five (5) new off-street parking spaces must provide additional off-street spaces in accordance with the Newport Zoning Ordinance (i.e. NMC Chapter 14.14). The building is existing, and the applicant is not proposing an expansion.

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

- (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 has not indicated that any change to the exterior of the building.

Conversion of the residence to a commercial occupancy will require modifications to the interior of the structure. While it is unlikely that such

modifications will materially affect the height or size of the building, it is a possibility. With that in mind, it is prudent for the Commission to impose a condition of approval requiring a new conditional use permit be submitted to address this criterion in the event that exterior modifications of this nature are needed.

Given the above, it is reasonable for the Planning Commission to find that the use 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 operate a retail use at 146 SW Bay Boulevard within the W-2 zoning district 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 the staff report. No use 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. The applicant 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. If the applicant must materially modify the size or height of the building in order to comply with these codes, than a conditional use permit shall be submitted to establish that the changes are consistent with the overall development character of the neighborhood.



Derrick I. Tokos AICP
Community Development Director
City of Newport
May 19, 2015

EXHIBIT

uA

ATTACHMENT "A"
File No. 2-CUP-15
Applicant's Description of Land Use
Application



NOBLE
ESTATE
VINEYARD & WINERY

29210 Gimpl Hill Rd

Eugene OR 97402

www.nobleestatewinery.com

541-954-9870 541-338-3007

February 24, 2015

Ocean Equity Real Estate and Investments LLC
526 NW Coast Ave
Newport OR 93265

Attn: Brodie,

Noble Estate Land Use Request is for a retail outlet for wine, ocean/beach photography from Oregon Gallery, fishing gear, and hand crafted glass seascapes from Celestial Tides. We have agreements in place with Celestial Tides and Oregon Gallery to be their retail outlets for the Newport area. The space will be shared with J. Scott Cellars, which already uses water themes in their branding and marketing. Please use this brief description for the Lane Use application.

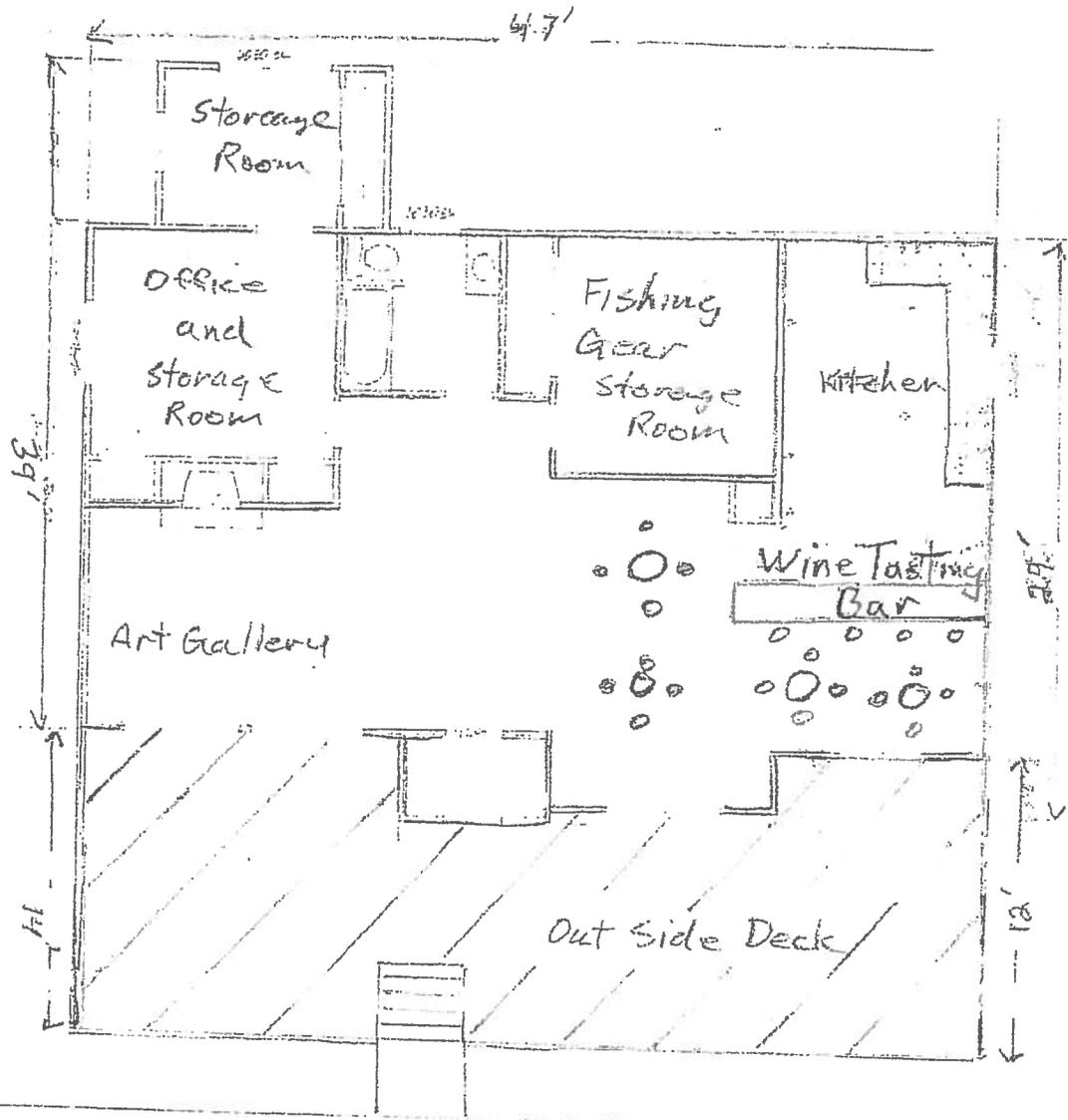
Sincerely,

A handwritten signature in black ink, appearing to read 'Mark Jurasevich', written in a cursive style.

Mark Jurasevich

Plot Plan, 146 SE Bay Boulevard
Newport

ATTACHMENT "A-1"
File No. 2-CUP-15
Site Plan



Existing Sidewalk

← Bay Boulevard

→ Bay Boulevard

FLOOR PLAN

WATER AND SEWERAGE AS SHOWN

4'-1" 1/2"

NOTE ON WALLS: OWNER TO SELECT
TYPE OF FINISH. BRICK OR CONCRETE
WALLS ACCEPTABLE. BRICK OR CONCRETE
WALLS ACCEPTABLE. BRICK OR CONCRETE
WALLS ACCEPTABLE. BRICK OR CONCRETE
WALLS ACCEPTABLE.

BEDROOM

BEDROOM

LIVING ROOM

LIVING ROOM

DESIGN 3 PARTIAL 400 WOODS
W/ 2 PART 5-0 TRAVEL DECK

DESIGN 3 PARTIAL 400 WOODS
W/ 2 PART 5-0 TRAVEL DECK

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W/ 2 PART 5-0 TRAVEL DECK

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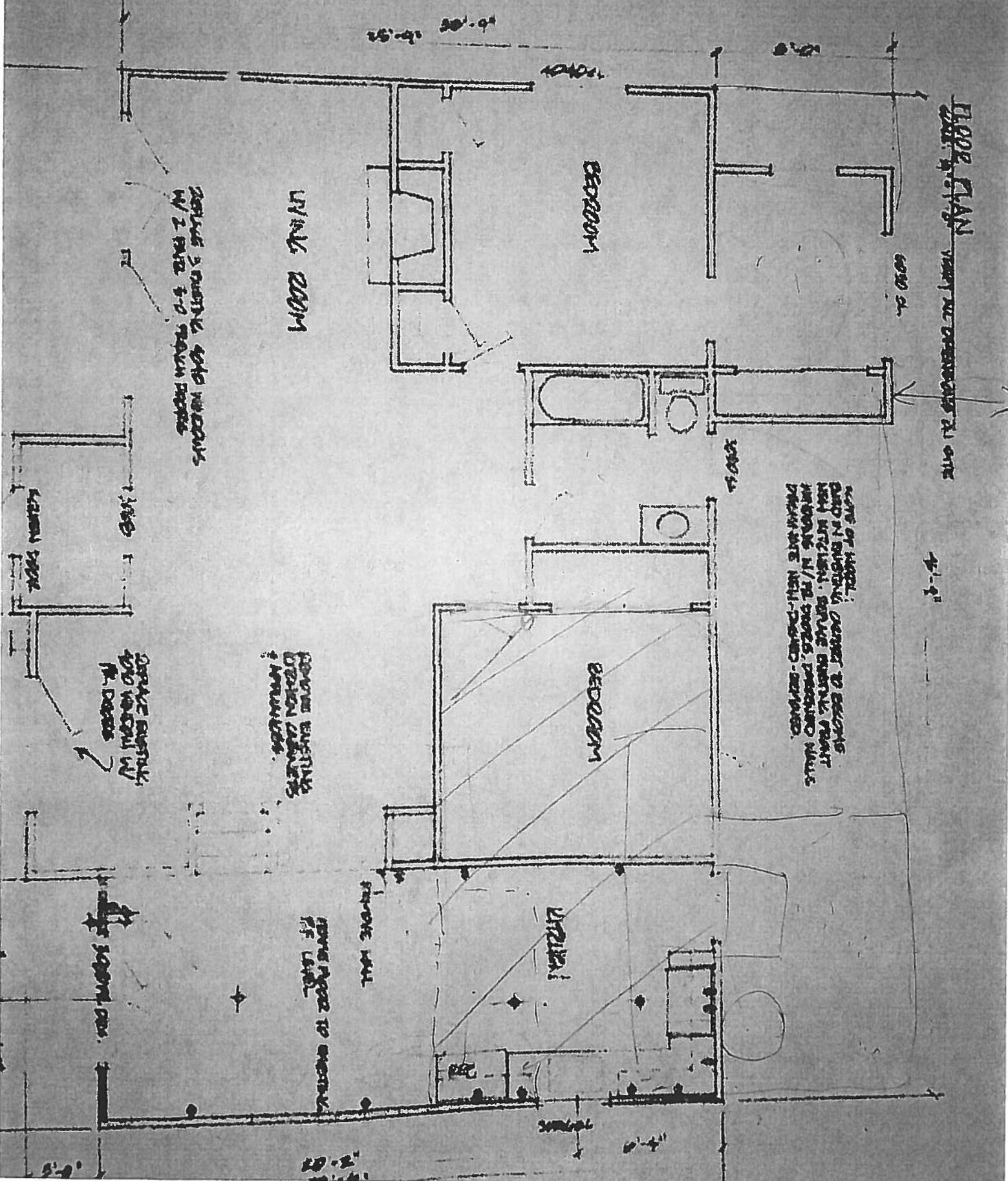
16'-0" 30'-0"

10'-0"

10'-0"

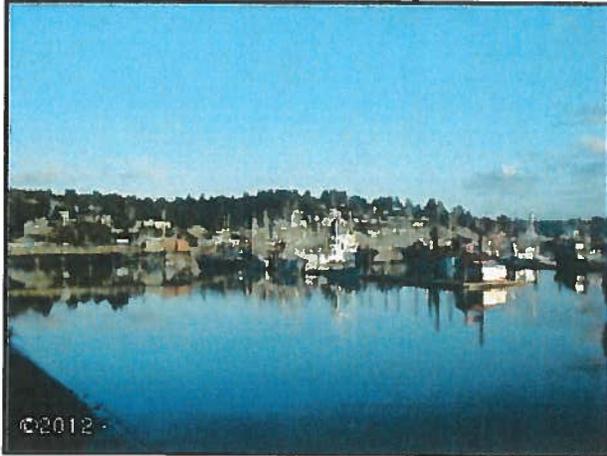
10'-0" 11'-0"

10'-0" 11'-0"



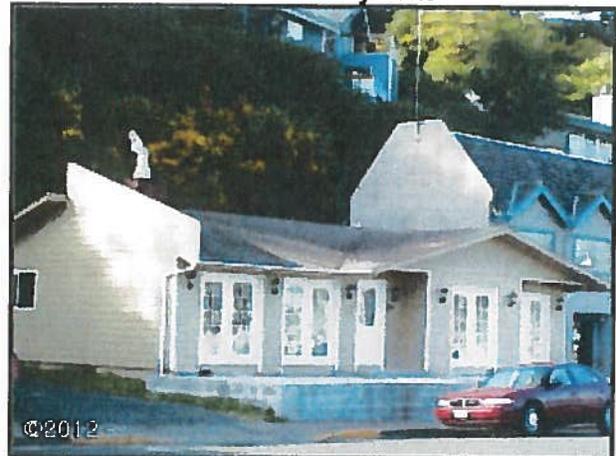
Photos for MLS # 12-134 146 SW Bay Blvd Newport, OR 97365

Front, View of Bay



Front, View of Bay

Historical Bayfront



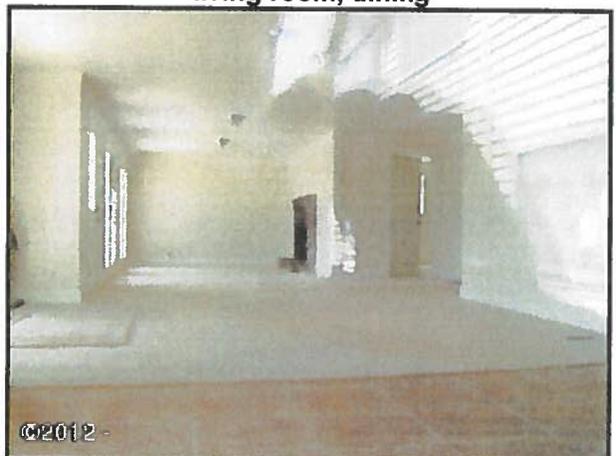
Historical Bayfront

Open floor plan



Open Floor Plan

living room, dining



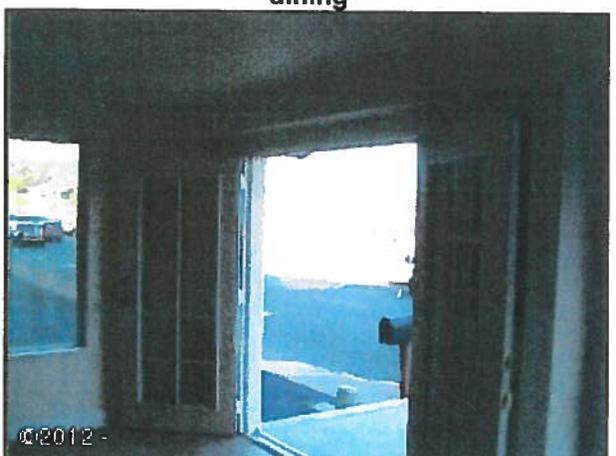
living room, dining

kitchen



kitchen

dining



dining

MLS # 12-134

146 SW Bay Blvd Newport, OR 97365

Bay Bridge View



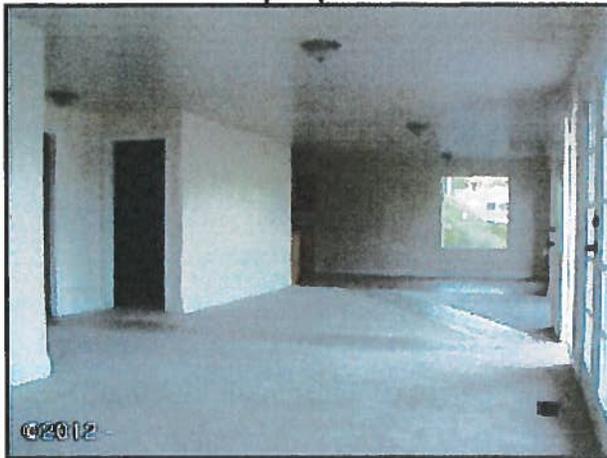
Bay Bridge View

unobstructed Bay view



unobstructed Bay View

open plan



open plan

CITY OF NEWPORT
USES IN THE WATER DEPENDENT AND RELATED ZONING DISTRICTS

W-1/"Water Dependent"

Permitted Uses:

Aquaculture
Boat Rentals, Sport Fishing, and Charter Boat Services
Docks, Wharves, and Piers
Dry Docks, Boat Repair, Marine Services, and Marine
Railway Facilities
Fuel Facilities for Boats or Ships
Marinas and Port Facilities
Seafood Processing and Packaging Plants
Terminal Facilities for Loading and Unloading Ships and
Barges
Marine Research and Education Facilities of Observation,
Sampling, Recording, or Experimentation On Or Near the
Water

Conditional Uses:

Ice Production and Sales, Refrigeration Repair, and Cold
Storage To Serve the Seafood Industry
Boat Building and Marine Equipment Manufacture
Parking Lots
Warehouses
Uses Allowed in the Adjacent Estuarine Management Unit
Water-Dependent Uses That Meet the Intent of the W-1
District

W-2/"Water Related"

Permitted Uses:

Aquaculture
Boat Rentals, Sport Fishing, and Charter Boat Services
Docks, Wharves, and Piers
Dry Dock, Boat Repair, Marine Services, and Marine
Railway Facilities
Fuel Facilities for Boats or Ships
Marinas and Port Facilities
Seafood Processing and Packaging Plants
Terminal Facilities For Loading and Unloading Ships and
Barges
Marine Research and Education Facilities of Observation,
Sampling, Recording, or Experimentation On Or Near the
Water
Ice Production and Sales, Refrigeration Repair, and Cold
Storage to Serve the Seafood Industry
Boat Building and Marine Equipment Manufacture
Parking Lots
Warehouses
Uses Allowed in the Adjacent Estuarine Management
Unit
Water-Dependent Uses That Meet the Intent of the W-1
District
Bait, Tackle, and Sporting Goods Stores Specializing in
Water-Related Merchandise
Seafood Markets

Conditional Uses:

Uses Permitted Outright in the C-2 District
Offices Not on the Ground Floor of an Existing Building
Residences (prohibited at street grade; for floors other
than street grade, residences allowed subject to issuance of
a conditional use permit; density limitations same as R-4;
see Section 2-4-1 of the Zoning Ordinance).

CITY OF NEWPORT
C-2/"TOURIST COMMERCIAL" ZONING DISTRICT USES

PERMITTED USES

Retail Sales & Service

Sales-oriented, general retail

(examples: consumer, home, & business goods including art, art supplies, bicycles, books, clothing, dry goods, electronic equipment, fabric, pharmaceuticals, plants, printed material, stationery & video; food; vehicle service (but not repair of vehicles).)

Entertainment

(examples: restaurants (sit-down & drive-thru); cafes; delicatessens; taverns & bars; hotels, motels & other temporary lodging (w/ avg. length of stay < 30 days); athletic, exercise & health clubs or gyms; bowling alleys, skating rinks, game arcades; pool halls; dance halls, studios & schools; theaters; indoor firing ranges; miniature golf facilities, golf courses & driving ranges.)

Parking Facility

(examples: short & long-term fee pkg. facilities; commercial district shared pkg. lots; commercial shuttle pkg.; park-&-ride lots.)

Basic Utilities & Roads

(examples: water & sewer pump stations; sewage disposal & conveyance systems; electrical substations; water towers & reservoirs; water quality & flow control devices; water conveyance systems; stormwater facilities & conveyance systems; telephone exchanges; suspended cable transportation systems; bus stops or turnarounds; local, collector & arterial roadways; highway maintenance.)

CONDITIONAL USES

Retail Sales & Service

Personal Services

(examples: bank branches; urgent medical care; laundromats; photographic studios; photocopy & blueprint svcs.; printing, publishing & lithography; hair, tanning & personal care svcs.; tax preparers, accountants, engineers, architects, real estate agents, legal, financial svcs.; art studios; art, dance, music, martial arts & other recreational or cultural classes/schools; taxidermists; mortuaries;

(CONDITIONAL USES CONTINUED)

veterinarians; kennels (limited to boarding & training w no breeding); animal grooming.)

Major Event Entertainment

(examples: fairgrounds; sports complexes; ball fields; exhibition & meeting areas; coliseums or stadiums; equestrian centers & animal arenas; outdoor amphitheater; theme or water parks.)

Waste & Recycling Related

(examples: sanitary landfills; limited-use landfills; waste composting; energy recovery plants; sewer treatment plants; portable sanitary collection equipment storage & pumping; hazardous waste collection sites.)

Utility, Road & Transit Corridors

(examples: highways; rail trunk & feeder lines; regional electrical transmission lines; regional gas & oil pipelines.)

Community Service

(examples: churches; libraries; museums; senior centers; community centers; publicly-owned swimming pools; youth club facilities; hospices; police stations, fire & ambulance stations; drug & alcohol centers; social service facilities; mass shelters or short-term housing (when operated by a public or non-profit agency); soup kitchens; surplus food distribution centers.)

Daycare Facility

(examples: preschools, nursery schools, latch key programs (more than 12 children under age 13 outside their homes); adult daycare programs.)

Educational Institutions

Elementary & Secondary Schools

(examples: elementary, middle & high schools.)

Hospitals

(examples: hospitals & medical complexes that include hospitals or emergency care facilities.)

➤ **Within the Historic Nye Beach Design Review District, uses in excess of 2,000 square feet of gross floor area are conditional uses.**

PROHIBITED USES

Office

(examples: financial (lenders, brokers, bank hdqtrs.); data processing; professional svcs. (lawyers, accountants, engineers, architects, sales); government; public utilities; TV & radio studios; medical & dental clinics and labs; contractors (if equipment not kept on site).)

Retail Sales & Service

Sales-oriented, bulk retail

(examples: stores selling large consumer home & business goods including appliances, furniture, hardware, home improvements; sales or leasing of consumer vehicles including passenger vehicles, motorcycles, light & medium trucks & other recreational vehicles.)

Repair-oriented

(examples: repair of TVs, bicycles, clocks, watches, shoes, guns, appliances & office equipment; photo or laundry drop-off; quick printing; recycling drop-off; tailor; locksmith; upholsterer.)

Vehicle Repair

(examples: vehicle repair; transmission or muffler shop; auto body shop; alignment shop; auto upholstery shop; auto detailing; tire sales & mounting.)

Self-Service Storage

(examples: single-story & multi-story facilities that provide individual storage areas for rent (aka mini warehouses).)

Contractors & Industrial Service

(examples: welding shops; machine shops; tool repair; electric motor repair; repair of scientific or professional instruments; sales, repair, storage, salvage, or wrecking heavy machinery, metal, & building materials; towing & vehicle storage; auto & truck salvage & wrecking; heavy truck servicing & repair; tire re-treading or recapping; truck stops; building, heating, plumbing, or electrical contractors; printing, publishing & lithography; exterminators; recycling operations; janitorial & building maintenance svcs.; fuel oil distributors; solid fuel yards; research & development labs; dry-docks & repair or dismantling of ships & barges; laundry, dry-cleaning & carpet cleaning plants; photofinishing labs.)

Manufacturing & Production

Light Manufacturing

(examples: light industrial uses that do not generate excessive noise, dust, vibration, or fumes including processing food & related products (where activities are wholly contained w/in a structure) such as

(PROHIBITED USES CONTINUED)

bakery products, canned & preserved fruits & vegetables, sugar & confectionary products & beverages; catering establishments; breweries, distilleries & wineries; manufacture of apparel or other fabricated products made from textiles, leather, or similar materials; woodworking including furniture & cabinet making; fabrication of metal products & fixtures; manufacture or assembly of machinery equipment or instruments including industrial, commercial & transportation equipment, household items, precision items, photographic, medical & optical goods, artwork, jewelry & toys; manufacture of glass, glassware & pressed or blown glass; pottery & related products; printing publishing & lithography production; sign-making; movie production facilities.)

Heavy Manufacturing

(examples: industrial uses that should not be located near residential areas due to noise, dust, vibration, or fumes including processing food & related products (where some portion of the materials are stored or processed outdoors) such as dairies, slaughter houses, or feed lots; leather tanning & finishing; weaving or production of textiles; lumber mills, pulp & paper mills & other wood products mfg.; production of chemicals, rubber, structural clay, concrete, gypsum, plaster, bone, plastic, or stone products; primary metal industries including blast furnaces, foundries, smelting & rolling & finishing metal products; production & refinement of fossil fuels; concrete batching; asphalt mixing; mfg. of prefabricated structures including mobile homes.)

Warehouse, Freight Movement & Distribution

(examples: separate warehouses used by retail stores such as furniture & appliance stores; household moving & general freight storage; cold storage plants including frozen food lockers; storage of weapons & ammunition; major wholesale distribution centers; truck, marine, or air freight terminals; bus barns; parcel services; major post offices; grain terminals; stockpiling sand, gravel, or other aggregate materials.)

Wholesale Sales

(examples: sale or rental of machinery, equipment, heavy trucks, bldg. materials, special trade tools, welding supplies, machine parts, electrical supplies, janitorial supplies, restaurant equipment & store fixtures; mail-order houses; wholesalers of food, clothing, auto parts, bldg. hardware & office supplies.)

(PROHIBITED USES CONTINUED)**Educational Institutions****College & Universities****Trade/Vocational Schools/Other**

(examples: universities, liberal arts colleges, community colleges, nursing & medical schools (not accessory to a hospital), seminaries, public & private daytime schools, boarding schools, military academies, trade/vocational schools.)

Courts, Jails & Detention Facilities

(examples: courts, prisons, jails, probation centers, juvenile detention homes.)

Mining**Sand & Gravel****Crushed Rock****Non-Metallic Minerals****All Others**

(examples: sand & gravel extraction; excavation of rock; mining of non-metallic minerals.)

Communication Facilities

(examples: broadcast towers, communication/cell towers, point-to-point microwave towers.)

➤ **Within the Historic Nye Beach Design Review District, Recreational Vehicle Parks are prohibited.**

CITY OF NEWPORT
PUBLIC NOTICE¹

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-15:

Applicants & Owners: Nobel Estate Vineyard & Winery, 29210 Gimpl Hill Rd., Eugene, OR 97402 (Owner/Winemaker Mark Jurasevich, authorized representative) (Peter & Heather Heisler, 567 SE Vista Dr, Newport, OR 97365, property owners).

Request: Approval of a request per Chapter 14.03.080(18) "Water-dependent and Water-related Uses" of the Newport Municipal Code (NMC), for a conditional use permit in order to operate a retail outlet for wine, ocean/beach photography, fishing gear, and hand-crafted glass seascapes. Any retail use that is permitted outright in the Tourist Commercial C-2 district is allowed in the W-2 district following issuance of a conditional use permit.

Location/Subject Property: 146 SW Bay Blvd. (Assessor's Map 11-11-08-AC; Tax Lot 11100).

Applicable Criteria: NMC Chapter 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 area 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").

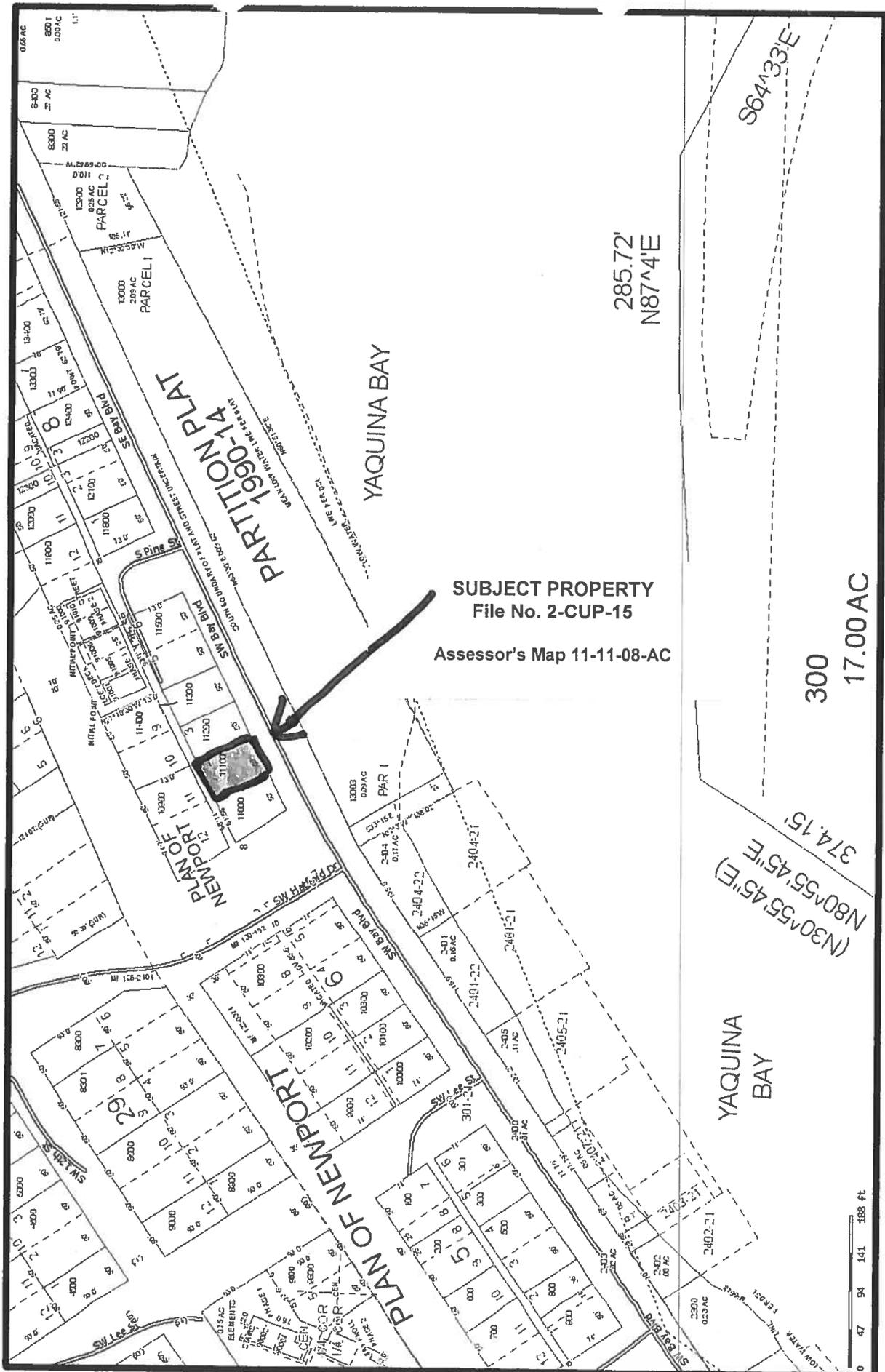
Time/Place of Hearing: Tuesday (due to the Monday holiday), May 26, 2015; 7:00 p.m.; City Hall Council Chambers (address above in "Reports/Application Material").

MAILED: April 27, 2015.

PUBLISHED: Friday, May 15, 2015/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 utilities within Lincoln County; and (3) affected city departments.

Map



Printed 04/23/2015



Lincoln County government use only. Use for any other purpose is entirely at the risk of the user. This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users should review the primary information sources to ascertain their usability.

NOTICE OF PUBLIC HEARING

The City of Newport Planning Commission will hold a public hearing on Tuesday (*due to the Monday holiday*), May 26, 2015, at 7:00 p.m. in the City Hall Council Chambers to consider File No. 2-CUP-15, a request submitted by Nobel Estate Vineyard & Winery (Owner/Winemaker Mark Jurasevich, authorized representative) (Peter & Heather Heisler, property owners) per Chapter 14.03.080(18) "Water-dependent and Water-related Uses" of the Newport Municipal Code (NMC), for a conditional use permit in order to operate a retail outlet for wine, ocean/beach photography, fishing gear, and hand-crafted glass seascapes. Any retail use that is permitted outright in the Tourist Commercial (C-2) district is allowed in the W-2 district following issuance of a conditional use permit. The property is located at 146 SW Bay Blvd. (Assessor's Map 11-11-08-AC; Tax Lot 11100). The applicable criteria per NMC Chapter 14.34.050 are: (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 area 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 this address. Contact Derrick Tokos, Community Development Director, (541) 574-0626; d.tokos@newportoregon.gov (mailing address above).

(FOR PUBLICATION ONCE ON Friday, May 15, 2015)

ATTACHMENT "C"
 File No. 2-CUP-15
 Zoning Map of the Area



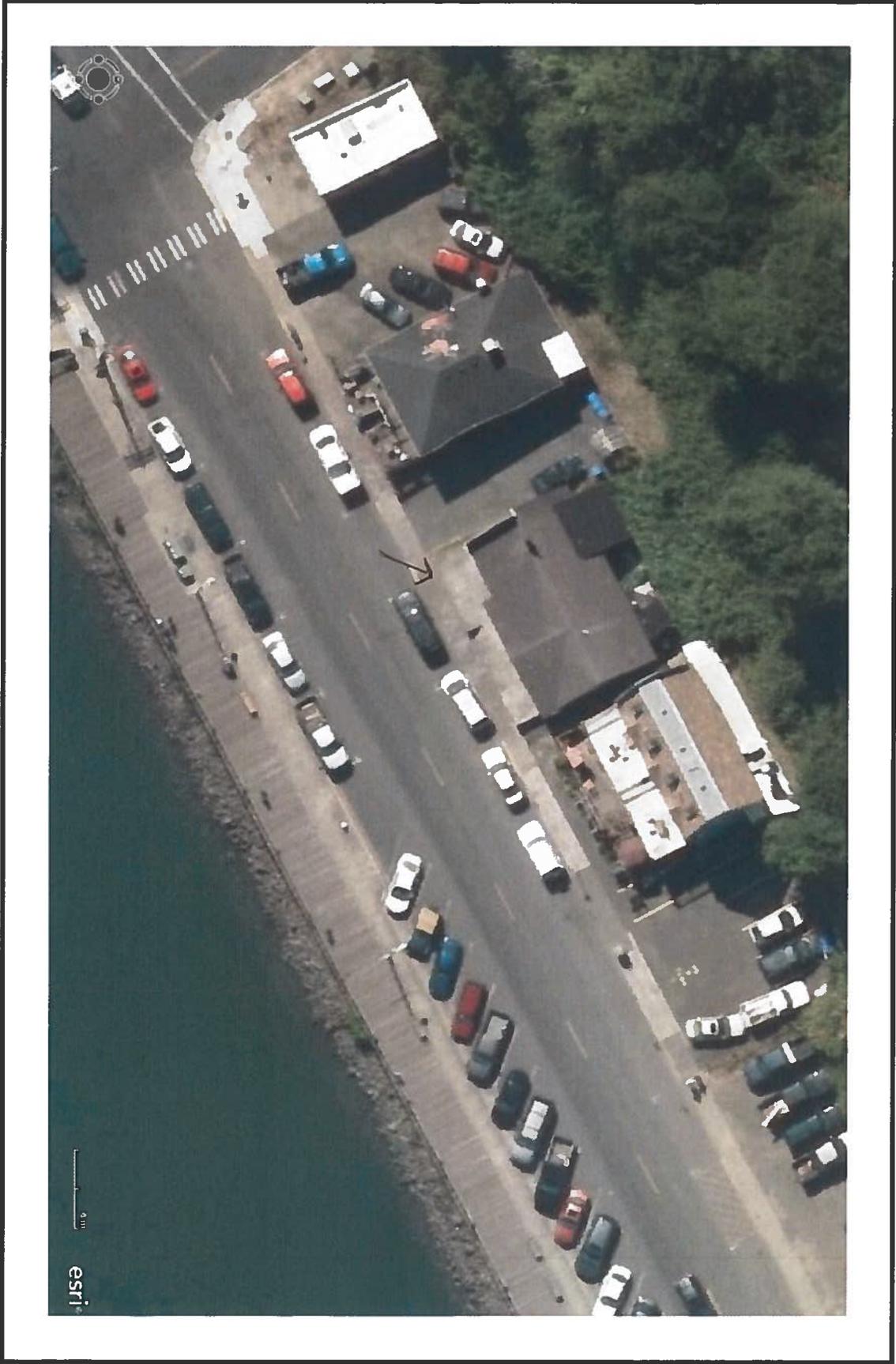
146 SW Bay Blvd - Zoning Map

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

City of Newport
 Community Development Department
 189 SW Coast Highway
 Newport, OR 97365
 Phone: 1.541.574.0828
 Fax: 1.541.574.0844



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



CITY OF NEWPORT
ORDINANCE NO. 2020

AN ORDINANCE ESTABLISHING AN ECONOMIC IMPROVEMENT DISTRICT IN THE BAY FRONT AREA FOR PARKING SYSTEM IMPROVEMENTS AND IMPOSITION OF A BUSINESS LICENSE SURCHARGE FEE PURSUANT TO ORS 223.144 AND NEWPORT ORDINANCE 2013

WHEREAS, the Newport Zoning Ordinance (NZO) allows businesses in the Nye Beach, Bay Front, and City Center areas to pay an annual fee of \$175 per space "in lieu" of providing an off-street parking space that would otherwise be required for new development or redevelopment that increases the demand for parking on a property (Section 2-3-6.050).

WHEREAS, the payment in lieu option was put in place in the 1980's and the annual fee has not changed over time.

WHEREAS, the Mayor appointed a Payment in Lieu of Parking Task Force, confirmed by City Council, to evaluate the fee charged with the payment in lieu of parking program. The Task Force held a series of public meetings in 2006 and 2007, which resulted in a recommendation to change the annual fee of \$175 per space to a one-time charge of \$7,500 per space. The Planning Commission and City Council held hearings on the Task Force recommendations, and the Council adopted the recommendations in February of 2008.

WHEREAS, during the hearings, a number of individuals expressed an interest in forming parking districts as an alternative to the existing payment in lieu approach, which they viewed as outdated, and the Task Force recommendations, which they viewed as untenable for many businesses. Council directed staff to assist them in developing concepts and, on February 4, 2008, temporarily set aside the Task Force recommendations to allow the work to proceed.

WHEREAS, the City subsequently sponsored workshops on the basics of forming parking districts and City staff met with interested individuals in the Bay Front area to answer questions and assist in preparing materials. This effort led to the development of an economic development plan, prepared by an ad hoc group of individuals representing tourism, fishing, and economic development interests along the Bay Front, which was offered to the City as the basis for forming an economic improvement district for parking system improvements.

WHEREAS, proponents of the Bay Front area's economic development plan contend that a parking district with a modest assessment on area businesses and contribution

from the Port of Newport provides a source of revenue to fund incremental improvements to the parking system while at the same time facilitating economic growth. They further view such an approach to be more effective and equitable than the existing payment in lieu of parking program.

WHEREAS, the City Council met on April 4, 2011 to consider an initial draft of the economic development plan and business license surcharge fee and chose to initiate the process of forming an economic improvement district in the Bay Front area for parking system improvements by adopting Ordinance No. 2013.

WHEREAS, the City Council held a public hearing on May 16, 2011 at which affected persons could appear to support or object to the proposed parking system improvements and business license surcharge fee. The Council accepted the proposal that businesses within the district bear the cost of the improvements unless the Council otherwise determines that it is appropriate to allocate funding from other sources. The Council further encouraged business owners, fisherman and other interested parties to refine the economic development plan into the concept that has been incorporated into this ordinance.

WHEREAS, ORS 223.141, et seq., authorizes imposition of a "business license fee" to fund certain economic improvements within districts created pursuant to procedural and substantive requirements. The terms "business license surcharge fee" and "business license surcharge" as used herein are synonymous with this statutorily allowed "business license fee." The term "surcharge" is used to distinguish this economic improvement fee from the City's general business license fee imposed pursuant to Newport Municipal Code Section 4.05.

THE CITY OF NEWPORT ORDAINS AS FOLLOWS:

Section 1: Findings: The City Council hereby adopts the above recitals and the following findings of fact as the basis for this Ordinance:

- A. The City Council held public hearings on May 16, 2011 and September 6, 2011 regarding the establishment of an economic improvement district for parking improvements in the Bay Front area, as more specifically described on the map attached as Exhibit A, and incorporated herein by this reference;
- B. Written notice to the affected property owners was mailed no less than thirty (30) days prior to each hearing announcing the Council's intent to form the district and to impose a business license fee upon persons conducting business within the district to pay for the improvements;
- C. Notice of said hearings included the amount of the proposed surcharge and time and place of the hearing at which affected persons could appear to support or object to the formation of a district and proposed business license fee;

- D. Fewer than 33 percent of persons conducting business within the boundaries of the proposed district who will be subject to the business license surcharge submitted written objections to the fee;
- E. Lands within the boundaries of the proposed district include properties that are zoned for commercial or industrial use;
- F. A preliminary estimate of the probable cost of the economic improvements to be funded pursuant to Section 2 of this Ordinance is between \$19,000 and \$20,000 per year, and the proposed schedule for apportioning costs is set forth in Section 3 of this Ordinance;
- G. The business license surcharge to be assessed, and contribution from the Port of Newport, is in proportion to the benefit that each business, the Port and other affected parties may derive from the district.

Section 2: Establishment of a Bay Front Commercial Parking District.

- A. The City Council hereby approves and creates the "Bay Front Commercial Parking District" ("District"). The boundaries of the District as depicted on Exhibit A to this ordinance correspond with water-dependent and water-related zoning in the Bay Front area.
- B. The District is created for the purpose of making economic improvements as defined in ORS 223.141(4), and in particular, for the purpose of the improvement in parking systems in the Bay Front area as allowed under ORS 223.141(4)(e). The economic improvement projects to be undertaken or constructed include:
 - 1. Parking improvements on available public or private land and undeveloped right-of-way;
 - 2. Leasing private parking lots for public or employee use with a focus on lots that are underutilized;
 - 3. Improving signage and striping;
 - 4. Enhancing the streetscape and sidewalks to encourage pedestrian access;
 - 5. Supporting transportation alternatives such as shuttles, bus systems and bicycles;
 - 6. Developing and/or enhancing seasonal pay parking and time limitations in select areas; and
 - 7. Other activities identified by the District Advisory Committee organized under Section 5 of this Ordinance, as needed to improve the availability or functionality of parking in the Bay Front District.

- C. When identifying projects authorized under subsection 2(b), above, the District Advisory Committee shall consider impacts the projects will have on existing users. Projects that disproportionately impact a particular user group should only be pursued if the District Advisory Committee concludes that reasonable accommodations have been made to offset those impacts.
- D. The District Advisory Committee may identify one or more projects that are outside of the District boundaries if, in the opinion of the Advisory Committee, the project(s) primarily benefit businesses within the District.

Section 3: Enactment of a Business License Surcharge Fee.

- A. Businesses within the District shall be assessed a business license surcharge that is based upon the number of persons employed by the business, as follows:
 - 1. Fewer than 5 employees: \$150.00
 - 2. 5 to 20 employees: \$300.00
 - 3. More than 20 employees: \$600.00
- B. The business license surcharge set forth in subsection 2(a), above, shall be reduced to \$100 for those businesses that provide off-street parking for their customers.
- C. Business license surcharge fees shall be assessed annually upon renewal of a business license pursuant to the schedule set forth in Newport Municipal Code Section 4.05.
- D. For new businesses, a surcharge shall be prorated on a monthly basis, unless such surcharge was paid by the prior occupant, in which case a surcharge is not due until the next business license renewal period.
- E. Businesses shall be assessed a surcharge for each location at which they operate within the District. City will provide businesses in multiple locations with a single invoice listing the fees attributed to each location.
- F. City shall establish a separate account into which shall be paid all revenues from the business license surcharge, and such monies shall be reserved and managed for exclusive use of the District.
- G. Annual surcharges shall apply to businesses that are otherwise exempt from business license fees. Such payments shall be made annually, pursuant to the schedule for business license renewals set forth in Newport Municipal Code Section 4.05.

Section 4: Contribution from the Port of Newport.

- A. Pursuant to an Intergovernmental Agreement between the Port of Newport and City of Newport dated October 6, 2011, the Port of Newport will make an annual monetary contribution to the Bay Front Commercial Parking District in an amount of \$6,000. As a potentially impacted party, the Port of Newport is voluntarily participating in the district on behalf of the fisherman and other Port users and its payments shall be considered a contribution from both the Port, as well as from fisherman and other individuals mooring at Port facilities.
- B. Payment from the Port shall be due at the end of each fiscal year.
- C. Port payments shall be made out to the City of Newport, and City shall place such monies into the same account as the business license surcharge fees established under Section 3(f), above.

Section 5: Establishment of a District Advisory Committee.

- A. Council hereby establishes an advisory committee to develop a plan for the completion of improvements per Section 2(b) (Plan) and to allocate expenditure of monies for activities within the scope of the Plan.
- B. In appointing members to a committee, the Council shall include at least one person conducting business within the District, one individual that represents fishing interests, and one representative from the Port of Newport.
- C. The Advisory Committee shall consist of an even number of individuals. The specific number of individuals to serve on the Committee shall be determined by the Council. In making Committee appointments, the Council shall seek to ensure that neither tourism nor fishing business interests are disproportionately represented.
- D. An association of persons conducting business within the District ("Association") may be designated to serve in the capacity of an advisory committee, provided it includes a representative from the Port of Newport. If this occurs, the City and the Association will execute an agreement describing each party's respective responsibilities regarding the District. After entering into an agreement with the City, the Association may enter into agreements with third parties to perform improvements identified in the Plan established under Section 5(a) of this ordinance.
- E. The Advisory Committee or Association may request that the City perform Plan improvements. Should the City elect and be allowed by law to perform Plan improvements, such services will be charged in the amount and manner allowed by law and will be paid for through revenues from the Bay Front Commercial Parking District or augmented with other City funds identified by the City Council if the Council determines that City should bear a portion of the improvement costs.

Section 6: Reporting Requirements: An Association or Advisory Committee shall maintain records of all expenditures made towards the completion of economic improvements and shall provide such records to the City upon request.

Section 7: Availability of Parking Fund Revenues:

- A. In addition to monies generated through a business license surcharge and Port of Newport contribution, an Association or Advisory Committee may develop an improvement plan and make a recommendation on the expenditure of funds the City specifically budgets for use by parking districts. Authorization for the use of such funds shall be subject to City Manager approval and public contracting requirements.
- B. The City Manager is authorized to provide an Association appointed by the Council to serve as the advisory committee, with up to \$1000 of parking fund revenues, to prepare the Association to perform its advisory responsibilities.

Section 8: Payment of Fees in Lieu of Parking.

- A. As allowed under NZO Section 2-3-6.050, the Council hereby waives the requirement for commercial and industrial properties within the District to pay fees in lieu of parking, as of the date this District is formed.
- B. City shall provide notice of conditional use permit applications to the District Advisory Committee. Written comments that the District Advisory Committee elects to provide on an application in regards to the suitability or availability of parking shall be construed by the City decision making authority as expert testimony.
- C. All agreements for payment of fees in lieu of parking between the City and existing businesses within the District shall terminate as of July 1, 2012.
- D. City shall provide a final invoice to each existing business with a balance due for payment of incurred fees in lieu of parking, prior to July 1, 2012. Notwithstanding the termination of any agreement as set forth in subsection (b) above, the City reserves the right to collect all sums due to the City as reflected on the invoice.
- E. For new development, redevelopment or building expansions that generate a demand for more than five (5) new off-street parking spaces, such off-street parking spaces shall be provided in accordance with applicable provisions of the Newport Zoning Ordinance. The City shall determine the amount of off-street parking a business must provide.

Section 9: City Approval Required: City approval is required for economic improvements within public rights-of-way.

Section 10: Exemptions. The provisions of this Ordinance shall not apply to the following:

- A. Residential real property or any portion of a structure used primarily for residential purposes; or

- B. Businesses operated on an occasional basis for not more than one or two days per week or one month a year.
- C. Persons mooring boats at Port of Newport facilities, as their contribution is covered by the Port's annual payments to the District pursuant to the Intergovernmental Agreement referenced under Section 4(a) of this ordinance.

Section 11: Duration. The District shall be in effect for five (5) consecutive years, commencing upon the effective date of this ordinance. Council may extend the duration of the District, after following the public notice procedure outlined in ORS 223.147. In the event the District is not renewed, then payment in lieu of parking shall apply to the extent provided for in the Newport Zoning Ordinance in effect at the time the District is dissolved.

Section 12: Severability. The sections of this ordinance are severable. The invalidity of a section or part of a section shall not affect the validity of the remaining sections or parts of sections.

Section 13: Effective Date: This ordinance shall take effect 30 days after passage.

Date adopted on initial vote and read by title only: September 19, 2011.

Date adopted on final roll call vote: October 3, 2011.

Signed by the Mayor on 10-14, 2011.



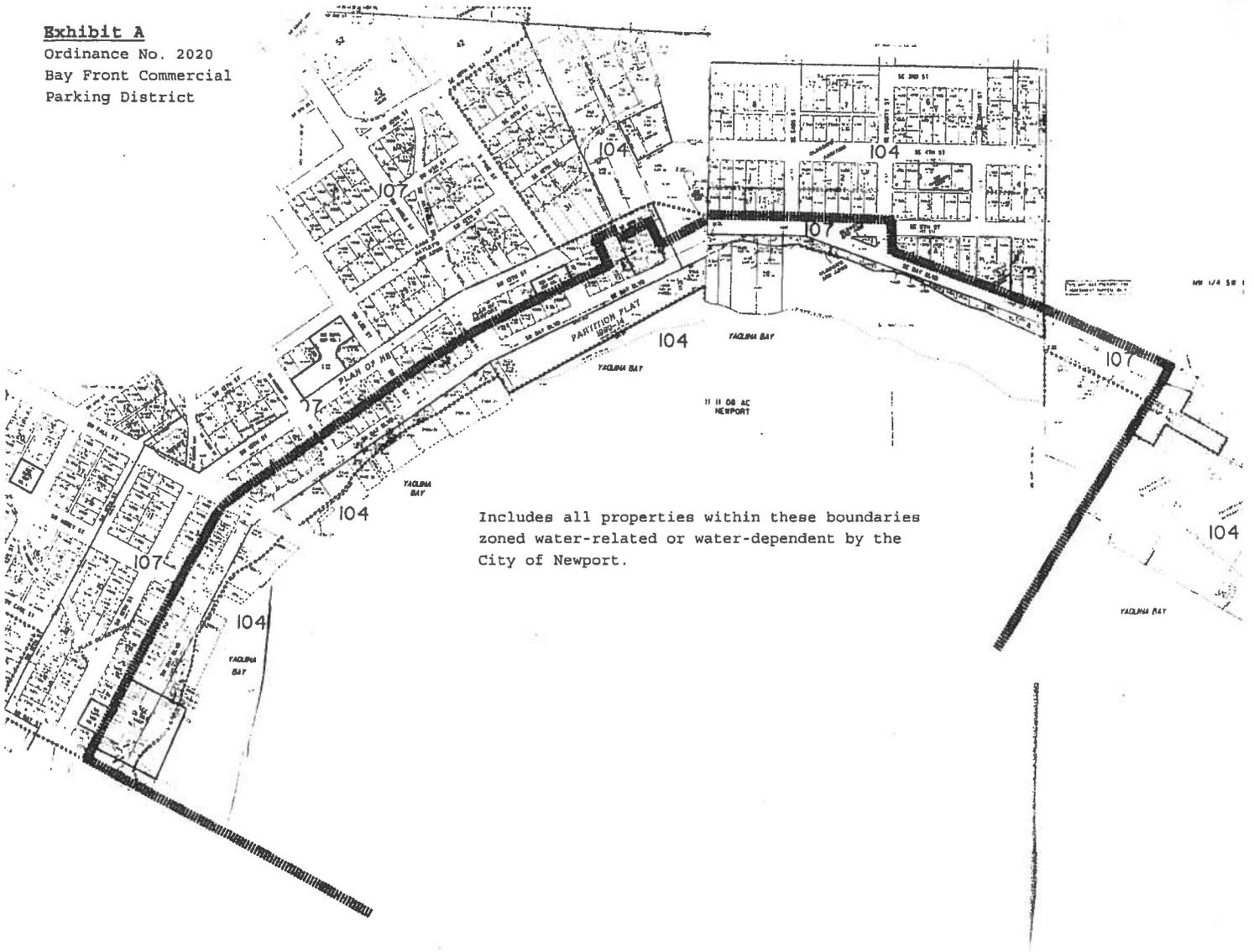
Mark McConnell, Mayor

ATTEST:



Margaret M. Hawker, City Recorder

Exhibit A
Ordinance No. 2020
Bay Front Commercial
Parking District



Includes all properties within these boundaries zoned water-related or water-dependent by the City of Newport.

PLANNING STAFF REPORT

Case File No. 3-CUP-15

- A. **APPLICANT:** Anthony Hauser (Hauser Investment Properties I, LLC, property owner).
- B. **REQUEST:** Approval per Chapter 14.25.020(E) "Bed and Breakfast and Vacation Rental Facilities – General Provisions" of the Newport Municipal Code (NMC) for a conditional use permit for approval of a vacation rental in a residence where the requirements of NMC 14.25.050 for off-street parking spaces cannot be met.
- C. **LOCATION:** 619 NW Alpine St
- D. **LEGAL DESCRIPTION:** Lincoln County Assessor's Tax Map 11-11-05-CC, Tax Lot 6300.
- E. **LOT SIZE:** Approximately 2,800 sq. ft. per Lincoln County Tax Assessor records.
- F. **STAFF REPORT**
1. **REPORT OF FACT**
- a. **Plan Designation:** Commercial
- b. **Zone Designation:** C-2/"Tourist Commercial" (Nye Beach Design Review Overlay District).
- c. **Surrounding Land Uses:** Uses include tourist commercial and single-family and multi-family residential uses.
- d. **Topography and Vegetation:** The site is flat and on the edge of the bluff.
- e. **Existing Structures:** A residence built in 1922.
- f. **Utilities:** All are available to the site.
- g. **Development Constraints:** Bluff erosion hazard.
- h. **Past Land Use Actions:** None known.
- i. **Notification:** Notification to surrounding property owners and to city departments/public agencies was mailed on April 27, 2015; and the notice of public hearing was published in the Newport News-Times on May 15, 2015.

j. **Attachments:**

- Attachment "A" – Applicant's Written Findings of Fact
- Attachment "A-1" – Applicant's Exhibit 'A' (aerial map)
- Attachment "A-2" – Applicant's Exhibit 'B' (Sanborn fire map)
- Attachment "A-3" – Site Plan
- Attachment "A-4" – Building Photograph
- Attachment "B" – Public Hearing Notice
- Attachment "C" – Assessment Map of the Property
- Attachment "D" – Zoning Map of the Area

2. **Explanation of the Request:** Pursuant to Chapter 14.25.020(E)/"Bed and Breakfast and Vacation Rental Facilities – General Provisions" of the Newport Municipal Code (NMC), if one or more of the standards required under Section 14.25.050 cannot be met, an owner may seek approval of a vacation rental or bed and breakfast use as a Conditional Use, pursuant to 14.34.010. A Conditional Use Permit may allow relief from one or more of the endorsement standards of 14.25.050, but does not excuse the general endorsement requirements of 14.25.010. With this application, the applicant is seeking approval of a conditional use permit because the existing residence (built in 1922) does not meet the requirements for one off-street parking space per bedroom.

The applicant explains that they bought the property to use the existing residence for a vacation rental in addition to personal use. The adjoining road right-of-way for Alpine Street is labeled on Lincoln County Tax Assessment maps as "Dedication Uncertain." This is a very old part of town that was developed in the late 1800s and early 1900s, and the actual location of the right-of-way in relation to the property line is in question. Two of the nearby houses extend significantly into the mapped right-of-way. The other two houses (including 619 NW Alpine) have been using a portion of the right-of-way for parking. Applicant's Exhibit 'B,' which is a Sanborn fire map from the years 1931-1934, shows the property line approximately 20 feet east of where it is shown on Lincoln County Assessment Maps. This is an example of why the County Surveyor has labeled the right-of-way as "dedication uncertain." For the purpose of this conditional use permit, the applicant assumes the right-of-way depicted on the assessment maps is correct. With this conditional use permit, the applicant proposes to continue to use the 20 feet of right-of-way closest to their property for parking purposes. Considering that the subject parcel (619 NW Alpine St) is 35-feet wide, there is room to accommodate three vehicles. The current parking stall standard is 9 feet of width per vehicle, so at 35-feet the property can easily accommodate three vehicles.

3. **Evaluation of the Request:**

- a. **Comments:** All surrounding property owners and affected city departments and public utilities were notified on April 27, 2015. The notice was published in the Newport News-Times on May 15, 2015. No comments

have been received in response to these notices.

b. **Conditional Use Criteria (NMC Chapter 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. All public facilities are available and serve the site and existing residence.

The applicant's findings convey their belief that the public facilities can easily accommodate the request, since the request mirrors the activity over the last many decades.

Photographs provided by the applicant and an aerial image of the site establish that the residence is located in a developed residential/commercial area where public services are available. This constitutes substantial evidence that the Commission can rely upon to find that public facilities are sufficient to support the use.

Given the above, it is reasonable for the Planning Commission to find that the public facilities can adequately accommodate the use of the residence as a vacation rental.

(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 subject property is located within the Nye Beach Design Review Overlay zone. The

zoning is C-2 within the Nye Beach Design Review Overlay District. Vacation rentals are permitted in the C-2 zone; and the conditional use permit process is an avenue for those that are unable to meet all of the endorsement standards.

Lincoln County Assessment records confirm that the residence was built in 1922. This predates establishment of the Nye Beach Design Review Overlay. Further, the Overlay standards are tailored to ensure that new structures are designed to complement streetscape and design elements already present in the area. The standards are not applicable to a change in use of this nature.

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

- (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.

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 the proposed use does not have a greater impact than the current use since it will be used for parking, as has been the historical precedent.

A primary reason for the off-street parking requirement is to ensure that sufficient parking is available to persons renting a unit, and that available on-street spaces are not overtaxed such that adjoining homes and businesses are adversely impacted.

The applicant notes that the current area proposed for parking at 619 NW Alpine has been used for the purposes of parking for decades. The areas used for parking orient to the subject property and feed off of a dead-end street with very little traffic. The applicant asserts that less than ten cars per day travel in front of the house. The houses to the south and to the north are located 20 feet into the right-of-way, making it difficult for the section of right-of-way in front of the subject property to be used for anything other than parking. The current status quo for homes along this dead-end section of Alpine Street is to use the portions of the property located in the right-of-way as they have been doing in the past; which for 619 NW Alpine is parking. The property is zoned commercial, so parking in front of the property would be an expected

outcome. The applicant included a photo of the front area of the house and an aerial photograph that demonstrates the area will provide sufficient parking. Given the above, it is reasonable for the Planning Commission to find that this criterion has been satisfied.

- (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.

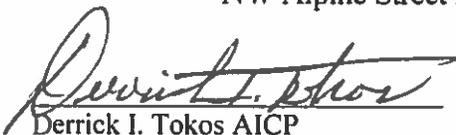
The application is for relief to the parking requirement for an existing structure and not for a proposed building or building modifications.

Given the above, it is reasonable for the Planning Commission to find that the use of the dwelling as a vacation rental 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 convert an existing residence to a vacation rental dwelling 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. The applicant/owner shall make application for an endorsement for a vacation rental pursuant to NMC Chapter 14.25, and is subject to inspection by the Building Official or designee to determine conformance with basic health and safety elements and the endorsement standards of 14.25.050, except the requirements for parking outlined under NMC 14.25.050(C). For the purpose of NMC 14.25.050(C) the property at 619 NW Alpine Street is credited for having (3) parking spaces.



Derrick I. Tokos AICP
Community Development Director
City of Newport
May 15, 2015

Conditional Use Permit Application

619 NW Alpine St

I recently purchased the property located at 619 NW Alpine in Newport. I plan on using the property for a vacation rental in addition to personal use. I am seeking to use a portion of the adjacent right of way in order to satisfy the parking requirement for the vacation rental purposes.

As a background, the 600 block of NW Alpine is a very unique situation. The right of way is labeled as "Dedication Uncertain". This is a very old part of town that was developed in the late 1800's and the early 1900's, and the actual property lines are in question. As you can see from the aerial map labeled 'Exhibit A', there is a significant question as to the width of Alpine Street as it pertains to the lot lines on the West side of the street. Two of the houses on this street have a significant portion of the structure in the current right of way. The other two houses (including 619 NW Alpine) have been using this "dedication uncertain" part of the right of way as parking for many decades.

I have also included "Exhibit B", which is a Sanborn fire map from the years 1931-1934 (located in the archives at the Lincoln County Historical Society, which depicts the property line approximately 20 feet to the east of the survey line. In the end, the uncertainty of the street raises many issues as to whether the 20 feet in front of the current property line on the four houses on the west side of Alpine Street is truly right of way, or actually belongs to the property owners.

For the purposes of this conditional use permit, I will assume that the surveyor's right of way is correct in spite of their "uncertain" dedication. Hence, my proposed conditional use for the property is to continue to use the current 20 feet of right of way for parking for 619 Alpine across the 35 foot width of the property, accommodating 3 vehicles. The current standard is 9 feet wide per vehicle, so the property width of 35 feet easily accommodates the necessary 27 feet for 3 vehicles.

The following points outline the rationale for the conditional use to be allowed:

1. The current area proposed for parking at 619 Alpine has been used for the purposes of parking at 619 Alpine for decades. If you were to drive up the street, you would never park in this area, because it appears to be solely for this property.
2. It is a dead-end street with very little traffic. There are less than 10 cars per day traveling in front of the house.
3. The house to the South and to the North are located 20 feet into the right of way. Hence, there is only a 60 foot section of the right of way that would be theoretically be used, which serves no purpose for cars, bikes or pedestrians, as they would have to detour off of the already improved road for that 60 foot stretch. In addition, there is a power pole right in the middle of that area.
4. After speaking with Lincoln County Surveyors, the uncertain dedication as indicated by the surveyor is a telling point that they are not convinced as to the actual property boundary. In fact, the house directly to the south at 802 Coast was built in the 1910's, and about 80% of the house is located in the right of way. Hence, the current status quo for the street is that residents continue to use the portions of the property located in the right of way as they have been doing for the past. Which, for 619 Alpine, is parking.
5. Satellite Ortho pictures on the surveyors site back to 2003 (the first ones recorded), show evidence of owner parking in the proposed area.
6. The property is zoned commercial, so parking in front of the property would be an expected outcome.

I have included a site plan for the proposed use of the parking. I have included an image of the front area of the house for looking at the front elevation. I have included an assessor map as well as a list of the property owners with 200 feet of the property.

As for the commercial activities of this property and a plan of business operation, it is quite simple. We will use the house at times for our personal use, as well as using it as a vacation rental. We will use a professionally managed organization like Vacasa or Oregon Beach Vacations rather than doing it ourselves.

As for item #7 in the application, we believe that the public facilities can easily accommodate the request, since the request mirrors the activity over the last many decades. The request complies with the requirements of the zone. The proposed use does not have a greater impact than the current use, since it will be used for parking, as has been the historical precedent.

In conclusion, the proposed conditional use mirrors the current use, and should be granted.

Regards,

Anthony Hauser

Owner, Hauser Investment Properties I, LLC.

619 Alpine

Exhibit A



ATTACHMENT "A-1"
File No. 3-CUP-15
Applicant's Exhibit 'A'
(aerial map)



Printed 01/27/2015

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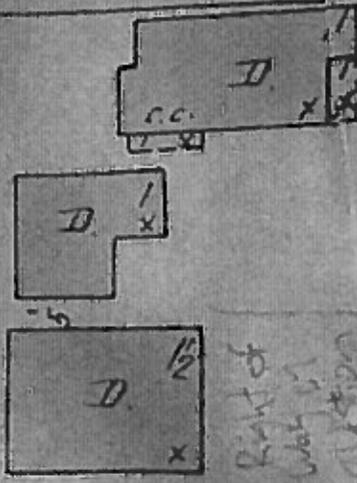
Exhibit B

CALIF.

TOR LINE OF

619 Alpine

150



Right of Way
Question

4" W.P.

70

D.H.

ALPINE

OCEAN VIEW HOTEL

Lodgings
ST. CH. X

STEPS
520

2

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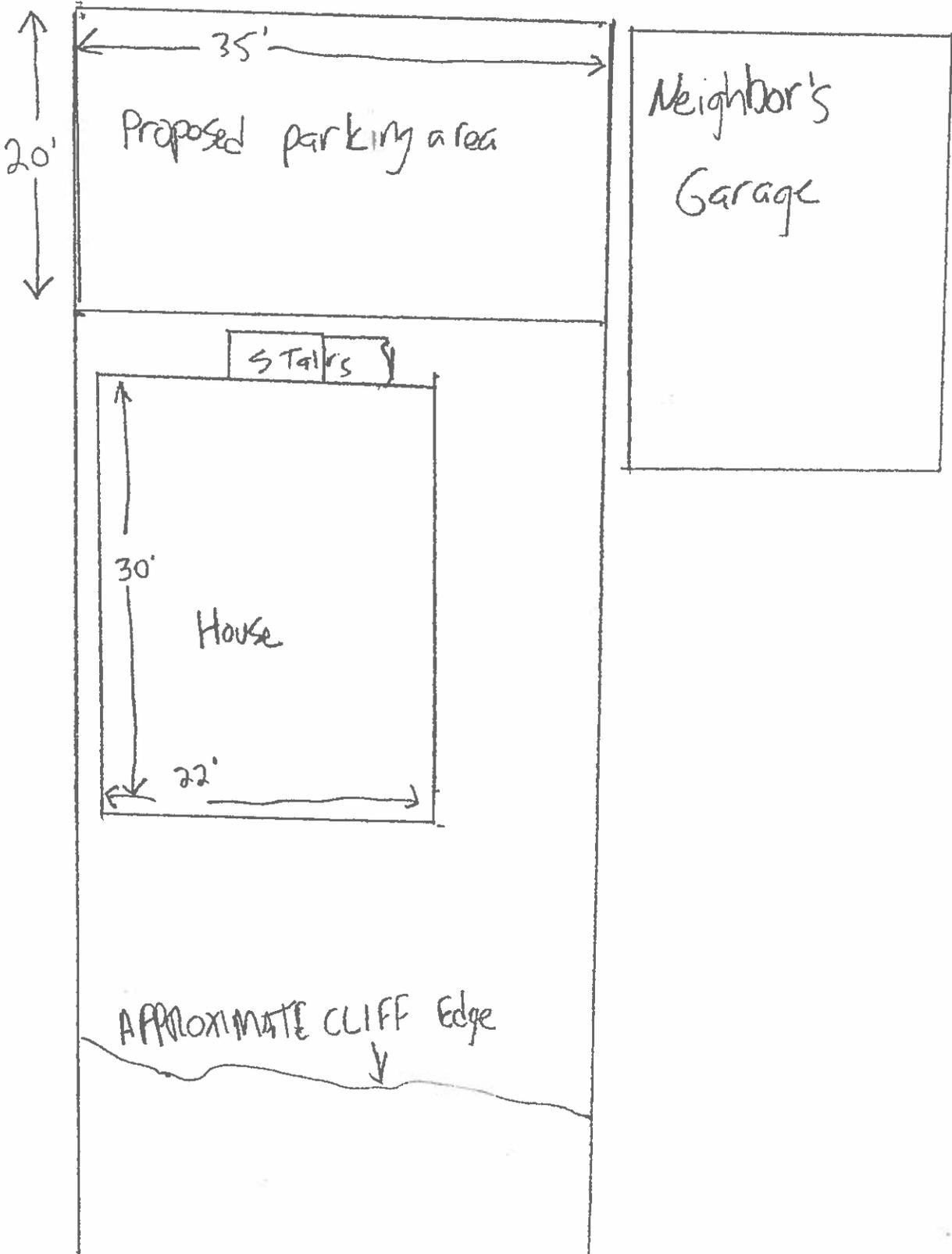
28

↑
East

619 Alpine site plan

1" = 10'

ATTACHMENT "A-3"
File No. 3-CUP-15
Site Plan



Building Elevation

ATTACHMENT "A-4"
File No. 3-CUP-15
Building Photograph



CITY OF NEWPORT
PUBLIC NOTICE¹

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. 3-CUP-15:

Applicants & Owners: Anthony Hauser, 1705 N 22nd St, Boise, ID 83702 (Hauser Investment Properties I, LLC, property owner).

Request: Approval of a request per Chapter 14.25.020(E) "Bed and Breakfast and Vacation Rental Facilities – General Provisions" of the Newport Municipal Code (NMC), for a conditional use permit for approval of a vacation rental in a residence where the requirements per NMC 14.25.050 for off-street parking spaces cannot be met.

Location/Subject Property: 619 NW Alpine St. (Assessor's Map 11-11-05-CC; Tax Lot 6300).

Applicable Criteria: NMC Chapter 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 area 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").

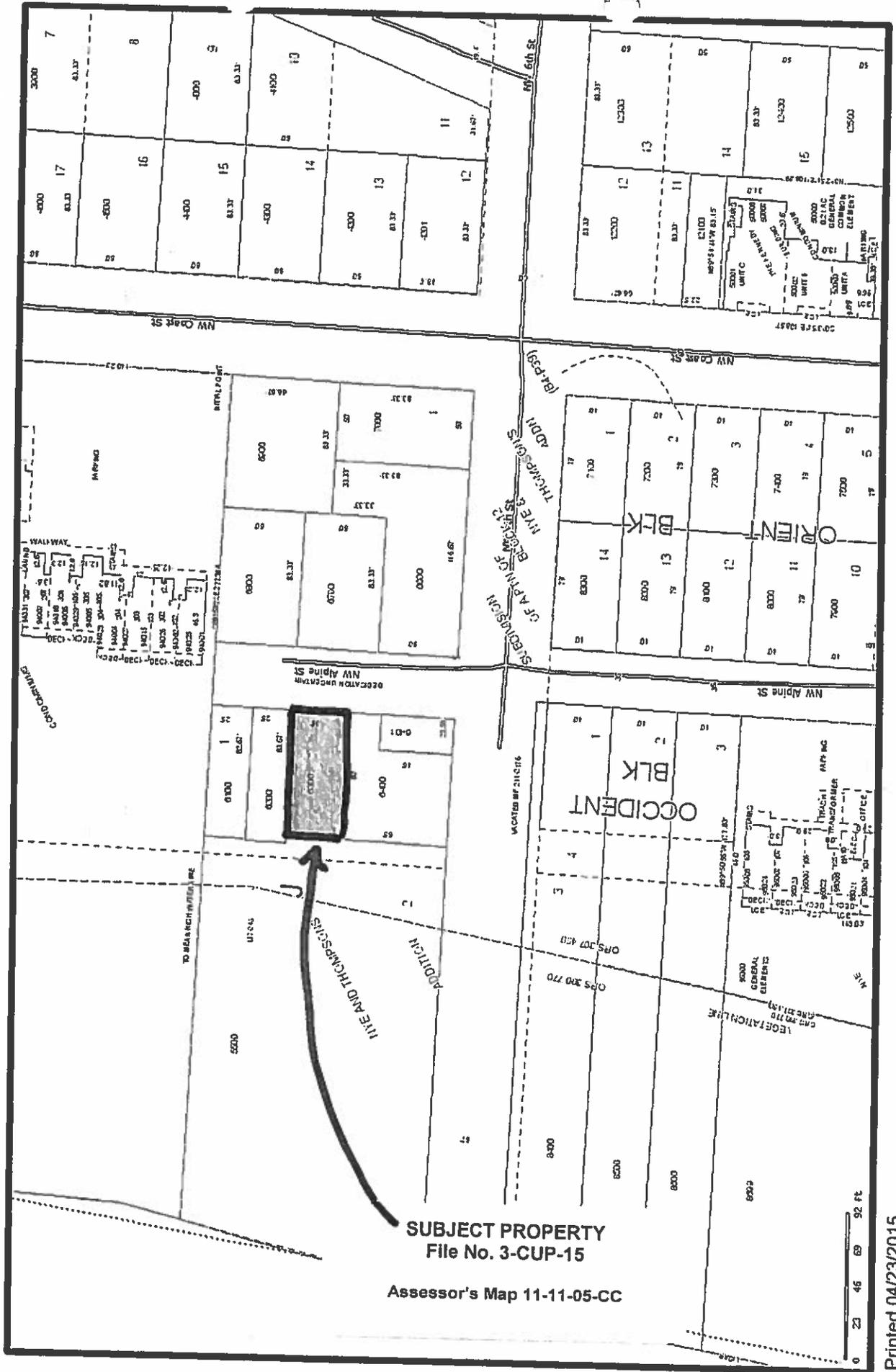
Time/Place of Hearing: **Tuesday** (due to the Monday holiday), May 26, 2015; 7:00 p.m.; City Hall Council Chambers (address above in "Reports/Application Material").

MAILED: April 27, 2015.

PUBLISHED: Friday, May 15, 2015/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 utilities within Lincoln County; and (3) affected city departments.

Map



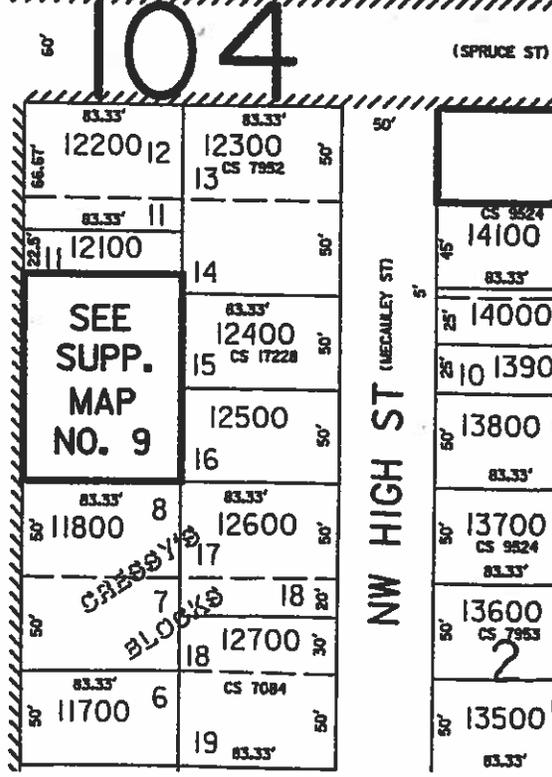
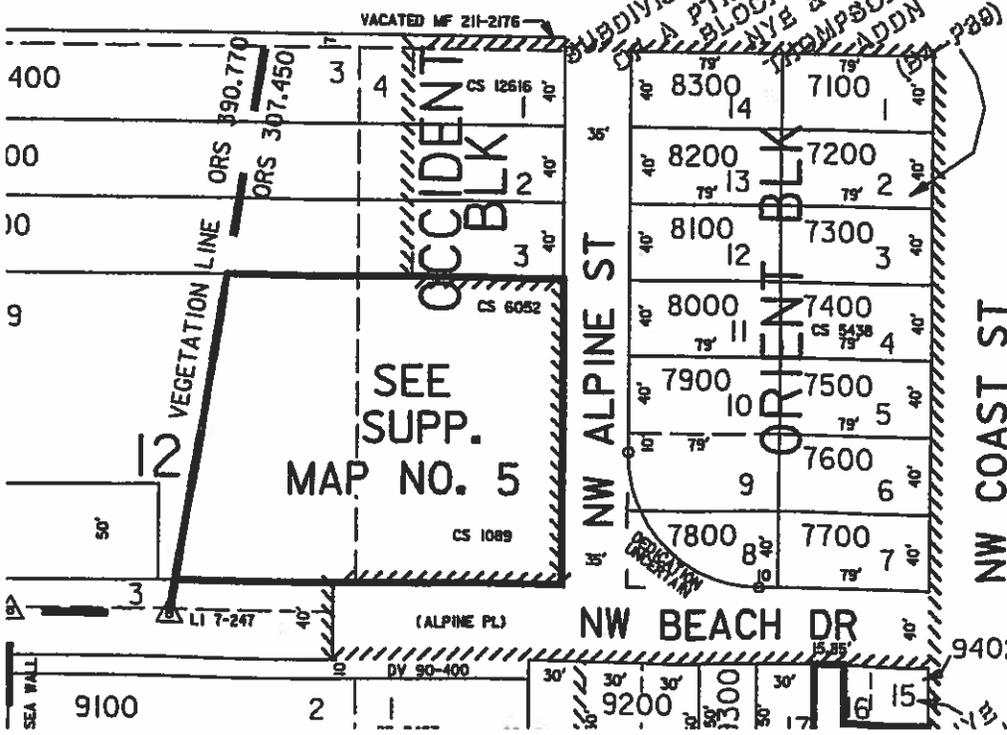
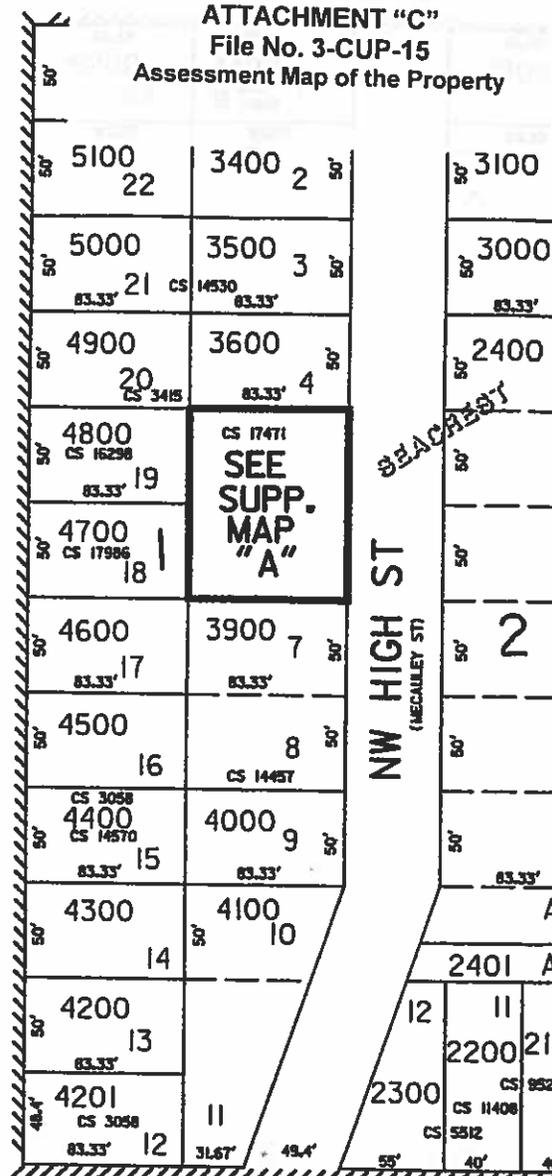
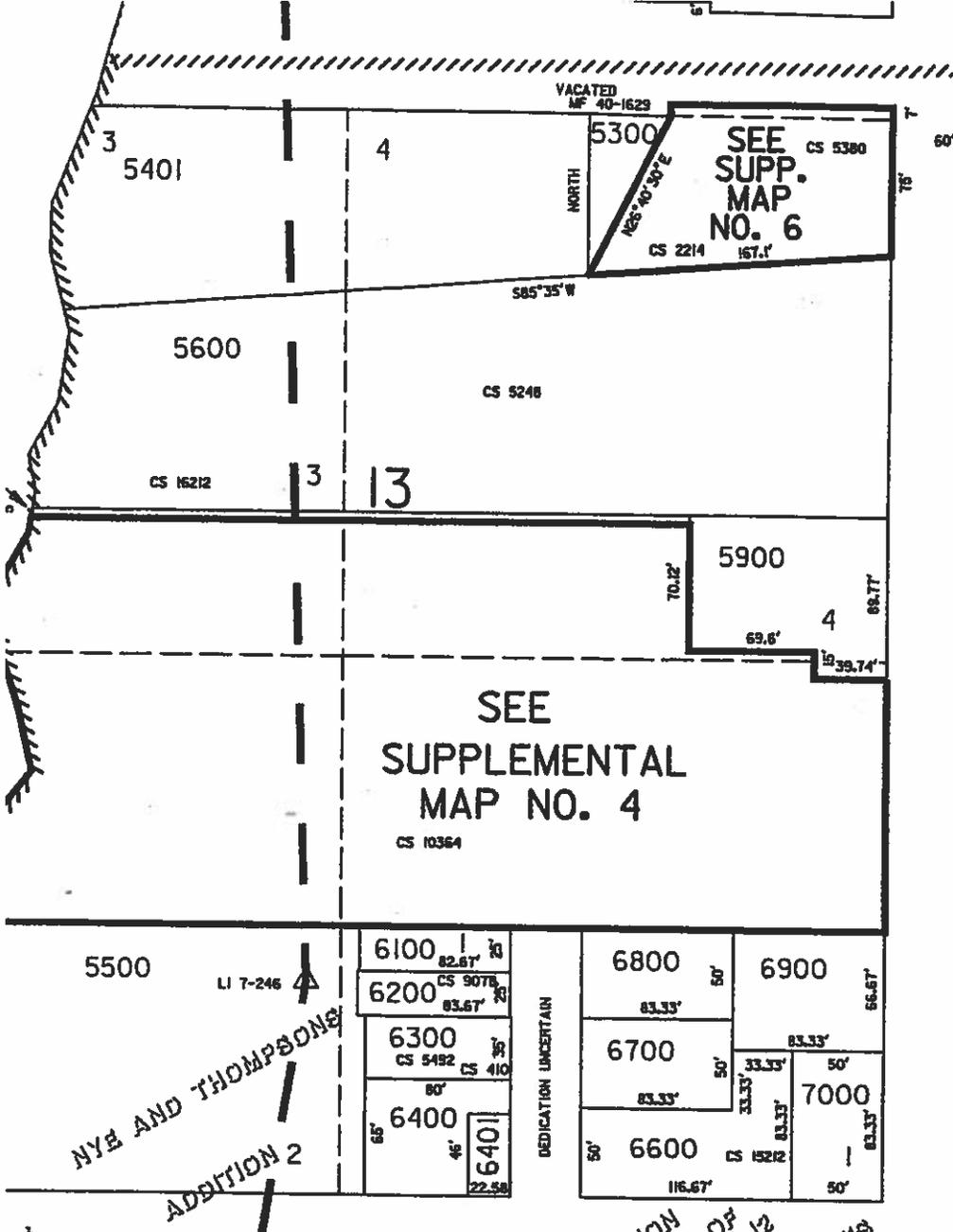
Printed 04/23/2015

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NW 8TH ST

ATTACHMENT "C"
File No. 3-CUP-15
Assessment Map of the Property



PLANNING STAFF REPORT

1. **APPLICANT:** Bonnie Serkin (Landwaves, Inc.) (Elizabeth Decker/JET Planning, authorized representative) (Landwaves and Emery Investments, property owners).
2. **REQUEST:** Approval of amendments to the Preliminary Development Plan, Final Development Plan and Tentative Subdivision Plat for Phase 1 of Wilder. The proposals accomplish the following:
 - A. Adjusts the zoning district boundary between R-3 Multi-Family Residential and C-1 Commercial zones to expand commercial area along the full length of College Way.
 - B. Expands the range of allowed uses in the C-1 zoned Village Center area to include retail sales and services, offices, lodging, community services like churches, educational institutions, and day care.
 - C. Allows a variance to the Zoning Ordinance satellite and shared parking regulations to permit future shared parking arrangements between Village Center users and the Oregon Coast Community College.
 - D. Adjusts range of development anticipated in the preliminary and final development plans to reflect completed build-out, current market conditions, and revised predictions.
 - E. Allows for Accessory Dwelling Units (ADUs) in Phases 2-4 subject to conditions approved by Newport Planning Commission.
 - F. Expands the Final Development Plan to include Phases 2-4.
 - G. Updates street names and cross-sections to serve planned development in Phases 2-4.
 - H. Establishes new street cross-sections by amending the "Kit of Parts."
 - I. Creates a new residential development type, micro-cottages, as part of the "Kit of Parts."
3. **LOCATION:** The subject property is located in the South Beach neighborhood directly east and northeast of Mike Miller Park and is accessed from US 101 at SE 40th Street.
4. **LOT SIZE:** Approximately 62 acres, including Tax Lots 100 and 103 of Assessor's Map 11-11-20 (Parcels 1 and 2, Partition Plat 2015-01) and the Plat for Wilder Phase 1, Book 18 Page 46.
5. **STAFF REPORT**
 - A. **REPORT OF FACTS**
 - i. **Plan Designation:** Commercial, High Density Residential, and Low Density Residential.
 - ii. **Zone Designation:** R-2/"Medium Density Single-Family Residential," R-3/"Medium Density Multi-Family Residential," and C-1/"Retail and Service Commercial."

- iii. **Surrounding Land Uses:** The South Beach neighborhood contains a mix of public, commercial, water-dependent and water-related, industrial and residential uses. Land uses in the area near the subject property include a mix of developed and undeveloped industrial land, residential zoning that allows for single-family and multi-family uses, a trailer park, a mix of commercial uses, the Central Lincoln PUD warehousing and substation facility, and public uses such as the Oregon Coast Community College (OCCC) Campus, Mike Miller Park and the Newport Waste Water Treatment facility.
- iv. **Topography and Vegetation:** The subject property contains a mix of level and moderately steep sloped property. The site is forested except where land has been cleared for development.
- v. **Existing Structures:** The initial subdivision plat of 40 lots is substantially developed with a range of residential housing types and the public park and playground area included with that phase has been completed.
- vi. **Utilities:** Infrastructure to serve the 40 unit residential development is complete, including SE 40th Street/SE Harborton Street (a collector roadway that provides access to the Wilder planned development) and associated local street, water, and sewer infrastructure from Highway 101 to the Village Center and the OCCC campus site. Street lights have also been installed along SE 40th Street/Harborton Street.
- vii. **Development Constraints:** Portions of the property contain moderately steep slopes. There are also isolated pockets of wetlands, the locations of which have been delineated by the property owner.
- viii. **Past Land Use Actions:**

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

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

File No. 1-PD-10/2-PD-10/1-SUB-10. Modified the plans approved in File No. 5-PD-09/6-PD-09/3-SUB-09 by (1) modifying setbacks, (2) revising lot coverage standards, (3) adjusting lot size and densities for commercial and residential uses, (4) updating street, tract and housing category names, and (5) updating the subdivision lot configurations. The number of multi-family units was increased

from a maximum of 120 to 150, bringing the total for all Phase 1 dwelling units to 383. The maximum commercial square footage was increased from 25,000 square feet to 36,000 square feet. Amendments were adopted by final order on June 28, 2010.

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

File No. 1-PD-09/2-PD-09/3-PD-09/1-SUB-09. Modified the preliminary planned development plan to adjust land use designations consistent with Comprehensive Plan and Zoning Map amendments, revised the preliminary plan due to site conditions, and removed a portion of property that was being transferred to an abutting residential property owner; modified the final planned development plan to reflect Comprehensive Plan and Zoning Map amendments and adjusted the boundary and size of the OCCC site; approved the final planned development plan for a portion of Phase 1; and tentative subdivision plan for a portion of Phase 1. Amendments were adopted by Final Order on March 30, 2009.

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

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

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

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

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

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

- ix. **Notice:** Public notice of the application and public hearing was mailed to surrounding property owners within 200 feet of the subject property and public entities and agencies on April 30, 2015. Notice of the public hearing was also published in the Newport News-Times on May 15, 2015.
- x. **Pre-application Meeting:** An initial pre-application meeting between the applicant and city staff was held on January 12, 2009.
- xi. **Planning Staff Report Attachments:**

Attachment "A" – Applicant’s Narrative, prepared by JET Planning, revised May 20, 2015 with Appendices A through J, summarized as follows:

- Appendix A – Application Form
- Appendix B – Assessor’s Tax Map
- Appendix C – List of Property Owners within Notification Area
- Appendix D – Preliminary Title Report
- Appendix E – Written Letters from Utility Providers
- Appendix F – Preliminary Development Plan
- Appendix G – Final Development Plan (reduced set)
- Appendix H – Kit of Parts
- Appendix I – Wilder Conditions/Covenants/Restrictions (excerpted)
- Appendix J – Reciprocal Easement Agreement between Landwaves and the Oregon Coast Community College

Attachment "B" – Wilder Community Master Development Plan Set, prepared by 2G Associates and JET Planning, revised May 20, 2015 (19 sheets, scaled drawings).

Attachment "C" – Notice of Public Hearing and Map

Attachment "D" – Staff Completeness Review Letter, dated April 20, 2015

Attachment "E" – Email Exchange between Community Development Director Derrick Tokos and Elizabeth Decker with JET Planning Regarding the Revised Application Materials (dated May 19th and May 20th)

- B. **Explanation of the Request:** The applicant, Landwaves, Inc., requests approval of modifications to the development applications approved by the City of Newport Planning Commission (case file #1-PD-07, modified in #1-PD-09, #5-PD-09, #1-PD-10, #3-PD-10, #1-PD-14, #2-PD-14) in order to adjust the anticipated range of development and relative numbers of various residential density types, expand the range of allowed uses in the Village Center commercial area, rezone a portion of the Village Center from R-3 Multifamily to C-1 Commercial, and adjust lot patterns and circulation for residential phases. Major modifications are proposed to the Preliminary Development Plan for Phase 1 of Wilder and the Final Development Plan for portions of Phase 1 of Wilder, as well as modification of the Tentative Subdivision Plat for Phase 1 of Wilder (case file #3-SUB-09, modified in #1-SUB-10). These requested changes further the applicant’s goal of creating a sustainable, vibrant, mixed-use planned development within Phase 1 of the Wilder Community Master Plan site.

The total site for Phase 1 of Wilder is approximately 62 acres in size, including lots that have already been final platted, dedicated parks and open space, and right-of-way. This application affects Tax Lots 100 and 103 of Assessor's Tax Map 11-11-20 consisting of approximately 41.24 acres. The site is located in the South Beach neighborhood directly east of Mike Miller Park and south of 40th Street on land zoned R-2, R-3 and C-1. Full build-out of Phase 1 of Wilder will include four different sizes of single-family lots, cottage clusters, flex lots (suitable for row houses, duplexes and micro-cottages), multifamily units, and commercial development.

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

Pursuant to Newport Municipal Code (NMC) Section 14.35.110/"Procedure for Modification of a Preliminary Development Plan," any change that results in a broader range of uses being permitted, materially affects future street or utility plans, or changes the character of the development is considered a major change requiring approval by the Planning Commission following a public hearing.

NMC Section 14.35.110(D), sets forth that the Planning Commission may approve, disapprove, modify or attach reasonable conditions it finds are necessary to satisfy the approval criteria for a Planned Development.

C. **Evaluation of the Request:**

- i. **Comments:** Notice of the request was mailed on April 30, 2015, to affected property owners and various City departments, public/private utilities and agencies within Lincoln County, and other individuals. As of May 22, 2015, no comments have been received from any of the affected parties.
- ii. **Applicable Criteria:** Major changes to approved preliminary and final development plans must satisfy the same standards that would apply to a new application (NMC 14.35.110(D)). Criteria for approval of a Preliminary Development Plan are listed in NMC Sections 14.35.020, 14.35.030, and 14.35.070 and criteria for Final Development Plans are listed in Section 14.35.100. Additionally, the criteria for tentative subdivision plat approval must be satisfied. Those standards are listed in Chapter 13.05 of the Newport Municipal Code.
- iii. **Compliance with NMC Section 14.35.020, Permitted Uses.** *An approved Planned Development Permit may only include those uses permitted outright or conditionally in the underlying district...*
The applicant proposes uses permitted both outright and conditionally. In the C-1 commercial zone, the applicant proposes the following uses, as defined by the Newport Municipal Code:
 - Retail sales and services, excluding bulk retail
 - Community services, including churches
 - Hotels
 - Offices

- Educational institutions
- Day care facilities
- Housing over commercial including live-work units

The applicant proposes single-family and two-family residential uses in the R-2 zone, and single-family, two-family and multifamily uses in the R-3 zone.

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

All of the listed uses are permitted outright or conditionally in the listed zoning districts.

iv. **Compliance with NMC 14.35.030, Accessory Uses in Planned Development.**

In addition to the accessory uses typical for the primary or conditional uses authorized, accessory uses approved as part of a planned development may include the following uses:

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

Accessory Dwelling Units (ADUs) on Village, Classic, Grand, and Edge lots were previously approved in #3-PD-10 for Wilder Phase 1, and the applicant proposes ADUs on Village, Classic, Grand and Edge lots in Phases 2D, 3 and 4 consistent with the earlier conditions of approval established in #3-PD-10. No other accessory uses are proposed other than those customary for the primary and conditional uses.

v. **Compliance with NMC Section 14.35.070, Criteria for Approval of a Preliminary Development Plan.**

The criteria for modifying a preliminary development plan have been addressed as follows:

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

Wilder Phase 1 is 62 acres in size, exceeding the 2 acre minimum site size for a planned development.

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

The applicant previously received approval for modifications to the minimum lot area, minimum lot widths, and setbacks required for lots within the R-2, R-3, and C-1 zoning districts for each development type. See pages 10-12 (Attachment "A") for approved dimensional standards. No further modifications are requested with this application.

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

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

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

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

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

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

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

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

The applicant has previously received approval for three-story buildings that are up to 45-feet in height in the R-3 District. No other building height modifications are proposed.

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

The building coverage in the Preliminary Planned Development shall not exceed the maximum allowed in the zones and will be significantly less than the maximum allowed coverage, as follows:

Zone	Percentage Building Coverage Maximum Allowed	Estimated Percentage Building Coverage Proposed
R-2	57%	15-20%
R-3	60%	15-20%
C-1	85-90%	25-30%

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

In their narrative, the applicant notes that they are not seeking to increase the density above what is permitted in the zone. The total units proposed for Phase 1 of Wilder in the preliminary development plan is 172-345 units on 54.6 gross acres of land zoned R2 and R3, or an average density of 3.2 to 6.3 units per acre.

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

open space; (4) The development schedule that is part of the development plan coordinates the improvement of the common open space and the construction of buildings and other structures in the common open space with the construction of residential dwellings in the planned development; and (5) If buildings, structures, or other improvements are to be made in the common open space, the developer shall provide a bond or other adequate assurance that the buildings, structures, and improvements will be completed. The City Manager shall release the bond or other assurances when the buildings, structures, and other improvements have been completed according to the development plan.

The applicant points out that they completed recreation improvements in Tract "A" and Tract "B" of Wilder Phase 1 to create Wilder Twin Park and trail connections to Mike Miller Park, both dedicated to the public. With this application, the applicant will create Tract "G" which is an open space parcel that extends the existing trails from Mike Miller Park Tract "B" and Wilder Twin Park north to Harborton Street, and Tract "H" which provides a pedestrian and bicycle connection between Phase 3 and Wilder Twin Park. Both tracts will be dedicated to the City; Tract "H" will be dedicated with Phase 3 and Tract "G" will be dedicated with Phase 4.

These tracts are designed and configured to accommodate the trail connections shown on the plans. The trails create a pedestrian amenity that enhances the development and establish connectivity between residential areas that would not otherwise exist given the layout of the residential phases. This criterion calls for construction of the trails to be coordinated with the residential development that they will serve and it would be reasonable for the Planning Commission to impose a condition requiring the developer to construct the improvements in accordance with the phasing schedule that they have outlined.

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

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

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

- Create a vibrant Village Center that will provide commercial, office, and higher density residential uses to serve the residential population, support the OCCC campus, and create jobs for local residents.
- Graduate residential density outward from the Village Center to create an appropriate transition to the lower density areas of the site.
- Provide for a variety of housing types to accommodate different needs, incomes, and a sense of place and community.
- Design and construct to sustainable standards to lessen the impact to the natural environment and to reduce long term operational costs.
- Develop a transportation system that accommodates multiple-modes of transportation to encourage walking, bike riding, etc., and reduce energy use.
- Provide for an extensive network of open space and parks, including walking and biking trails, throughout the site.
- Protect and provide for management of significant natural resource areas on site, including wetlands, streams, and natural vegetation, by clustering development on buildable portions of the site.

In Phase 4, the proposed wetland alternative would preserve an existing wetland in the backyards of Lots 15-22. In addition to City regulations protecting the wetland, approved CC&Rs for Wilder prohibit future owners from altering the lot drainage, filling any drainage area, diverting surface water runoff, or altering the landscaping (See Sections 3.2 and 6.5, Appendix I, Attachment "A"). In the event that the applicant elects the mitigation alternative, the wetland would be filled and mitigated consistent with all applicable City and state regulations.

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

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

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

The major infrastructure necessary to serve the overall Phase 1 site identified in the previously approved plans has already been constructed. This includes the Collector roadway facilities, 40th Street and Harborton Street, from Highway 101 to College Way. College Way has also been constructed between Harborton Street and the College's main campus building. Major utility facilities, including water and sewer lines, have also been constructed within 40th Street, Harborton Street, and College Way to serve Phase 1 of Wilder.

As identified in the tentative subdivision plan, the infrastructure needs for the smaller neighborhood development areas within Phases 2-4 will be developed through a series of phases and micro-phases. These phases are also designed to insure that necessary public improvements are in place to serve each phase as it is developed. This includes construction of local streets and utilities to serve each lot within the phase. This phasing is necessary to allow flexibility to accommodate changing market conditions.

The Newport Public Works Department has provided preliminary feedback on the proposed utility plans and street alignments, but has not had an opportunity to review the May 20, 2015 revised set (Attachment "B"). The question before the Planning Commission is whether or not the planned development modifications will place a greater demand on public facilities and services than other authorized uses for the land. The applicant has provided a logical street network and program for extending utilities to the proposed lots that is not dissimilar to what might be proposed with a conventional subdivision outside of the context of a planned development. Therefore, it is reasonable for the Commission to conclude that this standard has been satisfied even though there may be a need for minor modifications to the utility and street layout.

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

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

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

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

As shown in the attached Final Development Plan/Tentative Subdivision Plan, the Final Development Plan (Attachment "B") land uses and street pattern

match the approved Preliminary Development Plan for the overall Phase 1 of Wilder as modified by the accompanying Preliminary Development Plan Major Modification. (See Appendix G, Attachment "A"). A change in the zoning district boundary between the R-3 and C-1 zone is proposed in the southwest corner of the Development Plan area. The proposed street system within the Final Development Plan area includes several local public streets and alleys that provide access from Harborton Street to the proposed residential and mixed-use development areas.

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

The Proposed Final Development Plan includes uses that are allowed in the Comprehensive Plan and is compatible with the adopted South Beach Neighborhood Plan. The location and level of public services necessary to serve the site were estimated and planned for in the South Beach Neighborhood Plan. Therefore, the proposal will not result in any additional demand on public services beyond what was planned for this site.

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

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

The major Collector roadway facilities that serve the development, 40th Street and Harborton Street, have already been constructed through the site from Highway 101 to College Way. Harborton Street will be extended south to serve Phase 2E and 2F with this development. As shown in the Final Development Plan/Tentative Subdivision Plan, various new public local streets will be extended from the Collector to serve the neighborhoods within the site consistent with the proposed circulation plan (Sheets 3-6, Appendix G, Attachment "A").

Major utility facilities, including water and sewer lines, have also already been constructed within 40th Street, Harborton Street, and College Way to serve Phase 1 of Wilder and the College campus. The applicant has prepared detailed utility plans that illustrate how these facilities will be further extended to serve development within the site (Sheets 15-18, Appendix G, Attachment "A"). Stormwater facilities will also be constructed on site to collect and treat run-off from impervious surfaces prior to being discharged to on-site drainage ways, with two alternatives proposed for Phase 4 to accommodate preservation or mitigation of an existing wetland.

As pointed out in the staff review of the May 20th submittal (Attachment "E"), the phasing plan provided for Phases 2B through 2D may be insufficient to ensure that adequate services will be available with each sub-phase. For example, the street infrastructure for Phase 2B relies upon what is being constructed with Phase 2A. Similarly, the streets in Phases 2C and 2D may need to be installed at the same time in order for the lots to have adequate access and that is provided the streets for Phases 2A and 2B are in place. The same concept applies to utility extensions, and the Commission may want to require the applicant to spell out the phasing in better detail in order to ensure the infrastructure will be adequate as each of the areas are brought online for development.

If the wetland in Phase 4 is not drained and is instead incorporated into the storm water management system then it should be placed into a tract under City ownership as opposed to an easement. This will ensure that the City can reasonably access and maintain the storm drainage utilities. The applicant has indicated that they are willing to add a note to Sheets 12 and 17 (Attachment "B") indicating that this is an option. The Commission may want to make it a requirement, and ask that the applicant provide a graphic detail showing how the tract would be configured before finding that this standard has been satisfied.

The applicant proposes "green alleys" as the primary access to flex lots in Phases 2C and 2D. It is unclear if the 20-foot rights-of-way, as configured, will be sufficient for emergency vehicle use or for use by the Public Works Department to perform routine maintenance. Minor changes may be required once the Public Works Department has an opportunity to review the May 20th submittal. The Kit of Parts "green alley" cross section calls for 2-feet of shy area (i.e. building setback) to either side of the street. It is likely that this additional 4-feet of clear area will be needed for emergency and maintenance vehicle access. Flex lots do not have a front or rear yard setback requirement and the building footprints included on the drawings are "conceptual only." Creating a custom setback for these two phases that the City enforces as each lot is developed adds an additional level of complexity to the development standards and creates an opportunity for error. The Commission may want to see this handled in a more uniform way, by seeing that the right-of-way is widened or that easements are put in place to prevent structures on the flex lots from being constructed within the shy areas.

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

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

Primary traffic access will be provided by two-lane Collector roadways, 40th Street and Harborton Street, and College Way. The Collector roadways have been constructed from US 101 east and south to College Way pursuant to prior approvals for the Planned Development, and Harborton will be extended south

from College Way to serve Phase 2E and 2F. These streets constitute the northern part of a loop road system that will ultimately connect to 50th Street on the south and then west to US 101. The remaining portion of the loop connecting to 50th Street will be constructed at full build-out of the Master Plan providing secondary access to the site. In the meantime, the southern part of the loop system has been constructed as a gravel access road for emergency vehicles and construction vehicles only.

Internal access will be provided along various residential roadways, woonerfs, and alleys. These local streets have been designed to ensure north-south connectivity along Ellis and Fleming Streets to provide a parallel alternative to Harborton Street. Local street access onto Harborton has been minimized, and occurs at 41st Circle to serve Phase 4, 42nd Place to serve Phase 3, and 46th Street to serve Phases 2B and 2C; access at 45th Street has been eliminated because it was unnecessary for the proposed residential alley serving Phases 2C and 2D.

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

The applicant points out in their narrative that the previously approved landscape plan demonstrates how the site will be landscaped in accordance with City standards. Sustainable native plantings have been used where appropriate throughout the site to blend with the natural landscape. Street trees and landscaped curb extensions are provided along all local streets. Landscape curb-extensions will double as stormwater planter swales that provide for a natural means to collect and treat run-off from the development.

The surface parking areas for commercial and apartment uses including Tracts "I" and "J" within the higher density Village Center area continue to be located behind or to the side of buildings, so that they are screened from adjacent public streets to the north, south, and east. The Village Center area abuts the Oregon Coast Community College campus, a non-residential use, to the west. The proposed buildings, proposed landscaping, and existing vegetation will provide a level of screening from the College campus.

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

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

The applicant points out that the surface parking areas within the Village Center area, which serve the apartments and mixed-use development, will be

located behind or to the side of buildings rather than between buildings and adjacent streets and off-site properties. This greatly limits noise and glare from vehicles and parking lot lighting relative to adjoining properties. Furthermore, there will not be any bright or noisy loading docks for large trucks, given the small-scale operation of the retail being proposed.

Since the commercial services provided within the Village Center will be neighborhood-oriented retail and services, signs will be limited to a pedestrian scale with minimal lighting. An attractive monument sign is also proposed at the site's entry at 40th Street and Harborton Street that will include enhanced landscaping and small walls.

The lower density residential areas within the northern end of the site are shielded from adjacent property to the west by a ravine and dense existing vegetation. Additionally, each lot will be fully landscaped, and street trees are provided along all streets, which reduce noise and glare throughout this area.

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

Artificial lighting used on site will be arranged and constructed to minimize direct glare on adjoining property. Low-impact pedestrian scale lighting will be used throughout the development and will be shielded where necessary. As noted above, surface parking areas and associated parking lot lighting within the Village Center area is oriented behind and to the side of buildings. This minimizes the amount of artificial lighting that will glare onto adjoining properties. Retail and monument signs will be pedestrian scale with limited lighting. The low-density northern portion of the development is buffered from adjacent property to the west by significant vegetation, which will reduce glare from lights within homes and along streets.

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

The applicant notes that the areas proposed within Final Development Plan are designed to be compatible with the overall Master Plan for the greater Wilder site, which extends beyond the limits of the current Preliminary Development Plan for Phase 1 of Wilder and the city limits, and includes off-site properties. The design features a pedestrian-oriented Village Center adjacent to the College that will be the hub of activity within the site. The lower density residential portions of the site are located farther from the Village Center and abut off-site low-density residentially zoned properties to the west. This graduated density provides an appropriate transition of land use intensities. Enhanced pedestrian connections link all uses within the Final Development Plan area.

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

As shown in the proposed development schedule (Page 15, Attachment "A"), the plan can be completed within a reasonable period with steady development planned over the next 10 years. The major public infrastructure necessary to serve the development, including 40th Street and Harborton Street to College Way, have already been constructed per the prior development approvals for the site.

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

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

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

The woonerf and green alley street sections proposed for Phases 2C and 2D are narrow and may not be adequate, as configured, for emergency and city maintenance vehicle use. Similarly, the cul-de-sac in Phase 3 may not be large enough for emergency vehicles to turn around. The applicant has indicated that they will remove on-street parking from the cul-de-sac (Attachment "E"). This may be enough to address the concern. The Public Works Department has turning radius information and the Commission should provide them with an opportunity to confirm that the streets will be adequate to serve this anticipated type of traffic.

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

The planned utilities that will serve the development are adequate and appropriate for the land use. Utilities, including water and sewer, have already been constructed through the Wilder site along 40th Street and Harborton

Street from Highway 101 to the OCCC campus. As shown in the proposed utility plans, water and sewer will be extended to serve the lots within the development (Sheets 15-18, Appendix G, Attachment "A"). Stormwater facilities are also proposed that will collect and treat run-off from impervious surfaces within the development before being discharged to on-site drainage ways.

As noted, City staff is concerned that storm drainage improvements in Phase 4 not be extended through the back of private residential lots as it is very difficult for the City to maintain such a system considering the types of improvements people invariably want to make to their properties. The applicant needs to provide a design alternative that ensures the City will be able to reasonably access and maintain the utilities. Also, the Public Works Department has only provided preliminary feedback on the utility layout and they may require additional, minor changes to the utility sheets once they have an opportunity to review the May 20th submittal.

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

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

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

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

- (n) NMC Section 14.35.100(N) *No building shall be erected in a planned development district except within an area contained in an approved Final Development Plan, and no construction shall be undertaken in that area except in compliance with the provisions of said plan. All features required in the Final Development Plan shall be installed and retained indefinitely or until approval has been received from the Planning Commission or Community Development Director for modification.*

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

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

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

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

An updated street circulation plan for Phase 1 of the Wilder Master Plan is provided as part of the concurrent Preliminary Planned Development Modification application. (See Appendix F, Circulation Diagram, and Appendix G, Attachment "A") The proposed circulation plan has been refined to accommodate grading, utilities, etc., as well as provide for enhanced pedestrian circulation.

The existing paved Harborton Street currently terminates south of College Way providing for the ultimate extension of that roadway with development of future phases. Harborton will be extended to the edge of Phase 1 of Wilder with development of Wilder Phases 2E and 2F proposed with this application.

College Way connects to the Oregon Coast Community College (OCCC) parcel to the west of Wilder and serves as the primary OCCC entrance. No additional OCCC development is forecast at this time, however, if OCCC were to propose additional campus development the necessitated a secondary access, the applicant would work with them to provide a connection from 44th Street, 46th Street, or other access, per the Reciprocal Easement Agreement signed by both parties. (See Appendix J, Attachment "A").

Natural features such as, steep topography, creeks, and wetlands, prevent any additional local street connections to surrounding parcels adjacent to the subdivision. SE 41st Court in Phase 4 is not proposed to connect to the west because of steep topography.

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

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

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

The applicant notes that the previously approved Planned Development application for the site included a “Kit of Parts” that identified typical neo-traditional street sections, including roadway and right-of-way widths, for each unique street type that could be located within the Master Plan site. The applicant is proposing to use the street sections from the approved and modified “Kit of Parts” within the proposed Subdivision. Minor changes to the Kit of Parts are proposed with this application to introduce variations to the existing Village Center Street and modify the Woonerf cross-section. (See Appendix H, Attachment "A".)

- Village Center Road – Section 2 is designed as a transition between single-family residential uses and the more intense uses of the Village Center. The cross-section includes traditional 6-foot-wide sidewalks for single-family residential, and an 8-foot-wide sidewalk for high-density residential on the other side of the street. Because no commercial uses with accompanying street activating uses like seating or sidewalk sales are proposed, the 10-foot sidewalks used elsewhere in the Village Center are not appropriate here. The cross-section also includes angled parking to increase the number of on-street spaces available for residents and visitors. Landscaping will be incorporated into triangular islands between parking spaces.
- Village Center Road – Section 3 is designed to connect single-family residential uses through high-density residential use to the commercial Village Center uses along the development’s perimeter shared with OCCC. The cross-section includes the same 8-foot-wide sidewalk and angled parking on the apartment side of the street for continuity, but is finished with a simple curb along the property line. If OCCC were to develop on the western side of the street, the street could be finished with

parallel parking and a sidewalk consistent with the full Village Center Road cross-section.

- The Woonerf cross-section modification introduces a variable width from 18 feet to 30 feet. The existing woonerf sections in Phase 1 are 22 feet wide. A wider width could be used to provide for on-street parallel parking and bio-swales, while preserving two-way traffic and fire access. The wider width would still retain a feeling of shared space that would tame the street for non-motorized traffic.

A circulation plan has also been provided that identifies where each street section occurs within the subdivision.

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

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

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

The applicant indicates that they are not proposing to extend any existing streets outside of Wilder through the development. Streets other than minor streets internal to Wilder will be extended in alignment with existing sections of roadway. The collector roadway that serves the development, identified as Harborton Street, has already been constructed through Phase 1 of Wilder south to College Way and will be extended in alignment to the property line of Phase 1 with development proposed with this application.

A slight offset is proposed for Fleming Street at the intersection with SE 44th Street to accommodate lot patterns, however, it is a minor street and thus this criterion does not apply. NMC 13.05.005.J.5 defines a minor street as "A street intended primarily for access to abutting properties," and NMC 13.05.015.B requires a 50-foot right-of-way and 36-foot paved width for a minor street. Fleming Street is proposed as a woonerf with a 30-foot cross-section, less than the minor street width, and only provides access to abutting residential properties, so it meets the definition of a minor street and is exempt from this standard.

- (e) NMC Section 13.05.015(E), Future Extensions of Streets. *Proposed streets within a land division shall be extended to the boundary of the land division. A turnaround if required by the Uniform Fire Code will be required to be provided. If the approval authority determines that it is not necessary to*

extend the streets to allow the future division of adjoining land in accordance with this chapter, then this requirement may be modified such that a proposed street does not have to be extended to the boundary of the land division.

As described above, the collector roadway that serves the site, identified as Harborton Street, has already been constructed through Phase 1 of the Wilder Master Plan site south to College Way and will be extended south to the boundary of the land division proposed in this application. The portion of the roadway south of the Phase 1 of Wilder boundary will be extended with future development to provide access and circulation to adjoining properties to the south when those properties are annexed to the City.

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

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

In conformance with this criterion, all proposed streets within the subdivision are designed to intersect at or near right angles.

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

This criterion is not applicable. The proposed subdivision does not include any half-street improvements. Harborton Street will be extended south of College Way to the edge of the property, and will be built in phases. The full travel lanes and western parking, landscaping and sidewalk will be built to serve Phases 2E and 2F, and the eastern parking, landscaping and sidewalk will be finished when the eastern portion of Wilder is developed. The Village Center Road – Section 3 cross-section proposed for Ellis Street between 46th

Street and College Way likewise proposes to delay sidewalk construction on the OCCC side of the property line until future development plans for the college are resolved.

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

Pedestrian connectivity is provided throughout Wilder. Streets within Wilder are designed according to the previously approved "Kit of Parts" which includes a variety of pedestrian treatments including sidewalks, shared space along woonerfs, and off-street multiuse pathways and trails.

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

One cul-de-sac is proposed for SE 42nd Street Place in Phase 3 that will serve nine dwelling units and will be less than 400 feet long. It will terminate in an Auto Court that will meet the turn-around standards established in the Uniform Fire Code. A pedestrian connection is provided in Tract "H" to connect the cul-de-sac south to Wilder Twin Park. The residential alley proposed for 45th Street will dead end at the western edge of Wilder, but the street length will be less than 100 feet and thus not require a fire turn-around.

As noted, the Public Works Department and Newport Fire Department have not confirmed that the turn-around is sufficient to meet Uniform Fire Code requirements. Minor modifications to the size of the turn-around may be required in order for this standard to be satisfied.

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

Street names in Wilder Phase 1 have been previously approved by the Planning Commission. Ellis, Fleming, and Geneva and Harborton Streets will continue through the development, and numbered streets will be named consistent with the established pattern in the city. A new street name is proposed in Phase 4, Dylan Circle, which is not used elsewhere in the city. The street names are identified on the plat. (Sheets 7-10, Appendix G, Attachment "A").

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

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

- (l) *NMC Section 13.05.015(L), Alleys. Alleys shall be provided in commercial and industrial districts. If other permanent provisions for access to off-street parking and loading facilities are provided, the approving authority is authorized to modify this provision if a determination is made that the other permanent provisions for access to off-street parking and loading facilities are adequate to assure such access. The corners of alley intersections shall have a radius of not less than 12 feet.*

Consistent with the neo-traditional "urban village" design of the Wilder Master Plan, the applicant has proposed a number of alleys within the subdivision. In accordance with this standard, the corners of all alley intersections have a minimum radius of 12 feet.

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

Within the non-residential portion of the subdivision in the Village Center, the proposed blocks are designed to provide adequate building area sites for the variety of building types included in the Master Plan within the framework of the steep topography found on the site.

- (n) *NMC Section 13.05.020(B), Block Size. No block shall be more than 1,000 feet in length between street corners. Modifications to this requirement may be made by the approving authority if the street is adjacent to an arterial street or the topography or the location of adjoining streets justifies the modification. A pedestrian or bicycle way may be required by easement or dedication by the approving authority to allow connectivity to a nearby or abutting street, park, school, or trail system to allow for efficient pedestrian*

and bicycle connectivity between areas if a block of greater than 1,000 feet if a modification is approved and the requested easement or dedication has a rational nexus to the proposed development and is roughly proportional to the impacts created by the proposed land division.

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

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

Easements for public and private utilities outside of the public right-of-way will be provided within the subdivision plat per the above requirements. Temporary public easements will be provided as necessary during construction for access to public facilities constructed through private property, for example, utilities installed across future phases that have not yet been dedicated. The applicant proposes to dedicate a drainage easement in Phase 4 if drainage is routed through the wetland on Lots 15-22. As noted, the City is concerned that limitations included in a drainage easement will not be strong enough to prevent adjoining owners from impeding the City's ability to reasonably access and maintain the drainage utilities. That is why it is important that the infrastructure be placed in a tract that is dedicated to the City for utility maintenance purposes.

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

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

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

Stormwater drains through the site in existing stormwater systems, roadside swales, and natural low spots in undeveloped areas. There are no significant water bodies or water courses identified within the Wilder site except for a small wetland in Phase 4. Where stormwater is conveyed through a tract or private property, an easement or drainage right-of-way will be provided as

required by this section. If the applicant elects to convey stormwater through the wetland on proposed Lots 15-22 in Phase 4, they have indicated that they are willing to provide a drainage easement to the City. A dedicated tract (i.e. right-of-way) is preferable to city staff for the reasons noted, and may be required in order for the City to accept responsibility for maintaining the infrastructure. The applicant may elect to mitigate the wetland and route the stormwater through right-of-way for proposed 41st Circle, in which case the issue is mute.

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

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

The Planned Development includes a variety of lot sizes that have been previously approved, which in some cases vary from the standard lot size provisions. No further modifications to lot sizes are proposed with this application. The lot sizes are appropriate for the anticipated range of residential and commercial uses as necessary to create the desired neo-traditional “village” design including a spectrum of residential development that contributes to sustainability and affordability within Wilder.

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

The proposed lots within the subdivision abut a street other than an alley for a width of at least 25 feet, with the exception of the previously approved and platted cottage cluster in Phase 1.

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

One through lot is proposed in Phase 2B for an apartment complex, which will front Harborton and also be served by Ellis Street along its western edge. The secondary frontage on Ellis Street is required because of the large lot size and to ensure north-south connectivity for vehicle and pedestrian circulation through the development. Additionally, there are four lots in Phase 4 (Lots 1,

2, 3, 14) that will have frontage along both Harborton Street and 41st Circle, however, there is a significant slope along the Harborton side of these lots that will effectively separate them from Harborton. These lots will face 41st Circle, be screened along Harborton with landscaping, and have no right of access to Harborton. There are lots in Phases 2C and 2D which have secondary access onto an alley, which do not qualify as through lots.

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

All of the proposed lot lines run at right angles to the street that they face or radial to the curve.

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

As noted earlier, the “green alley” cross-section proposed by the applicant imposes a 2-foot special setback or “shy area” to either side of the right-of-way. This special setback requirement will need to be illustrated on the plat.

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

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

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

No parcels contain than 50% steep ravines, streams, and wetlands, which will be incorporated into parks and open space tracts to allow for preservation and to create site amenities for the residents. Lots 15-22 in Phase 4 may include portions of a wetland under the wetland alternative drainage plan, but no more than 50% of any single lot will be designated wetland. (See Sheet 16, Appendix G, Attachment "A").

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

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

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

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

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

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

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

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

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

The applicant acknowledges that all underground work for utilities and stormwater must be completed prior to street surfacing, including stubs for future connections.

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

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

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

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

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

All streets within the subdivision will be improved to meet City standards for street construction. Street widths and pavement widths that vary from the 36-foot standard width have been previously approved in the “Kit of Parts” and will be used as appropriate throughout the subdivision. Minor amendments to the “Kit of Parts” are proposed with this application to meet the sustainability goals of the Planned Development without compromising circulation.

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

As illustrated in the utility plan, drainage facilities are proposed within the subdivision to connect the subdivision to drainage ways outside the subdivision in accordance with City standards. (Sheets 15-18, Appendix G,

Attachment "A"). The applicant proposes two drainage alternatives for Phase 4, the wetland and mitigation alternatives. (See Sheet 16, Appendix G, Attachment "A"). It is the applicant's view that both alternatives would provide adequate drainage.

The Public Works Department has provided preliminary comments on the proposed drainage system, but has not had an opportunity to review the May 20th submittal. Minor changes to the design may be required once the Department has completed its review.

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

As illustrated in the utility plan, sanitary sewers will be installed to serve each lot in accordance with standards adopted by the City. (See3 Sheets 15-18, See Appendix G, Attachment "A").

The Public Works Department has provided preliminary comments on the proposed sewer system, but has not had an opportunity to review the May 20th submittal. Minor changes to the design may be required once the Department has completed its review.

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

As illustrated in the utility plan, water mains and fire hydrants will be installed to serve each lot in accordance with standards adopted by the City. (See Sheets 15-18, Appendix G, Attachment "A").

The Public Works Department has provided preliminary comments on the proposed water distribution system, but has not had an opportunity to review the May 20th submittal. Minor changes to the design may be required once the Department has completed its review.

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

- a. Delayed Sidewalk Construction. If sidewalks are designed contiguous with the curb, the subdivider may delay the placement of concrete for the sidewalks by depositing with the city a cash bond equal to 115 percent of the estimated cost of the sidewalk. In such areas, sections of sidewalk shall be constructed by the owner of each lot as building permits are issued. Upon installation and acceptance by the city engineer, the land owner*

shall be reimbursed for the construction of the sidewalk from the bond. The amount of the reimbursement shall be in proportion to the footage of sidewalks installed compared with the cash bond deposited and any interest earned on the deposit.

- b. Commencing three (3) years after filing of the final plat, or a date otherwise specified by the city, the city engineer shall cause all remaining sections of sidewalk to be constructed, using the remaining funds from the aforementioned cash bond. Any surplus funds shall be deposited in the city's general fund to cover administrative costs. Any shortfall will be paid from the general fund.*
- c. Notwithstanding the above, a developer may guarantee installation of required sidewalks in an Improvement Agreement as provided in Section 13.05.090(C).*

The applicant is proposing to construct sidewalks on public streets, excluding alleys and woonerfs, within the subdivision. If delayed sidewalk construction is necessary, it will be done in accordance with these standards.

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

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

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

The applicant understands that they must abide by this requirement.

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

The Pioneer Telephone Cooperative and Central Lincoln PUD have confirmed that they can provide service for the proposed subdivision. (See Appendix E, Attachment "A"). The Newport Public Works Department will prepare a letter for public facilities that the City will be responsible for and the Planning

Commission should require the letter be presented to them as evidence that this standard has been satisfied.

- (nn) NMC Section 13.05.045(B). *For public facilities of sewer, water, storm water, and streets, the letter must identify the:*
1. *Water main sizes and locations, and pumps needed, if any, to serve the land division.*
 2. *Sewer mains sizes and locations, and pumping facilities needed, if any, to serve the land division.*
 3. *Storm drainage facilities needed, if any, to handle any increased flow or concentration of surface drainage from the land division, or detention or retention facilities that could be used to eliminate need for additional conveyance capacity, without increasing erosion or flooding.*
 4. *Street improvements outside of the proposed development that may be needed to adequately handle traffic generated from the proposed development.*

The letter from the Public Works Department will address these items.

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

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

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

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

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

Street lights will be placed throughout the subdivision to provide adequate lighting. Street lights are generally proposed at all intersections as is typical for residential development. (See Sheets 15-18, Appendix G, Attachment "A").

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

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

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

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

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

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

- D. Conclusion: If the Planning Commission finds that the applicant meets the criteria established in the Zoning Ordinance for granting modifications to the Preliminary Development Plan, Final Development Plan, and Tentative Plat then the Commission can

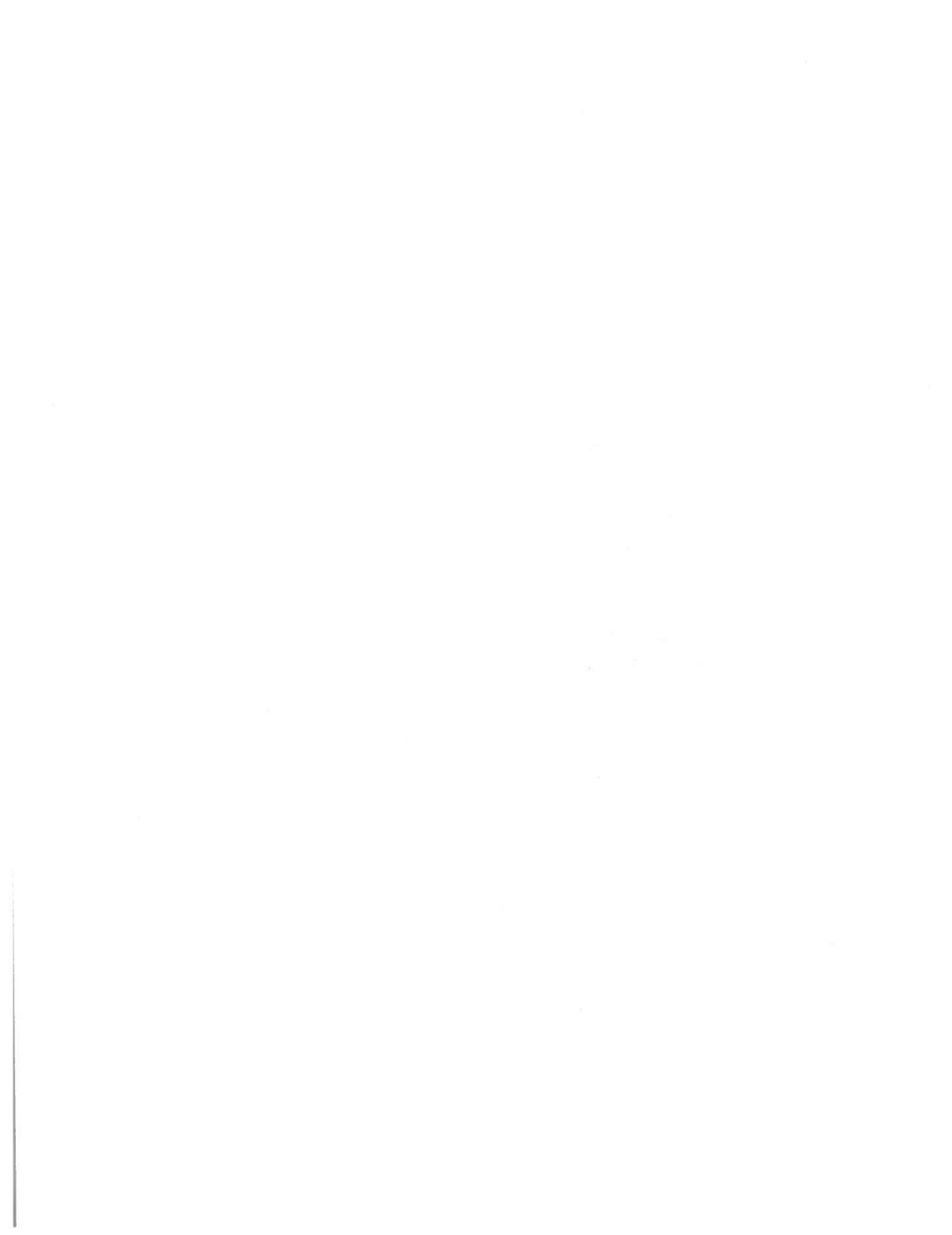
approve the request. As always, the Commission may attach reasonable conditions of approval, which the Commission finds are necessary to satisfy the approval criteria. Conditions of approval need to be relate to the applicable criteria and request (must have a rational nexus) and need to be roughly proportional to the impact created by the development in order to be constitutionally permissible as conditions of approval. The burden on demonstrating that conditions of approval have both a rational nexus and are roughly proportional is on the government, not the applicant. If, on the other hand, the Commission finds that the request does not comply with the criteria and cannot be made to comply through reasonable conditions of approval (as required by ORS 197.522), then the Commission should make findings for denial.

6. STAFF RECOMMENDATION: On balance, the applicant has demonstrated that the approval criteria have, or can be, satisfied. Revisions may be needed to ensure that proposed utilities are adequate, and can be reasonably maintained by the City and that emergency vehicles have sufficient access to proposed lots. The phasing plan must also be structured such that the infrastructure being installed is sufficient to support the lots being created at that point in time. The nature of the changes at this point should be relatively minor. Staff recommends the Planning Commission take public testimony and ask questions of the public, staff and applicant. Once this has occurred, the Commission can close the hearing to new testimony and continue the matter to June 8, 2015. This will provide time for the applicant and staff to resolve the remaining issues outlined in this staff report so that findings and a final order approving the application can be presented for Commission consideration and possible approval.



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

May 22, 2015



WILDER COMMUNITY MASTERPLAN

DEVELOPMENT APPLICATIONS

PREPARED FOR:

landwaves^{nc}

2712 SE 20th Avenue
Portland, OR 97202
503.221.0167

PREPARED BY:



400 COLUMBIA ST.
SUITE 160
VANCOUVER, WA 98660
503.939.8750

JET Planning, LLC

215 West 4th Street
Suite 215
Vancouver, WA 98660

DATE:

March 20, 2015



WILDER



Wilder Community Master Plan Development Applications

A Proposal Submitted to the
City of Newport, Oregon

Prepared for

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

Prepared by

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

March 20, 2015 (revised May 20, 2015)

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- A. Application Form
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- C. List of Property Owners Within Notification Area
- D. Preliminary Title Report
- E. Written Letters from Utility Providers (Pioneer Telephone Co-op, Central Lincoln PUD)
- F. Preliminary Development Plan Graphics Updated
- G. Reduced Final Development Plan Set Updated
- H. Kit of Parts Updated
- I. Wilder Conditions, Covenants, and Restrictions Excerpted
- J. Reciprocal Easement Agreement between Landwaves and OCCC

I. GENERAL INFORMATION

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

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

Property Owner: Landwaves, Inc.

Request: Tentative Subdivision Plan, Preliminary Development Plan Major Modification for Phase 1 of Wilder, Final Development Plan Major Modification for Phase 1 of Wilder

General Location: South Beach-Wilder Master Plan Area

Assessor's Number: R364534, R529961

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

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

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

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

II. PROJECT OVERVIEW

Background

The applicant, Landwaves, Inc., requests approval of modifications to the development applications approved by the City of Newport Planning Commission (case file #1-PD-07, modified in #1-PD-09, #5-PD-09, #1-PD-10, #3-PD-10, #1-PD-14, #2-PD-14) in order to adjust anticipated range of development and relative numbers of various residential density types, expand range of allowed uses in the Village Center commercial area, rezone a portion of the Village Center from R-3 Multifamily to C-1 Commercial, and adjust lot patterns and circulation for residential phases. Major modifications are proposed to the Preliminary Development Plan for Phase 1 of Wilder and the Final Development Plan for portions of Phase 1 of Wilder, as well as modification of the Tentative Subdivision Plat for Phase 1 of Wilder (case file #3-SUB-09, modified in #1-SUB-10). These requested changes further the applicant's goal of creating a sustainable, vibrant, mixed-use planned development within Phase 1 of the Wilder Community Master Plan site.

The total site for Phase 1 of Wilder is approximately 62 acres in size, including lots that have already been final platted, dedicated parks and open space, and right-of-way. This application affects Tax Lots 100 and 103 of Assessor's Tax Map 11-11-20 consisting of approximately 41.24 acres. The site is located in the South Beach neighborhood directly east of Mike Miller Park and south of 40th Street on land zoned R-2, R-3 and C-1. Full build-out of Phase 1 of Wilder will include four different sizes of single-family lots, cottage clusters, flex lots suitable for row houses, duplexes and micro-cottages, multifamily units, and commercial development.

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

Previous Land Use Approvals

The City of Newport has granted multiple land use approvals for Phase 1 of Wilder, and this application seeks to modify previous approvals and obtain approval for a new tentative subdivision for Phases 2-4. The original Preliminary Development Plan for "South Beach Village Phase I," which included the area now known as Phase 1 of Wilder, was approved on May 29, 2007. (Case file #1-PD-07) Subsequent modifications to the Preliminary Development Plan for Phase 1 of Wilder¹ were approved as case file #1-PD-09, #5-PD-09, #1-PD-10, #3-PD-10, and #1-PD-14. The Final Development Plan for portions of Phase 1 of Wilder was initially approved March 30, 2009 (Case file #2-PD-09) and subsequently modified in case file #6-PD-09, #2-PD-10, and #2-PD-14. Tentative Subdivision Plat for Phase 1 of Wilder was approved as case file #1-SUB-09 and modified through case file #3-SUB-09 and #1-SUB-10, and Final Subdivision Plat for

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

Wilder Phase 1, which includes a portion of Phase 1 of Wilder, was recorded in April 2010. The parent lot for Phase 1 of Wilder was initially partitioned in 2007 as two parcels, Map & Tax Lot 11-11-20-AD-03100-00 and 11-11-20-00-00100-00. (Case file #5-PAR-07, recorded November 29, 2007.) A second partition in 2014 divided Map & Tax Lot 11-11-20-00-00100-00 into two parcels, creating Map & Tax Lot 11-11-20-00103-00 of approximately 0.89 acres. (Case file #2-PAR-14, recorded in December 2014.)

Goals of Modifications Achieved through the 2009 Approvals:

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

Goals of Modifications Achieved through the 2010 Approvals:

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

Goals of Modifications Achieved through the 2014 Approvals:

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

Goals of Current Modifications:

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

Summary of Requested Applications

1. Tentative Subdivision Plan Modification:

The applicant proposes to modify the tentative subdivision plan for portions of Phase 1 of Wilder, including proposed Phase 2A, 2B, 2C, 2D, 2E, 2F, 3 and 4. The plan was previously approved as case file #1-SUB-09 and modified through case file #3-SUB-09 and #1-SUB-10. The proposed modifications adjust the mix of lot types for residential development in Phases 2B, 2C and 2D to include more flex lots and fewer apartments as a transition between apartments near the Village Center and single-family residential to the north, adjust commercial lots in the Village Center to reflect proposed development, fine-tune the number of residential lots and types in Phases 3 and 4, and adjust the circulation patterns to provide for vehicle and pedestrian connections between phases. As previously conditioned the proposed phased tentative plat will be valid for a period of at least 4 years.

2. Preliminary Development Plan Major Modification for Phase I of Wilder:

The applicant proposes to modify the approved Preliminary Development Plan for Phase 1 of Wilder (most recently modified in case file #1-PD-14) through a major modification. This application proposes to adjust the zoning district boundary between the C-1 commercial and R-3 residential areas, expand the range of allowed retail, hotel, community and day care uses in the commercial portion of the Village Center, obtain a variance to satellite and shared parking regulations, adjust the range of residential development proposed for full build-out, and re-align internal

circulation and roadway type to serve proposed development. The essential tenets of Wilder remain the same: the Village Center continues to be the heart of activity serving a spectrum of residential development types that gradually reduce in density farther from the Village Center.

A revised Preliminary Development Plan is attached which depicts the proposed changes. (See Appendix F.) All other aspects of the Planned Development remain as previously approved.

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

The major modifications to the Final Development Plan incorporate the changes to the zoning district boundaries, lots and streets throughout Phases 2A, 2B, 2C and 3, consistent with the changes to the Preliminary Development Plan, and expands the Final Development Plan to incorporate Phases 2C, 2D, 2E, 2F and 4. All other aspects of the Final Development Plan remain the same.

III. PRELIMINARY AND FINAL DEVELOPMENT PLAN PROVISIONS

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

Geographic Extent:

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

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

Design Intent:

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

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

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

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

The proposed graduated density design ensures that development will be compatible and in harmony with the area. The location of the various proposed uses and development intensity is appropriate to site-specific conditions, such as adjacent uses and topography.

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

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

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

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

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

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

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

As outlined in the previously approved "Kit of Parts," the proposed development includes neo-traditional street designs to accommodate multiple modes of transportation and create a sense of place and promote traffic calming. The streets are generally narrower than streets found in traditional suburban neighborhood. These streets include such features as curb extensions, wider sidewalks within the Village Center, and on-street parking.

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

Preserved natural areas, trails, and parks are fully integrated into the site design. Neighborhood parks are planned that will provide active and passive recreational uses such as, tot lots, sport courts, lawn areas, and trails. Parks will be centrally located within or near the single-family residential neighborhoods on both sides of Harborton Street. Wilder Twin Park has been built adjacent to Phase 1 and dedicated to the City for public use, and Wilder has provided a temporary dog park and disc golf course for the past five years. Trails have been constructed to connect Wilder Twin Park to Mike Miller Park, and additional open space dedications and trail connections will connect to other areas within the development and the planned regional trail system off-site.

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

The proposed development is clustered on the site, to enable the preservation of natural resources. Much of the site is currently forested and has been managed as a sustainable forest. The site contains steep ravines, streams, and wetlands. These areas have been incorporated into parks and open space tracts to allow for preservation and to create site amenities for the residents. Soft surface, low-impact trails will be developed in these areas to allow for both active and passive uses. Trees and other natural vegetation will be preserved when possible and landscaping will be planted to enhance the environment and provide habitat for wildlife.

Compatibility with Surrounding Development:

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

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

Types of Development:

Approved types of residential development include:

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

As previously approved, the project includes a housing product known as cottage cluster housing (see "Kit of Parts" page 43). Cottages have been built on 10 units in Wilder Phase 1. This is a unique type of development that includes the following special characteristics:

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

The project also includes an innovative housing product termed micro-cottages, functionally similar to row house, townhouse, and duplex housing types. See page 42 of the amended "Kit of Parts" for further discussion of this housing type. (Appendix H.) Six micro-cottages have built in Wilder Phase 1. Characteristics include:

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

Site Design:

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

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

The Village Center is located at the heart of the development site adjacent to College Way and Harborton Street. As previously approved, this area will include a mixed use building development at the corner of Harborton Street and College Way, as well as several apartment buildings.

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

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

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

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

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

The detached single-family housing area within the site is primarily located along and north of 44th Street ~~along 43rd Street and Finn Road,~~ extending further north to include homes along 42nd Place and within Phase 4.

At the western terminus of 44th Street a small walk-in cottage cluster housing area is nearly completed. Each single-family cottage takes access from a shared pedestrian way located within a common tract rather than a traditional street.

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

Dimensional and Bulk Standards:

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

Setbacks:

Single Family Residential:

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

Residential Cottage Cluster Housing:

- Front*: 5 feet
- 2nd Front*: 5 feet
- Side: 0 feet
- Rear: 5 feet

- Garage/carports: 0 feet
*Front setback applies to a public street only.

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

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

Multifamily Residential:

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

Commercial or Mixed-Use:

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

Minimum Lot Area:

Single-Family Residential: 3,500 square feet.

Residential Cottage Cluster Housing: 1,000 square feet.

Flex Lots-Row Houses: 1,000 square feet.

Multifamily Units: 5,000 square feet *same as standard*.

Commercial or Mixed-Use: No minimum lot area.

Maximum Lot Coverage:

- Lots over 10,000 square feet shall not have building coverage over 3,500 square feet.
- Lots between 5,000 and 9999 square feet shall not have building coverage over 3,000 square feet.
- Lots under 5,000 square feet shall not have building coverage over 2,600 square feet.
- Cottage Cluster Housing on individual lots: 80%
- ADUs on Village, Classic, Grand and Edge lots will be exempt from the maximum square foot standards listed above, however, in no case will the total combined lot coverage for the primary and accessory dwelling unit exceed the city standard of 57% in the R-2 zone and 60% in the R-3 zone.

Minimum Lot Width (Residential): 15 feet

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

Modifications have been approved for the requirement contained in Section 13.05.030.B that "each lot or parcel shall possess at least 25 feet of frontage along a street other than an alley."

The subject Planned Development includes walk-in cluster cottage homes, which are modeled after the Cluster Development type identified in the previously approved "Kit of Parts". In order to accommodate this unique type of development, these lots will front onto and take access from a pedestrian access tract, rather than a traditional street right-of-way. Parking for these units is clustered within common tracts rather than being located on the individual lots.

Height:

The applicant has previously received approval for 3-story buildings that are up to 45 feet in height in the R-3 District. All of the proposed 3-story buildings are located internal to the Master Plan site in the Village Center area and, therefore, they will not have any adverse impacts on properties outside of the Planned Development.

Building Coverage:

The building coverage required and proposed in the zoning districts present onsite are as follows. Because this is a Planned Development, the calculation is based on the entire land area of each zone, including open space tracts, located within the Planned Development rather than on an individual lot basis. As shown in the table, the building coverage provided in the Preliminary Development Plan is significantly less than the maximum allowed coverage.

Zone	Maximum Building Coverage Allowed	Estimated Building Coverage Proposed
R-2	57%	15-20%
R-3	60%	15-20%
C-1	85-90%	25-30%

Density:

The applicant is not proposing to increase the density above what is permitted in each zone.

Uses:

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

The primary use in R-2 and R-3 is residential, as well as parks.

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

Zoning:

The site is currently zoned a mix of R-2 medium-density single-family residential, R-3 medium-density multifamily residential, and C-1 retail and service commercial.

Proposed zoning changes with this application would adjust zone district boundary between C-1 and R-3 areas in the Village Center to better accommodate proposed commercial development along the full length of College Way.

Estimated Range of Development:

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

Estimated Range of Development Phase 1 (Prelim. Dev. Plan)—Approved	
Village Lots (<4,600 sq. ft.)	17-25 units
Classic Lots (4,601- 6,200 sq. ft.)	37-55 units
Grand Lots (6,201-9,999 sq. ft.)	14-22 units
Edge Lots (10,000+ sq. ft.)	13-19 units
Cottage Units	48-72 units
Flex Lots Row Houses and Duplexes	26-40 units
Multifamily Units	80-150 units
Commercial Floor Area	25,000-36,000 square feet
Total Dwelling Units	235-383 units

The applicant proposes a revised development range for full build-out of Phase 1, to reflecting a changing product mix.

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

The Final Development Plan approved a range of units for a portion of Phase 1 of Wilder, including Phase 1 (completed), portions of Phase 2, and Phase 3.

Estimated Range of Development (Final Dev. Plan)—Approved	
Village Lots (<4,600 sq. ft.)	18 units
Classic Lots (4,601-6,200 sq. ft.)	5 units
Grand Lots (6,201-9,999 sq. ft.)	5 units
Edge (10,000+ sq. ft.)	8 units
Cottage Units	10 units
Flex Lots Duplexes, or Row Houses	8 units
Multifamily Units	102 units
Commercial Floor Area	36,000 square feet
Total Dwelling Units	Min: 156 units (if maximum number of single family lots are developed and minimum number of cottage units are developed). Max: 174 units (if minimum number of single-family lots are developed and maximum number of cottage lots are developed).

The applicant proposes a revised range of development for the expanded Final Development Plan, which will include Phases 1 through 4 encompassing all area west of Harborton. The portion of the Final Development Plan in Wilder Phase 1 has been completed, as reflected in the following table.

Estimated Range of Development (Final Dev. Plan)—Revised	
Village Lots (<4,600 sq. ft.)	18 units (12 complete)
Classic Lots (4,601-6,200 sq. ft.)	4 units (2 complete)
Grand Lots (6,201-9,999 sq. ft.)	21 units (3 complete)
Edge (10,000+ sq. ft.)	16 units (5 complete)
Cottage Units	10 units (10 complete)
Flex Lots	28 units (8 complete)
Multifamily Units	28 units
Commercial Floor Area	36,000 square feet (5,194 complete)
Total Dwelling Units	125 units

Accessory Structures and Uses:

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

The addition of ADUs provides for more versatile living choices. ADUs are included in the "Kit of Parts" as accompanied the original submittal and will provide a broader mix of housing options to accommodate extended families, care givers, and smaller family sizes. They may also create intergenerational living opportunities by providing a means for seniors, as well as single parents, to live with their families in separate living quarters on the same lot.

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

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

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

	On-Street Parking Spaces Available*	Maximum ADUs Allowed
Phase 2D	13	6
Phase 3	16	8
Phase 4	33	16

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

ADUs in Phases 2D, 3 and 4 will be subject to the above conditions of approval.

Development Schedule and Phasing:

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

- Phase 1: 40 lots, combination of single-family, flex lots, and cottage cluster residential development. (Completion anticipated in 2015.)
- Phase 2A: Village Center commercial north. (Work begun early 2015, anticipated completion in 2018.)
- Phase 2B: Village Center apartments. The Phase 2B apartment infrastructure will be installed as soon as government approvals are in place so that apartment construction can begin in 2015 to meet rental demand in Newport as quickly as possible. The only off-site infrastructure necessary for this phase is stormwater drainage through Phases 2C and 2D to 44th Street, and easements for that purpose will be recorded by the applicant prior to installation. Any necessary easements for future utility connections for the benefit of Phase 2C will be recorded by the applicant. 46th Street and Ellis Streets will provide access to Phase 2B; Harborton Street and College Way are already completed, and the continuation of Ellis Street to College Way across Phase 2A will be completed with current construction of the coffee shop in Phase 2A. (Work to begin 2015, anticipated completion 2016.)
- Phase 2C: Medium-density residential transition, 20 flex lots for row houses, duplexes or micro-cottages. Phase 2C will likely follow construction of Phase 2B, giving the rental market a chance to absorb the apartments in Phase 2B. Extensions of Fleming and Geneva Streets will be constructed with this phase, and will connect to 45th and 46th Streets constructed with Phase 2D. Utilities will be extended from Phases 2B and 2D. Any necessary easements will already be in place. (Work to begin 2016, anticipated completion 2018.)
- Phase 2D: 6 lots, single-family residential development on Village Lots. Phase 2D will follow quickly upon 2B, as it is expected that the existing inventory of the most moderately-priced single-family homes in Wilder will be sold by the end of 2015, creating a robust demand for these six single-family homes in 2016. Access to the homes and garages will be via existing 44th Street, 45th Street and the section of Fleming Street connecting the two streets. Utilities will connect to the existing lines in 44th Street. The phase will not be dependent on any utility or roads proposed for Phases 2B or 2C. Any necessary easements for utility connections for the benefit of Phase 2C will be put of record by the applicant. (Work to begin 2015, anticipated completion 2016.)
- Phases 2E and 2F: Village Center commercial south. Work will include extension of Harborton Street to the edge of Phase 1 of Wilder. (Work to begin 2017, anticipated completion 2025.)
- Phase 3: 9 lots, single-family residential development. The pedestrian connection in Tract "H" will be constructed and dedicated to the City with this phase. (Work to begin 2015, anticipated completion 2017.)

- Phase 4: 22 lots, single-family residential development. The pedestrian path in Tract "G" will be constructed and dedicated to the City with this phase. (Work to begin 2017, anticipated completion 2019.)

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

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

Parking:

Required parking is authorized to extend across zoning boundaries when provided on the same lot of parcel as the proposed use. On-street spaces are allowed to count against off-street parking requirements provided the spaces provided are within 200 feet of the lot of parcel upon which the use is located. Parking ratios for all residential and commercial uses are to be as established in the Newport Municipal Code. See Sheet 3 of the Final Development Plan, Appendix G, for count of off-street and on-street parking spaces by phase.

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

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

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

The applicant proposes a variance in order to maximize shared and satellite parking provisions in the Newport Municipal Code. The Oregon Coast Community College (OCCC)

site includes parking lots that are vacant at certain times and days, particularly weekends. The applicant proposes the option to use the OCCC parking areas as shared, satellite parking for uses in the Village Center, particularly uses with concentrated use patterns outside of peak hours, such as a church with a large Sunday morning parking demand. The applicant requests a variance from NMC 14.14.090.E.2, which requires satellite parking to be located within 200 feet of the use requiring parking, in order to use the OCCC parking lots which are approximately 750 feet from the Village Center. The variance will allow future users in the Village Center area to provide adequate parking for visitors, minimize construction of new parking lots while maximizing use of existing lots, and take advantage of the unique colocation of the Village Center and OCCC. Individual users will comply with the requirements of NMC 14.14.080 and 14.14.090.E.3 to provide written permission from the property owner (OCCC) and all other parking standards in NMC 14.14. The applicant has already secured an easement from OCCC granting access to OCCC parking facilities. (See Appendix J, Section 1(a)(iii).)

Landscaping:

A landscape plan has been previously approved that demonstrates how the site will be landscaped in accordance with City standards. Sustainable native plantings have been used where appropriate throughout the site to blend with the natural landscape. Street trees and landscaped curb extensions are provided along all local streets. Landscape curb-extensions will double as stormwater planter swales that provide for a natural means to collect and treat run-off from the development.

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

Lighting:

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

Parks, Trails and Open Space:

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

A neighborhood park has been built within Tract "A" north of 43rd Street, and dedicated to the City of Newport as Wilder Twin Park. The specific improvements within the park have been finalized, approved through the City's Park Department, and built. A

pedestrian connection through this park will link 42nd Place and 43rd Street, using Tract "H." The connection will be built to neighborhood sidewalk standards with a 6-foot paved width. The pedestrian connection will be constructed and dedicated to the City with Phase 3 of the development.

An open green space with a trail connecting to Mike Miller Park has been created on Tract "B". An open green space designated Tract "G" adjacent to Tract "B" will accommodate an extension of the trail north from Tract "B" to Harborton Street. The trail within Tract "G" will be constructed and dedicated to the City with Phase 4 of the development. The trail will continue the 6-foot-wide, soft-surface cross-section used for trails in Tract "B."

Tract "C" has been built as a common open space owned by an association of home owners, and provides a common "front lawn" for the cottage cluster. Wilder has also created a temporary dog park and disc golf course for public use.

Streets Design & Names:

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

The proposed development includes neo-traditional street designs that accommodate multiple modes of transportation and create a "sense of place." The streets are generally narrower than streets found in conventional suburban neighborhoods and feature integrated stormwater management systems, such as water quality swales within planter areas. A variety of street types that have been approved and are proposed include:

- Harborton Street will be extended south to the southeast boundary of Phase 1 of Wilder with development of Phases 2E and 2F using the Main Street cross-section from the "Kit of Parts," identical to the cross-section used along Harborton for one block north of College Way.
- Two modified Village Center Road types proposed in the amendments to the "Kit of Parts" are proposed along 46th Street, transitioning to Ellis Street to connect with College Way, which will provide two-way travel, angle-in parking and sidewalks within the cross-section to connect between the commercial, high-density residential, and medium-density residential uses in the community core.
- The Residential Local Street type from the previously approved "Kit of Parts" is proposed for 42nd Place, terminating in an Auto Court.
- The Hillside Street type is proposed for 41st Circle.

- A woonerf – which integrates the pedestrian environment, urban-scale storm water planters, and vehicular parking – has been constructed within Fleming Street between 43rd Street and 44th Street, and is proposed to extend south to 46th Street. The proposed amendments to the “Kit of Parts” would allow flexible width for the woonerf section along Fleming Street from 18 to 30 feet wide to accommodate on-street parking and bio-swale plantings without compromising fire access. (See page 19 of Appendix H.)
- Dead-end streets terminate in Auto Courts featuring decorative pavement.
- Residential alleys are used along Geneva Street and Ellis Street; Geneva Street is proposed to extend south to 46th Street with Phase 2C. An alley is also proposed along 45th Street and for a short sections of 41st Court.

The proposed street designs are identified in the previously approved “Kit of Parts” and proposed revisions. This application includes revisions to the Kit that would add two variations to the Village Center Road that would be used as a transition from the Village Center apartments to commercial uses; and a slight modification to the existing woonerf cross-section to allow for a range of street widths.

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

Street names within the development have been previously approved. Harborton Street is the existing street that is part of the loop road system to the east of Hwy 101 that begins with 40th Street on the north and ends with 50th Street on the south (and eventually 62nd). Harborton Street is the longest stretch of the loop, running generally north-south through the Village. Harborton Street is for the former name of South Beach.

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

- 41st Circle as necessary to accommodate the City’s Street Grid, including a short alley named 41st Court.
- 42nd Place as necessary to accommodate the City’s Street Grid. It will terminate in an auto court, and provide pedestrian access through the park to 43rd Street.
- 43rd Street as necessary to accommodate the City’s Street Grid. It terminates in an auto court.
- 44th Street as necessary to accommodate the City’s Street Grid. It terminates at the cottage cluster, where it intersects with Ellis Street.
- 45th Street as necessary to accommodate the City’s Street Grid. It terminates at the west edge of the property, and does not provide an auto court because the street segment length is less than 150 feet.

- 46th Street as necessary to accommodate the City's Street Grid. It terminates where it intersects with a continuation of Ellis Street.

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

- Ellis Street is for Ellis Island and for Ellis Bell, the pen name of Emily Bronte, author of Wuthering Heights.
- Fleming Street is for Alexander Fleming who discovered penicillin.
- Geneva Street is for Lake Geneva, Wisconsin and its namesake Geneva, Switzerland, as well as the old telephone exchange in the Dorchester area of Boston.

Traffic:

As part of the prior annexation of the site to the City, the City adopted Ordinance 1931 to address potential transportation impacts of Phase 1. Ordinance 1931 states that the City will not issue building permits for land uses in the annexation territory, which includes both the subject site and property abutting 40th Street owned by GVR Investments, if they generate more than 180 peak hour trips (based on Saturday mid-day peak hour in August). This "trip cap" limits the number of dwellings or commercial floor area that can be constructed within Phase 1 of Wilder and the GVR Investment Property based on the transportation improvements that are currently in place. When additional traffic improvements are made pursuant to the Transportation Systems Plan that is currently being updated, including the paving of Ash Street and the construction of a traffic signal at 40th Street and Highway 101, the trip cap may be lifted allowing the full range of development to occur within the site consistent with the Traffic Study Transportation Planning Rule.

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

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

Utilities:

Adequate services are in place or will be made available at time of development of Wilder as outlined within the infrastructure report that was prepared for the original Preliminary Development Plan approval. Updated utility plans are included on Sheets 16-19 of Appendix G.

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

Major utility facilities, including water and sewer lines, have also already been constructed within 40th Street, Harborton Street, and College Way to serve Phase 1 of Wilder and the College campus. The applicant has prepared detailed utility plans that illustrate how these facilities will be further extended to serve development within the site. (See Sheets 16-19 of Appendix G.) Stormwater facilities will also be constructed on site to collect and treat run-off from impervious surfaces prior to being discharged to on-site drainage ways.

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

IV. TENTATIVE SUBDIVISION PLAN

The subject application complies with the procedures and submittal requirements for Tentative Subdivision Plan established in Chapter 13.05 of the Newport Municipal Code as follows:

13.05.015 Streets.

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

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

RESPONSE: An updated street circulation plan for Phase 1 of the Wilder Master Plan is provided as part of the concurrent Preliminary Planned Development Modification application. (See Appendix F, Circulation Diagram, and Appendix G.) The proposed circulation plan has been refined to accommodate grading, utilities, etc., as well as provide for enhanced pedestrian circulation.

The existing paved Harborton Street currently terminates south of College Way providing for the ultimate extension of that roadway with development of future phases. Harborton will be extended to the edge of Phase 1 of Wilder with development of Wilder Phases 2E and 2F proposed with this application.

College Way connects to the Oregon Coast Community College (OCCC) parcel to the west of Wilder and serves as the primary OCCC entrance. No additional OCCC development is forecast at this time; however, if OCCC were to propose additional campus development the necessitated a secondary access, the applicant would work with them to provide a connection from 46th Street or other access, per the Reciprocal Easement Agreement signed by both parties. (See Appendix J.)

Natural features such as, steep topography, creeks, and wetlands, prevent any additional local street connections to surrounding parcels adjacent to the subdivision. 41st Court in Phase 4 is not proposed to connect to the west because of steep topography.

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

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

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

RESPONSE: The previously approved Planned Development application for the site included a “Kit of Parts” that identified typical neo-traditional street sections, including roadway and right-of-way widths, for each unique street type that could be located within the Master Plan site. The applicant is proposing to use the street sections from the approved and modified “Kit of Parts” within the proposed Subdivision. Minor changes to the Kit of Parts are proposed with this application to introduce variations to the existing Village Center Street and modify the Woonerf cross-section. (See Appendix H.)

- Village Center Road – Section 2 is designed as a transition between single-family residential uses and the more intense uses of the Village Center. The cross-section includes traditional 6-foot-wide sidewalks for single-family residential, and an 8-foot-wide sidewalk for high-density residential on the other side of the street. Because no commercial uses with accompanying street activating uses like seating or sidewalk sales are proposed, the 10-foot sidewalks used elsewhere in the Village Center are not appropriate here. The cross-section also includes angled parking to increase the number of on-street spaces available for residents and visitors. Landscaping will be incorporated into triangular islands between parking spaces.
- Village Center Road – Section 3 is designed to connect single-family residential uses through high-density residential use to the commercial Village Center uses along the development’s perimeter shared with OCCC. The cross-section includes the same 8-foot-wide sidewalk and angled parking on the apartment side of the street for continuity, but is finished with a simple curb along the property line. If OCCC were to develop on the western side of the street, the street could be finished with parallel parking and a sidewalk consistent with the full Village Center Road cross-section.
- The Woonerf cross-section modification introduces a variable width from 18 feet to 30 feet. The existing woonerf sections in Phase 1 are 22 feet wide. A wider width could be used to provide for on-street parallel parking and bio-swales, while preserving two-way traffic and fire access. The wider width would still retain a feeling of shared space that would tame the street for non-motorized traffic.

A circulation plan has also been provided that identifies where each street section occurs within the subdivision.

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

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

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

RESPONSE: The applicant is not proposing to extend any existing streets outside of Wilder through the development. Streets other than minor streets internal to Wilder will be extended in alignment with existing sections of roadway. The collector roadway that serves the development, identified as Harborton Street, has already been constructed through Phase 1 of Wilder south to College Way and will be extended in alignment to the property line of Phase 1 with development proposed with this application.

A slight offset is proposed for Fleming Street at the intersection with 44th Street to accommodate lot patterns, however, it is a minor street and thus this criterion does not apply. NMC 13.05.005.J.5 defines a minor street as "A street intended primarily for access to abutting properties," and NMC 13.05.015.B requires a 50-foot right-of-way and 36-foot paved width for a minor street. Fleming Street is proposed as a woonerf with a 30-foot cross-section, less than the minor street width, and only provides access to abutting residential properties, so it meets the definition of a minor street and is exempt from this standard.

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

RESPONSE: As described above, the collector roadway that serves the site, identified as Harborton Street, has already been constructed through Phase 1 of the Wilder Master Plan site south to College Way and will be extended south to the boundary of the land division proposed in this application. The portion of the roadway south of the Phase 1 of Wilder boundary will be extended with future development to provide access and circulation to adjoining properties to the south when those properties are annexed to the City.

3-2-2.030. Intersection Angles.

1. *Streets shall be laid out to intersect at right angles.*

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

RESPONSE: In conformance with this criterion, all proposed streets within the subdivision are designed to intersect at or near right angles.

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

RESPONSE: This criterion is not applicable. The proposed subdivision does not include any half-street improvements. Harborton Street will be extended south of College Way to the edge of the property, and will be built in phases. The full travel lanes and western parking, landscaping and sidewalk will be built to serve Phases 2E and 2F, and the eastern parking, landscaping and sidewalk will be finished when the eastern portion of Wilder is developed. The Village Center Road – Section 3 cross-section proposed for Ellis Street between 46th Street and College Way likewise proposes to delay sidewalk construction on the OCCC side of the property line until future development plans for the college are resolved.

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

RESPONSE: Pedestrian connectivity is provided throughout Wilder. Streets within Wilder are designed according to the previously approved "Kit of Parts" which includes a variety of pedestrian treatments including sidewalks, shared space along woonerfs, and off-street multiuse pathways and trails.

13.05.015.I. Cul-de-Sac. *A cul-de-sac shall have a maximum length of 400 feet and serve building sites for not more than 18 dwelling units. A cul-de-sac shall terminate with a circular turn-around meeting minimum Uniform Fire Code requirements. Modifications to this*

requirement may be made by the approving authority. A pedestrian or bicycle way may be required by easement or dedication by the approving authority to connect from a cul-de-sac to a nearby or abutting street, park, school, or trail system to allow for efficient pedestrian and bicycle connectivity between areas if a modification is approved and the requested easement or dedication has a rational nexus to the proposed development and is roughly proportional to the impacts created by the proposed land division.

RESPONSE: One cul-de-sac is proposed for 42nd Place in Phase 3 that will serve nine dwelling units and will be less than 400 feet long. It will terminate in an Auto Court that will meet the turn-around standards established in the Uniform Fire Code. A pedestrian connection is provided in Tract "H" to connect the cul-de-sac south to Wilder Twin Park. The residential alley proposed for 45th Street will dead end at the western edge of Wilder, but the street length will be less than 100 feet and thus not require a fire turn-around.

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

RESPONSE: Street names in Wilder Phase 1 have been previously approved by the Planning Commission. Ellis, Fleming, Geneva and Harborton Streets will continue through the development, and numbered streets will be named consistent with the established pattern in the city. The street names are identified on the plat. (See Appendix G, Sheets 7-10.)

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

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

3-2-2.060. Alleys. *Alleys shall be provided in commercial and industrial districts. If other permanent provisions for access to off-street parking and loading facilities are provided, the approving authority is authorized to modify this provision if a determination is made that the other permanent provisions for access to off-street parking and loading facilities are adequate to assure such access. The corners of alley intersections shall have a radius of not less than 12 feet.*

RESPONSE: Consistent with the neo-traditional "urban village" design of the Wilder Master Plan, the applicant has proposed a number of alleys within the subdivision. In accordance with this standard, the corners of all alley intersections have a minimum radius of 12 feet.

13.05.020 Blocks.

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

RESPONSE: Within the non-residential portion of the subdivision in the Village Center, the proposed blocks are designed to provide adequate building area sites for the variety of building types included in the Master Plan within the framework of the steep topography found on the site.

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

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

13.05.025 Easements.

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

RESPONSE: Easements for public and private utilities outside of the public right-of-way will be provided within the subdivision plat per the above requirements. Temporary public easements will be provided as necessary during construction for access to public facilities constructed through private property, for example, utilities installed across future phases that have not yet been dedicated. A drainage tract or easement will be provided in Phase 4 if drainage is routed through the wetland on Lots 15-22.

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

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

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

RESPONSE: Stormwater drains through the site in existing stormwater systems, roadside swales, and natural low spots in undeveloped areas. There are no significant water bodies or water courses identified within the Wilder site except for a small wetland in Phase 4. Where stormwater is conveyed through a tract or private property, an easement or drainage right-of-way will be provided as required by this section. If the applicant elects to convey stormwater through the wetland on proposed Lots 15-22 in Phase 4, the applicant will provide a drainage easement or tract to the City. The applicant may elect instead to mitigate the wetland and route the stormwater through right-of-way for proposed 41st Circle.

13.05.030 Lots and Parcels.

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

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

RESPONSE: The Planned Development includes a variety of lot sizes that have been previously approved, which in some cases vary from the standard lot size provisions. No further modifications to lot sizes are proposed with this application. The lot sizes are appropriate for the anticipated range of residential and commercial uses as necessary to create the desired neo-traditional "village" design including a spectrum of residential development that contributes to sustainability and affordability within Wilder.

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

RESPONSE: The proposed lots within the subdivision abut a street other than an alley for a width of at least 25 feet, with the exception of the previously approved and platted cottage cluster in Phase 1.

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

RESPONSE: One through lot is proposed in Phase 2B for an apartment complex, which will front Harborton and also be served by Ellis Street along its western edge. The secondary frontage on Ellis Street is required because of the large lot size and to ensure north-south connectivity for vehicle and pedestrian circulation through the development. Additionally, there are four lots in Phase 4 (Lots 1, 2, 3, 14) that will have frontage along both Harborton Street

and 41st Circle, however, there is a significant slope along the Harborton side of these lots that will effectively separate them from Harborton. These lots will face 41st Circle, be screened along Harborton with landscaping, and have no right of access to Harborton. There are lots in Phases 2C and 2D which have secondary access onto an alley, which do not qualify as through lots.

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

RESPONSE: All of the proposed lot lines run at right angles to the street that they face or radial to the curve.

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

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

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

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

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

RESPONSE: No parcels contain than 50% steep ravines, streams, and wetlands, which will be incorporated into parks and open space tracts to allow for preservation and to create site amenities for the residents. Lots 15-22 in Phase 4 may include portions of a wetland under the wetland alternate drainage plan, but no more than 50% of any single lot will be designated wetland. (See Sheet 17 of Appendix G.)

13.05.030.H. Lots and Parcels within Geological Hazard Areas. *Each new undeveloped lot of parcel shall include a minimum 1,000 square foot building footprint within*

which a structure could be constructed and which is located outside of active and high hazard zones and active landslide areas (See Section 2-4-7 of the Zoning Ordinance for an explanation of hazard zones). New public infrastructure serving a lot or parcel shall similarly be located outside of active and high hazard zones and active landslide areas.

RESPONSE: All of Phase 1 of Wilder is located outside of Geologic Hazard Areas as mapped by the City of Newport (see Map C2 of Geologic Hazards Map prepared June 17, 2011); this criterion does not apply.

13.05.035 Public Improvements.

Public Improvement Procedures. In addition to other requirements, public improvements installed by a developer that is dividing land, whether required or voluntarily provided, shall comply with this chapter, and with any public improvement standards or specifications adopted by the city. The following procedure shall be followed:

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

RESPONSE: Engineering plans will be submitted to the city prior to construction of any public improvements.

13.05.035.B. Improvement work shall not commence until after the city is notified, and, if work is discontinued for any reason, it shall not be resumed until after the city is notified.

RESPONSE: The applicant will notify the city before commencing improvement work.

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

RESPONSE: The applicant will construct the improvements under the inspection and to the satisfaction of the city engineer.

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

RESPONSE: All underground work for utilities and stormwater will be completed prior to street surfacing, including stubs for future connections.

13.05.035.E. A map showing public improvements as built shall be filed with the city upon completion of the improvements.

RESPONSE: The applicant will file as-built plans with the city.

13.05.035.F. *Public improvements shall not be commenced until any appeals of the subdivision approval are resolved.*

RESPONSE: The applicant will abide by this requirement.

13.05.040 Public Improvement Requirements.

13.05.040.A. *The following public improvements are required for all land divisions, except where a subdivision plat is reconfiguring or establishing rights-of-way for future public streets:*

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

RESPONSE: All streets within the subdivision will be improved to meet City standards for street construction. Street widths and pavement widths that vary from the 36-foot standard width have been previously approved in the "Kit of Parts" and will be used as appropriate throughout the subdivision. Minor amendments to the "Kit of Parts" are proposed with this application to meet the sustainability goals of the Planned Development without compromising circulation.

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

RESPONSE: As illustrated in the utility plan, drainage facilities are proposed within the subdivision to connect the subdivision to drainage ways outside the subdivision in accordance with City standards. (See Appendix G, Sheets 16-19.) The applicant proposes two drainage alternatives for Phase 4, the wetland and mitigation alternates. (See Sheet 17, Appendix G.) Both alternates would provide adequate drainage.

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

RESPONSE: As illustrated in the utility plan, sanitary sewers will be installed to serve each lot in accordance with standards adopted by the City. (See Appendix G, Sheets 16-19.)

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

RESPONSE: As illustrated in the utility plan, water mains and fire hydrants will be installed to serve each lot in accordance with standards adopted by the City. (See Appendix G, Sheets 16-19.)

5. Sidewalks. *Required sidewalks shall be constructed in conjunction with the street improvements except as specified below:*

a. Delayed Sidewalk Construction. *If sidewalks are designed contiguous with the curb, the subdivider may delay the placement of concrete for the sidewalks by depositing with the city a cash bond equal to 115 percent of the estimated cost of the sidewalk. In such areas, sections of sidewalk shall be constructed by the owner of each lot as building permits are issued. Upon installation and acceptance by the city engineer, the land owner shall be reimbursed for the construction of the sidewalk from the bond. The amount of the reimbursement shall be in proportion to the footage of sidewalks installed compared with the cash bond deposited and any interest earned on the deposit.*

b. Commencing three (3) years after filing of the final plat, or a date otherwise specified by the city, the city engineer shall cause all remaining sections of sidewalk to be constructed, using the remaining funds from the aforementioned cash bond. Any surplus funds shall be deposited in the city's general fund to cover administrative costs. Any shortfall will be paid from the general fund.

c. Notwithstanding the above, a developer may guarantee installation of required sidewalks in an Improvement Agreement as provided in Section 13.05.090(C).

RESPONSE: The applicant is proposing to construct sidewalks on public streets, excluding alleys and woonerfs, within the subdivision. If delayed sidewalk construction is necessary, it will be done in accordance with these standards.

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

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

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

RESPONSE: The applicant will abide by this requirement.

13.05.045 Adequacy of Public Facilities and Utilities (Electric and Phone)

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

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

13.04.045.B. *For public facilities of sewer, water, storm water, and streets, the letter must identify the:*

1. *Water main sizes and locations, and pumps needed, if any, to serve the land division.*

2. *Sewer mains sizes and locations, and pumping facilities needed, if any, to serve the land division.*

3. *Storm drainage facilities needed, if any, to handle any increased flow or concentration of surface drainage from the land division, or detention or retention facilities that could be used to eliminate need for additional conveyance capacity, without increasing erosion or flooding.*

4. *Street improvements outside of the proposed development that may be needed to adequately handle traffic generated from the proposed development.*

RESPONSE: The applicant will provide adequate water, sewer, storm and street improvements to serve Wilder internally and the City will verify adequacy of services to connect to Wilder.

13.05.050 Underground Utilities and Service Facilities.

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

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

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

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

13.05.055 Street Lights.

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

RESPONSE: Street lights will be placed throughout the subdivision to provide adequate lighting. There are already street lights installed along Harborton Street to illuminate intersections with 41st Circle, 42nd Place, and 46th Street. Within the phases, street lights are generally proposed at all intersections as is typical for residential development. One additional light is proposed on the far side of Phase 4 along Lot 9 to provide adequate coverage. In Phase 3, one new street light is proposed for the cul-de-sac to light any turning movements. Specific light fixtures will be selected that provide an adequate zone of illumination to meet any relevant City standards during the engineering review process. (See Sheets 16-19, Appendix G.)

13.05.060 Street Signs

Street name signs, traffic control signs and parking control signs shall be furnished and installed by the city.

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

13.05.065 Monuments

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

RESPONSE: The applicant shall reestablish and protect monuments as required.

13.05.090 Final Plat Requirements for Land Divisions Other than Minor Replats or Partitions.

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

RESPONSE: As previously conditioned in #1-SUB-09, the developer shall have up to four years to submit the final plat for the initial phase of development and an additional four years for each subsequent phase of development included in the tentative subdivision plan.

V. PRELIMINARY DEVELOPMENT PLAN MAJOR MODIFICATION FOR PHASE 1 (NMC 14.35)

14.35.020. Permitted Uses. *An approved planned development permit may only include those uses permitted outright or conditionally in the underlying district. (...)*

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

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

The applicant proposes single-family and two-family residential uses in the R-2 zone, and single-family, two-family and multifamily uses in the R-3 zone.

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

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

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

RESPONSE: Accessory dwelling units on Village, Classic, Grand, and Edge lots were previously approved in #3-PD-10 for Wilder Phase 1, and the applicant proposes ADUs on Village, Classic, Grand and Edge lots in Phases 2D, 3 and 4 consistent with the earlier conditions of approval established in #3-PD-10. No other accessory uses are proposed other than those customary for the primary and conditional uses.

14.35.070. Criteria for Approval of a Preliminary Development Plan. *The approval authority may approve an application for a Preliminary Development Plan when it finds that the application complies with the following criteria:*

14.35.070.A. Size of the Planned Development Site.

1. *A planned development shall be on a tract of land of at least two acres in low density residential areas, or;*

RESPONSE: The subject site is not within a Low Density Zoning District; therefore, this minimum acreage requirement does not apply.

2. *A planned development may be allowed on any size tract of land in high density residential areas if:*

- a. *An unusual physical or topographic feature of importance to the people of the area or the community as a whole exists on the site or in the neighborhood, which can be conserved and still leave the land owner equivalent use to the land by the use of a planned development.*
- b. *The property or its neighborhood has a historical character of importance to the community that will be protected by the use of a planned development.*
- c. *The property is adjacent to or across a street from property that has been developed or redeveloped under a planned development, and a planned development will contribute to the maintenance of the amenities and values of the neighboring development.*

RESPONSE: The South Beach Neighborhood Plan requires that the subject site be developed through a Master Plan process, such as that provided through the Planned Development process. The subject application is a modification to the previously approved Preliminary Planned Development for the site.

14.35.070.B. Dimensional and Bulk Standards.

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

RESPONSE: The applicant previously received approval for modifications to the minimum lot area, minimum lot widths, and setbacks required for lots within the R-2, R-3, and C-1 zoning districts for each development type. See pages 10-12 for approved dimensional standards. No further modifications are requested with this application.

2. *If the spacing between main buildings is not equivalent to the spacing, which would be required between buildings similarly developed under this Ordinance on separate parcels, other design features shall provide light, ventilation, and other characteristics equivalent to that obtained from the spacing standards.*

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

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

RESPONSE: Buildings, off-street parking and loading facilities, open space, landscaping, and screening will provide protection outside the boundary lines of the development comparable to that otherwise required of the development in the zone.

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

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

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

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

RESPONSE: The applicant has previously received approval for three-story buildings that are up to 45-feet in height in the R-3 District. No other building height modifications are proposed.

5. The building coverage for any planned development shall not exceed that which is permitted for other construction in the zone exclusive of public and private streets.

RESPONSE: The building coverage in the Preliminary Planned Development shall not exceed the maximum allowed in the zones and will be significantly less than the maximum allowed coverage, as follows:

Zone	Percentage Building Coverage Maximum Allowed	Estimated Percentage Building Coverage Proposed
R-2	57%	15-20%
R-3	60%	15-20%
C-1	85-90%	25-30%

14.35.070.C. Project Density.

1. The planned development may result in a density in excess of the density otherwise permitted within the zone in which the planned development is to be constructed not to exceed 5%. An increase in density of over 5% but less than 10% can be permitted by

the Planning Commission if the arrangement of yards and common open space is found to provide superior protection to existing or future development on adjacent property.

2. If the Planning Commission finds that any of the following conditions would be created by an increase in density permitted by the Section, it may either prohibit any increase in density or limit the increase in density by an amount which is sufficient to avoid creation of any of these conditions:

- a. Inconvenient or unsafe access to the planned development.*
- b. Traffic congestion in the streets that adjoin the planned development.*
- c. An excessive burden on sewerage, water supply, parks, recreational areas, schools, or other public facilities which serve or are proposed to serve the planned development.*

RESPONSE: The applicant is not proposing to increase the density above what is permitted in the zone. The total units proposed for Phase 1 of Wilder in the preliminary development plan is 172-345 units on 54.6 gross acres of land zoned R-2 and R-3, or an average density of 3.2 to 6.3 units per acre.

14.35.070.D. Common Open Space.

1. No open space area may be accepted as common open space within a planned development unless it meets the following requirements:

- a. The location, shape, size and character of the common open space is suitable for the planned development.*
- b. The common open space is for amenity or recreational purposes, and the uses authorized are appropriate to the scale and character of the planned development, considering its size, density, expected population, topography, and the number and type of dwellings provided.*
- c. Common open space will be suitably improved for its intended use, except that common open space containing natural features worthy of preservation may be left unimproved. The buildings, structures, and improvements to be permitted in the common open space are appropriate to the uses, which are authorized for the common open space.*
- d. The development schedule which is part of the development plan coordinates the improvement of the common open space and the construction of buildings and other structures in the common open space with the construction of residential dwellings in the planned development.*
- e. If buildings, structures, or other improvements are to be made in the common open space, the developer shall provide a bond or other adequate assurance that the buildings, structures, and improvements will be completed. The City Manager shall release the bond or other assurances when the buildings, structures, and other improvements have been completed according to the development plan.*

RESPONSE: The applicant has completed recreation improvements in Tract "A" and Tract "B" of Wilder Phase 1 to create Wilder Twin Park and trail connections to Mike Miller Park, both dedicated to the public. With this application, the applicant will create Tract "G" which is an open space parcel that extends the existing trails from Tract "B" and Wilder Twin Park north to Harborton Street, and Tract "H" which provides a pedestrian and bicycle connection between Phase 3 and Wilder Twin Park. Both tracts will be dedicated to the City; Tract "H" will be dedicated with Phase 3 and Tract "G" will be dedicated with Phase 4.

2. No common open space area may be put to a use not specified in the Final Development Plan unless the Final Development Plan is first amended to permit the use. However, no change of use may be considered as a waiver of any of the covenants limiting the use of common open space areas, and all rights to enforce these covenants against any use permitted are expressly reserved.

RESPONSE: The proposed common open space within the site will be used for parks and trails in a manner consistent with the approved Final Development Plan. No changes to the use of common open space areas are proposed with this application.

3. If the common open space is not conveyed to a public agency, the covenants governing the use, improvement, and maintenance of the common open space shall authorize the city to enforce their provisions.

RESPONSE: Tracts "G" and "H" proposed with this application will be dedicated to the City. However, if the proposed open space is not conveyed to a public agency, the CC&Rs governing the use, improvement, and maintenance of the common open space will create an owners association and will also authorize the City to enforce their provisions.

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

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

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

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

- Graduate residential density outward from the Village Center to create an appropriate transition to the lower density areas of the site.
- Provide for a variety of housing types to accommodate different needs, incomes, and a sense of place and community.
- Design and construct to sustainable standards to lessen the impact to the natural environment and to reduce long term operational costs.
- Develop a transportation system that accommodates multiple-modes of transportation to encourage walking, bike riding, etc., and reduce energy use.
- Provide for an extensive network of open space and parks, including walking and biking trails, throughout the site.
- Protect and provide for management of significant natural resource areas on site, including wetlands, streams, and natural vegetation, by clustering development on buildable portions of the site.

In Phase 4, the proposed wetland alternate would preserve an existing wetland. The applicant will work with City to record a tract or easement for the wetland area as part of the wetland alternate. If any portion of the wetland feature is incorporated into the backyards of Lots 15-22, approved CCRs for Wilder prohibit future owners from altering the lot drainage, filling any drainage area, diverting surface water runoff, or altering the landscaping. (See Sections 3.2 and 6.5, Appendix I.) In the event that the applicant elects the mitigation alternate, the wetland would be filled and mitigated consistent with all applicable City and state regulations.

14.35.070.F. *The planned development will be compatible with the areas surrounding the project site and with no greater demand on public facilities and services than other authorized uses for the land.*

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

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

The major infrastructure necessary to serve the overall Phase 1 site identified in the previously approved plans has already been constructed. This includes the Collector roadway facilities, 40th Street and Harborton Street, from Highway 101 to College Way. College Way has also been constructed between Harborton Street and the College's main campus building. Major utility facilities, including water and sewer lines, have also been constructed within 40th Street, Harborton Street, and College Way to serve Phase 1 of Wilder.

As identified in the tentative subdivision plan, the infrastructure needs for the smaller neighborhood development areas within Phases 2-4 will be developed through a series of phases and micro-phases. These phases are also designed to insure that necessary public improvements are in place to serve each phase as it is developed. This includes construction of local streets and utilities to serve each lot within the phase. This phasing is necessary to allow flexibility to accommodate changing market conditions.

14.35.070.G. *Financial assurance or bonding may be required to assure completion of the streets and utilities in the planned development prior to final approval as for a subdivision (see the Newport Subdivision Ordinance, NMC Chapter 13.05).*

RESPONSE: The applicant will either complete construction of streets and utilities or provide the necessary financial assurances or bonding to ensure completion of the streets and development within each phase or micro-phase prior to final subdivision filing for that phase.

14.35.110 Procedure for Modification of a Planned Development.

C. A major change in a Preliminary or Final Development Plan that includes any change in the character of the development or any increase in the intensity or density of the land use or in the location or amount of land devoted to specific land uses or any change in the location, width, or size of a collector or major thoroughfare street, or that substantially changes the location or specification for utilities but will not materially affect future street or utility plans of the City may be approved by the Commission after public hearing.

D. In considering any request for a change in a Preliminary or Final Development Plan, the Planning Commission shall apply the same standards as are provided in this Article for the approval of Preliminary or Final Development Plans. The Planning Commission may approve, reject, modify, or attach special conditions to a request for modification of a Preliminary or Final Development Plan. The Community Development Director in his reasonable discretion shall determine whether each request for modification of a Preliminary or Final Development Plan is a minor or major change within the remaining of subparts of A, B, or C of this Section and shall determine or refer each request appropriately.

RESPONSE: The subject proposal meets the criteria for a Major Modification with review and approval by the Planning Commission. The proposal seeks to modify the previously approved Preliminary Development Plan by adjusting the types of proposed uses, by adjusting the boundaries of the zoning districts to expand the C-1 zone along College Way and reduce the size of the R-3 zone. The proposal will not substantially alter the location of a major collector or thoroughfare street, or utilities.

The applicant has responded to the standards for approval of a Preliminary Development Plan as applies to this modification throughout this section.

VI. FINAL DEVELOPMENT PLAN MAJOR MODIFICATION FOR PHASE 1 (NMC 14.35)

14.35.100 Criteria for Approval of a Final Development Plan. *The approval authority may approve an application for a Final Development Plan when it finds that the application complies with the following criteria:*

A. The Final Development Plan must substantially conform to the land use and arterial street pattern as approved in the Preliminary Development Plan.

RESPONSE: As shown in the attached Final Development Plan/Tentative Subdivision Plan, the Final Development Plan land uses and street pattern match the approved Preliminary Development Plan for the overall Phase 1 of Wilder as modified by the accompanying Preliminary Development Plan Major Modification. (See Appendix G.) A change in the zoning district boundary between the R-3 and C-1 zone is proposed on the north side of College Way adjacent to the western property line. The proposed street system within the Final Development Plan area includes several local public streets and alleys that provide access from Harborton Street to the proposed residential and mixed-use development areas.

B. The proposed uses shall be compatible in terms of density and demand for public services with uses that would otherwise be allowed by the Comprehensive Plan.

RESPONSE: The Proposed Final Development Plan includes uses that are allowed in the Comprehensive Plan and is compatible with the adopted South Beach Neighborhood Plan. The location and level of public services necessary to serve the site were estimated and planned for in the South Beach Neighborhood Plan. Therefore, the proposal will not result in any additional demand on public services beyond what was planned for this site.

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

RESPONSE: Adequate services are in place or will be made available at time of development of Wilder as outlined within the infrastructure report that was prepared for the original Preliminary Development Plan approval.

The major Collector roadway facilities that serve the development, 40th Street and Harborton Street, have already been constructed through the site from Highway 101 to College Way. Harborton Street will be extended south to serve Phase 2E and 2F with this development. As shown in the Final Development Plan/Tentative Subdivision Plan, various new public local streets will be extended from the Collector to serve the neighborhoods within the site consistent with the proposed circulation plan. (See Appendix G, Sheets 3-6)

Major utility facilities, including water and sewer lines, have also already been constructed within 40th Street, Harborton Street, and College Way to serve Phase 1 of Wilder and the College campus. The applicant has prepared detailed utility plans that illustrate how these facilities will be further extended to serve development within the site. (See Appendix G,

Sheets 16-19.) Stormwater facilities will also be constructed on site to collect and treat run-off from impervious surfaces prior to being discharged to on-site drainage ways, with two alternatives proposed for Phase 4 to accommodate preservation or mitigation of an existing wetland.

D. Access shall be designed to cause minimum interference with traffic movement on abutting streets.

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

Primary traffic access will be provided by two-lane Collector roadways, 40th Street and Harborton Street, and College Way. The Collector roadways have been constructed from US 101 east and south to College Way pursuant to prior approvals for the Planned Development, and Harborton will be extended south from College Way to serve Phase 2E and 2F. These streets constitute the northern part of a loop road system that will ultimately connect to 50th Street on the south and then west to US 101. The remaining portion of the loop connecting to 50th Street will be constructed at full build-out of the Master Plan providing secondary access to the site. In the mean time, the southern part of the loop system has been constructed as a gravel access road for emergency vehicles and construction vehicles only.

Internal access will be provided along various residential roadways, woonerfs, and alleys. These local streets have been designed to ensure north-south connectivity along Ellis and Fleming Streets to provide a parallel alternative to Harborton Street. Local street access onto Harborton has been minimized, and occurs at 41st Circle to serve Phase 4, 42nd Place to serve Phase 3, and 46th Street to serve Phases 2B and 2C; access at 45th Street has been eliminated because it was unnecessary for the proposed residential alley serving Phases 2C and 2D.

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

RESPONSE: The previously approved landscape plan demonstrates how the site will be landscaped in accordance with City standards. Sustainable native plantings have been used where appropriate throughout the site to blend with the natural landscape. Street trees and landscaped curb extensions are provided along all local streets. Landscape curb-extensions will double as stormwater planter swales that provide for a natural means to collect and treat run-off from the development.

The surface parking areas for commercial and apartment uses including Tracts "I" and "J" within the higher density Village Center area continue to be located behind or to the side of buildings, so that they are screened from adjacent public streets to the north, south, and east. The Village Center area abuts the Oregon Coast Community College campus, a non-residential use, to the west. The proposed buildings, proposed landscaping, and existing vegetation will provide a level of screening from the College campus.

An enhanced forest edge planting is also proposed along the east side of Harborton Street. Grass and shrubs will be planted under the power lines and trees will be planted beyond 75-

feet. This will create a forested buffer or transition between the street and the single-family residential areas to the east.

F. The arrangement of buildings, parking areas, signs, and other facilities shall be designed and oriented to minimize noise and glare relative to adjoining property.

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

Since the commercial services provided within the Village Center will be neighborhood-oriented retail and services, signs will be limited to a pedestrian scale with minimal lighting. An attractive monument sign is also proposed at the site's entry at 40th Street and Harborton Street that will include enhanced landscaping and small walls.

The lower density residential areas within the northern end of the site are shielded from adjacent property to the west by a ravine and dense existing vegetation. Additionally, each lot will be fully landscaped, and street trees are provided along all streets, which reduce noise and glare throughout this area.

G. Artificial lighting, including illuminated signs and parking area lights, shall be so arranged and constructed as not to produce direct glare on adjacent property or otherwise interfere with the use and enjoyment of adjacent property.

RESPONSE: Artificial lighting used on site will be arranged and constructed to minimize direct glare on adjoining property. Low-impact pedestrian scale lighting will be used throughout the development and will be shielded where necessary. As noted above, surface parking areas and associated parking lot lighting within the Village Center area is oriented behind and to the side of buildings. This minimizes the amount of artificial lighting that will glare onto adjoining properties. Retail and monument signs will be pedestrian scale with limited lighting. The low-density northern portion of the development is buffered from adjacent property to the west by significant vegetation, which will reduce glare from lights within homes and along streets.

H. The area around the development can be developed in substantial harmony with the proposed plan.

RESPONSE: The areas proposed within Final Development Plan is designed to be compatible with the overall Master Plan for the greater Wilder site, which extends beyond the limits of the current Preliminary Development Plan for Phase 1 of Wilder and the city limits, and includes off-site properties. The design features a pedestrian-oriented Village Center adjacent to the College that will be the hub of activity within the site. The lower density residential portions of the site are located farther from the Village Center and abut off-site low-density residentially zoned properties to the west. This graduated density provides an appropriate transition of land use intensities. Enhanced pedestrian connections link all uses within the Final Development Plan area.

I. The plan can be completed within a reasonable period of time.

RESPONSE: As shown in the proposed development schedule (Page 15), the plan can be completed within a reasonable period with steady development planned over the next 10 years. The major public infrastructure necessary to serve the development, including 40th Street and Harborton Street to College Way, have already been constructed per the prior development approvals for the site.

J. The streets are adequate to serve the anticipated traffic.

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

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

K. Proposed utility and drainage facilities are adequate for the population densities and type of development proposed.

RESPONSE: The planned utilities that will serve the development are adequate and appropriate for the land use. Utilities, including water and sewer, have already been constructed through the Wilder site along 40th Street and Harborton Street from Highway 101 to the OCCC campus. As shown in the proposed utility plans, water and sewer will be extended to serve the lots within the development (Appendix G, Sheets 16-19). Stormwater facilities are also proposed that will collect and treat run-off from impervious surfaces within the development before being discharged to on-site drainage ways.

L. Land shown on the Final Development Plan as common open space shall be conveyed under one of the following options:

- 1. To a public agency that agrees to maintain the common open space and any buildings, structures, or other improvements that have been placed on it.*
- 2. To an association of owners or tenants, created as a non-profit corporation under the laws of the State, which shall adopt and impose a declaration of covenants and*

restrictions on the common open space that is acceptable to the Planning Commission as providing for the continuing care of the space. Such an association shall be formed and continued for the purpose of maintaining the common open space.

RESPONSE: Tracts "G" and "H" are intended to be conveyed to the City for trail and open space uses. In the event that the tracts are not conveyed, the applicant will create an association of owners to ensure continuing care and maintenance of Tracts "G" and "H."

M. The Final Development Plan complies with the requirements and standards of the Preliminary Development Plan.

RESPONSE: The Final Development Plan will comply with the provisions of the modified Preliminary Development Plan proposed concurrently with this application. (See Section V.)

N. No building shall be erected in a Planned Development district except within an area contained in an approved Final Development Plan, and no construction shall be undertaken in that area except in compliance with the provisions of said plan. All features required in the Final Development Plan shall be installed and retained indefinitely or until approval has been received from the Planning Commission or Community Development Director for modification.

RESPONSE: No construction will be completed outside of the area or out of compliance with the approved by the Final Development Plan.

14.35.110 Procedure for Modification of a Planned Development.

C. A major change in a Preliminary or Final Development Plan that includes any change in the character of the development or any increase in the intensity or density of the land use or in the location or amount of land devoted to specific land uses or any change in the location, width, or size of a collector or major thoroughfare street, or that substantially changes the location or specification for utilities but will not materially affect future street or utility plans of the City may be approved by the Commission after public hearing.

D. In considering any request for a change in a Preliminary or Final Development Plan, the Planning Commission shall apply the same standards as are provided in this Article for the approval of Preliminary or Final Development Plans. The Planning Commission may approve, reject, modify, or attach special conditions to a request for modification of a Preliminary or Final Development Plan. The Community Development Director in his reasonable discretion shall determine whether each request for modification of a Preliminary or Final Development Plan is a minor or major change within the remaining of subparts of A, B, or C of this Section and shall determine or refer each request appropriately.

RESPONSE: The subject proposal meets the criteria for a Major Modification with review and approval by the Planning Commission. The proposal seeks to modify the previously approved Final Development Plan by expanding the range of proposed uses in the Village Center, adjusting the zoning district boundary between the C-1 and R-3 districts along College Way, and expanding the boundaries of the proposed Final Development Plan to include Phases 2C, 2D, and 4. The proposal will not substantially alter the location of a major collector or thoroughfare street, or utilities.

The applicant has responded to the standards for approval of a Final Development Plan as applies to this modification throughout this section.

**Wilder Community Master Plan
Development Applications**

APPENDIX A.

Application Form



City of Newport Land Use Application

Applicant Name(s):	Property Owner Name(s) <i>if other than applicant</i>
Bonnie Serkin, Landwaves, Inc	Same
Applicant Mailing Address:	Property Owner Mailing Address:
2712 SE 20th Ave, Portland, OR 97202	
Applicant Phone No.	Property Owner Phone No.
503.221.0167	
Applicant Email	Property Owner Email
bonnie@eenw.com	
Authorized Representative(s): <i>Person authorized to submit and act on this application on applicant's behalf</i>	
Elizabeth Decker, JET Planning	
Authorized Representative Mailing Address:	
215 W. 4th St Ste 209, Vancouver, WA 98660	
Authorized Representative Telephone No.	
503.705.3806	
Authorized Representative Email. edecker@jetplanning.net	

Project Information

Property Location: <i>Street name if address # not assigned</i>	
S. College Way & S. Harborton Drive	
Tax Assessor's Map No.: 11-11-20	Tax Lot(s): 100
Zone Designation: R-2, R-3, C-1	Legal Description: <i>Add additional sheets if necessary</i>
Comp.Plan Designation: LDRes, HDRes, RCom See attached	
Brief description of Land Use Request(s):	
<i>Examples:</i>	
1. Move north property line 5 feet south	See attached
2. Variance of 2 feet from the required 15-foot front yard setback	
Existing Structures: if any	
Infrastructure along Harborton St and College Way, no buildings	
Topography and Vegetation:	
Gently sloping, forested with trees and undergrowth, cleared in portions.	

Application Type (please check all that apply)

<input type="checkbox"/> Annexation <input type="checkbox"/> Appeal <input type="checkbox"/> Comp Plan/Map Amendment <input type="checkbox"/> Conditional Use Permit <input type="checkbox"/> PC <input type="checkbox"/> Staff <input type="checkbox"/> Design Review <input type="checkbox"/> Geologic Permit	<input type="checkbox"/> Interpretation <input type="checkbox"/> Minor Replat <input type="checkbox"/> Partition <input checked="" type="checkbox"/> Planned Development <input type="checkbox"/> Property Line Adjustment <input type="checkbox"/> Shoreland Impact <input checked="" type="checkbox"/> Subdivision <input checked="" type="checkbox"/> Temporary Use Permit	<input type="checkbox"/> UGB Amendment <input type="checkbox"/> Vacation <input type="checkbox"/> Variance/Adjustment <input type="checkbox"/> PC <input type="checkbox"/> Staff <input type="checkbox"/> Zone Ord/Map <input type="checkbox"/> Amendment <input type="checkbox"/> Other
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

FOR OFFICE USE ONLY

File No. Assigned:		
Date Received:	Fee Amount:	Date Accepted as Complete:
Received By:	Receipt No.	Accepted By:

City Hall
169, SW Coast Hwy
Newport, OR 97365
541.574.0629



City of Newport Land Use Application

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

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

Langwaves, Inc.

by Bonnie Serkin COO
Applicant Signature(s)

3.19.15

Date

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

Date

Elizabeth Deed

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

3/17/15

Date

Please note application will not be accepted without all applicable signatures.

Please ask staff for a list of application submittal requirements for your specific type of request.

Legal Description: P.P. 2007-39, PARCEL 2 PTN OF, ACRES 41.24, DOC200711876
LESS DOC201304489

(Note that legal description, tax assessor's map number, and tax lots were updated with Partition Plat No. 2015-1, 1A, 1B, 1C of City of Newport, Lincoln County, Oregon recorded January 2, 2015, to reflect two new lots that were created from the parcel listed here, however, the County has not updated its record to include tax lots and legal descriptions for the new lots.)

Brief Description of Land Use Requests:

1. Create new residential and commercial lots through tentative subdivision plan for future development.
2. Amend preliminary development plan and final development plan to reflect zoning district boundary change, revised circulation plans, and proposed development types and uses.

**Wilder Community Master Plan
Development Applications**

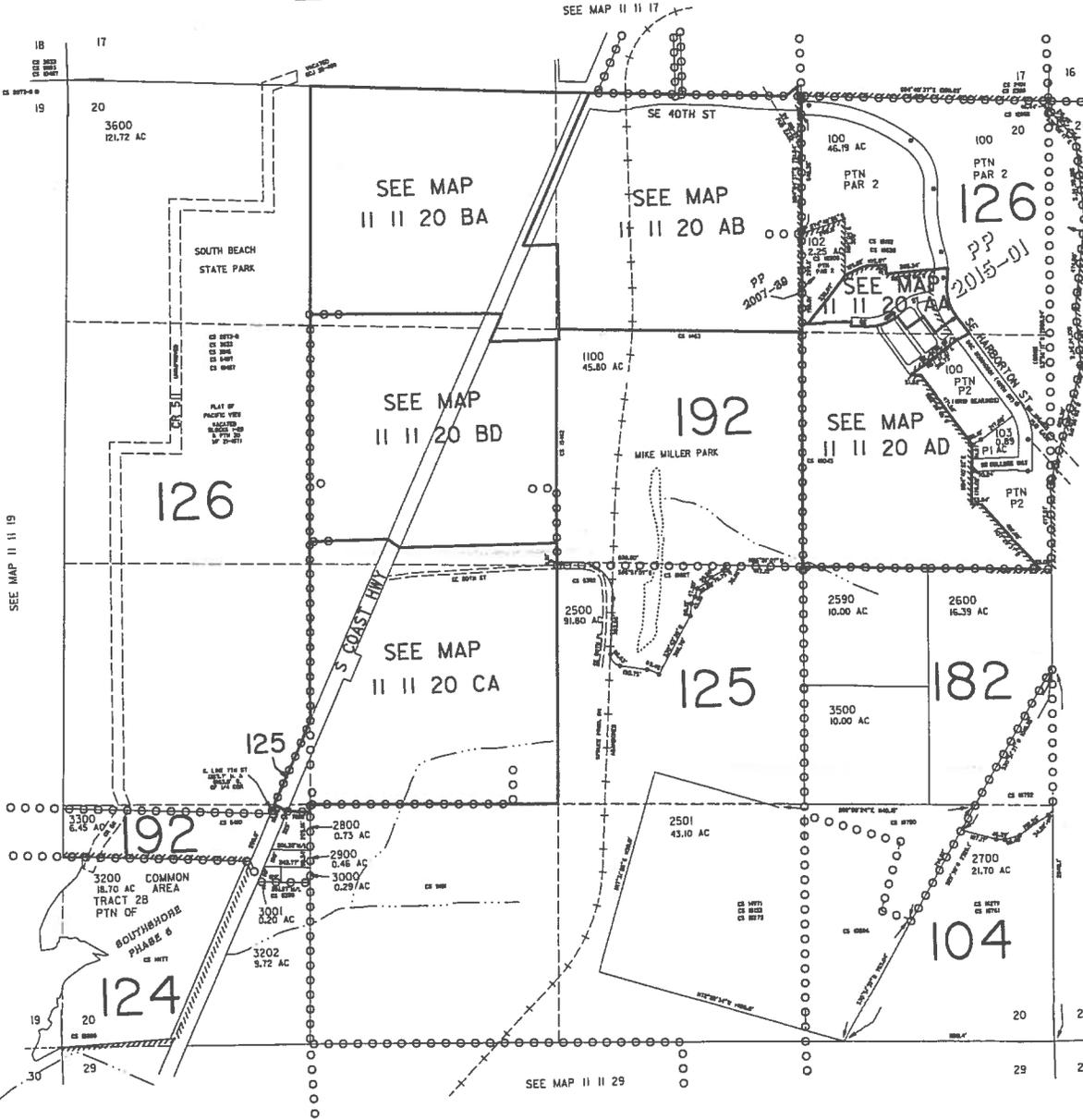
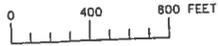
APPENDIX B.

Assessor's Tax Map

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

SECTION 20 T11S R11W WM
LINCOLN COUNTY
1" = 400'

11 11 20
& INDEX
NEWPORT



CANCELLED NO.

100	1800
101	1900
200	2000
201	2001
202	2002
203	2100
204	2200
205	2300
206	2400
300	3401
301	3400
302	3201
303	3400
304	3401
400	
401	
501	
600	
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604-21	
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1001	
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1700	

11 11 20
& INDEX
NEWPORT

**Wilder Community Master Plan
Development Applications**

APPENDIX C.

***List of Property Owners Within
Notification Area***

Account #	Map Taxlot	Site Address(es)	Owner	Mailing Address1	Mailing Address2	Mailing Address3	City	State ZIP
R375441	11-11-16-CC-00200-00		YACK FRED ARTHUR TRUSTEE	PO BOX 352		NEWPORT	OR 97365	
R373060	11-11-16-CC-00106-00	660 SE 35TH ST	YACK FRED ARTHUR TRUSTEE	PO BOX 352		NEWPORT	OR 97365	
R226736	11-11-17-DC-00700-00	3807 SE ASH ST	CENTRAL LINCOLN PUD	ATTN BRIAN BARTH	MGR ACCT & FINANCE	NEWPORT	OR 97365	
R931861	11-11-17-DD-01400-00		STOCKER MARION E	9566 LOGSDEN RD		SILETZ	OR 97380	
R467437	11-11-17-DD-01600-00		CITY OF NEWPORT	CITY MANAGER	169 SW COAST HWY	NEWPORT	OR 97365	
R389494	11-11-17-DD-01201-00		STOCKER MARION E	9566 LOGSDEN RD		SILETZ	OR 97380	
R465071	11-11-17-DD-01500-00		CITY OF NEWPORT	CITY MANAGER	169 SW COAST HWY	NEWPORT	OR 97365	
R364534	11-11-20-00-00100-00	755 SE COLLEGE WAY	LANDWAVES INC	2712 SE 20TH AVE		PORTLAND	OR 97202	
R528441	11-11-20-00-00102-00		STOCKER JACK E TRUSTEE	PO BOX 688		SOUTH BEACH	OR 97366	
R369227	11-11-20-00-02600-00		BGB LLC	16538 SW GLENEAGLE DR		SHERWOOD	OR 97140	
R526347	11-11-20-AA-00500-00	525 SE 43RD ST	CITY OF NEWPORT	CITY MANAGER	169 SW COAST HWY	NEWPORT	OR 97365	
R526343	11-11-20-AA-00100-00	725 SE 43RD ST	LANDWAVES INC	2712 SE 20TH AVE		PORTLAND	OR 97202	
R526344	11-11-20-AA-00200-00	715 SE 43RD ST	LANDWAVES INC	2712 SE 20TH AVE		PORTLAND	OR 97202	
R526345	11-11-20-AA-00300-00	705 SE 43RD ST	CITY OF NEWPORT	CITY MANAGER	169 SW COAST HWY	NEWPORT	OR 97365	
R526346	11-11-20-AA-00400-00	625 SE 43RD ST	LANDWAVES INC	2712 SE 20TH AVE		PORTLAND	OR 97202	
R526349	11-11-20-AA-00700-00	415 SE 43RD ST	LANDWAVES INC	2712 SE 20TH AVE		PORTLAND	OR 97202	
R526348	11-11-20-AA-00600-00	405 SE 43RD ST	SALVAGE MARK B &	2712 SE 20TH AVE		PORTLAND	OR 97202	
R526353	11-11-20-AA-01100-00	4310 SE HARBORION ST	EQUITY TRUST CO CUSTODIAN &	23151 NE 15TH CT		SAMMAMISH	WA 98074	
R526354	11-11-20-AA-01200-00	4320 SE HARBORION ST	EQUITY TRUST CO CUSTODIAN &	ATTN MICHAEL YEOMANS	5745 SW ARBOR DR	SOUTH BEACH	OR 97366	
R526351	11-11-20-AA-00900-00	4315 SE FLEMING ST	LANDWAVES INC	YEOMANS MICHAEL IRA FBO	5745 SW ARBOR DR	SOUTH BEACH	OR 97366	
R526355	11-11-20-AA-01300-00	4330 SE HARBORION ST	F&S NEWPORT LLC	2712 SE 20TH AVE		PORTLAND	OR 97202	
R526352	11-11-20-AA-01000-00	4325 SE FLEMING ST	LANDWAVES INC	2110 NE 36TH DR	STE 1100	LINCOLN CITY	OR 97367	
R526356	11-11-20-AA-01400-00	4340 SE HARBORION ST	F&S NEWPORT LLC	2712 SE 20TH AVE		PORTLAND	OR 97202	
R526357	11-11-20-AA-01500-00	4350 SE HARBORION ST	F&S NEWPORT LLC	2110 NE 36TH DR	STE 1100	LINCOLN CITY	OR 97367	
R526358	11-11-20-AA-01600-00	4360 SE HARBORION ST	F&S NEWPORT LLC	2110 NE 36TH DR	STE 1100	LINCOLN CITY	OR 97367	
R509944	11-11-20-AB-00100-00	4003 S COAST HWY	TRYON GARY E &	TRYON VERNON &	TRYON ROBERT & TRYON LOREN	WALDPOR	OR 97394	
R526777	11-11-20-AB-00102-00		CITY OF NEWPORT	OREGON	ATTN: MCCARTHY PENELOPE	169 SW COAST HWY	NEWPORT	
R526776	11-11-20-AB-00101-00		TRYON GARY E &	TRYON VERNON &	TRYON ROBERT & TRYON LOREN	WALDPOR	OR 97394	
R523882	11-11-20-AD-03100-00	400 SE COLLEGE WAY	STOCKER JACK E TRUSTEE	PO BOX 688		SOUTH BEACH	OR 97366	
R526364	11-11-20-AD-00600-00	4335 SE FLEMING ST	OREGON COAST COMMUNITY COLLEGE	DISTRICT	ATTN PATRICK OCONNOR	NEWPORT	OR 97366	
R526363	11-11-20-AD-00500-00	4345 SE FLEMING ST	GIBBS VIRGINIA G	PO BOX 540	400 SE COLLEGE WAY	LINCOLN CITY	OR 97367	
R526359	11-11-20-AD-00100-00	4370 SE HARBORION ST	LANDWAVES INC	2712 SE 20TH AVE		PORTLAND	OR 97202	
R526367	11-11-20-AD-00900-00	4330 SE FLEMING ST	ELIZONDO SUSANNAH LYNN	2110 NE 36TH DR	STE 1100	LINCOLN CITY	TX 76006	
R526360	11-11-20-AD-00200-00	4380 SE HARBORION ST	F&S NEWPORT LLC	2830 LEGACY POINT DR		ARLINGTON	OR 97367	
R526362	11-11-20-AD-00400-00	4355 SE FLEMING ST	LANDWAVES INC	2110 NE 36TH DR	STE 1100	LINCOLN CITY	OR 97367	
R526378	11-11-20-AD-02000-00		WILDER HOMEOWNERS ASSOC	2712 SE 20TH AVE		PORTLAND	OR 97202	
R526377	11-11-20-AD-01900-00	4334 SE ELLIS ST	WILDER HOMEOWNERS ASSOC	2712 SE 20TH AVE		PORTLAND	OR 97202	
R526368	11-11-20-AD-01000-00	4340 SE FLEMING ST	GIBBS VIRGINIA G	2712 SE 20TH AVE		PORTLAND	OR 97202	
R526361	11-11-20-AD-00300-00	4365 SE FLEMING ST	OXSENHOLT CONSTRUCTION CO	4340 SE FLEMING ST		NEWPORT	OR 97365	
R526369	11-11-20-AD-01100-00	4350 SE FLEMING ST	SHUTT BEVERLY W SURV TSTEE	PO BOX 540		LINCOLN CITY	OR 97367	
R526375	11-11-20-AD-01700-00	4330 SE ELLIS ST	FOWLER HOMES LLC	4350 SE FLEMING ST		NEWPORT	OR 97365	
R526370	11-11-20-AD-01200-00	4360 SE FLEMING ST	OXSENHOLT CONSTRUCTION CO	ATTN JAMES W FOWLER	PO BOX 823	DALLAS	OR 97338	
R526374	11-11-20-AD-01600-00	4340 SE ELLIS ST	CURTIS R EUGENE &	ATTN E JON OXSENHOLT	PO BOX 449	LINCOLN CITY	OR 97367	
				51VH CURTIS CINDY	220 PALOUSE LN	COLUMBIA FALLS	MT 59912	

**Wilder Community Master Plan
Development Applications**

APPENDIX D.

Preliminary Title Report

PUBLIC RECORDS REPORT

THIS REPORT IS FOR THE EXCLUSIVE USE OF:

Landwaves Inc.
Attention: Bonnie Serkin
1733 NE 7th Avenue
Portland, OR 97212

Date Prepared: **March 19, 2015**

Report Number: **98554**

Fee: **\$200.00**

CONDITIONS, STIPULATIONS AND DEFINITIONS

(I) Definitions:

- (a) "Customer": The person or persons named or shown on this cover sheet.
- (b) "Effective date": The title plant date of **March 06, 2015**.
- (c) "Land": The land described, specifically as by reference, in this public record report and improvements affixed thereto which by law constitute real property.
- (d) "Liens and encumbrances": Include taxes, mortgages, and deeds of trust, contracts, assignments, rights of way, easements, covenants, and other restrictions on title.
- (e) "Public records": Those records which by the laws of the State of Oregon impart constructive notice of matters relating to said land.

(II) Liability of **Western Title & Escrow Company**:

- (a) THIS IS NOT A COMMITMENT TO ISSUE TITLE INSURANCE AND DOES NOT CONSTITUTE A POLICY OF TITLE INSURANCE.
- (b) The liability of **Western Title & Escrow Company** for errors or omissions in this public record report is limited to the amount of the fee paid by the customer, provided, however, that **Western Title & Escrow Company** has no liability in the event of no actual loss to the customer.
- (c) No costs of defense, or prosecution of any action, is afforded to the customer.
- (d) In any event, **Western Title & Escrow Company** assumes no liability for loss or damage by reason of the following:
 - 1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records.
 - 2. Any facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of the land or by making inquiry of persons in possession thereof.

3. Easements, liens or encumbrances, or claims thereof, which are not shown by the public records.
4. Discrepancies, encroachments, shortage in area, conflicts in boundary lines or any other facts which a survey would disclose.
5. (i) Unpatented mining claims; (ii) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (iii) water rights or claims or title to water.
6. Any right, title, interest, estate or easement in land beyond the lines of the area specifically described or referred to in this report, or in abutting streets, roads, avenues, alleys, lanes, ways or waterways.
7. Any law, ordinance or governmental regulation (including but not limited to building and zoning laws, ordinances or regulations) restricting, regulating, prohibiting or relating to (i) the occupancy, use or enjoyment of the land; (ii) the character, dimensions or location of an improvement now or hereafter erected on the land; (iii) a separation in ownership or a change in the dimensions or area of the land or any parcel of which the land is or was a part; or (iv) environmental protection, or the effect of any violation of these laws, ordinances or governmental regulations, except to the extent that a notice of the enforcement thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at the effective date hereof.
8. Any governmental police power not excluded by (II)(d)(7) above, except to the extent that notice of the exercise thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at the effective date hereof.
9. Defects, liens, encumbrances, adverse claims or other matters created, suffered, assumed, agreed to or actually known by the customer.

(III) Report Entire Contract:

Any rights or actions or rights of action that the customer may have or may bring against **Western Title & Escrow Company** arising out of the subject matter of this report must be based on the provisions of this report. No provision or condition of this report can be waived or changed except by a writing signed by an authorized officer of **Western Title & Escrow Company**. By accepting this form report, the customer acknowledges and agrees that the customer has been afforded the opportunity to purchase a title insurance policy but has elected to utilize this form of public record report and accepts the limitation of liability of **Western Title & Escrow Company** as set forth herein.

(IV) Fee:

The fee charged for this Report does not include supplemental reports, updates or other additional services of **Western Title & Escrow Company**.

REPORTReport Number: **98554**Effective Date: **March 06, 2015 at 5:00 p.m.****A. The land referred to in this public record report is located in the County of Lincoln, State of Oregon, and is described as follows:**

Parcels 1 and 2, Partition Plat No. 2015-01, recorded January 2, 2015 as Document No. 2015-00031, Lincoln County Records, City of Newport, Lincoln County, Oregon.

B. As of the effective date and according to the public records, we find title to the land apparently vested in:

Landwaves, Inc., an Oregon corporation

C. And as of the effective date and according to the public records, the land is subject to the following liens and encumbrances, which are not necessarily shown in the order of priority:

1. As disclosed by the assessment and tax roll, the premises herein have been specially assessed as forest land. If the land becomes disqualified for this special assessment under the statute, an additional tax plus interest may be levied for the last five or lesser number of years in which the land was subject to this special land use assessment.
Account No.: R524143

NOTE: 2003 Legislative changes have resulted in changes to forest assessments (FORESTLAND program/HB 2188 and SMALL TRACT FORESTLAND OPTION/HB 2197) and may impact the property described herein. For additional information, please contact the county assessor's office.

2. City liens, if any, of the City of Newport.
 3. Regulations, including the power to acquire rights of way and easements, and to levy assessments of the Seal Rock Water District.
 4. Subject property is either situated within the urban renewal boundaries or within the shared area of the City of Newport and is subject to the terms and provisions thereof.
 5. An easement created by instrument, including the terms and provisions thereof,
Recorded: July 22, 1957
Document No.: Book 186, Page 211, Lincoln County Records
And Recorded: July 22, 1957
Document No.: Book 186, Page 221, Deed Records
In favor of: Central Lincoln People's Utility District
- Assignment/Assumption, including the terms and provisions thereof,
Recorded: March 1, 1993
Document No.: Book 257, Page 1927, Lincoln County Records

6. Road Right of Way in favor of Georgia-Pacific Corporation as disclosed by Instrument
 Recorded: September 11, 1978
 Document No.: Book 92, Page 508, Lincoln County Records

Assignment/Assumption, including the terms and provisions thereof,
 Recorded: March 1, 1993
 Document No.: Book 257, Page 1927, Lincoln County Records

7. Right of way Agreement, including the terms and provisions thereof,
 Dated: December 29, 1982
 Recorded: January 17, 1983
 Document No.: Book 138, Page 396, Lincoln County Records
 Between: Publishers Paper Co., a Delaware corporation
 And: Rex Timber, Inc., an Oregon Corporation

Assigned by instrument,
 Recorded: March 21, 1991
 Document No.: Book 227, Page 1403, Lincoln County Records

Assignment/Assumption, including the terms and provisions thereof,
 Recorded: March 1, 1993
 Document No.: Book 257, Page 1927, Lincoln County Records

Assignment and Assumption Agreement, including the terms and provisions thereof,
 Recorded: February 23, 2010
 Document No.: 2010-02039, Lincoln County Records

8. Right of Way Agreement, including the terms and provisions thereof,
 Dated: May 19, 1992
 Recorded: August 21, 1992
 Document No.: Book 249, Page 605, Lincoln County Records
 Between: Boise Cascade Corporation
 And: Georgia-Pacific Corporation

Assignment and Assumption Agreement, including the terms and provisions thereof,
 Recorded: February 23, 2010
 Document No.: 2010-02039, Lincoln County Records

9. Timber Easement, including the terms and provisions thereof,
 Recorded: August 16, 2007
 Document No.: 200711878, Lincoln County Records
 Between: Landwaves, Inc., an Oregon Corporation
 And: Emery Investments, Inc., an Oregon Corporation
10. Land Partition Deferred Improvement Agreement/Waiver of Remonstrance, including the terms and provisions thereof,
 Dated: September 10, 2007
 Recorded: October 1, 2007
 Document No.: 200713970, Lincoln County Records
 Between: City of Newport
 And: Landwaves, Inc.

11. Boundary Line Agreements, including the terms and provisions thereof,
 Recorded: December 13, 2007
 Document No.: 200717102, Lincoln County Records
 And Recorded: December 13, 2007
 Document No.: 200717103, Lincoln County Records
12. Easement Agreement, including the terms and provisions thereof,
 Dated: December 14, 2007
 Recorded: December 14, 2007
 Document No.: 200717237, Lincoln County Records
 By & Between: The City of Newport, Landwaves, Inc., Emery Investments, Inc. and Oregon Coast Community College District
- Amended by instrument,
 Recorded: October 2, 2012
 Document No.: 2012-09575, Lincoln County Records
13. Easements, conditions, restrictions and notes as delineated on the recorded Partition plat 2007-39.
14. Restrictive Covenant Agreement, including the terms and provisions thereof,
 Dated: December 13, 2007
 Recorded: January 3, 2008
 Document No.: 200800027, Lincoln County Records
15. Restrictive covenants, including the terms and provisions thereof, to waive right of remonstrance,
 Recorded: January 3, 2008
 Document No.: 200800028, Lincoln County Records
 For: future use of adjacent properties
16. Timber Easement Agreement, including the terms and provisions thereof,
 Dated: December 13, 2007
 Recorded: January 3, 2008
 Document No.: 200800029, Lincoln County Records
17. Reciprocal Easement Agreement, including the terms and provisions thereof,
 Dated: December 13, 2007
 Recorded: January 3, 2008
 Document No.: 200800030, Lincoln County Records
- Amended by instrument,
 Recorded: February 28, 2011
 Document No.: 2011-02149, Lincoln County Records
18. An easement created by instrument, including the terms and provisions thereof,
 Dated: September 5, 2008
 Recorded: September 25, 2008
 Document No.: 200811292, Lincoln County Records
 In favor of: Central Lincoln People's Utility District
19. Easements for existing utilities in vacated area, if any.

20. Declaration of Restrictive Covenant (Waiver of Remonstrance), including the terms and provisions thereof,
Recorded: October 26, 2010
Document No.: 2010-10802, Lincoln County Records

21. Easements, conditions, restrictions and notes as delineated on Partition Plat No 2015-01.

Note: Taxes paid in full for the year 2014-2015

Original Amount: \$22,210.52, includes special assessments
Tax Lot No.: 11-11-20-00-00100
Account No.: R364534, Code 126
(Portion of Parcel 1 and Parcel 2)

Taxes paid in full for the year 2014-2015

Original Amount: \$158.06, includes special assessments
Tax Lot No.: 11-11-21-00-00700
Account No.: R524143, Code 104
(Portion of Parcel 2 and includes other property)

Note: Tax information for the year 2015-2016

Tax Lot No.: 11-11-20-00-00103
Account No.: R529961, Code 126
(Parcel 1)

Tax information for the year 2015-2016

Tax Lot No.: 11-11-20-00-00100
Account No.: R529960, Code 104
(Portion of Parcel 2)

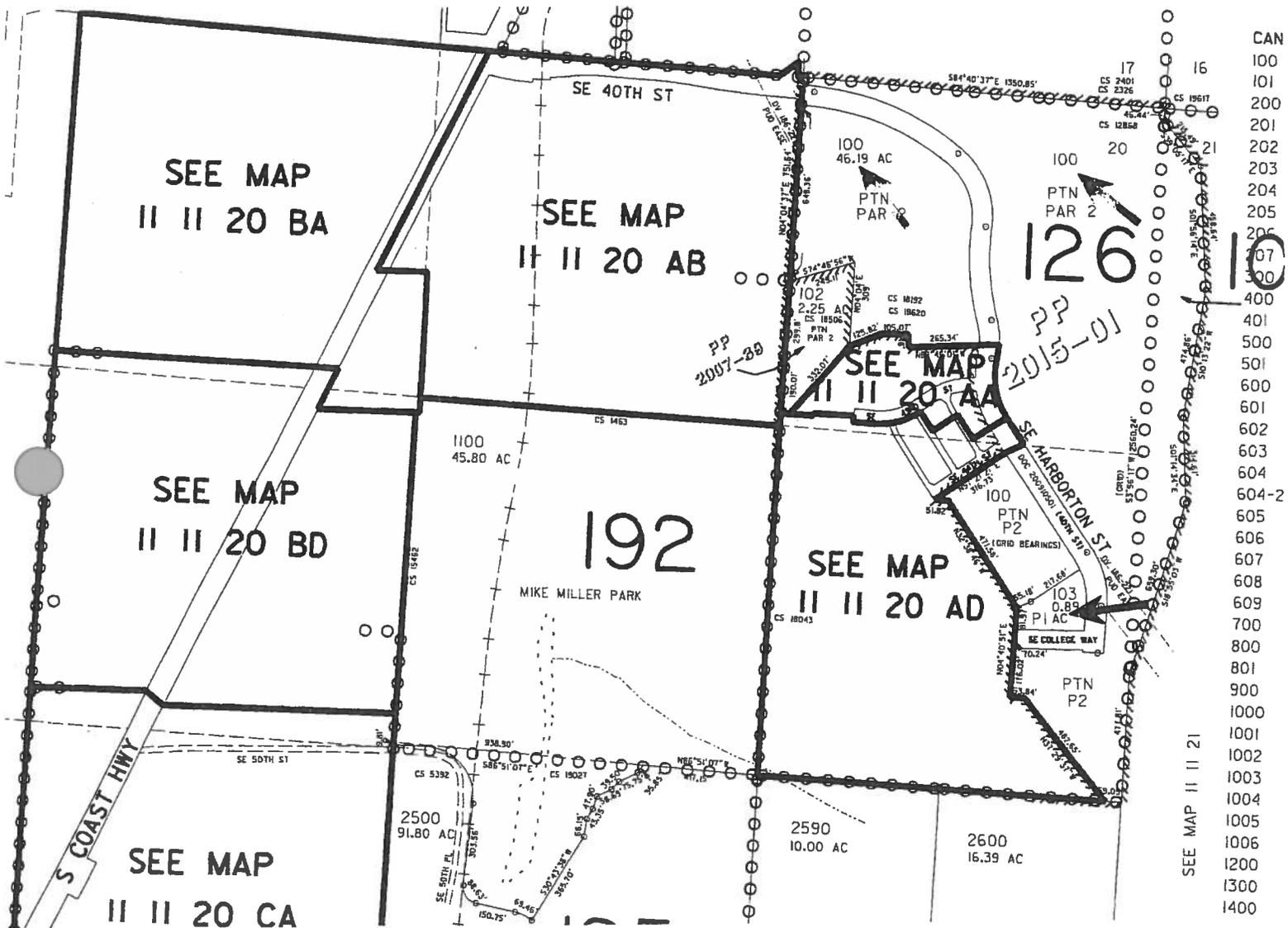
Note: We find no judgment liens or tax liens against the vestees herein.

END OF REPORT

Any questions concerning the Public Records Report should be directed to **Mickey Keeney** at **541-265-2288**, or email at mkeeney@westerntitle.com.



COMPLIMENTS OF
WESTERN TITLE & ESCROW CO.
THIS MAP IS NOT A SURVEY AND WE
ASSUME NO LEGALITY FOR INACCURACIES.



- CAN
- 100
- 101
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- 201
- 202
- 203
- 204
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- 206
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- 800
- 801
- 900
- 1000
- 1001
- 1002
- 1003
- 1004
- 1005
- 1006
- 1200
- 1300
- 1400

SEE MAP II II 21



Western Title & Escrow
PRIVACY POLICY NOTICE
June 1, 2005

Western Title & Escrow Company is dedicated in providing a basis of trust with you, our customer, and the public we serve. With respect to the privacy expectations of today's consumers, and the requirements of applicable privacy laws, the Gramm-Leach-Bliley Act (GLBA) has been enacted to protect the privacy of nonpublic personal information relating to consumers and customers. GLBA generally prohibits any financial institution, directly or through its affiliates, from sharing nonpublic personal information about you with a nonaffiliated third party unless the institution provides you with a notice of its privacy policies and practices.

We are providing you with this document, which notifies you of our privacy policies and practices. We reserve the right to change this Privacy Policy Notice from time to time consistent with applicable privacy laws.

In the course of our business we may collect nonpublic personal information about you from the following sources:

- Information we receive from you, such as your social security number and information from applications or other forms we receive from you or your authorized representatives;
- Information about your transaction we secure from our files, or from our affiliates or others;
- Information from our or other internet web sites;
- Information we receive from a consumer reporting agency
- Information we receive from others involved in your transaction, such as the real estate agent or lender; and
- Information from the public records maintained by governmental entities that we either obtain directly from those entities, or from our affiliates or others.

We may disclose any of the above information that we collect about our customers or former customers to our affiliates or to nonaffiliated third parties as permitted by law.

We also may share your personal information:

- to agents, lenders, brokers or representatives to provide you with the services you requested; and
- to third-party contractors or service providers who provide services or perform marketing or other functions on our behalf.

In addition, we will disclose your personal information when you direct or give us permission, when we are required by law to do so, or when we suspect fraudulent or criminal activities. We also may disclose your personal information when otherwise permitted by applicable privacy laws such as when disclosure is needed to enforce our rights arising out of any agreement, transaction or relationship with you.

We restrict access to nonpublic personal information about you to those employees who need to know that information in order to provide products or services to you. We maintain physical, electronic, and procedural safeguards that comply with federal regulations to guard your nonpublic information.

Exhibit



Western Title & Escrow
PRIVACY POLICY
June 1, 2005

Title V of the Gramm-Leach-Bliley Act (GLBA) generally prohibits any financial institution, directly or through its affiliates, from sharing nonpublic personal information about a consumer with a nonaffiliated third party unless the institution provides the consumer with a notice of its privacy policies and practices, such as the type of information that it collects about the consumer and the categories of persons or entities to whom it may be disclosed.

Financial institutions can include title insurance companies, title insurance agents, survey companies, attorneys, appraisers, flood certification providers, and other providers of settlement services on residential transactions.

In compliance with the GLBA, we do not share nonpublic personal information about a consumer with a nonaffiliated third party, unless allowed by law.

In compliance with the GLBA, our privacy practices regarding nonpublic personal financial information of consumers and customers (as defined by GLBA) are as follows, subject to any exceptions as permitted by law.

- We protect nonpublic personal information of customers and consumers.
- We allow access on need to know basis only. Only company personnel who need to know can access the information. Examples may include accounting personnel, title examiners, title underwriter personnel, auditors, escrow closers and their assistants, management, scanning personnel, and claims related investigation personnel, including but not limited to retained counsel.
- We allow customers and consumers to review their nonpublic personal information that we have collected, and we allow them to provide us with requests for amendment or deletion of such information, to which we will reasonably respond.
- We require consent from a proper party to the transaction to provide nonpublic personal information relating to their transaction, which includes closed transactions.
- We maintain physical, electronic, and procedural safeguards that comply with law to guard the nonpublic personal information. We allow only authorized personnel to review the information, and we keep closed files in secure storage, with limited access, or we store the files on computer with limited password access.
- We generally do not keep copies of credit reports, loan applications, and tax returns on consumers and customers.
- If we share starter title information, we don't share nonpublic personal information, such as sales price (unless it is public information), policy numbers, or amount of insurance on owner's policies issued to customers.
- We don't share nonpublic personal information, such as social security numbers and bank account information, as may be shown on affidavits of indemnity, instructions to escrow, or as may be provided by a principal lender, broker or real estate agent.
- We periodically inform our personnel about our policy.
- We don't share nonpublic personal information with independent contractors, unless they have a need in the processing of the transaction as allowed by law.

Dated: June 1, 2005

Western Title & Escrow Company

Wilder Community Master Plan Development Applications

APPENDIX E.

Written Letters from Utility Providers

(Pioneer Telephone Co-op, Central Lincoln PUD)

Serving Portions of Coos, Douglas, Lane, and Lincoln Counties on Oregon's Central Coast



2129 North Coast Highway • P.O. Box 1126 • Newport, Oregon 97365-0090 • 541-265-3211 • fax: 541-265-5208

March 3, 2015

Elizabeth Decker
215 W 4th St.
Suite 209
Vancouver, WA 98660

Elizabeth,

Central Lincoln PUD has adequate electric power to service the Wilder Project, located at 755 SE College Way, Newport, Oregon. Please call me if you require further information.

Thanks,

A handwritten signature in cursive script that reads "Barry Anderson". The signature is written in black ink and has a long horizontal flourish extending to the right.

Barry Anderson
Senior Distribution Engineering Tech
541-574-3643 - office
541-574-2632 - fax
541-270-2379
banderson@cencoast.com



PIONEER

Broadband and Voice Applications

PHILOMATH

T: 541.929.3135

F: 541.929.1221

1304 Main St

Philomath, OR 97370

WALDPORT

T: 541.563.3135

F: 541.563.1211

575 W. Willow St

Waldport, OR 97394

COPY

March 2, 2015

Derrick Tokos
City Hall
169 SW Coast Hwy
Newport, OR 97365

Re: Telecommunications service

To whom it may concern,

Pioneer Telephone Cooperative has facilities adjacent to the future Wilder Development in South Beach. At such time service to these properties is needed, voice and broadband lines will be provided. If further information is needed, please call me at 541-929-8237.

Sincerely,

Bruce Tompkins
PTC OSP Engineer

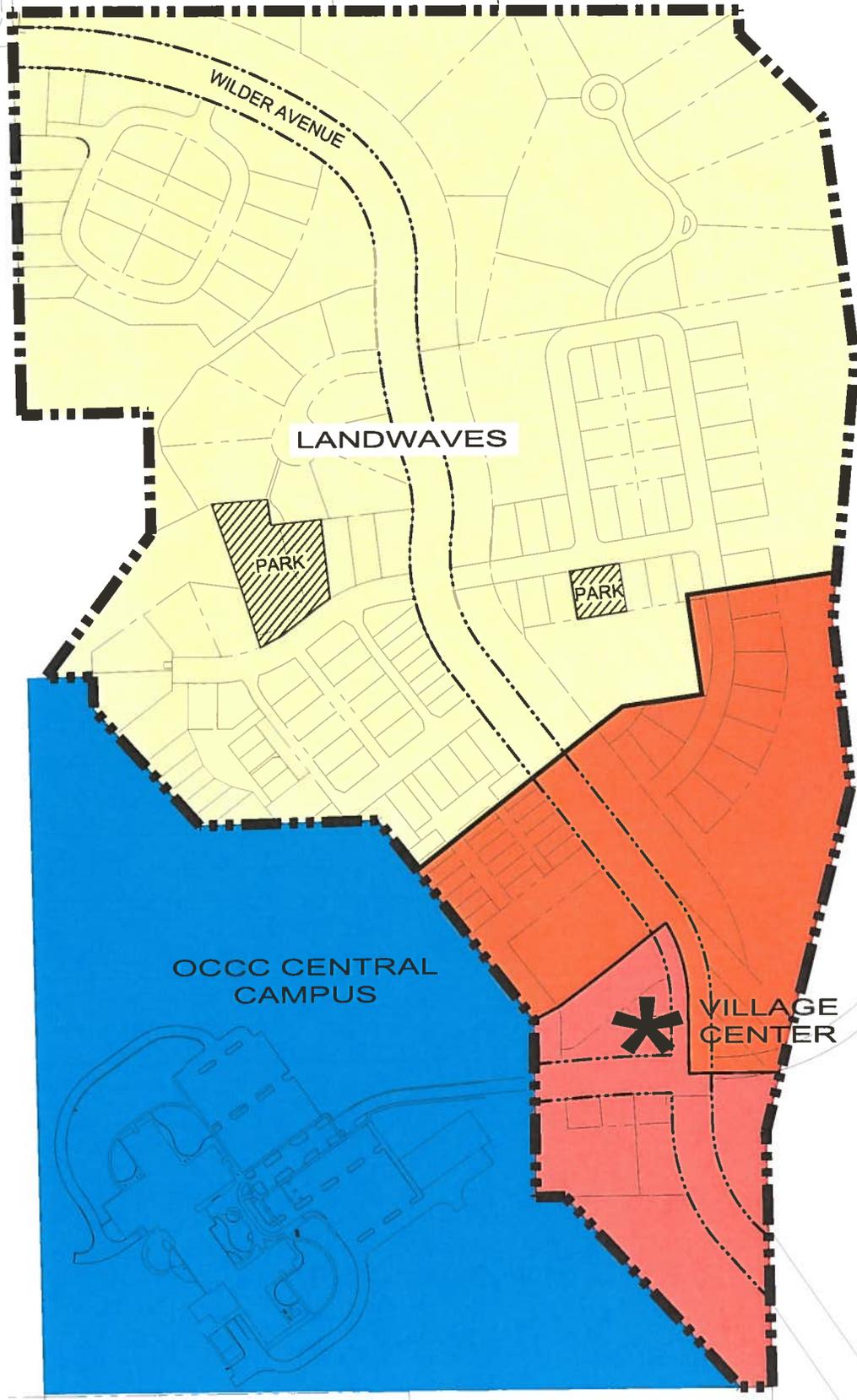
c: Elizabeth Decker

**Wilder Community Master Plan
Development Applications**

APPENDIX F.

***Preliminary Development Plan
Graphics Updated***

19, 2015 - 8:36am
 3SRV12G Data/Common Data - ActiveLAN005 - Wilder Phase 214 Planning\Drawings\Applications\Community Master Plan Phase 3 Revised\lan005-PUID.Dwg



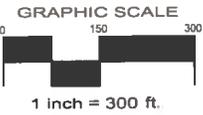
SYMBOL	ZONING	AREA
	P1	24.2
	C1	5.3
	R3	9.5
	R2	45.1

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

1733 NE 7th Ave.
 Portland, Oregon 97212
 TEL: (503) 221-0167
 FAX: (503) 221-0741

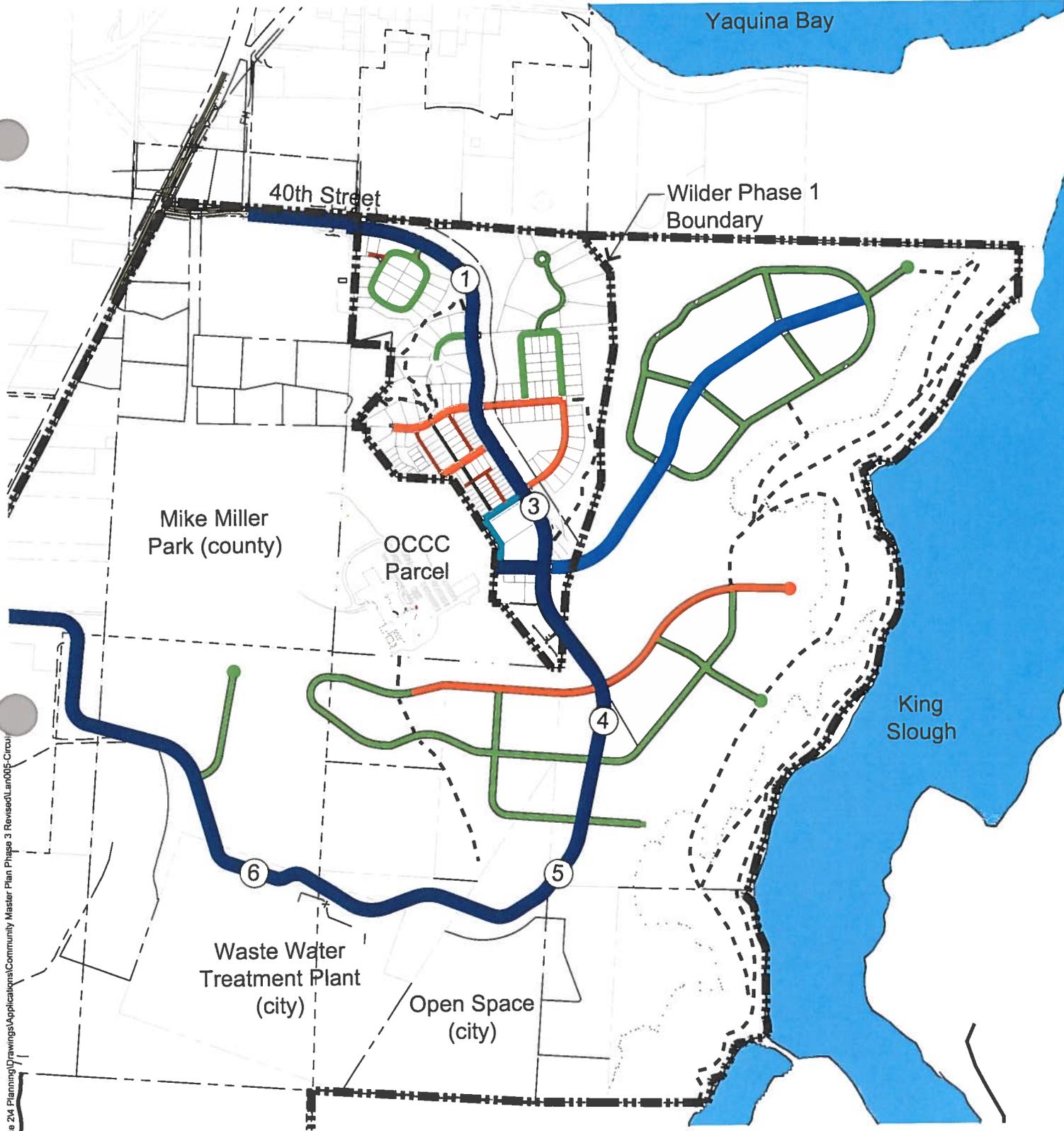
WILDER

PHASE 1 PRELIMINARY DFVFI OPMFNT PLAN




 400 COLUMBIA STREET
 SUITE 160
 PO BOX 1340
 VANCOUVER, WA 98666
 PHONE: 503-939-8750

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



-  MAIN LOOP ROAD
-  NEIGHBORHOOD SPINE
-  NEIGHBORHOOD LOCAL
-  VILLAGE CENTER ROAD (1, 2, OR 3)

-  HILLSIDE STREET
-  URBAN ALLEY
-  WOONERF
-  TRAILS

PREPARED FOR: DATE: 5-20-2015
landwaves^{inc} J.N.: LAN005
 1733 NE 7th Ave.
 Portland, Oregon 97212
 TEL: (503) 221-0167
 FAX: (503) 221-0741

PREPARED BY:
 400 COLUMBIA STREET
 SUITE 160
 PO BOX 1340
 VANCOUVER, WA 98666
 PHONE 503-939-8750
JET Planning, LLC
 215 W. 4th Street ste. 215
 Vancouver WA 98660

WILDER

CIRCULATION DIAGRAM



W 18, 2015 - 12:15pm
 3SRV12G Data/Common D...
 ... - Active\LAN005 - Wilder Phase 2\4 Planning\Drawings\Applications\Community Master Plan Phase 3 Revised\lan005-Circu...

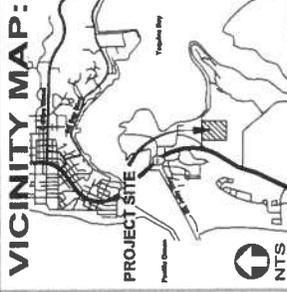
**Wilder Community Master Plan
Development Applications**

APPENDIX G.

***Reduced Final Development Plan
Set Updated***

WILDER

COMMUNITY MASTER DEVELOPMENT PLAN APPLICATIONS CITY OF NEWPORT, OREGON



400 COLUMBIA STREET
SUITE 100
VANCOUVER, WA 98660
PHONE: 503-539-8750

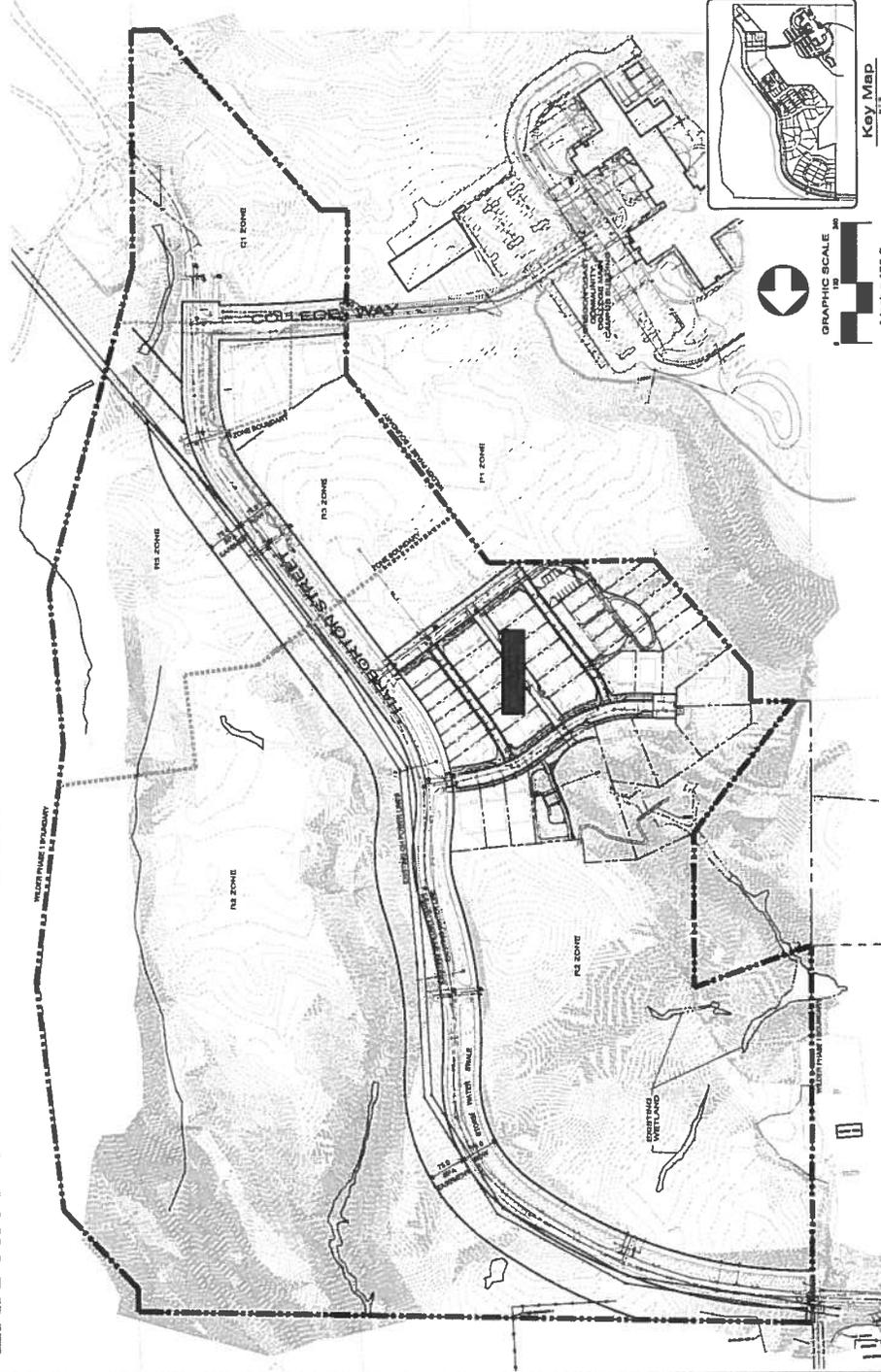
landwaves
2772 SE 20th AVE
Vancouver, WA 98660
JET Planning, LLC
215 W 4th Street, Ste. 209
Portland, OR 97212
TEL: (503) 221-0187
FAX: (503) 221-0741

JOB NO. LAN005
DATE: MAY 20, 2015
APPLICATION: Community Master Development Plan
PROJECT: Wilder

EXISTING CONDITIONS PLAN

SHEET 01

EXISTING CONDITIONS PLAN:



GRAPHIC SCALE 300'
1 inch = 120 ft.

SITE DATA:

LOCATION
South Branch - Wilder Master Plan Area

LEGAL DESCRIPTION
Map and Tax Lot 11-11-20-00-00100-00
Map and Tax Lot 11-11-21-00-00700-00
Map and Tax Lot 11-11-21-00-01500-00

AREA
Approximate 82 Acres

ZONING
R-2 (Medium Density Single Family)
R-3 (Medium Density Multi-Family)
C-1 (Retail - Service Commercial)

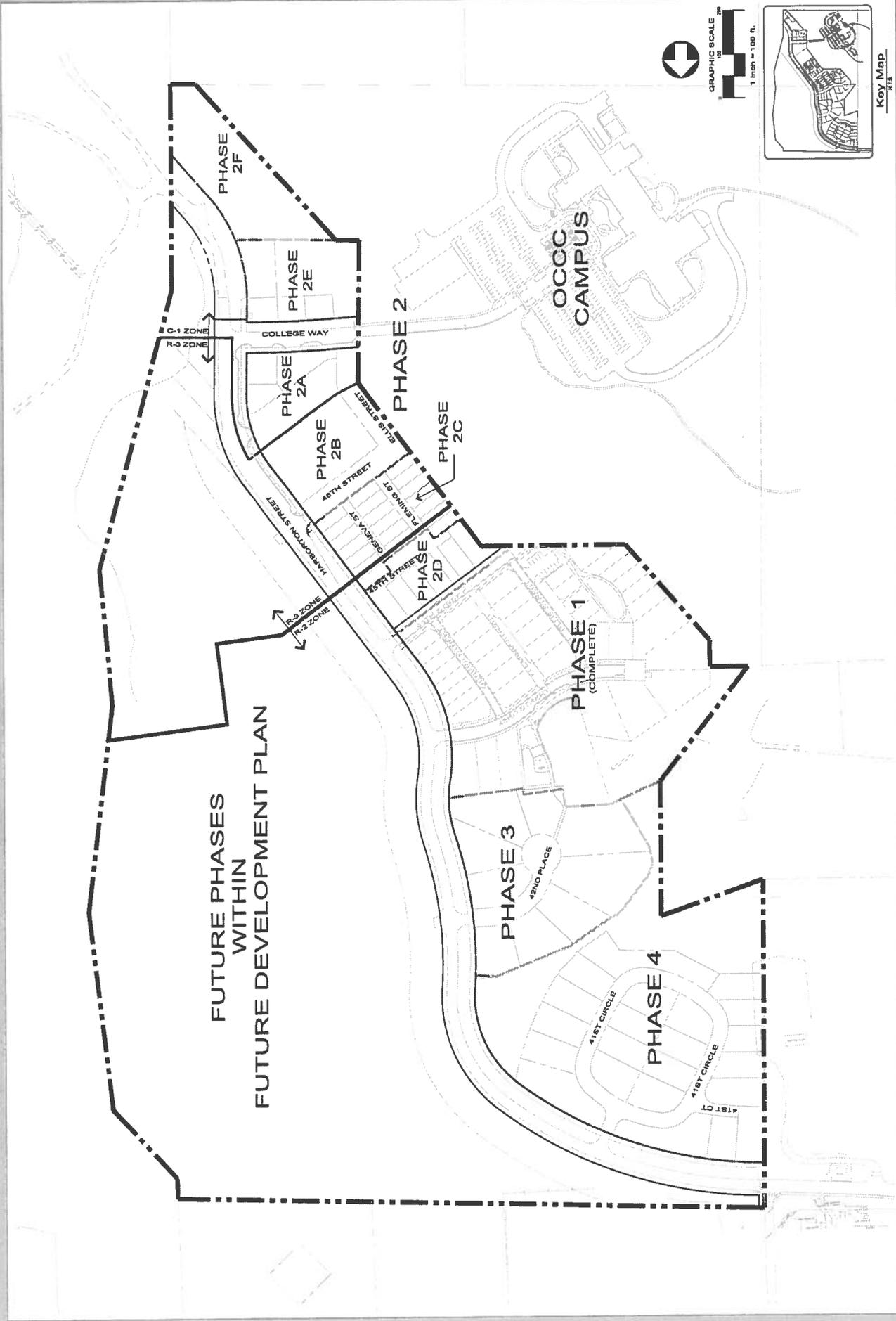
TEAM MEMBERS:

Developer/Builder
Landwaves, Inc.
Portland, OR 97212

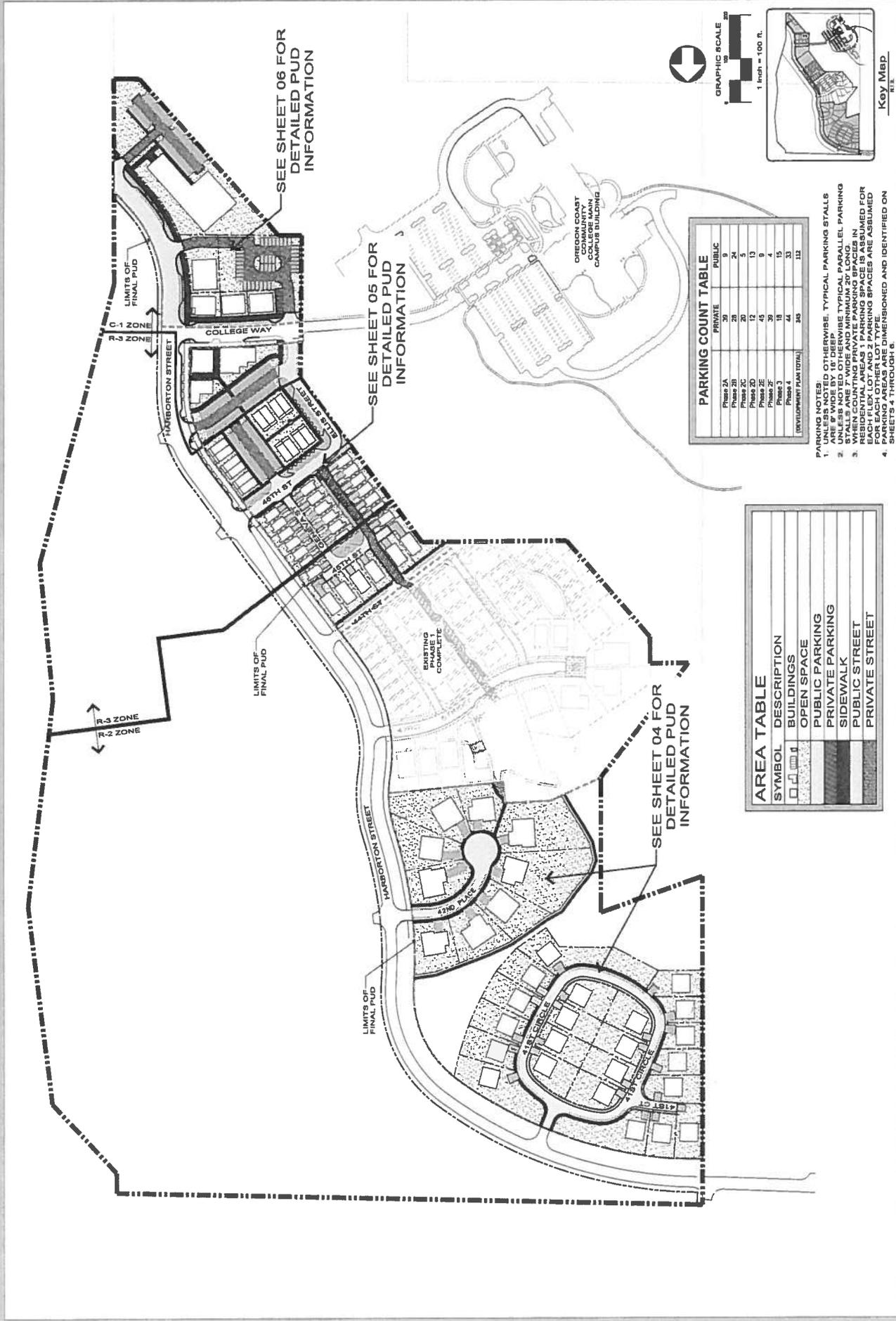
Planner
JET Planning, LLC
215 W 4th Street, Ste. 209
Vancouver, WA 98660
503-539-8750

Sheet List Table

Sheet Number	Sheet Title
01	EXISTING CONDITIONS PLAN
02	PHASING ALLOCATION PLAN
03	FINAL DEVELOPMENT PLAN
04	FINAL DEVELOPMENT PLAN
05	FINAL DEVELOPMENT PLAN
06	TENTATIVE SUBDIVISION PLAT MASTER PLAN
07	TENTATIVE SUBDIVISION PLAT
08	TENTATIVE SUBDIVISION PLAT
09	TENTATIVE SUBDIVISION PLAT
10	TENTATIVE SUBDIVISION PLAT
11	GRADING MASTER PLAN
12	GRADING PLAN
13	GRADING PLAN
14	GRADING PLAN
15	UTILITY MASTER PLAN
16	UTILITY PLAN
17	UTILITY PLAN
18	UTILITY PLAN
19	UTILITY PLAN



FUTURE PHASES
 WITHIN
 FUTURE DEVELOPMENT PLAN



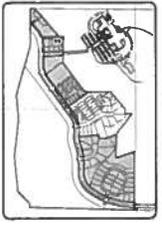
PARKING COUNT TABLE

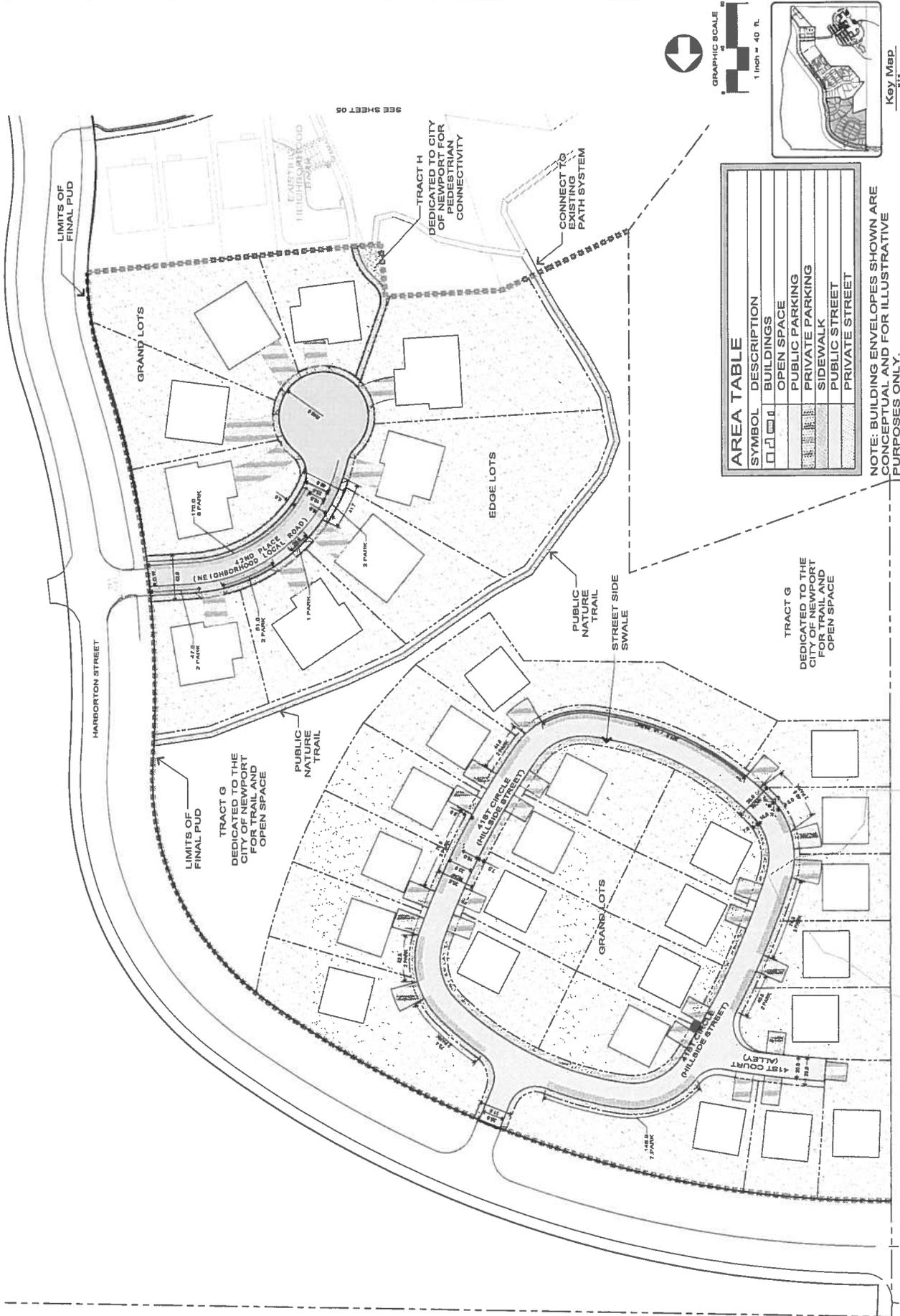
PRIVATE	PUBLIC
Phase 3A	24
Phase 3B	24
Phase 2C	5
Phase 2D	13
Phase 2E	0
Phase 2F	45
Phase 3	18
Phase 4	15
Phase 4	33
DEVELOPMENT PLAN TOTAL	245

- PARKING NOTES:** UNLESS OTHERWISE TYPICAL PARKING STALLS ARE 8' WIDE BY 18' DEEP.
- UNLESS NOTED OTHERWISE TYPICAL PARALLEL PARKING AREAS ARE ASSUMED TO BE 18' WIDE.
 - WHEN COUNTING PRIVATE PARKING SPACES IN RESIDENTIAL AREAS 1 PARKING SPACE IS ASSUMED FOR EACH OTHER LOT TYPE.
 - PARKING SPACES ARE ASSUMED TO BE DIMENSIONED AND IDENTIFIED ON SHEETS 5-8 THROUGHOUT.

AREA TABLE

SYMBOL	DESCRIPTION
[Symbol]	BUILDINGS
[Symbol]	OPEN SPACE
[Symbol]	PUBLIC PARKING
[Symbol]	PRIVATE PARKING
[Symbol]	SIDEWALK
[Symbol]	PUBLIC STREET
[Symbol]	PRIVATE STREET

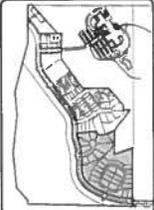


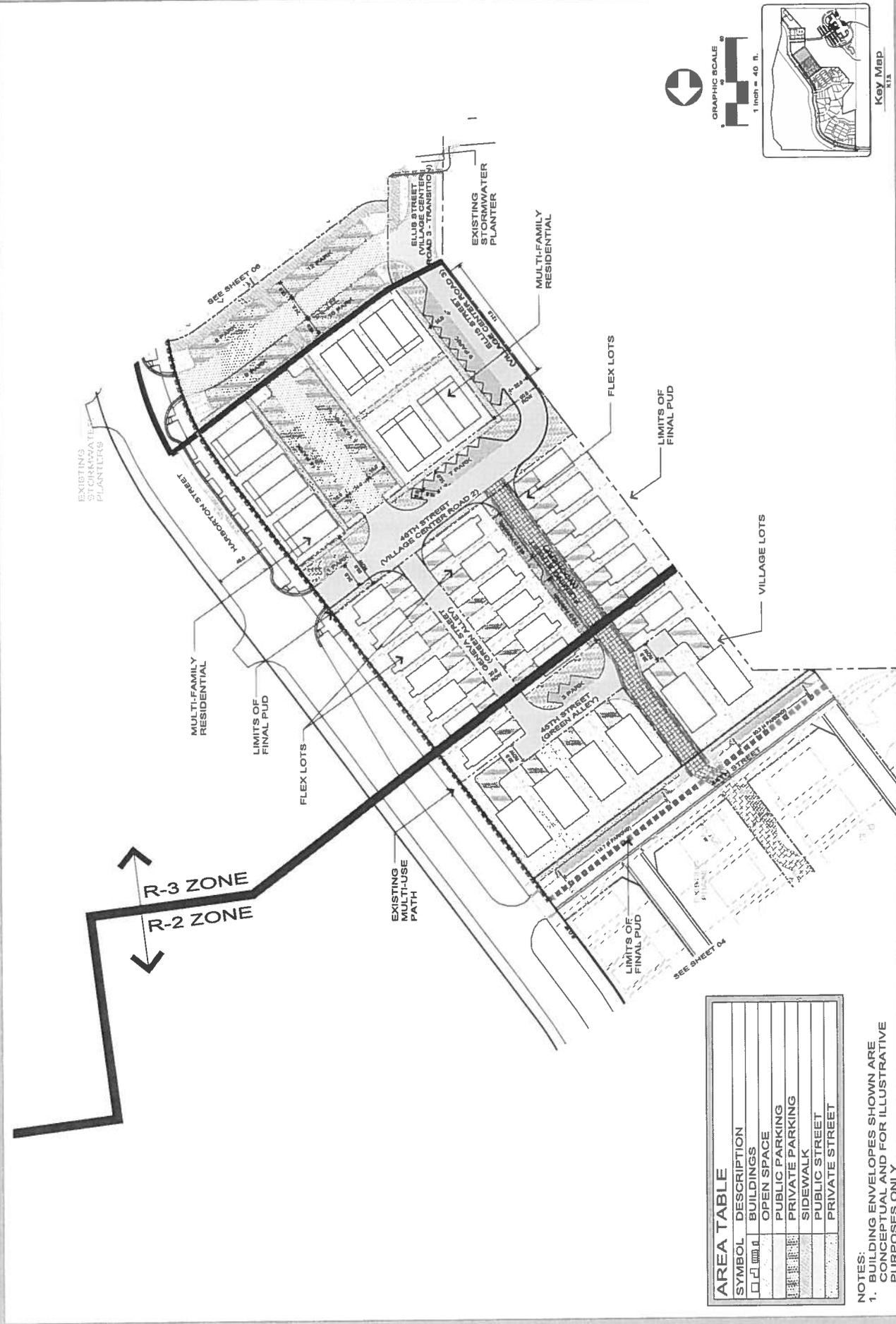


AREA TABLE

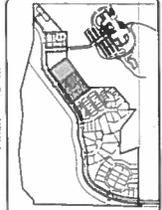
SYMBOL	DESCRIPTION
[Symbol]	BUILDINGS
[Symbol]	OPEN SPACE
[Symbol]	PUBLIC PARKING
[Symbol]	PRIVATE PARKING
[Symbol]	SIDEWALK
[Symbol]	PUBLIC STREET
[Symbol]	PRIVATE STREET

NOTE: BUILDING ENVELOPES SHOWN ARE CONCEPTUAL AND FOR ILLUSTRATIVE PURPOSES ONLY.





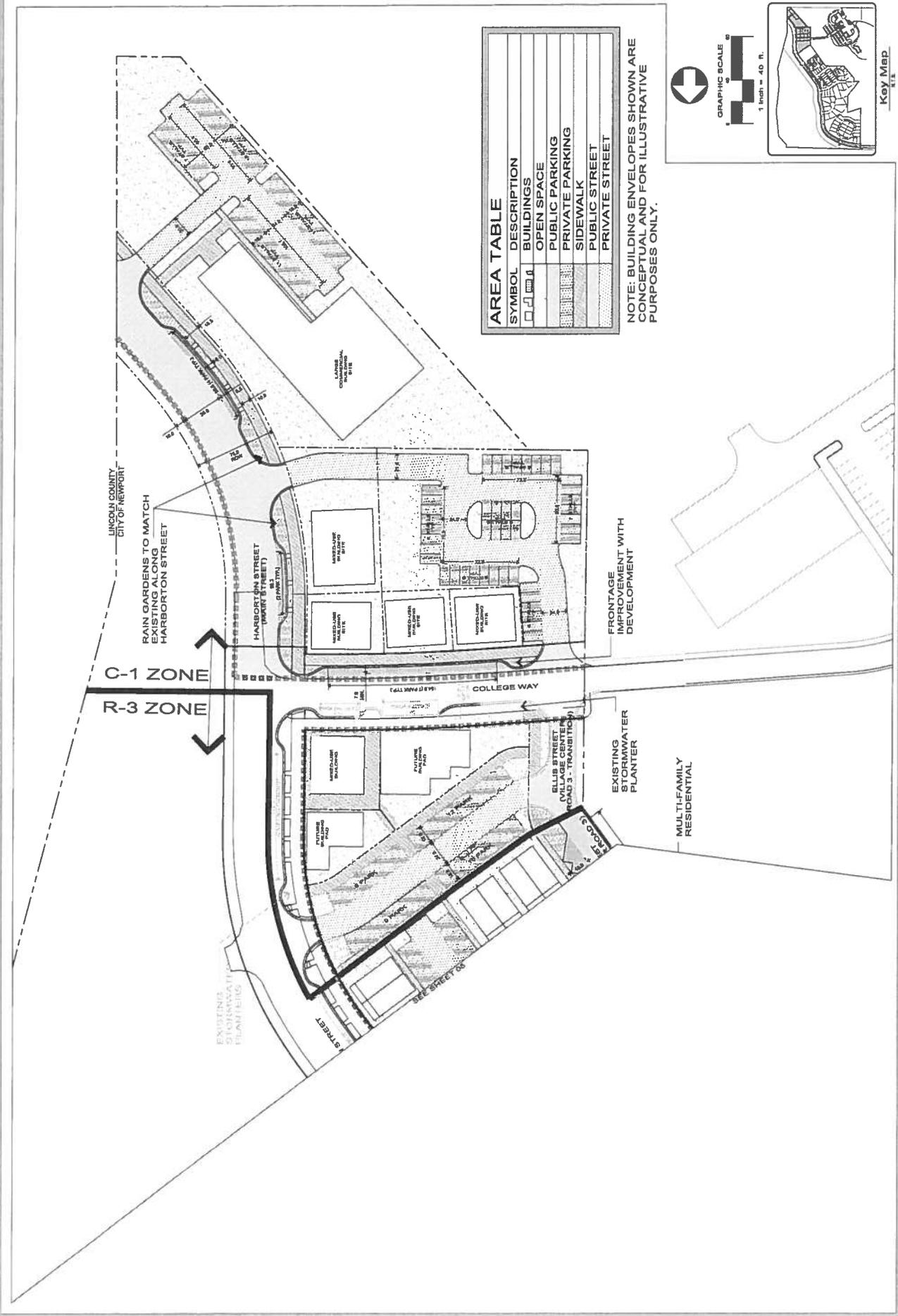
GRAPHIC SCALE
1 inch = 40 ft.



Key Map
R1A

AREA TABLE	
SYMBOL	DESCRIPTION
[Symbol]	BUILDINGS
[Symbol]	OPEN SPACE
[Symbol]	PUBLIC PARKING
[Symbol]	PRIVATE PARKING
[Symbol]	SIDEWALK
[Symbol]	PUBLIC STREET
[Symbol]	PRIVATE STREET

NOTES:
1. BUILDING ENVELOPES SHOWN ARE CONCEPTUAL AND FOR ILLUSTRATIVE PURPOSES ONLY.



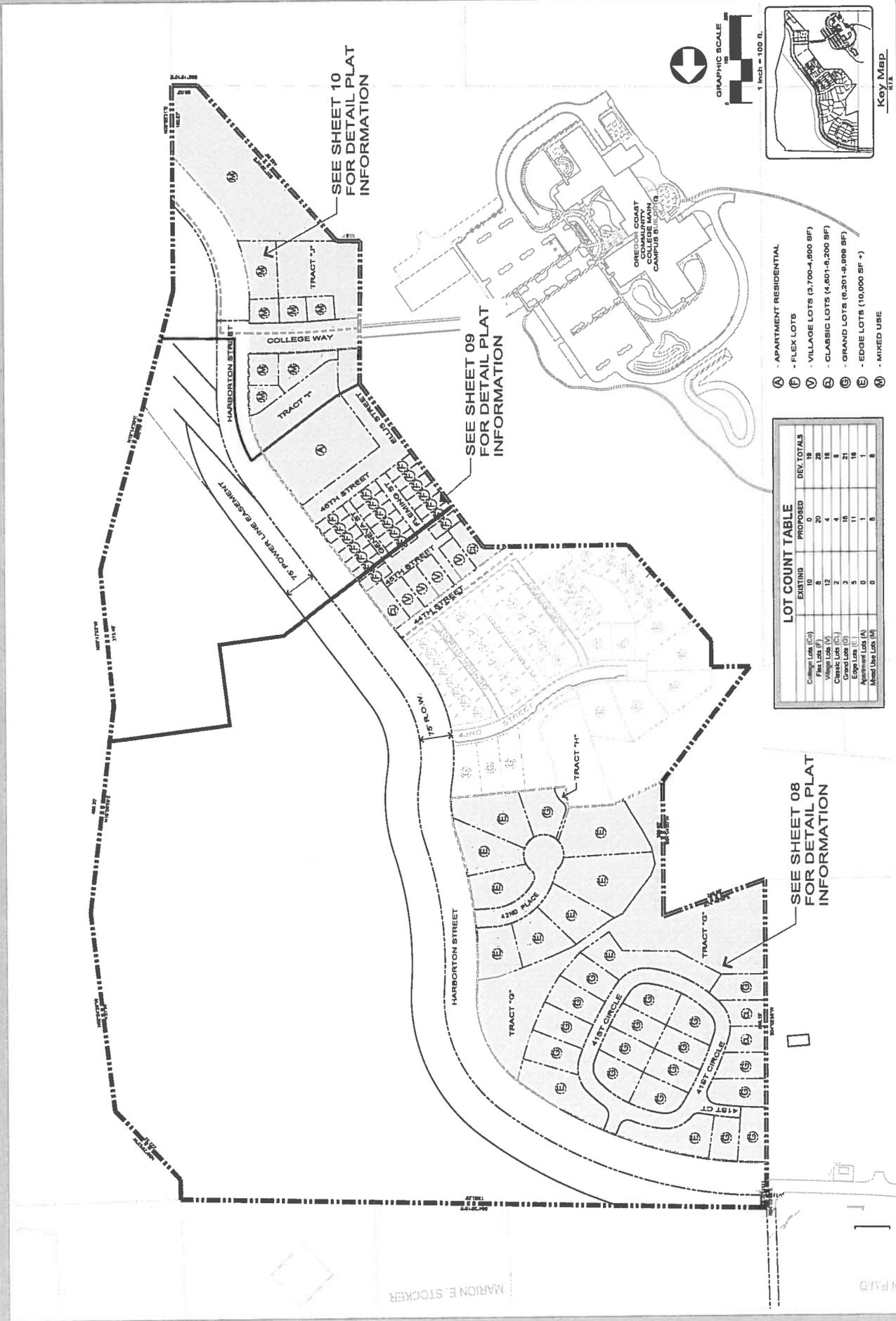
AREA TABLE

SYMBOL	DESCRIPTION
[Hatched pattern]	BUILDINGS
[Hatched pattern]	OPEN SPACE
[Hatched pattern]	PUBLIC PARKING
[Hatched pattern]	PRIVATE PARKING
[Hatched pattern]	SIDEWALK
[Hatched pattern]	PUBLIC STREET
[Hatched pattern]	PRIVATE STREET

NOTE: BUILDING ENVELOPES SHOWN ARE CONCEPTUAL AND FOR ILLUSTRATIVE PURPOSES ONLY.

GRAPHIC SCALE
1 inch = 40 ft.

Key Map
N.E.



SEE SHEET 10
FOR DETAIL PLAT
INFORMATION

SEE SHEET 09
FOR DETAIL PLAT
INFORMATION

SEE SHEET 08
FOR DETAIL PLAT
INFORMATION



- (A) - APARTMENT RESIDENTIAL
- (B) - FLEX LOTS
- (C) - VILLAGE LOTS (3,700-4,000 SF)
- (D) - CLASSIC LOTS (4,801-6,200 SF)
- (E) - GRAND LOTS (6,201-9,999 SF)
- (F) - EDGE LOTS (10,000 SF +)
- (M) - MIXED USE

LOT COUNT TABLE

	EXISTING	PROPOSED	DEV. TOTALS
College Lots (C)	10	0	10
Flex Lots (F)	6	20	26
Village Lots (V)	7	4	11
Classic Lots (D)	3	16	19
Grand Lots (E)	5	11	16
Apartment Lots (A)	0	1	1
Mixed Use Lots (M)	0	6	6



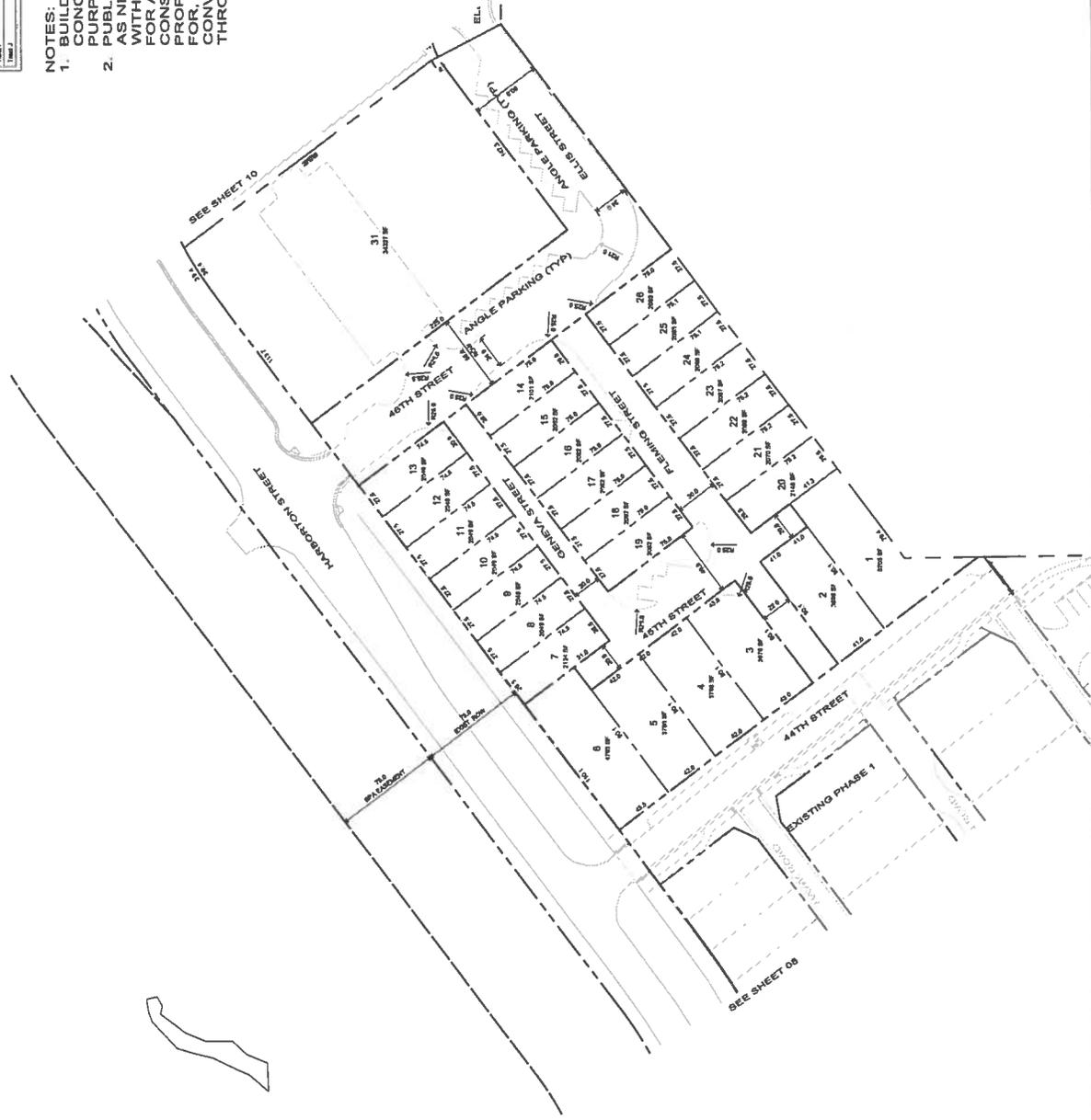
APPLICATION: Community Master Development Plan
DATE: MAY 20, 2015
JOB NO: LANDS

WILDER
TENTATIVE SUBDIVISION PLAT
Phase 2B 2C and 2D

TRACT TABLE

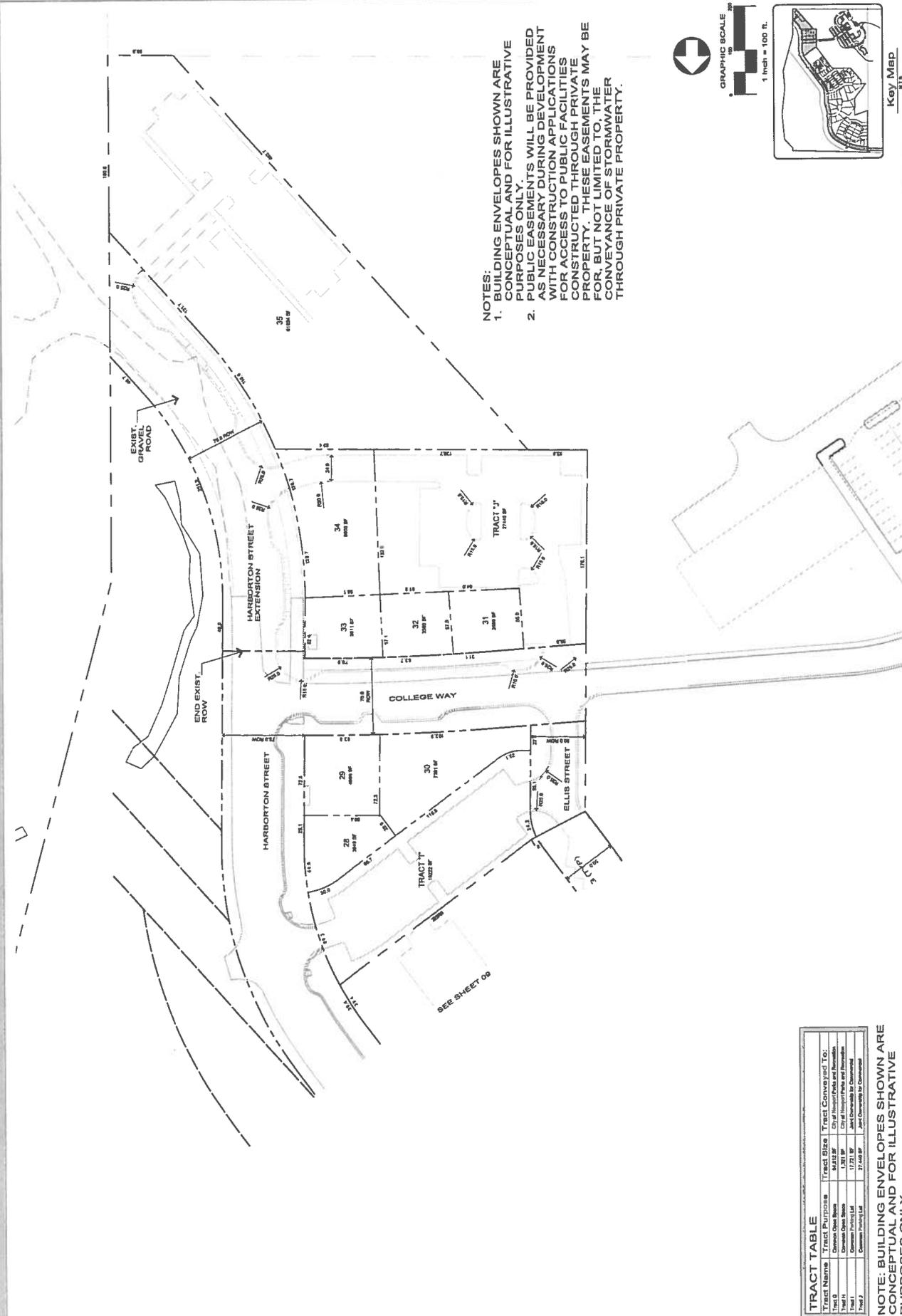
Tract Name	Tract Purpose	Tract Size	Tract Conveyed To:
Tract 1	Common Open Space	1.0718 AC	City of Vancouver Parks and Recreation
Tract 2	Common Parking Lot	17,721 SF	Jet Company for Commercial
Tract 3	Common Parking Lot	27,468 SF	Jet Company for Commercial

- NOTES:**
- BUILDING ENVELOPES SHOWN ARE CONCEPTUAL AND FOR ILLUSTRATIVE PURPOSES ONLY. PUBLIC EASEMENTS WILL BE PROVIDED AS NECESSARY DURING DEVELOPMENT WITH CONSTRUCTION APPLICATIONS FOR THESE PUBLIC FACILITIES CONSIDERED THROUGH PRIVATE PROPERTY. THESE EASEMENTS MAY BE FOR, BUT NOT LIMITED TO, THE CONVEYANCE OF STORMWATER THROUGH PRIVATE PROPERTY.



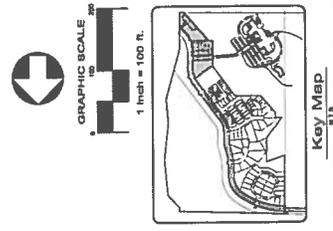
GRAPHIC SCALE
1 Inch = 100 ft.

Key Map
N11



NOTES:

1. BUILDING ENVELOPES SHOWN ARE CONCEPTUAL AND FOR ILLUSTRATIVE PURPOSES ONLY.
2. EASEMENTS WILL BE PROVIDED AS NECESSARY DURING DEVELOPMENT WITH CONSTRUCTION APPLICATIONS FOR ACCESS TO PUBLIC FACILITIES CONSTRUCTED THROUGH PRIVATE PROPERTY. THESE EASEMENTS MAY BE FOR, BUT NOT LIMITED TO, THE CONVEYANCE OF STORMWATER THROUGH PRIVATE PROPERTY.

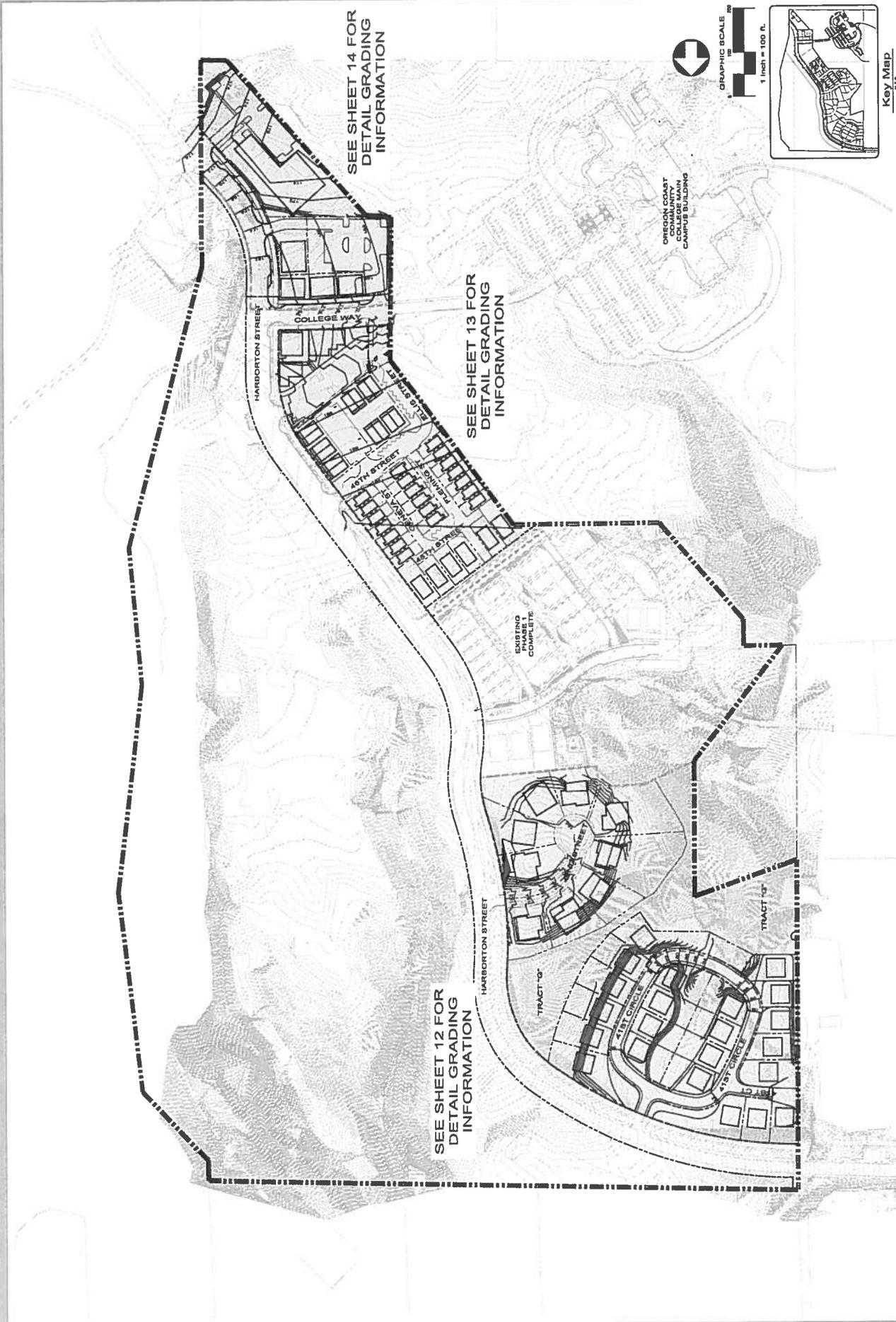


TRACT TABLE

TRACT NO.	TRACT SIZE	TRACT CONVEYED TO:
TRACT 25	1,281 SF	City of Harbortown Parks and Recreation
TRACT 26	1,281 SF	City of Harbortown Parks and Recreation
TRACT 27	1,281 SF	City of Harbortown Parks and Recreation
TRACT 28	1,281 SF	City of Harbortown Parks and Recreation
TRACT 29	1,281 SF	City of Harbortown Parks and Recreation
TRACT 30	1,281 SF	City of Harbortown Parks and Recreation
TRACT 31	1,281 SF	City of Harbortown Parks and Recreation
TRACT 32	1,281 SF	City of Harbortown Parks and Recreation
TRACT 33	1,281 SF	City of Harbortown Parks and Recreation
TRACT 34	1,281 SF	City of Harbortown Parks and Recreation
TRACT 35	1,281 SF	City of Harbortown Parks and Recreation

NOTE: BUILDING ENVELOPES SHOWN ARE CONCEPTUAL AND FOR ILLUSTRATIVE PURPOSES ONLY.

JOB NO.	LAN005
DATE	MAY 20, 2015
APPLICATION	Development Plan
	Community Master



SEE SHEET 14 FOR
DETAIL GRADING
INFORMATION

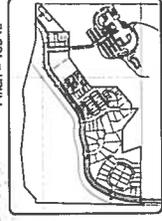
SEE SHEET 13 FOR
DETAIL GRADING
INFORMATION

SEE SHEET 12 FOR
DETAIL GRADING
INFORMATION

EXISTING
PHASE 1
COMPLETE

OREGON COAST
UNIVERSITY
COLLEGE MAIN
CAMPUS BUILDING

GRAPHIC SCALE
1 inch = 100 ft.



Key Map
11.1

400 COLUMBIA STREET
SUITE 100
VANCOUVER, WA 98668
PHONE: 509-539-8750

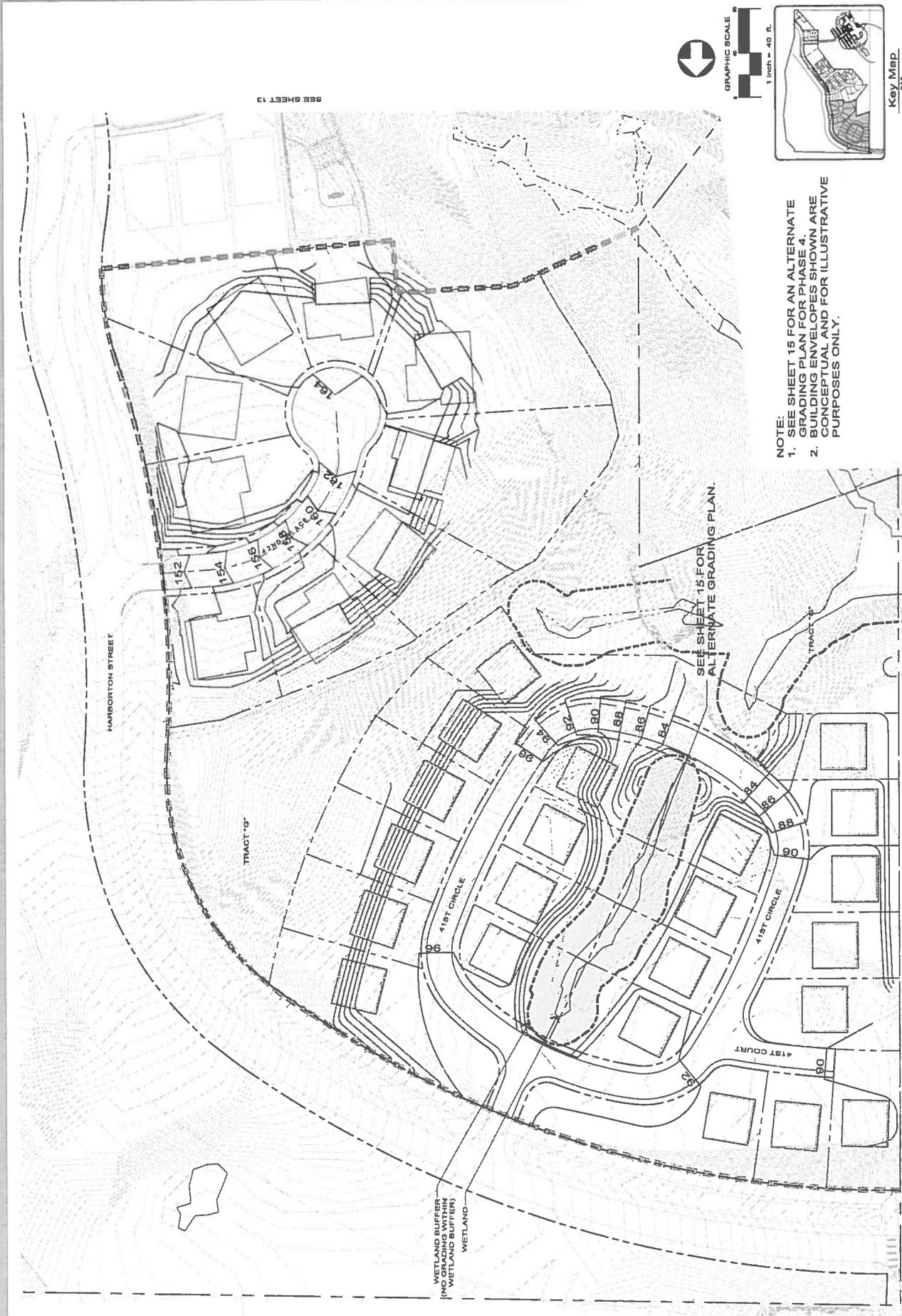


JET Planning, LLC
215 W 4th Street Ste. 215
Vancouver, WA 98660
TEL: (509) 221-0107
FAX: (509) 221-0741

JOB NO.:	LAN005
DATE:	MAY 20, 2015
APPLICATION:	Community Master Development Plan
PROJECT:	2712 SE 20th AVE Portland, Oregon 97202

WILDER GRADING PLAN
Phase 3 and 4 WETLAND ALTERNATE

SHEET
12



SEE SHEET 13

SEE SHEET 15 FOR ALTERNATE GRADING PLAN.

WETLAND BUFFER
(NO GRADING WITHIN WETLAND BUFFER)
WETLAND

NOTE:
1. SEE SHEET 15 FOR AN ALTERNATE GRADING PLAN FOR PHASE 4. BUILDING ENVELOPES SHOWN ARE CONCEPTUAL AND FOR ILLUSTRATIVE PURPOSES ONLY.
2. SEE SHEET 15 FOR ALTERNATE GRADING PLAN.



Key Map
A1.2

400 COLUMBIA STREET
SUITE 160
VANCOUVER, WA 98668
PHONE: 509-339-8750



JET Planning, LLC
215 W. 4th Street, 215
VANCOUVER, WA 98660
JAV-0
2712 SE 20th, 57202
Portland, Oregon 97202
TEL: (503) 221-0107
FAX: (503) 221-0741

landwaves
Applications
Development Plan
Community Master
DATE: MAY 20, 2015
JOB NO: LANS05

WILDER
GRADING PLAN
Phase 2B 2C and 2D
SHEET
13

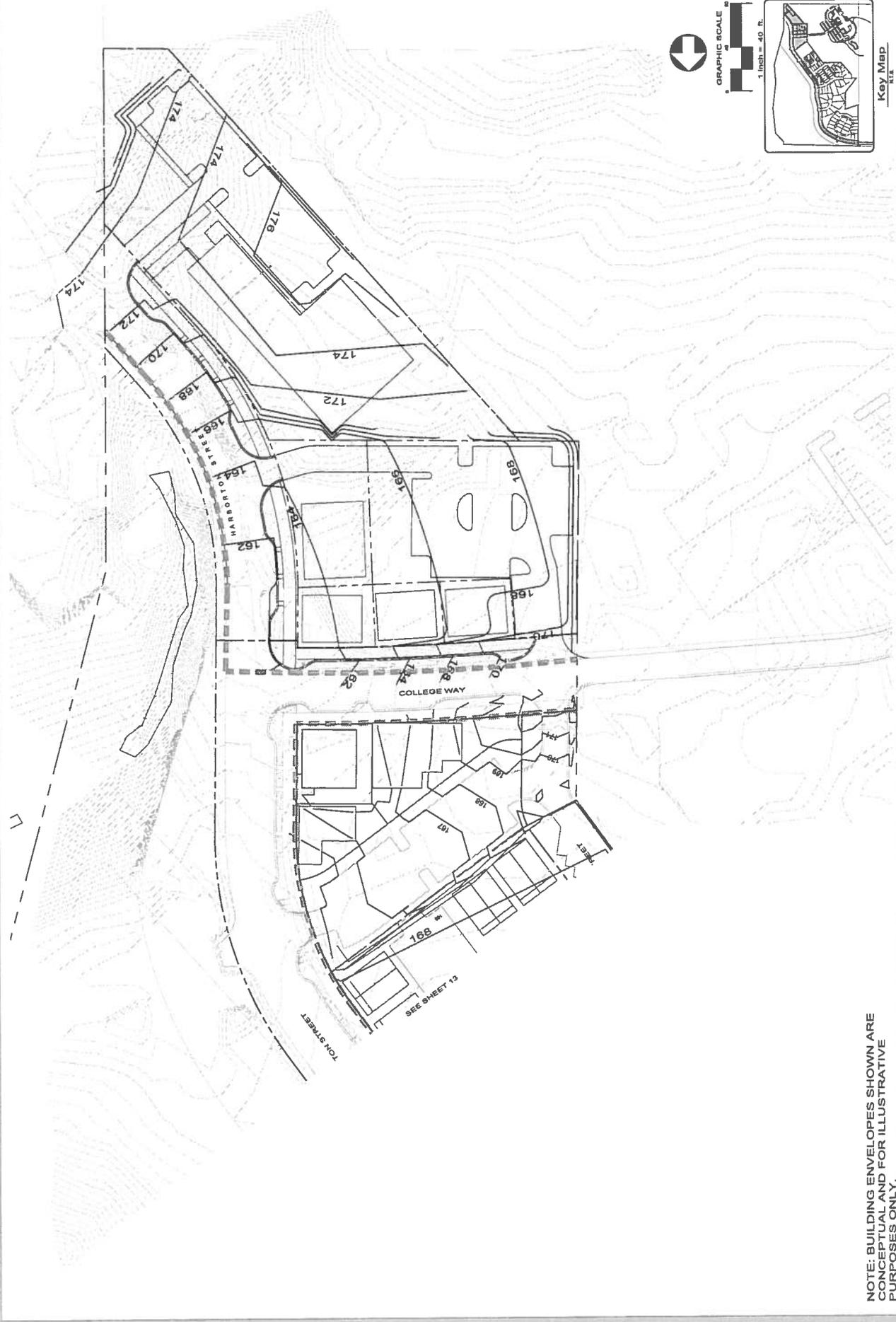


GRAPHIC SCALE
1" = 40 FT.

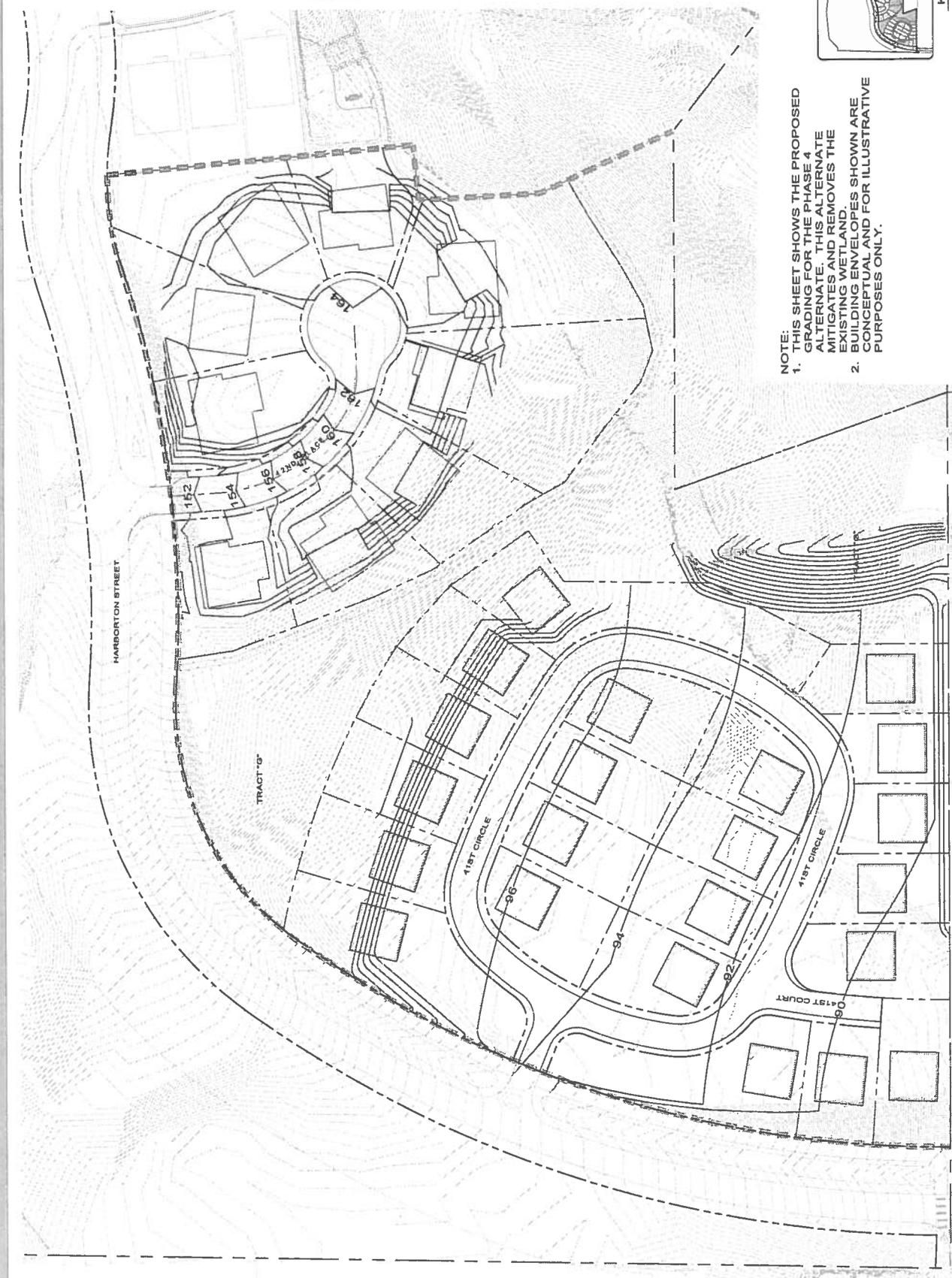
Key Map
1:1

NOTE: BUILDING ENVELOPES SHOWN ARE CONCEPTUAL AND FOR ILLUSTRATIVE PURPOSES ONLY.

JOB NO: LANS05
DATE: MAY 20, 2015
APPLICATION: Community Master Development Plan
Applications
landwaves JET Planning, LLC
215 W 4th Street Ste 215
Vancouver, WA 98660
TEL: (503) 221-0187
FAX: (503) 221-0741
400 COLUMBIA STREET
SUITE 160
PO BOX 1340
VANCOUVER, WA 98668
PHONE: 503-533-8750



NOTE: BUILDING ENVELOPES SHOWN ARE CONCEPTUAL AND FOR ILLUSTRATIVE PURPOSES ONLY.



SEE SHEET 13



Key Map
1:1

NOTE:
1. THIS SHEET SHOWS THE PROPOSED GRADING FOR THE PHASE 4 ALTERNATE. THIS ALTERNATE MITIGATES AND REMOVES THE EXISTING WETLAND.
2. BUILDING ENVELOPES SHOWN ARE CONCEPTUAL AND FOR ILLUSTRATIVE PURPOSES ONLY.

WILDER UTILITY MASTER PLAN

SHEET
16

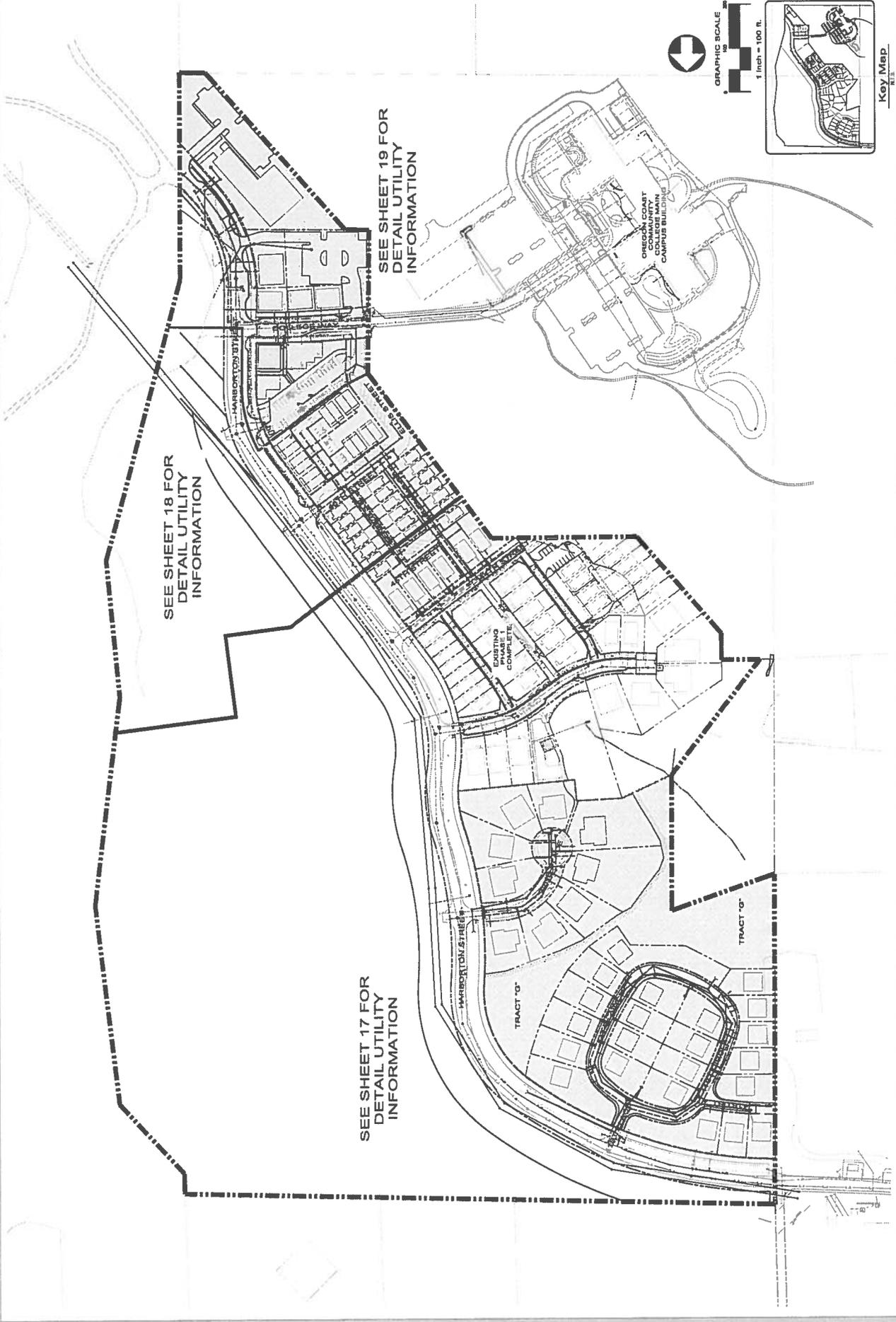
400 COLUMBIA STREET
SUITE 100
VANCOUVER, WA 98668
PHONE: 803-838-8750

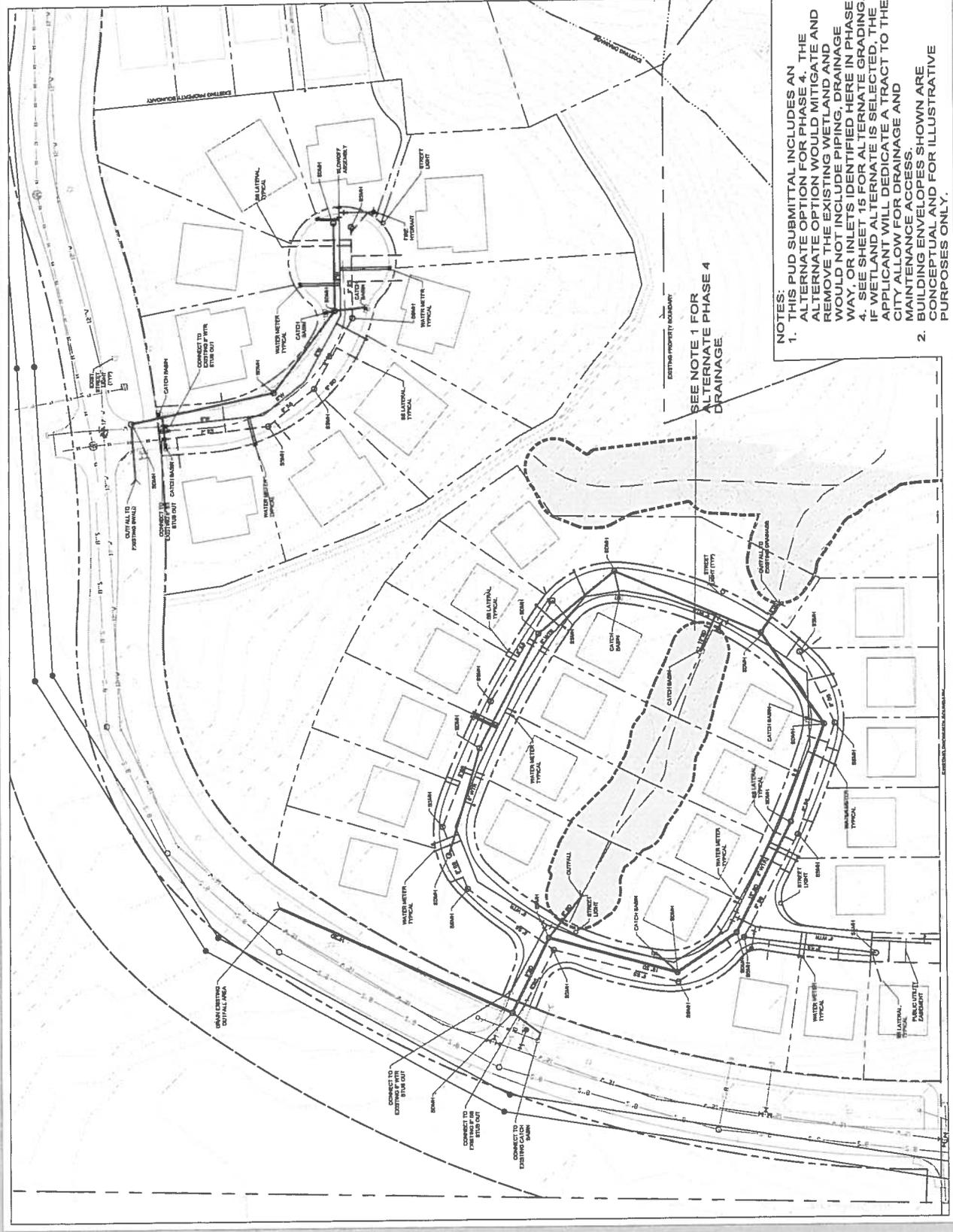
JET Planning, LLC
215 W. 4th Street, Ste. 215
Vancouver, WA 98660

landwaves
2712 SE 20th Ave
Portland, Oregon 97232
TEL: (503) 221-0187
FAX: (503) 221-0741

APPICATION: Community Master
Development Plan
Applications

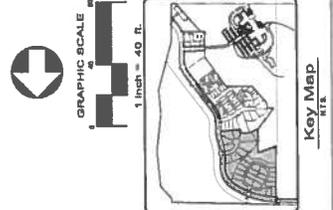
DATE: MAY 20, 2015
JOB NO: LAM005

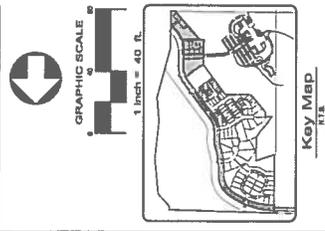
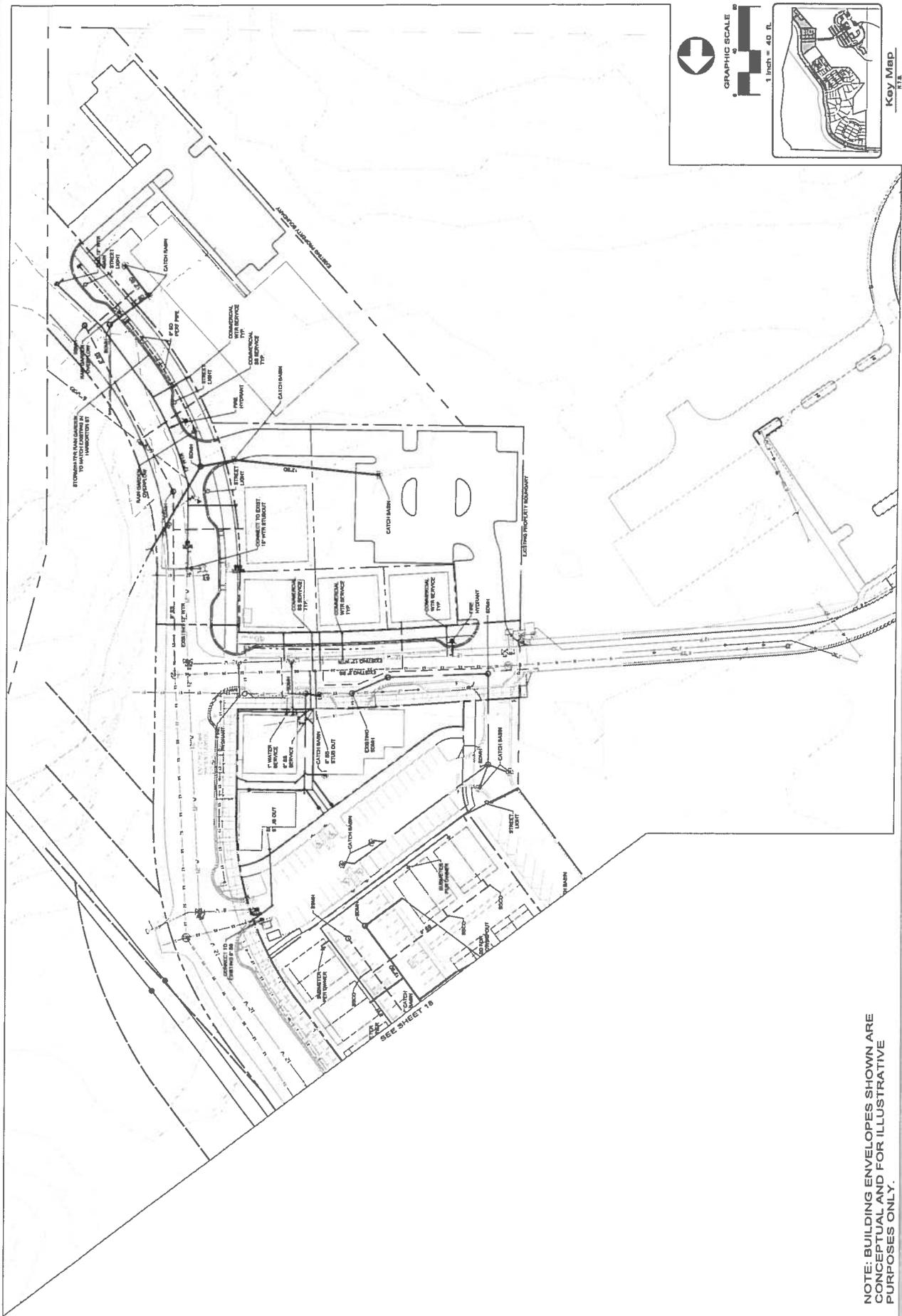




SEE NOTE 1 FOR ALTERNATE PHASE 4 DRAINAGE

- NOTES:**
1. THIS PUD SUBMITTAL INCLUDES AN ALTERNATE OPTION FOR PHASE 4. THE ALTERNATE OPTION WOULD MITIGATE AND REMOVE THE EXISTING WETLAND AND WOULD NOT INCLUDE PIPING, DRAINAGE WAY, OR INLETS IDENTIFIED HERE IN PHASE 4. SEE SHEET 15 FOR ALTERNATE GRADING. IF WETLAND ALTERNATE IS SELECTED, THE CITY WILL DEDICATE A TRACT TO THE CITY ALLOW FOR DRAINAGE AND MAINTENANCE ACCESS. BUILDING ENVELOPES SHOWN ARE CONCEPTUAL AND FOR ILLUSTRATIVE PURPOSES ONLY.
 - 2.





NOTE: BUILDING ENVELOPES SHOWN ARE CONCEPTUAL AND FOR ILLUSTRATIVE PURPOSES ONLY.

**Wilder Community Master Plan
Development Applications**

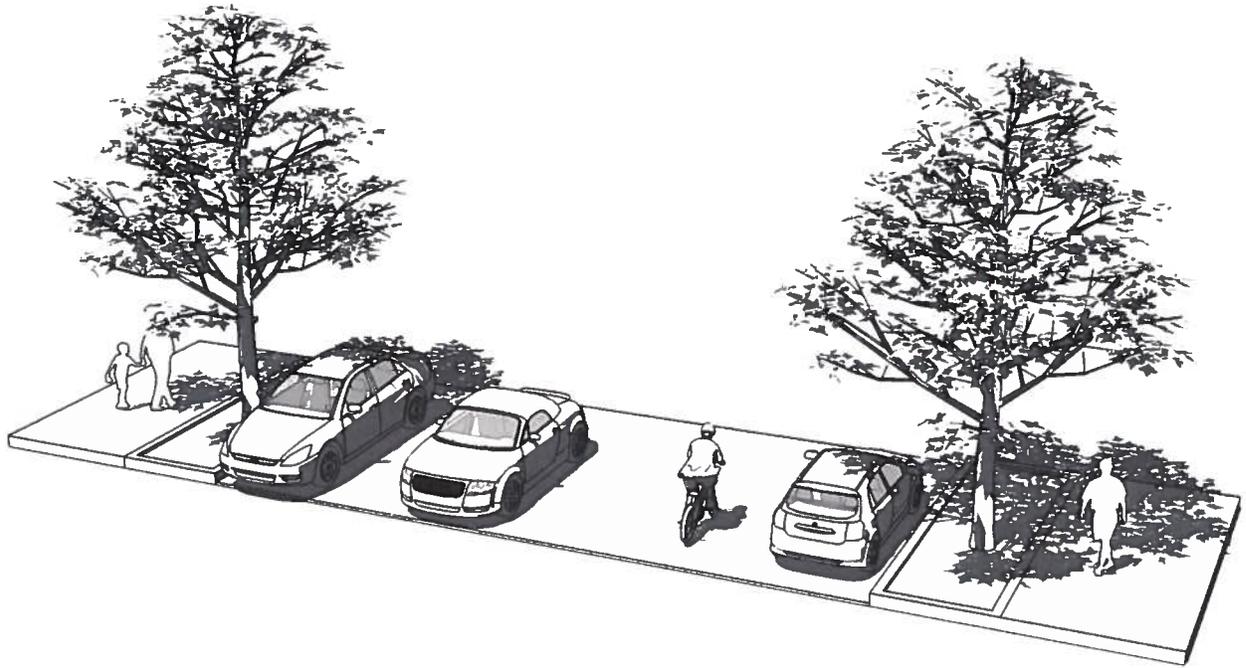
APPENDIX H.

Kit of Parts Updated

Wilder

Community Master Plan

Kit of Parts



prepared for
LandWaves
2712 SE 20th Ave.
Portland, OR 97202

landwaves^{inc}

prepared by
SERA Architects
338 NW Fifth Avenue
Portland, Oregon 97209



[4.1]
may 2015

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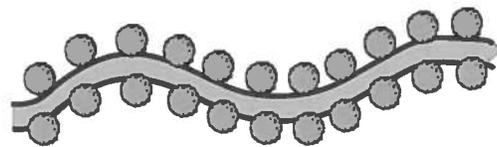
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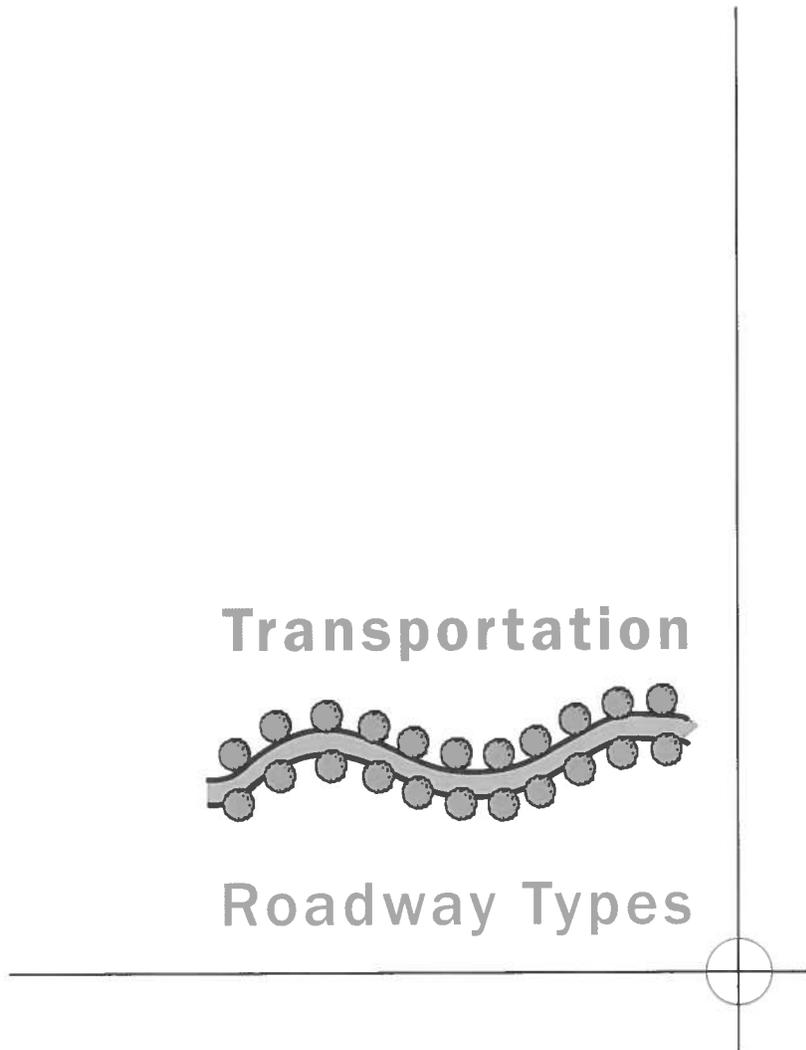
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Transportation

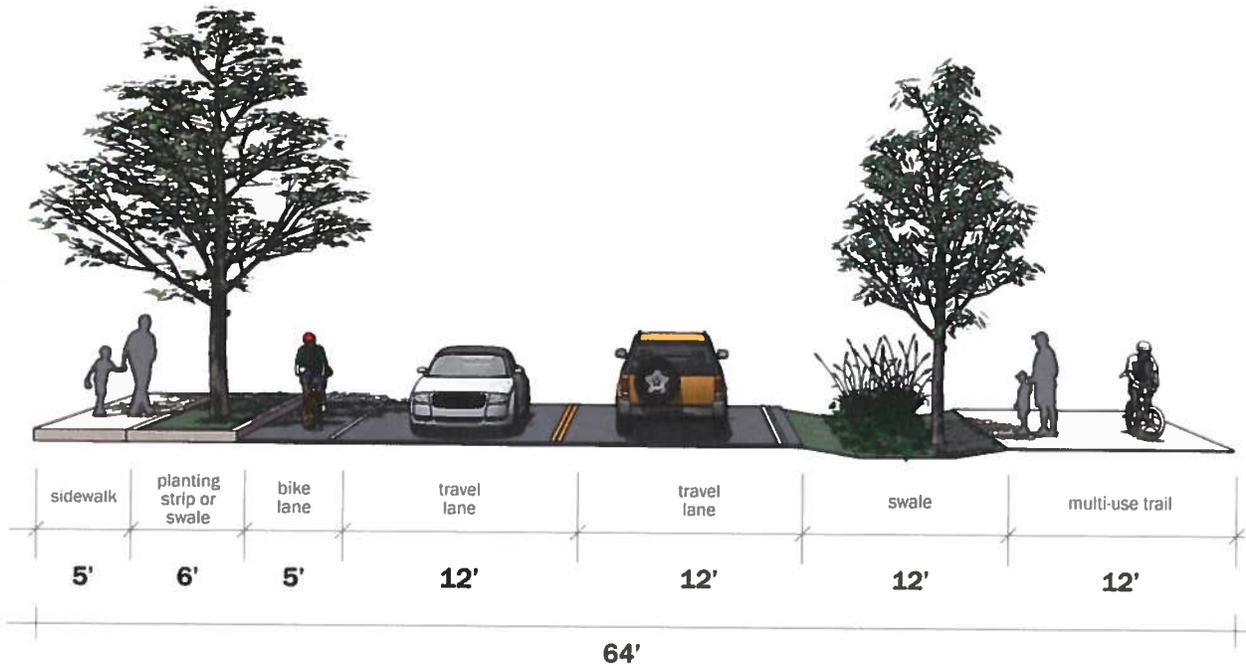


Roadway Types





Main Loop Road - Section 1



Section Summary

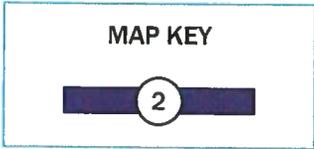
travel lanes	12-foot
on-street parking	none
bicycle lanes	5-foot, one direction
sidewalk / trail	5-foot, 12-foot
planting strip / swale	6-foot, 12-foot
intended speed	35 mph
adjacent land uses	undeveloped / low density residential
primary grade	moderate to steep

Sustainability Options

- use a variety of sedges and rushes in the swale that can withstand both inundation and drought
- augment swales and landscape buffer with native plant species

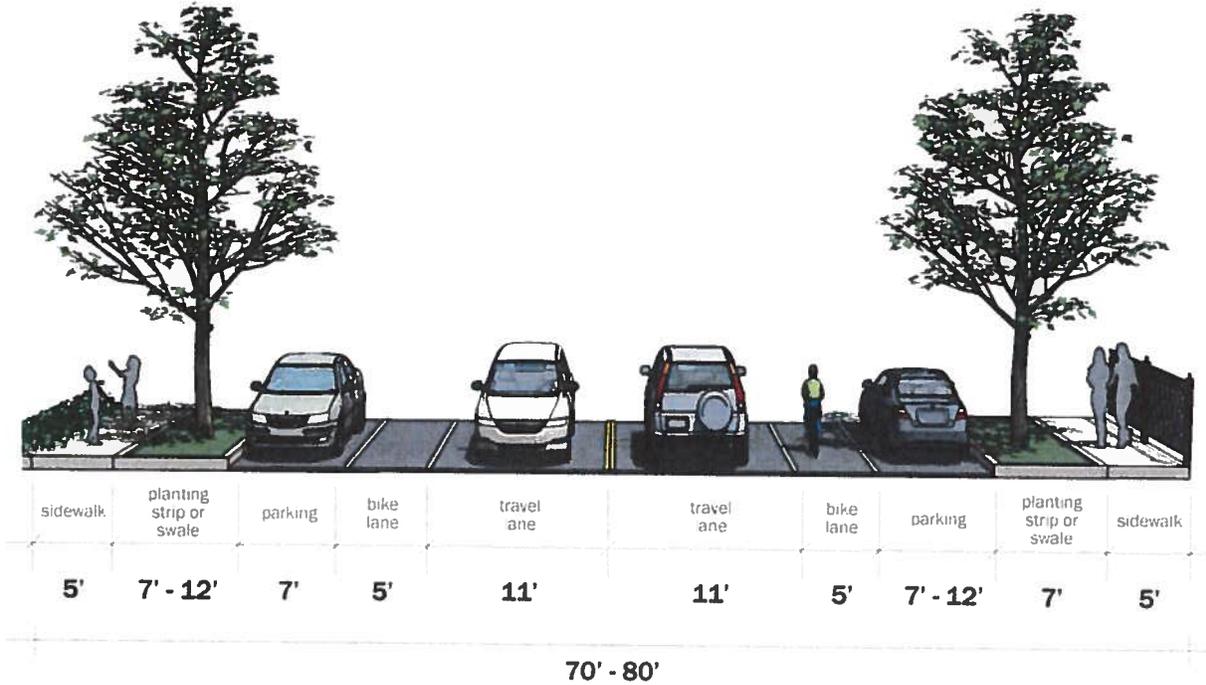
Considerations

- A stormwater swale on the down-slope side of the roadway will capture and pre-treat some stormwater run-off, as well as provide a buffer for multi-use trail users.
- Bicyclists are accommodated in two ways. A striped 5-foot bicycle lane accommodates skilled bicyclists for uphill travel. Skilled bicyclists traveling downhill are expected to use the entire travel lane, as these bicyclists tend to prefer more room to maneuver when their speed increases.
- An 8-foot multi-use trail provides accommodation for less skilled bicyclists, like children and families. While this trail is intended to “meander” along the roadway, it will be important to provide clear lines of sight and adequate turning radii for both bicyclist and pedestrian safety.



Main Loop Road - Section 2

This section of the Main Loop Road passes through adjacent residential areas, and acts as a traffic collector, as well as a central spine for the community.



Sustainability Factors

- ♻️ narrow street width
- ♻️ recycled-content in asphalt & concrete
- 🌳 shading from trees
- ♻️ integrated stormwater managment systems

Section Summary

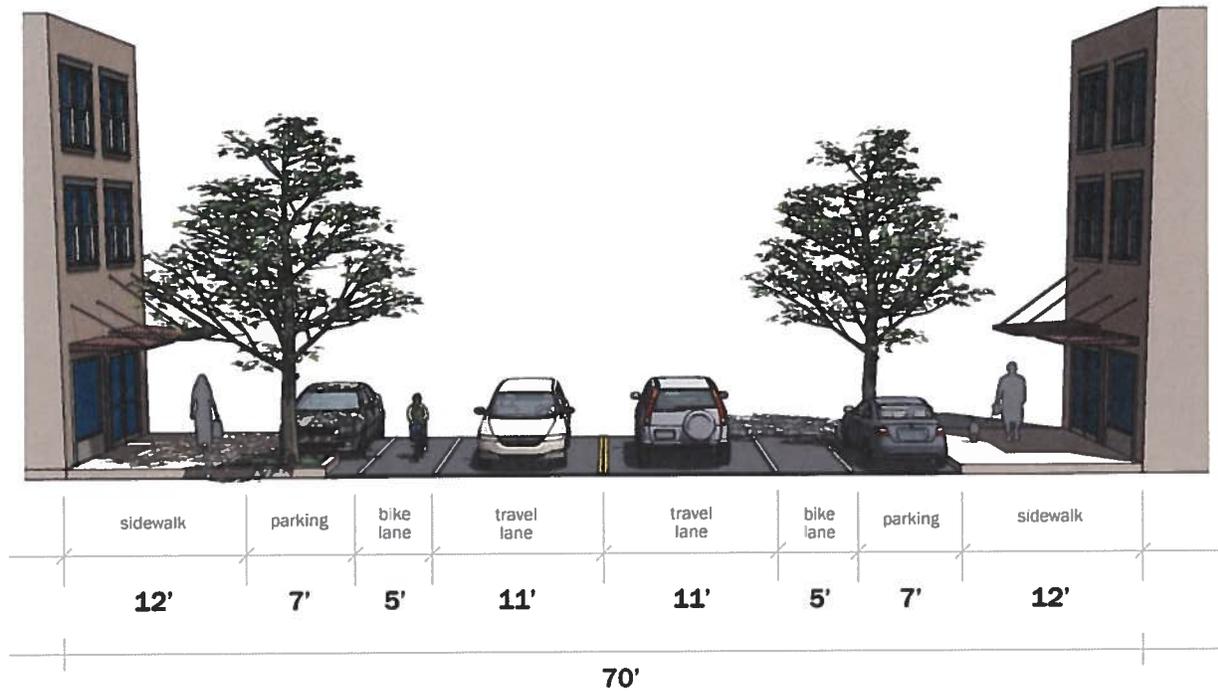
travel lanes	11-feet
on-street parking	7-feet
bicycle lanes	5-feet
sidewalk / trail	5-feet
planting strip / swale	7 - 12-feet
intended speed	30 mph
adjacent land uses	medium density residential
primary grade	moderate

Main Street

Main Street travels through the village center and has the most urban character. Wide sidewalks, planters, and street furniture (i.e., street lights, flower baskets, benches, etc) contribute to a very pedestrian-friendly commercial environment.

MAP KEY

3



Section Summary

travel lanes	11-feet
on-street parking	7-feet
bicycle lanes	5-feet
sidewalk / trail	12-feet
planting strip / swale	tree wells at sidewalk edge with trees periodically in parking
intended speed	20 mph
adjacent land uses	village commercial / mixed use
primary grade	flat

Sustainability Factors

- ♻ narrow street width
- ♻ recycled-content in asphalt & concrete
- ♻ shading from trees

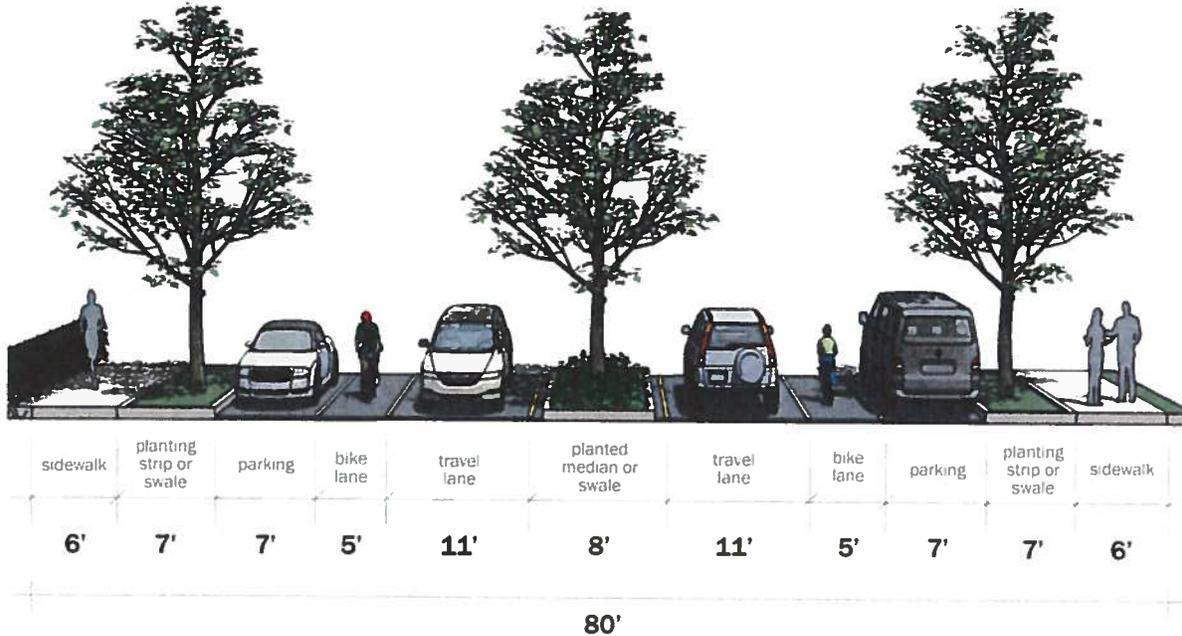
Transportation

MAP KEY



Boulevard

This section of the Main Loop Road is a full boulevard with a median and planting strips or bioswales. It will be the centerline of neighborhoods for the south of the village center.



Sustainability Factors

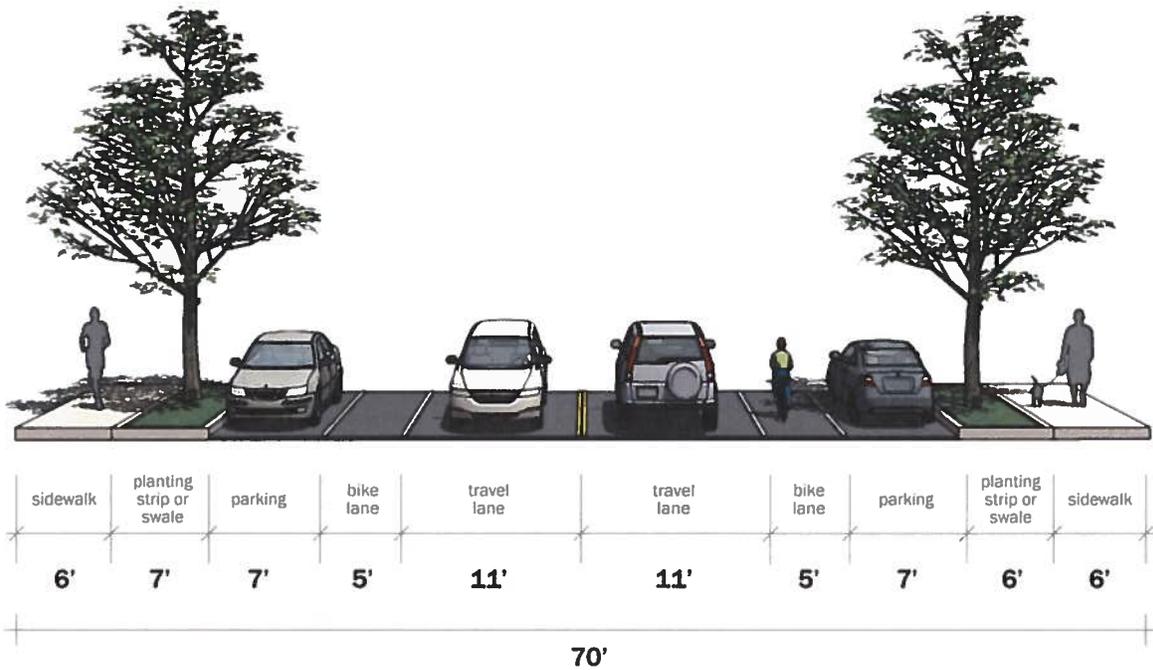
- ♻️ narrow street width
- ♻️ recycled-content in asphalt & concrete
- 🌳 shading from trees
- ♻️ integrated stormwater management systems

Section Summary

travel lanes	11-feet
on-street parking	7-feet
bicycle lanes	5-feet
sidewalk / trail	6-feet
planting strip / swale	7-feet
intended speed	25 mph
adjacent land uses	medium to low density residential
primary grade	moderate

Main Loop Road - Section 5

This section of the Main Loop Road serves as a transition zone between the residential outskirts of the Village and the wastewater treatment plant.

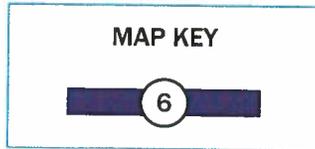


Section Summary

travel lanes	11-feet
on-street parking	7-feet
bicycle lanes	5-feet
sidewalk / trail	12-feet
planting strip / swale	7-feet
intended speed	35 mph
adjacent land uses	low density residential
primary grade	moderate

Sustainability Factors

- ↻ narrow street width
- ↻ recycled-content in asphalt & concrete
- ↻ shading from trees
- ↻ integrated stormwater management systems



Main Loop Road - Section 6

This section of the Main Loop Road connects Highway 101 to Wilder. A center turn lane provides access to residential areas at the south end of the Village and to areas adjacent to the property, like the wastewater treatment plant.

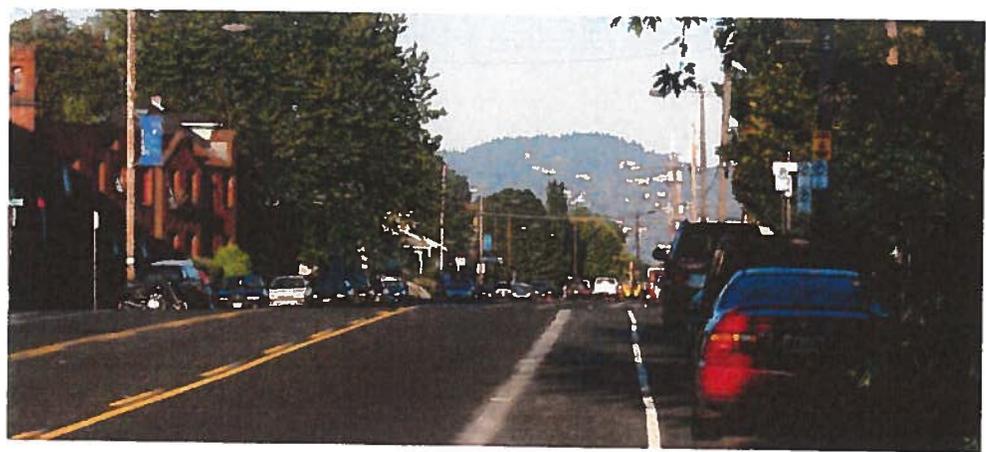


Sustainability Options

- Stormwater swales may be able to be used in place of the planting strip.
- A planted median or stormwater swale may be used in place of the center turn lane as long as it provides opportunities for vehicles to turn left into driveways and/or streets.
- Integrate existing mature vegetation where possible along the alignment, even if the vegetation is along the roadway centerline.

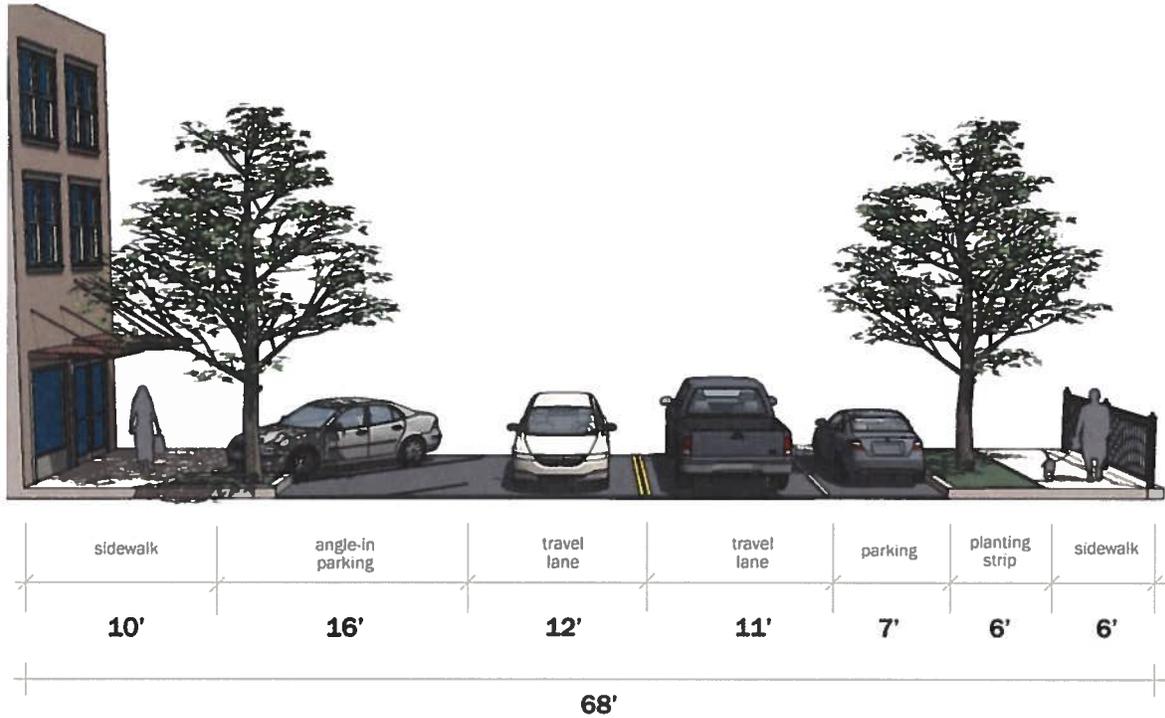
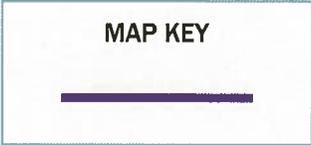
Section Summary

travel lanes	11-feet
on-street parking	none
bicycle lanes	5-feet
sidewalk / trail	6-feet
planting strip / swale	7-feet
intended speed	35 - 40 mph
adjacent land uses	undeveloped, low density residential
primary grade	moderate



Village Center Road - Section 1

The village center road travels around the village center to provide access to commercial and residential uses in the center of the community.



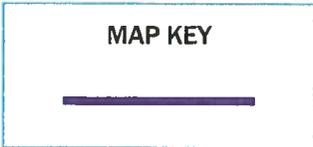
Section Summary

travel lanes	11- and 12-feet
on-street parking	16-feet, angle-in
bicycle lanes	none
sidewalk / trail	10-feet (urban edge), 6-feet (residential edge)
intended speed	20 mph
adjacent land uses	village commercial, high density residential
primary grade	flat

Sustainability Options

Sustainability Factors

- ♻ narrow street width
- ♻ recycled-content in asphalt & concrete
- ♻ shading from trees



Village Center Road - Section 2

This section of the Village Center Road provides access to high- and medium-density residential areas, and provides a transition between them. The angled parking serves residents and visitors.



Section Summary

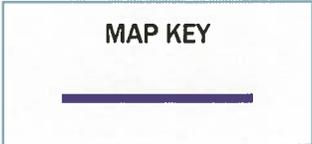
travel lanes	11- and 12-feet
on-street parking	18-feet, 45° angle-in (urban edge)
bicycle lanes	none
sidewalk / trail	8 feet (urban edge), 6-feet (residential edge)
intended speed	20 mph
adjacent land uses	village commercial, high and medium density density residential
primary grade	flat



Village Center Road - Section 3

This section of the Village Center Road connects high density residential areas to the Village Center. This section includes a transition to connect Ellis Street to College Way, where parking is eliminated to reduce intersection conflicts.

Because this section borders the community college property, the college edge is proposed to be finished with a simply curb. If the college chooses to develop on their side of the property, the roadway would be finished to the full Village Center Road cross-section.



Section Summary

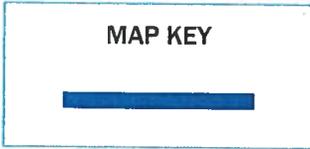
travel lanes	11- and 12-feet
on-street parking	18-feet, 45° angle-in (urban edge), none on site edge
bicycle lanes	none
sidewalk / trail	8 feet (urban edge)
intended speed	20 mph
adjacent land uses	village commercial, high density residential, open space or future development
primary grade	flat

Sustainability Options

Sustainability Factors

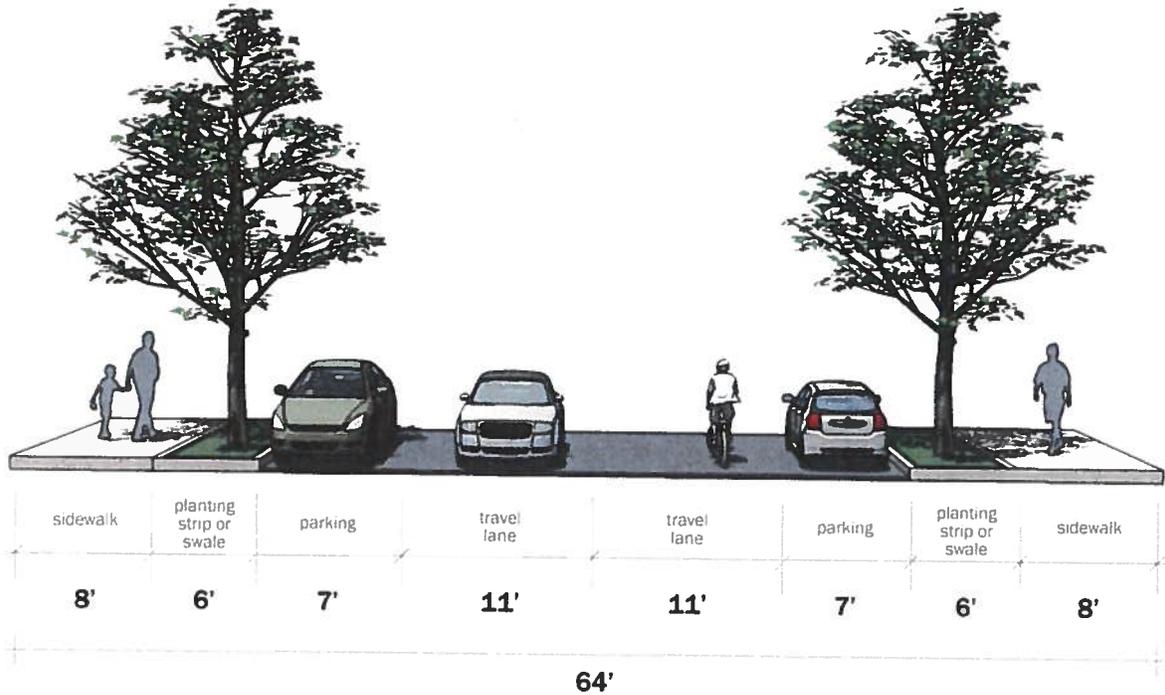
- ◊ narrow street width
- ◊ recycled-content in asphalt & concrete
- ◊ shading from trees

Transportation



Neighborhood Spine Road

These roads provide primary access to the neighborhoods throughout the Village.



Sustainability Factors

- ♻️ narrow street width
- ♻️ recycled-content in asphalt & concrete
- 🌳 shading from trees
- ♻️ integrated stormwater management systems

Section Summary

travel lanes	11-feet
on-street parking	7-feet
bicycle lanes	none
sidewalk / trail	8-feet
planting strip / swale	6-feet
intended speed	25 mph
adjacent land uses	medium density residential
primary grade	flat to moderate

Neighborhood Local Road

These roads provide local access to neighborhoods.

MAP KEY



Queuing Design:

Periodic areas without parking allow larger vehicles to pass.



Section Summary

travel lanes	16-feet, courtesy lane
on-street parking	7-feet
bicycle lanes	none
sidewalk / trail	6-feet
planting strip / swale	no
intended speed	15 - 20 mph
adjacent land uses	medium to low density residential
primary grade	low to moderate

Sustainability Factors

- ♻ narrow street width
- ♻ recycled-content in asphalt & concrete
- 🌳 shading from trees
- ♻ integrated stormwater management systems

Transportation

MAP KEY

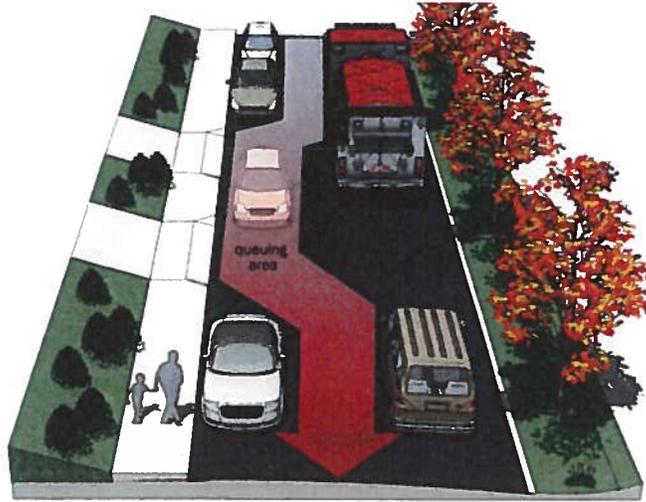


Queuing Design:

Periodic areas without parking allow vehicles to pass.

Hillside Street

Hillside Streets provide a bioswale on the downhill side of the roadway to capture and pre-treat stormwater runoff.



sidewalk	parking	courtesy two way travel lane	swale
5'	7'	16'	7' - 12'
25' - 40'			

Sustainability Factors

- ⦿ There are a number of variations for the edge conditions of residential streets with little traffic that can integrate green street treatments. Some examples include:
- ⦿ integrated large-capacity bioswales
- ⦿ less impervious surface area (narrower streets)
- ⦿ permeable paving in parking areas
- ⦿ variety and diversity of plants and trees in the right-of-way

Section Summary

travel lanes	16-foot, courtesy lane
on-street parking	7-foot, one side
bicycle lanes	none
sidewalk / trail	5-foot
planting strip / swale	7-foot, on downhill side
intended speed	15 mph
adjacent land uses	low density residential
primary grade	moderate to steep



photo: on-street parking is handled in a non-traditional way to accommodate wide bioswales, walkways, and other green street treatments (Seattle, WA)

Woonerf - “Street for Living”

Woonerf (“Street for living”) is a Dutch term for a common space created to be shared by pedestrians, bicyclists, and low-speed motor vehicles. They are typically narrow streets without curbs and sidewalks, and vehicles are slowed by placing trees, planters, parking areas, and other obstacles in the street.

MAP KEY



Above: NW Cliff St. in Newport’s Nye Beach area allows for an informal mix of pedestrians, vehicles and cyclists. The unique paving pattern communicates that it is a special type of street.

Left: A private drive through the Fremont Lofts development in Seattle creates an enclosed special precinct for residents, whether coming and going by foot or vehicle.

Section Summary

travel lanes	18-30 foot shared corridor
on-street parking	not designated, but permitted
bicycle lanes	none
sidewalk / trail	none
planting strip / swale	none
intended speed	less than 10 mph
adjacent land uses	high- and medium-density residential
primary grade	flat to moderate

Sustainability Factors

- ♻ multi-use street encourages strong community linkages
- ♻ narrow street width
- ♻ recycled-content in asphalt & concrete
- ♻ shading from trees
- ♻ integrated stormwater management systems



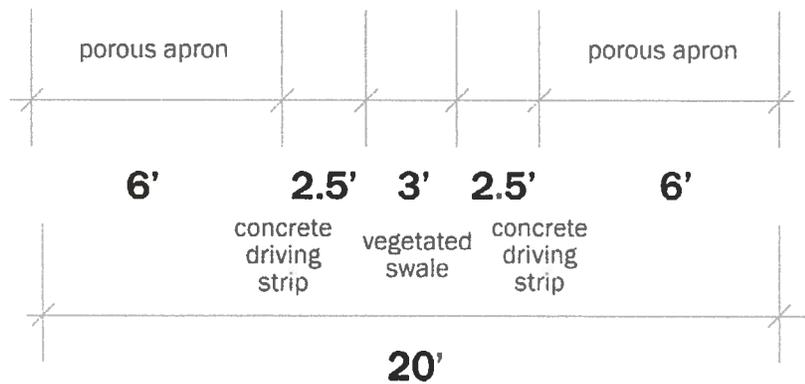
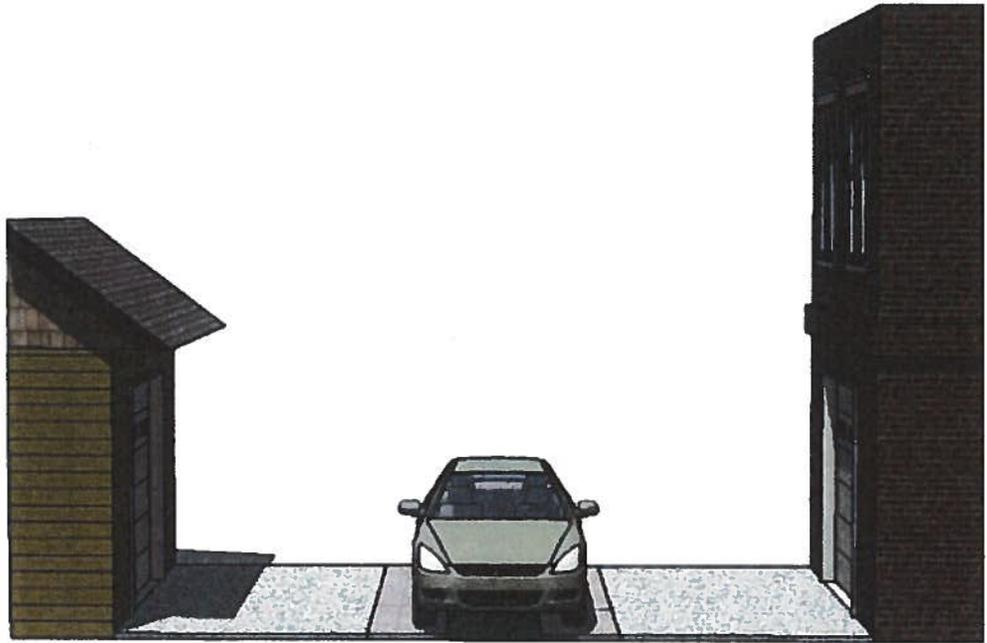
Transportation

MAP KEY



Green Alley

A green alley functions as a normal alley from a transportation perspective but is treated with green features to facilitate stormwater absorption and reduce impervious pavement area.



(plus 2' shy distance from building faces)

Sustainability Factors

- ☞ Explore a variety of materials for the porous apron and driving strips. Because the aprons will not experience the use of a normal roadway, porous asphalt or other hardscapes may work well without continual maintenance.
- ☞ Consider a variety of hearty low-growing plants that are adaptive to the coast climate in lieu of grass for the central vegetated swale.

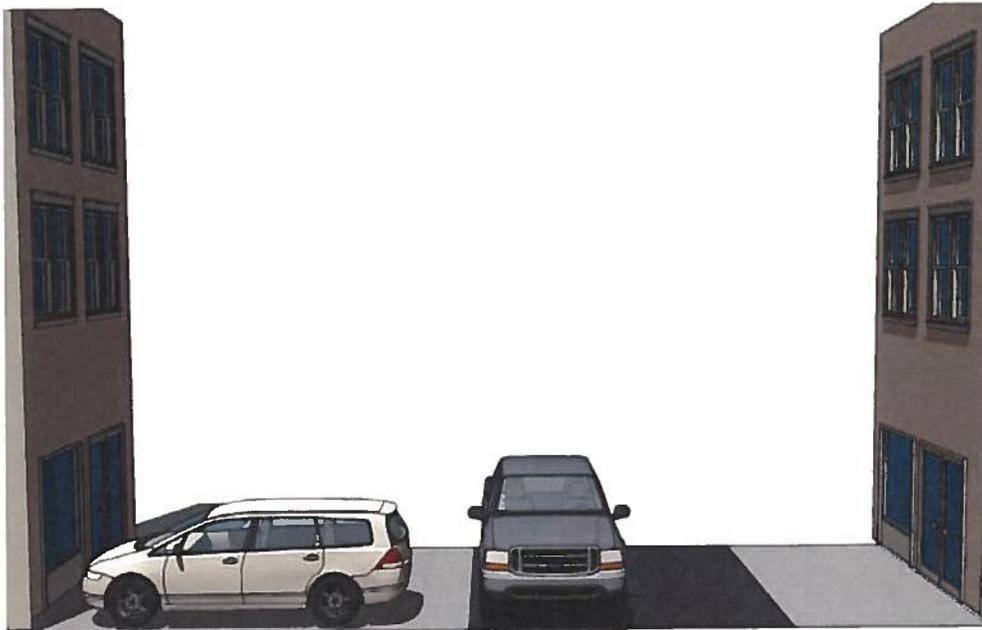
Section Summary

travel lanes	20-foot total right-of-way
on-street parking	none
bicycle lanes	none
sidewalk / trail	none
planting strip / swale	none
intended speed	10 mph
adjacent land uses	residential
primary grade	flat to moderate

Urban Alley

Common in most traditional and neo-traditional neighborhoods, the alley provides access to the rear of buildings. In addition to improving overall connectivity, the alley also provides a place for services and storage (i.e., garbage cans and collection) and allows street frontage to be uninterrupted by driveways.

MAP KEY



Section Summary

travel lanes	15-foot travel corridor
bicycle lanes	none
sidewalk / trail	none
planting strip / swale	none
intended speed	10 - 15 mph
adjacent land uses	village commercial
primary grade	flat

Sustainability Factors

- ♻ Supports reduced street widths elsewhere
- ♻ Improves overall walkability
- ♻ Recycled-content materials

Transportation



Green Street Strategies



Bioswales

Bioswales are a vegetated swale system with an infiltration trench designed to retain and temporarily store stormwater. They are planted with native grasses, sedges and rushes that enhance filtration, cooling, and cleansing of water in order to improve water quality and prevent sealing of subsoils.

Photo at right: sidewalk is separated from the roadway by a bioswale; on street parking is provided with 90 degree parking intermittently along the roadway.

Photo below: a common traffic calming element can also serve to slow and pre treat stormwater runoff.



Sustainability Options

- 🔄 Use plants that are most adaptable to the climate and conditions where feasible to reduce irrigation needs
- 🔄 Avoid invasive plants



The bioswale above is set back from the roadway to accommodate people getting into and out of their vehicles.

Photo top: deep bioswale between a parking lot and the roadway; Photo bottom: a bioswale integrated with traffic calming

Permeable or Porous Pavement

Permeable or perforated paving materials or pavers with spaces that allow transmission of water to aggregate base and subsoils. Runoff is temporarily stored in the base for infiltration into the subsoils and/or slow release to storm drain system.



Porous pavement will need to be tested on the Wilder site before the treatment is used for full applications.



Photos clockwise from top left: parking lot with several permeable pavement types including pavers and porous asphalt (Jean Vellum Natural Capital Center - Portland, OR); walkway of porous pavers (Portland State University - Portland, OR); parking lot of porous pavers (North Carolina); parking strip of porous pavers.

Sustainability Options

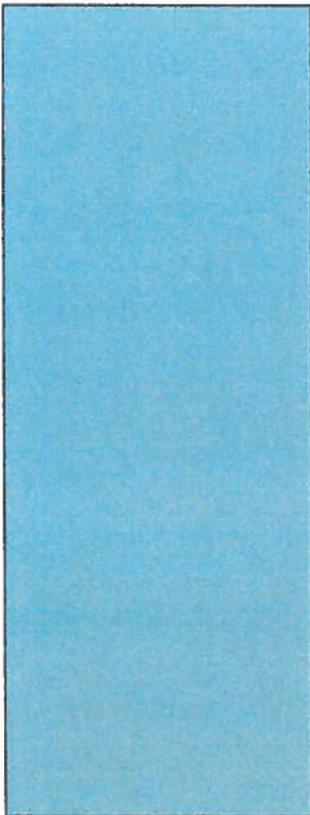
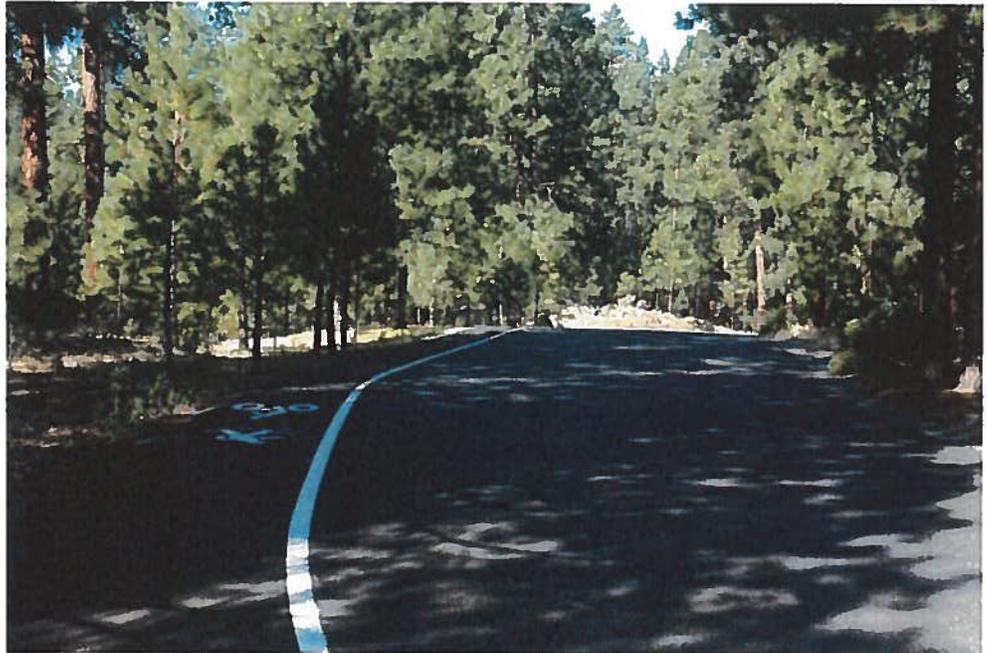
- ♻️ Seek local source materials
- ♻️ Recycled-content materials

Smaller Roads

Designing and constructing smaller roads is one way to reduce the volume of stormwater run off simply because there is less impervious surface. More of the roadway right-of-way can then be dedicated to greenery (shade, CO2 absorption, aesthetics, etc.) and bioswales (to collect and treat localized stormwater runoff). Additionally, smaller roads use fewer materials during their construction, particularly petroleum-based materials like asphalt.

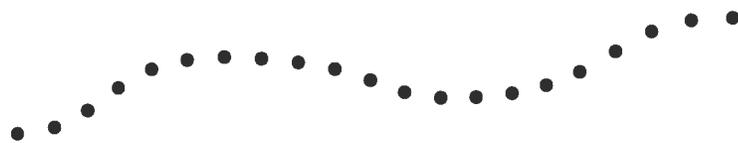
photo at left: rural application of the small road concept

photos below: Seattle's Street Edge Alternatives (SEA) program redesigned a series of neighborhood roads to accommodate stormwater runoff. The roadway was narrowed, on street parking was consolidated to a few locations along the block face, bioswales were installed on both sides of the roadway to treat stormwater runoff, and a sidewalk was provided on one side of the road for pedestrians.



Transportation

Pedestrian Circulation Types



Pedestrian Circulation

MAP KEY

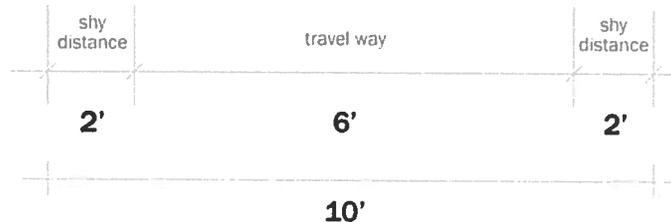


Access Trails

Access trails provide short paved trail or stair connections between streets. These trails improve pedestrian and bicycle connectivity and encourage more walking in the community. If terrain allows, these trails should be ADA accessible.



access trails



Sustainability Options

- ↻ evaluate porous concrete or asphalt for trail surfaces
- ↻ use small bioswales to treat stormwater on site
- ↻ use materials found on site for stair structures and minor retaining walls
- ↻ use solar panels for lighting

Guidelines

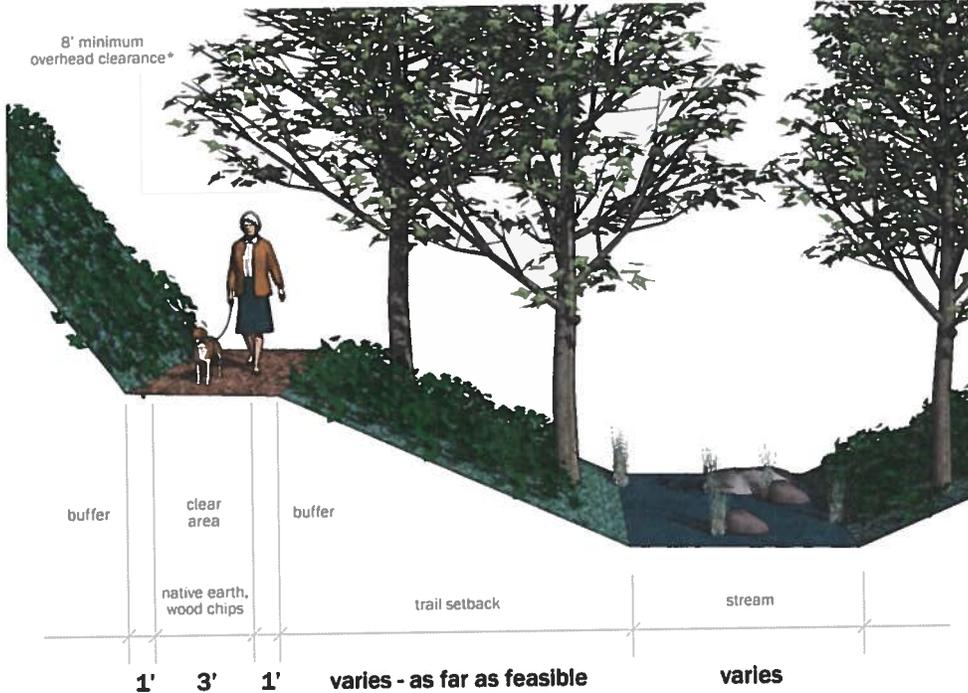
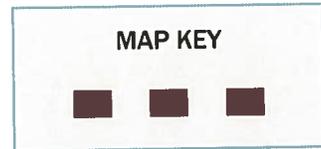
surface	asphalt, concrete, wood (stairs)
width	10-feet
cross-slope	maximum 2%
vertical clearance	10-feet minimum

Considerations

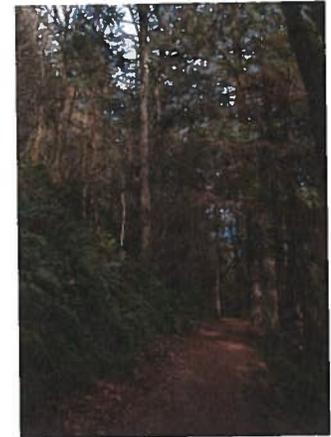
- Access trails and stairways should be sensitively designed and constructed to minimize impact on the terrain and neighboring homes.
- Consider constructing stair systems from concrete and local stone, instead of chemically-treated lumber. These materials are not as slippery as wood, are more durable, and have greater longevity. In addition to providing access, a rock and concrete stair system can also provide hillside stabilization and attractive rock gardens.
- Fences on both sides of access trails should be limited to improve pedestrian safety and encourage “eyes on the street.” If screening is desired, consider using vegetation or fences that provide some privacy but retain the ability to see and hear the trail (i.e., “good neighbor” fencing, wrought iron, etc.).
- Access trails should be lighted so that they can be used safely year-round. Lights should minimize deflection into the sky and neighboring homes.

Natural Trails

Natural trails are soft-surface walking/hiking trails that provide recreation opportunities and access to nature in the community. Natural trails can support bicycling and equestrian use if designed properly, but are generally intended to serve pedestrians.



*if equestrians and bicyclists are expected to use the trail system, overhead clearance should be at least 10'



natural trails



Guidelines

surface	earth, wood chip, gravel
width	5-feet
cross-slope	2%, down slope
horizontal slope	15% maximum
vertical clearance - pedestrians only	8-foot minimum
vertical clearance - bikes and horses	10-foot minimum
trail setback from waterways	as much as feasible

Considerations

- Trail systems significantly contribute to the marketability of the community and increase property values.
- A natural soft-surface trail system is the best way to access some of the best parts of Wilder and its surrounding areas. By contouring along the steep eastern slopes of the property, residents can walk with relative ease to Idaho Point, King Slough, and other parts of the community in a completely natural environment.
- This type of trail system is relatively easy to construct and maintain when done properly. It also provides an opportunity to improve some existing land conditions by improving drainage, stabilizing slopes with native vegetation, and removing invasive plants like Himalayan blackberry and Scotch Broom.

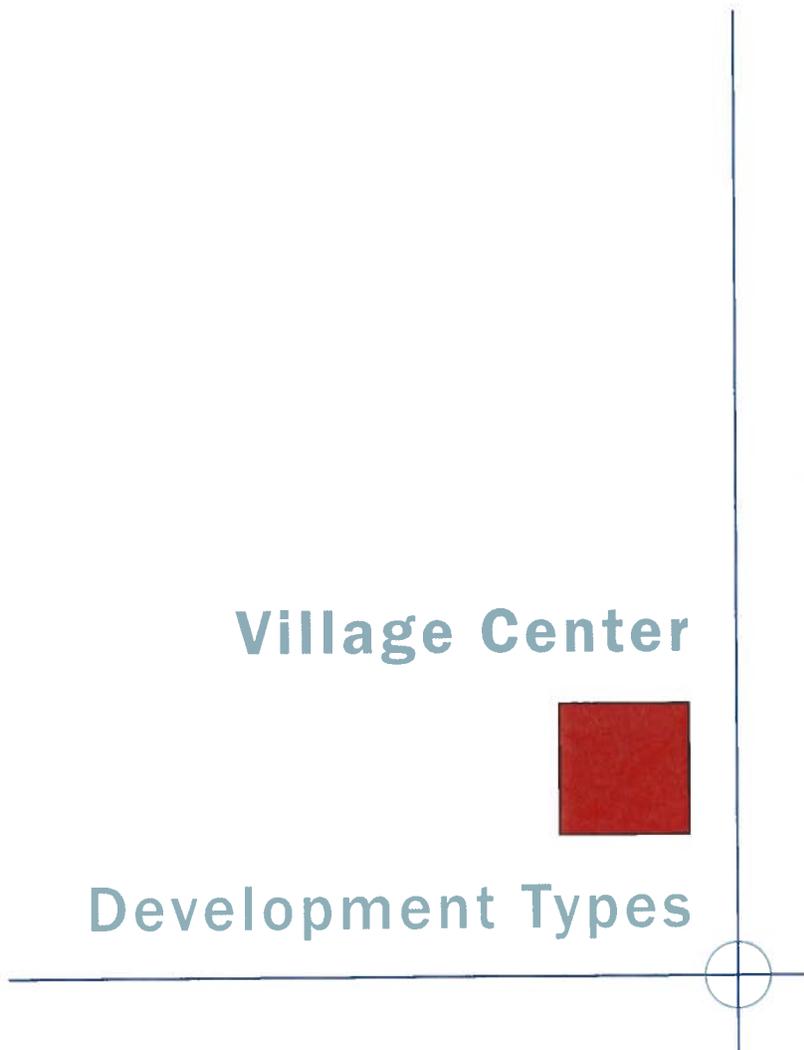
Sustainability Options

- employ "green" trail construction techniques
- use native earth as much as possible
- utilize local lumber for small bridges, retaining walls, railings and fences
- minimize switchbacks (to cut down on trail cutting and erosion)
- use low-impact boardwalks through wetlands and other wet areas
- avoid long sustained grades or utilize water bars to control drainage and erosion

Village Center



Development Types



Village Center: Retail

A range of sizes should include very small “incubator” spaces to encourage small businesses and create interest. Buildings should make a strong connection to the street through glazing, roll-up openings, outside display or seating. Awnings and street furniture provide important functions.



IN ZONE...



photos clockwise from left: Downtown Cannon Beach, OR; Coffee shop, Forest Heights (Portland, OR); College Avenue (Berkeley, CA); shops in Sisters, OR



Sustainability Factors

- ↳ Provide neighborhood amenities to reduce need for vehicular travel
- ↳ Density makes community more supportive of transit
- ↳ Build durable and flexible buildings to ensure that can provide for different uses as the community matures
- ↳ Seek energy efficiencies between building uses and at a district scale

General Specifications

Unit Size:	no larger than 20,000 sf
Unit Height:	up to 3 stories
Parking:	on street and shared parking lots
Private Outdoor Space:	n/a
Density range / typ. lot size:	
Target price range:	

Development Types

IN ZONE...

COM



Arcades and market halls have several benefits: reduced overhead, a high degree of visual activity, and pass through spaces that can front to a street and rear parking.

above: Granville Island market (Vancouver, BC); right: City Market (Portland, OR); below: Swan's Market (Oakland, CA)



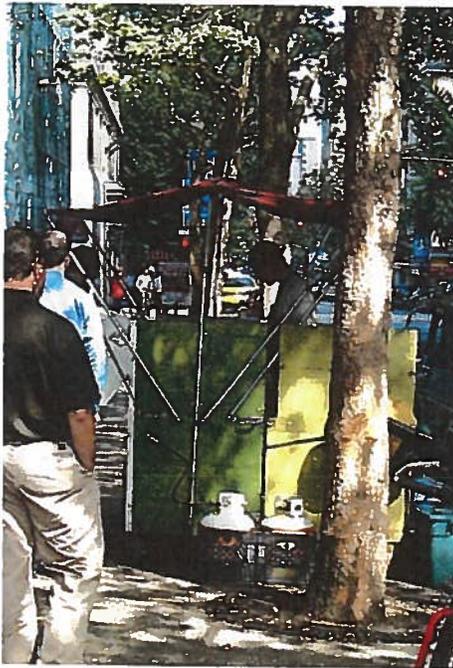
Village Center: Small Retail Shops

Important to the success of any new retail is the ability of small businesses to start up with minimal risk. Providing interesting small retail spaces is one way to do this. Portable carts, small kiosks, arcades and market hall type retail are all proven ways of doing this.



Sustainability Options

- ☛ Daylighting of retail has been shown to increase sales, as well as energy savings
- ☛ New LED lighting is emerging for retail uses



Food carts and portable kiosks can evolve with a retail area, moving to the most successful locations and duplicating as demand grows. Photo above: portable food cart (Portland, OR)



Tiny stand alone shops can take advantage of unusual building or site geometry, and can energize areas that would be otherwise empty.



Village Center: Housing Over Commercial

Mixing residential and commercial activities contributes to “eyes on the street” and focuses human activity in core areas at all times of the day. Commercial can be retail, office or civic uses, depending on demand. Housing can be elevator-served or walk up townhouses stacked above.



Mixed use buildings are a time honored type, and occur at many scales and types of construction. Clockwise from above: NE Portland, NW 23rd Av., Portland; Orenco Station; SE Portland; Pacific City, OR



Sustainability Options

- ♻ More supportive of transit
- ♻ Improves overall balance of jobs and housing
- ♻ Potential for shared parking
- ♻ Potential for 'waste heat' from commercial uses to serve residences
- ♻ Green building certification



Development Types

IN ZONE...

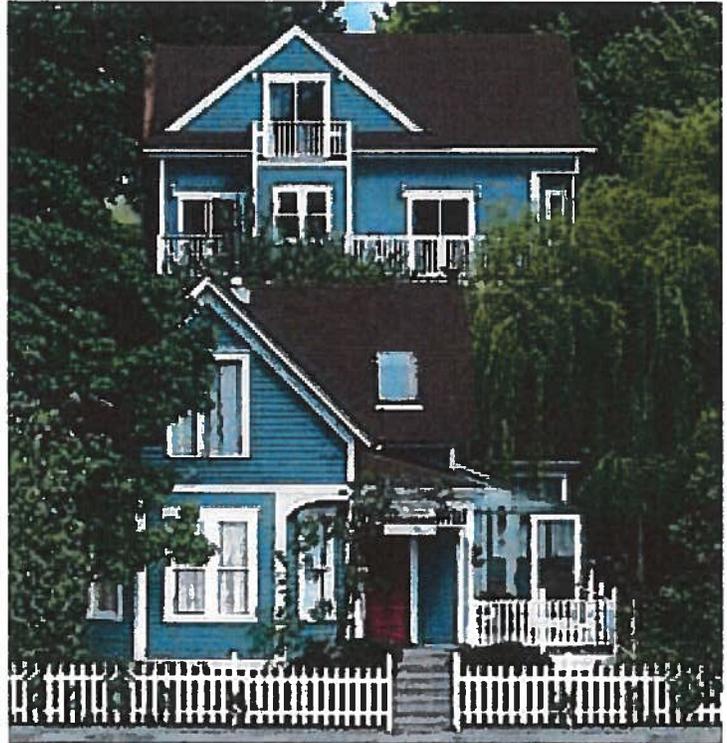


Village Center: Hospitality

Hotels and Bed and Breakfasts near the commercial core will provide more activity and help energize the area in the evening. These establishments often include restaurants and other uses on the ground floor.



Bed & Breakfast lodging in Seattle and the San Juan Islands



Right: The Sylvia Beach Hotel, with its author themed rooms, provides a compelling and highly desirable lodging opportunity on the Oregon Coast, where the hospitality industry is always looking for new and innovative ways to attract visitors.



Sustainability Options

- ♻️ Green building strategies
- ♻️ Zone mechanical systems for room-by-room control to reduce impact of unoccupied rooms.
- ♻️ Incorporate green management practices for cleaning, laundry, etc.

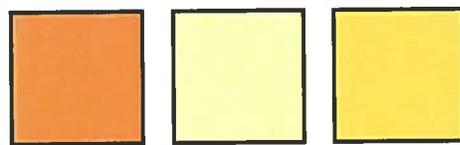


Above: Coast Cabins, a cluster of short stay cabins in Manzanita, OR

Right: This "tree sort" is a destination place to stay in the woods of Southern Oregon, pulling travelers well out of their way to stay in a creative building type: treehouses! (Takilma, OR)



Residential



Development Types



Single-Family: Hill Homes

The areas near the perimeter will generally have larger view lots, with somewhat larger houses. Thoughtful landscape standards and stormwater management can contribute to homes that blend into the landscape and to the stability of adjacent slopes.

IN ZONE...

R1



photos clockwise from left: traditional architecture (Portland, OR); modern hill house, (Berkeley, CA); craftsman houses (Berkeley, CA)



General Specifications

Unit Size:	1200 - 2000+ sf
Unit Height:	2 story
Parking:	off street
Private Outdoor Space:	Backyard / front yard
Density range / typ. lot size:	3 - 7 du/acre
Target price range:	\$\$\$ TBD

- Larger lots
- Typically located at slope edges
- Design standards can steer construction toward a cohesive style for the community (i.e. neo-traditional – or a particular material set and/or form, like wood siding, sloped roofs)
- Landscape standards can help to blend homes into landscape

Sustainability Options

- 🔗 Certification
- 🔗 High Energy Efficiency
- 🔗 Stormwater managed on site
- 🔗 FSC-certified framing
- 🔗 Recycled content materials
- 🔗 Green building program with incentives to avoid excessively large homes, and higher burden for efficiencies, relative to smaller homes
- 🔗 Renewable energy production
- 🔗 Minimize alterations to existing landscape
- 🔗 Detached garages improve indoor air quality by keeping garage fumes out of the living spaces

Development Types

IN ZONE...

R3

R2



photos: various medium-density housing styles and configurations

Single-Family: Medium Density Homes

These homes will be the dominant housing type at Wilder. They allow open space for each home and remain affordable for many families. Porches and limitations on garage locations help to link this type to the street for improved neighboring opportunities.



Sustainability Options

- ↻ Certifications
- ↻ High Energy Efficiency
- ↻ Stormwater drywells
- ↻ FSC-certified framing
- ↻ Recycled content materials
- ↻ Reduce ecological footprint through energy savings, preferred materials, good siting, etc.
- ↻ Improve indoor air quality
- ↻ Support potential industrial tenants within overall project, as well as regional economy
- ↻ Provide market differentiation
- ↻ Detached garages improve indoor air quality by keeping garage fumes out of the living spaces

General Specifications

Unit Size:	1200 - 2000 sf
Unit Height:	2 story
Parking:	off street
Private Outdoor Space:	Backyard / front yard
Density range / typ. lot size:	8 - 10 du/acre
Target price range:	\$\$

- Basic lot size is 5000 sf
- Affordable construction type
- Design and landscape standards, intended to support project quality without over-inflating housing costs
- Accessory units allowed (see page x)

Single-Family: Urban Lot Houses

Urban lot houses are freestanding homes, but offer a more compact neighborhood as well as more affordable housing.

IN ZONE...

R3 R2



photos: urban lot houses (Portland, OR, & Newport, OR)

Sustainability Options

- ⌄ Certifications
- ⌄ High Energy Efficiency
- ⌄ Stormwater drywells
- ⌄ FSC-certified framing
- ⌄ Recycled content materials

General Specifications

Unit Size:	800 - 1,100 sf
Unit Height:	1-2 story
Parking:	off street
Private Outdoor Space:	Backyard / front yard
Density range / typ. lot size:	9 - 15 du/acre
Target price range:	\$\$-\$

Development Types

IN ZONE...

R3

R2



photos: Micro Cottages at Wilder

Single-Family: Urban Micro Cottages

Very small homes have become a demonstrated success for some parts of the population, including single-occupant households and new home-owners. Small, independently sited cottages serve these populations well, and are an attractive way to attain a home in an area with many regional outdoor attractions.



Sustainability Options

- ↻ Certification
- ↻ High Energy Efficiency
- ↻ Stormwater drywells
- ↻ FSC-certified framing
- ↻ Recycled content materials
- ↻ Increasing density can in itself improved sustainability by making walking and transit more viable for more trips.

General Specifications

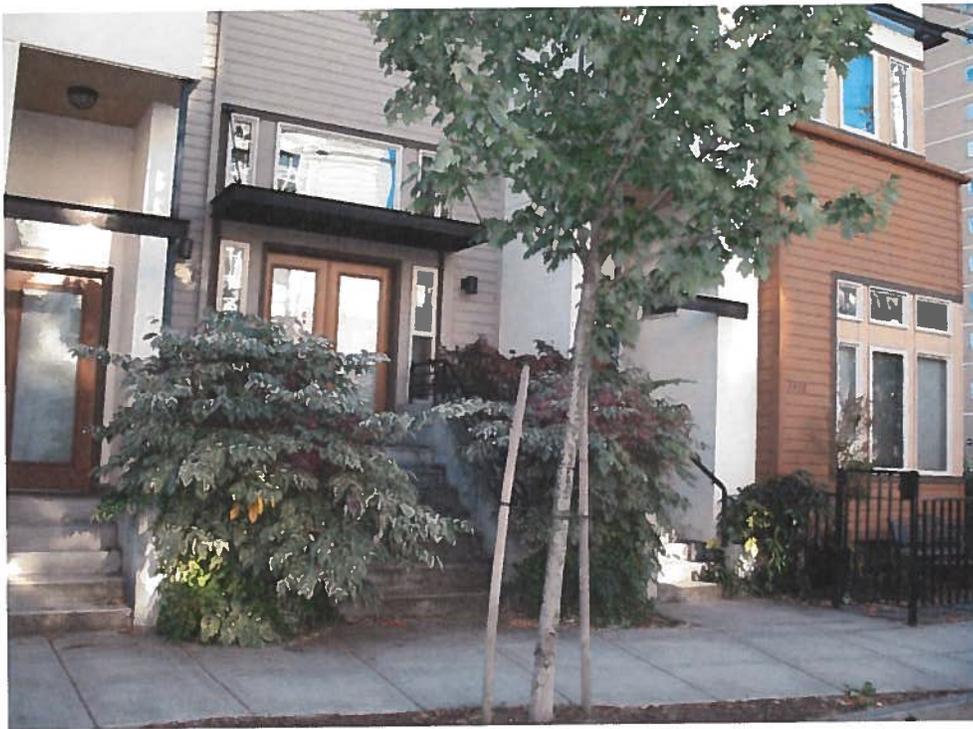
Unit Size:	450 - 1,000 sf
Unit Height:	1-2 story
Parking:	off street
Private Outdoor Space:	Backyard / front yard
Density range / typ. lot size:	10 - 18 du/acre
Target price range:	\$\$-\$

Townhouse

Townhouses provide the benefits of direct simple ownership (without the potential risks of condominiums) while contributing to higher densities than free-standing homes. They are a long-standing traditional type in many cultures, from the Victorians of San Francisco to cutting edge modernist designs throughout the industrial world.

While townhouses are often built with garages below and directly off the street, the preferred pattern is to have garages at the rear, either in a separate outbuilding (a 'mews' pattern typical in England) or tucked under the unit with open space provided in front yards. Eliminating the garage door on the front improves the qualities of the street, by providing more visual contact between the street and the homes.

When garages must be located at the front, they can be set 1/3 to half a story down to increase the connection between street and house.



photos: Belmont Dairy (Portland, OR); Sullivan's Gulch townhouses (Portland, OR)

IN ZONE...

R3

COM

Sustainability Options

- ♻️ Certification
- ♻️ High Energy Efficiency
- ♻️ Stormwater drywells
- ♻️ FSC-certified framing
- ♻️ Recycled content materials
- ♻️ Increasing density can in itself improved sustainability by making walking and transit more viable for more trips.
- ♻️ Shared walls typically lead to increased energy efficiency for each unit.

General Specifications

Unit Size:	1,100 sf - 1,600 sf (18' - 20' wide)
Unit Height:	2-3 story
Parking:	garage, off street
Private Outdoor Space:	Backyard
Density range:	10-20 d.u./gross acre
Target price range:	\$-\$-\$

Development Types

IN ZONE...

R3

R2

R1

Cluster Development: Walk-In

Clustered developments offer a sense of scale among neighbors, who typically share a small common open space. In truly successful designs, these spaces become very desirable amenities.



photos, clockwise from above: Cluster on common green, Stapleton (Denver, CO); Rose Walk (Berkeley, CA); bungalow court walk-in (Portland, OR)

General Specifications

Unit Size:	800 - 1800 sf
Unit Height:	1 - 2 story
Parking:	off street, shared, and/or ganged garages
Private Outdoor Space:	shared commons
Density range / typ. lot size:	8 - 12 du/acre
Target price range:	\$\$

Sustainability Options

- ⊕ Certification of homes
- ⊕ Coordinated management of stormwater, landscape etc.: use green standards
- ⊕ Higher potential for sharing of resources among neighbors



Cluster Development: Cottage Clusters

Cottage clusters are a type of walk-in cluster where homes are smaller than typical single family, increasing affordability and density within a single family neighborhood. They are being used in existing neighborhoods to create housing variety and affordability.



IN ZONE...



Examples, counterclockwise from above: Co-Housing cluster, Denver, CO; short-stay cabins at Manzanita, OR; Bella Beach, Gleneden, OR; Edward's aDDition, Monmouth, OR

Sustainability Options

- ♻️ Certification of homes
- ♻️ Landscape standards
- ♻️ Smaller house sizes
- ♻️ Higher potential for sharing of resources among neighbors

General Specifications

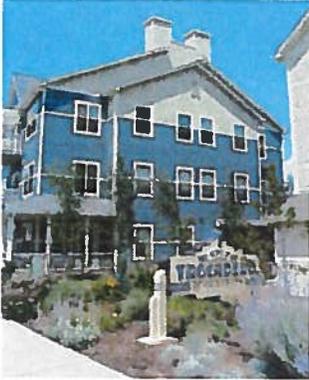
Unit Size:	800 sf or less
Unit Height:	1 - 2 story
Parking:	shared
Private Outdoor Space:	shared commons
Density range / typ. lot size:	12-24 du/acre
Target price range:	\$

- Typically an allowed use within single family neighborhoods, with 6 - 8 cottages in lieu of 3 - 5 standard size homes
- Shared parking at periphery
- Open space provides front door access and commons

Development Types

IN ZONE...

R3



Apartment building (Denver, CO)



Apartment building in a single family neighborhood context

Sustainability Factors

- ♻️ Green building certification
- ♻️ Potential for building scale mechanical systems
- ♻️ Higher land efficiencies
- ♻️ More supportive of transit
- ♻️ Green landscape standards

Multi-Family

Multi-family housing is a long-established housing type in cities and towns of all sizes, and in all cultures. In modern construction, several types are common:

Apartments are owned by one party with tenants renting their individual units

Condominiums ('condos') are owned by the individual tenant, who also typically owns an interest in the common areas of the property. A homeowners association manages the joint ownership areas.

Flats are units on one floor of a multi-story building with conventional floor-to-floor heights.

Lofts are units that have a higher floor-to-floor height and typically have a mezzanine loft within, often over the kitchen/bath areas.

Multi-family units can be arranged in numerous configurations (e.g. along corridors, around courtyards, off of circulation balconies, etc.). Each of these layouts lead to different building types. Smaller buildings oriented off of a common stair landing at each level can often fit in well with single family building massing.

Multi-family housing also can be located with other uses on the ground floor, especially retail and commercial uses. This helps increase the level of activity in central areas, with benefits for retailers and the public space.



apartments near University of Portland

General Specifications

Unit Size:	500 - 1100 sf
Unit Height:	1 - 2 story
Parking:	off street, shared, and/or ganged garages
Private Outdoor Space:	shared commons, balconies, patios
Density range / typ. lot size:	8 - 12 du/acre
Target price range:	\$

Auxilliary Dwelling Unit (ADU), A.K.A. “Granny Flat”

An ADU is a second self-contained dwelling unit created on a lot with a house, attached house or manufactured home. These dwellings are typically small (no larger than 800 sf) and are intended to provide housing options for a variety of single occupant tenants. Units can be joined to/over garages or stand alone on the property.

IN ZONE...

R3	R2	R1
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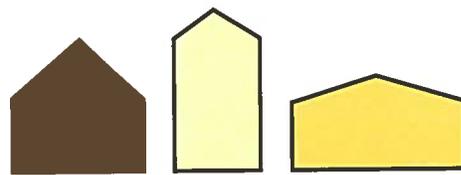
photos clockwise from top: Rose House (Portland, OR - SIP roof panels, Net Zero Energy Design), “Clever Homes” kit using SIP construction, Highlands Garden Village (Denver, CO)

General Specifications

Unit Size:	250 - 800 sf
Unit Height:	1 story
Parking:	off street / on street
Private Outdoor Space:	patio / deck
Density range / typ. lot size:	n/a
Target price range:	\$-\$\$

Sustainability Issues

- ⌘ Increase density without changing basic single family land use type
- ⌘ Green building strategies as applied to other home types



**Building and
Development Strategies**



Building and Development Strategies

Green Building Certification

Certification programs provide the builder with explicit standards to achieve best environmental practices and provide building owners with the assurance that their project is built to those standards. There are several home certification approaches available, with different emphases; the most effective of these are described below. Around the U.S., local and state jurisdictions have also adopted custom green building programs.

The most comprehensive programs, such as LEED, look beyond energy impacts to reward use of recycled content or sustainably produced materials, healthy indoor environments, and water conservation. However, no certification level will guarantee sustainability. True sustainability in the built environment requires an on-going process of improvement and innovation, and requires an underlying vision to guide decisions.

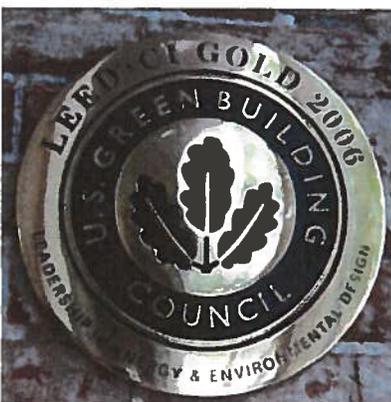


LEED Silver Residence Hall at Lewis & Clark College



The LEED-H Silver Home at Parkdale, Oregon, Built by Neil Kelly homes

LEED certified projects receive a plaque to display their commitment



Certification Programs and Approaches

LEED:	A voluntary certification program, based on a checklist of prerequisites and credits, awarding certification at increasing levels, up to platinum. Credits are awarded in six areas: Sustainable Sites, Water Efficiency, Energy & Atmosphere, Indoor Environmental Quality, Materials and Resources, and Design Process.
LEED-Homes	A specific LEED version re-tooled for single-family homes, which gives additional credits for proximity to community services
Energy Star	Certified by U.S. Dept. of Energy (DOE) to be 15% more efficient than code requirements.
U.S. DOE's Building America Program	Technical and design assistance with project-tailored energy strategies for regional climate
EarthAdvantage	Certifies and tests for energy savings of 15% better than code, low-VOC materials, fresh air ventilation, environmentally preferred materials. Also technical assistance.

Design Standards

Design standards are a strategy for ensuring a level of quality for a neighborhood. They can take many forms, ranging from basic site layout issues to detailed standards aimed at creating a unified look for a development.

Basic standards to address location of garages, entries and porches are widely accepted in many communities. They help support the pedestrian nature of streets by creating a level of interconnection between the street and the living areas of adjacent homes. Other communities impose standards geared toward a particular look, style or materials palette.

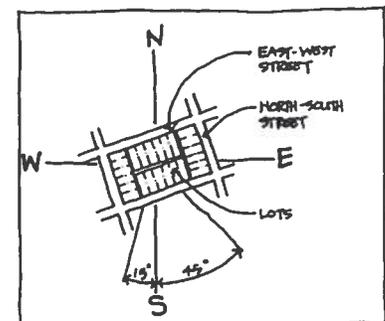
Imposition of a narrow set of standards can affect both the cost of housing and its rate of sales. In some cases, however, a strong discernible look to a neighborhood can improve sales and identity.



A "new urbanist" neighborhood in Monmouth, Oregon shows the benefit of standards to engage the house with the street. The neighboring house, outside the development, is dominated by a garage, and is less welcoming to the street.



The Sea Ranch in California uses design standards to tightly control building materials, siting, landscape and such details as reflective surfaces and trash enclosures.



Above: Design standards are often used to provide for good solar access to home lots.

Left: Graphical design standards used to improve the look of an overall community.



(Images shown are conceptual and do not represent final specific designs for Wilder)

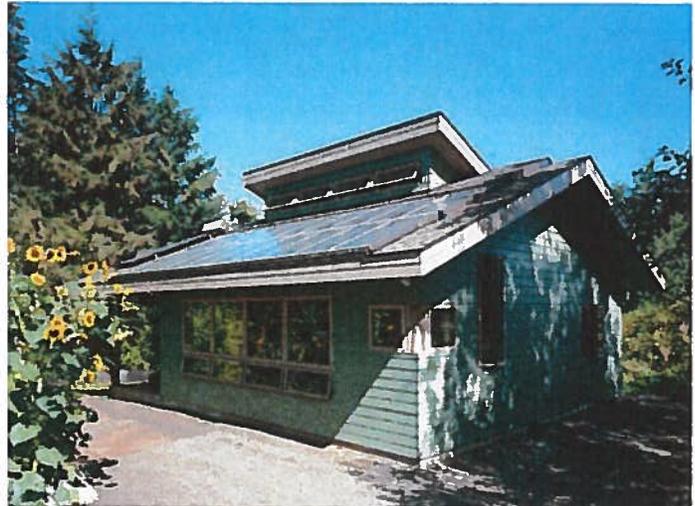
Panelized Construction

Panelized construction can help reduce costs in housing construction and – if done correctly - contribute to a more-resource efficient approach. Some building elements, such as roof trusses are commonly pre-manufactured and brought to the site ready to install in production housing. Roof panels are another building component that has shown strong potential for use in the housing industry, because of their efficiencies.

Wall panels can also be pre-manufactured, but do not always capture the same benefits in terms of resource efficiency, due to wastage from window cut-outs and other irregularities. Nevertheless, an innovative manufacturer committed to waste reduction and sustainable practices could be a strong partner in construction of the project.



Pre-manufactured trusses are a common form of panelized construction.



The Rose house was built with SIPs for the roof. (Portland, OR)

- Improves affordability
- Requires across-the-board attention to waste reduction in design and production processes
- Potential for single-family and multi-family building types
- Potential industrial use within project area



The NowHouse uses SIPs technology for the entire construction.

Modular Construction

Modular housing is undergoing somewhat of a renaissance, and can offer affordable construction at a higher design quality than in past generations. Both aesthetics and sustainability have been improved.



photos clockwise from left:
"LivingHome" (Santa Monica, CA);
GlideHouse (Menlo Park, CA);
Epoch Modular Home, New England

- Offers a balance of high design and affordability
- Factory-built and moved once to home site
- Somewhat more affordable than comparable homes built from scratch
- GlideHouse factory in Portland
- Potential industrial applications within project area

Building and Development Strategies

Co-Housing

Co-housing is a specific housing type where residents arrange to share many amenities, usually including a common house with kitchen. Residents often share meals, though they have individual kitchens as well. Co-housing communities often act as an anchor to a larger neighborhood community.



photos clockwise from top left: Trillium Hollow (Portland, OR);
Hearthstone Co Housing (Denver, CO); CoHo Co-Housing (Corvallis,
OR - 2); Cascadia Commons (Washington County, OR)



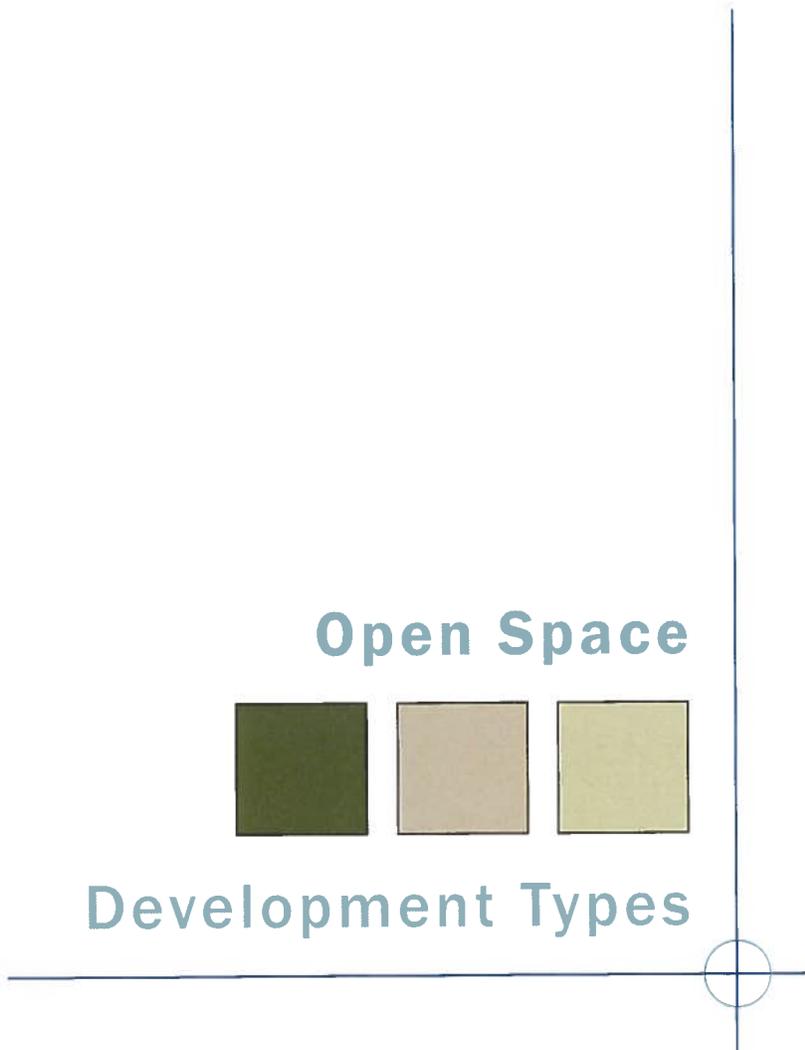
General Specifications

Unit Size:	varies
Unit Height:	varies
Parking:	off street
Private Outdoor Space:	patio
Density range / typ. lot size:	8 - 12 du/acre
Target price range:	\$-\$\$

Open Space



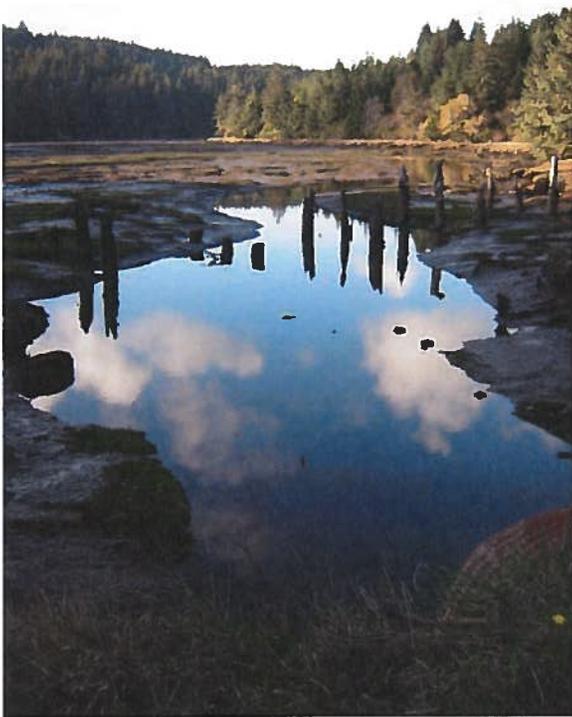
Development Types



Undeveloped Areas

Undeveloped natural areas are typically steep slopes, wetlands, and other sensitive natural areas

MAP KEY



photos: existing undeveloped open space locations on the Wilder property



Sustainability Options

- ⌚ Retain as much existing vegetation as possible, particularly large trees
- ⌚ Design trails to reduce erosion
- ⌚ Collaborate with other property owners to reduce invasive species and maintain habitat potential

- Link Wilder trail network with OCCC and Mike Miller Park
- Maintenance strategy to be determined
 - * Conservation overlay?
 - * Conservation group management?
 - * HOA management?

Open Space Types

MAP KEY



photos above: farmers market (Portland, OR); Prairie Crossing (Greyslake, IL)

right: Grey Friars' Square is dominated by an overarching shade tree (Copenhagen, Denmark)

Developed Open Space: Commons

A Village Center Plaza or Commons provides a mix of soft and hardscapes for a variety of community uses, like farmers' markets, bazaars, concerts, and festivals. The urban design of the space creates a sense of enclosure but also permeability, with access from multiple points.



Above: village plaza integrates existing vegetation; photo below: central plaza accentuates the natural surroundings with soft surface walkways and grass instead of concrete.

Below left: Performance spaces can anchor a plaza. (Coffee Creek Development, Chesterton, IN)

Below right: Building form can help shape the public space and create a dramatic contrast with surrounding streets, whether it is urban or green. (Slavonice, Czech Republic)

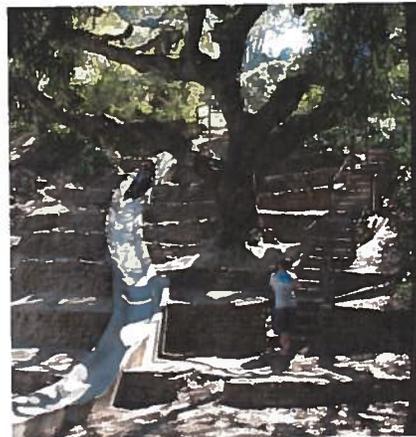


Developed Open Space: Neighborhood Park

This type of open space is intended to provide public gathering and recreation space for community residents. A neighborhood park should be within 1/2 mile of each home in Wilder so that residents can easily walk or bicycle to them. Ideally, the parks should be connected through the trail system.

Park amenities could include:

- * children's play equipment
- * open lawn areas
- * shelters / focused gathering areas
- * trails / paths



photos counter-clockwise from top: Berkeley, CA; Shelton, WA; Portland, OR; Clinton Community Garden (New York, NY); Highlands Garden Village (Denver, CO)



Sustainability Options

- ☞ Retain as much existing vegetation as possible, particularly large trees
- ☞ Creatively integrate play equipment and trails into the landscape
- ☞ Protect steep slopes by concentrating use on flatter areas and establishing native vegetation on the slope for stabilization

Open Space Types

MAP KEY



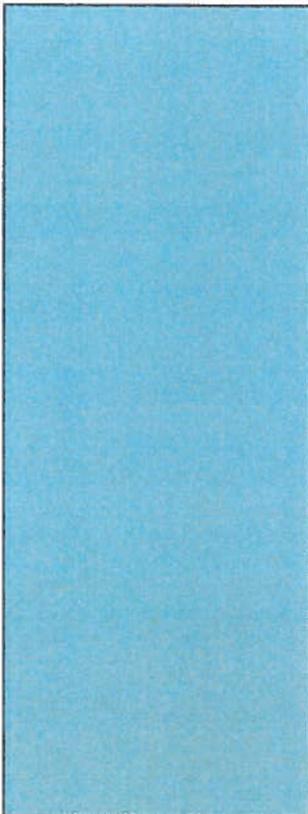
Above: City owned lands within the project site

Developed Open Space: Play Fields

Play fields are typically engineered open spaces that accommodate a variety of field sports that require large areas for play (i.e., soccer, football, baseball, etc.) Successful play fields are engineered to address drainage, grade change, lighting, and spectator seating and usually require a higher level of maintenance.



Active play fields could serve the college and the larger community



Open Space



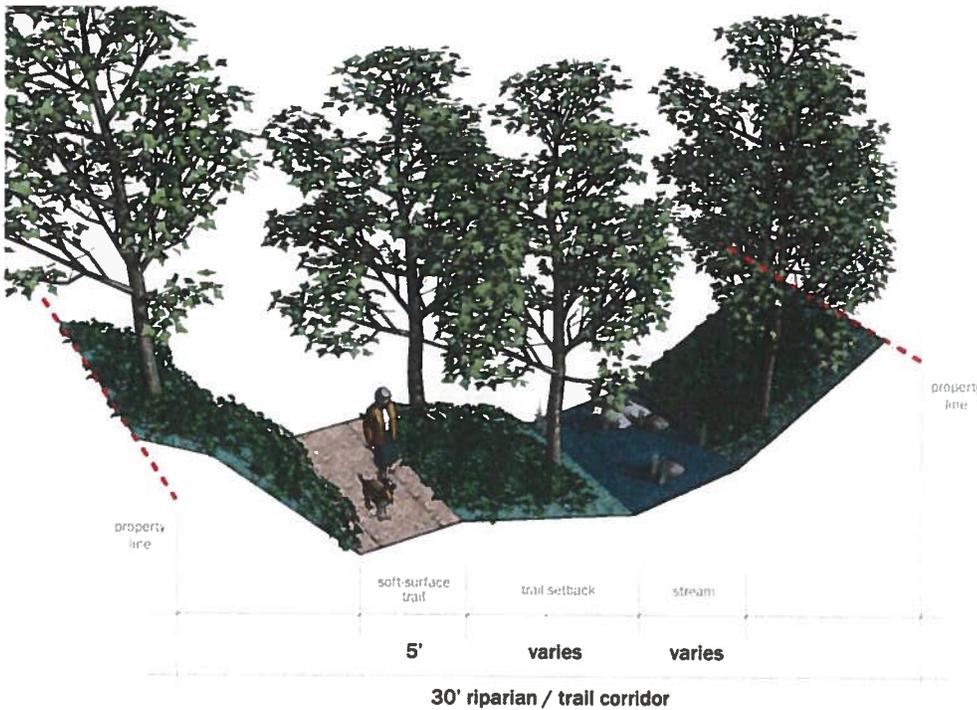
Conservation Strategies



Open Space Conservation Strategies

Riparian Corridors

The steep terrain and perennial waterways throughout Wilder offer an opportunity to integrate riparian corridor protection and a comprehensive soft-surface trail system.



Guidelines

surface	earth, wood chip, gravel
width	5-feet
cross-slope	2%, down slope
horizontal slope	15% maximum
vertical clearance - pedestrians only	8-feet minimum
vertical clearance - bikes and horses	10-feet minimum
trail setback from waterways	as much as feasible

Considerations

- Identify and enhance important habitat areas and travel corridors. Try to keep these areas intact so that wildlife is not completely displaced.
- Integrate education into the trail system and stream / habitat corridor protection system.

Sustainability Options

- ☞ use native earth as much as possible
- ☞ use existing disturbance corridors (utility easements, old roads, etc.)
- ☞ keep trails out of core habitat areas
- ☞ avoid endangered or threatened habitat areas
- ☞ minimize stream crossings
- ☞ establish native plant species along the trail and along waterways
- ☞ remove invasive plant species
- ☞ control stormwater run-off from the trail
- ☞ design trails for expected users

Tree Preservation

The steep terrain and perennial waterways throughout Wilder offer an opportunity to integrate riparian corridor protection and a comprehensive soft-surface trail system.



Removal of trees will require care to ensure that the trees left standing are not overly exposed to winds, soil compaction and other factors that will reduce their chances of survival.

Below: Roads at Black Butte Ranch are designed to leave important trees intact.



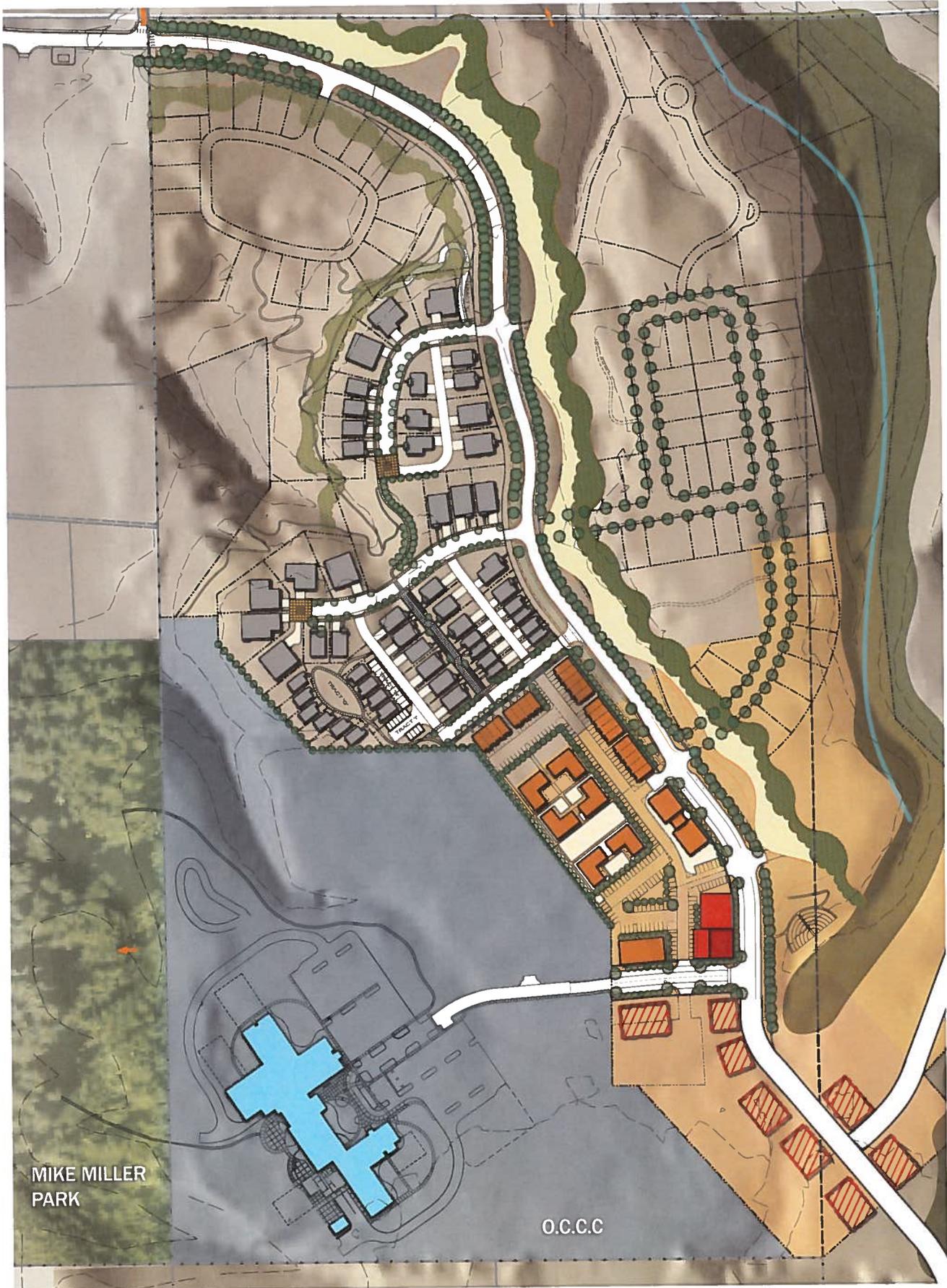
(Images shown are conceptual and do not represent final specific designs for Wilder)

Appendix

Site Diagrams

These site diagrams show the conceptual layout of the proposed project, including zoning, open space and circulation systems. Detailed planning will be submitted in phase-by-phase submittals.





MIKE MILLER
PARK

O.C.C.

landwaves inc

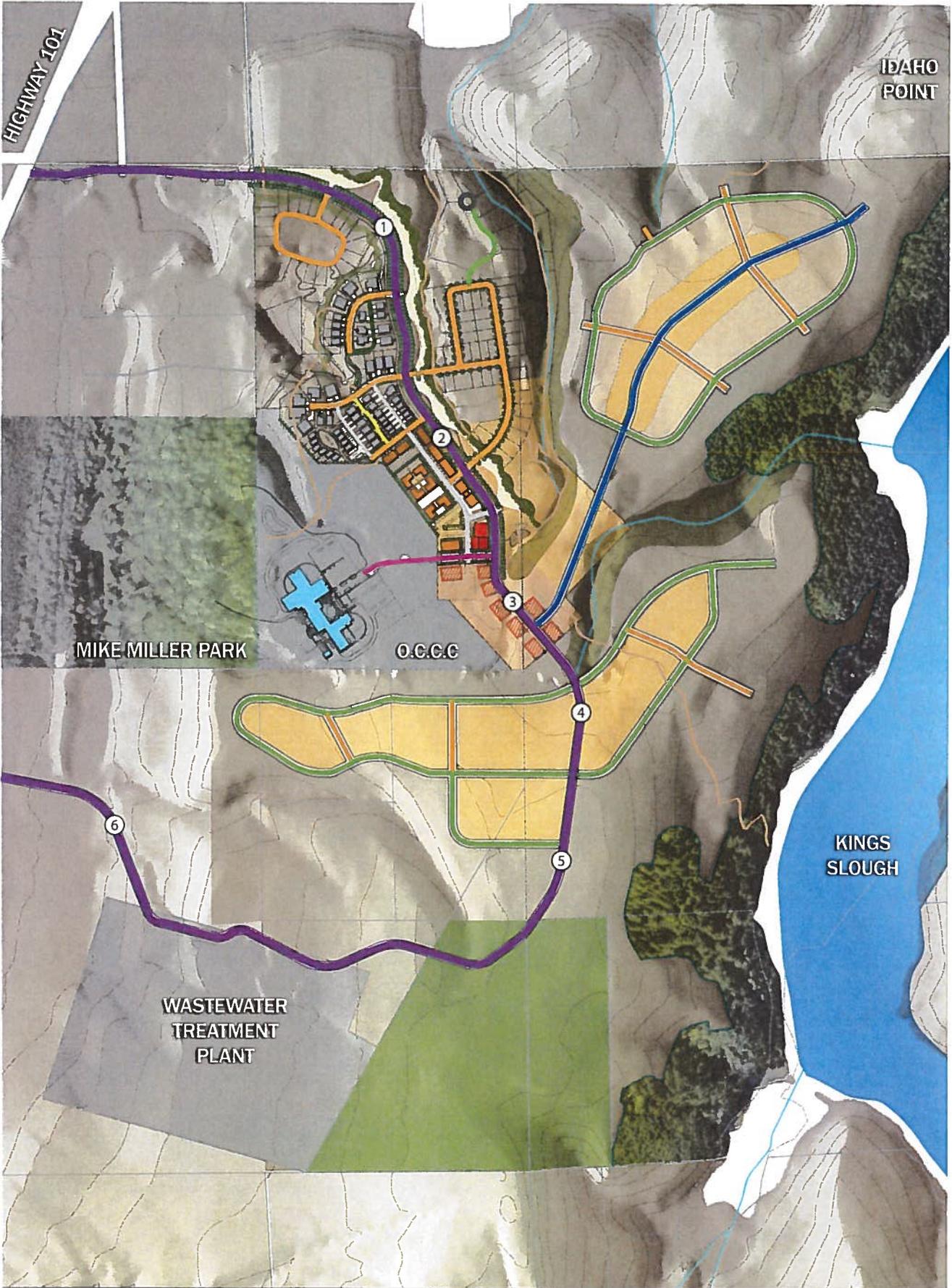


WILDER COMMUNITY MASTER PLAN
PHASE 1A SUBDIVISION PLAN

© 2009

JULY 2009





IDAHO POINT

HIGHWAY 101

MIKE MILLER PARK

O.C.C.C.

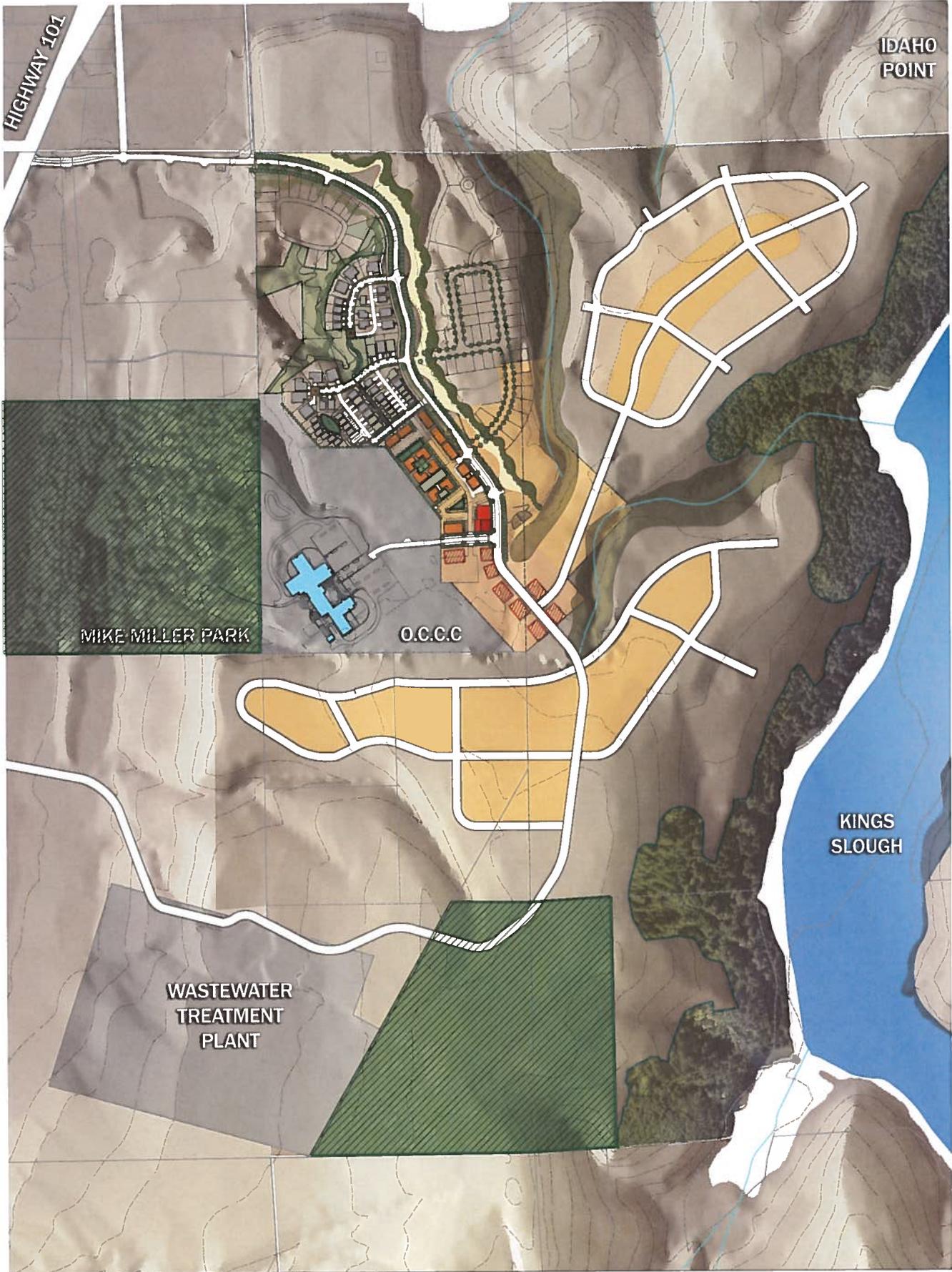
KINGS SLOUGH

WASTEWATER TREATMENT PLANT

WILDER COMMUNITY MASTER PLAN

CIRCULATION

 Main Loop Road	 Neighborhood Spine	 Green Alley
 Neighborhood Local	 Hillside Street	 Urban Alley
 Key to Sections	 Woonerf	 Trail
 Village Center Road		



**Wilder Community Master Plan
Development Applications**

APPENDIX I.

***Wilder Conditions, Covenants, and
Restrictions Excerpted***



or the applicable Subassociation Documents. Each Subassociation shall be solely responsible for construction, maintenance and repair and insurance of any common areas within the Subassociation, and such common areas shall not be considered common property or common expense property of any portion of the Association. Each Subassociation shall keep such common areas in good maintenance and repair at all times. Such easements shall not grant any parking rights nor any right to construct improvements on Subassociation property. All improvements within Subassociations shall be subject to the same standards of construction and approval of the ARC of the Association as are Lots that are not within the Subassociation. All original Subassociation Documents shall be subject to the prior written approval of the Board of the Association, which approval shall not be unreasonably withheld. Any amendment to the Subassociation Documents that in any way conflicts with any provision of this Declaration, the Bylaws, or the Rules and Regulations, or that purports to alter the rights or duties of Board or the Members of the Association who are not Subassociation members, also must be approved in writing in advance by the Board of the Association. The Board of the Association shall respond to any request for approval of Subassociation Documents or any amendment thereto within thirty (30) days after request for same delivered to the Association by the declarant or the board of directors of the Subassociation. The Board may require as a condition to its response that the requesting party pay in advance the Board's direct out-of-pocket expenses and attorneys' fees incurred in review of the documents.

ARTICLE III- EASEMENTS/MAINTENANCE

Section 3.1 Declarant's Easement to Correct Drainage

Declarant hereby reserves for the benefit of Declarant a blanket easement on, over and under the ground within the Property to maintain and correct drainage of surface waters and other erosion controls in order to maintain reasonable standards of health, safety and appearance and shall be entitled to remove trees or vegetation, without liability for replacement or damages, as Declarant, in its sole discretion, may deem necessary to provide adequate drainage facilities. Notwithstanding the foregoing, nothing herein shall be interpreted to impose any duty upon Declarant to correct or maintain any drainage facilities within the Property.

Section 3.2 Reserved Easements

Easements for installation and maintenance of utilities and storm water retention and/or detention facilities are granted and/or reserved as may be shown on the recorded Plat. Within these easement areas, no improvement, structure, driveway, planting or other material shall be placed or permitted to remain which may damage or interfere with the installation and maintenance of utilities, which may hinder or change the direction of flow of drainage channels or slopes in the easements, which would violate the terms of the easements as described in the Plat, or which would be inconsistent with utility company requirements. Owners are responsible for confirming the foregoing requirements with the applicable utility provider and the Association prior to construction of the same. No Owner shall have a claim against Declarant or the Association in the event any improvement in such easement areas is removed or demolished for access to such utilities. The easement area of each Lot and all improvements contained

therein shall be maintained continuously by the Owner of the Lot, except for those improvements for which a public authority or utility company is responsible.

Section 3.3 Reserved Easements

Easements for installation and maintenance of utilities and/or buffers with adjacent property are reserved for Declarant as may be shown on the Plat or any replat of the Property. Within these easement areas, no structure, planting or other material shall be placed or permitted to remain which may damage or interfere with the installation and maintenance of utilities, or which would violate the terms of the easements as described on the Plat. The easement area of each Lot and all improvements contained therein shall be maintained continuously by the Owner of the Lot, except for those improvements for which a public authority, utility company or the Association is responsible. In addition, the Declarant hereby reserves an easement in favor of the Association to permit maintenance, repair and replacement of pathways, utilities serving Common Maintenance Areas and all other Common Maintenance Areas, as deemed reasonably necessary by the Board.

Section 3.4 Temporary Completion Easement

All Lots shall be subject to an easement of ingress and egress for the benefit of the Declarant, its employees, subcontractors, successors and assigns, over and upon the front, side and rear yards of the Property as may be expedient or necessary for the construction, servicing and completion of utilities, roads, dwellings and landscaping within the Property, provided that the easement shall terminate as to any Phase on the tenth (10th) anniversary after conveyance of the first Lot in the Phase to a Class A Member. Declarant may assign, in one or more instances, its easement rights under this Section 3.4 to Owners during the course of construction of improvements on their Lots.

Section 3.5 Plat Easements

The Property shall be subject to all easements delineated on the Plat.

Section 3.6 Access and Entry Easements

An easement is hereby granted and reserved in favor of the Declarant and the Association and their respective successors, assigns, contractors, property managers, agents and employees, over, across, upon, and under the Property (other than the interior of Units) to inspect, maintain, repair or replace any improvement or other component of the Property, for the purpose of determining whether or not the use of and/or Improvements on such Lot are then in compliance with this Declaration and the Rules and Regulations, for the purposes of taking any action necessary to effect compliance with this Declaration and the Rules and Regulations, to implement erosion control or drainage procedures and practices, to do whatever is deemed necessary to comply with federal, state or local laws, and to otherwise exercise and perform their rights and obligations under this Declaration or any other agreement or obligation by which they bound, as determined in their sole discretion. If the inspection, maintenance, repair or replacement requires access to any Lot, such access shall be conditioned upon providing advance

and similar Lots may be combined to allow unified ownership and occupancy of two or more adjacent dwelling units.

Section 6.5 Drainage Alteration Prohibited

The surface water drainage contours of each Lot shall conform to the approved grading plan established by the Declarant. No Owner shall fill or alter any drainage swale established by the Declarant, nor shall any Owner install landscaping or other improvements that divert surface water runoff from the drainage patterns, swales and easements established by the Declarant without the prior, written approval of the applicable government authority.

Section 6.6 Common Property

Except for (a) the Cluster Mailboxes and Cluster Pads, (b) any common property designated as common property on the Plat or any amendment thereof, and (c) any portion of a Lot intended for dedication that is not accepted for dedication, unless particular property is otherwise designated by Declarant in an amendment to this Declaration, the Property shall have no common property, as defined in ORS Chapter 94. To the extent required under Oregon law, the Plat shows the legal description of any real property within the Property which is or must become common property. This Section 6.6 shall not preclude formation of a condominium, cooperative, co-housing cluster or cottage cluster within one or more Lots at the Property, which may include common areas. Except as otherwise expressly provided herein, the Association may not sell, convey or subject to a security interest any portion of the common property without approval of the Owners. The deed to any land that is common property within a Phase shall be delivered within ten years after that Phase is included in or annexed to the Property encumbered by this Declaration.

ARTICLE VII- USES

Section 7.1 Manufactured/Mobile Homes

Except for temporary structures used by Declarant or builders of improvements, no manufactured homes or mobile homes shall be installed, located or used on any Lot. The foregoing shall not prohibit the construction of prefabricated homes and other similar structures built in compliance with all applicable local building codes; such prefabrication is encouraged.

Section 7.2 Non-Passenger Vehicles and Equipment

Campers, boats, recreational vehicles, commercial vehicles, other non-passenger vehicles, equipment, implements, accessories and disabled passenger vehicles may not be kept or stored on the Property, including any street within the Property, except to the extent permitted by applicable codes, as follows:

7.2.1 Campers, boats, boat trailers, recreational vehicles, recreational trailers, and other non-passenger vehicles, equipment, implements, or accessories must be kept within an Owner's garage.

**Wilder Community Master Plan
Development Applications**

APPENDIX J.

***Reciprocal Easement Agreement
between Landwaves and OCCC***

I, Dana W. Jenkins, County Clerk, in and for said county, do hereby certify that the within instrument was received for record, and recorded in the Book of Records of said county at Newport, Oregon. WITNESS my hand and seal of said office affixed.


DANA W. JENKINS, Lincoln County Clerk



Doc : 200800030
Rect : 800025 86.00
01/03/2008 10:40:03am

After recording, return to:
Landwaves, Inc.
Attention: Bonnie Serkin
1733 NE 7th Avenue
Portland, Oregon 97212

RECIPROCAL EASEMENT AGREEMENT

This Reciprocal Easement Agreement ("Agreement") is dated this 13 day of ~~DECEMBER~~, 2007 (the "Effective Date"), by and among OREGON COAST COMMUNITY COLLEGE DISTRICT, a community college district organized under Chapter 341 of the Oregon Revised Statutes ("OCCC"), LANDWAVES, INC., an Oregon corporation ("Landwaves"), and EMERY INVESTMENTS, INC., an Oregon corporation ("Emery"). Landwaves and Emery are sometimes individually referred to herein as an "Adjacent Owner" and collectively as the "Adjacent Owners."

RECITALS

A. As of the Effective Date, OCCC owns the real property described on the attached Exhibit A (the "College Parcel").

B. Landwaves owns the real property described on the attached Exhibit B and all improvements thereon (the "Landwaves Parcels"). Landwaves' affiliate, Emery, owns that certain unimproved real property described on the attached Exhibit B (the "Emery Investments Parcel"). The Landwaves Parcels and the Emery Investments Parcel are sometimes collectively referred to as the "Adjacent Property."

C. The purpose of this Agreement is to grant reciprocal easements burdening and benefiting the College Parcel and the Adjacent Property.

EASEMENTS GRANTED

In consideration of the mutual covenants of the parties contained in this Agreement, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. Grant of Easements.

a. By OCCC. OCCC hereby grants to the Adjacent Owners, and the Adjacent Owners hereby accept from OCCC:

i. A perpetual easement over, across and under the College Parcel for the construction, installation, operation, maintenance, repair, replacement, and/or modification of public utility systems including, without limitation, water, sanitary sewer, and storm drainage systems, and private utility systems including, without limitation, electrical, natural gas, cable television and telecommunications systems.

ii. A perpetual easement over, across and under the College Parcel for pedestrian and bicycle ingress and egress, and the construction, installation, operation, maintenance, repair, replacement, and/or modification of pedestrian and bicycle pathways, the locations of which are subject to OCCC's approval, not to be unreasonably withheld or delayed. If OCCC desires to expand a building or make some other college use of the area on which any such pathway is located, OCCC may relocate the pathway to accommodate such college use, at OCCC's sole cost and expense.

iii. A perpetual easement over, under, across those areas of the College Parcel from time to time developed as parking areas and associated driveways and sidewalks (the "Parking Areas") for the purpose of vehicular parking and vehicular and pedestrian access to the Parking Areas. Notwithstanding anything to the contrary in this Section 1(a)(iii), use of the Parking Areas by the Adjacent Owners and their respective successors, assigns, employees, tenants, and agents (collectively, the "Adjacent Owner Users") shall not unreasonably interfere with OCCC's use of the College Parcel. Also, if parking on the College Parcel becomes congested, OCCC may institute a permit program and restrict usage of the Parking Areas by the Adjacent Owner Users to weekends and evenings.

b. **By the Adjacent Owners.** Each Adjacent Owner hereby grants to OCCC and each other Adjacent Owner, and such parties hereby accept, a perpetual easement over, across and under the Adjacent Property for the construction, installation, operation, maintenance, repair, replacement, and/or modification of public utility systems including, without limitation, water, sanitary sewer, and storm drainage systems, and private utility systems including, without limitation, electrical, natural gas, cable television and telecommunications systems.

2. **Location of Easements.** The location of the easements granted pursuant to Section 1, above, shall be established by Landwaves, in its sole discretion, *provided, however*, the location of such easements shall be subject to amendments to the Urban Growth Boundary, comprehensive plan text and map, and zoning map and *provided, further*, the location of easements shall be subject to OCCC's approval, not to be unreasonably withheld or delayed.

3. **Work Obligations.** Each party agrees that when it engages in construction, installation, operation, maintenance, repair, replacement or modification pursuant to this Agreement, the party performing such work (the "Working Party") shall perform the necessary work expeditiously and in a manner designed to limit the affect and inconvenience on the applicable property owner or owners not performing such work (the "Non-Working Party"). Further, the Working Party shall use all reasonable measures to prevent damage to the improvements, if any, located on the Non-Working Party's property, shall restore any damaged improvements on the Non-Working Party's property as nearly as possible to the condition they were in immediately before the commencement of such work, and shall restore any areas affected by such work to a sightly and usable condition as soon as reasonably possible following the completion of such work.

4. **Parking Lots.** OCCC and Adjacent Owners will use their best efforts to negotiate the construction, use, design and cost sharing of surface parking lots in the approximate area shown on the attached Exhibit C.

5. **Liens.** If any mechanic's, materialmen's or other lien is asserted against the Non-Working Party's property as a result of the work performed by the Working Party, then within ten (10) days after written request from the Non-Working Party, the Working Party shall cause such lien to be released and discharged of record, either by paying the indebtedness that gave rise to such lien or by posting bond or other security as shall be required by law to obtain such release and discharge. In any case, the Working Party shall cause such lien to be discharged prior to entry of final judgment for the foreclosure of such lien.

6. **Maintenance.** Each Working Party and its respective subcontractors, agents, employees, invitees or visitors (collectively, "Contractors") shall maintain, at such party's expense, workers' compensation insurance in full compliance with applicable laws and shall maintain comprehensive general liability insurance, including, without limitation, premises operations, independent contractors, broad form property damage, personal injury and blanket contractual liability, with limits of liability for bodily injury and property damage of not less than Two Million Dollars (\$2,000,000) combined single limit. Working Parties and their respective Contractors shall also carry automobile liability insurance in the amount of at least \$1,000,000 per accident. Landwaves, Double E Northwest, Inc., Steel String, Inc. and Emery Investments shall be named as additional insureds on the commercial general liability and automobile policies described above. All insurance policies shall be issued by insurance companies with an A.M. Best rating of A-:VII or better. A Working Party and its Contractors shall give the Non-Working Party: (a) a copy of the policies or a certificate of insurance acceptable to the Non-Working Party prior to entry onto the Non-Working Party's property; and (b) an additional insured endorsement as evidence of the additional insured status as soon as possible. The policy and certificate shall provide for thirty (30) days notice to the Non-Working Party and the additional insureds of cancellation or material change.

7. **Binding Effect, Run with the Land.** This Agreement shall run with the land as to all real property burdened and benefited, and shall inure to the benefit of OCCC, the Adjacent Owners and their respective successors and assigns.

8. **Attorneys' Fees.** In the event legal action is commenced in connection with this Agreement, the prevailing or non-defaulting party in such action shall be entitled to recover its reasonable attorney fees and costs incurred in the trial court and any appeal therefrom. The term "action" shall be deemed to include action commenced in the Bankruptcy Court of the United States and any other court of general or limited jurisdiction. The reference to "costs" includes, but is not limited to, deposition costs (discovery and otherwise), witness fees (expert and otherwise), out-of-pocket costs, title search and report expenses, survey costs, surety bonds and any other reasonable expenses.

9. **Severability.** If any portion of this Agreement shall be invalid or unenforceable to any extent, the validity of the remaining provisions shall not be affected thereby.

10. **Integration.** This Agreement constitutes the entire, final and complete agreement of the parties pertaining to this utility easement, and supersedes and replaces all other written and oral agreements heretofore made or existing by and between the parties or their

representatives with respect to the subject matter contained herein. Neither party shall be bound by any promises, representations or agreements except as are expressly set forth herein.

11. Governing Law. This Agreement shall be construed in accordance with and governed by the laws of the State of Oregon.

12. Nonwaiver. Failure by either party at any time to require performance by the other party of any of the provisions in this Agreement shall in no way affect the party's rights under the Agreement to enforce the provisions in this Agreement, nor shall any waiver by a party of the breach of the provisions in this Agreement be held to be a waiver of any succeeding breach or a waiver of this nonwaiver clause.

13. Counterparts. This Agreement may be executed in counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

14. Amendment. This Agreement may not be amended except by written and recorded agreement of the owners of the College Parcel and the Adjacent Property.

15. Decisions. If any Adjacent Owner requests OCCC's approval under any provision of this Agreement, OCCC's approval shall be deemed given if OCCC fails to respond to the request for approval within ten business days after a written request for approval is given to OCCC by the Adjacent Owner.

[Remainder of page intentionally left blank. Signature pages follow.]

OCCC:

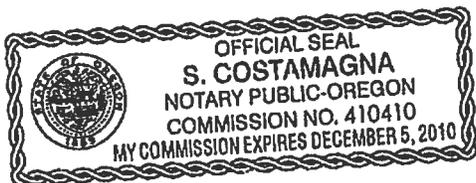
OREGON COAST COMMUNITY COLLEGE
DISTRICT

By: *Patrick J. O'Connor*
Name: Patrick J. O'Connor
Title: President

STATE OF OREGON)
) ss.
COUNTY OF Lincoln)

The foregoing instrument was acknowledged before me this 14 day of
December, 2007, by Patrick J. O'Connor of OREGON COAST COMMUNITY
COLLEGE DISTRICT, a community college district organized under Chapter 341 of the Oregon
Revised Statutes, on behalf of the district.

* President



S. Costamagna
Notary Public for Oregon
Printed Name: S. Costamagna
My Commission Expires: 12/5/10

[Additional signature and notary pages follow.]

GRANTEE:

LANDWAVES, INC., an Oregon corporation

By: John K. Stutesman
John K. Stutesman, President

EMERY INVESTMENTS, INC., an Oregon corporation

By: _____
William H. Emery, President

[Notary page follows.]

STATE OF OREGON)
) ss.
COUNTY OF ~~MULTNOMAH~~)
 Lincoln)

The foregoing instrument was acknowledged before me this 13 day of December, 2007, by John K. Stutesman, as President of LANDWAVES, INC., an Oregon corporation, on behalf of the corporation.



S. Costamagna
Notary Public for Oregon
Printed Name: S. Costamagna
My Commission Expires: 12/5/10

STATE OF OREGON)
) ss.
COUNTY OF MULTNOMAH)

The foregoing instrument was acknowledged before me this _____ day of _____, 2007, by William H. Emery, as President of EMERY INVESTMENTS, INC., an Oregon corporation, on behalf of the corporation.

Notary Public for Oregon
Printed Name: _____
My Commission Expires: _____

EXHIBIT A
Description of College Parcel



**DAVID EVANS
AND ASSOCIATES INC.**

L.DWV 0000-0001
C.R.G.
5/25/07
Revised 10/19/07

**Legal Description
Oregon Coast Community College Site**

A parcel of land being situated in a portion of the northeast quarter of Section 20, Township 11 South, Range 11 West, Willamette Meridian, Lincoln County, Oregon and also being a portion of that property described in Statutory Special Warranty Deed to Landwaves, Inc. an Oregon Corporation in Document Number 200711876, recorded on August 16, 2007, Lincoln County Book of Records, and being described as follows:

Beginning at a point located North 85° 19' 10" West, a distance of 59.05 feet from a found 1 1/2" iron pipe with a 2" brass cap at the east quarter corner of said Section 20, as recorded in Survey Number 5392, Lincoln County Survey Records, thence North 85° 19' 10" West, a distance of 1297.00 feet to the southwest corner of said Document Number 200711876, said point also being on the east line of that property described in Warranty Deed to Lincoln County (Mike Miller Park) in Book 183, Page 478, of said Lincoln County Book of Records; thence on the said east line North 04°03'17" East, a distance of 1333.89 feet; thence leaving the said east line South 86°22'23" East, a distance of 120.00 feet; thence South 03°37'37" West, a distance of 60.00 feet; thence South 36°51'25" East, a distance of 294.78 feet; thence South 86°16'29" East, a distance of 331.17 feet; thence South 32°38'39" East, a distance of 471.54 feet; thence South 04°40'50" West, a distance of 328.30 feet; thence South 85°19'10" East, a distance of 53.81 feet; thence South 37°30'36" East, a distance of 482.68 feet to the point of beginning containing 1,057,053 square feet or 24.267 acres more or less.

The basis of bearing for this legal description is Oregon State Plane (NAD 83/98) North Zone grid bearing (Survey Number 18043 Lincoln County Survey Records).

Said property now known as Parcel 1, Partition Plat 2007-39, filed for record on December 26, 2007, Lincoln County Partition Plat Records.

**REGISTERED
PROFESSIONAL
LAND SURVEYOR**

Charles R. Griffin
10/19/07

OREGON
JULY 25, 1991
CHARLES R. GRIFFIN
2500

RENEWAL 6/30/07

P:\L\LDWV\00000001\0600\INFO\SVL\Legal Descriptions and Easements\OCCC-Rev.doc

EXHIBIT B
Description of Adjacent Property

Former Emery Investments Property

The East one-half of the Northeast one-quarter of Section 20, Township 11 South, Range 11 West, Willamette Meridian in Lincoln County of Oregon.

Together with an easement for a private road as created by instrument recorded May 9, 1957, Book 184, page 635. Deed Records.

Excepting therefrom:

A parcel of land being situated in a portion of the Northeast quarter of Section 20, Township 11 South, Range 11 West, Willamette Meridian, Lincoln County, Oregon and also being a portion of that property described in Statutory Special Warranty Deed to Landwaves, Inc., an Oregon corporation in Document No. 200711876, recorded on August 16, 2007, Lincoln County Book of Records, and being described as follows:

Beginning at a point located North 85° 19' 10" West, a distance of 59.05 feet from a found 1 ½ inch iron pipe with a 2 inch brass cap at the East quarter corner of said Section 20, as recorded in Survey Number 5392 Lincoln County Survey Records; thence North 85° 19' 10" West, a distance of 1297.00 feet to the Southwest corner of said Document No. 200711876, said point also being on the East line of that property described in Warranty Deed to Lincoln County (Mike Miller Park) in Book 183, page 478, of said Lincoln County Book Records; thence on the said East line North 04° 03' 17" East, a distance of 1333.89 feet; thence leaving the said East line South 86° 22' 23" East, a distance of 120.00 feet; thence South 03° 37' 37" West, a distance of 60.00 feet; thence South 36° 51' 25" East, a distance of 294.78 feet; thence South 86° 16' 29" East, a distance of 331.17 feet; thence South 32° 38' 39" East, a distance of 471.54 feet; thence South 04° 40' 50" West, a distance of 328.30 feet; thence South 85° 19' 10" East, a distance of 53.81 feet; thence South 37° 30' 36" East, a distance of 482.68 feet to the point of beginning.

[Legal description continued on following page.]

Former Steel String Property

PARCEL I:

The Northwest quarter of the Southeast quarter, the Southeast quarter of the Southwest quarter and the East 244.61 feet of the Northeast quarter of the Southwest quarter of Section 20, Township 11 South, Range 11 West, Willamette Meridian, in Lincoln County, Oregon.

ALSO: the East 244.61 feet of that portion of the Southeast quarter of the Northwest quarter lying Southerly of the boundary line described in Deed to Elmer Nibler, et ux, recorded January 4, 1972 in Volume 30, page 1475, Film Records, in Section 20, Township 11 South, Range 11 West, Willamette Meridian.

PARCEL II:

The South half of the Southeast quarter of Section 20, Township 11 South, Range 11 West, Willamette Meridian, in Lincoln County, Oregon.

EXCEPT that part thereof conveyed to the Port of Newport by deed recorded August 26, 1944 in Book 100, page 157, Deed Records, Lincoln County, Oregon.

Also except that tract described in instrument recorded May 22, 1998, Book 358, page 1119, Microfilm Records for Lincoln County, Oregon.

PARCEL III:

That portion of the Southwest one quarter of Section 20, Township 11 South, Range 11 West, Willamette Meridian, in Lincoln County, Oregon, described as follows:

Beginning at a 5/8 inch iron rod located 3,803.53 feet South and 1,362.03 feet West of the North one quarter corner of Section 20, Township 11 South, Range 11 West of the Willamette Meridian; thence North 66° 08' 16" West, 72.33 feet to a 5/8 inch iron rod; thence South 73° 07' 50" West, 52.08 feet to a 5/8 inch iron rod; thence North 64° 59' 43" West, 61.12 feet to the Easterly line of Highway No. 101; thence along said Easterly line, North 25° 07' 45" East, 175.72 feet; thence South 64° 52' 42" East, 99.48 feet to a 1/2 inch iron rod; thence continuing South 64° 52' 42" East, 9.53 feet to a 5/8 inch iron rod; thence South 0° 42' 42" West, 152.84 feet to the point of beginning.

PARCEL IV:

That part of Block 30, of PACIFIC VIEW lying Easterly of the Oregon Coast Highway and those parts of vacated Seventh Street and vacated Agate Avenue, described as follows:

Beginning at the intersection of the Easterly right-of-way line of the Oregon Coast Highway and the South line of vacated Seventh Street; thence Northeasterly along the Easterly line of said Oregon Coast Highway 125 feet, more or less, to the Southwesterly corner of parcel two of premises conveyed by C.M. Johnson and wife to Arthur Anderson and Lennie B. Anderson by Deed recorded April 17, 1952 in Book 151, page 288, Deed Records; thence South $65^{\circ} 9'$ East along the Southerly line of said Anderson parcel to the East line of vacated Agate Avenue; thence South along the East line of Agate Avenue to the Southeast corner of the recorded plat of PACIFIC VIEW; thence West along the South line of vacated Seventh Street (being on the South line of the recorded plat of PACIFIC VIEW) 150 feet, more or less, to the point of beginning, in Lincoln County, Oregon.

Parcel V:

The Northwest quarter of the Northeast quarter and the East one-half of the Northwest quarter in Section 29, Township 11 South, Range 11 West, Willamette Meridian, in Lincoln County, Oregon. EXCEPT parts conveyed to the City of Newport by Deed recorded in Deed Records of Lincoln County, Oregon, Book 101 at page 594.

ALSO EXCEPTING therefrom the following described property: A tract of land in the East half of the Northwest quarter of Section 29, Township 11 South, Range 11 West, Willamette Meridian, in Lincoln County, Oregon, described as follows: Beginning at the Southwest corner of said East half of the Northwest quarter of Section 29; thence East, along the South line of said East half, being also the South line of that tract No. 1, conveyed to the City of Newport by Deed recorded December 4, 1944 in Book 101, page 594, Deed Records, 340.7 feet to the Southeast corner of said City of Newport tract, said Southeast corner begin the true point of beginning of the herein described tract; thence North $5^{\circ} 39'$ East, along the East line of said city tract, 1157.85 feet; thence South $2^{\circ} 46' 30''$ East a distance of 1156.35 feet to a point on the South line of said East half of the Northwest quarter, which point is 170 feet East of the true point of beginning; thence West along said South line, 170 feet to the true point of beginning.

Parcel VI:

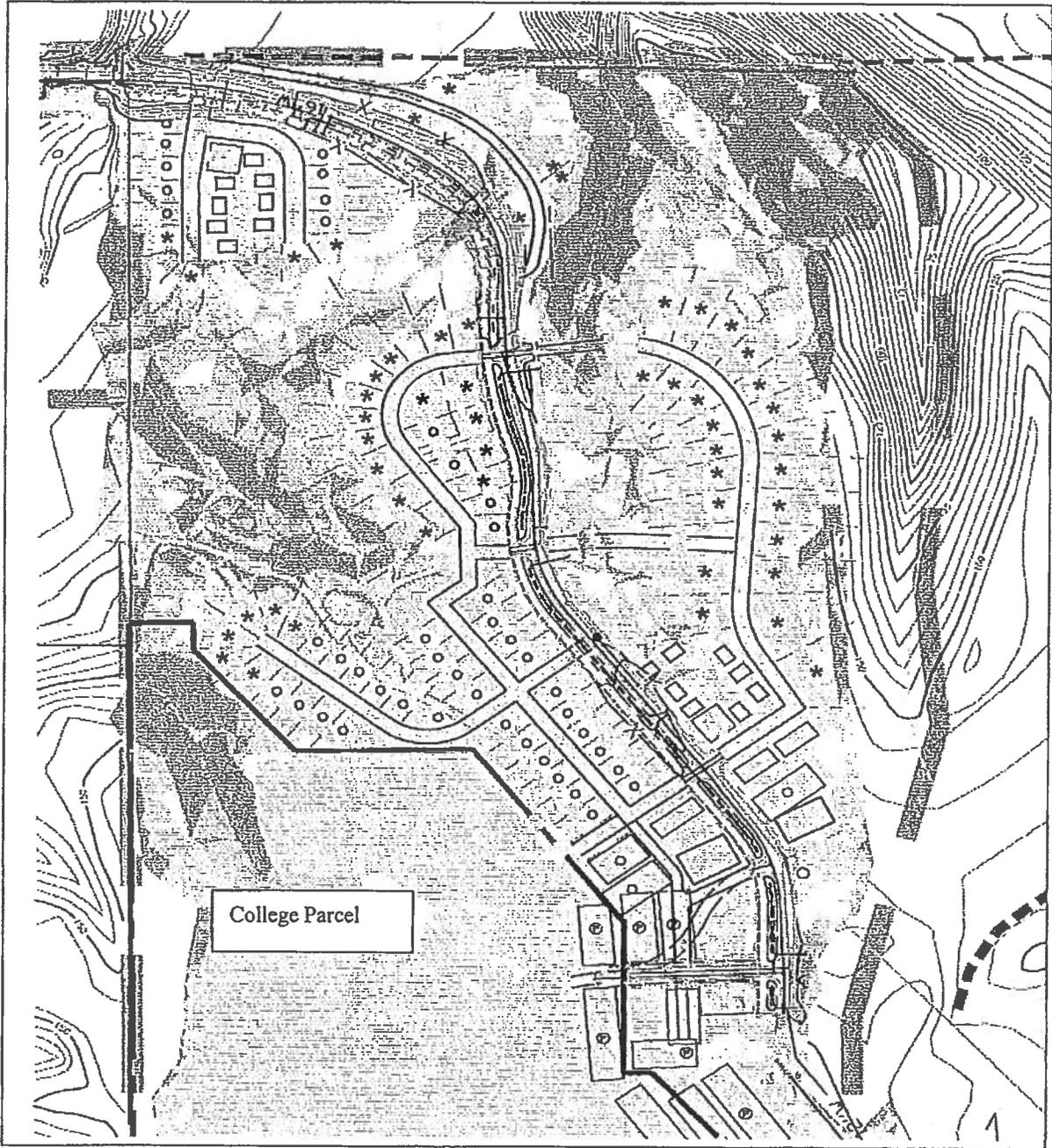
That part of the west half of the Northwest quarter of Section 29, Township 11 South, Range 11 West, Willamette Meridian, in Lincoln County, Oregon, described as follows:

Beginning at a ½ inch iron set in the Easterly right of way of the Oregon Coast Highway, said point being 551.32 feet South and 435.23 feet East of the Northwest corner of Section 29, Township 11 South, Range 11 West, Willamette Meridian, in Lincoln County, Oregon; thence North 25°09' East along said right of way 258.20 feet; thence South 64°51' East at right angles to said right of way 956.90 feet to the East line of the West half of the Northwest quarter of said Section 29; thence South 1°56'30" West along the said East line 280.93 feet to a point that is South 64°51' East of the point of beginning; thence North 64°51' West 1067.61 feet to the point of beginning, in Lincoln County, Oregon.

Emery Investments Parcel

The South one-half of the Southeast quarter; the Northwest quarter; the North one-half of the Southwest quarter; the Southeast quarter of the Southwest quarter; and the Southwest quarter of the Southwest quarter. Section 21, Township 11 South, Range 11 West, Willamette Meridian, in Lincoln County, Oregon, EXCEPT tract conveyed to Port of Newport by deed recorded in Book 100, Page 158, Deed Records.

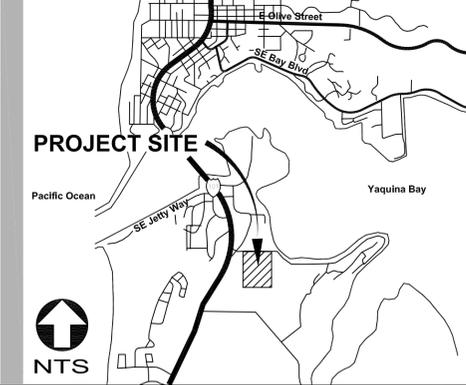
EXHIBIT C
Depiction of Parking Lots



WILDER

COMMUNITY MASTER DEVELOPMENT PLAN APPLICATIONS CITY OF NEWPORT, OREGON

VICINITY MAP:



SITE DATA:

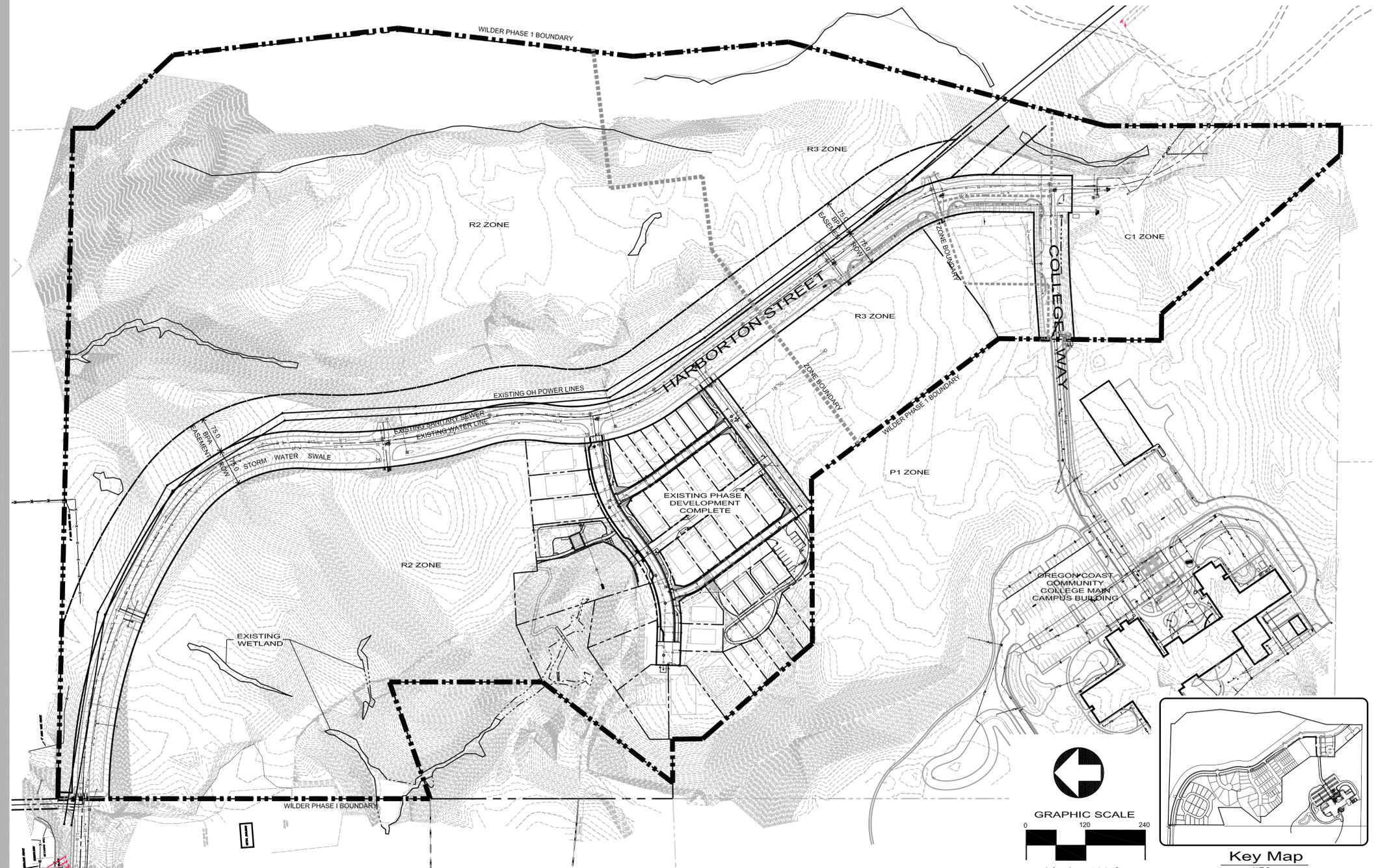
LOCATION
South Beach - Wilder Master Plan Area

LEGAL DESCRIPTION
Map and Tax Lot 11-11-20-00-00100-00
Map and Tax Lot 11-11-21-00-00700-00
Map and Tax Lot 11-11-21-00-01300-00

AREA
Approximate 62 Acres

ZONING
R-2 (Medium Density Single Family)
R-3 (Medium Density Multi-Family)
C-1 (Retail + Service Commercial)

EXISTING CONDITIONS PLAN:



TEAM MEMBERS:

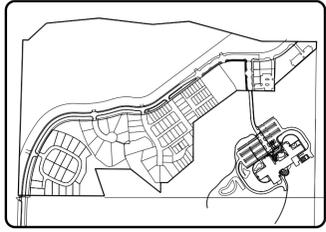
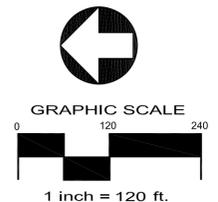
Developer/Builder
Landwaves, Inc.
PO Box 12085
Portland, OR 97212

Civil Engineer
2G Associates, Inc.
Fred Garmire
400 Columbia Street, Suite 160
Vancouver, WA 98660
503-939-8750

Planner
JET Planning, LLC
Elizabeth Decker
215 W. 4th Street Ste. 209
Vancouver, WA 98660

Sheet List Table

Sheet Number	Sheet Title
01	EXISTING CONDITIONS PLAN
02	PHASING PLAN
03	FINAL DEVELOPMENT PLAN MASTER PLAN
04	FINAL DEVELOPMENT PLAN
05	FINAL DEVELOPMENT PLAN
06	FINAL DEVELOPMENT PLAN
07	TENTATIVE SUBDIVISION PLAT MASTER PLAN
08	TENTATIVE SUBDIVISION PLAT
09	TENTATIVE SUBDIVISION PLAT
10	TENTATIVE SUBDIVISION PLAT
11	GRADING MASTER PLAN
12	GRADING PLAN
13	GRADING PLAN
14	GRADING PLAN
15	GRADING PLAN
16	UTILITY MASTER PLAN
17	UTILITY PLAN
18	UTILITY PLAN
19	UTILITY PLAN



400 COLUMBIA STREET
SUITE 160
PO BOX 1340
VANCOUVER, WA 98666
PHONE: 503-939-8750

2G ASSOCIATES

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

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

JOB NO.: LAN005
DATE: MAY 20, 2015
APPLICATION: Community Master Development Plan Applications

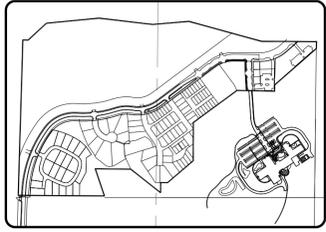
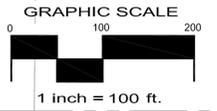
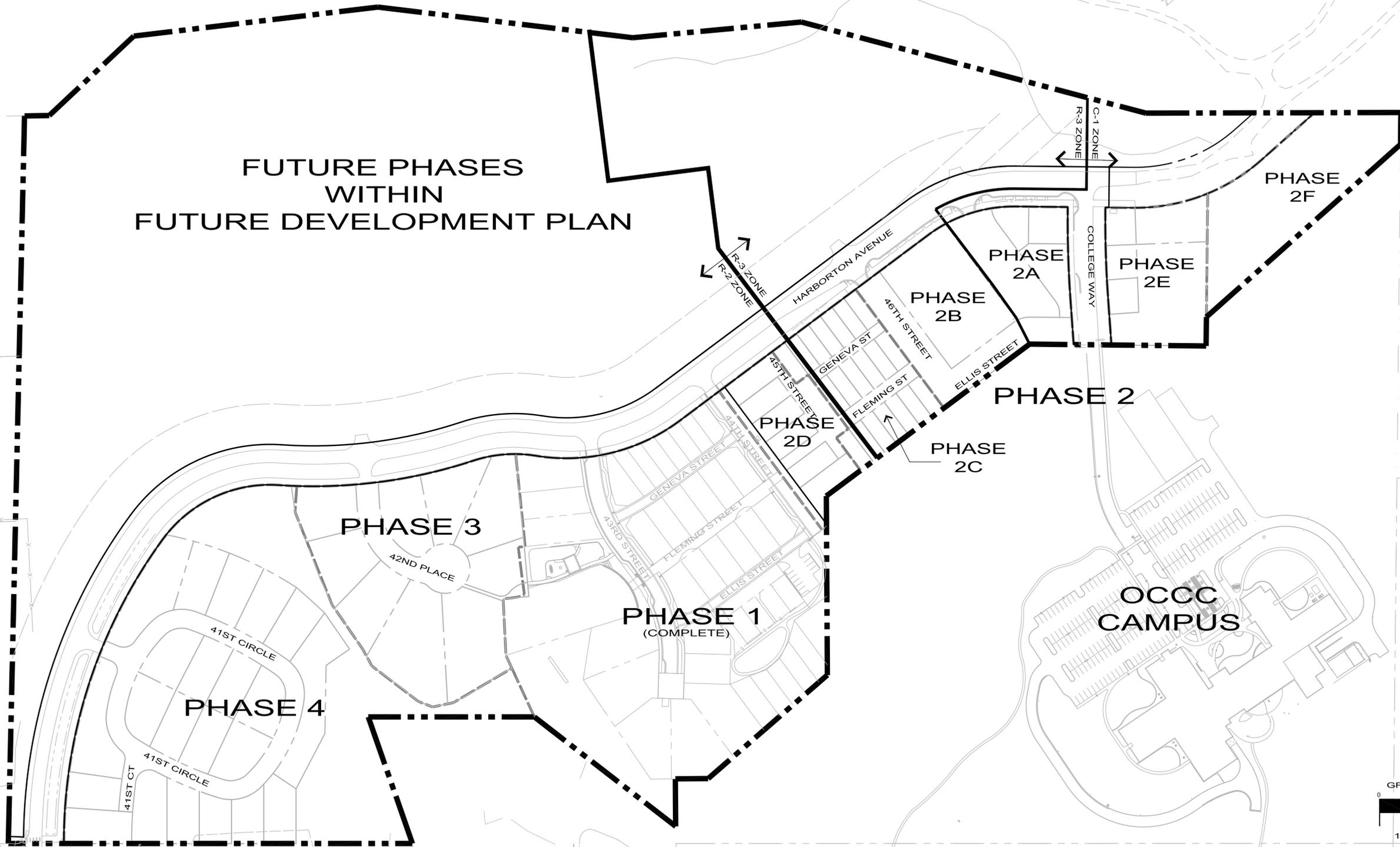
WILDER EXISTING CONDITIONS PLAN

SHEET
01

May 18, 2015 - 11:32am
\\2GSRV12G Data\Common Data\Projects - Active\LAN005 - Wilder Phase 2\4 Planning\Drawings\Applications\Community Master Plan Phase 3 Revised\lan005-CMP01-Existing Conditions.dwg

May 18, 2015 - 11:33am
\\2CSRV12G Data\Projects - Active\LAN005 - Wilder Phase 2\Drawings\Applications\Community Master Plan Phase 3 Revised\LAN005-CMP02-Phasing Plan.dwg

FUTURE PHASES WITHIN FUTURE DEVELOPMENT PLAN



Key Map
N.T.S.

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

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

2G ASSOCIATES
400 COLUMBIA STREET
SUITE 160
PO BOX 1340
VANCOUVER, WA 98666
PHONE: 503-939-8750

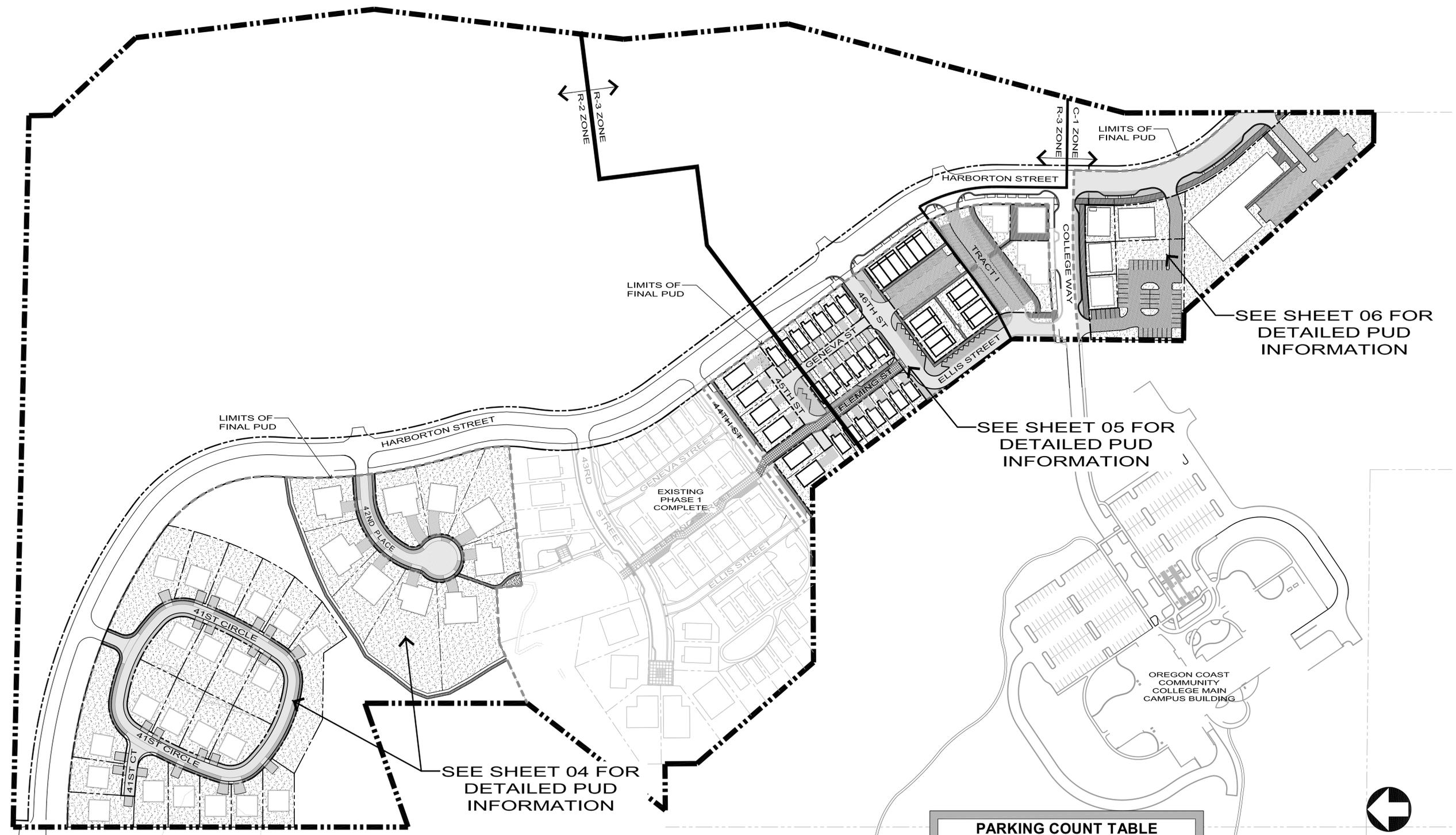
JOB NO.: LAN005
DATE: MAY 20, 2015
APPLICATION: Community Master
Development Plan
Applications

WILDER PHASING PLAN

SHEET

02

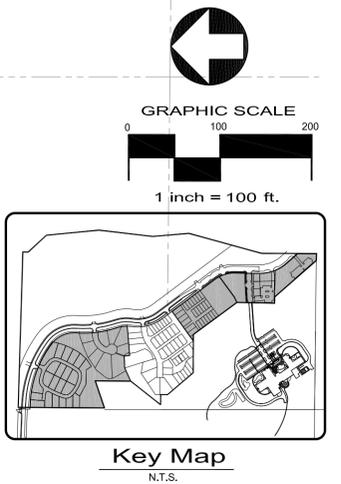
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AREA TABLE	
SYMBOL	DESCRIPTION
	BUILDINGS
	OPEN SPACE
	PUBLIC PARKING
	PRIVATE PARKING
	SIDEWALK
	PUBLIC STREET
	PRIVATE STREET

PARKING COUNT TABLE		
	PRIVATE	PUBLIC
Phase 2A	39	9
Phase 2B	28	23
Phase 2C	20	5
Phase 2D	12	13
Phase 2E	45	9
Phase 2F	39	4
Phase 3	18	18
Phase 4	44	33
(DEVELOPMENT PLAN TOTAL)	245	114

- PARKING NOTES:**
- UNLESS NOTED OTHERWISE, TYPICAL PARKING STALLS ARE 9' WIDE BY 18' DEEP.
 - UNLESS NOTED OTHERWISE TYPICAL PARALLEL PARKING STALLS ARE 7' WIDE AND MINIMUM 20' LONG.
 - WHEN COUNTING PRIVATE PARKING SPACES IN RESIDENTIAL AREAS 1 PARKING SPACE IS ASSUMED FOR EACH FLEX LOT AND 2 PARKING SPACES ARE ASSUMED FOR EACH OTHER LOT TYPE.
 - PARKING AREAS ARE DIMENSIONED AND IDENTIFIED ON SHEETS 4 THROUGH 6.



SEE SHEET 06 FOR DETAILED PUD INFORMATION

SEE SHEET 05 FOR DETAILED PUD INFORMATION

SEE SHEET 04 FOR DETAILED PUD INFORMATION

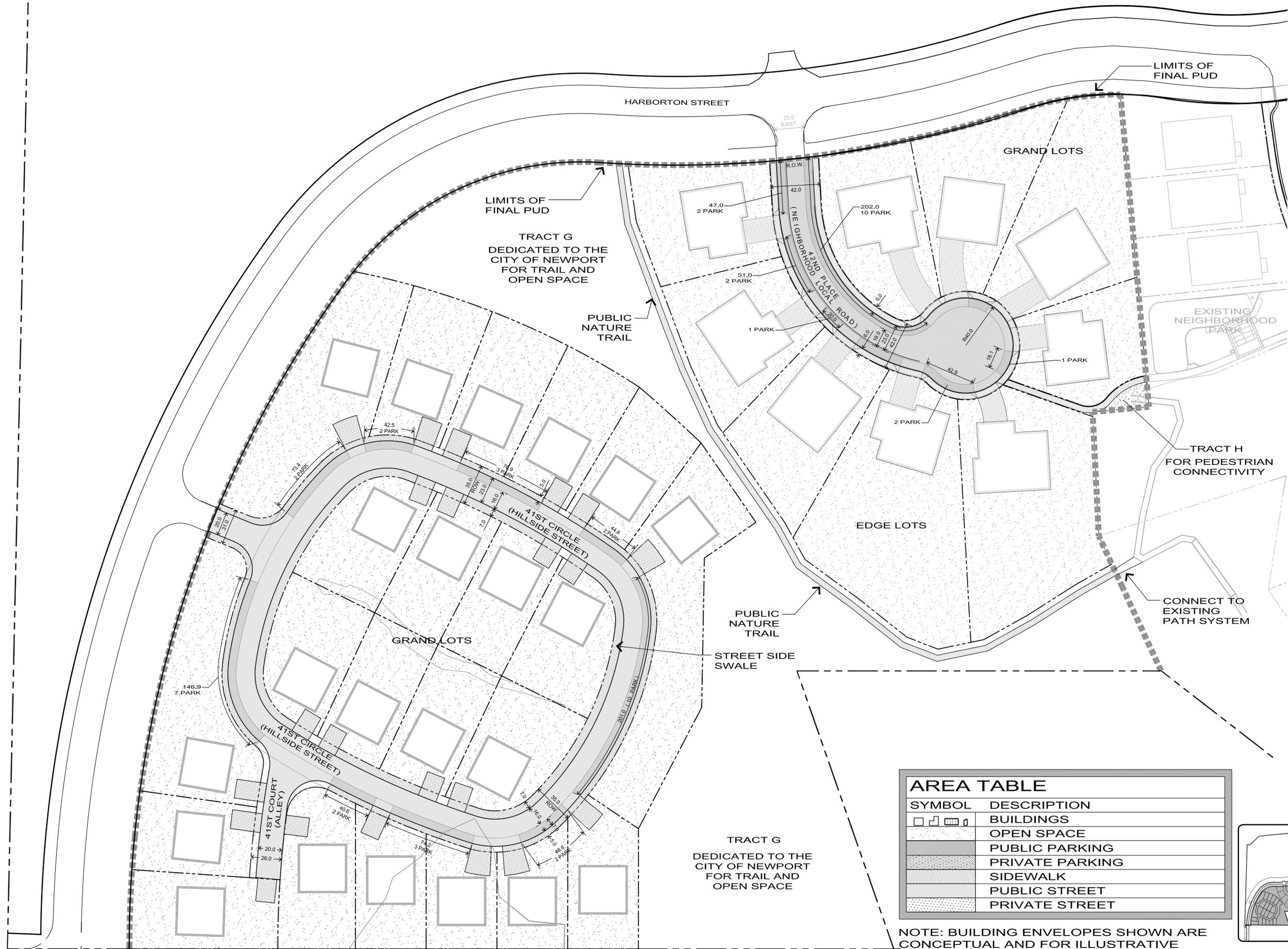
landwaves inc
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 Portland, Oregon 97202
 TEL: (503) 221-0167
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JET Planning, LLC
 215 W. 4th Street, Ste. 215
 Vancouver, WA 98660

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 400 COLUMBIA STREET
 SUITE 160
 PO BOX 1340
 VANCOUVER, WA 98666
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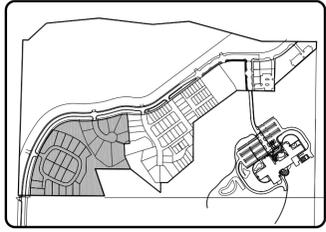
JOB NO.: LAN005
 DATE: MAY 20, 2015
 APPLICATION: Community Master Development Plan
 Applications

WILDER
 FINAL DEVELOPMENT PLAN MASTER PLAN



AREA TABLE	
SYMBOL	DESCRIPTION
	BUILDINGS
	OPEN SPACE
	PUBLIC PARKING
	PRIVATE PARKING
	SIDEWALK
	PUBLIC STREET
	PRIVATE STREET

NOTE: BUILDING ENVELOPES SHOWN ARE CONCEPTUAL AND FOR ILLUSTRATIVE PURPOSES ONLY.



Key Map
 N.T.S.

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

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

2G ASSOCIATES
 400 COLUMBIA STREET
 SUITE 160
 PO BOX 1340
 VANCOUVER, WA 98666
 PHONE: 503-939-8750

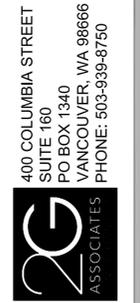
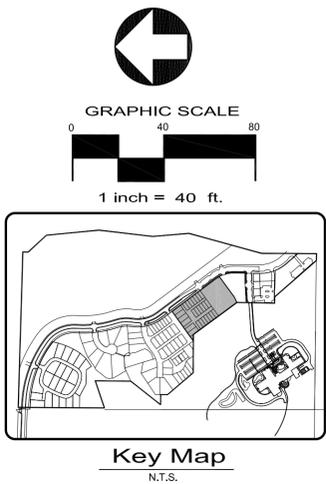
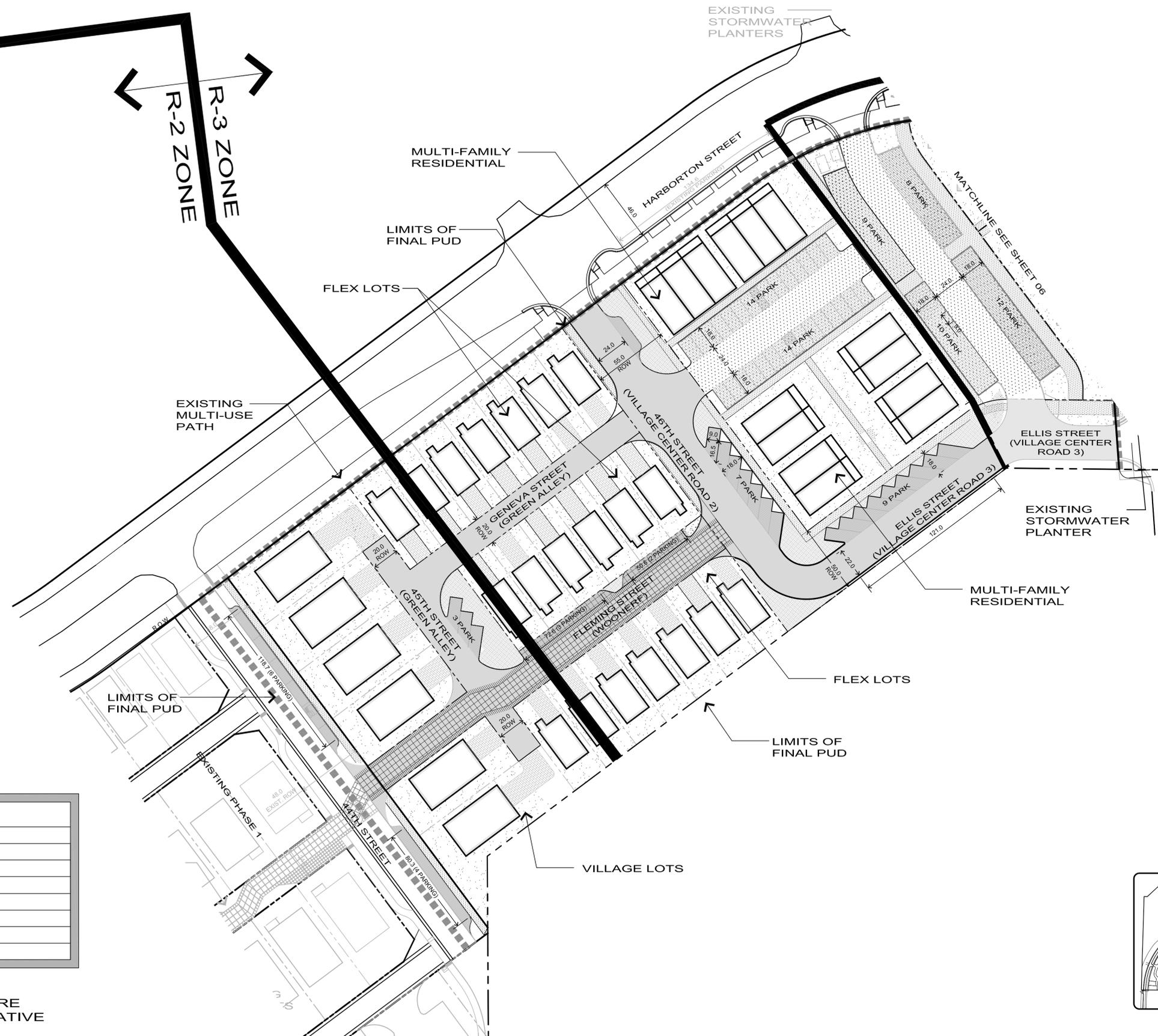
JOB NO.: LAN005
 DATE: MAY 20, 2015
 APPLICATION: Community Master Development Plan
 Applications

WILDER
 FINAL DEVELOPMENT PLAN
 Phase 3 and 4

SHEET
04

AREA TABLE	
SYMBOL	DESCRIPTION
	BUILDINGS
	OPEN SPACE
	PUBLIC PARKING
	PRIVATE PARKING
	SIDEWALK
	PUBLIC STREET
	PRIVATE STREET

NOTES:
 1. BUILDING ENVELOPES SHOWN ARE CONCEPTUAL AND FOR ILLUSTRATIVE PURPOSES ONLY.



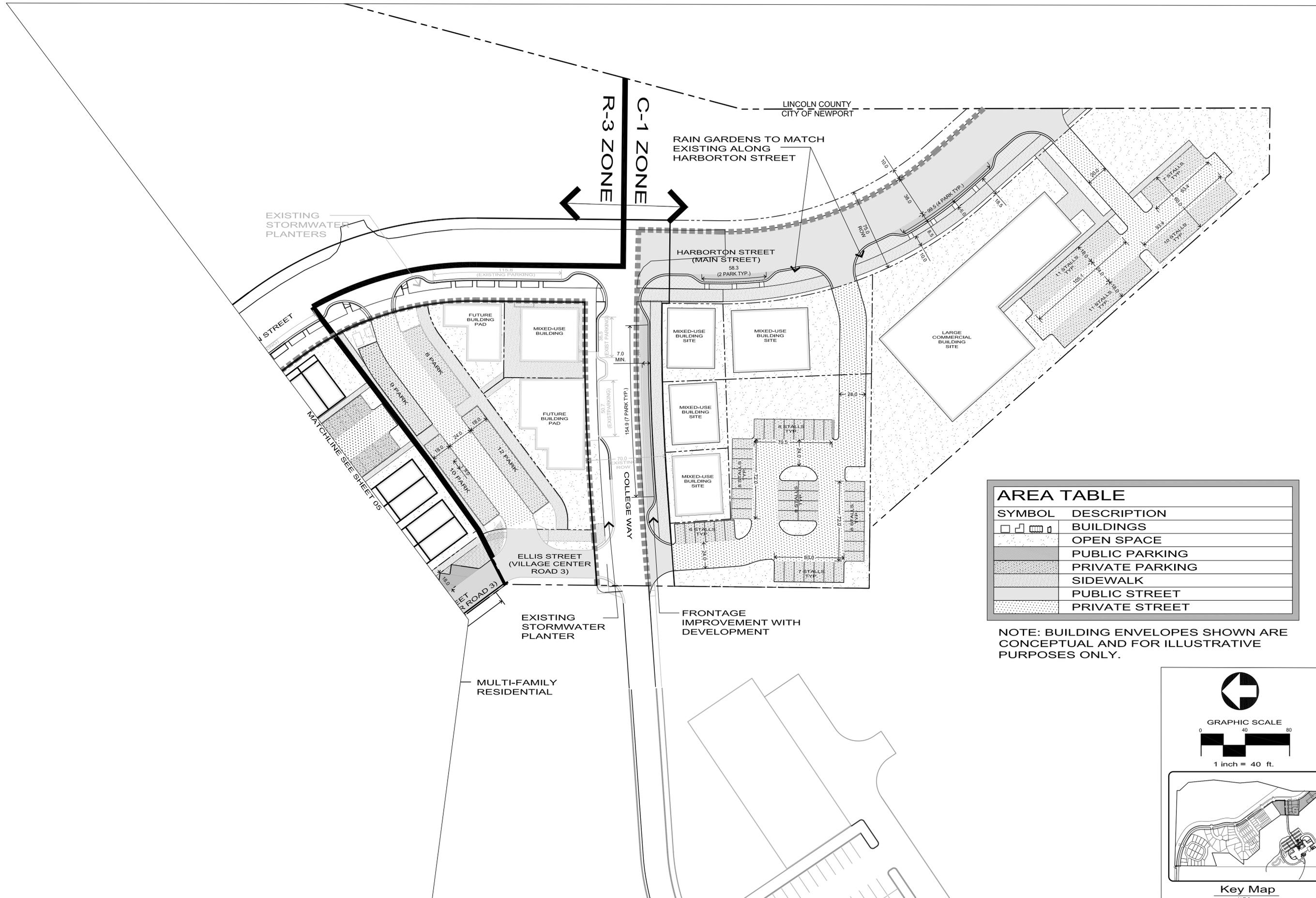
landwaves inc
 2712 SE 20th Ave
 Portland, Oregon 97202
 TEL: (503) 221-0167
 FAX: (503) 221-0741

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

JOB NO.: LAN005
 DATE: MAY 20, 2015
 APPLICATION: Community Master Development Plan
 Applications

WILDER
FINAL DEVELOPMENT PLAN
 Phase 2B 2C and 2D

400 COLUMBIA STREET
 SUITE 160
 PO BOX 1340
 VANCOUVER, WA 98666
 PHONE: 503-939-8750



AREA TABLE	
SYMBOL	DESCRIPTION
	BUILDINGS
	OPEN SPACE
	PUBLIC PARKING
	PRIVATE PARKING
	SIDEWALK
	PUBLIC STREET
	PRIVATE STREET

NOTE: BUILDING ENVELOPES SHOWN ARE CONCEPTUAL AND FOR ILLUSTRATIVE PURPOSES ONLY.

GRAPHIC SCALE

 1 inch = 40 ft.

Key Map
 N.T.S.

JOB NO.: LAN005
 DATE: MAY 20, 2015
 APPLICATION: Community Master Development Plan
 Applications

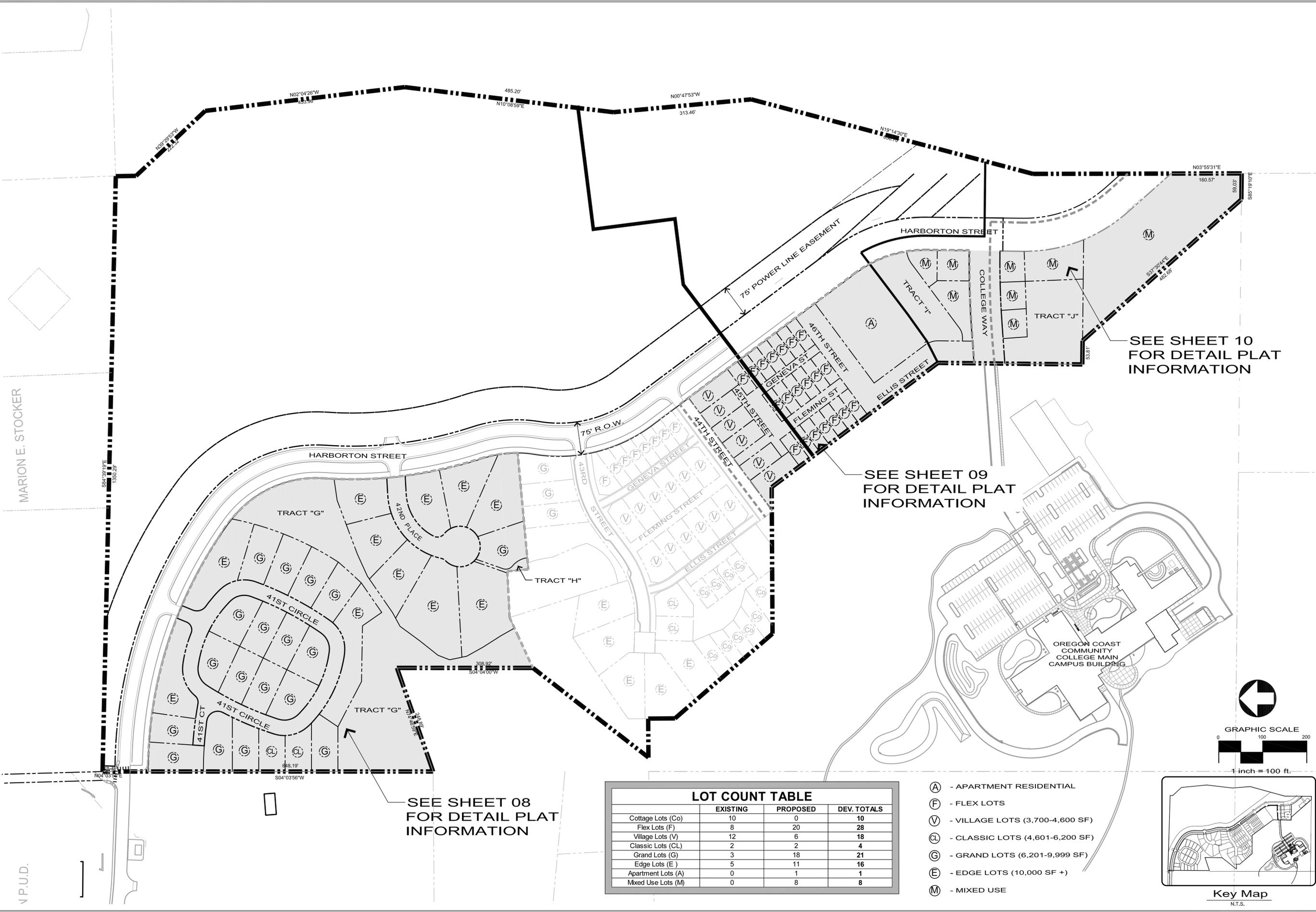
WILDER
 FINAL DEVELOPMENT PLAN
 Phase 2A 2E and 2F
 SHEET
06

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

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

2G ASSOCIATES
 400 COLUMBIA STREET
 SUITE 160
 PO BOX 1340
 VANCOUVER, WA 98666
 PHONE: 503-939-8750

May 18, 2015 - 11:36am
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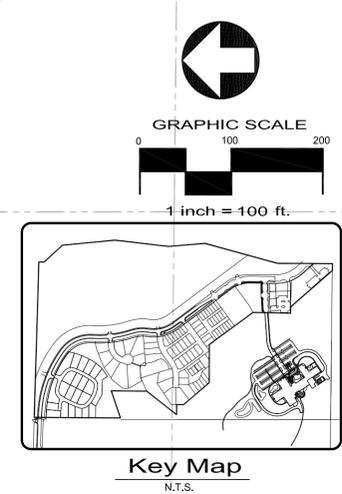
SEE SHEET 10
 FOR DETAIL PLAT
 INFORMATION

SEE SHEET 09
 FOR DETAIL PLAT
 INFORMATION

SEE SHEET 08
 FOR DETAIL PLAT
 INFORMATION

LOT COUNT TABLE			
	EXISTING	PROPOSED	DEV. TOTALS
Cottage Lots (Co)	10	0	10
Flex Lots (F)	8	20	28
Village Lots (V)	12	6	18
Classic Lots (CL)	2	2	4
Grand Lots (G)	3	18	21
Edge Lots (E)	5	11	16
Apartment Lots (A)	0	1	1
Mixed Use Lots (M)	0	8	8

- (A) - APARTMENT RESIDENTIAL
- (F) - FLEX LOTS
- (V) - VILLAGE LOTS (3,700-4,600 SF)
- (CL) - CLASSIC LOTS (4,601-6,200 SF)
- (G) - GRAND LOTS (6,201-9,999 SF)
- (E) - EDGE LOTS (10,000 SF +)
- (M) - MIXED USE



LAN005
 DATE: 07/27/2015
 APPLICATION: Community Master Development Plan
 Applications

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

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

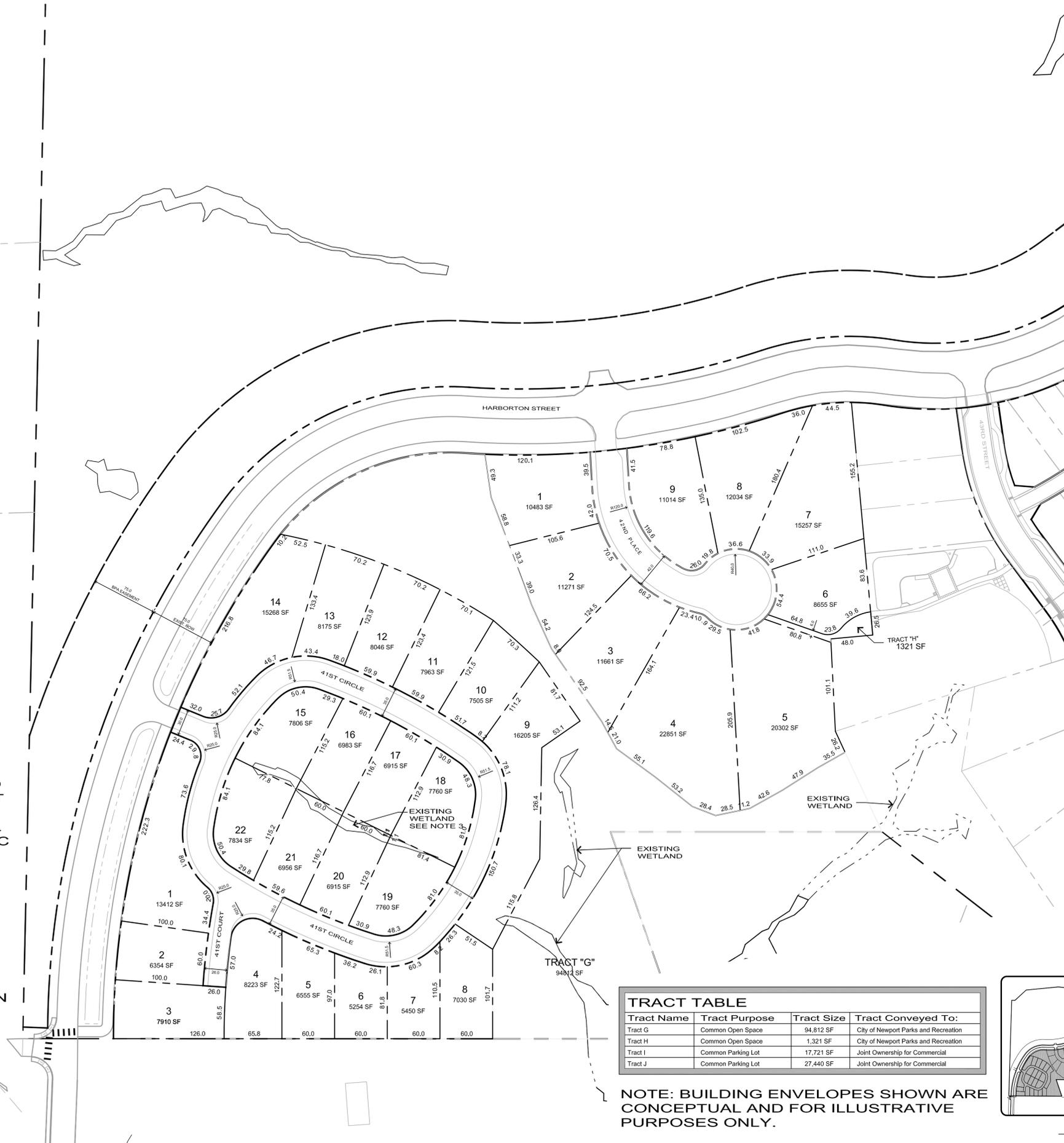
400 COLUMBIA STREET
 SUITE 160
 PO BOX 1340
 VANCOUVER, WA 98666
 PHONE: 503-939-8750

WILDER
 TENTATIVE SUBDIVISION PLAT
 MASTER PLAN

SHEET
 07

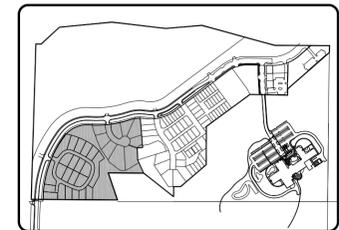
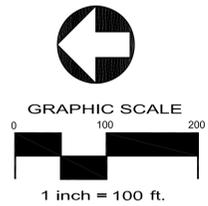
NOTES:

1. BUILDING ENVELOPES SHOWN ARE CONCEPTUAL AND FOR ILLUSTRATIVE PURPOSES ONLY.
2. PUBLIC EASEMENTS WILL BE PROVIDED AS NECESSARY DURING DEVELOPMENT AND APPROVED WITH CONSTRUCTION PLAN APPLICATIONS. EASEMENTS WILL PROVIDE ADEQUATE ACCESS TO PUBLIC FACILITIES CONSTRUCTED THROUGH PRIVATE PROPERTY. THESE EASEMENTS MAY BE FOR, BUT NOT LIMITED TO, THE CONVEYANCE OF STORMWATER THROUGH PRIVATE PROPERTY.
3. THIS PUD SUBMITTAL INCLUDES AN ALTERNATE OPTION TO MITIGATE AND REMOVE THE EXISTING WETLAND IN PHASE 4. ADDITIONAL INFORMATION REGARDING THIS ALTERNATE IS SHOWN ON SHEETS 15 AND 17 OF THIS SUBMITTAL.



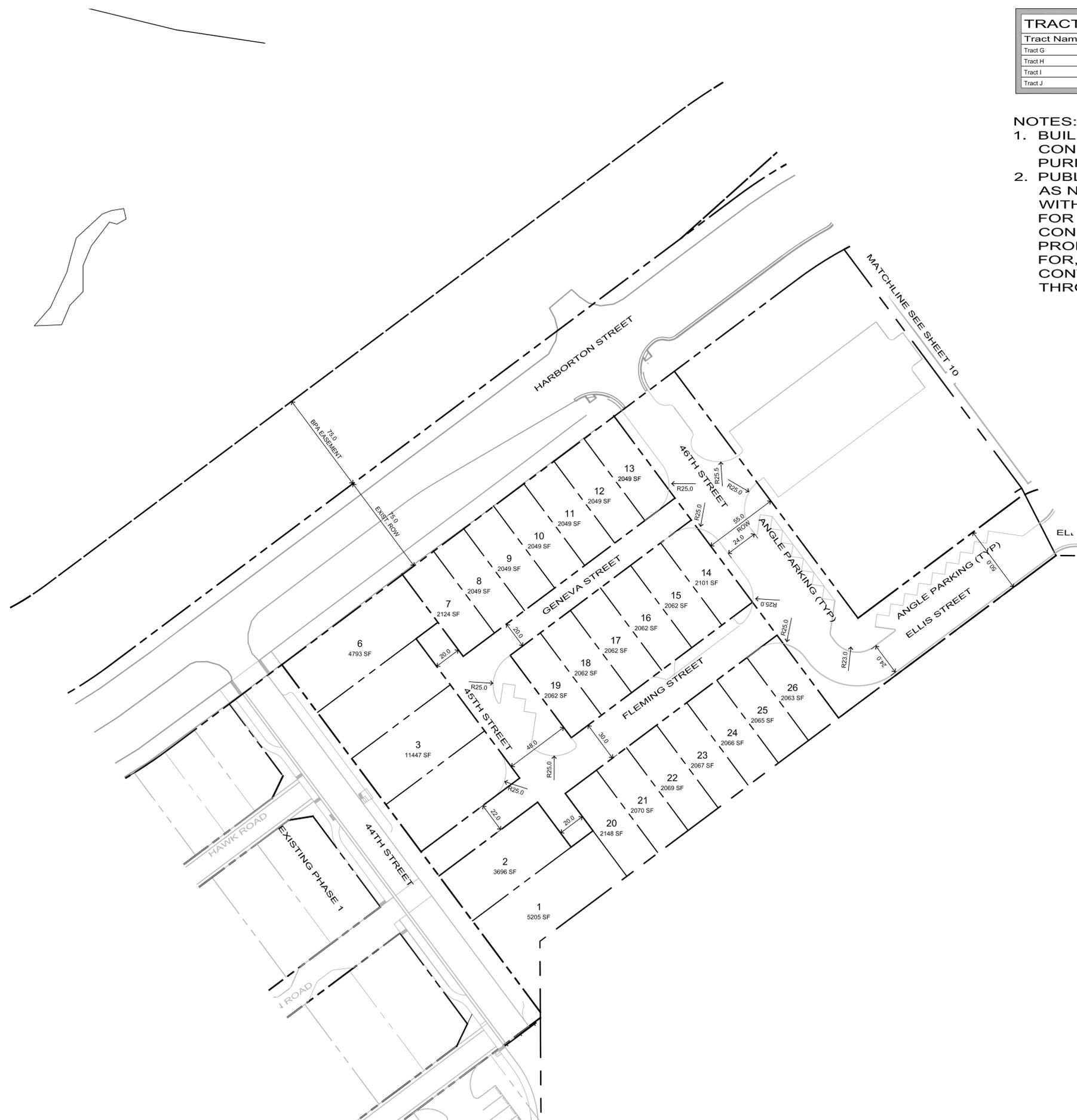
TRACT TABLE			
Tract Name	Tract Purpose	Tract Size	Tract Conveyed To:
Tract G	Common Open Space	94,812 SF	City of Newport Parks and Recreation
Tract H	Common Open Space	1,321 SF	City of Newport Parks and Recreation
Tract I	Common Parking Lot	17,721 SF	Joint Ownership for Commercial
Tract J	Common Parking Lot	27,440 SF	Joint Ownership for Commercial

NOTE: BUILDING ENVELOPES SHOWN ARE CONCEPTUAL AND FOR ILLUSTRATIVE PURPOSES ONLY.



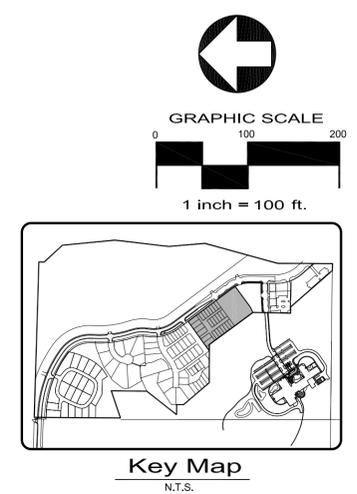
Key Map
 N.T.S.





TRACT TABLE			
Tract Name	Tract Purpose	Tract Size	Tract Conveyed To:
Tract G	Common Open Space	94,812 SF	City of Newport Parks and Recreation
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- NOTES:**
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 - PUBLIC EASEMENTS WILL BE PROVIDED AS NECESSARY DURING DEVELOPMENT WITH CONSTRUCTION APPLICATIONS FOR ACCESS TO PUBLIC FACILITIES CONSTRUCTED THROUGH PRIVATE PROPERTY. THESE EASEMENTS MAY BE FOR, BUT NOT LIMITED TO, THE CONVEYANCE OF STORMWATER THROUGH PRIVATE PROPERTY.



400 COLUMBIA STREET
 SUITE 160
 PO BOX 1340
 VANCOUVER, WA 98666
 PHONE: 503-939-8750

2G ASSOCIATES

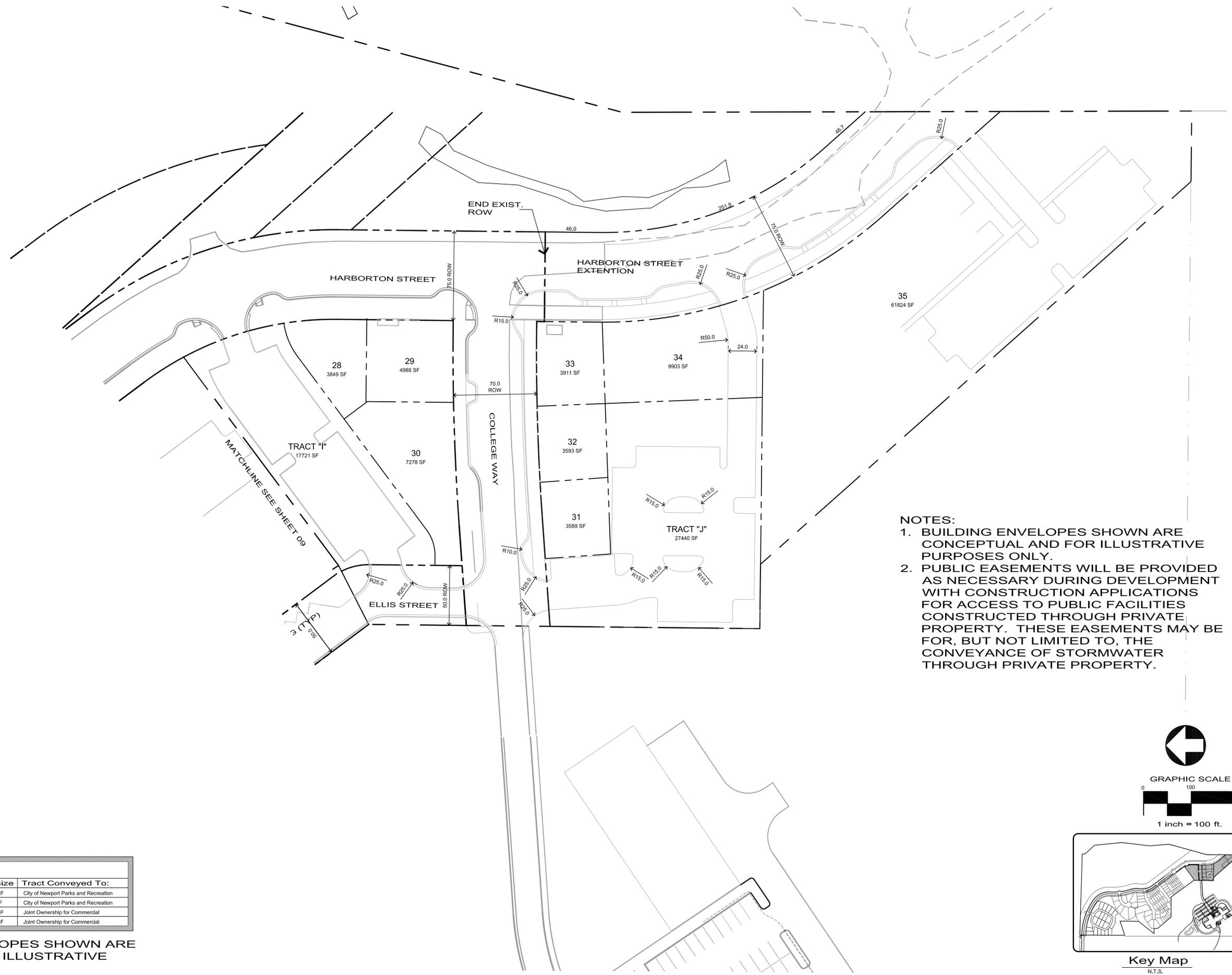
JET Planning, LLC
 215 W. 4th Street, Ste. 215
 Vancouver, WA 98660

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

JOB NO.:	LAN005
DATE:	MAY 20, 2015
APPLICATION:	Community Master Development Plan Applications

WILDER
 TENTATIVE SUBDIVISION PLAT
 Phase 2B 2C and 2D

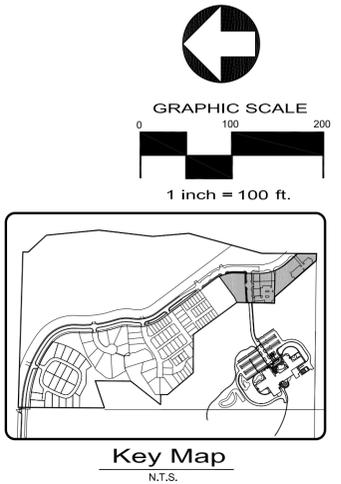
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- NOTES:**
1. BUILDING ENVELOPES SHOWN ARE CONCEPTUAL AND FOR ILLUSTRATIVE PURPOSES ONLY.
 2. PUBLIC EASEMENTS WILL BE PROVIDED AS NECESSARY DURING DEVELOPMENT WITH CONSTRUCTION APPLICATIONS FOR ACCESS TO PUBLIC FACILITIES CONSTRUCTED THROUGH PRIVATE PROPERTY. THESE EASEMENTS MAY BE FOR, BUT NOT LIMITED TO, THE CONVEYANCE OF STORMWATER THROUGH PRIVATE PROPERTY.

TRACT TABLE			
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landwaves inc
 2712 SE 20th Ave
 Portland, Oregon 97202
 TEL: (503) 221-0167
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JET Planning, LLC
 215 W. 4th Street, Ste. 215
 Vancouver, WA 98660

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 400 COLUMBIA STREET
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 VANCOUVER, WA 98666
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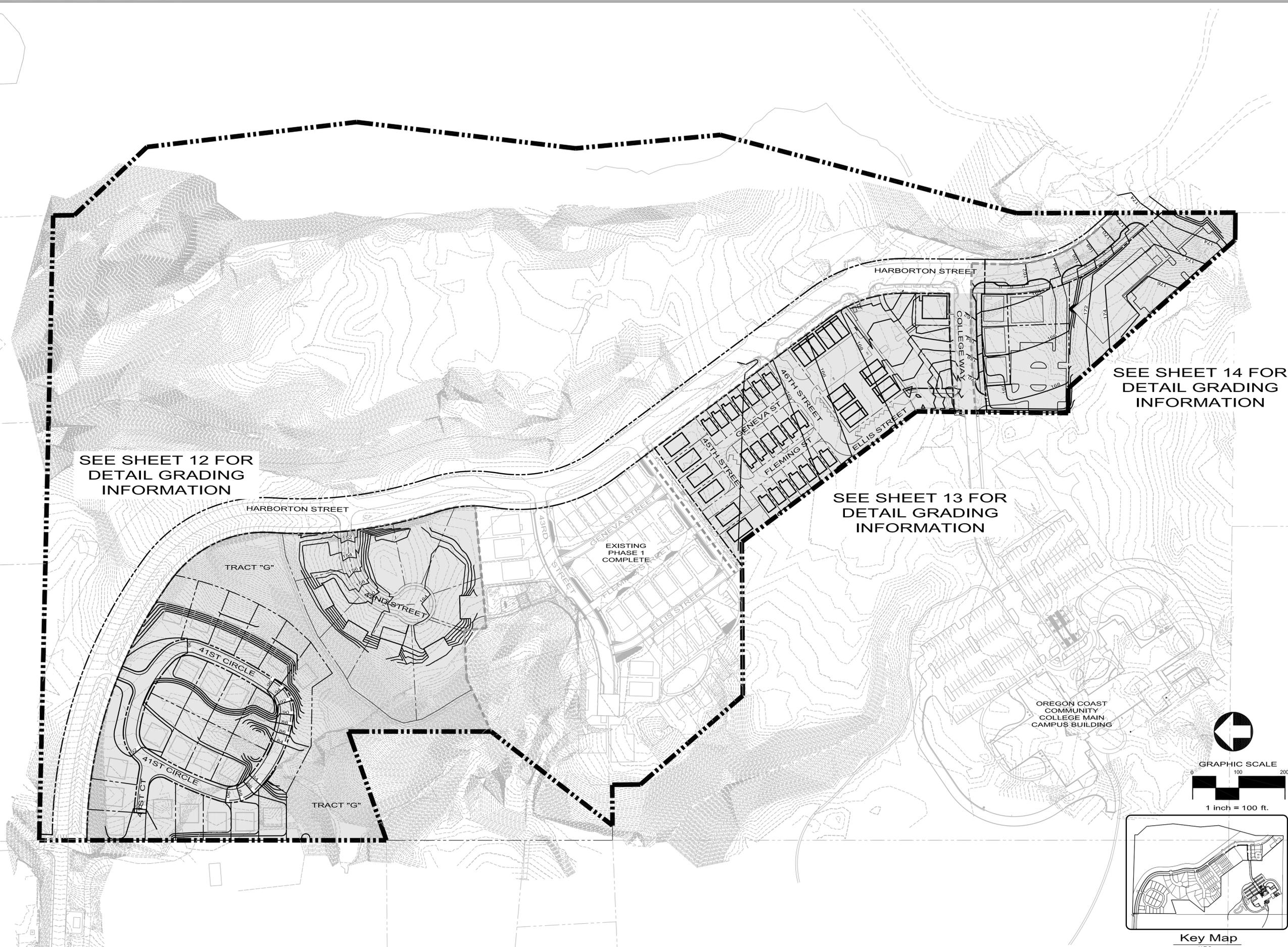
JOB NO.: LAN005
 DATE: MAY 20, 2015
 APPLICATION: Community Master Development Plan
 Applications

WILDER
 TENTATIVE SUBDIVISION PLAT
 Phase 2A 2E and 2F

SHEET

10

May 18, 2015 - 11:38am
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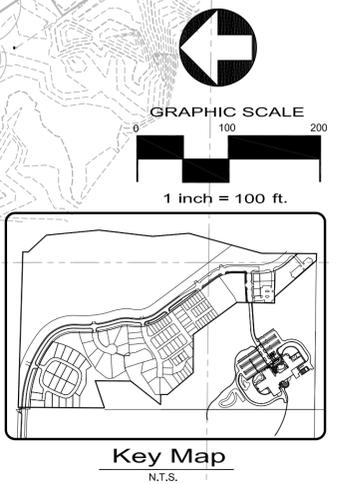
SEE SHEET 12 FOR
DETAIL GRADING
INFORMATION

SEE SHEET 13 FOR
DETAIL GRADING
INFORMATION

SEE SHEET 14 FOR
DETAIL GRADING
INFORMATION

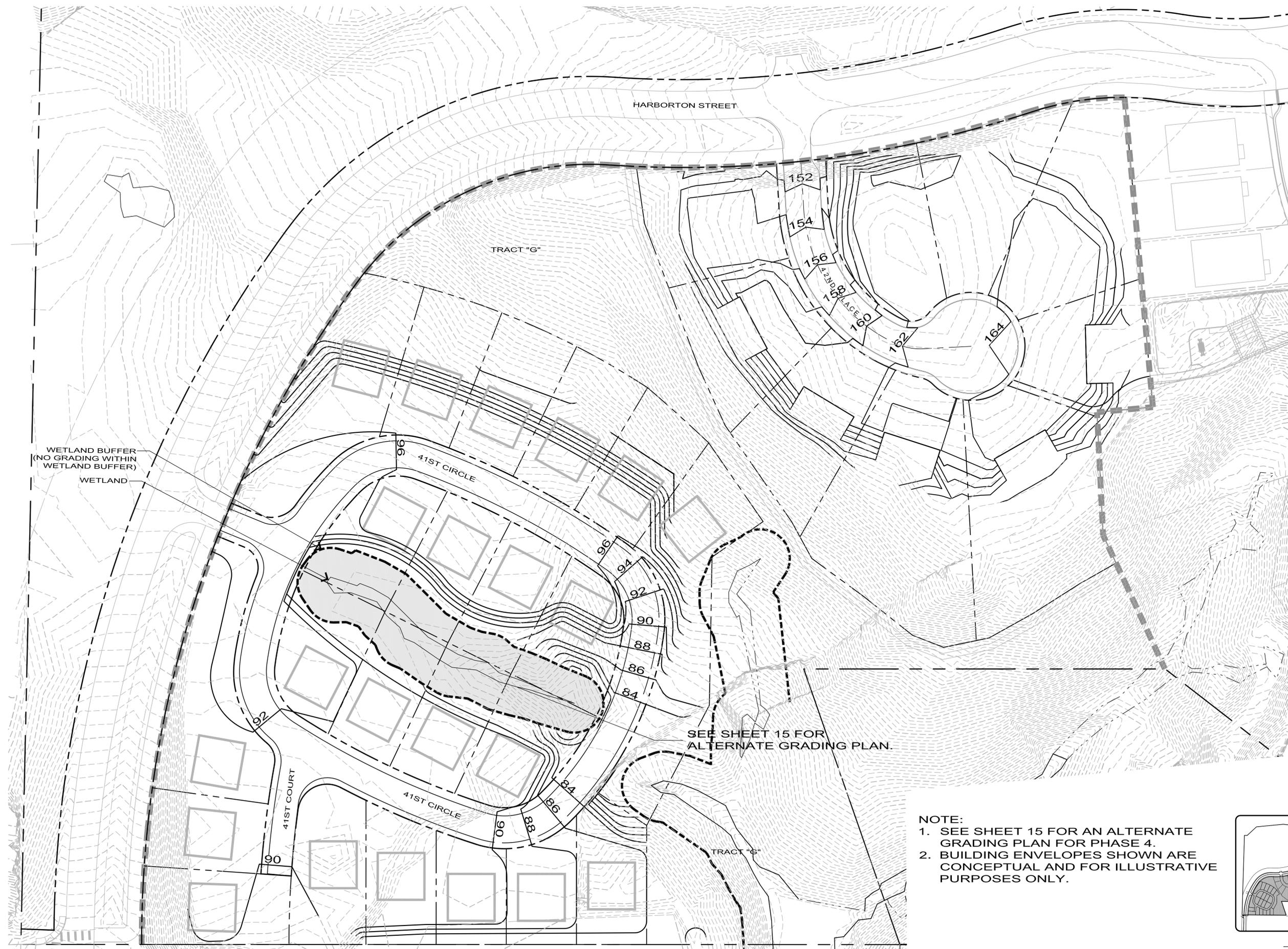
EXISTING
PHASE 1
COMPLETE

OREGON COAST
COMMUNITY
COLLEGE MAIN
CAMPUS BUILDING



landwaves inc	JET Planning, LLC	400 COLUMBIA STREET SUITE 160 VANCOUVER, WA 98666
2712 SE 20th Ave Portland, Oregon 97202	215 W. 4th Street, Ste. 215 Vancouver, WA 98660	PO BOX 1340 VANCOUVER, WA 98666
TEL: (503) 221-0167	TEL: (503) 221-0167	PHONE: 503-939-8750
FAX: (503) 221-0741	FAX: (503) 221-0741	
LAN005	MAY 20, 2015	
APPLICATION: Community Master Development Plan Applications		

May 18, 2015 - 11:38am
\\2\SRV12G Data\Projects - Active\LAN005 - Wilfer Phase 2\4 Planning\Drawings\Applications\Community Master Plan Phase 3 Revised\lan005-CMP10-11-Grading.dwg



WETLAND BUFFER
(NO GRADING WITHIN
WETLAND BUFFER)
WETLAND

HARBORTON STREET

TRACT "G"

41ST CIRCLE

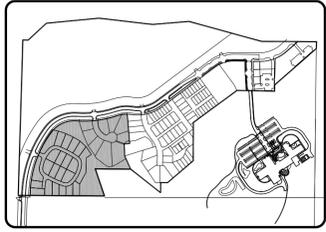
41ST COURT

41ST CIRCLE

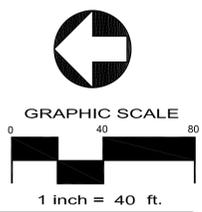
SEE SHEET 15 FOR
ALTERNATE GRADING PLAN.

TRACT "G"

- NOTE:
1. SEE SHEET 15 FOR AN ALTERNATE GRADING PLAN FOR PHASE 4.
 2. BUILDING ENVELOPES SHOWN ARE CONCEPTUAL AND FOR ILLUSTRATIVE PURPOSES ONLY.



Key Map
N.T.S.



JOB NO.:	LAN005
DATE:	MAY 20, 2015
APPLICATION:	Community Master Development Plan Applications

WILDER GRADING PLAN
Phase 3 and 4 WETLAND ALTERNATE

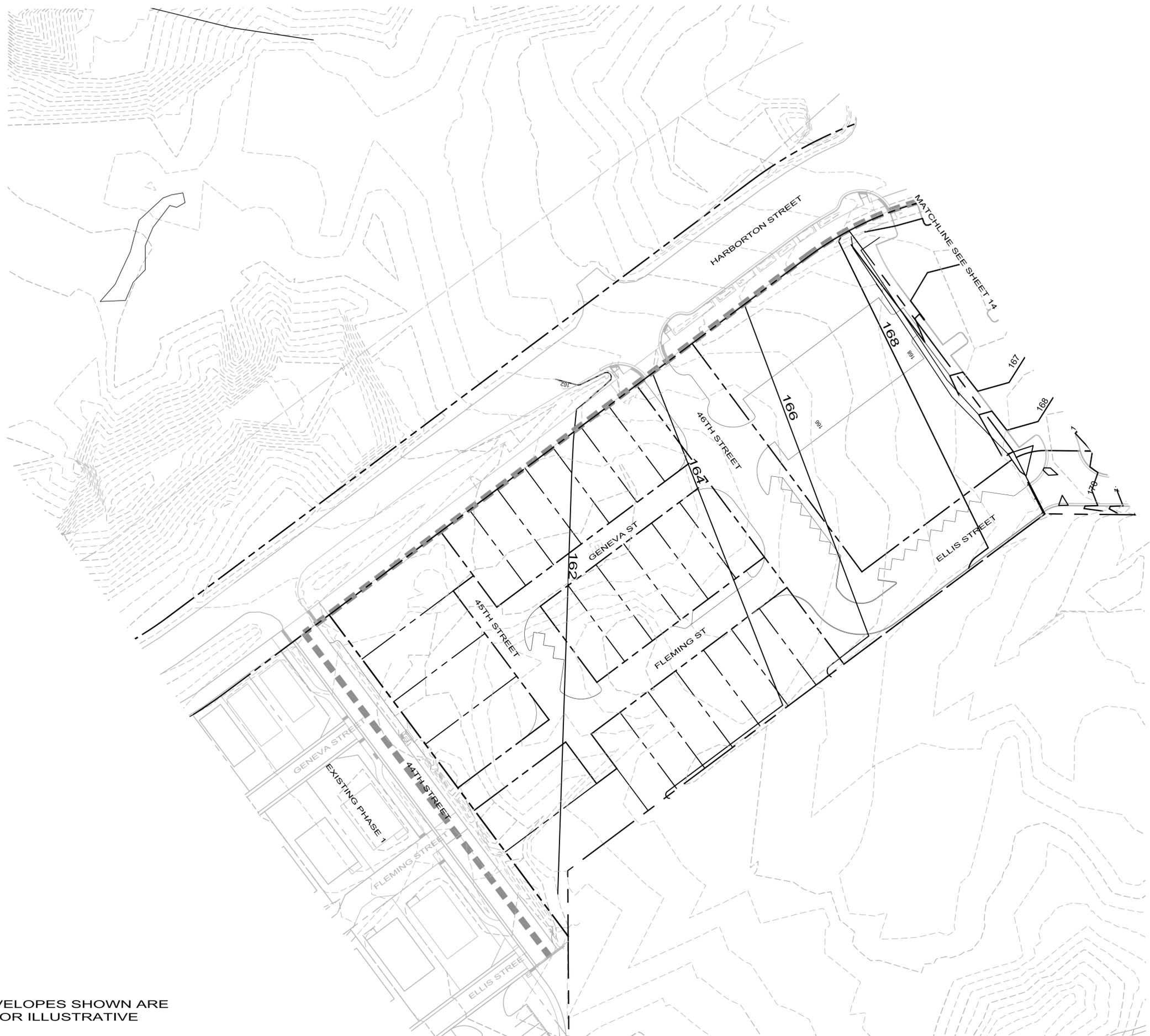
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215 W. 4th Street, Ste. 215
Vancouver, WA 98660

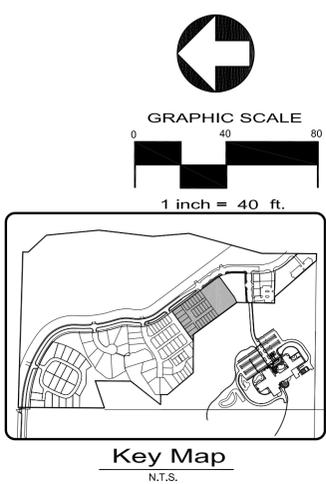
400 COLUMBIA STREET
SUITE 160
PO BOX 1340
VANCOUVER, WA 98666
PHONE: 503-939-8750



May 18, 2015 - 11:39am
\\2CSRV12G Data\Common Data\Projects - Active\LAN005 - Wilder Phase 2\4 Planning\Drawings\Applications\Community Master Plan Phase 3 Revised\lan005-CMP10-11-Grading.dwg



NOTE: BUILDING ENVELOPES SHOWN ARE CONCEPTUAL AND FOR ILLUSTRATIVE PURPOSES ONLY.



JOB NO.:	LAN005
DATE:	MAY 20, 2015
APPLICATION:	Community Master Development Plan Applications

WILDER GRADING PLAN
Phase 2B 2C and 2D

SHEET
13

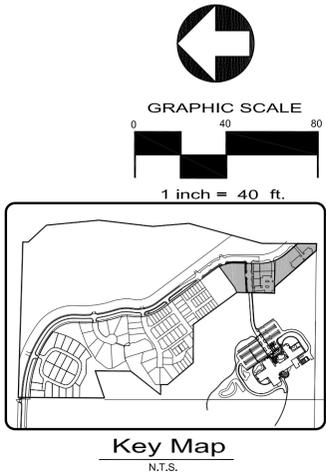
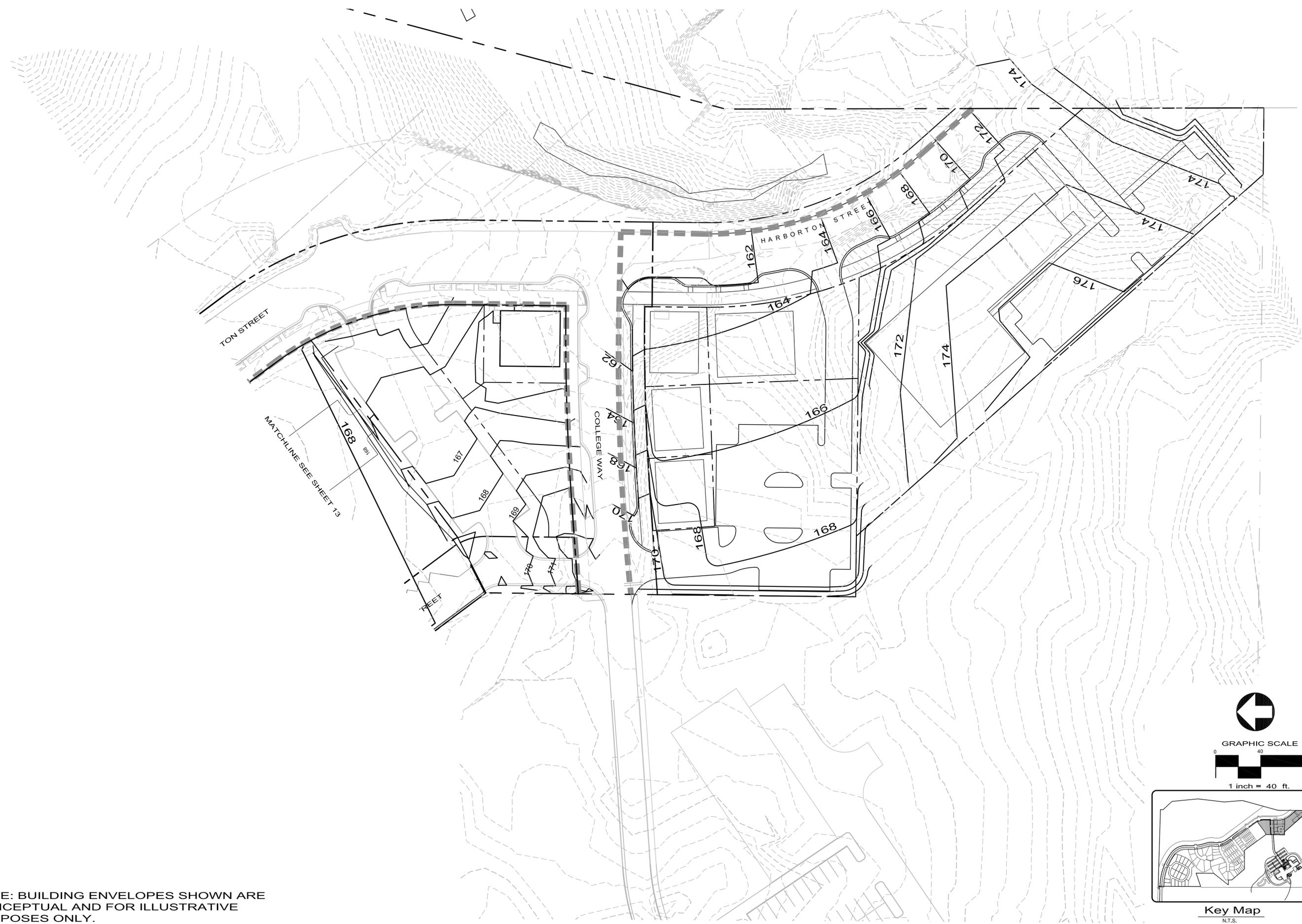
landwaves inc
2712 SE 20th Ave
Portland, Oregon 97202
TEL: (503) 221-0167
FAX: (503) 221-0741

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

2G ASSOCIATES
400 COLUMBIA STREET
SUITE 160
PO BOX 1340
VANCOUVER, WA 98666
PHONE: 503-939-8750

May 18, 2015 - 11:39am
\\2CSRV12G Data\Projects - Active\LAN005 - Wilfer Phase 214 Planning\Drawings\Applications\Community Master Plan Phase 3 Revised\lan005-CMP10-11-Grading.dwg

NOTE: BUILDING ENVELOPES SHOWN ARE
CONCEPTUAL AND FOR ILLUSTRATIVE
PURPOSES ONLY.



JOB NO.:	LAN005
DATE:	MAY 20, 2015
APPLICATION:	Community Master Development Plan Applications

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

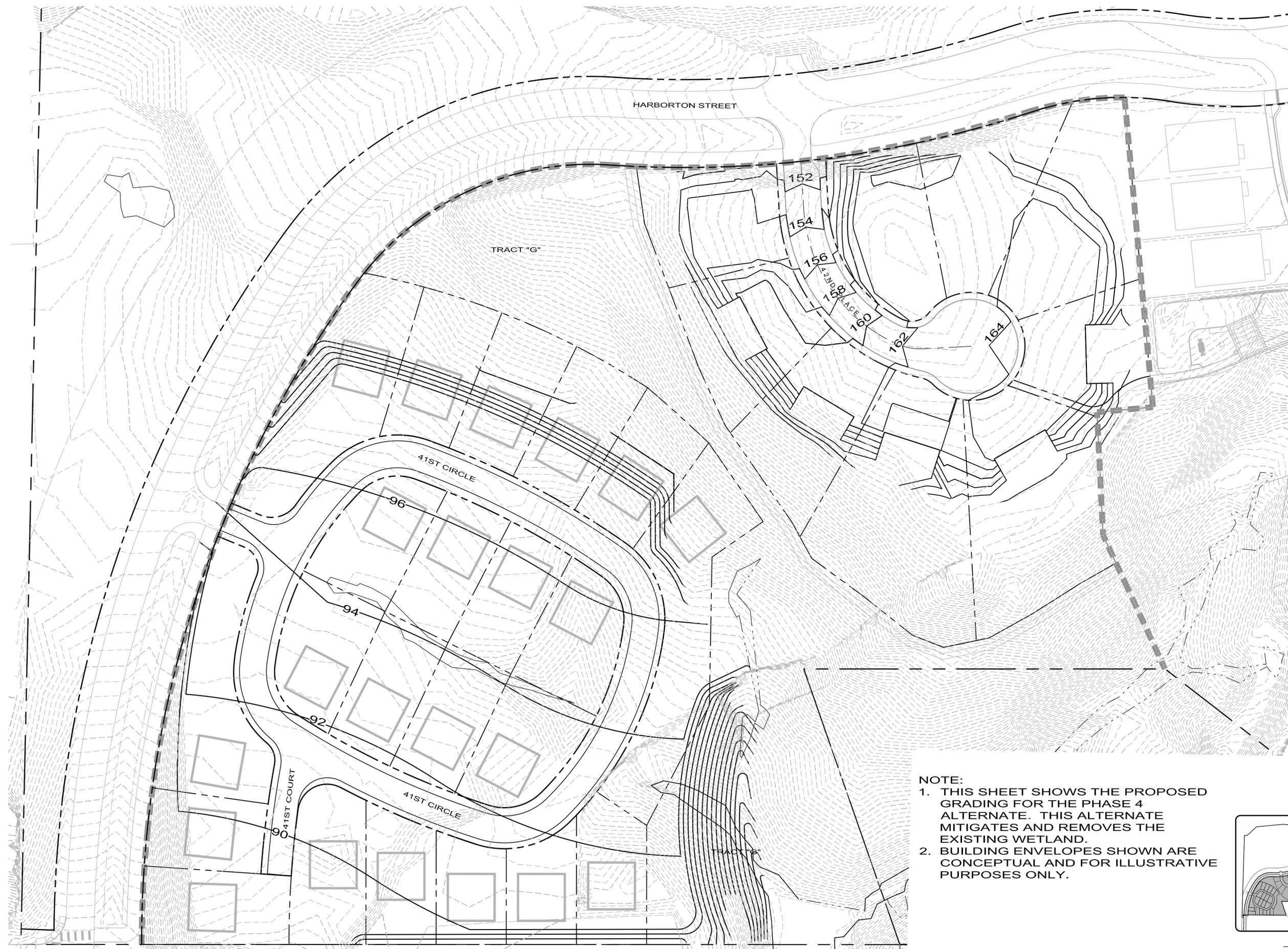
JET Planning, LLC
215 W. 4th Street, Ste. 215
Vancouver, WA 98660

2G ASSOCIATES
400 COLUMBIA STREET
SUITE 160
PO BOX 1340
VANCOUVER, WA 98666
PHONE: 503-939-8750

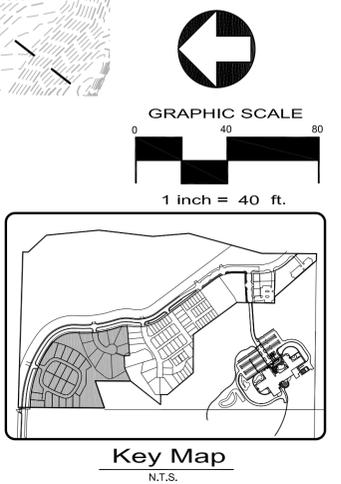
WILDER
GRADING PLAN
Phase 2A 2E and 2F

SHEET
14

May 18, 2015 - 11:39am
\\2\SRV\12G Data\Projects - Active\LAN005 - Wilfer Phase 2\4 Planning\Drawings\Applications\Community Master Plan Phase 3 Revised\lan005-CMP10-11-Grading.dwg



NOTE:
1. THIS SHEET SHOWS THE PROPOSED GRADING FOR THE PHASE 4 ALTERNATE. THIS ALTERNATE MITIGATES AND REMOVES THE EXISTING WETLAND.
2. BUILDING ENVELOPES SHOWN ARE CONCEPTUAL AND FOR ILLUSTRATIVE PURPOSES ONLY.



400 COLUMBIA STREET
SUITE 160
PO BOX 1340
VANCOUVER, WA 98666
PHONE: 503-939-8750

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

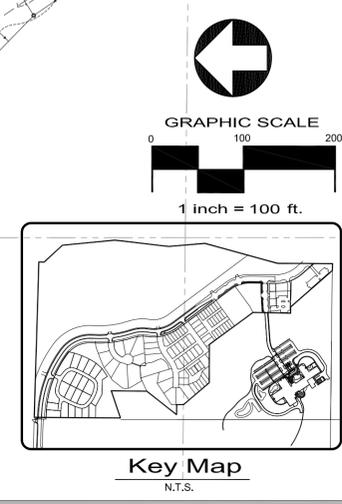
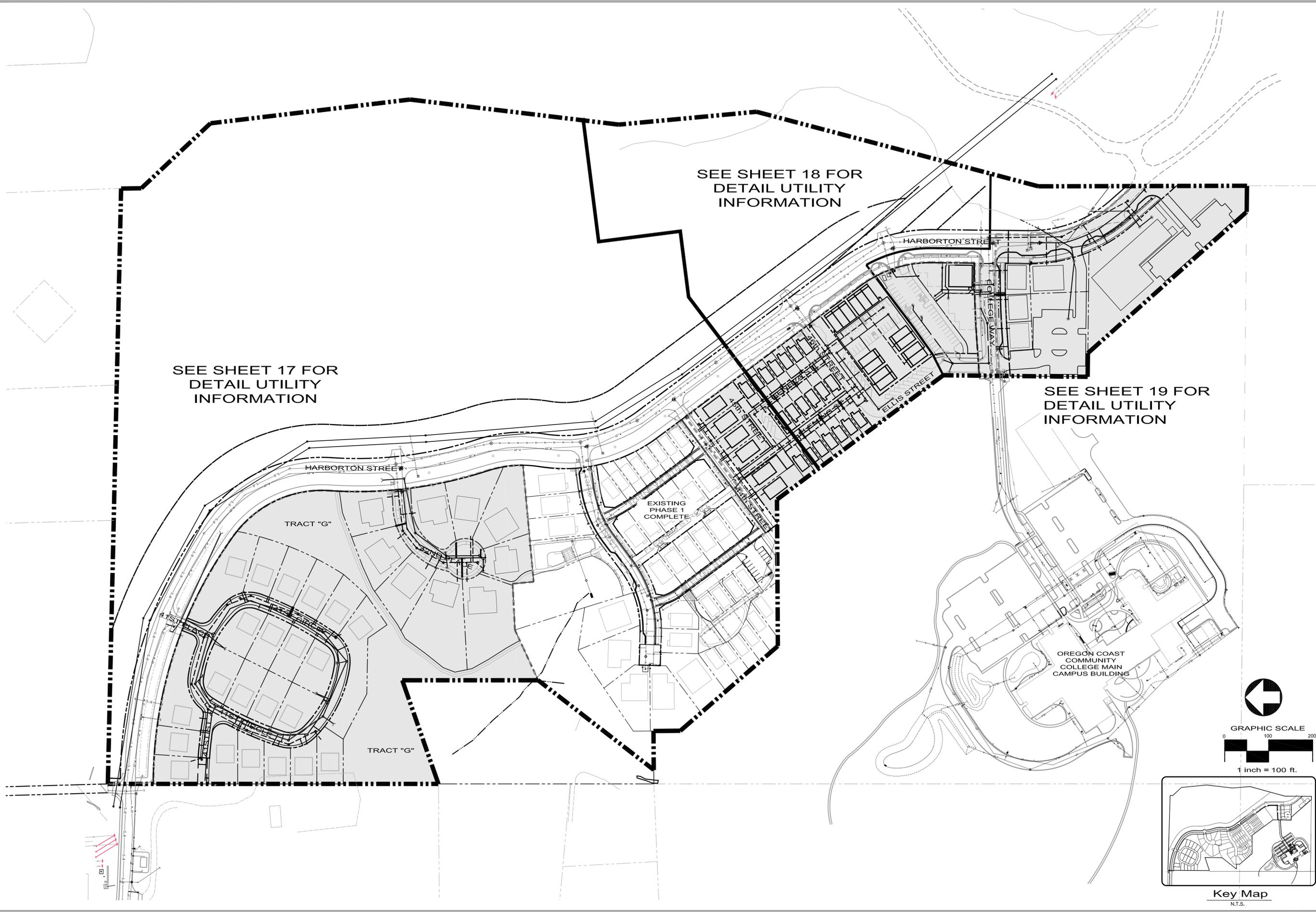
JET Planning, LLC
215 W. 4th Street, Ste. 215
Vancouver, WA 98660

JOB NO.: LAN005
DATE: MAY 20, 2015
APPLICATION: Community Master Development Plan Applications

WILDER
GRADING PLAN
PHASE 4 MITIGATION ALTERNATE

SHEET
15

May 18, 2015 - 11:39am
\\2CSRV12G Data\Common Data\Projects - Active\LAN005 - Wilfer Phase 2\4 Planning\Drawings\Applications\Community Master Plan Phase 3 Revised\lan005-CMP12-Utility Master Plan.dwg



WILDER
UTILITY MASTER PLAN

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

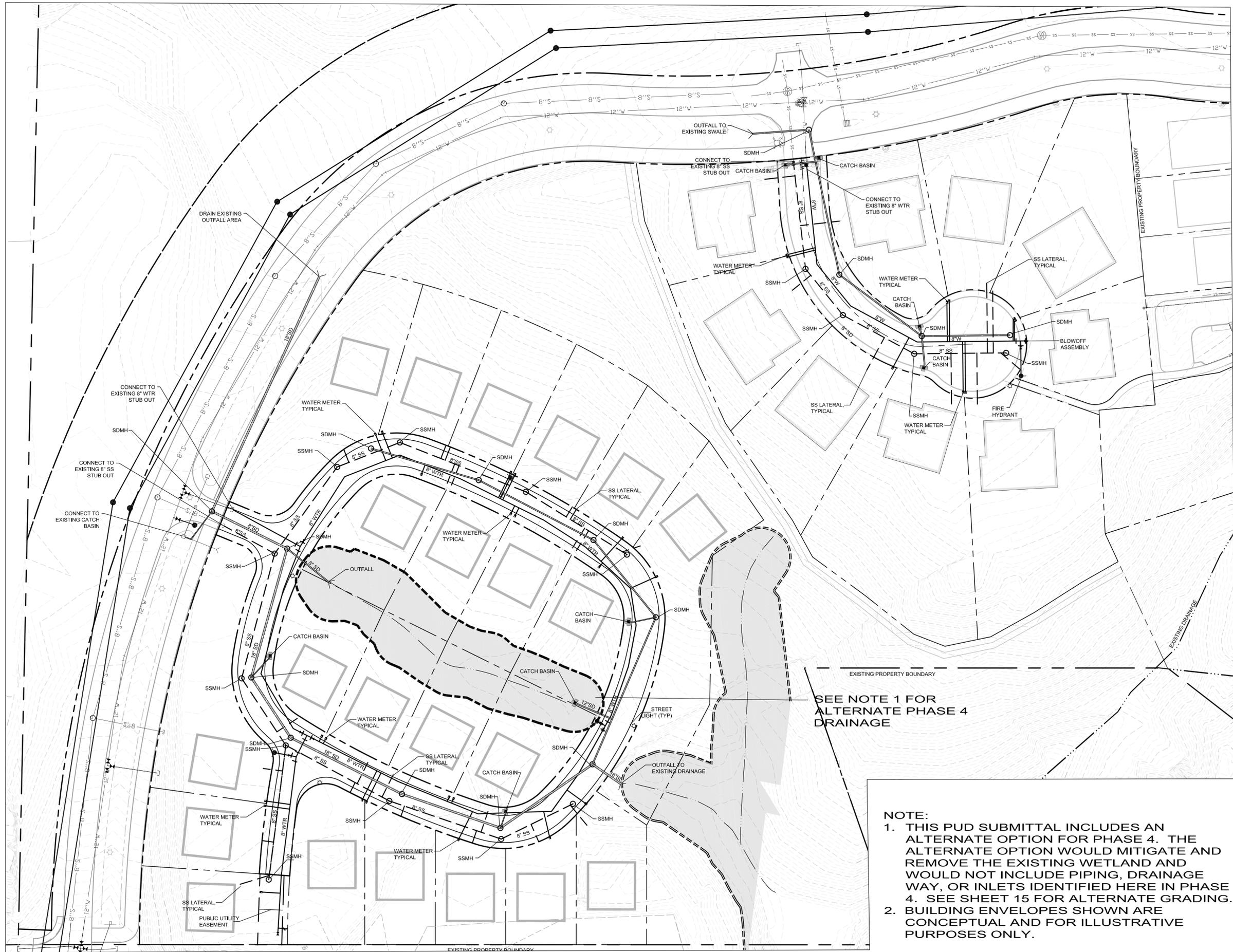
landwaves inc
2712 SE 20th Ave
Portland, Oregon 97202
TEL: (503) 221-0167
FAX: (503) 221-0741

400 COLUMBIA STREET
SUITE 160
PO BOX 1340
VANCOUVER, WA 98666
PHONE: 503-939-8750

JOB NO.:	LAN005
DATE:	MAY 20, 2015
APPLICATION:	Community Master Development Plan Applications

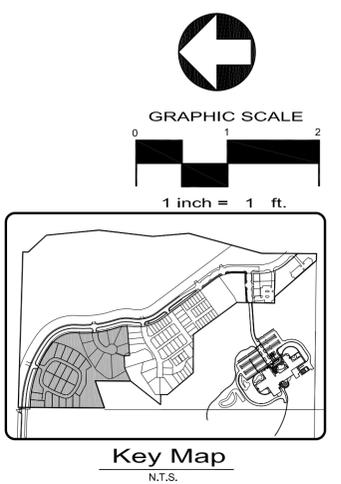
SHEET
16

May 18, 2015 - 11:40am
 \\2\SRV\12G Data\Projects - Active\LAN005 - Wilfer Phase 2\4 Planning\Drawings\Applications\Community Master Plan Phase 3 Revised\lan005-CMP13-14-Utility.dwg



SEE NOTE 1 FOR ALTERNATE PHASE 4 DRAINAGE

NOTE:
 1. THIS PUD SUBMITTAL INCLUDES AN ALTERNATE OPTION FOR PHASE 4. THE ALTERNATE OPTION WOULD MITIGATE AND REMOVE THE EXISTING WETLAND AND WOULD NOT INCLUDE PIPING, DRAINAGE WAY, OR INLETS IDENTIFIED HERE IN PHASE 4. SEE SHEET 15 FOR ALTERNATE GRADING.
 2. BUILDING ENVELOPES SHOWN ARE CONCEPTUAL AND FOR ILLUSTRATIVE PURPOSES ONLY.



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

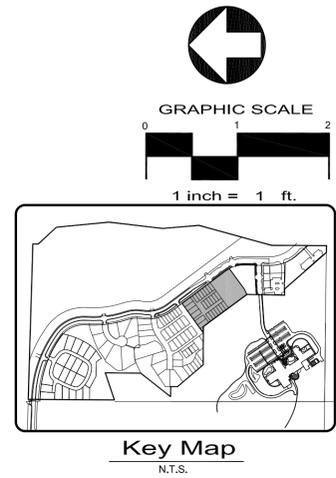
JET Planning, LLC
 400 COLUMBIA STREET
 SUITE 160
 PO BOX 1340
 VANCOUVER, WA 98666
 PHONE: 503-939-8750

JOB NO.: LAN005
 DATE: 5/18/2015
 APPLICATION: Community Master Development Plan Applications

WILDER
 UTILITY PLAN
 Phase 3 and 4
 SHEET
 17



NOTE: BUILDING ENVELOPES SHOWN ARE CONCEPTUAL AND FOR ILLUSTRATIVE PURPOSES ONLY.



WILDER
 UTILITY PLAN
 Phase 2B 2C and 2D

SHEET

18

JOB NO.: LAN005

DATE: 5/18/2015

APPLICATION: Community Master
 Development Plan
 Applications

landwaves inc

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

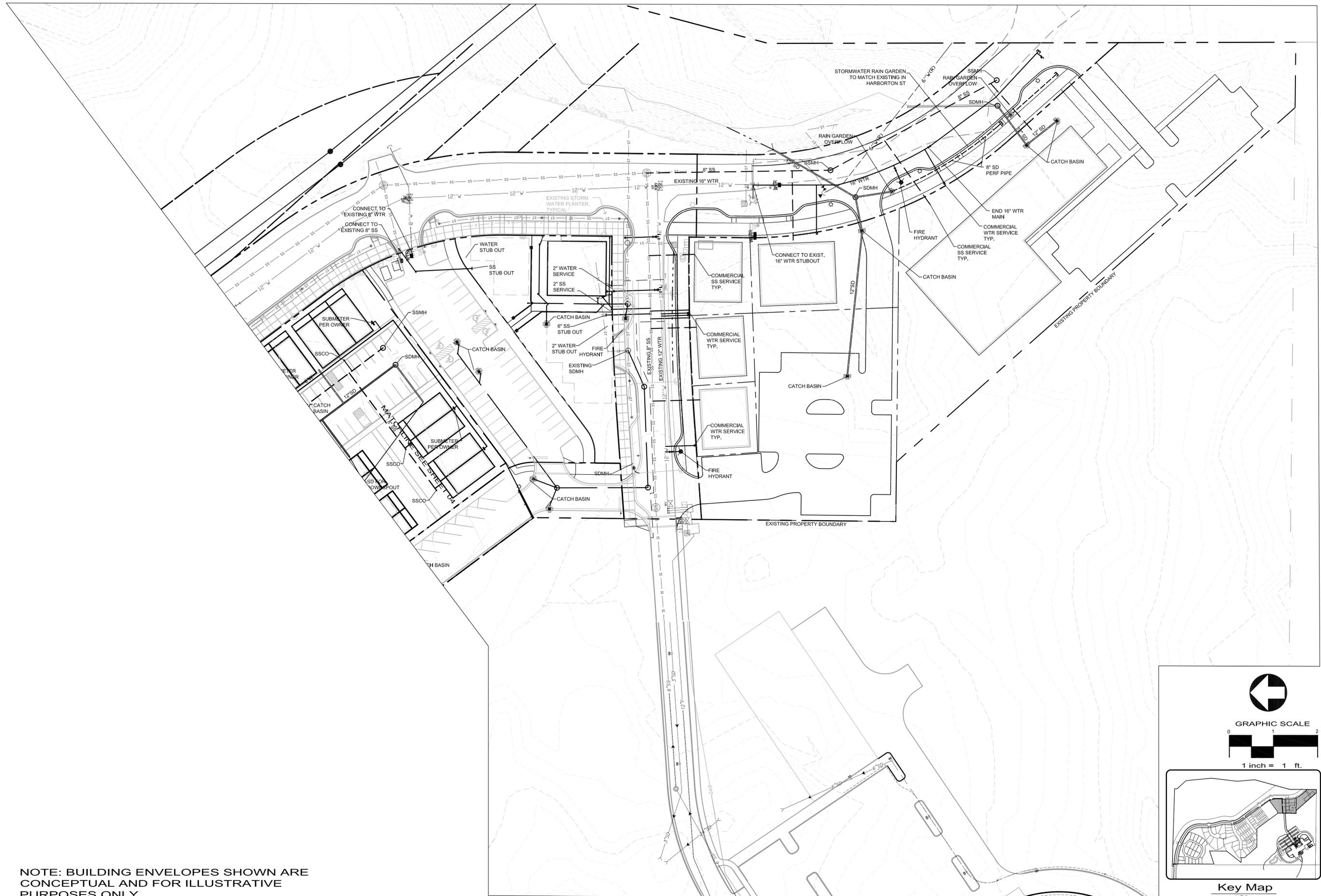
JET Planning, LLC

215 W. 4th Street, Ste. 215
 Vancouver, WA 98660

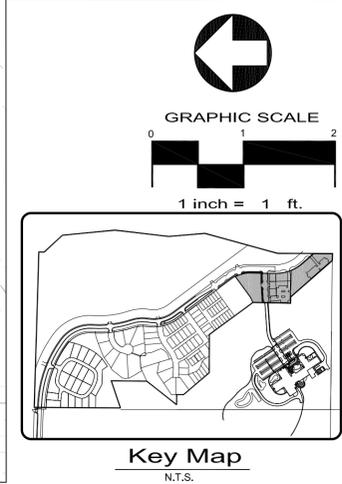


400 COLUMBIA STREET
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 PHONE: 503-939-8750

May 18, 2015 - 11:40am
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 FAX: (503) 221-0741

LAN005
 DATE: 5/18/2015
 APPLICATION: Community Master Development Plan
 Applications

WILDER
 UTILITY PLAN
 Phase 2A 2E and 2F

SHEET
19

CITY OF NEWPORT
NOTICE OF A PUBLIC HEARING

The Planning Commission of the City of Newport, Oregon, will hold a public hearing on Tuesday (*due to the Monday holiday*), May 26, 2015, at 7:00 p.m. in the Newport City Hall Council Chambers to consider File No. 2-PD-15 / 3-PD-15 / 1-SUB-15, a request submitted by Bonnie Serkin of Landwaves, Inc. (Elizabeth Decker of JET Planning, authorized representative) for the following amendments: 2-PD-15: Major modifications to the approved Preliminary Development Plan for Phase 1 of Wilder (most recently modified in Case File #1-PD-14) to adjust the zoning district boundary between the C-1 commercial and R-3 residential areas, expand the range of allowed retail, hotel, community and day care uses in the commercial portion of the Village Center, obtain a variance to satellite and shared parking regulations, adjust the range of residential development proposed for full build-out, and re-align internal circulation and roadway type to serve proposed development. All other aspects of the Planned Development remain as previously approved. 3-PD-15: Major modifications to the approved Final Development Plan for Phase 1 of Wilder (Case Files #2-PD-09, #6-PD-09, #2-PD-10, & #2-PD-14) by proposing detailed development, including streets, buildings, landscaping, open space, etc., within the portion of Phase 1 of Wilder on the west side of Harborton Street. The modifications to the Final Development Plan incorporate the changes to the zoning district boundaries, lots and streets throughout Phases 2A, 2B, 2C, and 3, consistent with the changes to the Preliminary Development Plan, and expand the Final Development Plan to incorporate Phases 2C, 2D, 2E, 2F, and 4. All other aspects of the Final Development Plan remain the same. 1-SUB-15: Amendments to the tentative subdivision plan for portions of Phase 1 of Wilder, including proposed Phase 2A, 2B, 2C, 2D, 2E, 2F, 3 & 4 (previously approved as Case File #1-SUB-09 and modified through Case Files #3-SUB-09 & #1-SUB-10) to adjust the mix of lot types for residential development in Phases 2B, 2C, and 2D to include more flex lots and fewer apartments, adjust commercial lots in the Village Center, fine-tune the number of residential lots and types in Phases 3 and 4, and adjust the circulation patterns to provide for vehicle and pedestrian connections between phases. As previously conditioned, the proposed phased tentative plat will be valid for a period of at least 4 years. The subject property includes Tax Lots 100 and 103 of Assessor's Tax Map 11-11-20 (Parcels 1 and 2, Partition Plat No. 2015-01) consisting of approximately 41.24 acres located in the South Beach neighborhood directly east of Mike Miller Park and south of SE 40th Street. Preliminary Development Plan approval must be consistent with those approval criteria as set forth in Section 14.35.070 of the Newport Municipal Code (NMC); and Final Development Plan approval must be consistent with those approval criteria as set forth in NMC Section 14.35.100. Pursuant to NMC 14.35.110 (C), major changes to approved preliminary and final development plans may be approved by the Planning Commission after public hearing and must satisfy the original approval criteria. Pursuant to NMC Section 13.05.105 (A) (Exceptions for Planned Developments), the standards and requirements otherwise applicable to standard subdivisions under Chapter 13 of the Municipal Code may be modified without a variance for planned developments. Testimony and evidence must be directed toward the criteria described above or other criteria in the Comprehensive Plan and its implementing ordinances that a person believes applies to the decision. Failure to raise an issue with sufficient specificity to afford the City and the parties an opportunity to respond to that issue precludes an appeal (including to the Land Use Board of Appeals) based on that issue. Testimony may be submitted in written or oral form. Oral and written testimony will be taken during the course of the public hearing. Letters to the Community Development (Planning) Department, City Hall, 169 SW Coast Hwy, Newport, OR 97365, must be received by 5:00 p.m. the day of the hearing or submitted to the Planning Commission during the hearing. The hearing will include a report by staff, testimony (both oral and written) from those in favor (including the applicant) or opposed to the application, rebuttal by the applicant, and questions and deliberation by the Planning Commission. Pursuant to ORS 197.763 (6), any person prior to the conclusion of the initial public hearing may request a continuance of the public hearing or that the record is left open for at least seven days to present additional evidence, arguments, or testimony regarding the application. The staff report may be reviewed or a copy purchased at the Newport Community Development (Planning) Department (address above) seven days prior to the hearing. The application materials (including the application and all documents and evidence submitted in support of the application), the applicable criteria, and other file material are available for inspection at no cost or copies may be purchased for reasonable cost at this address. Contact Derrick Tokos, Community Development Director, (541) 574-0626 (address above).

(For publication once on Friday, May 15, 2015)

**CITY OF NEWPORT
NOTICE OF A PUBLIC HEARING¹**

NOTICE IS HEREBY GIVEN that the Planning Commission of the City of Newport, Oregon, will hold a public hearing on **Tuesday** (*due to the Monday holiday*), May 26, 2015, to consider the following requests related to the Wilder planned development.

File No. 2-PD-15/3-PD-15/1-SUB-15.

Applicant & Owner: Bonnie Serkin of Landwaves, Inc. (Elizabeth Decker of JET Planning, authorized representative).

Requests:

2-PD-15: Major modifications to the approved Preliminary Development Plan for Phase 1 of Wilder (most recently modified in Case File #1-PD-14) to adjust the zoning district boundary between the C-1 commercial and R-3 residential areas, expand the range of allowed retail, hotel, community and day care uses in the commercial portion of the Village Center, obtain a variance to satellite and shared parking regulations, adjust the range of residential development proposed for full build-out, and re-align internal circulation and roadway type to serve proposed development. All other aspects of the Planned Development remain as previously approved.

3-PD-15: Major modifications to the approved Final Development Plan for Phase 1 of Wilder (Case Files #2-PD-09, #6-PD-09, #2-PD-10, & #2-PD-14) by proposing detailed development, including streets, buildings, landscaping, open space, etc., within the portion of Phase 1 of Wilder on the west side of Harborton Street. The modifications to the Final Development Plan incorporate the changes to the zoning district boundaries, lots and streets throughout Phases 2A, 2B, 2C, and 3, consistent with the changes to the Preliminary Development Plan, and expand the Final Development Plan to incorporate Phases 2C, 2D, 2E, 2F, and 4. All other aspects of the Final Development Plan remain the same.

1-SUB-15: Amendments to the tentative subdivision plan for portions of Phase 1 of Wilder, including proposed Phase 2A, 2B, 2C, 2D, 2E, 2F, 3 & 4 (previously approved as Case File #1-SUB-09 and modified through Case Files #3-SUB-09 & #1-SUB-10) to adjust the mix of lot types for residential development in Phases 2B, 2C, and 2D to include more flex lots and fewer apartments, adjust commercial lots in the Village Center, fine-tune the number of residential lots and types in Phases 3 and 4, and adjust the circulation patterns to provide for vehicle and pedestrian connections between phases. As previously conditioned, the proposed phased tentative plat will be valid for a period of at least 4 years.

Location: The subject property includes Tax Lots 100 and 103 of Assessor's Tax Map 11-11-20 (Parcels 1 and 2, Partition Plat No. 2015-01) consisting of approximately 41.24 acres. The site is located in the South Beach neighborhood directly east of Mike Miller Park and south of SE 40th Street.

Applicable Criteria: Must be consistent with those approval criteria as set forth in Section 14.35.070 (for preliminary development plan approval) of the City of Newport's Municipal Code (NMC); NMC Section 14.35.100 (for final development plan approval); and NMC Section 14.35.100 (for final development plan approval). Pursuant to NMC 14.35.110 (C), major changes to approved preliminary and final development plans, such as changes in character of the development or any increase in the intensity or density of the land use or in the location or amount of land devoted to specific land uses or any change in the location, width, or size of a collector or major thoroughfare street, or that substantially changes the location or specification for utilities but will not materially affect future street or utility plans of the City may be approved by the Planning Commission after public hearing and must satisfy the original approval criteria. Pursuant to NMC Section 13.05.105 (A) (Exceptions for Planned Developments), the standards and requirements otherwise applicable to standard subdivisions under Chapter 13 of the Municipal Code may be modified without a variance for planned developments.

¹ This notice is being sent to affected property owners within 200 feet of the subject property (according to Lincoln County tax records), affected public/private utilities/agencies within Lincoln County, and affected city departments.

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

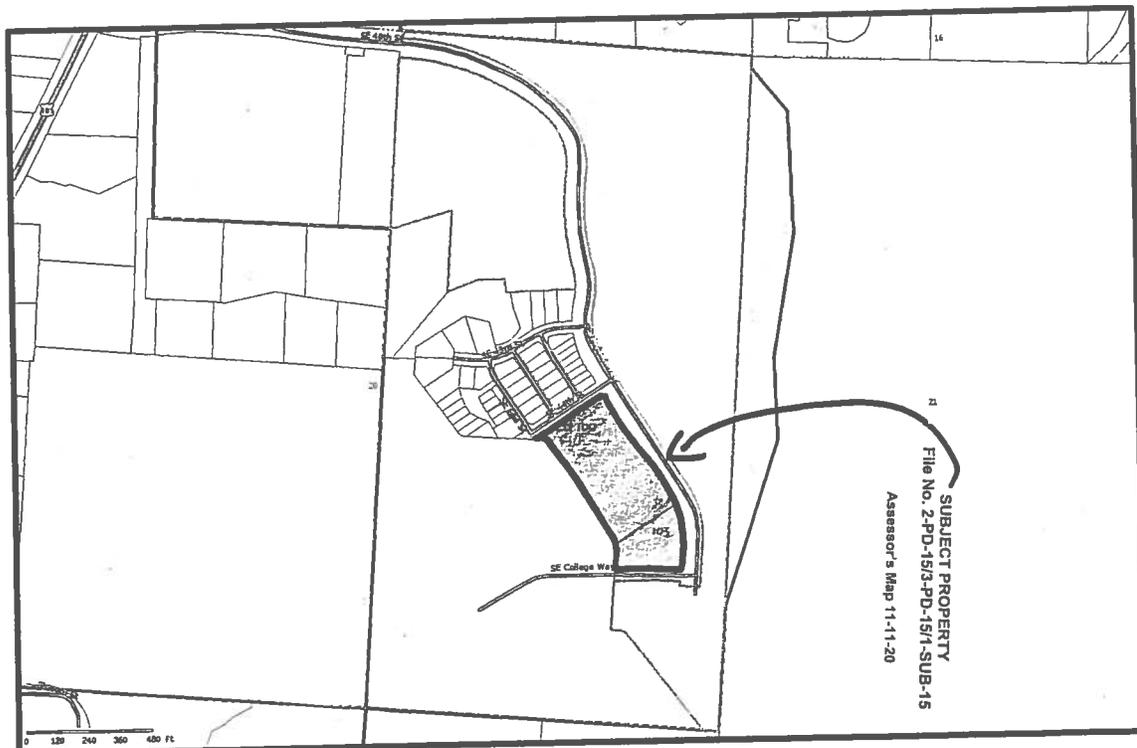
Reports/Application Material: The staff report may be reviewed or a copy purchased at the Newport Community Development (Planning) Department, City Hall, 169 SW Coast Hwy, Newport, Oregon 97365, seven days prior to the hearing. The application materials (including the application and all documents and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

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

Time/Place of Site Visit and Hearing: **Tuesday**, May 26, 2015, 7:00 p.m. in the Newport City Hall Council Chambers (address above in "Reports/Application Materials").

MAILED: April 30, 2015.

PUBLISHED: Friday, May 15, 2015/Newport News-Times.



Wanda Haney

From: Wanda Haney
Sent: Thursday, April 30, 2015 8:54 AM
To: Jim Protiva; Joseph Lease; Mark Miranda; Mike Murzynsky; Rob Murphy; Spencer Nebel; Ted Smith; Tim Gross; Victor Mettle
Subject: Public Hearing Notice - Planned development & subdivision amendments (Landwaves)
Attachments: File_2-PD-15--3-PD-15--1-SUB-15_Notice.pdf

Attached is a copy of a notice concerning a land use action. The notice contains an explanation of the request, a property description and map, and a date for a public hearing. Please review this information to see if you would like to make any comments. We must receive comments at least 10 days prior to the hearing in order for them to be considered. **Should no response be received, a "no comment" will be assumed.**

Thanks,

Wanda Haney

City of Newport

Community Development Department

169 SW Coast Hwy

Newport, OR 97365

541-574-0629

FAX: 541-574-0644

w.haney@newportoregon.gov

MEMO

City of Newport
Community Development Department



(delivered via email)

Date: April 30, 2015

To: Spencer Nebel, City Manager
Tim Gross, Public Works
Rob Murphy, Fire
Mark Miranda, Police
Mike Murzynsky, Finance
Jim Protiva, Parks & Rec.
Ted Smith, Library
Victor Mettle, Planner/Code Administrator
Joseph Lease, Building Official
Public Utilities

From: Wanda Haney, Executive Assistant

RE: Files # 1-PD-15/2-PD-15/1-SUB-15

I have attached a copy of a public notice concerning a land use application. The notice contains a brief explanation of the request, a property description and map, and a deadline for comments. Please review this information to see if you would like to make any comments.

We must receive comments prior to the last day of the comment period in order for them to be considered. **Should no response be received, a “no comment” response will be assumed.**

wh

Attachment

BONNIE SERKIN
LANDWAVES INC
2712 SE 20TH AVE
PORTLAND OR 97202

ELIZABETH DECKER
JET PLANNING
215 W 4TH ST STE 209
VANCOUVER WA 98660

FRED ARTHUR YECK
TRUSTEE
PO BOX 352
NEWPORT OR 97365

CENTRAL LINCOLN PUD
ATTN: BRIAN BARTH
MGR ACCT & FINANCE
PO BOX 1126
NEWPORT OR 97365

MARION E STOCKER
9566 LOGSDEN RD
SILETZ OR 97380

no need to mail

City of Newport

JACK E STOCKER
TRUSTEE
PO BOX 688
SOUTH BEACH OR 97366

BGB LLC
16538 SW GLENEAGLE DR
SHERWOOD OR 97140

MARK B & CAROL S SALVAGE
23151 NE 15TH CT
SAMMAMISH WA 98074

EQUITY TRUST CO CUSTODIAN &
FBO MICHAEL IRA YEOMANS
ATTN: MICHAEL YEOMANS
5745 SW ARBOR DR
SOUTH BEACH OR 97366

F & S NEWPORT LLC
2110 NE 36TH DR STE 1100
LINCOLN CITY OR 97367

GARY E & VERNON & ROBERT &
LOREN TRYON
PO BOX 975
WALDPORT OR 97394

OCCC SERVICE DISTRICT
ATTN: BIRGITTE RYSLINGE
400 SE COLLEGE WAY
NEWPORT OR 97365

OKSENHOLT CONSTRUCTION CO
PO BOX 540
LINCOLN CITY OR 97367

SUSANNAH LYNN ELIZONDO
2830 LEGACY POINT DR
ARLINGTON TX 76006

WILDER HOMEOWNERS ASSN
2712 SE 20TH AVE
PORTLAND OR 97202

VIRGINIA G GIBBS
4340 SE FLEMING ST
SOUTH BEACH OR 97366

BEVERLY W SHUTT
TRUSTEE
4350 SE FLEMING ST
SOUTH BEACH OR 97366

FOWLER HOMES LLC
ATTN: JAMES W FOWLER
PO BOX 823
DALLAS OR 97338

R EUGENE CURTIS &
CINDY SLYH CURTIS
220 PALOUSE LN
COLUMBIA FALLS MT 59912

KAREN BLOOMQUIST
4350 SE ELLIS ST
SOUTH BEACH OR 97366

SHARON AMLIN HANSEN &
KENNETH J HANSEN
4184 MEADOW WOOD DR
EL DORADO HILLS CA 95762

MARKUS HORNING &
LISA T MULCAHY
4356 SE ELLIS ST
SOUTH BEACH OR 97366

EMERY INVESTMENTS INC
ATTN: WILLIAM H EMERY
2712 SE 20TH AVE
PORTLAND OR 97202

Exhibit "A"
Mailing Labels -
Adjacent Properties

NW Natural
ATTN: Alan Lee
1405 SW Hwy 101
Lincoln City, OR 97367

DLCD Coastal Services Center
810 SW Alder St Ste B
Newport OR 97365

CenturyLink
ATTN: Corky Fallin
740 State St
Salem OR 97301

Lincoln County Assessor
Lincoln County Courthouse
225 W Olive St
Newport OR 97365

Lincoln County Surveyor
880 NE 7th St
Newport OR 97365

WVCC
911 Dispatch
555 Liberty St SE Rm P-107
Salem OR 97301-3513

Lincoln County Clerk
Lincoln County Courthouse
225 W Olive St
Newport OR 97365

Central Lincoln PUD
ATTN: Randy Grove
PO Box 1126
Newport OR 97365

Charter Communications
ATTN: Keith Kaminski
355 NE 1st St
Newport OR 97365

Lincoln County School District
ATTN: Superintendent
PO Box 1110
Newport OR 97365

Lincoln County Commissioners
Lincoln County Courthouse
225 W Olive St
Newport OR 97365

Lincoln County Planning Dept
210 SW 2nd St
Newport OR 97365

US Post Office
ATTN: Postmaster
310 SW 2nd St
Newport OR 97365

Victor Mettle
Code Administrator/Planner

Mark Miranda
Police Chief

Spencer Nebel
City Manger

JIM PROTIVA
PARKS & REC

Tim Gross
Public Works

Ted Smith
LIBRARY

Mike Murzynsky
Finance Director

Joseph Lease
Building Official

EXHIBIT 'A'
(Affected Agencies)

Rob Murphy
Fire Chief

CITY OF NEWPORT
169 SW COAST HWY
NEWPORT, OREGON 97365

COAST GUARD CITY, USA



April 20, 2015

Elizabeth Decker
Jet Planning
215 W 4th Street, #209
Vancouver, WA 98660

RE: Amendments to the Wilder Phase 1 Planned Development (City File No. 2-PD-15/3-PD-15/1-SUB-15)

Dear Ms. Decker,

Thank you for providing the City with a well prepared and thorough application to amend Phase 1 of the Wilder Planned Development. Unfortunately, after reviewing the documents, it appears that there are a few additional pieces of information and/or clarifications that we'll need before the request is considered by the Newport Planning Commission.

The following are the specific issues that need to be addressed:

1. The original circulation pattern for the Phase 4 loop road called for a Hillside Street section. The current proposal calls for a "woonerf." We do not believe that a woonerf is an adequate street section for the low-density residential looped network that you propose for Phase 4 and would recommend that you instead utilize the Hillside Street section as originally envisioned. Given its extremely narrow footprint, the woonerf is more appropriate as an alley in a grid street network supporting medium to high density development, such as your initial development phase. In that case, alternate access is available from larger streets for emergency and public works vehicles. No such alternate access is available for Phase 4 (NMC 14.35.060(A)(4)).
2. The cross section for the proposed Village Center Road is not consistent with the cross section provided with the "Kit of Parts." The proposed section is significantly narrower at 55-feet of right-of-way width (as opposed to 68-feet). I don't see a reason why it would be problematic for you to go with the reduced section; however, it should be addressed in your narrative as an amendment to the Preliminary Development Plan and a new cross section should be prepared for the Kit of Parts.
3. The Hillside Street section in the Kit of Parts shows parking on one-side of the street; however, it doesn't appear that the proposed hillside streets conform to the approved cross-section. An amended cross-section (or multiple section variants) should be provided as part of the Preliminary Development Plan amendment.

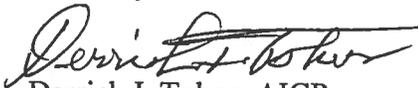
4. The tentative subdivision plat needs to depict the location of existing easements and the wetland areas within Phase 4 (NMC 13.05.070(C)(6)).
5. Utilities, in particular storm drainage infrastructure, is shown on private property. These improvements are presumably public, which means that easements will be required. The location, width, and purpose of these easements must be depicted on the tentative subdivision plan (NMC 13.05.070(C)(7)). Also, it would be helpful if you could provide additional information as to how the drainage plan will work for Phase 4. Is the existing wetland to be preserved? How will the City be assured access to the drainage improvements that cut through the back of residential lots in Phase 4?
6. Radii of curves of proposed streets must be illustrated on tentative subdivision plat (NMC 13.05.070(C)(7)).
7. Harborton Street will need to be extended to serve Phase 2F. This should be depicted on the tentative subdivision plan and the timing for that extension needs to be addressed in your narrative (NMC 13.05.070(C)(7)).
8. The Newport Public Works Department will need to provide a letter confirming the adequacy of the water, sewer, storm drainage, and street serving the proposed development. The City Engineer is reviewing your plans and I anticipate receiving his written response shortly.
9. The tentative plan needs to include the location of proposed street lights to establish that adequate lighting will be provided for the proposed streets and walkways. Otherwise, the Planning Commission will not have enough information to determine that the street lighting standards are satisfied (NMC 13.05.055)
10. It is difficult to see the dimensions for on-street parking areas. Please provide amended Final Development Plan sheets that better illustrate the location of on-street parking spaces. Also an inventory of the on-street spaces is needed to provide a means of establishing whether or not proposed development standards will be met (such as those for ADU's).
11. Additional information is needed regarding the size and nature of the proposed pathway improvements, including a development schedule outlining when they are to be completed relative to the adjoining residential phases (NMC 14.35.070(D)).
12. Additional information is needed explaining how you intend to phase the street and utility improvements to ensure that these services are adequate for each of the Phase 2 "sub-phases," particularly given that the boundaries of the sub phases do not align cleanly with service needs.
13. The City of Newport's addressing grid necessitates that the Phase 4 looped street be titled "41st Circle." The stub street would be "41st Court." Phase 3 should be 42nd Place. This numbering scheme is consistent with the addressing grid that we prepared for the overall master plan (previously provided) and Chapter 9.85 of the Newport Municipal Code.
14. The Appendix F Preliminary Development Plan drawing for Phase 1 includes an estimated range of development that is lower than what is depicted in your narrative (ref: pg. 13). Your narrative shows a 9,000 sq. ft. increase in permissible commercial floor area which, when considered in conjunction with the expanded range of uses, has the potential to generate 100 PM peak-hour

trips onto city streets (NMC 14.45.010(C)). I would recommend you avoid triggering this requirement and keep your maximum commercial square footage at 36,000. This can always be revisited in the future if it looks like you will need to exceed that number. If you want to keep it at 45,000, then you will need to submit a traffic impact analysis.

Your application is tentatively scheduled for a public hearing before the Newport Planning Commission on **Tuesday, May 26, 2015**. I would appreciate receiving nine full sized plan sets with all of the sheets, and one 11x17 inch reduced copy by **Wednesday, May 20, 2015**, so that we can include the information in the Commission's packets.

Please don't hesitate to contact me if you have questions regarding any of the points in this letter.

Sincerely,



Derrick I. Tokos, AICP
Community Development Director
City of Newport
ph: 541-574-0626
d.tokos@newportoregon.gov

xc: Tim Gross, City Engineer
Rob Murphy, Fire Marshall
File

Derrick Tokos

From: Elizabeth Decker <edecker@jetplanning.net>
Sent: Wednesday, May 20, 2015 9:00 AM
To: Derrick Tokos
Cc: Bonnie Serkin; Fred Garmire; Katie Goodwin; Tim Gross; Robert Murphy
Subject: Re: Revised Wilder materials

Hi Derrick,

I've incorporated revisions into the submittal that we will get to you by the end of the day, but I wanted to address a few of your concerns:

1. I have not received the updated "Kit of Parts" with the revised Village Center street sections and micro cottage concept. The Planning Commission will need this information, so please include it with your submittal tomorrow.

We will provide this; our architect was finalizing yesterday.

2. The "green alley" and woonerf street designs for Phases 2C and D leave very little in the way of maneuvering room for emergency responders and public works vehicles. Both of these City Department's should have an opportunity to provide comment on the updated design, which may not happen prior to the hearing on Tuesday. With respect to the green alleys, the Kit of Parts calls for 2-feet of building setback to either side of the right-of-way. That setback needs to be called out on the plans. Since these streets are serving flex lots, which do not have front or rear setbacks, you might want to address the issue by widening the right-of-way or dedicating easements.

Sheet 5 shows rounded corners for the lots in Phases 2C and 2D to allow for emergency vehicle access. The 2-foot shy distance on either side of the ROW called for in the KoP was observed in Phase 1 because wider PUEs exist along the alleys. We will adhere to the KoP 2-foot setback as part of these future phases by amending the Wilder Design Guidelines to require a 2-foot setback for structures - including homes, garages and carports - on the green alleys. We can explore additional mechanisms for guaranteeing that the clear space is observed.

3. We can't support an alternative for Phase 4 that requires the City to maintain storm drainage utilities that cut through the back of private lots. If the wetland is not drained and is instead incorporated into the storm water management system then it should be placed into a tract under City ownership as opposed to an easement. The tract should be configured so that the City can reasonably access and maintain the storm drainage utilities. Please include a drawing showing this alternative. Our concern with an easement is that it may contain language that isn't strong enough to prevent adjoining property owners from impeding the City's ability to reasonably access and maintain the utilities.

We have added a note on Sheets 12 and 17 to explain that the wetland and buffer may be created in a tract to be dedicated to the city for drainage use if we elect to use the wetland as part of the drainage system. Our concern is that access be limited to city staff for maintenance and repair purposes, and that the tract not be open to access by the general public. We propose to add a note to that effect on the plat.

Phase 2D shows an 18-inch storm drain line running between lots. An easement may be acceptable at this location since these are through lots, but I'd like to run it by Tim who is out of the office for the rest of the week.

My understanding is that this line is temporary and will no longer be needed once Phase 2 construction is complete, at which point it will be replaced by the line along Fleming Street. The Fleming Street line will be needed to serve Phase 2B, so the 18-inch storm drain will be abandoned in the near future.

4. On-street parking may need to be removed from the cul-de-sac proposed to serve Phase 3 and/or the cul-de-sac may need to be expanded so that emergency vehicles have adequate room to turn around. Removal of the parking will reduce the number of permissible ADUs for this phase. Our Public Works Department has a turn radius template for our Fire Department's ladder truck, which is what we will likely use to establish the minimum area that we will need.

It was an error on our part to show parking along the cul-de-sac. It has been removed and the parking space counts, including impacts on ADU counts, have been revised.

5. I continue to have concerns about the phasing plan, specifically phases 2B to 2D (narrative page 16). Your narrative needs to speak to how the infrastructure will be adequate to serve each of the individual phases as they are platted.

We provided additional information about road and utility phasing on page 16 of the narrative. We can prepare additional exhibits for the hearing if you believe it would help to illustrate the adequacy of utilities and the existence of necessary easements for each phase.

6. Please provide a rationale for how you are spacing street lights in Phases 3 and 4.

Our rationale is based off Tim's comments at our meeting on April 27 regarding street lights, that he would like to see lights at each intersection but didn't want to over-light the area in order to cut down on long-term maintenance costs as well as light impacts in residential areas. We can demonstrate compliance with any other lighting standards the City would apply to this project. Specifically to Phases 3 and 4, there are already lights along Harborton to illuminate intersections with 41st Circle and 42nd Place. In Phase 4, lights are proposed at the junction of the stub from Harborton and the loop portion of 41st Circle, and at the intersection of 41st Court and 41st Loop. A third light is proposed on the far side of the phase along Lot 9 to provide additional coverage. In Phase 3, the intersection with Harborton is already lit adequately, so one new street light is proposed for the cul-de-sac to light any turning movements.

7. Our Public Works Department hasn't had an opportunity to review the revised utility sheets and with Tim out of the office this week I do not expect that to happen prior to the hearing. I'll acknowledge this in the staff report and will note that sufficient information is available for the Commission to direct that feasibility findings and a final order be prepared for consideration at its June 8th meeting. We should be able to get the final details sorted out by then.

We will work with Tim on all engineering issues.

On Tue, May 19, 2015 at 3:18 PM, Derrick Tokos <D.Tokos@newportoregon.gov> wrote:

Elizabeth,

Thanks for the work you have done to update the plan sets in response to our comments. Many of the issues we raised have been addressed. There are a few items though that I would like to bring to your attention so that you can address them in the submittal you plan to provide tomorrow or, if that is not possible, then by the May 26th hearing.

1. I have not received the updated "Kit of Parts" with the revised Village Center street sections and micro cottage concept. The Planning Commission will need this information, so please include it with your submittal tomorrow.

2. The "green alley" and woonerf street designs for Phases 2C and D leave very little in the way of maneuvering room for emergency responders and public works vehicles. Both of these City Department's should have an opportunity to provide comment on the updated design, which may not happen prior to the hearing on Tuesday. With respect to the green alleys, the Kit of Parts calls for 2-feet of building setback to either side of the right-of-way. That setback needs to be called out on the plans. Since these streets are serving flex lots, which do not have front or rear setbacks, you might want to address the issue by widening the right-of-way or dedicating easements.

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I look forward to your submittal tomorrow and will plan on sending you a copy of the staff report on Friday. The hearing on May 26th will be an opportunity for the public to comment on the proposal and for the Planning Commission to ask questions about the project. As I noted above, the staff report that I am putting together will include a recommendation that the Commission find the project to be in substantial conformance with the criteria and that they direct staff to prepare findings and a final order for their review and possible adoption on June 8th.

Let me know if you have any questions.

Derrick I. Tokos, AICP

Community Development Director

City of Newport

169 SW Coast Highway

Newport, OR 97365

ph: 541.574.0626

fax: 541.574.0644

d.tokos@newportoregon.gov

From: Elizabeth Decker [mailto:edecker@jetplanning.net]

Sent: Monday, May 18, 2015 8:49 AM

To: Derrick Tokos

Cc: Bonnie Serkin; Fred Garmire; Katie Goodwin

Subject: Revised Wilder materials

Hi Derrick,

Attached is the revised narrative in track changes format. I couldn't recall from our discussions if you wanted to see a set of draft plans to review before Wednesday also. We can arrange to send them but it is a large file (20MB). What is the maximum attachment size your email will accept? We can use another method to send it if needed.

Thanks,

ED