



**PLANNING COMMISSION REGULAR SESSION AGENDA**  
**Monday, February 22, 2016 - 7:00 PM**  
**City Hall Council Chambers, 169 SW Coast Hwy, Newport, OR 97365**

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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 at 541.574.0613.

The agenda may be amended during the meeting to add or delete items, change the order of agenda items, or discuss any other business deemed necessary at the time of the meeting.

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**1. CALL TO ORDER AND ROLL CALL**

**2. APPROVAL OF MINUTES**

**2.A. Approval of the Planning Commission work session and regular session meeting minutes of January 25, 2016**

[Draft PC Minutes 1-26-16.pdf](#)

**3. CITIZENS/PUBLIC COMMENT**

*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.*

**4. ACTION ITEMS**

## 5. PUBLIC HEARINGS

- 5.A. File No. 1.CUP.16. A request submitted by Oregon Brewing Co., Inc. (Dennis Bartoldus, authorized representative) (Port of Newport, property owner) for approval of a conditional use permit per Section 14.03.080 ("Water-Dependent and Water-Related Uses") of the Newport Municipal Code (NMC) in order to add approximately 40,250 square feet of warehouse space to the existing brewery complex located at 2320 SE Marine Science Drive (a portion of Tax Lot 00111 of Lincoln County Assessor's Tax Map 11-11-17-00), which is in a W-2 "Water-Related" zone.

[File 1-CUP-16 Staff Report.pdf](#)

## 6. NEW BUSINESS

- 6.A. March 14th work session to review and provide feedback/recommendations on City Council's tentative goals.

[CC Goal Setting.pdf](#)

## 7. UNFINISHED BUSINESS

- 7.A. Parking Study update.

[Parking Study.pdf](#)

- 7.B. Future work session with FSC Group to review case studies and outreach materials related to the Local Improvement District code update.

[LID Code-Update.pdf](#)

## 8. DIRECTOR COMMENTS

- 8.A. Status of Planning Commission/Advisory Committee recruitment.

[Recruitment Status.pdf](#)

## 9. ADJOURNMENT

**Draft MINUTES**  
**City of Newport Planning Commission**  
**Work Session**  
**Newport City Hall Conference Room A**  
**January 25, 2016**  
**6:00 p.m.**

**Planning Commissioners Present:** Jim Patrick, Lee Hardy, Rod Croteau, Bill Branigan, and Bob Berman.

**Planning Commissioners Absent:** Mike Franklin (*excused*).

**PC Citizens Advisory Committee Members Absent:** Dustin Capri (*excused*).

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

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

**A. Unfinished Business.**

**1. Discussion of workforce and affordable housing initiatives.** Tokos noted that he put together a brief PowerPoint presentation. He hoped that the Commissioners had an opportunity to take a look at the background material that had been provided in the packet to get a reflection of where we're at. He noted that the objective here, as he's been talking with City Manager Nebel, is to work towards getting the Planning Commission as a body and the City Council on the same page going forward on the next round of issues. He said there are some things that need more work. For some of those, relationship-building needs to be done. There's a package of things. He said that as we've had a turnover on the City Council, there are some folks who don't have the context; especially when implementing plans predating their tenure on the City Council. There are also some new opportunities in some cases.

The first slide discussed the partnership the City has with Habitat for Humanity for affordable housing. Tokos noted that we have an existing partnership with Habitat; there's an existing agreement between the City and Habitat for them to construct units on the properties highlighted in the slide. We'll see how many units they ultimately can construct. They are looking to do a duplex on the first property on 10<sup>th</sup> Street. They are working on a property line adjustment because they would be orienting the duplex with a shared driveway off of Pine Street. They don't expect access would be granted off 10<sup>th</sup>. Habitat is also working on a street vacation with the City Council. They have a full 80 feet of right-of-way to work with. The street ended up being constructed partially on that lot. Those were things that happened back in the day when they didn't have great maps. Tokos said that right now Sally Bovett with Habitat is taking the posture that they as an organization need to come up with those funds; that the land donation itself is the City's contribution. Habitat is not asking for any revolving loan funds. In initiating the street vacation, they are pulling funds from different grant sources. They hope to construct in 2016. They are getting funding from some economic development grant program from Lincoln County and with private entities. Patrick asked when they're doing the street vacation if their just cutting the 80 feet down. Tokos said he's discussed with Sally if it makes sense to do it just for this piece or take it all the way back. His thinking is to take it all the way back because another property has a garage sitting in the street right-of-way. That parcel would be nearly impossible to redevelop without that area up there and just curving the street. Tokos said the piece of property to the west would follow for development. There are utility lines all through there. So the street vacation is necessary for that piece as well. He said the last piece is worse in terms of access. No option looks really positive. Berman asked if the property has changed hands yet. Tokos said Habitat actually has to construct the units and then ownership changes before a certificate of occupancy is issued. The City holds it with no transfer until we know the units are there.

Tokos said that Habitat works at the lower end in terms of the spectrum. They're not rentals; but owner-occupied for families making 40-60% of median family income (MFI). They figure no more than \$34,680 a year for a family of four based on 2015 data. That's calculated through the HUD median income for Lincoln County. It's adjusted every year. It's a long-term loan that Habitat carries. Tokos noted that this action would implement Newport Housing Goal 1 and Goal 2, Policy 2, which calls for the City to cooperate with nonprofits on the provision of needed housing, including establishing a land bank program. Berman said you're talking about affordable to those families at not more than \$34,600; but what's their income. Hardy said not more than 30% of their income; and Tokos agreed. Tokos said he would expect that it falls close to what HUD considers their standard on the rental side; and Hardy said that's it on the rental side too. Branigan asked if they don't pay interest on these loans, or the principal is forgiven after thirty years. Tokos said he doesn't recall the details, but it's on Habitat's website. Habitat carries the loans. Patrick said that Habitat gets funds back that way. Tokos said he suspects Habitat gets the money back plus some percentage; but it's nominal. Tokos noted that Habitat has done a number of builds in Lincoln County, but none in Newport because the costs are too high. He said the land donation agreement is probably posted on their website.

The next slide discussed the partnership with Lincoln Community Land Trust (LCLT). Tokos noted that's where we have some relationship-building to do. Some members of the City Council were upset about the Trust's work to put together a proposal for the property adjacent to Don Davis Park. Even though no proposal was proposed, they were a little upset. Tokos said from his perspective, he thinks it's time that if the City Council decides it wants to be partners with the Land Trust that it have a liaison on the Trust. Croteau asked who the City Council talks to. Tokos said primarily they talk to Bill Hall or they talk to the City Manager, who is supportive of the Trust. Tokos said the Trust is the only multi-jurisdictional partnership with a nonprofit that we have right now. None of the jurisdictions want to get into the housing game. The benefit of the Land Trust is that it's a nonprofit entity that can serve in that capacity. Should any partner be able to make property available to this nonprofit, the Trust is an avenue to maintain affordability for the long-haul. The Trust can provide services like buyer education or managing property portfolios so that the cities and county don't have to be directly involved with that aspect. Newport, Lincoln City, and Lincoln County have an MOU to provide support to the Trust, which will expire in three years. The Newport City Council suspended its participation financially for the time being. The Council will have to decide what it wants to do; continue to be a partner with Lincoln City and Lincoln County or not. Patrick said it sounds like both Lincoln City and Newport Councils should have someone on the Board of the Land Trust. Tokos said he thinks that's appropriate. That's short-term; but it may be longer than three years. If they're not providing funding, they shouldn't squawk about what the Trust is up to. There isn't another entity that can do the same thing as the Trust. Berman asked what the thinking was behind the RFP. Tokos said to figure out whether it was feasible to do a public/private partnership. After Diane Linn who is with Proud Ground, which is the executive director for the Trust, had her group do an assessment of property suitable for residential development that was the only reasonable one to get the "bang for your buck." You could get the number of units, it was fully serviced, it allows residential on the ground floor as well as over retail. The thought there was could you make a public/private partnership work where some units are made available at market rate, and a certain number of others available for workforce housing, which is 80% to 120% of MFI. It never got to the point where the Trust made a proposal; and it won't. Rod said, it just muddied the water. Tokos said the Trust's thinking was that if it's not going to have a prayer or it may implode anyway when it's brought forward, it would be better to at least have a clear concept as opposed to just saying give us a million-dollar property and we don't know what we're going to do with it. If it doesn't make sense, we would want to pick that off before making a pitch. Berman said it sounds like it was just a communications problem.

Patrick thought the Trust has to get buy-in from both City Councils if they want to make it work. It will have to come from that level. He said as the Planning Commission we can say that our recommendation is that we get it. We understand what you are trying to do. But you need to send somebody off to hear it firsthand. Croteau said we could push that it's the only multi-jurisdictional effort we have. Tokos said we're dealing with the long gain here. We're dealing with an issue that requires multiple strategies to chip away at it. Some of it requires partnerships. It doesn't do value to burn bridges. That's the feeling. Branigan wondered if the City has thought about setting aside a small percent of the budget to go towards affordable housing; say 1%. Croteau thought that a plan should come before financing. Branigan said there are some cities and counties back east that put 5% of their budget aside. They're not in the housing business; they have something like Habitat for Humanity that are doing construction-type loans and never require interest. Tokos said we can't use building fees. Construction excise taxes used to be a way to hit new development; but they closed the door on that, and we can't do that anymore. Jurisdictions can take part of their general fund. We could possibly take part of the room tax. There would have to be a program; but it could certainly be done. But then you're taking that away from something else. Branigan said back east where he was mentioning there are lots of retail workers and lots of restaurant workers; and there's no affordable housing for that level of worker. So they're converting apartment buildings into workforce-enabled condos. Tokos said as a body, the Commission can encourage the City Council to consider dedicating funding. Hardy said but the Council comes and goes. Tokos said he agrees that's part of the issue. It's that way with all the things we try to do. The planning process is relatively short compared to the implementation, which takes several years. If we had a dedicated funding source in place and it starts to produce things, it becomes more institutionalized and is less likely to be discarded or redirected. Croteau said maybe we have to integrate a plan. We have to figure what things we can do. Get their buy-in for the big picture. Then maybe it becomes doable. Without a long-range plan, you have to convince them. Patrick said it doesn't matter if it's funded through an on-going source or just by foregoing some of the funding. You have \$20 thousand dollars in SDCs to build a house. Tokos said it's actually \$11 thousand. Patrick said \$20 thousand is about the average throughout Oregon. Tokos said the Land Trust can go up to 120% of MFI. That takes it up to more middle income people like teachers or others who make a reasonable salary, but not enough to buy desirable homes in Newport necessarily.

The next slide discussed the multiple unit property tax exemption (MULTE). Tokos thinks we can make some headway with this, but we need a partnership with the County. He thinks it's best to actually have a letter from the City Council to the Board of Commissioners asking that it appoint a couple of people to a work group to develop a tax exemption program. Tokos said he can work with the City Attorney to put together language and outline policy language. We have some flexibility on this. A developer would receive a ten-year exemption on the structural improvements, not the land itself, as long as the program requirements are met. He said we might want to watch out for what Eugene did. They have more student housing than they thought they would. You have to be careful that you don't do a give-away; you have to get a reasonable return of some sort. In this case, it would be that you get affordable units at 20% to 60% MFI, or \$795 per month for a two-bedroom. We could play with those figures; he just threw them out for an example. We would have to take a hard look at it. We have information from the Housing Needs Assessment that gives us a sense of what the rental points are. He sees this as a great opportunity. It's targeted to land that's not generating a lot in the way of taxable assessments at this point since it's vacant; so he thinks it's the

low-hanging fruit. Berman asked if it would apply to all taxing authorities so you would have to get all of them to buy in. Tokos said those relative to Newport. Berman said, so the school, the hospital. Tokos said yes. Patrick said he thought you could get the hospital to sign off, but he's not sure about the school district. Tokos thought they might sign off. It's housing. It doesn't cost them anything. They're not getting anything right now. Berman wondered if it isn't made up by the State the same as Urban Renewal. Patrick said you need to get their buy-off for the \$1 a square foot excise tax. Tokos said that's more of a legitimate argument where you have added students coming in forcing them to put new schools on board. The school district says they can't fund this; they can't keep up with large tracts of housing coming in. Tokos noted that this program would implement Policy 9 of the Student Housing Report, which called for the City to work with the County on this.

The next slide was about reviewing city-owned property to identify those suitable for land banking. Tokos said the City has a few properties that have been inventoried. The final step of that exercise is for the City Council to identify any others to make available for workforce housing or for sale for buyer-initiated grants. He doesn't think there are any others suitable in the inventory, but we should go through the exercise and see if that is the case. Patrick said at some point they do become suitable. Tokos noted that there are a few lots up on Klamath Place that are very steep but are actually view lots. They're not suitable for workforce housing because all of the development costs are too high; but the City may sell them. Patrick said and then turn around and use those funds elsewhere. Tokos agreed you could use it to just buy an existing residential lot in Newport.

The next slide was about the Community Service Consortium (CSC) housing rehabilitation program. Tokos said there's about \$170 thousand sitting over there for rehab loans in the community that was turned over to CSC several years ago. These funds are available to people who couldn't otherwise do rehab on their properties without the lending. The loan amount is capped at \$30 thousand. There's a lien on the property, and the money's paid back upon the sale of the property. Tokos said that the CSC got hammered on its funding over the last few years. They've trimmed back the housing program. They've had a lot of turnover. They have nobody in our area serving as a liaison with lenders or lining up families. This program is valuable in our community where we have significant housing that is not in the best shape. It's critical housing for those who have it. It's needed to maintain them so they're safe and structurally sound. It's that kind of program that keeps us from having homes where they can't maintain them and they fall apart and are no longer useful and it leads to abatement. Berman asked what the nature of the loan is; the interest rates, the repayment terms. He said if you're eligible then you haven't got a lot of money to pay that loan back. Tokos said as he recalls they simply lend on the property and are paid back at a later date. It's extremely flexible. Croteau asked if this is something that Habitat does. Tokos said he's discussed it with Sally Bovett, and she is open to it but they have their hands full with other programs. He said that Habitat and the Land Trust along with Proud Ground can do that. Proud Ground is working with an organization out of the valley. He said it's valuable. It serves a different piece of the housing spectrum. He's one of the members of an appeals board; and anytime they want to try to do a loan that doesn't comport with the rules, they have to take it to that board. He gets a call about once a year. Patrick said that he did some of those rehab jobs for the CSC back in the day, and it was a losing proposition because of what they were willing to pay for what needed to be done. Tokos said on the flip side it's a benefit if the property can be made to limp along and is still suitable housing for another ten to fifteen years rather than being vacant and has to be dealt with through abatement.

The next slide discussed incentivizing construction of affordable or workforce housing with reductions in system development charges (SDCs). Tokos said our SDCs are about \$11 thousand per unit. We would have to update the SDC methodology to do this, and there are funds budgeted for that. He said some builders would like to see them reduced, period; but it needs a philosophical approach. SDCs are used to pay for capital infrastructure needed to support growth. If it's not through SDCs, the funds have to come from somewhere else; which usually means the existing residents pay, and that isn't popular either. To reduce them all the way down or eliminate them without a trade-off is not effective. Eliminating them without getting something doesn't make sense. SDCs are a significant upfront development cost, so developers would benefit here. Sometimes this incentive is used in programs to maintain affordability for the long-term. Portland Housing does this for sixty years. The recorded agreements run with the land. When ownership turns over, it has to be reviewed by the City. Patrick asked when they reduce the SDCs are they making it all the units or a portion. Tokos said it would be for those units that they get the SDCs reduced on. He said we wave flexibility; but we have to put it in the methodology. We're waiting for the sewer master plan capital projects list. We just had the storm water. How we come up with the \$11 thousand in large part depends on what the future capital needs are and what the likely costs are. We know we have the major capital projects list coming for storm water and sewer. We will have to guess on parks because that master plan won't be done until two or three years. Patrick said that's something we should have a discussion about. Tokos said part of the parks system master plan would be facilities and maintenance needs. He said he doesn't think the Council and even Parks and Recreation staff have a clear understanding of what the costs are for maintenance because everything right now is just limping along. Patrick agreed that when we redo that plan we'll actually have something. He thought SDCs are just limited to new buildings and new land for parks; not maintenance. Tokos said there are still funds being made available by Oregon Parks and Recreation for land acquisition and park improvements. If it's not in the master plan then we don't stand a chance of getting the funds. The existing master plan is so outdated; it was done in 1993. Croteau asked if they separate acquisition from maintenance in terms of funding sources for parks and recreation. Tokos said that maintenance with the master plan would be fee- or general-fund-driven. Capital acquisitions would be more the SDCs or grants approach. Berman noted that Tokos had said that we will be getting a sewer master plan. Tokos said that will be done in February. Berman asked if we need to replace failing sewer is that maintenance. Tokos said we take the capital projects list and create an SDC-eligible list. He said that would mean for instance if an existing eight-inch line is failing and needs to be extended or upgraded,

we may list that as a twelve-inch line. Based on the future population it will serve we may determine that 25% of that is SDC eligible and 75% goes to the existing population. We have to do that across the whole project list to figure that out. Patrick thought it will be great when we get the parks master plan and get real numbers. He said back in 2000 when we raised the SDCs, Councilor Peggy Sabanskas was the one who cut the parks fee in half. At that time it was bigger than the water and the sewer charges. Tokos said we don't have to collect 100% of the parks capital projects; it's a policy choice. But something else has to pay for those capital needs. For parks, you can just slow down acquisition; it just doesn't become as robust. It becomes more challenging with water, sewer, and streets; but you sometimes have to do it. Tokos sees the parks master plan picking up the aquatic center; and we can look at those long-term costs more closely than he thinks they have been evaluated as part of the construction.

The next slide discussed narrow street standards to reduce infrastructure costs for new development. Hardy asked why reduce street standards that have been argued for. Tokos said there are a couple of different ways to play this out. He said you have two 10-foot travel lanes, two 8-foot parking lanes, and 5-foot sidewalks within a 50-foot right-of-way; that's expensive and difficult to do in some areas. Through planned developments we are talking about authorizing smaller street sizes; 24 feet with sidewalks on one side as opposed to two. We can come up with two or three options or standards for street sizes that we want to authorize in Newport. You can look at this from the perspective that it will allow for what we are trying to do and reduce infrastructure site costs. Also just to increase housing stock we may want to allow narrow streets. We don't have a lot of land, which makes it difficult to develop; and infrastructure costs are preventing us from seeing anything develop. Tokos said you have Bridgeview Heights up by the middle school, and the only way that gets developed is if Harney gets extended north over Jeffries Creek. That's about 80 acres. That developer talks to us about once a year. They seem to be getting excited about doing something. The barrier is the infrastructure costs. Because of the costs of extending that roadway, they can't pencil it out. It's the same thing with Nautical Hills, which is that long narrow piece up by 54<sup>th</sup>; and there's an area up by 70<sup>th</sup> in Agate Beach. That's the reason why Don Huster can't get anything going on his piece of property up there. Croteau said he sees it as a useful trade-off as long as it doesn't compromise safety. Hardy wondered if once the precedent is set, can we backtrack to the standard now. Tokos said you could in the future if you wanted to do that. He said for one thing, those are all standards in the 95-96 TSP. You can look at it as there are possible opportunities to reduce the standards without much consequence and reduce infrastructure costs.

Regarding the next slide about leveraging Urban Renewal Funds, Hardy asked what happens if with Urban Renewal a neighborhood goes with reduced standards; and then another neighborhood establishes an LID and pays more than anybody else because you've gone back to standards that are double. Tokos said using Urban Renewal, say you do the Agate Beach Plan looking similar to the Coho/Brant Refinement Plan. It's appropriate to do different streets; we may not have just one standard. You can either do the standard section as part of a subdivision or come in and talk about doing something different. It's an opportunity. One of the things the Housing Study called to look at was increasing density. We can do that as well. We've talked about that in the past. Something we possibly should look at is whether the existing cross-section is appropriate. We haven't done so since the 90s. Croteau thought we should do that first. Hardy asked if Tokos could quantify the cost differences. Tokos said we can and spell it out. We can also add language that we allow it but only if a certain percentage of the units are affordable. Hardy didn't think we want to go there. Tokos said what's appealing is that it allows us to get more homes. What's preventing that is not zoning; it's infrastructure and land costs. Hardy asked if we can prove that we're not preventing them from getting all levels of home quality; otherwise we run the risk about special treatment because we're focusing only on these standards for affordable and workforce housing. Tokos said we can show this as Option B, reduced standards, if they maintain 20% of their units at affordable rates. Patrick said we are doing this already in Wilder and Coho/Brant. Croteau said we should look at the standards first and do it globally overall. Berman said it's the same as with SDCs if you can waive them under certain conditions then we have street standards under the same conditions. He said it's exactly the same logic; same reasoning. Croteau said we should be looking at all standards and asking can this be adjusted without significant loss of safety; if so, then they can be adjusted. Tokos thought we can put together definitive reasoning for affordable housing. It gets to the density standard. You can take that extra step and be legally defensive doing it. He said with Urban Renewal funding, we have options in place with the Northside Plan where we could use that. We would say you can build the reduced-standard infrastructure in your development but in exchange a certain number of units are required to be affordable. We could do that. Through agreements, we would come up with partnerships. In the City Center Plan, it may be used as part of mixed use for residential over retail. He said it can be done. It's more long-term because it needs to build tax increment. There's a lot more planning needed before it becomes a reality.

Croteau asked if it makes sense to parse out those kinds of things the City can do on a small scale, like Habitat; and those in the long-term, like leveraging Urban Renewal. SDCs, the street issue, the property tax exemption would all be long-term as well. Tokos said when we put these all out there, he would like this to help the City Council understand the bigger portfolio we want to push. Habitat may only be six homes, investment in property is six homes, plus with Waldport and the County; we can chip away at this. Patrick said the part we have to explain is that we have to make it affordable for developers to put in units. If we don't increase the supply, it increases the price. If you can't get the supply up, you will never be affordable. We have to figure what we can do to get the property done. Tokos said one issue is that those developers who are talking to us, such as Nautical Hills, want to do second homes. They don't want to target workforce. They want to sell to the higher end. There are plenty of people outside the community that will buy them. Patrick agreed that vacation homes were setting our rental market. Tokos said

that increasing the supply isn't necessarily going to affect the affordability issue. Moving on to the next slide, he noted that it has to be policy considerations too. Most will be incentive-based as opposed to regulatory issues. Tokos said the Commission may be looking at vacation rentals again. He personally doesn't believe the code has any bearing on how many units exist in Newport. The City didn't effectively regulate them before. They were hard to track, and many didn't have approvals. Some had conditional use permits. We didn't effectively track it, but the code changes brought them into the system. The argument could be made that the demand for vacation rentals is going up. Hardy said that she's seen that nightly rentals are softening. The occupancy per unit is way down. There are more units now, but not an unlimited supply of tourists. The units are spread out amongst more houses. Croteau said it's his sense that more people came into the vacation rental market than before. Hardy said the City's proceeds per unit is smaller, but there are more overall. Berman said that would be a good report to get. Tokos said there are regulatory approaches we can take. It's harder. They're not as popular. He noted that one would be if the inclusionary zoning gets lifted in Salem. That may come back. It's only illegal in Oregon and Texas. Patrick said just because you get the inclusionary zoning ban lifted, that doesn't mean you'll get more houses. He can't build them and fund them for ten years. Croteau said that doesn't mean that's used effectively as a tool just because it's legal in many states. You need to sort out the partnerships between the nonprofits and the City Council. Patrick thought you need to bring them all together at the table at one time to talk. Tokos said they have been together over the last few years. He agrees that's important. That should not be used not to implement policies we have on the books. Croteau said you have to get global buy-in before it's actually effective. Patrick said we need to figure out a plan and sell them on that. Tokos said we have a long-term challenge in requiring multiple strategies and effective partnerships. We may be doing something on one front because we need a partnership on another front. There's value in regularly assessing the progress and the extent to which the City desires to be actively engaged in the provision of housing. We need to bring the groups together on a periodic basis to see what the City desires to be actively engaged in.

Tokos explained that he was asked by Carla Perry to distribute the handout at tonight's meeting that was a copy of a Viewpoint article from the News-Times from December 11<sup>th</sup>. Tokos has talked to Bill Hall about this. This is an opportunity to support partner agencies. There's some \$60 million that came out of the last Legislative session for affordable housing at the lower end. This is where we can be partners and not a lead. That's helping further the cause too. Croteau asked if this is a grant program basically. Tokos said those funds being made through this initiative are not targeted at owner occupancy; they are looking at homeless. Berman asked if in part this got initiated because of Hatfield. Tokos said that OSU has secured property in the Wilder development and are doing their due diligence. Part of it will come before the Planning Commission; a Comprehensive Plan amendment. It's Tokos' understanding that there will be enough units there to support OSU's expansion. It's a significant chunk of land they're getting through a purchase agreement. They'll be working on that in parallel to their expansion. He doesn't know if it addresses their faculty; he thinks just students.

Tokos said his question to the Commission is if there are other things that he's missing; or are there other things he should be emphasizing. He's hoping at an upcoming meeting to put together the Commission's thoughts for the City Council. If there's something further, he wants to make sure the Commission has an opportunity to inform the City Council. Hardy wondered if any thought has ever been given to what brings people to be able to rent or purchase; personal decision making, quality of education, or preparation for adulthood. She said what every municipality picks up on in the end is failure. Maybe things should also be done to improve employability. She said, instead of a swimming pool build a trade school; educate them. Start early on. Patrick said he can't think of any other things we can do; other than enlisting someone like Don Huster. Tokos said that Huster really wants to see the multiple unit property tax exemption and is willing to offer up his property as a case study. Hardy thought that Huster would be better qualified to do that and would work with the community to share details. Croteau asked if there's other developers we could include; he hates to have just a single one. Tokos said probably Wilder, and maybe Slayden. Croteau said the broader the base, the better off it would be. Patrick agreed that it makes it more saleable.

Tokos asked of these policies, are there some we should be pushing harder. Patrick thought we should do them all. Tokos asked if the Commissioners were generally agreeable to putting something forward to the City Council that we have to tackle this as long-term; it will take multiple strategies, and these are all reasonable to examine and evaluate. Croteau said if we're looking at SCDs, we can look at street standards. Patrick said SDCs, streets, property tax exemption, all of those add up. With those, he could break even today instead of in ten years. Berman said it seems also that there has to be some outreach. There's an inventory of buildable property. It's that we need to reach out to others on more of a "do you know you could qualify for a property tax exemption." Patrick said if we put it out there, they will find out about it. Croteau said that rehab would be a component for outreach. Tokos said maybe at the next meeting he can have a letter for the Commissioners to look at. If you're comfortable you can pencil it, or you can change it and give it to the City Council.

**B. Adjournment.** Having no further discussion, the meeting adjourned at 7:15 p.m.

Respectfully submitted,

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Wanda Haney, Executive Assistant



**Draft MINUTES**  
**City of Newport Planning Commission**  
**Regular Session**  
**Newport City Hall Council Chambers**  
**Monday, January 25, 2016**

**Commissioners Present:** Jim Patrick, Lee Hardy, Bob Berman, Rod Croteau, and Bill Branigan.

**Commissioners Absent:** Mike Franklin (*excused*).

**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 7:17 p.m. On roll call, Hardy, Berman, Croteau, Patrick, and Branigan were present. Franklin was absent, but excused.

**B. Approval of Minutes.**

1. Approval of the Planning Commission regular meeting minutes of January 11, 2016.

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

**C. Citizen/Public Comment.** No public comments.

**D. Consent Calendar.**

1. **Final Order for File No. 1-VAR-15.** Final Order approving a sign variance requested by Jayanti & Saroj Patel (Dennis Bartoldus, authorized representative) with conditions attached for signs at Motel 6 located at 2633 SE Pacific Way. The Planning Commission opened a public hearing on this matter on December 14, 2015, and continued the hearing on January 11, 2016.

**MOTION** was made by Commissioner Branigan, seconded by Commissioner Hardy, to approve the Final Order for File No. 1-VAR-15 as presented. The motion carried unanimously in a voice vote.

**E. Action Items.** There were no action items.

**F. Public Hearings.** No public hearings.

**G. New Business.** No new business.

**H. Unfinished Business.** No unfinished business.

**I. Director Comments.** Tokos noted that the City is transitioning to a new agenda software. The Planning Commission agendas may change to be consistent with the City Council.

Croteau asked how filling the vacant Planning Commission position and the Advisory Committee positions is coming along. Tokos said that the recruitments are open. He hopes to have an update at the next Planning Commission meeting. It's moving forward.

**J. Adjournment.** Having no further business, the meeting adjourned at 7:22 p.m.

Respectfully submitted,

\_\_\_\_\_  
Wanda Haney, Executive Assistant

## PLANNING STAFF REPORT

### Case File No. 1-CUP-16

- A. **APPLICANT:** Oregon Brewing Co, Inc. (Dennis Bartoldus, authorized representative).
- B. **REQUEST:** Approval of a Conditional Use Permit, per Section 14.03.080/"Water-Dependent and Water-Related Uses" of the Newport Zoning Ordinance, for a conditional use permit in order to add approximately 40,250 square feet of warehouse space to the existing brewery facility and to fill in a decommissioned boat launch creating a 35,400+/-square foot multi-use area for the Port of Newport. The project will be phased, with the multi-use area and 26,400 square feet of warehouse space being constructed as part of Phase 1 and 13,850 square feet of warehouse space being added with Phase 2. Implementation of the second phase would begin within 5 years. The request involves property that is located in a W-2/"Water-Related" zone.
- C. **LOCATION:** 2320 SE Marine Science (OSU) Drive.
- D. **LEGAL DESCRIPTION:** Lincoln County Assessor's Tax Map 11-11-17, a portion of Tax Lot 111.
- E. **LOT SIZE:** Additional lease area that is approximately 40,250 square feet in size. Port of Newport owned parent property is roughly 62.76 acres per the Assessor's map.
- F. **STAFF REPORT**
1. **REPORT OF FACT**
    - a. **Plan Designation:** Shoreland.
    - b. **Zone Designation:** W-2/"Water-Related."
    - c. **Surrounding Land Uses:** Uses include a mixture of public land, educational facilities, and commercial uses.
    - d. **Topography and Vegetation:** Level site with landscaping to the east.
    - e. **Existing Structures:** Brewery, restaurant, and warehouse building.
    - f. **Utilities:** All are available to the site.
    - g. **Development Constraints:** None known.

- h. **Past Land Use Actions:** File No. 2-CUP-14, request for conditional use permit to add approximately 10,608 square feet of warehouse and barrel fabrication space to an existing distillery building.

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

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

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

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

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

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

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

- i. **Notification:** Notification to surrounding property owners and to city departments/public agencies was mailed on February 2, 2016; and the notice of public hearing was published in the Newport News-Times on February 12, 2016.

- j. **Attachments:**  
 Attachment "A" – Application Form  
 Attachment "A-1" – Applicant's Narrative  
 Attachment "A-2" – Site Plans by RSS Arch., dated February 2016  
 Attachment "A-3" – Demolition and utility plans, and cross-section drawings of the old boat launch fill by Civil West Engineering, dated February 2016

- Attachment "A-4" – Letter of understanding between the Port of Newport and Oregon Brewing Company, dated January 26, 2016
- Attachment "A-5" – Letter from Port of Newport approving the submittal of a conditional use application, dated February 2, 2016
- Attachment "B" – Zoning Map of the Area
- Attachment "C" – Emails from Tim Gross, Public Works, and Rob Murphy, Fire Department, dated February 2016
- Attachment "D" – Notice of Public Hearing
- Attachment "E" – Revised Phase 2 Landscaping and Circulation Plan

2. **Explanation of the Request:** Pursuant to Section 14.03.080/“Water-dependent and Water-related Uses” of the Zoning Ordinance, a use that is permitted outright in a C-2/"Tourist Commercial" zoning district requires a conditional use permit to be located in a W-2/"Water-Related" zoning district. Entertainment-oriented retail, including taverns and bars, is a permitted use in the C-2 district. With this application, Oregon Brewing, Inc., commonly known as “Rogue Brewery,” is seeking approval of a conditional use permit to add approximately 40,250 square feet of warehouse space to the existing brewery facility and to fill in a decommissioned boat launch creating a 35,400+/- square foot multi-use area for the Port of Newport. The project will be phased, with the multi-use area and 26,400 square feet of warehouse space being constructed as part of Phase 1 and 13,850 square feet of warehouse space being added with Phase 2 (Attachments "A-2" and "A-3"). Implementation of the second phase would begin within 5 years. City zoning maps confirm that the property is within a W-2/"Water-Related" district (Attachment "B").

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

former Serven Marine Building. Finally, on April 28, 2014 the Planning Commission approved a 10,608 square foot addition to the old Serven marine Building for warehouse and barrel fabrication space associated with the existing distillery (Case File No. 2-CUP-14).

The Zoning Ordinance permits, as conditional uses in a W-2 zone, uses that are outright allowed in a C-2 zone and manufacturing in conjunction with such uses. The brewery, restaurant, and warehouse building that is to be expanded includes an eating and drinking establishment, bar and small retail store all of which are components of an entertainment-oriented retail use. Accordingly, the use is permissible in the W-2 zone subject to conditional use approval. This is the premise and authorization under which previous conditional use applications have been approved for the Rogue Brewery. Additionally, it should be noted that warehouses are permitted as outright uses in a W-2 zone. Space in the proposed building addition will be used predominantly for warehouse purposes. The use being proposed is ancillary to, and enhances the production capacity of the brewery operation and is complementary to uses already existing at the Rogue facility in South Beach.

3. **Evaluation of the Request:**

a. **Comments:** All surrounding property owners and affected city departments and public utilities were notified on February 2, 2016. The notice was published in the Newport News-Times on February 12, 2016. Comments were received from Tim Gross, Public Works Director and Rob Murphy, Fire Chief (Attachment "C").

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

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

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

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

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

c. **Staff Analysis:**

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

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

Public facilities are defined in the Zoning Ordinance as sanitary sewer, water, streets and electricity. The applicant notes that such services are available to the site and believes that; adequate sanitary sewer, storm sewer, domestic water, fire sprinkler system water, natural gas, and electricity can be readily provided.

The email from Tim Gross, Public Works Director/City Engineer, notes that the brewery has a significant impact on the City's wastewater system due to the high biological oxygen demand (BOD) associated with the facilities wastewater effluent. He further notes that the current monitoring system is inadequate to monitor those discharges to determine the extent to which they adhere to or deviate from parameters the City has established for waste discharges, which are defined in Section 5.15.060 of the Newport Municipal Code (Attachment "C"). The proposed addition enhances the capacity of the brewery operation, which will further exacerbate the problem if it is not addressed.

Mr. Gross recommends that the Commission impose a condition of approval requiring the applicant, Oregon Brewing Company, Inc., relocate and upgrade the existing wastewater monitoring station, at its expense, before an occupancy permit is granted for the expansion. The existing monitoring station is located adjacent to the Silo at the entrance to the brewery, and the Public Works Department would like to see it placed instead within the public right-of-way since the equipment would be owned and operated by the City. The upgraded station will monitor flow, BOD, pH, and temperature and the Public Works Department believes that with this improvement, they will have the tools needed to effectively monitor effluent being discharged from the brewery. This will allow them to better assess how the brewery is impacting the City's sewer system, which should assist both the City and Oregon Brewing Company, Inc. in identifying any operational changes needed to address discharges that fall outside the parameters the City has set for wastewater that is directed into the public sewer system.

Rob Murphy, Newport Fire Chief, expressed a desire to see the existing hydrant at the southeast corner of the building remain and that a new hydrant be installed immediately to the east as part of the expansion. Oregon Brewing Company, Inc. has indicated that they are prepared to address the Fire Department's concerns and there are adequate building codes in place to ensure that this occurs during the building plan review and inspection phase of the project.

The vehicle access between proposed Landscape Areas "A" and "B" on the Phase 2 site plan prepared by RSS Architecture (Attachment "A-2") creates an odd angle approach at the intersection of the driveway and SE Marine

Science Drive. This creates a safety issues for vehicles at this location that can be resolved by joining the two landscape areas, which results in the access being closed (Attachment “E”). Vehicles would then utilize the access between Landscape Areas “C” and “D” further to the east where they can approach the internal driveway at a 90-degree angle. Staff discussed the change with the applicant, Oregon Brewing Company, Inc., who indicated they were comfortable with this change.

Considering the above, it is reasonable for the Planning Commission to find that the public facilities (sewer, fire service and street access) can adequately accommodate the proposed building expansion, provided the effluent monitoring system and hydrant are installed and the Phase 2 approach at the intersection with SE Marine Science Drive is modified, as noted.

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

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

The applicant notes that the Planning Commission has previously made several determinations that the proposed use complies with the underlying zone. An expansion to an allowed use is required to provide off-street parking in accordance with Chapter 14.14 of the Newport Municipal Code. The site plans show that this is being accommodated with new striped parallel spaces along the internal driveway adjacent to SE Marine Science Drive and with new stalls adjacent and perpendicular to the east face of the expanded building.

The site plans show the multi-use area east of the expanded brewery as being striped (Attachment “A-2”). This area has traditionally been used for dry camping and the agreement between the Port of Newport and Oregon Brewing Company, Inc. indicates that the Port is responsible for installing the striping (Attachment “A-4”). The striping arrangement shown appears to generally conform with the standards set forth in Chapter 14.14 of the Municipal Code; however, the plans have not been drawn at a scale where that can be definitively confirmed. Nonetheless, the plans are illustrative enough to show that it is feasible to stripe parking stalls and drive isles in a manner that meets city standards. If the area will continue to be used for dry camping or other parking then the striping needs to be done concurrent with the brewery project since the expanded structure disrupts the current striping arrangement. Alternatively, the Port of Newport may elect to remove the striping if the area will no longer be used for parking purposes.

Given the above, it is reasonable for the Planning Commission to find that this criterion has been satisfied provided the striping of the multi-use “dry camping” area is addressed, as discussed.

- (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 there will be no increase in delivery fleet vehicular traffic on adjacent streets as a result of the proposed building addition. Pedestrian and forklift traffic will occur internally between portions of the existing building and the proposed new construction. Two additional restrooms are proposed for the proposed new construction. The use of the new construction, just like a portion of the existing building use, is storage of beverages. Employees working in the new construction, just like now in the existing building, will be part of the overall workforce for Rogue Brewery in South Beach. The proposed building addition is a continuation of storage use currently in place in the existing building. More product storage space will not create additional/unreasonable noise, dust or air quality concerns.

Safety is a concern with respect to the proposed, odd angle vehicle approach at the intersection with SE Marine Science Drive with Phase 2; however, the applicant has indicated that they support closing that access and directing traffic further to the east as discussed in a previous finding.

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.

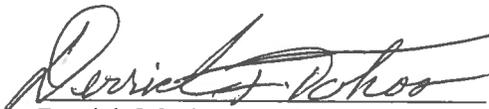
The applicant notes that the proposed building addition is being designed to mimic the motif and character of the existing Rogue Brewery warehouse aesthetic. The proposed building addition proportions, materials, and aesthetic character will be compatible with the existing Rogue Brewery warehouse and appear as if it and the existing building are one in the same and have always been one structure. Doing so will result in overall development character consistent with the area and adjacent structures.

Given the above, it is reasonable for the Planning Commission to find that the addition to the brewery building 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 can satisfy the approval criteria for a conditional use provided conditions are imposed as outlined below. Accordingly, the Commission should approve this request, subject to the following:

1. Approval of this land use permit is based on the submitted written narrative and plans listed as Attachments to this report. No work shall occur under this permit other than that which is specified within these documents. It shall be the responsibility of the applicant/property owner to comply with these documents and the limitations of approval described herein.
2. The applicant/owner shall install, at their expense, a monitoring station in the road right-of-way at a point prior to the service discharging to the sanitary sewer system. The vault and associated equipment shall conform to city standards for the purpose of monitoring effluent flow, BOD, pH, and temperature, and once installed is to be owned and operated by the City. The monitoring system is to be in place and operational prior to occupancy of the Phase 1 expansion.
3. The Phase 2 site plan shall be revised to show that landscaping will be installed between Landscape Areas "A" and "B" on the site plan prepared by RSS Architecture, dated February 2016. Vehicles would then utilize the access between Landscape Areas "C" and "D" further to the east where they can approach the internal driveway at a 90-degree angle. The revised site plan shall be included as part of the applicant's building plan review submittal.
4. The applicant/owner shall stripe the multi-use area east of the expanded brewery, in a manner consistent with Chapter 14.14 of the Municipal Code if the area is to continue to be used for parking purposes. Alternatively, the existing striping shall be removed if the area will no longer be used to park vehicles.
5. The applicant/owner shall coordinate with the Newport Fire Department on the placement of hydrants as part of plan review to ensure that the standards of the 2014 Oregon Fire Code are met.
6. Approval of this conditional use permit is valid for a period of five (5) years.



Derrick I. Tokos AICP  
Community Development Director  
City of Newport

February 19, 2016



## City of Newport Land Use Application

|  |   |
|--|---|
| Applicant Name(s):   | Property Owner Name(s) <i>if other than applicant</i> |
| Oregon Brewing Company, Inc.   | Port of Newport                                       |
| Applicant Mailing Address:   | Property Owner Mailing Address:                       |
| 2320 OSU Drive, Newport, OR 97365  | 600 Bay Boulevard, Newport, OR 97365                  |
| Applicant Phone No.  | Property Owner Phone No.                              |
| (541) 867-3660   | (541) 265-7758  |
| Applicant Email  | Property Owner Email                                  |
| misaacson@rogue.com  | kgreenwood@portofnewport.com                          |
| Authorized Representative(s): <i>Person authorized to submit and act on this application on applicant's behalf</i> |   |
| Dennis L. Bartoldus  |   |
| Authorized Representative Mailing Address:   |   |
| PO Box 1510, Newport, OR 97365   |   |
| Authorized Representative Telephone No.  |   |
| (541) 265-5400   |   |
| Authorized Representative Email: dennis@bartolduslaw.com   |   |

**Project Information**

|  |  |
|--|--|
| Property Location: <i>Street name if address # not assigned</i>  |  |
| 2320 OSU Drive, Newport, OR 97365  |  |
| Tax Assessor's Map No.: 11-11-17   | Tax Lot(s): South Portion of 111                             |
| Zone Designation: W-2  | Legal Description: <i>Add additional sheets if necessary</i> |
| Comp. Plan Designation: Shoreland  | See attached   |
| Brief description of Land Use Request(s):<br><i>Examples:</i>  |  |
| <ol style="list-style-type: none"> <li>1. Move north property line 5 feet south</li> <li>2. Variance of 2 feet from the required 15-foot front yard setback</li> </ol> |  |
| Existing Structures: if any  |  |
| Rogue Restaurant, Brewery and Warehouse  |  |
| Topography and Vegetation:   |  |
| Existing paved parking area generally sloping east to west with landscape islands  |  |

**Application Type (please check all that apply)**

|   |   |   |
|---|---|---|
| <input type="checkbox"/> Annexation<br><input type="checkbox"/> Appeal<br><input type="checkbox"/> Comp Plan/Map Amendment<br><input checked="" type="checkbox"/> Conditional Use Permit<br><input type="checkbox"/> PC<br><input type="checkbox"/> Staff<br><input type="checkbox"/> Design Review<br><input type="checkbox"/> Geologic Permit | <input type="checkbox"/> Interpretation<br><input type="checkbox"/> Minor Replat<br><input type="checkbox"/> Partition<br><input type="checkbox"/> Planned Development<br><input type="checkbox"/> Property Line Adjustment<br><input type="checkbox"/> Shoreland Impact<br><input type="checkbox"/> Subdivision<br><input type="checkbox"/> Temporary Use Permit | <input type="checkbox"/> UGB Amendment<br><input type="checkbox"/> Vacation<br><input type="checkbox"/> Variance/Adjustment<br><input type="checkbox"/> PC<br><input type="checkbox"/> Staff<br><input type="checkbox"/> Zone Ord/Map<br><input type="checkbox"/> Amendment<br><input type="checkbox"/> Other |
|---|---|---|

FOR OFFICE USE ONLY

|                       |                      |                            |
|-----------------------|----------------------|----------------------------|
| File No. Assigned:    |                      |                            |
| Date Received: 2-2-16 | Fee Amount: 768.00   | Date Accepted as Complete: |
| Received By: VM       | Receipt No. 1.033259 | 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.

|  |                 |
|--|-----------------|
| <i>Mike Isaacson</i>   | <i>2/2/2016</i> |
| Applicant Signature(s)   | Date            |
| <i>COO, Rogue Ales</i>   |                 |
| Property Owner Signature(s) (if other than applicant)            | Date            |
|  |                 |
| Authorized representative Signature(s) (if other than applicant) | 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.

PAGE ONE

**STATEMENT DESCRIBING THE NATURE OF REQUEST**  
**CONDITIONAL USE PERMIT APPLICATION**  
**OREGON BREWING, INCORPORATED**  
BREWERY WAREHOUSE ADDITION  
ROGUE BREWERY  
**RSS ARCHITECTURE, P.C.**  
ARCHITECT'S PROJECT NO. 1419

1. Oregon Brewing, Incorporated, commonly known as "Rogue Brewery" is submitting a conditional use permit application to add approximately 40,250 square feet of warehouse space to the existing brewery building on property it leases from the Port of Newport in South Beach. The application and request for approval is to allow expansion of existing beverage storage capacity at the subject site.
2. A warehouse is a permitted use in the W-2 zone. However, by virtue of initial brewery development being permitted by Conditional Use Permit 2-CU-92, and Condition 2 therein, any addition to the initially permitted brewery is required to be approved via a Planning Commission Type III Conditional Use decision process that includes a public hearing before the Planning Commission.

END OF NATURE OF REQUEST MEMO

PAGE ONE

November 25, 2015

**PLAN OF BUSINESS OPERATION**  
**CONDITIONAL USE PERMIT APPLICATION**  
**OREGON BREWING, INCORPORATED**  
BREWERY WAREHOUSE ADDITION/REMODEL  
ROGUE BREWERY  
**RSS ARCHITECTURE, P.C.**  
ARCHITECT'S PROJECT NO. 1419

1. Warehouse use in a W-2 zone is a permitted use.
2. A requirement for a Conditional Use Permit to develop this warehouse addition is imposed as a condition of previous Conditional Use Case File 2-CUP-92, permitting development of the original brewery.
3. Subsequent Conditional Use Permits, Case File 4-CUP-99, Case File 7-CUP-05, Case File 4-CUP-11, Case File 1-CUP-12 and 2-CUP-14, have been granted for expansion of the original brewery, which included addition of warehouse space.
3. Expansion of warehouse space proposed by this project, does not change the operation of the brewery as it currently exists. The existing Plan of Business Operation, noted in those previous conditional use permits, remains unchanged.

END OF PLAN OF BUSINESS OPERATION IN SUPPORT OF CONDITIONAL USE MEMO

**STATEMENT DESCRIBING UTILITY SERVICE MODIFICATIONS**  
**CONDITIONAL USE PERMIT APPLICATION**  
**OREGON BREWING, INCORPORATED**  
**BREWERY WAREHOUSE ADDITION**  
**ROGUE BREWERY**  
**RSS ARCHITECTURE, P.C.**  
**ARCHITECT'S PROJECT NO. 1419**

1.     **Wastewater:** There will be two restrooms near the east end of the proposed building. The waste is anticipated to be run into a sump and routed via a small diameter pressure drain line to the east into the existing sewer manhole south of the Rogue Distillery building. No other sewer related modifications are anticipated.
  
2.     **Water:** Public water main will be re-routed around the east end of the proposed building. The new water main will be installed from the east side of the building north to the existing parking lot north of the old boat ramp. This will be done after fill is placed and will provide a new loop in the system. A new connection will be required for the fire service line to the existing building. Existing water pipes and FDC within the footprint of the proposed building will be removed and relocated to the south. A new fire hydrant will be installed in the island southeast of the proposed building. New water main will be 8" PVC C900.
  
3.     **Storm Water:** Storm water will be collected in three catch basins in the fill area above the old boat ramp. Storm water will then be piped to an existing junction box in the access road on the north side of the proposed building, through a new 18" ductile iron pipe beneath the proposed to a junction box on the south side of the building. The ductile iron pipe beneath the building will be wrapped and encased in concrete. The slope of the storm drain lines will not be less than 0.5%. Along the south side of the new building will be a new drain line to connect roof runoff and a sump drain at the bottom of the truck ramp.

END OF UTILITY SERVICE MEMO

**FINDINGS OF FACT**  
**CONDITIONAL USE PERMIT APPLICATION**  
**OREGON BREWING, INCORPORATED**  
 BREWERY WAREHOUSE ADDITION/REMODEL  
 ROGUE BREWERY  
**RSS ARCHITECTURE, P.C.**  
 ARCHITECT'S PROJECT NO. 1419

1. Oregon Brewing, Incorporated, commonly known as "Rogue Brewery" is submitting a conditional use permit application to add approximately 40,250 square feet of warehouse space to the existing brewery complex on property it leases from the Port of Newport in South Beach. The addition will be located and attached to the existing brewery warehouse which is located on the south side of Tax Lot 111. A map/site plan is included as part of the application showing the location of the existing buildings on site and the location of the proposed warehouse addition.
2. Rogue Brewery originally obtained a conditional use permit from the City of Newport Planning Commission in 1992 to locate a brewing facility at its present location in South Beach. That permit was granted in Case File 2-CUP-92. In 1999 Rogue Brewery applied for and was granted a conditional use permit to increase the size of the eating and drinking capacity of the facility. That permit was approved September 13, 1999 as Case File 4-CUP-99. In 2005 another conditional use permit was approved, Case File 7-CUP-05, granting permission to allow further expansion of the existing facility. As part of the 2005 expansion a tasting room with retail sales was permitted at what was known as the South Beach Marine Store. Storage and office facilities were also permitted in another building - the Serven Marine Building. In 2011 the City of Newport Planning Commission approved another conditional use permit application, Case File 4-CUP-11, to allow expansion of the existing brewery building, with previously permitted expansions, by approximately 20,000 square feet. In 2012 the City of Newport Planning Commission approved a conditional use permit, Case File No. 1-CUP-12, to include a still/distillery in a portion of the former Serven Marine Building. Finally, in 2014 the City of Newport Planning Commission approved a conditional use permit, Case File 2-CUP-14, to allow expansion of the Serven Marine Building by approximately 10,600 square feet.
3. The City of Newport Zoning Ordinance permits warehouses in a W-2 zone. Condition 2 of Case File 2-CUP-92 requires that any expansion of the existing brewery, even if permitted outright, is to obtain a Conditional Use Permit. This is the premise and authorization under which previous conditional use applications have been approved for the Rogue Brewery. The proposed building addition addressed by this application will be used for warehouse storage purposes.
4. The use being proposed for this conditional use application permit is already existing at the Rogue facility in South Beach. The addition of warehouse space to the existing building is a continuation of like uses - warehouse storage space.
5. Section 2-5-3.025 of the Newport Zoning Ordinance sets forth criteria for approval of a conditional use permit applications. Those criteria and the addressing of the same are set forth below.

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

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

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

**FINDINGS OF FACT**  
**CONDITIONAL USE PERMIT APPLICATION**  
**OREGON BREWING, INCORPORATED**  
 BREWERY WAREHOUSE ADDITION/REMODEL  
 ROGUE BREWERY  
**RSS ARCHITECTURE, P.C.**  
 ARCHITECT'S PROJECT NO. 1419

5. (continued)

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

As indicated above, the City of Newport Planning Commission has previously made several determinations the proposed use complies with the underlying zone.

- c) *That 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. (For purpose of this criterion, "adverse impact" is the potential adverse physical impact of a proposed Conditional Use including but not limited to, traffic beyond the carrying capacity of the street, unreasonable noise, dust, or loss of air quality).*

There will be no increase in delivery fleet vehicular traffic on adjacent streets as a result of the proposed building addition.

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

Two additional restrooms are proposed for the proposed new construction.

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

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

The proposed building addition is a continuation of storage use currently in place in the existing building. More product storage space will not create additional/unreasonable noise, dust or air quality concerns.

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

The proposed building addition is being designed to mimic the motif and character of the existing Rogue Brewery warehouse aesthetic. The proposed building addition proportions, materials, and aesthetic character will be compatible with the existing Rogue Brewery warehouse and appear as if it and the existing building are one in the same and have always been one structure. Doing so will result in overall development character consistent with the area and adjacent structures.

END OF FINDINGS OF FACT IN SUPPORT OF CONDITIONAL USE MEMO



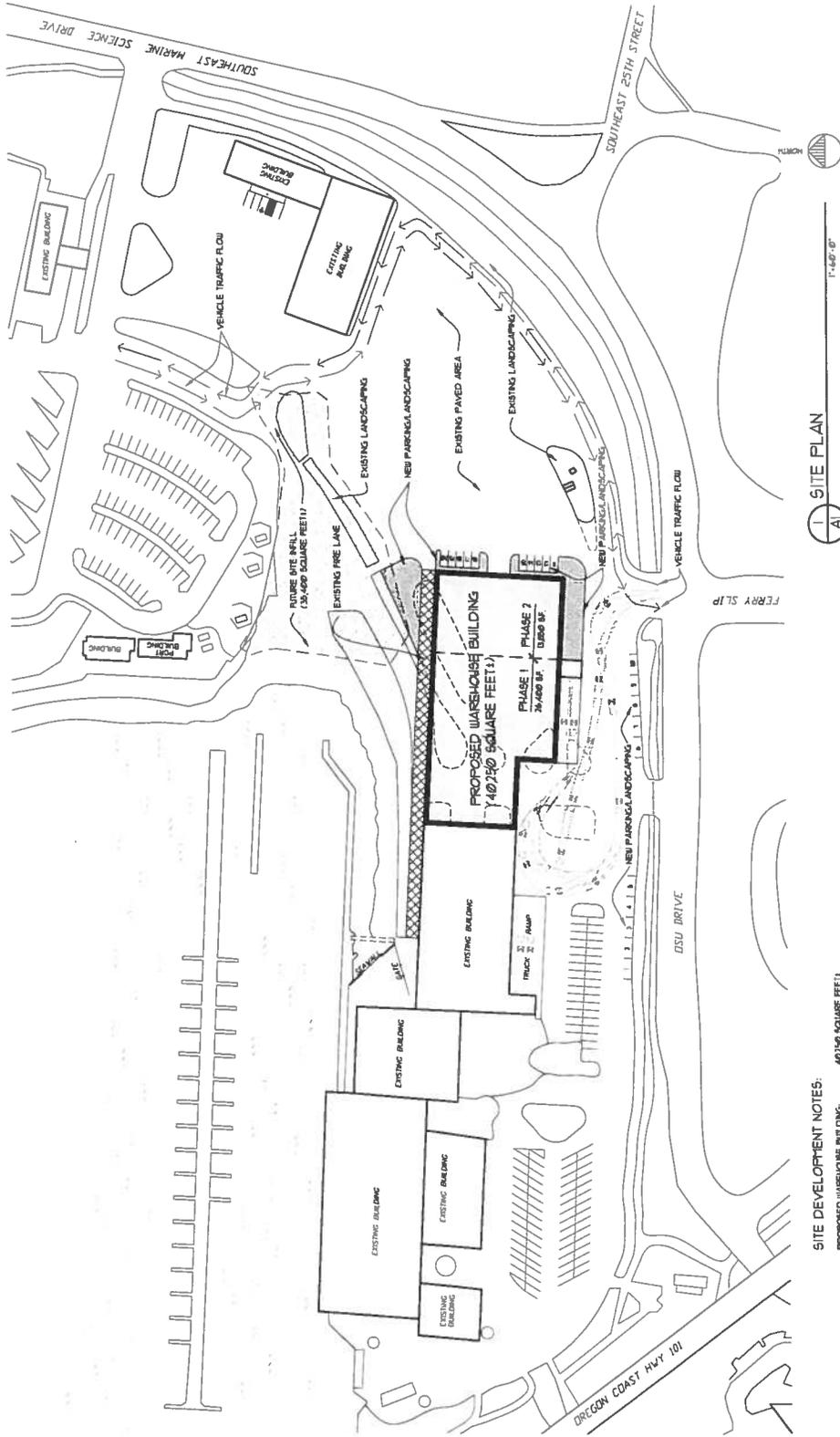
DATE BY: CHD  
 CHECKED: CHD  
 APPROVED: CHD  
 PROJECT NO. 2007-005

PROPOSED STORAGE/ SHIPPING WAREHOUSE BUILDING  
 FOR  
 ROGUE BREWERY  
 2320 OSU DRIVE  
 NEWPORT, OR 97135

REVISIONS

A PROFESSIONAL CORPORATION  
 2225 COUNTRY CLUB ROAD  
 WOODBURN, OREGON 97071  
 (503) 982-1211

PROJECT NO. 2007-005  
 DATE: NOV. 2005  
 DRAWING NO. A1 26



1 SITE PLAN  
 1"=60'-0"

- SITE DEVELOPMENT NOTES:**
- PROPOSED WAREHOUSE BUILDING: 40,200 SQUARE FEET
  - REQUIRED PARKING: 20 SPACES
  - PARKING LANDSCAPING (SUN): 475 SQUARE FEET (30% OF ALL LANDSCAPING AREA NEEDED FOR NEW PARKING (5% TRIBUT) REQUIRED)
  - LANDSCAPING: REMOVED: 13,461 SQUARE FEET  
 ADDED: 1,071 SQUARE FEET

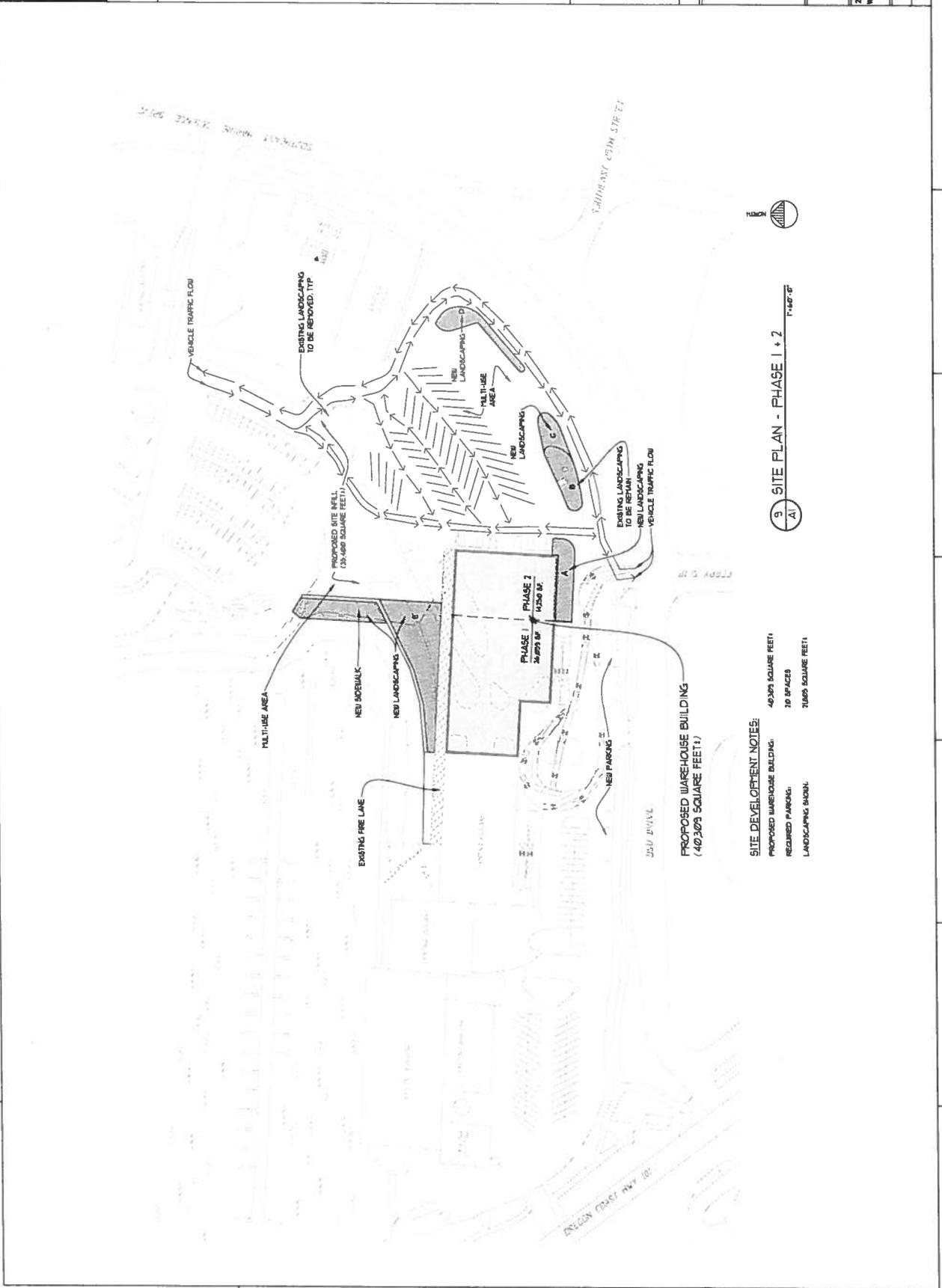
DATE: 08/11/2011  
 DRAWN BY: CAG  
 CHECKED BY: JAG  
 PROJECT NO.: 11010  
 SHEET NO.: 11010-1111  
 APPROVED: [Signature]

PROPOSED STORAGE/ SHIPPING WAREHOUSE BUILDING  
 FOR  
 ROGUE BREWERY  
 2320 OSU DRIVE  
 NEWPORT, OR 97365



REVISIONS

A PROFESSIONAL CORPORATION  
 2225 COUNTRY CLUB ROAD  
 WOODBURY, OREGON 97071  
 PROJECT NO. 11010-1111  
 SHEET NO. 11010-1111  
 DATE: 08/11/2011  
 DRAWN BY: CAG  
 CHECKED BY: JAG  
 PROJECT NO.: 11010



**PROPOSED WAREHOUSE BUILDING**  
 (40,000 SQUARE FEET)

**PROPOSED WAREHOUSE BUILDING:** 40,000 SQUARE FEET  
**REQUIRED PARKING:** 70 SPACES  
**LANDSCAPING WORK:** 2,000 SQUARE FEET

9 SITE PLAN - PHASE 1 + 2  
 A1

**555** ARCHITECTS

2225 COUNTRY CLUB ROAD  
WOODBURN, OREGON 97071  
(503) 963-1211

PROJECT NO. 148  
DATE: NOV. 2009

CLIENT: D&L BUILDERS, INC.  
2320 OSU DRIVE  
NEURO  
CN 97365

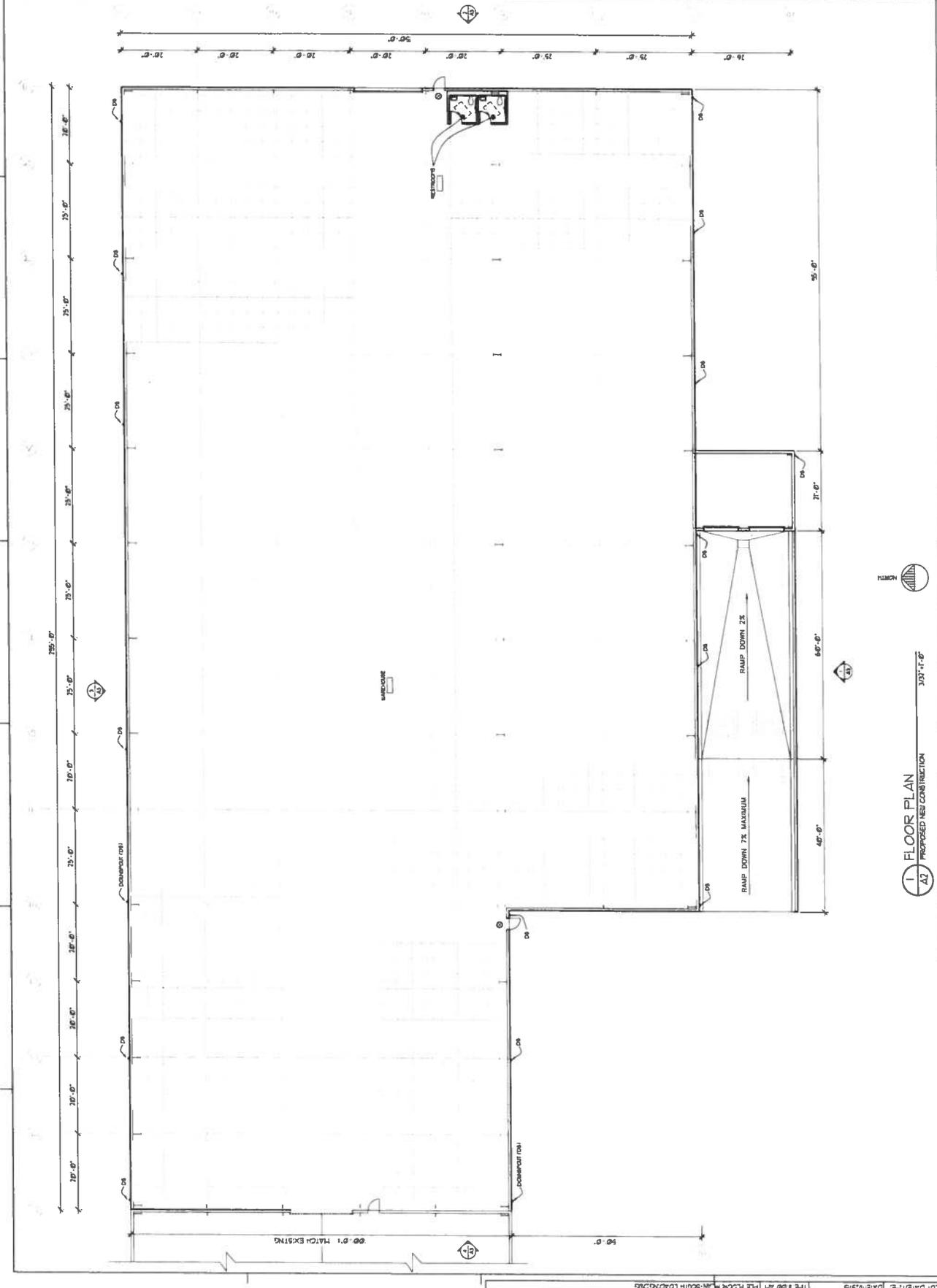
OWNER: ROGUE BREWERY  
SHIPPING WAREHOUSE

**REVISIONS**

**A PROFESSIONAL CORPORATION**  
2225 COUNTRY CLUB ROAD  
WOODBURN, OREGON 97071  
(503) 963-1211

PROJECT NO. 148  
DATE: NOV. 2009

**A2 28**



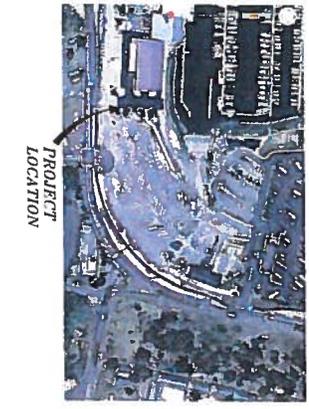
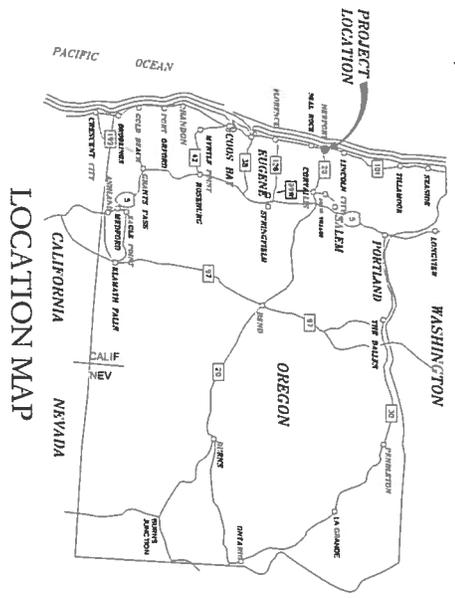
**1 FLOOR PLAN**  
A1 PROPOSED NEW CONSTRUCTION 3/01-11/09

**ROGUE BREWERY**  
NICOLN COUNTY, OREGON

# PROJECT

**ROGUE BREWERY**  
**DSL BUILDERS**  
**NEWPORT OREGON**

PROJECT NO. 1303  
DECEMBER 2015



VICINITY MAP  
NOT TO SCALE

| SHEET INDEX                        |  |
|------------------------------------|--|
| <b>GENERAL</b>                     |  |
| G0 - Cover Sheet                   |  |
| G1 - General Notes & Abbreviations |  |
| G2 - Callout Ref. & Legend         |  |
| <b>CIVIL SHEETS</b>                |  |
| C1 - Existing Utility Site Plan    |  |
| C2 - Demolition Plan               |  |
| C3 - Proposed Utility Plan         |  |
| <b>DETAIL SHEETS</b>               |  |
| D1 - _____                         |  |

|   |  |   |   |             |
|---|--|---|---|-------------|
| Date: _____ Sheet No.: <b>GO</b><br>February 16 | DSL BUILDERS-ROGUE BREWERY<br>Newport Oregon | REV    DATE    DESCRIPTION    BY  | Civil West<br>Engineering Services, Inc.<br>809 SW Hubert St.<br>Newport, Oregon 97385<br>541-296-8601<br>www.civilwest.com | PRELIMINARY |
|   | DSL BUILDERS-ROGUE BREWERY<br>Cover Sheet    | Designed By: MW    Drawn By: JS    Checked By: MNWAC<br>Project No: 1303 CSL BUILDERS |   |             |

**GENERAL NOTES**

OREGON LAW REQUIRES YOU TO FOLLOW THE RULES ADOPTED BY THE OREGON UTILITY NOTIFICATION CENTER. THOSE RULES ARE SET FORTH IN OAR 850.001-020 THROUGH 850.020 AND OAR 750.942 THROUGH OAR 750.942 AND OAR 750.950. YOU MAY OBTAIN COPIES OF THE RULES FROM THE CENTER BY CALLING (503) 248-1809.

THE CONTRACTOR SHALL CONTACT THE CALL FOR UTILITY LOCATES PRIOR TO EXCAVATION. (1-800-332-2344)

THE EXISTING UTILITIES, CROSSINGS OF THE PRELINES ARE SHOWN ACCORDING TO AVAILABLE INFORMATION. THE CONTRACTOR SHALL VERIFY THE LOCATION AND ELEVATION OF ALL THE EXISTING UTILITIES ALONG THE LENGTH OF THE PRELINES AS SPECIFIED. NO GUARANTEE IS MADE THAT ALL OF THE EXISTING UTILITIES ARE SHOWN. THE CONTRACTOR SHALL EXERCISE CAUTION WHEN EXCAVATING AND PROTECT ALL EXISTING UTILITIES FROM DAMAGE DURING HIS OPERATIONS.

OVERHEAD ELECTRICAL DISTRIBUTION SYSTEMS ARE NOT SPECIFICALLY INDICATED ON THE DRAWINGS BUT DO EXIST ALONG THE PIPELINE ROUTE.

EXISTING WATER METERS BOXES AND VALVES ARE NOT SPECIFICALLY INDICATED ON THE DRAWINGS BUT DO EXIST ALONG THE PRELINE ROUTE. CONTRACTOR SHALL LOCATE PRIOR TO THE START OF CONSTRUCTION.

THE LOCATION AND DEPTH SHOWN ON THESE DRAWINGS FOR THE EXISTING WATERLINES ARE APPROXIMATE ONLY AND LOCATING THE MAJORITY OF EXISTING WATERLINES AND EXISTING WATERLINES MAY BE IN CLOSE PROXIMITY TO NEW WATERLINE ROUTES.

CONTRACTOR SHALL REMOVE AND LOCATE EXISTING WATERLINES PRIOR TO PLACEMENT OF NEW WATERLINES. EXISTING WATERLINES SHALL REMAIN IN SERVICE AND BE PROTECTED IN PLACE UNTIL COMPLETION OF NEW WATERLINES. CONTRACTOR SHALL PROVIDE TEMPORARY CONNECTIONS AS REQUIRED TO MAINTAIN CONTINUED SERVICE TO CUSTOMERS UNTIL COMPLETION OF NEW WATERLINE.

AFTER COMPLETION OF NEW WATERLINES AND ALL TESTING AND CONNECTIONS HAVE BEEN MADE, DESIGNATED PORTIONS OF THE EXISTING WATERLINES ARE TO BE ABANDONED IN PLACE. REMOVE TEMPORARY CONNECTIONS, EXISTING VALVES, COVERS AND PROVIDE END CAPS OR PLUGS AS REQUIRED FOR ABANDONMENT.

THE PIPELINE PROFILES HAVE BEEN MARKED TO INDICATE THE REQUIRED BACKFILL CLASSES (A, B, & E) SEE TECHNICAL SPECIFICATION FOR SPECIFIC BACKFILL MATERIAL REQUIREMENTS.

WHERE NO RECORD WAS AVAILABLE TO INDICATE THE ELEVATION OF AN EXISTING UTILITY A MINIMUM CORNER OF ESTIMATED UTILITY LOCATIONS WHICH ARE INDICATED ON THE PROFILE DRAWINGS.

CONTRACTOR SHALL INSTALL NEW WATERLINES WITH A MINIMUM CLEARANCE OF 6 FEET AT ALL CROSSINGS TO EXISTING UTILITIES. THE MINIMUM CLEARANCE SHALL BE 10 FEET AT ALL CROSSINGS TO EXISTING POWER LINES OR SHOW, OR AS APPROVED BY THE ENGINEER. A MINIMUM CLEARANCE IS NOT REQUIRED WHERE NEW WATERLINE WILL BE DIRECTLY INTO THE EXISTING WATERLINE AT SAND CROSSING.

ALL MATERIALS IN CONTACT WITH WATER SHALL BE USF 61 APPROVED.

ALL MATERIALS AND WORKMANSHIP SHALL CONFORM TO THE PROJECT DESIGN SPECIFICATIONS AND DRAWINGS. THESE DRAWINGS SHALL BE WORKMANSHIP AND USED IN CONJUNCTION WITH THE TECHNICAL SPECIFICATIONS AND APPROVED SUBMITTALS.

CONSTRUCTION PERMITS AS REQUIRED FROM LINCOLN COUNTY ROAD DEPARTMENT TO WORK WITHIN THE RIGHT-OF-WAY SHALL BE OBTAINED BY THE OWNER PRIOR TO THE START OF CONSTRUCTION.

**GENERAL ABBREVIATIONS**

|        |                                 |       |                          |
|--------|---------------------------------|-------|--------------------------|
| AC     | PAVEMENT                        | MI    | MECHANICAL JOINT         |
| BFV    | BUTTERFLY VALVE                 | NG    | NATURAL GAS              |
| BLDG   | BUILDING                        | OF    | OVERFLOW                 |
| CB     | CATCH BASIN                     | PC    | PRECAST                  |
| CPLG   | COUPLING                        | PFC   | POLY VINYL CHLORIDE PIPE |
| CTR    | CENTER                          | RAW   | RAW SEWAGE               |
| CIW    | CITY WATER (NONPOTABLE)         | RIW   | RIGHT OF WAY             |
| CMW    | CITY WATER (POTABLE)            | RS    | RAV WATER                |
| D      | DRAIN                           | RW    | REQUIRED WATER           |
| D      | DUCTILE IRON                    | SD    | STORM DRAIN              |
| EXISTS | EXISTING                        | SHW   | SHRINKY                  |
| FI     | FIRE HYDRANT                    | STA   | STATION                  |
| FL     | FLANGE                          | SW    | SIDEWALK                 |
| FM     | FORCE MAIN                      | TD    | TANK DRAIN               |
| GV     | GATE VALVE                      | TRANS | TRANSITION               |
| HDD    | HORIZONTAL DIRECTIONAL DRILLING | V     | VENT                     |
| HDP    | HORIZONTAL DIRECT PULL          | VC    | VERT (CHEMICAL)          |
| HP     | HORIZONTAL PULL                 | WC    | WATER CHEMICAL           |
| HS     | HAND SAVED                      | WM    | WATER METER              |
| HSG    | HIGH PRESSURE SLUDGE GAS        | WV    | WATER VALVE              |
| MH     | MANHOLE                         |       |                          |

**GRADING ABBREVIATIONS**

|     |                  |
|-----|------------------|
| BC  | BEGIN CURVE      |
| BM  | BENCH MARK       |
| EC  | END CURVE        |
| ECC | EDGE OF CONCRETE |
| EL  | ELEVATION        |
| IP  | IRON PIPE        |
| LIP | LIP OF GUTTER    |
| SE  | SPOT ELEVATION   |
| TBC | TOP BACK OF CURB |
| TG  | TOP OF GRATE     |
| TOB | TOP OF BANK      |
| TOC | TOP OF CURB      |
| TW  | TOP OF WALL      |

| <p>DSL BUILDERS-ROGUE BREWERY<br/>Newport Oregon</p> <p>DSL BUILDERS-ROGUE BREWERY</p> <p>General Notes + Abbreviations</p> | <table border="1"> <tr><th>REV.</th><th>DATE</th><th>DESCRIPTION</th><th>BY</th></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> </table> <p>Designed By: AC      Drawn By: JS      Checked By: AC</p> <p>Project No: 2704-001</p> | REV.        | DATE | DESCRIPTION | BY |  |  |  |  |  |  |  |  |  |  |  |  |
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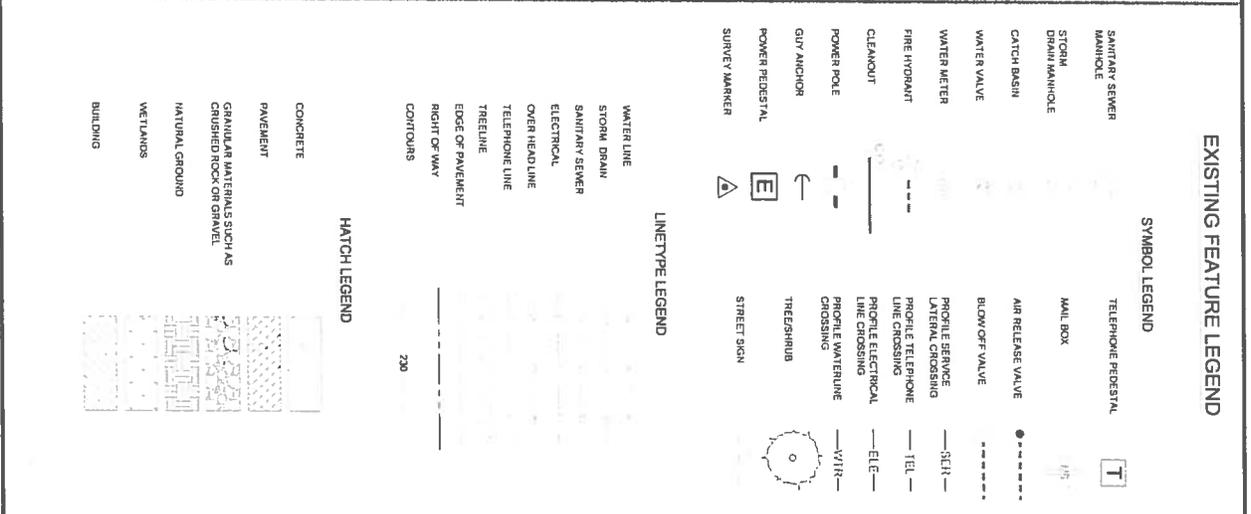
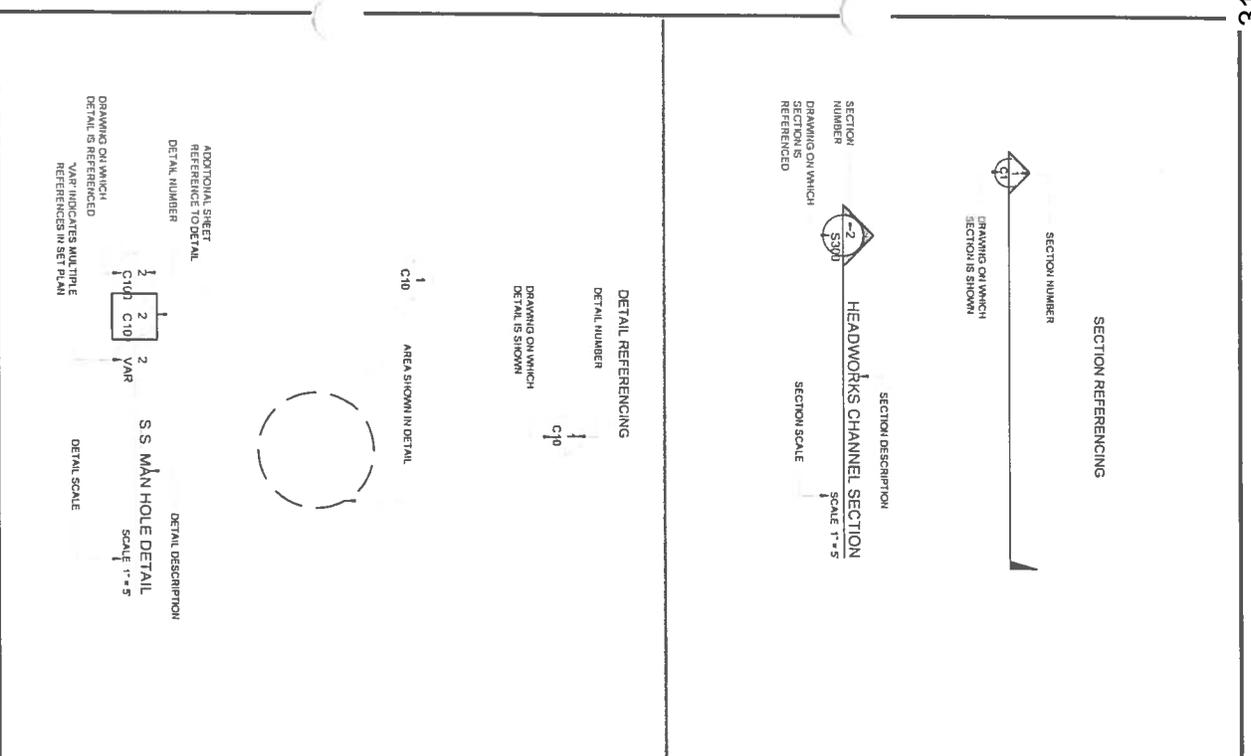
**Civil West**  
Engineering Services, Inc.



609 SW Hubert St.  
Newport, Oregon 97365

541-266-8601  
www.civilwest.com

**PRELIMINARY**



EXISTING FEATURE LEGEND

- SYMBOL LEGEND**
- SANITARY SEWER MANHOLE
  - STORM DRAIN MANHOLE
  - CATCH BASIN
  - WATER VALVE
  - WATER METER
  - FIRE HYDRANT
  - CLEANOUT
  - POWER POLE
  - GUY ANCHOR
  - POWER PEDestal
  - SURVEY MARKER
  - TELEPHONE PEDestal
  - MAIL BOX
  - AIR RELEASE VALVE
  - BLOW OFF VALVE
  - PROPEL SERVICE LATERAL CROSSING
  - PROPEL TELEPHONE LINE CROSSING
  - PROPEL ELECTRICAL LINE CROSSING
  - PROPEL WATERLINE CROSSING
  - TREESHURB
  - STREET SIGN
  - WATER LINE
  - STORM DRAIN
  - SANITARY SEWER
  - ELECTRICAL
  - OVER HEAD LINE
  - TELEPHONE LINE
  - TREELINE
  - EDGE OF PAVEMENT
  - RIGHT OF WAY
  - CONTOURS

NEW FEATURE LEGEND

- SYMBOL LEGEND**
- SANITARY SEWER MANHOLE
  - STORM DRAIN MANHOLE
  - CATCH BASIN
  - WATER VALVE
  - WATER METER
  - FIRE HYDRANT
  - CLEANOUT
  - TELECROSS FITTING
  - ELBOW FITTING
  - REDUCER FITTING
  - MERCHANAL JOINT ADAPTER
  - AIR RELEASE VALVE
  - BLOW OFF VALVE
  - MAIL BOX
  - ANCHOR WALL
  - WATER LINE
  - STORM DRAIN
  - SANITARY SEWER
  - ELECTRICAL
  - OVER HEAD LINE
  - TELEPHONE LINE
  - CONTOURS
  - CONCRETE
  - PAVEMENT
  - GRANULAR MATERIALS SUCH AS CRUSHED ROCK OR GRAVEL
  - CLIFF OR RILL SLOPE ARROWS
  - POINT DOWN SLOPE
  - GRADING SLOPE 2 HORIZONTAL 1 VERTICAL
  - EXISTING GRADE SPOT ELEVATION
  - FINISH GRADE SPOT ELEVATION

LINE TYPE LEGEND

- WATER LINE
- STORM DRAIN
- SANITARY SEWER
- ELECTRICAL
- OVER HEAD LINE
- TELEPHONE LINE
- TREELINE
- EDGE OF PAVEMENT
- RIGHT OF WAY
- CONTOURS

LINE TYPE LEGEND

- WATER LINE
- STORM DRAIN
- SANITARY SEWER
- ELECTRICAL
- OVER HEAD LINE
- TELEPHONE LINE
- CONTOURS
- CONCRETE
- PAVEMENT
- GRANULAR MATERIALS SUCH AS CRUSHED ROCK OR GRAVEL

HATCH LEGEND

- CONCRETE
- PAVEMENT
- GRANULAR MATERIALS SUCH AS CRUSHED ROCK OR GRAVEL
- NATURAL GROUND
- WETLANDS
- BUILDING

HATCH LEGEND

- CONCRETE
- PAVEMENT
- GRANULAR MATERIALS SUCH AS CRUSHED ROCK OR GRAVEL

GRADING LEGEND

- CLIFF OR RILL SLOPE ARROWS
- POINT DOWN SLOPE
- GRADING SLOPE 2 HORIZONTAL 1 VERTICAL
- EXISTING GRADE SPOT ELEVATION
- FINISH GRADE SPOT ELEVATION

**DSL BUILDERS-ROGUE BREWERY**  
Newport Oregon

**DSL BUILDERS-ROGUE BREWERY**  
Calcut Ref. + Legend

**Civil West**  
Engineering Services, Inc.

809 SW Hubert St.  
Newport, Oregon 97365

541-268-8601  
www.civilwest.com

| REV. | DATE | DESCRIPTION | BY |
|------|------|-------------|----|
|      |      |             |    |

Designed By: AC

Drawn By: JS

Checked By: AC

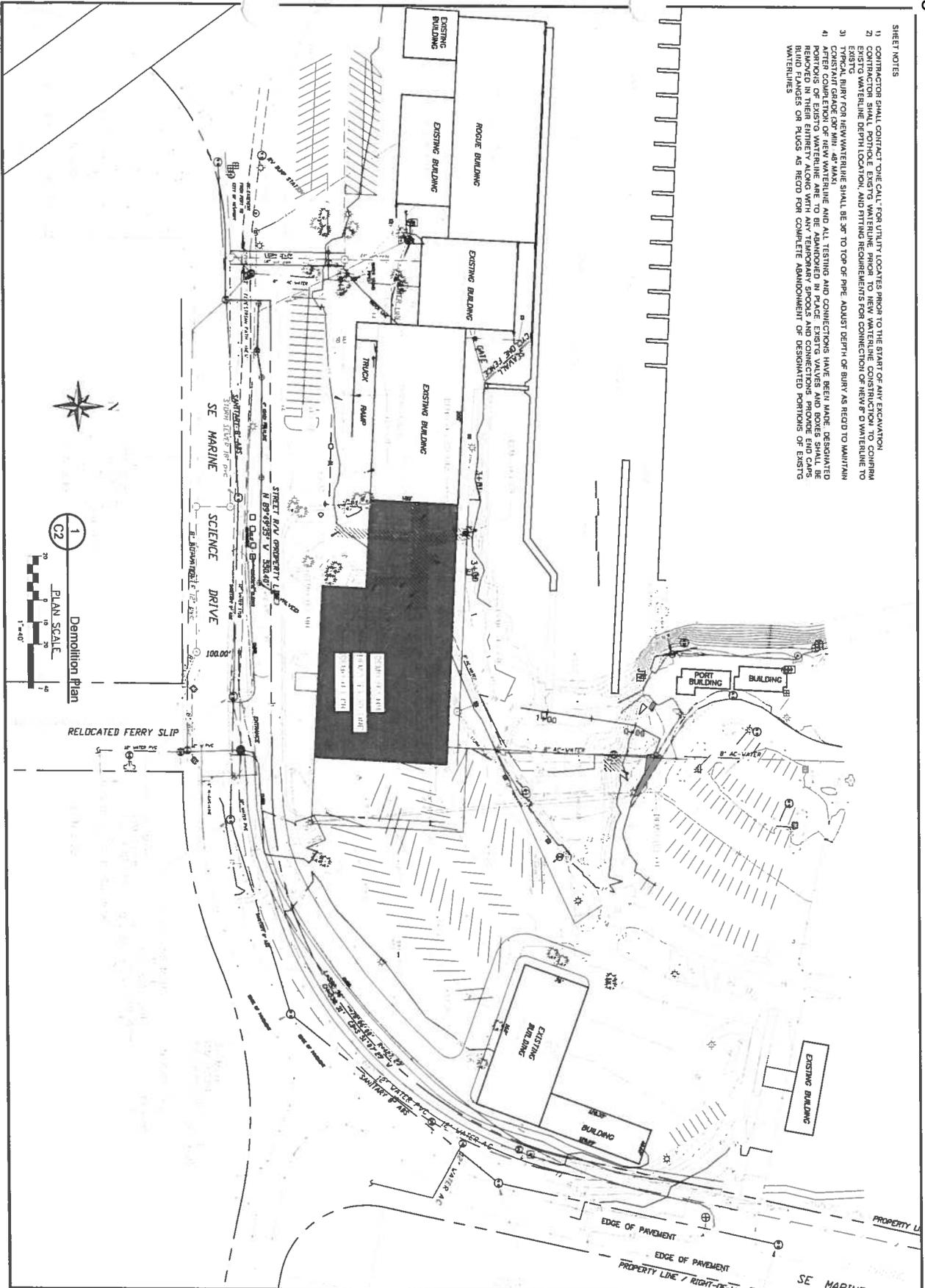
Project No: 2704-001

February 16

PRELIMINARY

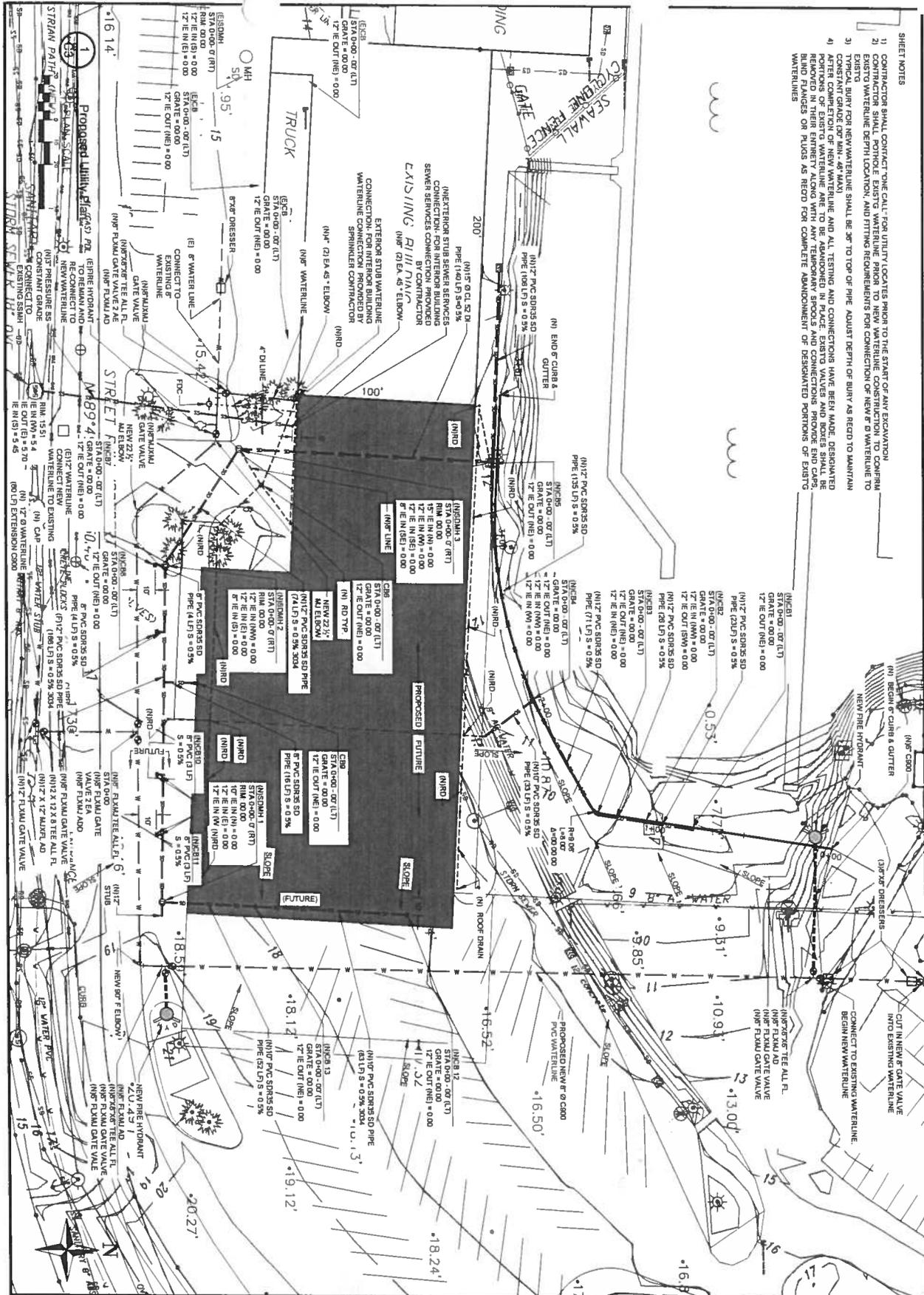


- SHEET NOTES**
- 1) CONTRACTOR SHALL CONTRACT ONE CALL FOR UTILITY LOCATES PRIOR TO THE START OF ANY EXCAVATION.
  - 2) EXISTING WATERLINE DEPTH LOCATION, AND FITTING REQUIREMENTS FOR CONNECTION OF NEW 8" WATERLINE TO EXISTING.
  - 3) TYPICAL BURY FOR NEW WATERLINE SHALL BE 36" TO TOP OF PIPE. ADJUST DEPTH OF BURY AS NEED TO MAINTAIN AFTER COMPLETION OF NEW WATERLINE AND ALL TESTING AND CONNECTIONS HAVE BEEN MADE. DESIGNATED PORTIONS OF EXISTING WATERLINE ARE TO BE ABANDONED IN PLACE. EXISTING VALVES AND BOXES SHALL BE REMOVED IN THEIR ENTIRETY ALONG WITH ANY TEMPORARY SPOOLS AND CONNECTIONS PRIOR TO END OF EXISTING WATERLINES OR PILES AS READ FOR COMPLETE ABANDONMENT OF DESIGNATED PORTIONS OF EXISTING WATERLINES.



| Date: February 16<br>Sheet No: C2 | DSL BUILDERS-ROGUE BREWERY<br>Newport Oregon                              | <table border="1"> <thead> <tr> <th>REV.</th> <th>DATE</th> <th>DESCRIPTION</th> <th>BY</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table> | REV.        | DATE | DESCRIPTION | BY |  |  |  |  | <p><b>Civil West</b><br/>Engineering Services, Inc.</p> <p>609 SW Hubert St<br/>Newport, Oregon 97365</p> <p>541-266-8601<br/>www.civilwest.com</p> | <p><b>PRELIMINARY</b></p> |
|-----------------------------------|---|--|-------------|------|-------------|----|--|--|--|--|---|---------------------------|
|                                   | REV.  | DATE   | DESCRIPTION | BY   |             |    |  |  |  |  |   |                           |
|                                   |   |  |             |      |             |    |  |  |  |  |   |                           |
| DSL BUILDERS-ROGUE BREWERY        | Designed By: AC<br>Drawn By: JS<br>Checked By: AC<br>Project No: 2704-001 |  |             |      |             |    |  |  |  |  |   |                           |
| Demolition Plan                   |   |  |             |      |             |    |  |  |  |  |   |                           |

- SHEET NOTES**
- 1) CONTRACTOR SHALL CONTACT THE CALLER FOR UTILITIES LOCATED PRIOR TO THE START OF ANY EXCAVATION.
  - 2) CONTRACTOR SHALL VERIFY EXISTING WATERLINE PRIOR TO NEW WATERLINE CONSTRUCTION TO CONFIRM EXISTING WATERLINE DEPTH LOCATION, AND FITTING REQUIREMENTS FOR CONNECTION OF NEW #8 WATERLINE TO EXISTING WATERLINE.
  - 3) TYPICAL BURY FOR NEW WATERLINE SHALL BE 36" TO TOP OF PIPE. ADJUST DEPTH OF BURY AS REQUIRED TO MAINTAIN PROPER COVER OVER WATERLINE.
  - 4) AFTER COMPLETION OF NEW WATERLINE AND ALL TESTING AND CONNECTIONS HAVE BEEN MADE DESIRED PORTIONS OF EXISTING WATERLINE ARE TO BE REMOVED IN PLACE. EXISTING VALVES AND BOXES SHALL BE REMOVED IN THEIR ENTIRETY ALONG WITH ANY TEMPORARY SPOOLS AND CONNECTIONS PROVIDED FOR THE PROJECT. ALL FLUES AS NOTED FOR COMPLETE REMOVAL OR DEBRIS/REPAIRS OF EXISTING WATERLINES.



**DSL BUILDERS-ROGUE BREWERY**  
Newport Oregon

**DSL BUILDER (ROGUE BREWERY)**

**Proposed Utility Plan**

February 16

| REV. | DATE | DESCRIPTION | BY |
|------|------|-------------|----|
|      |      |             |    |
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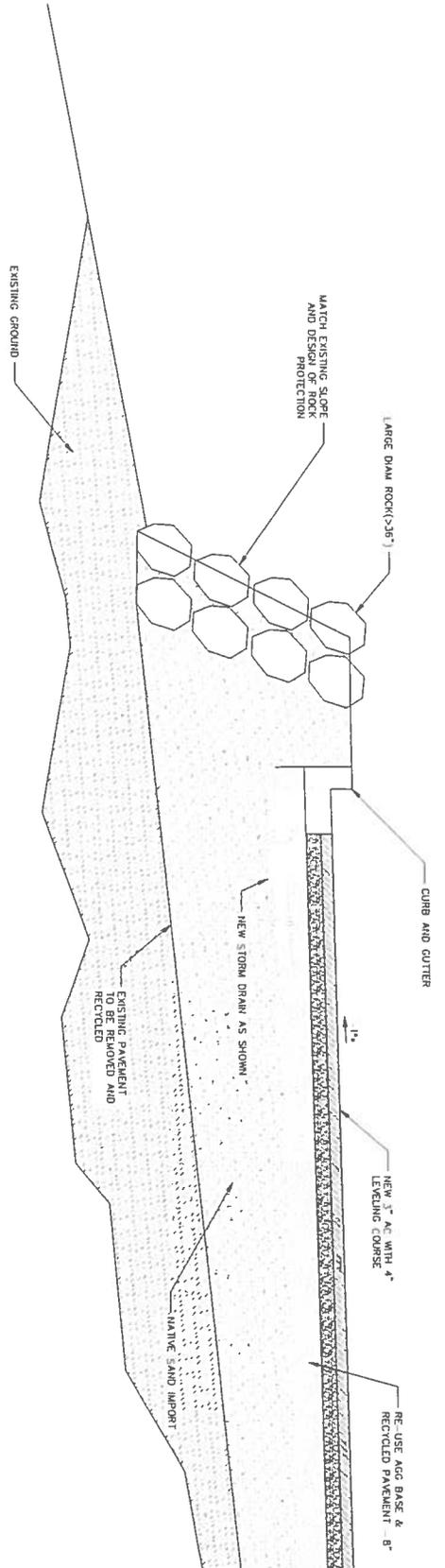
Designed By: LWW    Drawn By: JS    Checked By: MAI/AC  
Project No: 1303-DSL BUILDERS

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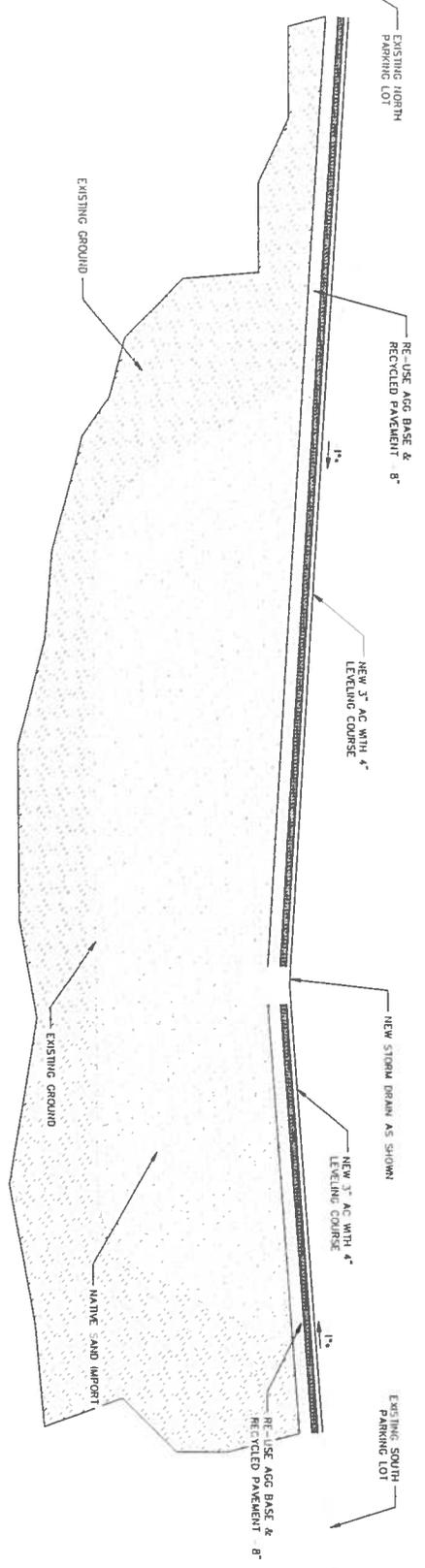
609 SW Hubert St  
Newport, Oregon 97365

541-266-8601  
www.civilwest.com

**PRELIMINARY**



1 EAST TO WEST CROSS SECTION  
 PLAN SCALE  
 CS1  
 20 10 0 10 20  
 HGT TO SCALE



2 NORTH TO SOUTH CROSS SECTION  
 PLAN SCALE  
 CS1  
 20 10 0 10 20  
 HGT TO SCALE

|                               |  |                  |
|-------------------------------|--|------------------|
| Date Sheet No.                | DSL BUILDERS-ROGUE BREWERY<br>Newport Oregon |                  |
|                               | DSL BUILDER (ROGUE BREWERY)                  |                  |
| CROSS SECTIONAL VIEWS         |  |                  |
| Designed By: MW               | Drawn By: JS                                 | Checked By: MWAC |
| Project No: 1303 CSL BUILDERS |  |                  |

**Civil West**  
 Engineering Services, Inc.

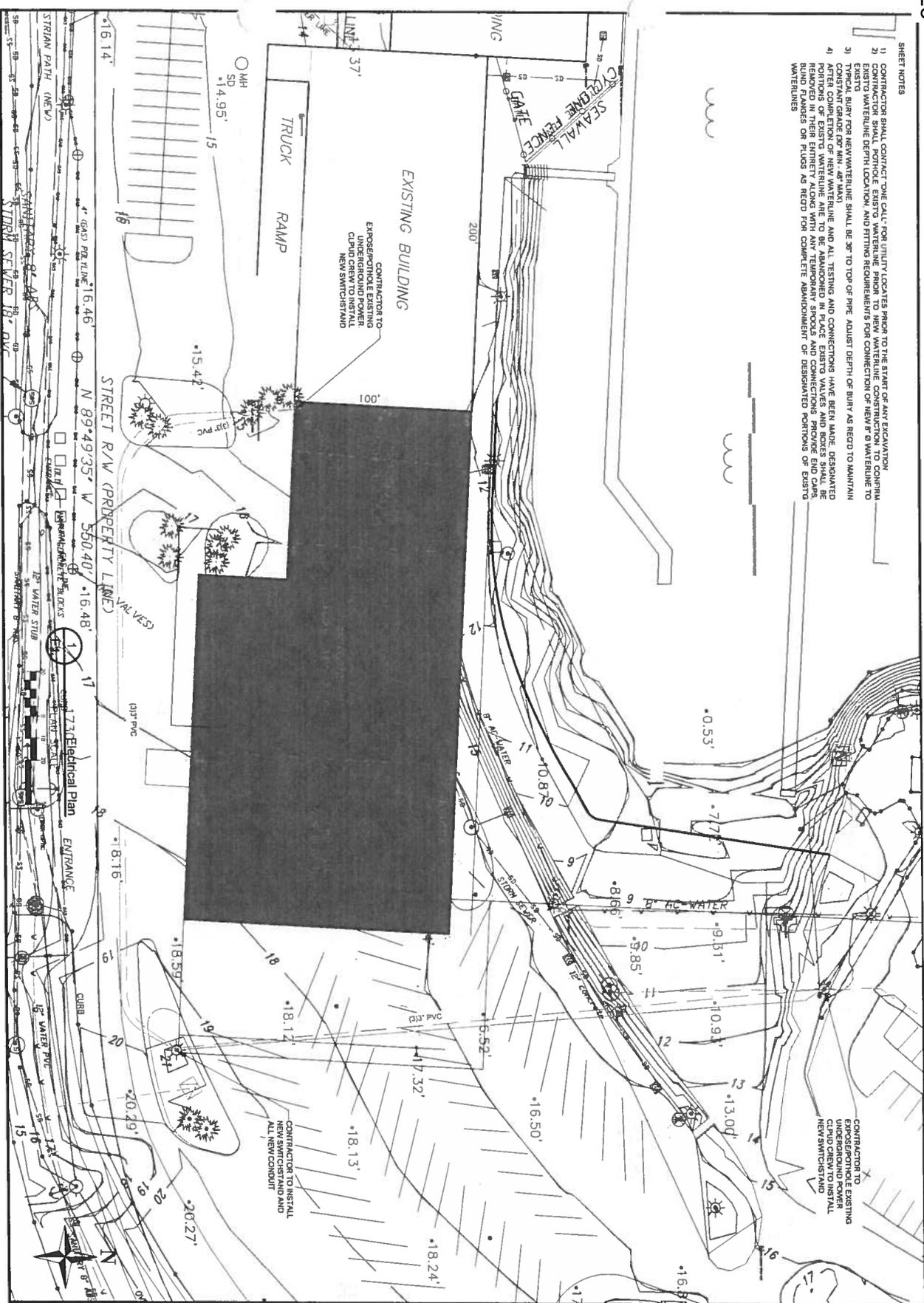
609 SW Hurbert St.  
 Newport, Oregon 97385

541-268-8601  
 www.civilwest.com

PRELIMINARY



- SHEET NOTES**
- 1) CONTRACTOR SHALL CONTACT "ONE CALL" FOR UTILITY LOCATES PRIOR TO THE START OF ANY EXCAVATION.
  - 2) CONTRACTOR SHALL NOTCH EXISTING WATERLINE PRIOR TO NEW WATERLINE CONSTRUCTION TO MAINTAIN EXISTING WATERLINE DEPTH LOCATION AND FITTING REQUIREMENTS FOR CONNECTION OF NEW 9" WATERLINE TO EXISTING WATERLINE.
  - 3) TYPICAL BURY FOR NEW WATERLINE SHALL BE 36" TO TOP OF PIPE. ADJUST DEPTH OF BURY AS NEEDED TO MAINTAIN CONSTANT GRADE (2% MIN - 4% MAX).
  - 4) AFTER COMPLETION OF NEW WATERLINE AND ALL TESTING AND CONNECTIONS HAVE BEEN MADE, DISMANTLE EXISTING WATERLINE AND ALL FITTINGS AND CONNECTIONS. ALL EXISTING WATERLINES AND FITTINGS SHALL BE REMOVED IN THEIR ENTIRETY ALONG WITH ANY TEMPORARY SPOOLS AND CONNECTIONS. PROVIDE END CAPS, BLIND FLANGES OR PLUGS AS NEEDED FOR COMPLETE ABANDONMENT OF DESIGNATED PORTIONS OF EXISTING WATERLINES.



**DSL BUILDERS-ROGUE BREWERY**  
Newport Oregon

**DSL BUILDER (ROGUE BREWERY)**

**Electrical Plan**

February 18

| REV. | DATE | DESCRIPTION | BY |
|------|------|-------------|----|
|      |      |             |    |
|      |      |             |    |

Designed By: MW    Drawn By: JS    Checked By: MWAC

Project No: 1303 DSL BUILDERS

**Civil West**  
Engineering Services, Inc.

609 SW Hubert St  
Newport, Oregon 97365

541-268-8601  
www.civilwest.com

**PRELIMINARY**

Oregon Brewing Co.  
Brett Joyce  
2320 OSU Dr.  
Newport, OR 97365

Port of Newport  
Kevin Greenwood  
600 SE Bay Boulevard  
Newport, OR 97365

RE: Letter of Understanding

January 26, 2016

The Port of Newport ("Port") leases to Oregon Brewing Company ("Rogue") land located on the south waterfront in Newport, Oregon. Rogue wishes to lease from the Port, and the Port wishes to lease to Rogue additional land to further their collective business operations.

IT IS UNDERSTOOD THAT:

1. The Port and Rogue agree to be bound by the terms contained in this Letter of Understanding and agree to make Lease modifications as needed.
2. The Port will lease approximately 40,250 additional square feet to Rogue for Rogue's production operations, product storage, additional cold storage, packaging equipment and increased brewing capacity. The new building will include a truck loading ramp and forklift dock as shown in the attached Site Plan.
3. The parties agree that Rogue's construction work will proceed in two (2) phases:
  - a.) Phase I: Consists of Rogue constructing an approximately 26,400 square foot building. The costs associated with the construction of Rogue's building will be borne 100% by Rogue. Simultaneous with the construction of Rogue's building is the creation of a Multi-Use Area ("MUA") as set out in the attached Site Plan and #6 below. The cost sharing to create the MUA is set out in more detail below.
  - b.) Phase II: Consists of the Port leasing to Rogue an additional 13,850 square feet (approximately) of land so that Rogue may add to its Phase I structure following roughly the same description set out in #2 above. The Phase II addition is shown



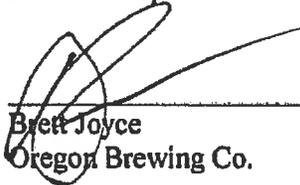
in the attached Site Plan. The timing for the construction of Phase II to begin is at Rogue's discretion, but shall begin within five years of the date of this agreement. All costs associated with Phase II shall be borne by Rogue. Should Rogue not start construction within the five years set out in this agreement, Rogue shall lose the option granted it within the context of this agreement.

4. Rogue will retain licensed professionals for the creation and submission to the City of all required traffic, landscape and parking plans as well as utility, storm water, civil and structural plans for both Phase I and Phase II. The Port agrees to give concise and timely input to Rogue concerning these plans prior to the plans being submitted to the City for approval and permitting as it is Rogue's intention is to begin construction in the spring of 2016.
5. As part of Phase I Rogue agrees to create a MUA for the Port by bringing up to grade and topping the decommissioned boat launch ramp area south of Rogue's House of Spirits per the attached Site and Work Plans.
6. Rogue agrees to pay all upfront costs associated with the design, engineering and filling of the MUA, as well as the upfront costs associated with the below ground work of disconnecting/reconnecting electrical and plumbing. Rogue also agrees to pay all upfront costs associated with the design, engineering and construction of the MUA, and its curbs and any islands as required by the City. See attached Work Plan.
7. Concerning the installation of above ground fixtures for the ultimate use of MUA such as painting, striping, signage, electrical poles, picnic tables, RV hookups and the like, the Port agrees to contract for the work and pay 100% of these costs.
8. While Rogue agrees to pay all upfront costs associated with the MUA as set out in #6, it is agreed that Rogue and the Port will ultimately share those costs on a 51%-49% split, respectively, via a lease rent abatement schedule described below in Section 9. Once the MUA is completed Rogue will provide the Port with an itemization of all MUA costs. From those itemized MUA cost the Port and Rogue will agree to a lease rent abatement schedule.
9. Rogue will pay to the Port \$40,000 annual (\$3,333.33 per month) as the lease rent abatement payment for Phase I. Monthly payments will start when the City issues the Occupancy Permit for Phase I and will end when the lease rent abatement schedule is satisfied. Once the abatement schedule is satisfied Rogue will start making full lease rent payments for the entire brewery facility.
10. During the abatement period the entire brewery's annual Lease CPI increases will also be abated. There will be no accumulation and billing back of the abated CPI increases. However, when the abatement schedule is satisfied a CPI increase will be calculated and applied to Rogue's lease rent per the current Lease.

- 11. Rogue and the Port agree to develop and install a mutually agreeable mural(s) or decorative feature(s) on the south facing wall of the newly constructed warehouse building.
- 12. The Port and Rogue will work together and clarify Section 1 of the Lease, if necessary, concerning the siting of special events.
- 13. Rogue to provide a complete set of construction as-builts in hard copy and electronic format for the Phase I and Phase II upon completion.
- 14. Following completion of Phase 1 and 2 there will be no further properties available for Rogue expansion inside the South Beach Marina footprint (see attached); or until such time the Port of Newport completes a visioning plan that identifies available properties.
- 15. The Port agrees to sign any land use or building permit applications in conjunction with the Phase I and II expansions within five years of this agreement being signed.

  
 Kevin M. Greenwood  
 Port of Newport

1/29/2016  
 Date:

  
 Brett Joyce  
 Oregon Brewing Co.

2-2-16  
 Date:

# Port of Newport

600 S. E. BAY BOULEVARD NEWPORT, OREGON 97365 PHONE (541) 265-7758 FAX (541) 265-4235 [www.portofnewport.com](http://www.portofnewport.com)

## Rogue Expansion Cost of Work Allocation List ("Work Plan")

|    | Description   | OBC-Rogue | Port of Newport | Shared |
|----|---|-----------|-----------------|--------|
| 1  | Building design, permit, construction, infrastructure, utilities, storm water system, landscape, irrigation, asphalt, traffic & parking stripping pertaining to building  | X         |                 |        |
| 2  | Boat ramp infill  |           |                 | X      |
| 3  | Engineer design and specifications  |           |                 | X      |
| 4  | City plan review fees, permit costs, and City system development charges  |           |                 | X      |
| 5  | Structural bulkhead using riprap rock to match existing. Elevation length TBD   |           |                 | X      |
| 6  | Demolition and removal/reuse of two landscape islands including concrete curbs at north & south sides of existing ramp  |           |                 | X      |
| 7  | Demolition, crushing, reuse (as specified) of existing asphalt at ramp area   |           |                 | X      |
| 8  | Excavation, fill, grading & compaction using onsite materials (as specified) and offsite sand material from PON south beach dredge disposal site as specified. The intent of the fill is to connect the north marina lot to the south dry camping lot at their perspective grades |           |                 | X      |
| 9  | Raise existing water, fire, electrical utilities including fire hydrant within ramp area  |           |                 | X      |
| 10 | Installation of storm water catch basins, curbs and piping as specified. Pipe to tie into new manhole at northeast side of existing Rogue building. A catch curb will be needed at the west end of the infill along the entire length of the bulkhead wall                        |           |                 | X      |
| 11 | Demolition of three picnic bunkers located at the north landscape island  |           |                 | X      |
| 12 | 4" base & 3" asphalt at the entire infill area  |           |                 | X      |
| 13 | Parking/traffic stripping at dry camping & new infill   |           | X               |        |
| 14 | Sidewalks at infill area  |           | X               |        |
| 15 | Landscape, irrigation, accessories at top of bulkhead wall (west end of ramp)   |           | X               |        |
| 16 | Lot lighting, bollards, extra utility conduits  |           | X               |        |
| 17 | Relocation of waste dump station  |           | X               |        |
| 18 | 90'x15'+/- Newport Image Mural - Design   |           | X               |        |
| 19 | 90'x15'+/- Newport Image Mural - Install  | X         |                 |        |
| 20 |   |           |                 |        |

Parties Initial



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Newport Marina at South Beach (541) 867-3321

# Port of Newport

600 S.E. Bay Blvd., Newport, OR 97365 / (541) 265-7758 / [www.portofnewport.com](http://www.portofnewport.com)

February 2, 2016

Derrick Tokos, Community Development Director  
CITY OF NEWPORT  
169 SW Coast Hwy.  
Newport, OR 97365

RE: APPROVAL OF ROGUE LAND USE PERMIT APPLICATION

Dear Derrick,

Please consider this letter as Port of Newport approval of the land use application being submitted by Oregon Brewing Company ("Rogue").

The Port Commission at their January 26<sup>th</sup> meeting approved the attached Letter of Understanding with Rogue. This document addresses many elements that the Planning Commission may be interested in, including:

- Approval of a five-year option for the second phase of the warehouse construction.
- Construction of a Multi-Use Area that includes the filling in of the decommissioned boat launch and bringing up to grade to match the parking area in front of the House of Spirits and the dry camping area.
- Rogue will be required to paint a mural on the south side of the new warehouse. The Port plans to work with the City's Public Arts Committee to design a mural that represents the nature of the South Beach community.
- The lease continues to allow for the siting of special events.
- Prohibition of further expansion at the current site after Phase 2.

We would to stress that the new multi-use area is intended to be open and usable for a variety of events and as such, the Port does not plan to stripe that area in the immediate future.

The Port at this time has not reviewed Rogue's building permit application and we request that the City require Port approval prior to accepting Rogue's application.

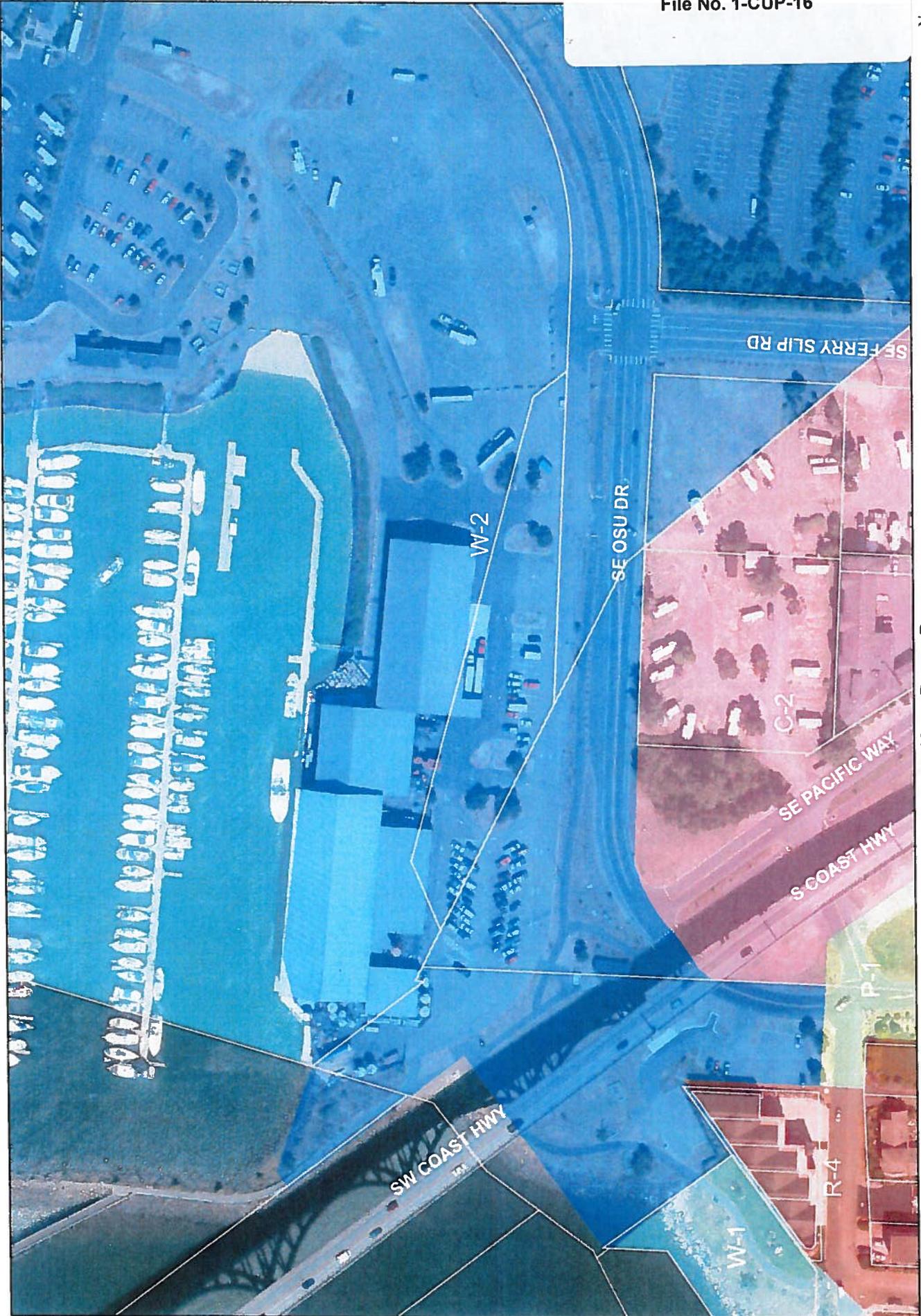
If you have any questions please don't hesitate to contact me at (541) 265-7758.

Respectfully,



Kevin M. Greenwood  
General Manager

Cc: Brett Joyce, Rogue Brewing  
Port of Newport Board of Commissioners



**Zoning Map - Rogue Brewery  
2320 SE Marine Science Drive**

Image Taken July 2013

4-inch, 4-band Digital Orthophotos

David Smith & Associates, Inc. Portland, OR

**City of Newport**  
Community Development Department  
188 SW Coast Highway  
Newport, OR 97365  
Phone: 541.574.8629  
Fax: 541.574.9644



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

**Derrick Tokos**

---

**From:** Tim Gross  
**Sent:** Friday, February 12, 2016 3:59 PM  
**To:** Robert Murphy; Derrick Tokos  
**Subject:** RE: Rogue expansion - Conditional use permit

The existing Rogue Brewery discharges high BOD's to our sewer system and the current monitoring system is inadequate to monitor those discharges. As a condition of expansion, the Rogue will need to upgrade the wastewater monitoring station and all effluent to the City's system will need to be measured at a minimum for BOD, pH, and temperature. Ideally, Rogue should be pre-treating their wastewater effluent to reduce the BOD loading before it is discharged to the City's system. I have a pretty good idea what the costs and scope of a monitoring station would look like because we priced one out for the distillery, but I do not know what the scope of pretreatment would look like yet without doing some sort of study. Other brewery's in the metropolitan areas regularly do this sort of pretreatment because they are notorious for high BOD's so we may be able to gather some information from that.

What other supporting information will you require for the response to the conditional use application?

**Timothy Gross, PE**  
Public Works Director/City Engineer  
City of Newport  
169 SW Coast Highway  
Newport, OR 97365  
P 541-574-3369  
F 541-265-3301  
C 541-961-5313

**From:** Robert Murphy  
**Sent:** Friday, February 12, 2016 3:29 PM  
**To:** Derrick Tokos <D.Tokos@NewportOregon.gov>; Tim Gross <T.Gross@NewportOregon.gov>  
**Subject:** RE: Rogue expansion - Conditional use permit

Hi Derrick,  
Because it is not clear to me from the attached land use request, I want to make sure that an additional fire hydrant is added to the expansion to help meet needed fire flow requirements. Currently there is a hydrant located in the parking lot adjacent to the SE corner of building. I would like to ensure that the hydrant remains in place and active. The expansions plans call for a new hydrant to be located adjacent to the SE corner of new expansion (basically due east of the existing hydrant). I am ok with that proposed location. This is the only detail I wanted to clarify on the land use request. Thank your for allowing the Fire Department's input.

*Rob Murphy*  
Fire Chief  
Newport Fire Department  
245 NW 10th St.  
Newport, OR 97365  
541-265-9461  
[r.murphy@newportoregon.gov](mailto:r.murphy@newportoregon.gov)

<[S.Nebel@NewportOregon.gov](mailto:S.Nebel@NewportOregon.gov)>; Ted Smith <[t.smith@newportlibrary.org](mailto:t.smith@newportlibrary.org)>; Tim Gross <[T.Gross@NewportOregon.gov](mailto:T.Gross@NewportOregon.gov)>;  
Victor Mettle <[V.Mettle@NewportOregon.gov](mailto:V.Mettle@NewportOregon.gov)>

**Subject:** Rogue expansion - Conditional use permit

Attached is a copy of a public notice concerning a land use request. The notice contains a brief explanation of the request, 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.** The complete set of application materials may be reviewed in our department.

Thanks,

**Wanda Haney**

Executive Assistant

City of Newport

Community Development Department

169 SW Coast Hwy

Newport, OR 97365

541-574-0629

FAX: 541-574-0644

[w.haney@newportoregon.gov](mailto:w.haney@newportoregon.gov)

## Derrick Tokos

---

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*Rob Murphy*

Fire Chief  
 Newport Fire Department  
 245 NW 10th St.  
 Newport, OR 97365  
 541-265-9461  
[r.murphy@newportoregon.gov](mailto:r.murphy@newportoregon.gov)

**From:** Derrick Tokos  
**Sent:** Friday, February 05, 2016 9:00 AM  
**To:** Tim Gross <[T.Gross@NewportOregon.gov](mailto:T.Gross@NewportOregon.gov)>; Robert Murphy <[R.Murphy@NewportOregon.gov](mailto:R.Murphy@NewportOregon.gov)>  
**Subject:** RE: Rogue expansion - Conditional use permit

Here is a copy of the application.

The Conditional Use criteria are as follows:

- A. The public facilities can adequately accommodate the proposed use.
- B. The request complies with the requirements of the underlying zone or overlay zone.
- C. 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.  
 For the purpose of this criterion, "adverse impact" is the potential adverse physical impact of a proposed Conditional Use including, but not limited to, traffic beyond the carrying capacity of the street, unreasonable noise, dust, or loss of air quality.
- D. A proposed building or building modification is consistent with the overall development character of the area with regard to building size and height, considering both existing buildings and potential buildings allowable as uses permitted outright.

**From:** Derrick Tokos  
**Sent:** Tuesday, February 02, 2016 4:46 PM  
**To:** Tim Gross <[T.Gross@NewportOregon.gov](mailto:T.Gross@NewportOregon.gov)>; Robert Murphy <[R.Murphy@NewportOregon.gov](mailto:R.Murphy@NewportOregon.gov)>  
**Subject:** FW: Rogue expansion - Conditional use permit

Tim and Rob,

You have both expressed interest in reviewing this project. Please get me your comments as soon as possible.

Thank you,

*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](mailto:d.tokos@newportoregon.gov)

**From:** Wanda Haney  
**Sent:** Tuesday, February 02, 2016 4:15 PM  
**To:** Derrick Tokos <[D.Tokos@NewportOregon.gov](mailto:D.Tokos@NewportOregon.gov)>; Jim Protiva <[J.Protiva@NewportOregon.gov](mailto:J.Protiva@NewportOregon.gov)>; Joseph Lease <[J.Lease@NewportOregon.gov](mailto:J.Lease@NewportOregon.gov)>; Mark Miranda <[M.Miranda@newportpolice.net](mailto:M.Miranda@newportpolice.net)>; Michael Murzynsky <[M.Murzynsky@NewportOregon.gov](mailto:M.Murzynsky@NewportOregon.gov)>; Robert Murphy <[R.Murphy@NewportOregon.gov](mailto:R.Murphy@NewportOregon.gov)>; Spencer Nebel

<[S.Nebel@NewportOregon.gov](mailto:S.Nebel@NewportOregon.gov)>; Ted Smith <[t.smith@newportlibrary.org](mailto:t.smith@newportlibrary.org)>; Tim Gross <[T.Gross@NewportOregon.gov](mailto:T.Gross@NewportOregon.gov)>;  
Victor Mettle <[V.Mettle@NewportOregon.gov](mailto:V.Mettle@NewportOregon.gov)>

**Subject:** Rogue expansion - Conditional use permit

Attached is a copy of a public notice concerning a land use request. The notice contains a brief explanation of the request, 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.** The complete set of application materials may be reviewed in our department.

Thanks,

**Wanda Haney**

Executive Assistant

City of Newport

Community Development Department

169 SW Coast Hwy

Newport, OR 97365

541-574-0629

FAX: 541-574-0644

[w.haney@newportoregon.gov](mailto:w.haney@newportoregon.gov)

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

The City of Newport Planning Commission will hold a public hearing on Monday, February 22, 2016, at 7:00 p.m. in the City Hall Council Chambers to consider File No. 1-CUP-16, a request submitted by Oregon Brewing Co., Inc., 2320 SE Marine Science Dr., Newport, OR 97365 (Dennis L. Bartoldus, PO Box 1510, Newport, OR 97365, authorized representative) (Port of Newport, 600 SE Bay Blvd, Newport, OR 97365, property owner) per Section 14.03.080/"Water-Dependent and Water-Related Uses" of the Newport Municipal Code, for a conditional use permit in order to add approximately 40,250 square feet of warehouse space to the existing brewery complex. The request involves property located at 2320 SE Marine Science Drive (Lincoln County Assessor's Map 11-11-17-00; a portion of Tax Lot 001111), which is in a W-2/"Water-Related" zone. The applicable criteria per NMC Chapter 14.34.050 are that: (1) The public facilities can adequately accommodate the proposed use; 2) the request complies with the requirements of the underlying zone or overlay zone; 3) the proposed use does not have an adverse impact greater than existing uses on nearby properties, or impacts can be ameliorated through imposition of conditions of approval; and 4) a proposed building or building modification is consistent with the overall development character of the neighborhood with regard to building size and height, considering both existing buildings and potential buildings allowable as uses permitted outright. Testimony and evidence must be directed toward the criteria described above or other criteria in the Comprehensive Plan and its implementing ordinances which the person believes to apply to the decision. Failure to raise an issue with sufficient specificity to afford the city and the parties an opportunity to respond to that issue precludes an appeal (including to the Land Use Board of Appeals) based on that issue. Submit testimony in written or oral form. Oral testimony and written testimony will be taken during the course of the public hearing. Letters sent to the Community Development (Planning) Department, City Hall, 169 SW Coast Hwy, Newport, OR 97365, must be received by 5:00 p.m. the day of the hearing to be included as part of the hearing or must be personally presented during testimony at the public hearing. The hearing will include a report by staff, testimony (both oral and written) from the applicant and those in favor or opposed to the application, rebuttal by the applicant, and questions and deliberation by the Planning Commission. Pursuant to ORS 197.763 (6), any person prior to the conclusion of the initial public hearing may request a continuance of the public hearing or that the record be left open for at least seven days to present additional evidence, arguments, or testimony regarding the application. The staff report may be reviewed or a copy purchased for reasonable cost at the Newport Community Development (Planning) Department (address above) seven days prior to the hearing. The application materials (including the application and all documents and evidence submitted in support of the application), the applicable criteria, and other file material are available for inspection at no cost; or copies may be purchased for reasonable cost at the above address. Contact Derrick Tokos, Community Development Director, (541) 574-0626, (address above).

***FOR PUBLICATION ONCE ON FRIDAY, FEBRUARY 12, 2016.***

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**National Love Your Pet Day Is February 20th!**

In honor of National Love Your Pet Day you have a chance to show how you really feel by featuring your pet in the February 19th issue of the News-Times!

Cost is \$25 and you can see a color picture of your animal friend in a "dog house" frame with its name on the name plate & dog bowl (see the sample to the left).

Actual Size is 3.75"x4".

Deadline for submission of a photo and the name of your pet is February 17th.

You can submit your content by email to [swede@newportnewstimes.com](mailto:swede@newportnewstimes.com) or stop by the News-Times at 831 NE Avery, Newport and we will scan a photo of your pet.

### PUBLIC NOTICES

#### LEGAL DEADLINES:

WEDNESDAY  
EDITION:  
5:00pm Thursday  
PRIOR

FRIDAY  
EDITION:  
5:00pm Tuesday  
PRIOR

Reference is made to that certain trust deed made by Wayne Morrison and Celestial Morrison, Grantors, to Lawyers Title Insurance Corp., trustee, in favor of Downey Savings and Loan Association, F.A., as beneficiary, recorded 02/10/2006, in the Records of Lincoln County, Oregon as Instrument No. 200603813, which was subsequently assigned to U.S. Bank National Association under instrument No. 2012-00431 and Glogowski Law Firm, Katrina E. Glogowski, being the successor trustee, the following described real property situated in the above-mentioned county and state to wit: A.P. R258597, Lot 20, Block 1, Nelscott Crest, in Lincoln County, Oregon; Commonly known as 1821 SW Coast Ave., Lincoln City, OR 97387. Both the beneficiary and the trustee have elected to sell the said real property to satisfy the obligations secured by said trust deed and notice has been recorded pursuant to section 86.753(3) of Oregon Revised Statutes. The default for which foreclosure is made is grantor's failure to pay when due the following sums: delinquent monthly payments in the amount of \$239,778.71 as of 11/27/2015, any further sums advanced by the beneficiary for the protection of the above described real property and its interest therein, and prepayment penalties, if applicable. By reason of said default the beneficiary has declared all obligations secured by said deed

of trust immediately due and payable, said sums being the following to wit: The sum of \$69,131.81 together with delinquent monthly payments in the amount of \$239,778.71 as of 11/27/2015, any further sums advanced by the beneficiary for the protection of the above described real property and its interest therein, and prepayment penalties, if applicable. Whereof, notice is hereby given that Glogowski Law Firm, Katrina E. Glogowski, the undersigned trustee, will on 04/18/16 at 11:00, as established by ORS 187.110, at the following place: at the front entrance to the Lincoln County Courthouse, 225 W Olive, Newport, OR sell at public auction to the highest bidder for cash the interest in the said described real property which the grantor had or had power to convey at the time of the execution by him of the said trust deed, together with any interest which the grantor or his successor in interest acquired after the execution of said trust deed, to satisfy the foregoing obligations thereby secured and the costs and expenses of sale, including a reasonable charge by the trustee. Notice is further given that any person named in ORS 86.753 has the right to have the foreclosure proceeding dismissed and the deed reinstated by payment to the beneficiary of the amount required under the trust deed, other than such portion of said principal as would not then be due had no default occurred, together with the costs, trustee's and attorney's fees and curing any other default complained of in the Notice of Default by lending the performance required under the obligation or trust deed, at any time prior to five days before the date set for sale. Notice is hereby given that reinstatement may be obtained by the beneficiary by paying to the trustee the amount of \$85,759.87 together with the costs, trustee's and attorney's fees and curing any other default complained of in the Notice of Default by lending the performance required under the obligation or trust deed, at any time prior to five days before the date set for sale. Notice is hereby given that reinstatement may be obtained by the beneficiary by paying to the trustee the amount of \$85,759.87 together with the costs, trustee's and attorney's fees and curing any other default complained of in the Notice of Default by lending the performance required under the obligation or trust deed, at any time prior to five days before the date set for sale. Notice is hereby given that reinstatement may be obtained by the beneficiary by paying to the trustee the amount of \$85,759.87 together with the costs, trustee's and attorney's fees and curing any other default complained of in the Notice of Default by lending the performance required under the obligation or trust deed, at any time prior to five days before the date set for sale.

**NOTICE OF SHERIFF'S SALE #18-0067**  
On February 25, 2016, at the hour of 10:00 a.m., at the Lincoln County Sheriff's Office, 225 W Olive St., Rm 203, in the City of Newport, Oregon, the defendant's interest will be sold, subject to redemption, in the real property commonly known as: 8135 Highway 20, Toledo, OR 97388. The court case number is 15CV10538. Bank of America, N.A., plaintiff vs. Osman Hernandez-Ibarra, Marina Z. Gutierrez, and others. All parties unknown claiming any right, title, lien, or interest in the Real Property

commonly known as 8135 Highway 20, Toledo, OR 97388. The court case number is 143250. Wells Fargo Bank, National Association, as Trustee for Banc of America Alternative Loan Trust 2005-11, Mortgage Pass-Through Certificates, Series 2005-11, Plaintiff vs. Brian D. Ruth; Nicole R. Ruth; JPMorgan Chase Bank, N.A.; State of Oregon; Occupants of the Premises (defendants). This is a public auction to the highest bidder for cash or cashier's check, in hand. For more details go to <http://www.oregon-sheriffsales.org/country/incoln/>. J-29, F-5, 12 04-19.

**IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR THE COUNTY OF LINCOLN. IN THE MATTER OF THE ESTATE OF BARBARA DIANNE LILES, DECEASED. NO. 16PS00020 NOTICED TO INTERESTED PERSONS.**  
Notice is hereby given that the undersigned has been appointed and has qualified as the personal representative of the above-referenced estate. All persons having claims against the estate are hereby required to present the same, with proper vouchers, within four (4) months after the date of first publication of this Notice, as stated below, to the personal representative at the address shown below, or they may be barred. Any person whose rights may be affected by the proceedings in this estate may obtain additional information from the records of the Court or from the personal representative. Dated and first published: January 29th, 2016. DATED this 29th day of January, 2016. /s/ Guy B. Greco, OSB No. 071926, Personal Representative, 111 S.E. Douglas St., Ste C, P.O. Box 1070, Newport, Oregon 97385-0081. Telephone: (541) 265-8106. E-mail: [greco@bnc.com](mailto:greco@bnc.com). J-29, F-5, 12 (03-12)

**NOTICE OF SHERIFF'S SALE #18-0067**  
On March 1, 2016, at the hour of 10:00 a.m., at the Lincoln County Sheriff's Office, 225 W Olive St., Rm 203, in the City of Newport, Oregon, the defendant's interest will be sold, subject to redemption, in the real property commonly known as: 107

SW Coast Street, Units 1-3, Newport, OR 97385. The court case number is 143250. Wells Fargo Bank, National Association, as Trustee for Banc of America Alternative Loan Trust 2005-11, Mortgage Pass-Through Certificates, Series 2005-11, Plaintiff vs. Brian D. Ruth; Nicole R. Ruth; JPMorgan Chase Bank, N.A.; State of Oregon; Occupants of the Premises (defendants). This is a public auction to the highest bidder for cash or cashier's check, in hand. For more details go to <http://www.oregon-sheriffsales.org/country/incoln/>. J-29, F-5, 12 04-19.

**NOTICE OF RECEIPT OF BALLOT TITLE AND ELECTION**  
Notice is hereby given that the City of Newport has called a measure for the City of Newport to submit to the city voters the following ballot title: CAPTION: Resumption of Fluoridation of the City of Newport Water Supply. QUESTION: Shall the City of Newport resume fluoridation of the city water supply? SUMMARY: The City of Newport supplies water to city residents and businesses. In the past, the city of Newport fluoridated the city water supply. Currently, the city water supply is not being fluoridated. This measure requires the City of Newport to resume fluoridation of the city water supply. The measure requires the City of Newport to resume fluoridation at state and federal recommended levels. The measure is a referendum. It is a measure adopted by the City Council on February 1, 2016. The data for resumption of fluoridation of the city water supply will be established by resolution of the City Council. Fluoridation products used in the city water supply must meet NSF International standards. The measure requires recordkeeping and testing of the city water supply in accordance with state and federal standards. The measure also requires the city to conduct tests for fluoridation levels in the city water supply in accordance with state

and federal requirements. Preliminary cost estimates are approximately \$300,000 for implementation. Initial estimates for operations are \$18,000 annually. Costs are paid through water rates in the city budget. An elector dissatisfied with the ballot title may file a petition for review of the ballot title in the Lincoln County Circuit Court no later than 2:00 P.M. on February 22, 2016. /s/ Margaret M. Hawker, City Recorder/Recorder of the City of Newport, F-12 (21-12)

**CITY OF NEWPORT NOTICE OF A PUBLIC HEARING**  
The City of Newport Planning Commission will hold a public hearing on Monday, February 22, 2016, at 7:00 p.m. in the City Hall Council Chambers to consider File No. 11-CUP-16, a request submitted by Oregon Sawing Co., Inc., 2320 SE Marine Science Drive, Newport, OR 97365 (Dennis L. Bartolucci, PO Box 1510, Newport, OR 97365, authorized representative) (Port of Newport, 800 Se Bay Blvd, Newport, OR 97365, property owner per Section 14.03.050/Water-Dependent and Water-Related Uses "a" of the Newport Municipal Code, for an additional use permit in order to add approximately 40,250 square feet of waste space to the existing brewery complex. The request involves the property located at 2320 SE Marine Science Drive (Lincoln County Assessor's Map 11-11-17-00, a portion of Tax Lot 00111), which is in a W-2/"Water-Related" zone. The applicable criteria per NMC Chapter 14.24.050 are that: (1) The public facilities can adequately accommodate the proposed use; (2) the request complies with the requirements of the underlying zone or overlay zone; (3) the proposed use does not have an adverse impact greater than existing uses on nearby properties or impacts can be ameliorated through imposition of conditions of approval; and (4) proposed building or building modification is consistent with the

overall development character of the neighborhood with regard to building size and height, considering both existing buildings and potential buildings allowable as uses permitted outright. Testimony and evidence must be directed toward the criteria described above or other criteria in the Comprehensive Plan and its implementing ordinances which the person believes will 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 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 public hearing may request a 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 a reasonable cost at the Community Development Planning Department on February 12, 2016, seven days prior to the hearing. The application testimony regarding the application and all documents and evidence submitted (including rebuttal application), the applicable criteria, and other file material are available for

inspection at no cost; or copies may be purchased for reasonable cost at the above address. Contact Derrick Tokos, Community Development Director, (541) 574-0826, (address above), F-12 (22-12)

**IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR THE COUNTY OF LINCOLN PROBATE DEPARTMENT IN THE MATTER OF THE ESTATE OF DENNY R. EDWARDS, DECEASED. CASE NO. 16PS00698 NOTICE TO INTERESTED PERSONS NOTICE IS HEREBY GIVEN that the undersigned has been appointed personal representative of the estate of Denny R. Edwards, deceased, and is hereby giving notice to all persons having claims against the estate to present them, with vouchers attached, to the undersigned personal representative at the office of Braulio Escobar, Attorney at Law, PO Box 747, Newport, Oregon 97365, within four months after the date of first publication of this notice, or the claims may be barred. All persons whose rights may be affected by the proceedings may obtain additional information from the records of the Court, the personal representative, or the lawyer for the personal representative, Braulio Escobar, and first published on February 12, 2016. /s/ Braulio Escobar, OSB #781920, Attorney for Personal Rep., PO Box 915, Newport, OR 97365, 541-265-8307. Attorney for PR, Braulio Escobar, OSB #781920, Attorney for Plaintiff, vs. Carl E. Wolford, Deborah D. Wolford, Nika Deborah Dee Martin, Oregon Affordable Housing Assistance Corporation, and Persons of Parties Unknown Claiming Any Right, Title, Lien, or Interest in the Property Described in the Complaint Herein (defendants). This is a public auction to the highest bidder for cash or cashier's check, in hand. For more details go to <http://www.oregon-sheriffsales.org/country/incoln/>. F-5, 12, 19, 26 (26-19)**

**NOTICE OF SHERIFF'S SALE #18-0166**  
On March 8, 2016, at the hour of 10:00 a.m., at the Lincoln County Sheriff's Office, 225 W Olive St., Rm 203, in the City of Newport, Oregon, the defendant's interest will be sold, subject to redemption, in the real property commonly known as: 382 E. Alsea River, Tidewater, OR 97330. The court case number is 142289. Planet Home Lending, LLC, FKA Green Planet Servicing, LLC, Plaintiff vs. Carl E. Wolford, Deborah D. Wolford, Nika Deborah Dee Martin, Oregon Affordable Housing Assistance Corporation, and Persons of Parties Unknown Claiming Any Right, Title, Lien, or Interest in the Property Described in the Complaint Herein (defendants). This is a public auction to the highest bidder for cash or cashier's check, in hand. For more details go to <http://www.oregon-sheriffsales.org/country/incoln/>. F-5, 12, 19, 26 (26-19)

**PUBLIC NOTICE**  
The PCHD Board of Directors will meet on Tuesday, February 16th, 2016 at 4:00pm in the Education Information Room at 830 SE Abbey St, Newport, Oregon. The meeting agenda includes previous month minutes and monthly financial reports.

1-CUP-16

## CITY OF NEWPORT NOTICE OF A PUBLIC HEARING<sup>1</sup>

**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. 1-CUP-16:**

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

**Request:** Approval of a request per Section 14.03.080/"Water-Dependent and Water-Related Uses" of the Newport Zoning Ordinance, for a conditional use permit in order to add approximately 40,250 square feet of warehouse space to the existing brewery complex. The request involves property that is located in a W-2/"Water-Related" zone.

**Location:** 2320 SE Marine Science Dr. (Lincoln County Assessor's Map 11-11-17; portion of Tax Lot 111).

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

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

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

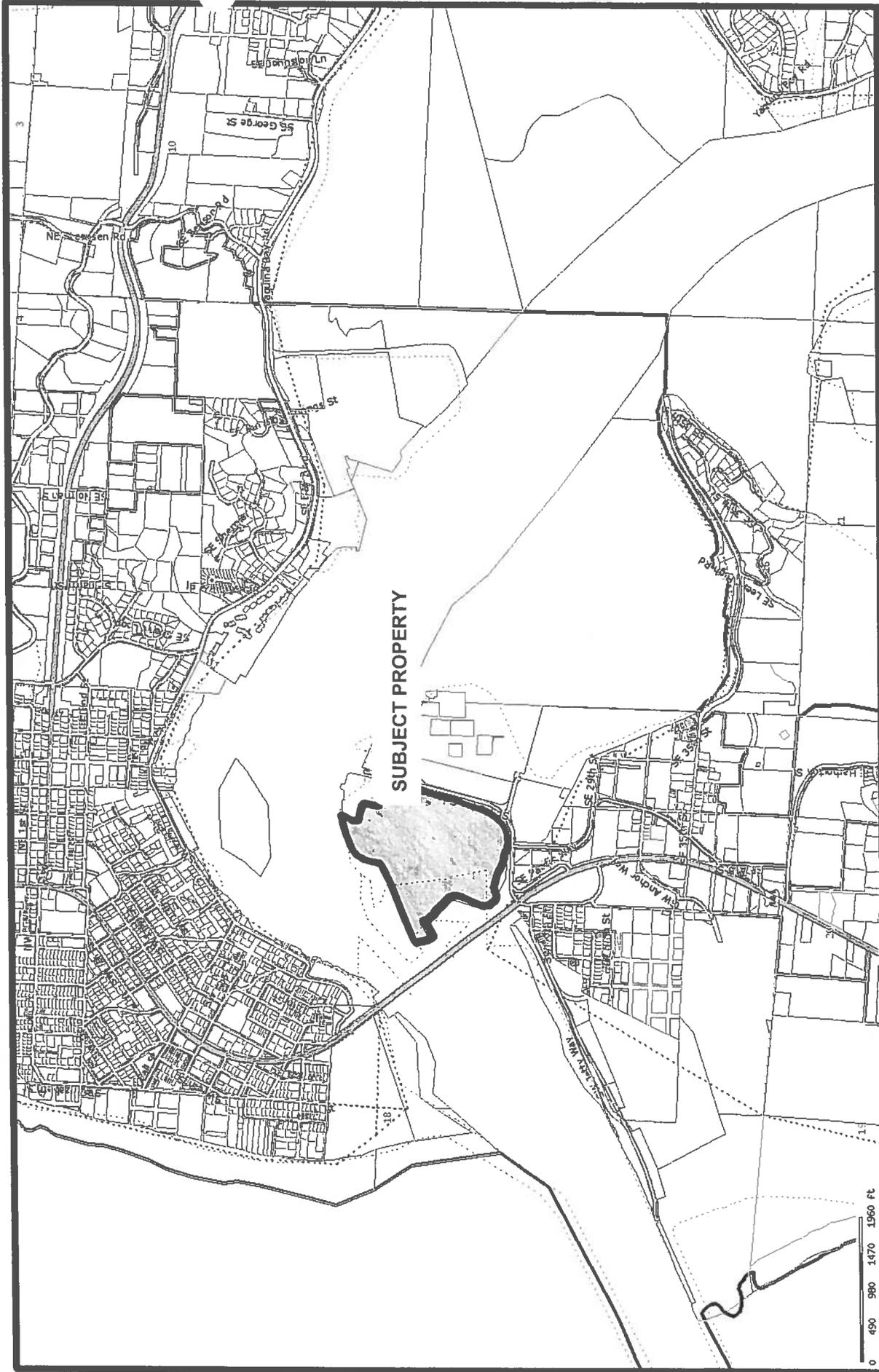
**Contact:** Derrick Tokos, Community Development Director, (541) 574-0626, (address above in "Reports/Application Material").

**Time/Place of Hearing:** Monday, February 22, 2016; 7:00 p.m.; City Hall Council Chambers (address above in "Reports/Application Material").

**MAILED:** February 2, 2016.

**PUBLISHED:** February 12, 2016/News-Times.

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



Printed 02/02/2016

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.



# MEMO

City of Newport  
Community Development Department



**\*\*Distributed Via Email\*\***

**Date:** February 2, 2016

**To:** Spencer Nebel, City Manager  
Tim Gross, Public Works  
Rob Murphy, Fire  
Mark Miranda, Police  
Mike Murzynksy, 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:** Conditional Use Permit # 1-CUP-16

I have attached a copy of a public notice concerning a land use request. The notice contains a brief explanation of the request, a property description and map, and a date for a public hearing. You may want to review this information to determine if there are any effects to your department and if you would like to make comments.

We must have your comments at least 10 days prior to the hearing period in order for them to be considered. **Should no response be received, a “no comment” will be assumed.**

wh

Attachment

**Wanda Haney**

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**From:** Wanda Haney  
**Sent:** Tuesday, February 02, 2016 4:26 PM  
**To:** 'Wingard, Patrick'  
**Subject:** City of Newport - Conditional Use Permit  
**Attachments:** File\_1-CUP-16\_Notice.pdf

FYI. Attached is a notice of a public hearing for a conditional use permit submitted by the Rogue Brewery.

*Wanda Haney*  
Executive Assistant  
City of Newport  
Community Development Department  
169 SW Coast Hwy  
Newport, OR 97365  
541-574-0629  
FAX: 541-574-0644  
[w.haney@newportoregon.gov](mailto:w.haney@newportoregon.gov)

OREGON BREWING CO INC  
2320 SE MARINE SCIENCE DR  
NEWPORT OR 97365

PORT OF NEWPORT  
600 SE BAY BLVD  
NEWPORT OR 97365

DENNIS L BARTOLDUS  
PO BOX 1510  
NEWPORT OR 97365

OREGON STATE UNIVERSITY  
HATFIELD MARINE SCIENCE CENTER  
2030 SE MARINE SCIENCE DR  
NEWPORT OR 97365

USA NOAA  
ATTN: MOLLY KUNZE  
7600 SAND POINT WAY NE  
SEATTLE WA 98115

CHO MAN SUNG  
515 NW INLET AVE  
LINCOLN OR 97367

DANIEL & BONNYE HALL  
PO BOX 839  
WALDPORT OR 97394

OREGON STATE UNIVERSITY  
306 KERR ADMINISTRATION BLVD  
CORVALLIS OR 97331

REGATTA BAYFRONT ONE LLC  
ATTN: PETER HEISLER  
131 SW 20<sup>TH</sup> ST STE A  
NEWPORT OR 97365

OREGON COAST AQUARIUM INC  
2820 SE FERRY SLIP RD  
NEWPORT OR 97365

JOHN & HARU KAY POTTHOFF  
4905 TURNER RD SE  
SALEM OR 97317

CHARLES W & MICHELE M ACOCK  
3142 RESERVOIR RD  
WALLA WALLA WA 99362

JOHN & KAY POTTHOFF  
CO-TRUSTEES  
2764 CINDERCONC CT SE  
SALEM OR 97306

REGATTA CONDOMINIUM  
ASSN OF UNIT OWNERS  
144 SW 26<sup>TH</sup> ST  
NEWPORT OR 97365

CARVALHO FISHERIES  
ATTN: WILD PLANET FOODS  
1585 HARTWOOD STE F  
MCKINLEYVILLE CA 95519

OREGON STATE UNIVERSITY  
ADMIN SERVICES BLDG A 524  
CORVALLIS OR 97331

CHRIS OLSEN  
2128 SE MARINE SCIENCE DR  
NEWPORT OR 97365

YAQUINA BAY FRUIT PROCESSORS  
LLC  
2000 A SE MARINE SCIENCE DR  
NEWPORT OR 97365

CARVER INC  
254 W HWY 20  
TOLEDO OR 97391

STATE OF OREGON  
C/O DEPT OF PARKS & REC  
725 SUMMER ST NE STE C  
SALEM OR 97301-1266

UNITED STATES OF AMERICA  
C/O BUREAU OF LAND MGT  
PO BOX 97208  
PORTLAND OR 97208

**EXHIBIT 'A'**  
Adjacent Properties

NW Natural  
ATTN: Dave Sanders  
1405 SW Hwy 101  
Lincoln City, OR 97367

**\*\*EMAIL\*\***  
PATRICK WINGARD  
DLCD NORTH COAST REGIONAL  
SOLUTIONS CTR

CenturyLink  
ATTN: Corky Fallin  
740 State St  
Salem OR 97301

Central Lincoln PUD  
ATTN: Randy Grove  
PO Box 1126  
Newport OR 97365

Charter Communications  
ATTN: Keith Kaminski  
355 NE 1<sup>st</sup> St  
Newport OR 97365

Joseph Lease  
Building Official

Rob Murphy  
Fire Chief

Tim Gross  
Public Works

Victor Mettle  
Code Administrator/Planner

Mark Miranda  
Police Chief

Mike Murzynsky  
Finance Director

Ted Smith  
Library/CM/Airport

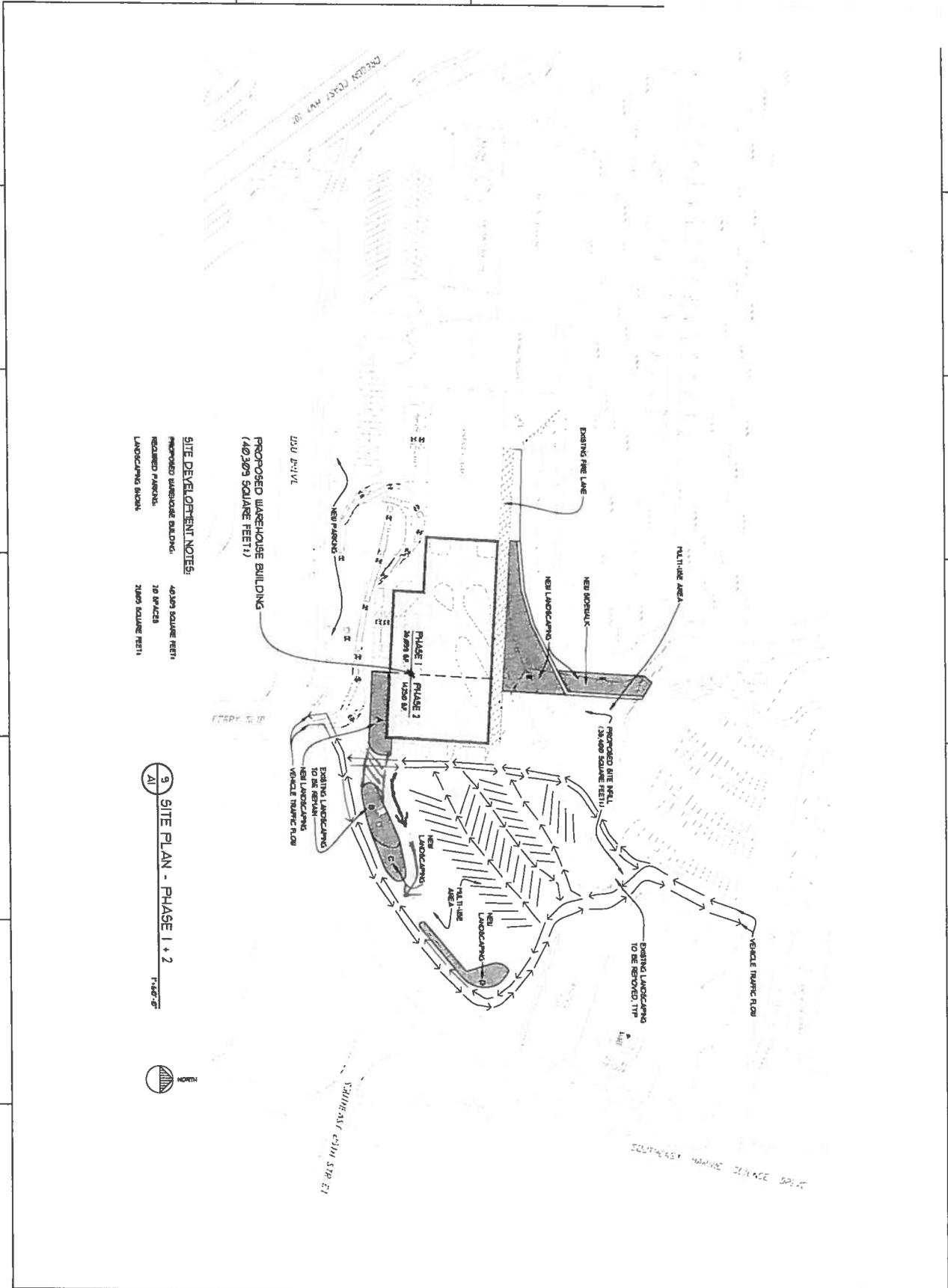
Jim Protiva  
Parks & Rec

Spencer Nebel  
City Manager

**EXHIBIT 'A'**  
**(Affected Agencies)**

**(CUP)**

PLOT DATE/REV. DATE 2/28/06 THE 1035 4TH FILE SITE PLAN 2/28/06



**SITE DEVELOPMENT NOTES:**  
 PROPOSED WAREHOUSE BUILDING: 40,500 SQUARE FEET  
 PROPOSED PARKING: 70 SPACES  
 LANDSCAPING SHOW: 21,000 SQUARE FEET

9 SITE PLAN - PHASE 1 + 2 11-28-05



|  |  |  |   |
|--|--|--|---|
| <p><b>DATE:</b> 11/28/05<br/> <b>DESIGNED BY:</b> [Signature]<br/> <b>CHECKED BY:</b> [Signature]<br/> <b>DATE:</b> 11/28/05</p> | <p><b>PROPOSED STORAGE/ SHIPPING WAREHOUSE BUILDING<br/>         FOR<br/>         ROGUE BREWERY</b></p> <p>2320 OSU DRIVE<br/>         NEWPORT, OR 97365</p> | <p><b>DATE:</b> 11/28/05<br/> <b>DESIGNED BY:</b> [Signature]<br/> <b>CHECKED BY:</b> [Signature]<br/> <b>DATE:</b> 11/28/05</p> | <p><b>PROFESSIONAL<br/>         CORPORATION</b></p> <p>2225 COUNTRY CLUB ROAD<br/>         WOODBURN, OREGON 97071<br/>         (503) 962-1211</p> <p>PROJECT NO.: [Number]<br/>         DRAWING NO.: [Number]<br/>         DATE: 11/28/05</p> |
| <p>REVISIONS</p>   |  |  |   |

## Memorandum

To: Newport Planning Commission

From: Derrick Tokos, Community Development Director



Date: February 18, 2016

Re: City Council Goal Setting

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On February 23, 2016 the Newport City Council will put together a draft set of goals for the coming year. They would then like to vet the draft goals with various committees, including the Planning Commission, before finalizing them in late March or early April.

For the City Council goal setting meeting, staff with each department prepared a list of accomplishments, goals for the coming year, the next 2-5 years and 5 plus years. It very much resembles a work program and is similar to the annual report that I have attached to this memo.

Please review the enclosed document and for the March 14<sup>th</sup> meeting I should have the Council's draft goals to share as well. It is likely to be a much shorter list than what I have attached. No action is needed from the Commission at this meeting; however, on March 14<sup>th</sup> we will be looking for the Planning Commission to provide the Council feedback on its goals.

Attachment

Annual Report



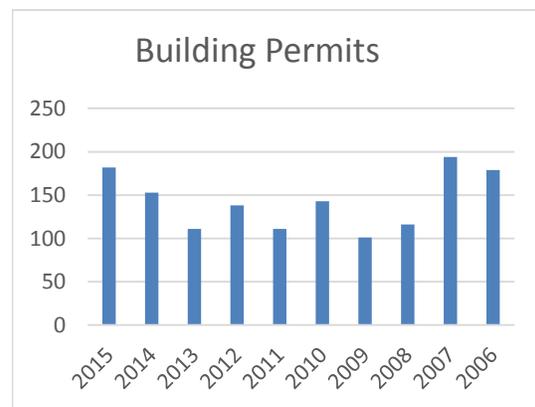
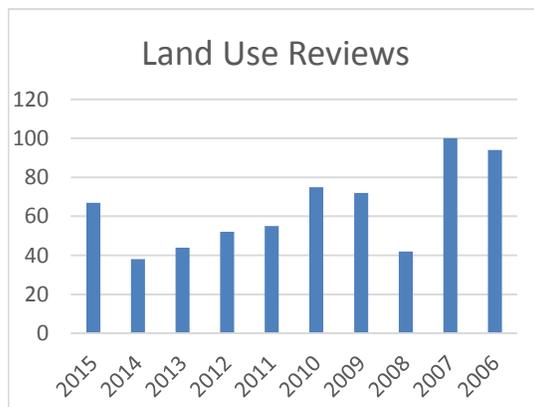
# Memo

To: Newport Planning Commission  
 From: Derrick Tokos, Community Development Director  
 Date: February 18, 2016  
 Re: Department Annual Report, Goals, and Work Program

## **BUILDING AND LAND USE PERMIT FIGURES**

The following is a summary of building and land use activity and related trend data.

|            | Building Permits      | Electrical Permits   | Plumbing Permits    | Construction Value | Land Use Actions    |
|------------|-----------------------|----------------------|---------------------|--------------------|---------------------|
| 2015 Total | 182<br>(\$184,602.72) | 303<br>(\$39,558.07) | 77<br>(\$14,778.82) | \$21,957,649.11    | 67<br>(\$31,870.00) |
| 2014       | 153<br>(\$114,841.75) | 304<br>(\$37,193.58) | 87<br>(\$15,084.78) | \$13,248,480       | 38<br>(\$16,563.00) |
| 2013       | 111<br>(\$68,843.48)  | 258<br>(\$28,809.30) | 61<br>(\$12,220.12) | \$8,131,772        | 44<br>(\$11,979.00) |
| 2012       | 138<br>(\$120,949.79) | 260<br>(\$31,373.19) | 62<br>(14,419.56)   | \$14,603,755       | 52<br>(\$24,583.00) |



The City issued 182 building permits in calendar year 2015 with a total construction value of \$21,957,649. This is on par with pre-recession levels of permit activity (e.g. 2006/2007) and is a 19% increase over the number of permits issued last year. Land use actions, where property owners obtain approvals for new development, were similarly up over last year's numbers with 67 approvals being issued (a 76% increase). The largest single development in 2015 was the aquatic facility with a construction value of \$7,820,344. Other significant projects include an 18 room addition to the Inn at Nye Beach at \$1,800,000, OMSI's Coastal Discovery Center at \$1,569,498, and the renovation of the Pacific Shrimp's processing facilities on the Bay Front at \$820,000. There were a total of 27 dwelling units constructed in 2015, which is similar to the number built last year (28) and more than twice what was being permitted during the recession. With the exception of one duplex, all of the 2015 units were single family homes. This is also consistent with recent trends.

## Community Development Department Goals and Work Program

- A. Service Priorities Narrative: The Community Development Department (CDD) is responsible for administering the city's land use planning, building services and urban renewal programs, with an emphasis on providing clear, courteous, and consistent service to the Council, Planning Commission, and public. Service priorities for each of these programs are as follows:

Land Use Planning – Assist the citizenry in planning for, and facilitating future growth of the community; evaluate development projects to ensure that they meet city and state land use requirements; respond to customers with planning and zoning questions; and work with constituents to resolve code enforcement issues.

Building Services – Review and approve building plans; update building codes and system development charges to comply with state law and local policy; issue electrical and plumbing permits; respond to customers with building questions; and conduct building inspections.

Urban Renewal – In consultation with the Urban Renewal Agency, implement and refine, as needed, projects identified in the Newport Northside, Mclean Point, and South Beach Urban Renewal Plans. Project implementation for the South Beach Urban Renewal Plan is scheduled to run through 2020, at which point the primary focus will turn to debt retirement. The South Beach District is anticipated to close on 12/31/27. The other districts are newly formed with implementation over a 25 to 30-year timeframe.

### B. Ongoing Goals

#### 1. *Maintain and implement economic development strategies*

Goal met. CDD coordinated with the Planning Commission, City Council, impacted taxing districts and members of the broader community to put in place two new urban renewal districts north of the bridge, establishing a funding source for economic development initiatives over the next 20 to 30 years. The Department also administers the South Beach Urban Renewal District's Phase II construction program, and is coordinating with Oregon State University, Lincoln County and other partners on strategies for incentivizing the construction of multi-family development, including student housing, to support the University's plans to expand enrollment at the Hatfield Marine Science Center.

#### 2. *Involve citizens in every aspect of planning*

Goal met. The Department actively solicits public participation at town hall meetings and all land use actions through direct mail notification, and encourages the public to attend land use hearings. Outreach meetings have been held on significant planning projects such as the establishment of the new, north side urban renewal districts. Citizen participation has also been encouraged through the formation of advisory committees to assist Department staff on legislative initiatives, such as the Ad Hoc Work Group that helped to update the Nye Beach Design Review Overlay and the advisory committee that is assisting in overseeing a parking management plan for the Bay Front, Nye Beach and City Center commercial districts.

### C. Goals for FY 15-16

#### 1. *Incorporate storm drainage and sewer master plans into the Public Facilities Element of the Newport Comprehensive Plan.*

Goal not yet met. Technical data for the sewer master plan is still being developed by consultants under contract with the Public Works Department. When that is complete, we will be in a position to take both plans through a Planning Commission and City Council adoption process. This will likely occur toward the end of this fiscal year with adoption in the fall.

2. *Assist the Public Works Department and its consultant in identifying Comprehensive Plan and Zoning Ordinance amendments needed in conjunction with an updated Airport Master Plan.*

Goal met. The Department has provided the Airport Master Plan consultants with relevant zoning and comprehensive plan documents.

3. *Initiate substantial amendment to System Development Charge methodology to reflect projects from the storm drainage, sewer, and airport master plan updates and ensure that the fee methodology is equitable.*

Goal not yet met. A request for proposals is being prepared for qualified consultants. Updated capital needs assessments for storm and sewer services and those for the airport (as they relate to infrastructure) should be refined enough that they will be able to inform the SDC work. This project is likely to be ongoing through the first half of next fiscal year.

4. *Complete annexation of the reservoir properties and jurisdictional transfer of Big Creek Road.*

Goal not yet met. Annexation was put on hold until the County legalized Big Creek Road. That work is complete and staff is coordinating with the County on a maintenance agreement. The annexation should be wrapped up by the end of the fiscal year.

5. *Initiate parking study to evaluate utilization and financing strategies for public parking assets in Nye Beach, City Center, and the Bay Front business districts with an eye toward using these assets as a rationale for eliminating off-street parking requirements for new development in these areas.*

Goal met. Consultant has been hired to perform the study and a steering committee has been formed. Work will extend into the first half of next fiscal year.

6. *Engage Lincoln County and other taxing entities on viability of establishing a multiple unit tax exemption program to incentivize construction of multi-family housing and provide recommendations on an appropriate course of action.*

Goal not yet met. Staff is looking for Council support to approach Lincoln County on putting together a technical work group to address this issue.

7. *Coordinate with the Seal Rock Water District to complete the withdrawal of annexed properties within the IGA service area in South Beach and assist owners of unincorporated parcels that are within the service area in filing withdrawal petitions with the County.*

Goal partially met. Previously annexed properties have been withdrawn from the Seal Rock Water District. Staff has not yet initiated outreach to property owners in unincorporated pockets that are within the City's service area.

8. *Update City of Newport building codes, processes, and agreements to streamline and enhance building services now that the City has hired a full time building official.*

Goal met. The City updated its building codes and is streamlining its processes as part of the e-permitting implementation that is set to go live on March 7, 2016.

9. *Secure an intergovernmental agreement with Lincoln County to allow the City to administer its mechanical permitting program within the Newport city limits.*

Goal not yet met. City submitted paperwork to the Oregon Building Codes Division in October requesting that the mechanical permitting program be transferred to the City. The State is required to make a decision by April 1, 2016. Staff is working with Lincoln County to update our mutual aid IGA. All of this work should be complete by the end of the fiscal year.

10. *Assess opportunities to implement e-permitting to streamline building services.*

Goal met. City is in the process of implementing an e-permitting system.

11. *Institute credit/debit card payment option for land use and building fees.*

Goal met. Credit card payment will be an option when the e-permitting system goes live on March 7, 2016.

12. *Coordinate with ODOT on a joint project to secure funding as part of the 2018-2021 STIP cycle to improve signal timing and intersection functionality along US 101.*

Goal not met. Funding for highway system enhancements was reduced for the 2018-2021 STIP cycle such that this project was no longer viable. Staff submitted a separate project for sidewalk along the east side of US 101 between NW 25th and NE 36<sup>th</sup> Street. No word yet on whether or not this project will be funded.

13. *Implement multi-jurisdictional partnership to facilitate development of workforce housing.*

Goal met with the MOU between the Lincoln Community Land Trust and Lincoln County, Lincoln City and Newport. Additional partnerships are needed and staff and the Council will be working to identify a number of steps that the City should take to move the dial on workforce and affordable housing issues.

14. *Implement the TGM LID Grant funded project to develop model policy, code, and informational materials to assist the City of Newport in making local improvement districts an effective and publicly acceptable financing tool for needed transportation system improvements.*

Goal not yet met. This State funded project has been moving forward. New Local Improvement District policies, code, modeling tools, and informational materials have been developed. A Planning Commission hearing is scheduled for March 14, 2016 and the City Council could take up the matter as early as April 25<sup>th</sup>.

15. *Administer implementation of Phase II Urban Renewal projects in South Beach.*

Goal met. Funded projects are under construction, with the exception of the US 101 / 35<sup>th</sup> Street improvements that are being designed by ODOT. Additional funding was secured from FEMA for Safe Haven Hill, which will require further Agency action in March or April.

16. *Complete process of forming a new north side Urban Renewal District (if determined to be feasible).*

Goal met. The new Northside and McLean Point Urban Renewal Districts were established in October.

17. *Oversee short-term management of leased properties and setup account for future demolition of the structures on the Urban Renewal Agency owned parcel at the intersection of US 101 and SE 35th Street.*

Goal met. Existing tenants are in short term, month to month leases with proceeds to be used for ongoing property maintenance and demolition of structures once the State completes the 35<sup>th</sup> Street signal and US 101 improvements in 2018.

D. Goals for FY 2016-17:

1. Assist the consultant, stakeholders and the broader community in developing a 2040 Vision Plan for the Greater Newport Area.
2. Facilitate adoption of the storm drainage, sewer, and airport master plans into the Newport Comprehensive Plan.
3. Complete the funded, substantial amendment to the City's System Development Charge methodology.
4. Initiate an update to the City's 1993 Park System Master Plan in coordination with the Newport Parks and Recreation Department.
5. Complete the parking study for the Bay Front, Nye Beach and City Center areas, including any recommended changes to the City's Comprehensive Plan, Zoning Ordinance and Municipal Code.
6. Implement City adopted affordable and workforce housing strategies, which may include collaboration with the County on development of a Multiple Unit Property Tax Exemption program.
7. Assist the Council in reviewing city owned properties to identify if any are surplus to the public need.
8. Amend City land use regulations, as needed, to address state and federal floodplain and wetland regulatory mandates.
9. Coordinate with ODOT and the Public Works Department on the implementation of the Agate Beach Wayside project.
10. Work with Central Lincoln People's Utility District and ODOT on the preparation and implementation of a utility undergrounding plan for US 101 south of the bridge and SE Ferry Slip Road.
11. Coordinate with ODOT on the design and construction of the SW 35<sup>th</sup> Street intersection project.
12. Work with the Urban Renewal Agency and community on a redevelopment concept for the 2.3 acre, agency owned, parcel at the northeast corner of SE 35th and US 101.
13. Assist the Urban Renewal Agency in establishing South Beach Urban Renewal Plan Phase III project priorities and seek matching funds where appropriate.
14. Assess initial e-permitting implementation and update, as needed, to improve customer service.
15. Obtain new 2017 aerial imagery in collaboration with Lincoln County and integrate the imagery and other GIS data into the e-permitting software, if practicable.

E. 2-5 Year Goals:

1. Facilitate adoption of the 2040 Vision Plan and the integration of its strategies and actions into the Newport Comprehensive Plan.
2. Complete updates to the City's Park System Master Plan and incorporate the changes into the City's Comprehensive Plan, Zoning Ordinance and SDC methodology as appropriate.
3. Implement recommendations of the parking study for the Bayfront, Nye Beach, and City Center commercial districts.
4. Develop an annexation strategy for South Beach industrial areas, including outreach to owners of unincorporated properties within the City's water service area that continue to be assessed by the Seal Rock Water District.
5. Implement Council strategies for strategic property acquisitions and sale and/or donation of property that is surplus to the public need.
6. Explore viability of obtaining Community Rating System certification to reduce flood insurance rate premiums for properties located within floodplains.
7. Assist the community in developing an Agate Beach Neighborhood Plan and revise the projects in the Northside Urban Renewal District to align with the plan.
8. Seek opportunities to partner with ODOT to improve signal timing and intersection functionality along US 101.
9. Assist the community, in partnership with ODOT, on the preparation of a Downtown Revitalization Plan and revise the projects in the Northside Urban Renewal District to align with the plan.
10. Adopt storm drainage and erosion control standards for new development in line with the newly adopted storm drainage master plan.
11. Initiate community engagement on forming an LID to supplement URA funding for street improvements in the Coho/Brant neighborhood.
12. Coordinate with ODOT on the design and construction of the SW 35th Street Intersection project.
13. Implement South Beach Urban Renewal Plan Phase III project priorities.
14. Work with the Port of Newport and Public Works Department to fund the design and construction of a sewer extension to Mclean Point as envisioned in the urban renewal plan.

F. Goals Beyond 5 Years:

1. Assist the community in revisiting and refreshing the 2040 Vision Plan, as needed.
2. Provide staff support on a range of strategies to achieve a tangible increase in the amount of affordable and workforce housing units in the City.
3. Obtain funding and initiate updates to Newport's housing and buildable lands inventories.
4. Assess staffing of community development and building service functions and seek adjustments, where needed, to respond to workflow demands.
5. Coordinate with ODOT on the replacement of the Yaquina Bay Bridge.
6. Assist with the implementation of the sewer extension and other projects identified in the McLean Point Urban Renewal Plan.
7. Pursue implementation of projects identified in the Northside urban renewal plan.
8. Facilitate closure of the South Beach urban renewal plan.

## Memorandum

To: Newport Planning Commission

From: Derrick Tokos, Community Development Director 

Date: February 18, 2016

Re: Parking Study for the Bay Front, Nye Beach and City Center Areas

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A consultant has been selected and advisory committee formed to assist in the preparation of the parking study. Lancaster Engineering is the consultant and attached is a copy of the proposal that they provided to the City. Also enclosed is a copy of the City Council resolution establishing an advisory committee. The kick-off meeting for this project is scheduled to occur on March 8, 2016 at 5:30 pm in the City Hall Council Chambers. The meeting will likely take about two hours. Members of the public, including Planning Commissioners, are welcome to attend. Bill Branigan is the Planning Commission representative on the advisory committee.

### Attachment

Resolution No. 3739

Lancaster Engineering Proposal

RESOLUTION NO. 3739

A RESOLUTION APPOINTING AN ADVISORY COMMITTEE  
FOR THE PREPARATION OF A PARKING MANAGEMENT PLAN FOR  
THE BAYFRONT, NYE BEACH, AND CITY CENTER AREAS

WHEREAS:

1. A Request for Proposals (RFP) for consulting services to assist in the preparation of a parking management plan was open to proposers until January 28, 2016 and it is likely that a consultant will be selected by mid-February; and
2. The project encompasses the Bayfront, Nye Beach and City Center areas, all of which have economic improvement "parking" districts that were formed to generate funding for parking system improvements; and
3. Each of the parking districts includes an advisory committee established by the City Council; and
4. It is appropriate that these committees be brought together to serve as a single project advisory committee to assist in the preparation of the parking management plan; and
5. The project advisory committee should further include representation from the Newport Planning Commission.

THE CITY OF NEWPORT RESOLVES AS FOLLOWS:

Section 1. A project advisory committee for the preparation of a parking management plan for the Bayfront, Nye Beach, and City Center areas shall consist of the following individuals:

Cris Torp, Business Owner, Bayfront  
Janet Webster, Business Owner, Bayfront  
Gary Ripka, Fisherman, Bayfront  
Sharon Snow, Fish Processing, Bayfront  
Laura Anderson, Business Owner, Bayfront  
Jody George, Business Owner, Nye Beach  
Kevin Greenwood, Port of Newport, Bayfront

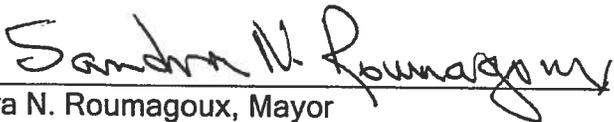
Kathy Cleary, Business Owner, Nye Beach  
Wendy Engler, Business Owner, Nye Beach  
Linda Neigebauer, Business Owner, Nye Beach  
Frank Geltner, Business Owner, City Center  
Bill Bain, Citizen Representative, City Center  
Tom McNamara, Business Owner, City Center  
Bill Branigan, Newport Planning Commission

Section 2. The foregoing appointment is for the duration of the project, which is to be completed no later than February 1, 2017.

Section 3. This resolution shall be effective immediately upon passage.

Adopted by a 6-0 vote of the Newport City Council on February 1, 2016.

Signed on February 2, 2016.

  
\_\_\_\_\_  
Sandra N. Roumagoux, Mayor

ATTEST:

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

Response to the City of Newport RFP

# City of Newport Parking Management Plan

**Submitted to:**

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

**Submitted by:**

Lancaster Street Lab | Lancaster Engineering  
321 SW Fourth Avenue  
Suite 401  
Portland, OR 97201

This proposal is printed on recycled paper.



January 27, 2016

Derrick Tokos, AICP  
Community Development Dir.  
City of Newport  
169 SW Coast Hwy.  
Newport, OR 97365



321 SW 4<sup>th</sup> Ave., Suite 400  
Portland, OR 97204  
phone: 503.248.0313  
fax: 503.248.9251  
lancasterengineering.com

Dear Derrick,

The *Street Lab Division* of Lancaster Engineering is pleased to submit our response to the **City of Newport RFP – Parking Management Plan for Bay Front, NYE Beach, and City Center Areas**. We are a privately-owned transportation engineering firm registered with the State of Oregon as a Tier 1 Emerging Small Business (ESB #8371). We are a small consulting firm that is large enough to offer a well-rounded range of experience and abilities in the transportation profession, yet small enough to offer personable service to our clients. In contrast to more complicated staffing plans that other firms may provide, it is our belief that a simplified approach is most effective as it provides a single point of contact and facilitates a quick response time to our customer's requests. Our staff provides over 60 years of combined experience with everything from basic traffic control plans and studies, to detailed, complex signal designs.

Parking is a key transportation issue for any developing area -- particularly in or near key corridors and town centers, and around infill developments -- and the growing city of Newport is no exception. As you will see from our proposal response, our mix of public and private sector experience is well-suited to this project. A highlight of our experience includes:

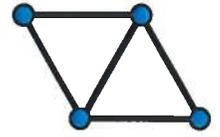
- 2014 City of Portland NW Parking Demand Management
- 2015 City of Portland NW District Parking Study
- 2015 City of Portland Centers & Corridors Parking Study
- 2015 City of Charlotte North Carolina Uptown Parking Inventory Study
- 2015 New Seasons Parking Study
- Multiple infill development parking studies over the years

I am the person authorized to represent the firm in all negotiations and sign all contracts that may be awarded. I can be reached at the address, phone and fax above, and my email address is [todd@lancasterengineering.com](mailto:todd@lancasterengineering.com). The full legal name of our firm is Mobley Engineering LLC dba Lancaster Engineering.

In closing, we believe our expertise, our responsiveness to our clients, and our effectiveness in completing projects of the nature described in this RFP means Lancaster Engineering can provide high-quality transportation planning services to the City of Newport economically and efficiently. We look forward to working with you on this project.

Yours truly,

Todd E. Mobley, PE  
Principal



# Project Approach & Understanding

## Overview

As the principal city along the Central Oregon Coast, Newport plays a key role in both the local and statewide economies. It's dual role as a hub of the local economy and a well-known destination for tourism has several unique ramifications on parking demand. We appreciate the opportunity to propose on the City of Newport's Parking Management Plan, and look forward to exploring these issues and opportunities.

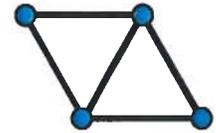
To ensure that Newport continues to be both an excellent place to live and work as well as one of the most attractive tourist destinations in Oregon, it is crucial to get parking policy right. We often describe parking policy as the overlap of transportation policy and land use policy. Through our work, we have come to understand that parking policy is related to countless other aspects of a community's success, from livability to economic competitiveness. Perhaps not surprisingly, then, parking issues are often rife with political implications. Successful parking management therefore requires both a data-driven understanding of the usage and needs of a particular area as well as widespread buy-in from stakeholders.

Like any resource, the relationship between supply of and demand for parking is intricate and nuanced. The goal of parking policy is to ensure the provision of the right quantity of parking at the right price. This can be a difficult balance to achieve, however, and jurisdictions have historically erred on the side of providing too much parking and charging too little. The 2005 publication of *The High Cost of Free Parking* by Donald Shoup served as the bellwether of a new approach, lambasting the propensity to overbuild parking and defining the right price as, 'the lowest price you can charge and still have one or two open spaces on every block.' In the ensuing decade, many innovative strategies to achieve this vision of right-sizing and right-pricing have been suggested and tested, including pricing that varies by time of day based on demand, encouraging more shared use of off-street parking spaces, and striving for pricing parity between off-street and on-street parking.

This work and its derivatives have heavily informed the work our team has done on parking policy in cities such as Portland, Oregon and Charlotte, North Carolina, and will provide a jumping-off point for strategies for Newport. As we apply this experience to the Newport project, our goal will be to collect versatile, high-quality data; produce clear and interesting visualizations of that data that communicate issues and opportunities to stakeholders with an eye toward winning support for any reforms necessary; use the data to accurately assess future needs, funding strategies, and financial ramifications; and above all to apply our experience along with best practices from other cities to the unique circumstances of Newport to develop a comprehensive and long-term parking management plan that replaces the outdated existing strategies and places the city on solid footing for future growth and development.

**The goal of parking policy is to ensure the provision of the right quantity of parking at the right price. Obtaining excellent-quality, versatile data is the foundation of this approach.**

| Block # | A   | B        | C           | D          | E          | F          | G           | H           |
|---------|---|----------|-------------|------------|------------|------------|-------------|-------------|
| 233     | 13 Block Face                               |          |             | BF28303    | Block Side | West       | Time Limit  | 180         |
| 234     | West side of 8th between Davis & Everett    |          |             |            |            |            |             |             |
| 235     |   |          |             |            |            |            |             |             |
| 236     | Start: NW Davis                             |          |             |            |            |            |             |             |
| 237     | Stall #                                     | Use Code | Hour        | 7:00 AM    | 8:00 AM    | 9:00 AM    | 10:00 AM    | 11:00 AM    |
| 238     |   |          | Actual Time | 7:33:00 AM | 8:13:00 AM | 9:24:00 AM | 10:25:00 AM | 11:25:00 AM |
| 239     | 1 m   |          |             | x          | x          | 080e       | 080e        | 080e        |
| 240     | 2 m   |          |             | x          | x          | 090d       | 090d        | 418f        |
| 241     | 3 m   |          |             | x          | x          | 1421       | 1421        | 476b        |
| 242     | 4 m   |          |             | x          | x          | 759g       | 759g        | x           |
| 243     | 5 m   | Plates:  |             | x          | x          | 3284       | x           | r40y        |
| 244     | 6 m   |          |             | x          | x          | 4023       | 4023        | 4023        |
| 245     | 7 m   |          |             | x          | x          | 743h       | 743h        | 743h        |
| 246     | 8 m   |          |             | x          | x          | 277g       | 277g        | 277g        |
| 247     | 9 m   |          |             | x          | x          | 3399       | 3399        | 3399        |
| 248     | End: NW Everett                             |          |             | 7:00 AM    | 8:00 AM    | 9:00 AM    | 10:00 AM    | 11:00 AM    |
| 249     |   |          |             |            |            |            |             |             |
| 250     |   |          |             |            |            |            |             |             |
| 251     | 14 Block Face                               |          |             | BF28304    | Block Side | West       | Time Limit  | 180         |
| 252     | West side of 8th between Everett & Flanders |          |             |            |            |            |             |             |
| 253     |   |          |             |            |            |            |             |             |
| 254     | Start: NW Everett                           |          |             |            |            |            |             |             |
| 255     | Stall #                                     | Use Code | Hour        | 7:00 AM    | 8:00 AM    | 9:00 AM    | 10:00 AM    | 11:00 AM    |
| 256     |   |          | Actual Time | 7:34:00 AM | 8:14:00 AM | 9:26:00 AM | 10:27:00 AM | 11:27:00 AM |
| 257     | 1 np  |          |             |            |            |            |             |             |
| 258     | 2 m   |          |             | x          | 5377       | 617f       | 617f        | 617f        |



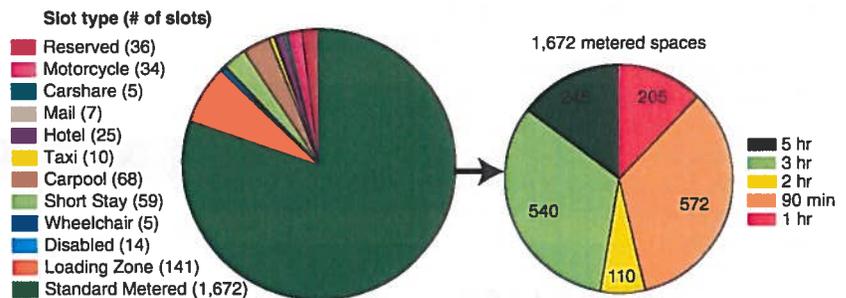
## Existing Conditions Analysis & Maps / Parking Demand Analysis

The existing conditions analysis will entail collecting parking supply data and parking demand data in two separate contexts: primarily commercial and mixed use contexts (e.g., along like Highway 101), and primarily residential contexts (e.g., along the side streets one block or more from a corridor).

Over the last few years, Lancaster has pioneered a tablet-based data collection methodology in order to comprehensively study parking occupancy and turnover in a number of different contexts throughout Portland, Oregon. Despite invariably challenging data collection schedules, we are consistently able to collect high-quality data on time and on budget using this methodology. Further, by utilizing tablet PCs to collect data, project managers from the City are able to follow the data collection in real time, and preliminary results are available quickly after data collection was complete.

The first step in the data collection process is to collect detailed information on the supply of available parking spaces. Data collected during this phase generally include the number and types of parking spaces available, whether a space is marked or unmarked, metered or free, etc.

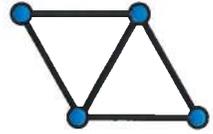
Information on loading zone sizes and locations will also be collected during this step. This information is often the basis for later collecting data on parking demand, and so is collected in a manner that provides a simple tool for the collection of this demand data. An example of a spreadsheet including supply and demand data is provided on the previous page.



To collect demand data, we will divide the study area into walking routes, which are designed so that a single person can walk the entire route and collect the necessary data in approximately 50 minutes. For the busy, mixed-use corridors like Bay Boulevard, we typically recommend that data be collected once per hour from 7:00 AM to 10:00 PM, so 15 total observations will be made for each route. This will provide a versatile dataset which can be used to determine occupancy rates, turnover times, and other quantitative information, and will provide many other insights including making manifest the land uses which drive parking demand. Residential data can often be collected at more infrequent intervals (e.g., three to four times per day correlating at times of expected peaks) since the key factors driving parking demand are better understood from the outset. While we expect to consult extensively with the City regarding the exact data collection needs and goals, the budget specified in this proposal will allow us to conduct a robust and comprehensive analysis of parking in the study area.

Our approach to analysis is heavy on visual presentations of data. We have found that telling the story with infographics, maps, and other visual representations facilitates an intuitive understanding of parking, which is essential for gaining the public buy-in that implementation of the plans will require. Several examples of graphics we've created for previous projects are provided in the body of this proposal, including the heat map on page 12, the inventory summary above, and the occupancy graph on page 3. The information that we will attempt to tease out of the data will be determined in discussions with the City, but generally we will paint a robust picture about how on-street parking is utilized within the study area. This includes an analysis of occupancy, turnover, loading zone utilization, utilization of disabled stalls and/or other special stalls, and other factors that will inform parking management and provide a solid foundation for future phases of this project.

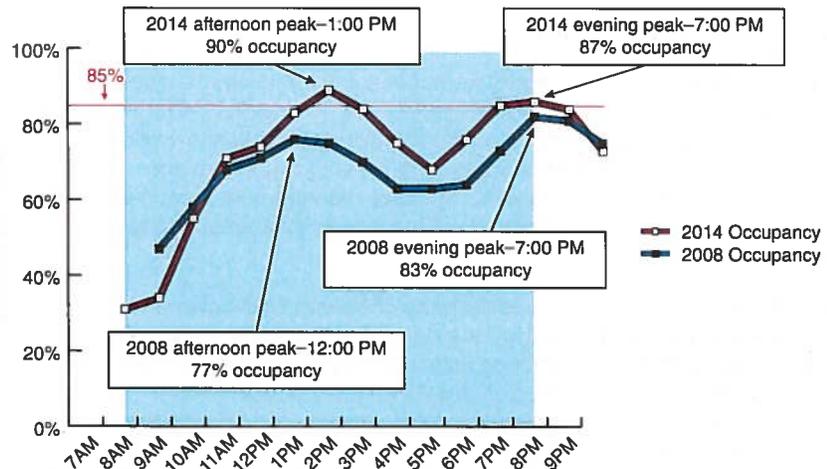
The RFP describes three subareas that will be the foci of this project: the Bay Front, Nye Beach, and the City Center. Lancaster is familiar with all three areas, and our brief initial thoughts on parking and activities here follow.



## Bay Front

The Bay Front commercial area is a one-mile long stretch along SW Bay Boulevard made up of restaurants, local shops, fishing companies and the Port of Newport. On-street parking is available on both sides of Bay Boulevard for nearly the entire length of the study area and is supplemented by private and public lots of various sizes tucked between and behind the businesses. Though Bay Boulevard itself is primarily flat, the terrain immediately north of the street has a rapid incline behind the buildings. Parking is available along various inclined streets like Bay Street and Canyon Way while smaller streets like Hubert Street and Lee Street have a steep slope leading to flatter public parking lots.

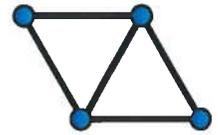
Home to Mo's Restaurant, Rogue Public Ale House, Oregon Undersea Garden, and Ripley's Believe it or Not! and Wax Works, the Bay Front is a popular destination for tourists to spend an afternoon. On-street parking spaces are typically marked to have a four-hour limit and public lots do not appear to have any stay limits. While parking on the west end is driven mostly by tourist demand, on the east end industrial demand begins to play a role, with fishermen parking for longer term, shrimp and fish processing facilities, etc. This makes a unique blend with restaurants like Local Ocean, a very popular (and REALLY good) local seafood joint. Parking demand for the Bay Front commonly extends up the hill for several blocks north of Bay Boulevard on those streets that come down the hill and access the Bay Front.



## Nye Beach

The Nye Beach mixed-use residential and business district brings together the tourist oriented aspects of a coastal town and local residents enjoying close proximity to beach accesses. With businesses concentrated around 3rd Street, Coast Street and Beach Drive, and residential dwellings filling in the rest of the space, Nye Beach is a complete neighborhood that is prone to seeing high volumes of people throughout the year. Full of art galleries, local boutiques, and various restaurants, the area is built to have a pedestrian friendly environment with wide sidewalks and enhanced crosswalks.

Parking is primarily on-street with the exception of a few public parking lots. Parking spaces have been identified with tick marks on the main streets, while residential blocks are unmarked. Third Street and other east-west aligned roads are on a sharp incline leading to the ocean, causing parking and sight lines to be difficult in some areas. Coast Street and other north-south aligned roads are primarily flat. The residential presence is made up of various types of dwellings, such as lodging, apartments, condos, and single-family homes that are occupied for any length of time ranging from all year to weekend rental visits. Nye Beach is also home to the children's playground at Coast Park and the oceanfront views of Don Davis Park. Access to the beach is available at the end of Beach Drive, where the only large public parking lot is located in this area. In some of the fringe residential areas, the concern is less about capacity and more about impacts that could be realized if the City required business to have employees park farther from the store, out in the residential areas



## City Center

Centered around the Oregon Coast Highway (Hwy 101), the City Center area is a semi-“Main” Street that is a mix of commercial, service, and public buildings. Newport City Hall, Court House, Veterans Office, and County Jail are all located in the vicinity as well as multiple Churches and the Newport Parks and Recreation Center. On-street parking is available along both sides of Highway 101 in the study area from Fall Street at the southwestern edge of the site to Angle Street. North of Angle Street, street parking on the highway stops and a center turn lane begins. To supplement the on-street parking, large surface lots are available for most of the businesses and large public lots are present at the Court House and City Hall/Recreation Center. The Recreation Center is in the midst of an expansion, which we expect will significantly impact parking demand locally.

## Opportunities & Constraints

The opportunities and constraints around updating any parking management policies generally fall into one of two categories: the political (i.e., what stakeholders will agree to) and the practical (i.e., what the data show will work). Our challenge with this phase of the project is to align these by building support among stakeholders for effective management strategies, and creatively identifying strategies that will be broadly palatable among stakeholders.

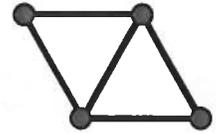
Ideally, parking occupancy in the busiest parts of Newport will hover around 85% throughout the busiest periods of the day. Often, however, there are noticeable peaks visible where parking is functionally at capacity, with ample parking available during other times of day. As an example, our recent study of parking in downtown Portland found two peaks—one during the 1:00 PM hour and a second during the 7:00 PM hour.—with a mid-afternoon lull in between. This is a commonly observed phenomenon in busy mixed-use areas, and suggests that restaurants and retail are primary drivers of parking demand since these land uses generate trips with similar patterns. Often, a simple adjustment of parking rates, signage, or enforcement policy can ‘smooth out’ this curve, resulting in a system that functions much more efficiently during the most crucial times of the day. The data are likely to suggest other opportunities that will improve the efficiency of the system, and we understand the importance of both recognizing these issues and opportunities and clearly communicating them to stakeholders to build support.



## Capital Needs & Financial Strategies

The Capital Needs and Financial Strategies pieces of this work will largely run concurrently, since these two topics will largely inform one another. Obviously, identifying the capital needs is a necessary precursor to implementing the financial strategies that will fund them. However, there is some level of nuance here, as revenue raising strategies such as metering are themselves useful as a way of satisfying unmet demand. We will carefully consider these complex cause-and-effect relationships as we proceed through this project. Further, it is commonly held that a key component of winning support for parking reforms is to ensure that all revenues collected in the service of improving parking management are kept within the neighborhoods in which they are collected. To whatever extent possible, our project team will develop a planning approach and funding strategy that is faithful to this tenet.

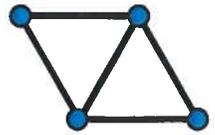
Lancaster has a long history of projecting the impacts to parking from development, background growth of traffic and the economy, and myriad other factors. While there are a number of known factors that can be used to forecast parking demand, it is important to understand that parking demand is stochastic, varying heavily by the context of the built environment and other factors including the availability of alternative transportation modes. Notably, a key factor driving parking demand is the availability of parking spaces, so forecasting future demand can be a chicken-and-egg problem. We will approach this piece of the scope well aware of these nuances, and work with the City to develop a detailed forecast that accounts for all of the variables, both known and unknown, for the planned and possible developments and growth in Newport. Likely, we will consider a number of scenarios in order to winnow down the range of possible outcomes into accurate and actionable predictions.



This piece of this scope essentially consists of combining the results of previous phases into a comprehensive plan for parking management that will support the growth and dynamism of the City while winning the political support needed to be implemented. This will involve a detailed review of the interactions between off-street parking and on-street parking, a comprehensive analysis a review of the processes around other reforms, and a thorough examination of the impacts of parking management strategies that have been tried both in Newport as well as in other cities. We will look carefully at Newport's previous payment-in-lieu programs, the existing Parking Districts, parking minimums and maximums, the possibilities for shared-use arrangements, time limits, performance-based pricing, and myriad other factors to determine the right philosophy and set of strategies for Newport. When broad agreement is reached among stakeholders about the best way forward, we will provide a comprehensive forecast of the revenues that will be raised by the strategies and plans. The potential for funding gaps will manifest from this analysis, and allow us to look at possibilities for funding these gaps through other sources.

Our detailed project experience is included in a subsequent section of this proposal; however we expect that our work on the Northwest Portland Parking Study in particular will be useful as we work on this phase of the project. In Northwest Portland, we are currently doing one of the only analyses completed to date that examines the before-and-after conditions of several changes to parking management, including installation of meters in commercial areas and implementation of a permit system in residential areas. This work will offer valuable insights about the potential impacts—both operational and financial—of the policies that we will develop in our work with Newport, allowing us to accurately project the financial outcomes of parking management updates.

In closing, we at Lancaster have had a front-row seat over the last several years as issues surrounding the availability of on-street parking has grown into one of the most important and controversial transportation issues facing many cities. With this in mind, we understand that the decisions made with regard to parking management must be made using excellent-quality data and unassailable methodology, with an eye toward winning public support. On-street parking is a resource that affects many aspects of city life from livability to economic competitiveness. Lancaster therefore views this project as an opportunity to actively improve Newport by informing important decision making with nothing less than world-class data and analysis. We look forward to working with the City to exploring parking supply and demand in Newport and helping to establish Newport as a leader in smart and efficient parking management.



# Project Organization & Team Qualifications

## Firm Profile

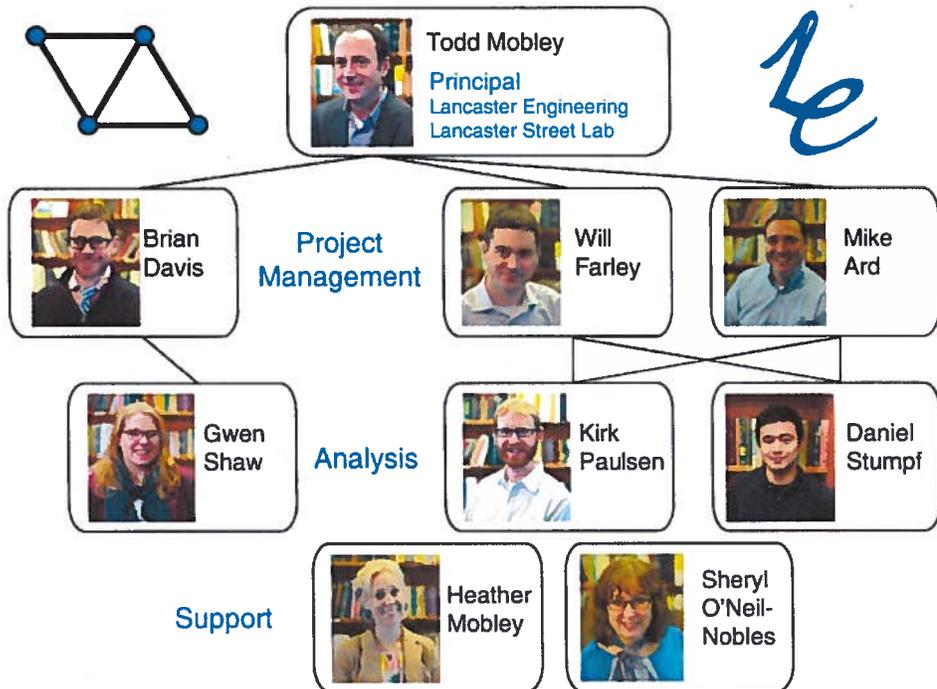
Lancaster Engineering and Lancaster Street Lab combine to form a boutique transportation consulting firm that is large enough to offer a well-rounded range of experience, yet small enough to offer personable and responsive service to our clients. We specialize in providing innovative, forward-thinking transportation solutions in an ever-changing world. Our mix of public and private clients allows us to balance the many competing interests inherent to transportation projects, and our services run the gamut from traditional engineering analysis to cutting-edge research and design. With over 30 years of industry experience, Lancaster has built a solid reputation based on meticulous project management, crafting an approach and work plan designed to meet the challenges unique to a given project. Our project managers pride themselves on accessibility, providing “one-stop solutions” and a single point of contact to our clients.

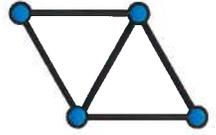
Our firm has performed the sorts of services described in this RFP since its founding in 1983 by Tom Lancaster. Through most of its history under Tom, the firm consisted of two to three staff members who worked primarily on traditional traffic engineering projects like traffic impact studies and parking analyses. Todd Mobley took over as the firm’s sole principal upon Tom’s retirement in 2007. Under Todd’s leadership, the firm has grown to include ten staff members, and in 2015, the firm launched the Street Lab in order to provide clients with innovative, holistic solutions to transportation problems that transcend traditional disciplinary silos.

Parking is the quintessential example of this sort of disciplining-spanning issue and as such is one of the primary foci of Street Lab. We often describe parking as the intersection of transportation and land use. Parking policy has a substantial influence on the transportation system, the built environment, and indeed, the quality of life of a community. It is thus an issue rife with nuance and trade-offs, and it is crucial for policy decisions to be based on a solid understanding of these issues. In order to empower communities to make sound decisions on parking policy, Street Lab employs an industry-leading data collection and analysis protocol, utilizing tablet-based technology to ensure excellent-quality, versatile data.

Lancaster Engineering is certified as an Emerging Small Business in the State of Oregon.

**Lancaster Organizational Chart**





## Project Staffing

The following members of our firms are expected to perform the bulk of the work on this project. Brief biographies of team members follow.



### **Brian Davis — Director, Lancaster Street Lab — Proposed Project Manager**

Brian Davis will serve as project manager for the Newport Parking Management Plan. Brian developed an interest in parking usage and policy through his work evaluating the impacts of infill developments throughout Portland, and in this role he had a front-row seat as issues surrounding parking have risen to the forefront over the last decade. Brian has led several recent large-scale parking projects in Portland and other cities, including a study of parking availability and utilization in Portland's Central City; a study of supply, demand, and potential management strategies in Charlotte, NC; an ongoing project in Northwest Portland evaluating the effects of establishing new metered and permit districts; the data collection efforts that informed the City of Portland's Centers and Corridors parking study; and a study of parking usage and management in Washington Park, which includes the Oregon Zoo and several other attractions. Additionally, Brian has worked with private clients to develop shared-use parking arrangements and improve management of parking in support of commerce, and has developed several transportation demand management (TDM) plans either as standalone work products or to complement conditional use applications.

Brian is an alumnus of Portland State University's Transportation Engineering program, and his research interests include transportation performance metrics, street design, parking and loading zone utilization, and urban freight. Brian has also held several positions in the scientific publishing industry and thus has extensive experience communicating complicated material to both lay and technical audiences.

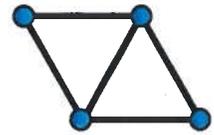
As Project Manager, Brian will be the primary point of contact at Lancaster for the City, and will oversee the day-to-day management of project tasks, scheduling, budgeting, and logistics for this project. As project manager, Brian plans to be flexible and is prepared to devote as much time as necessary to ensure timely delivery of work products.



### **Todd Mobley, PE — Principal, Lancaster Engineering & Lancaster Street Lab**

Todd is Lancaster's Principal Engineer and will serve as Principal-in-Charge for this project. He will review all work products and provide project guidance and direction to the project manager as needed to ensure high-quality work products and timely and efficient completion of all project tasks. Todd has a career-long interest in the relationships between transportation and land use and the associated policies and outcomes. Todd will collaborate with the Project Manager in the development of performance metrics and evaluation methodologies, and provide engineering oversight and review for all project deliverables and recommendations.

Todd has been with Lancaster since 1997 and has served as the firm's sole principal since 2007. In that time, Todd has overseen a wide variety of transportation planning and traffic engineering projects for both public and private clients. These projects have ranged from large master-planned developments, to traffic signal design, to parking and transportation demand management. During his tenure at Lancaster, Todd has seen the transportation profession shift from a strong auto-centric philosophy in the late 1990's to the more management-based and mode-diverse approach that we use today, focusing on all transportation system users with the goal of building a complete and balanced system.



Todd has experience on a number of projects that are directly applicable to the Newport Parking Management Plan. These include current efforts working with the cities of Portland, OR and Charlotte, NC, and a large number of projects with an emphasis on management of parking demand through TDM measures. This work is common in projects for schools, churches, event centers, and large employers in both urban and suburban areas.



**Michael Ard, PE — Senior Transportation Engineer, Lancaster Engineering**

Michael is Lancaster's Senior Transportation Engineer, with nearly 20 years of experience in land use and transportation with strong emphasis on development of design plans and cost estimates for transportation projects. He has expertise in all aspects of traffic and transportation engineering as well as machine learning and data analysis. His project approach emphasizes public safety, livability and simplicity to create transportation infrastructure that is intuitive, safe and efficient. He places strong emphasis on communicating goals, concerns and solutions effectively to agency staff, decision-making bodies and the general public.

Michael's background in construction engineering and production/projection management allows him to identify cost-efficient solutions, understanding how elements such as public processes, construction phasing, and temporary protection and direction of traffic affect feasibility, construction costs, and project schedules. His project experience includes design of traffic signals, illumination systems and pedestrian crossing treatments, preparation of circulation plans for pedestrians, bicycles and motorized vehicles, development of transportation and parking demand management programs, and safety analysis.

For the Newport Parking Management Plan, Michael will lead the team's analyses of capital needs and financial strategies. His background working with jurisdictions to develop cost estimates and funding strategies for capital projects will be invaluable as the team transitions from the analysis phases to actively planning for future needs.



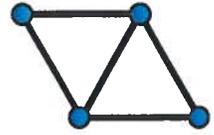
**Gwen Shaw — Transportation Analyst, Lancaster Street Lab**

Gwen brings analytical experience in both the public and private sectors. At Lancaster, she conducts transportation and parking analyses around new residential, commercial, and mixed-use developments, assists with the analyses on Lancaster's large-scale parking projects, and develops maps of parking data and other geographical data in GIS. Prior to joining Lancaster, she was with the City of Portland Bureau of Transportation (PBOT) where she conducted analyses and design of various multimodal traffic signal devices and strategies, including rectangular rapid flash beacons and pedestrian-oriented signal timing changes.

Gwen is an alumna of Portland State University's Transportation Engineering program. In her free time, Gwen serves on the board of Young Professionals in Transportation, and she is active in the Better Block PDX group and played a leading role in the "Better Naito" project. Gwen's passion for working towards an inclusive transportation network has been expanded with technical experience evaluating the impacts of development on a system.

For the Newport Parking Management Plan, Gwen will support the project team with analysis tasks, lead in the creation of maps and help create other infographics, and assist with data collection and processing.





## Project Coordination & Monitoring

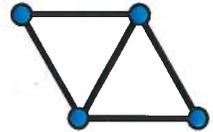
As project manager, Brian Davis will be responsible for maintaining open and easy lines of communication between the project team, stakeholders, and the City. He prides himself on being exceptionally responsive to clients, responding immediately to phone calls, email, texts, and even Tweets.

Our main offices are located in Portland, Oregon, just over two hours away from Newport. Our staff visits Newport and nearby cities for both work and play on a regular basis, and we look forward to many more visits over the course of the next year as we work on this project. When we are in Portland, we often encourage video conferences in lieu of phone calls, which allows us to show data visualizations and other visual elements of the project deliverables in addition to adding a more personal touch.

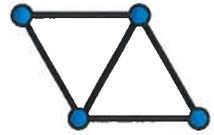
We are confident that this proposal and our references will demonstrate our ability to complete the scope of work identified in the RFP on-time and on-budget. For most of the project, we expect that we will be communicating regularly with the City and stakeholders, and we will work with the City to develop a protocol at the outset of the project to ensure that everyone is kept apprised of our progress.

## Proposed Cost of Services

The proposed cost for the scope of work described herein is **\$43,715**. A detailed budget breakdown is provided on the following page.



| <b>Newport Parking Management Plan<br/>Preliminary Project Budget</b>     |                                   |   |   |  |                            |
|---|-----------------------------------|---|---|--|----------------------------|
| <b>Tasks &amp; Deliverables</b>   | <b>Todd Mobley,<br/>Principal</b> | <b>Brian Davis,<br/>Project<br/>Manager</b> | <b>Gwen<br/>Shaw/Daniel<br/>Stumpf,<br/>Analyst</b> | <b>Mike Ard,<br/>Senior<br/>Engineer</b> | <b>Data<br/>Collection</b> |
|   | <b>\$200</b>                      | <b>\$130</b>                                | <b>\$100</b>  | <b>\$160</b>                             | <b>\$55</b>                |
| <b>1: Existing Conditions</b>   |                                   |   |   |  |                            |
| Review existing materials provided by City of Newport                     |                                   | 3   | 3   |  |                            |
| Project kickoff Meeting   | 2                                 | 2   | 2   |  |                            |
| Existing Conditions inventory and data collection route design            |                                   | 12  | 22  |  |                            |
| Deliverable Preparation - Summary memos, Maps, Infographics, etc.         |                                   | 6   | 16  |  |                            |
| <b>2: Opportunities and Constraints</b>                                   |                                   |   |   |  |                            |
| Stakeholder Meetings: Nye Beach, City Center, Bay Front                   |                                   | 6   | 6   |  |                            |
| Deliverable Preparation - Summary memos, outcome documents                |                                   | 4   | 4   |  |                            |
| <b>3: Parking Demand Analysis</b>   |                                   |   |   |  |                            |
| Data Collection Training  |                                   | 4   | 4   |  | 20                         |
| Commercial Demand Data Collection - Peak and off-peak                     |                                   | 8   | 6   |  | 160                        |
| Residential Demand Data Collection - Peak and off-peak                    |                                   | 8   | 6   |  | 75                         |
| Deliverable Preparation: Updates as necessary - graphical summary memo    | 2                                 | 10  | 25  |  |                            |
| <b>4: Capital Needs and Financial Strategies</b>                          |                                   |   |   |  |                            |
| Meetings, discussions, brainstorming, etc.                                | 2                                 | 4   | 2   | 4  |                            |
| Review of best practices from similar areas                               |                                   | 2   | 4   | 4  |                            |
| Development of strategies, recommendations                                | 2                                 | 2   | 6   | 8  |                            |
| Deliverable preparation - Schematics, cost estimates, summary memo        | 1                                 | 4   | 6   | 4  |                            |
| <b>5: Final Report and Presentation</b>                                   |                                   |   |   |  |                            |
| Deliverable preparation - Compile previous deliverables into Final Report | 2                                 | 8   | 8   | 2  |                            |
| Presentation - Preparation and presentation                               | 2                                 | 2   | 2   | 2  |                            |
| Subtotal  | 13                                | 85  | 122   | 24                                       | 255                        |
| Fee by Classification   | \$2,600                           | \$11,050                                    | \$12,200  | \$3,840                                  | \$14,025                   |
| <b>Total Project Fee</b>  | <b>\$43,715</b>                   |   |   |  |                            |

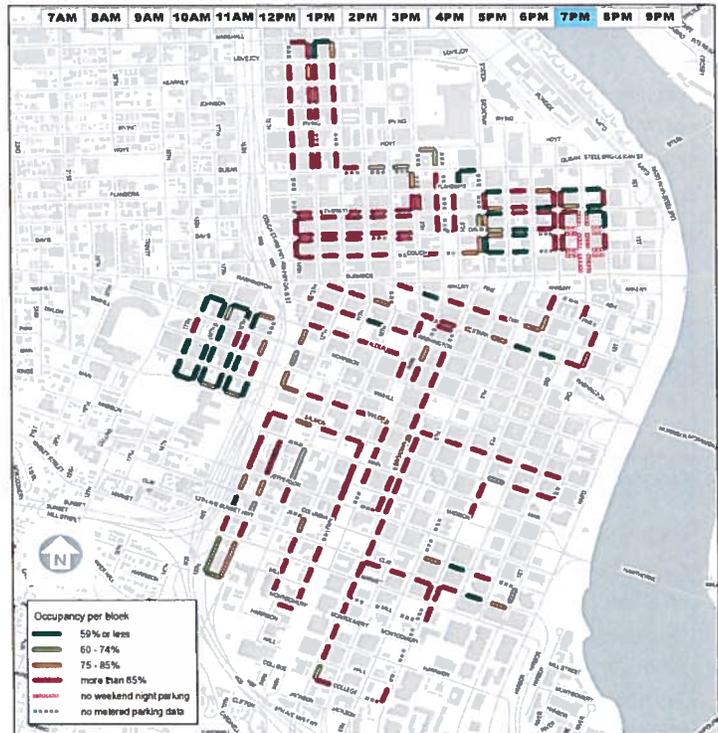


## Similar Project Experience

Lancaster is recognized as a leader in parking analyses and parking management planning, bringing a long history of expertise in parking studies including several recent large-scale projects in the Portland, Oregon, Charlotte, NC, and other public and private clients. Several examples follow that have clear and direct similarities to the Newport Parking Management Plan.

- Uptown Charlotte Parking Study:** Uptown Charlotte is one of the fastest growing urban cores in the nation, yet it maintains some of the lowest meter rates in the country at \$1 per hour. The city is currently beginning efforts to improve management of parking, and Lancaster worked with Charlotte Department of Transportation (CDOT) to conduct a detailed analysis of parking supply and demand, looking at the impacts of current parking management strategies on utilization. Uptown contains a diverse mix of land uses, including several global financial institutions, a large retail and entertainment district, a government district, and several distinct residential districts. Lancaster is currently working with CDOT to explore how parking utilization varies relative to these contexts, and to determine a potential set of management strategies that can meaningfully improve parking operations while being palatable to a diverse group of stakeholders.

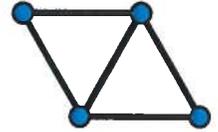
*Contact: Vivian Coleman, Charlotte Department of Transportation, 600 East 4th Street, Charlotte, NC 28202. vcoleman@ci.charlotte.nc.us. 704.336.4275.*



- Portland Centers and Corridors Parking Study:** As a key piece of the City of Portland's ongoing efforts to improve parking management, the Centers and Corridors study explored parking in five areas around the city that were similar in some respects but distinctly different in others. Two study areas—Hollywood Town Center and St. John's Town Center—looked at parking in mixed use, transit-centric hubs of activity as well as the residential areas surrounding them. The remaining three—areas around N Mississippi Avenue, NE 28th Avenue, and SE Division Street—examined parking around commercial corridors at different stages of development. Lancaster conducted data collection and preliminary analysis as part of a larger 'Parking Toolkit' project conducted along with several other firms. The goal of the project was to gain insights for potential future reforms of parking in non-central neighborhoods throughout the City.

*Contact: Mauricio Leclerc, PBOT, 1120 SW 5th Avenue, Room 800, Portland, OR 97204. mauricio.leclerc@portlandoregon.gov. 503.823.7808.*

- Central City Portland Supply and Demand Data Collection & Analysis:** Working with the City of Portland, Lancaster conducted a detailed study of supply and demand of on-street parking throughout the central city. The project study area consisted of approximately 300 block faces organized into 17 walking routes. Parking supply data collected included numbers of stalls, stall types, maximum time stays, and other relevant parameters. Following the collection of supply data, utilization data was collected over a 15-hour period for



each route to determine occupancy, lengths of stay, peak periods, and usage of special stall types. Lancaster pioneered a data collection protocol using waterproof, portable electronic tablets, which enabled data to be collected directly into route-specific spreadsheets. This ensured high quality data by removing potential for data entry errors in transcribing written field notes; keeping data collectors on the correct route and block face, and enabling real-time monitoring of data during the collection process.

*Contact: Chris Armes, PBOT, 1120 SW 5th Avenue, Room 800, Portland, OR 97204. chris.ames@portlandoregon.gov. 503.823.7051.*

- Washington Park Parking Management Project:** During its busiest days, the Zoo and other attractions in Washington Park see 12,000 to 15,000 visitors, but the main parking lot has only 900 spaces. Lancaster recently worked with Washington Park Transportation Management Association to develop a traffic circulation and parking plan that includes managing the main lot such that it fills with maximal efficiency; improving traffic control of arriving and departing vehicles; collecting and analyzing data regarding parking utilization volumes and patterns; and developing guidance and logistics around activation of remote overflow lots and deployment of shuttles. On busy days the park fills very quickly and our work included design and specification of an automated data collection system to monitor arrivals into the park to inform and enable managers to make “on the fly” decisions regarding implementation of overflow lots and shuttles, as these services require some start-up time.

*Contact: Heather McCarey, Washington Park TMA. 4033 SW Canyon Road, Portland, OR 97221. heather@washingtonparkpdx.org. 503-416-2410*



- Northwest Portland Parking District Study:** The City of Portland is currently making several changes to the management of parking in several neighborhoods in Northwest Portland. These include expanding permitted parking to a greater part of the district that currently has free parking and significant parking congestion, and adding metered parking along the 21st Avenue and 23rd Avenue commercial corridors. Lancaster is conducting a comprehensive before-and-after study to explore the effects of these changes, collecting and analyzing data on supply, occupancy, and turnover for a 600-block face study area. This project also includes a robust study of loading zone utilization throughout the district. Following the installation of meters (tentatively scheduled for Spring 2016), Lancaster will complete the ‘after’ portion of the study to determine the effects of the new management strategies and determine what if any tweaks and changes to parking management are necessary to support the continued growth of this already dense and mature area.



*Contact: Chris Armes, PBOT, 1120 SW 5th Avenue, Room 800, Portland, OR 97204. chris.ames@portlandoregon.gov. 503.823.7051.*





## Parking Services

### Parking policy is the nexus between transportation and land use.

How a community manages parking is therefore related to countless other aspects of a city's success, from livability to economic competitiveness. Perhaps not surprisingly, then, parking issues are often rife with political implications. Successful parking management therefore requires both a data-driven understanding of the usage and needs of a particular area as well as widespread buy-in from stakeholders.

Like any resource, the relationship between supply of and demand for parking is intricate and nuanced. The goal of parking policy is to ensure the provision of the right quantity of parking at the right price. A shortage of parking spaces induces extra traffic as people search for spots, and draws ire from frustrated road users. An abundance of spaces is a negative-value proposition that discourages desirable land use patterns.

The Street Lab helps communities achieve the vision of right-sizing and right-pricing parking by utilizing industry-leading data collection and analysis tools to assess existing conditions. From there, we deploy strategies and innovations that address the issues we've identified and meet the community's goals. Some of the most common tactics include pricing that varies by time of day based on demand, encouraging more shared use of off-street parking spaces, and striving for pricing parity between off-street and on-street parking.

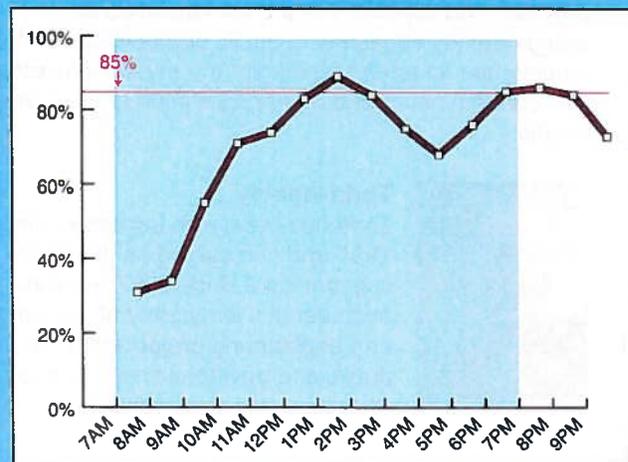
Call us at 503-248-0313 or visit us online at [www.streetlab.us](http://www.streetlab.us) to talk parking!



## The Story Told by the Occupancy Graph...

When examining how on-street parking is functioning in a particular location, a good first step is to collect data on occupancy during as many times of day as feasible, and make a quick plot of what was observed. That simple exercise begins to flesh out a lot of useful and interesting detail about parking demand.

Along commercial corridors and in town centers, we often see a dual-peaking phenomenon as shown in the graph on the right which shows occupancy by hour in downtown Portland, Oregon. Demand is driven largely by retail and restaurants, which is heaviest around lunch & dinner hours and lulls in the hours between. A curve like this can often be "smoothed" by varying pricing by time of day and tweaking enforcement hours, helping to ensure each parking space provides maximal utility.



## Recent Experience

### Central City Portland Supply and Demand Data Collection & Analysis

Working with the City of Portland, Street Lab conducted a detailed study of supply and demand of on-street parking throughout the central city. Parking supply data collected included numbers of stalls, stall types, maximum time stays, and other relevant parameters. Following the collection of supply data, utilization data was collected over a 15-hour period to determine occupancy, lengths of stay, peak periods, and usage of special stall types. Lancaster pioneered a data collection protocol using waterproof, portable electronic tablets, which enabled data to be collected directly into route-specific spreadsheets. This ensured high quality data by removing potential for data entry errors in transcribing written field notes; keeping data collectors on the correct route and block face, and enabling real-time monitoring of data during the collection process.

### Northwest Portland Parking District Study

The City of Portland recently made several changes to the management of parking in Northwest Portland, including expanding permitted parking to areas with

free parking and high occupancy, and adding metered parking along the 21st Avenue and 23rd Avenue commercial corridors. Street Lab is conducting a comprehensive before-and-after study to explore the effects of these changes, collecting and analyzing data on supply, occupancy, and turnover for a 600-block face study area. This project also includes a robust study of loading zone utilization throughout the district.

### Development-Related Parking Planning

For much new development, particularly projects in already-busy areas, a close examination of existing parking conditions and smart planning to manage new demand are crucial steps to move a project forward. Street Lab has conducted a multitude of studies and developed management strategies for projects large and small, including infill residential development, school improvements, retail and mixed-use projects, and many others. Through this work, we have gained an understanding of the relationship between parking and land uses as well as the political sensitivities around parking in various parts of the Northwest and beyond.

## Our Experts



### Brian Davis

Brian is the Director of Lancaster's Street Lab and is one of Oregon's foremost experts on parking data collection, analysis, and management. His interest in parking usage and policy grew from his work analyzing impacts of infill development, and

he has managed several large-scale parking data collection and analysis projects for cities, residential projects, and schools. His portfolio includes an approximately equal mix of public and private clients, lending him an understanding of the myriad interests and concerns surrounding transportation and parking issues.



### Todd Mobley

Todd has been with Lancaster since 1997 and has served as the firm's sole principal since 2007. He has overseen a wide variety of planning and engineering projects for both public and private clients, ranging

from large master-planned developments, to traffic signal design, to parking and transportation demand management. In his time at Lancaster, Todd has seen the transportation profession shift from a strong auto-centric philosophy in the late 1990's to the more management-based and mode-diverse approach that we use today, focusing on all users with the goal of building a complete and balanced system.



### Gwen Shaw

Gwen's primary interests are around parking and transportation safety issues, particularly as they relate to active transportation and livability issues. Her project experience includes design of cutting-edge bike & pedestrian treatments, traffic calming projects in response to client and neighborhood safety concerns, and TDM plans for schools and other institutions. In addition to her professional experience, Gwen devotes significant personal energy to these causes, volunteering with several groups that support active transportation.

[www.streetlab.us](http://www.streetlab.us)  
Moving Mobility Forward.

# Memorandum

To: Newport Planning Commission

From: Derrick Tokos, Community Development Director 

Date: February 18, 2016

Re: Work Session with FCS Group Regarding Local Improvement District Implementation Strategies

---

Todd Chase with FCS Group, the consultant working on the Local Improvement District (LID) implementation project, has suggested that it would be helpful to them if they could spend some time with the Commission to discuss the strategies they are using on the two LID case study areas in Newport before finalizing that deliverable. They would also like you to take a look at the FAQ they have put together for distribution to the public when an LID is being considered. This would be the last work session on this issue, unless the Commission feels the need to schedule additional meetings.

If you are open to meeting with Mr. Chase, then we could set the work session up for 6:00 pm on March 14, 2016. That evening, a hearing is scheduled on the Comprehensive Plan policies that will provide guidance for how the City should use LIDs.

Attached is a copy of the implementation strategy memo that FCS Group put together as a deliverable to ODOT, who funded this project. It provides a nice overview of the work that has been completed to date. If you elect to proceed with a work session then additional materials will be distributed in advance of the March 14<sup>th</sup> meeting.

City of Newport



Local Improvement  
District Implementation  
Strategy

February 10, 2016

**FCS GROUP**  
4000 Kruse Way Place  
Building 1, Suite 220  
Lake Oswego, OR 97035  
T: 503.841.6543

# ACKNOWLEDGEMENTS

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This report was funded in part by a grant from the Oregon Department of Transportation's Transportation and Growth Management (TGM) Program. We sincerely appreciate all the input that was provided by Newport City staff, Oregon Department of Transportation staff, and Newport Planning Commissioners, residents and business representatives that participated in this work plan.

## **Oregon Department of Transportation/TGM Program**

- ◆ David Helton

## **Newport City Staff**

- ◆ Derrick Tokos, Community Development Director
- ◆ Tim Gross, Public Works Director/City Engineer
- ◆ Mike Murzynsky, Finance Director
- ◆ Steven Rich, City Attorney

## **Newport LID Technical Advisory Committee**

- ◆ Mike Franklin, Newport business owner and Planning Commission member
- ◆ Lee Hardy, property manager and Planning Commission member
- ◆ Don Huster, property owner/developer
- ◆ Adam Denlinger, Seal Rock Water District
- ◆ Linda Pilson, Lincoln County Treasurer/Tax Collector
- ◆ Vivian Baldwin, Lincoln County Chief Deputy Assessor

## **FCS GROUP, Lead Consultant**

- ◆ Todd Chase, AICP, LEED<sup>AP</sup>, Principal/Economist
- ◆ Anthony Martin and Timothy Wood, Analysts

## **Project Consultant**

- ◆ Carl Springer, PE, DKS Associates

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# SECTION I: INTRODUCTION

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## A. PURPOSE

This work effort was initiated by the City of Newport with funding contributed by the ODOT/TGM grant program to provide a strategy for optimizing the use of Local Improvement Districts (LIDs) in Newport and other medium-size cities throughout Oregon.

The City of Newport (City) has excelled at creatively funding necessary public capacity improvements to support desired growth and strategic development. Like many jurisdictions, Newport has limited resources to undertake every project identified in its public facility plans for transportation, water, sewer, stormwater and parks. As such, Newport must rely upon multiple funding resources to provide adequate funding for local improvements. The combination of urban renewal area funds, enterprise funds, discretionary local funds, system development charge revenues, and LIDs can provide a more balanced local funding mix required to address facility improvement needs of Oregon's cities.

## B. WHAT IS AN LID?

**An LID is a funding mechanism in which the property owners in a designated “benefit district” are assessed a portion of the cost of a new capital improvement that benefits that area.** An LID is initiated either by a petition submitted by the property owners or by a vote of the city council. If an adequate number (typically at least half as measured by gross land area) of the property owners within the district agree to the assessment, the LID may move forward for consideration and adoption. After engineering, permitting and right of way acquisition associated with the project are completed, the municipality usually incurs debt to finance the LID project. This debt is paid as property owners within the district make payments to the city on their special assessment.

Any jurisdiction or property owner that stands to benefit from local public facility investments may want to consider the formation of an LID as a means to pay for all or part of that improvement. Once an LID is formed it can benefit both the public and private sectors.

### **Private (property owner) benefits from LID formations most often include:**

- ◆ Enhanced access to new roads, sidewalks, water lines, sewer lines, storm drainage facilities that help increase property values or support development
- ◆ Ability to obtain public funding or financing to pay for construction of local facilities, rather than requiring private equity or private debt to pay for improvements as a condition of development or redevelopment
- ◆ Ability to share the cost of local facility construction among multiple property owners in a manner that is roughly proportional to expected benefits
- ◆ Flexibility of structuring private payment of LID assessments over time

**Public-sector benefits from LIDs include:**

- ◆ Improved public facility or infrastructure conditions in targeted redevelopment areas
- ◆ Increases in assessed property valuations as new private investment occurs
- ◆ Assurance that properties will help mitigate the risk created from publically financed infrastructure, using secured liens against properties until assessments are paid in full
- ◆ In certain cases, LIDs may serve as a “final piece of the funding puzzle” and used to match or leverage other funding mechanisms to complete a strategic infrastructure project
- ◆ LIDs tend to mitigate political risks when the city council votes to create an LID in an area that has significant levels of support from a majority of property owners

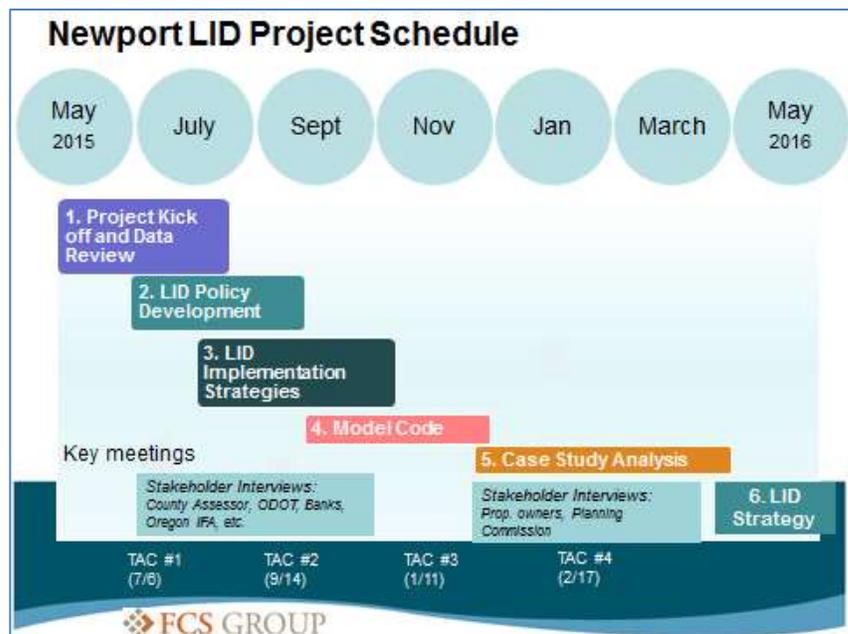
**LIDs that are “right sized” with costs and benefits that are apportioned in an equitable manner represent a “win-win” for both the public and private sectors.**

### C. DOCUMENT OVERVIEW

Since small to medium-size jurisdictions have limited staff time and financial resources to implement LIDs, it is important to understand the costs, benefits and procedures for creating LIDs well before they are adopted. This document provides a summary of the Newport LID Implementation Strategy findings. The key chapters reflect the outcome of major work tasks including:

- ◆ **Section 2 Interviews and Stakeholder Input**, describes the issues and “best practices” to consider when creating LIDs including legal, financial, community outreach and technical matters.
- ◆ **Section 3 Case Studies:** describes a range of successful LIDs in Oregon, including the nature of their public investments, resulting private investment, and key metrics.
- ◆ **Section 4 Policy Recommendations:** summarizes important policy and code considerations to help Newport and other Oregon jurisdictions create a process for consistently implementing LIDs in the future.
- ◆ **Section 5 Model Code:** Includes specific policy and code recommendations for the city of Newport

The facing graphic illustrates the planning process used to generate these findings and recommendations.



## II. INTERVIEWS AND STAKEHOLDER INPUT

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When evaluating LIDs, one must recognize the many issues to consider, ranging from how to monitor community/property owner support; measure or mitigate public risk; determine and allocate costs/benefits; and record non-remonstrance agreements, liens and collect assessments. To help define key issues surrounding LID's, FCS GROUP conducted interviews with LID legal and policy experts, and stakeholder meetings with Newport planning commissioners, and obtained input from the study's Technical Advisory Committee (TAC) throughout this study process.

Appendix A provides a summary of key issues and considerations when forming LIDs. Some highlights include:

### A. INTERVIEW INPUT REGARDING LID ISSUES

#### General Findings

- ◆ **LIDs are considered a reliable loan repayment source since they are secured by property liens.**
- ◆ **LIDs cannot be billed as part of property tax statements sent by the county assessor.** For Newport, and most cities this means collecting LID assessments is done through utility billing systems, or a separate revenue billing/collection process altogether.

#### Considerations prior to LID formation

- ◆ **Codify how the local government will participate in LIDs.** It should be clear to staff, elected officials and citizens what to expect from the city in terms of its participation or role in forming an LID, and when it makes sense to consider a city-imitated or a property owner -imitated LID.
- ◆ **Establish dedicated LID reserve funds.** The city can mitigate financing risk in case of an economic downturn or payment default, by establishing a reserve or escrow fund equal to one year of debt service. This is particularly important with single-developer LIDs or LIDs in undeveloped areas (minimal existing property valuation).

#### Non-Remonstrance Agreements

- ◆ **Non-remonstrance agreements may expire.** The local ordinance governing LIDs and non-remonstrance agreements can vary. Some local ordinances include an expiration timeline which can render an important non-remonstrance agreement void after a number of years. Additionally, some individual non-remonstrance agreements are negotiated to include an expiration date. When considering an LID, staff should review the number and scope of pre-existing non-remonstrance agreements that are valid.
- ◆ **LIDs enacted using non-remonstrance agreements must provide a benefit to the property owners.** LID methodologies that fail to demonstrate benefit to assessed properties have been struck down when challenged in court. Such determinations have severe implications (and costs) for the municipalities administering the associated LID. Please refer to section of benefit assessment techniques below.

### **Benefit Assessment & Apportionment Techniques**

- ◆ **Benefit assessment must be clear and objective.** This process must exhibit an equitable allocation of cost based upon proximity to the improvement and the value created for specific properties within the district. In relatively large LID areas, it may be more equitable to consider two or more benefit subareas, such as subarea 1 that includes properties fronting the improvement, and subarea 2 that includes all other properties within 250 feet of the improvement.
- ◆ **City-wide vs local benefits.** In the case that an LID improvement creates both local and city-wide benefit, the apportionment technique should measure both types of benefit (inside and outside the district) and allocate costs accordingly.
- ◆ **LID assessment-to-property value ratio.** To mitigate the risk associated with a new LID, it is helpful to adopt a policy objective that limits the cost of the total aggregate LID assessment within the district to no more than half the real market value of property within the district. In the case of a vacant land LID, the real market value of the land upon completion of an LID project (once new infrastructure is constructed) should be considered.

### **Public Outreach**

- ◆ **Closely monitor public support.** The city should determine the level of support necessary to approve an LID and the level of opposition (remonstrance) necessary to dissolve an LID. Outreach should exceed the requirements contained in Oregon statutes. Such outreach might include sending flyers to property owners by registered mail to inform them about the project, canvassing residents door to door, internet videos about the LID, and holding public meetings.
- ◆ **Respond to inquiries in writing.** This should be done to ensure effective communication, and to provide an official record of information to interested property owners should a legal challenge to the formation of the LID occur.
- ◆ **Preliminary report vs. final assessment.** Consider conducting additional public meetings if project costs substantially increase (e.g. cost increase from prior estimates by more than 10%) between the preliminary report and final assessment.

### **Financing and Funding**

- ◆ **Consider risk when determining the LID payment interest rate.** The interest rate used to calculate LID annual payments is variable and should be set at a level to recover the cost of financing, and all associated administrative costs. ORS 223.215c and ORS 82.010 provide specific guidance in implementing this aspect of an LID.
- ◆ **Create a financial checklist for LID formation.** The City should determine if properties in an LID have existing liens in order to determine potential default risk. In the case of a private-initiated single-developer LID, the city should research the developer's track record, letters of credit, creditors, and credit rating prior to approving an LID.
- ◆ **Require a letter of credit in single developer LIDs.** To provide additional assurance that the single developer will not default on LID payments, the City should require a letter of credit on behalf of the single developer.

### **Post LID Construction**

- ◆ **Establish liens after construction is complete.** This avoids additional legal challenges and ensures that all costs are included in the lien placed on the property.
- ◆ **Ensure assessments are paid in full prior to sale of property.** The City can require property owners to pay any LID liens prior to sale or transfer of property ownership.

- ◆ **Effects of property subdivision.** If LID assessments are allowed to transfer among property owners as land is subdivided, additional administrative costs will likely accrue to the City. As such, additional LID fees may be established to recover these added costs.

## B. TAC AND STAKEHOLDER INPUT ON LID POLICIES

The input received at TAC and stakeholder group meetings was very helpful in understanding how to create local policies necessary for implementing effective LIDs. Highlights from these meetings are included below.

### **Local policies are required to provide guidance to city staff, city council members and interested stakeholders on when to advance LID projects**

- ◆ LID policies should be designed to advance LID by private-initiated petitions over LIDs initiated by the city council. LIDs with over 75% support (based on area of benefit owned by those subject to a signed petition or pre-existing non-remonstrance agreement) should be the top priority. LIDs with between 50% and 75% support would be second priority. LIDs with less than 50% support (by petition) would not be considered.
- ◆ The city should only expend funds to prepare an Engineer's Report, as resources permit in a manner consistent with the annual budgeting process.
- ◆ For LID projects initiated by city resolution (without petition), clear and objective criteria should be used to determine whether the City should proceed with the LID.
- ◆ As it relates to council-initiated LIDs, the term "emergency" should be defined and utilized as a criteria for prioritizing LIDs.

### **Cities should establish or set aside reserves that may be used to evaluate or advance city-initiated LIDs.**

- ◆ There is a need for a policy that recommends the creation of a local LID fund with city provided "seed money" to cover such costs as the Engineer's Report and public outreach activities.

### **Full cost recovery of LID assessments**

- ◆ A policy recommending that the "full cost" (i.e. engineering, admin, outreach, in addition to construction costs) of LIDs should be included with the final LID assessment.
- ◆ Policies that allow for partial improvements (rather than interim improvements) are appropriate as an exception to city standards in rare circumstances. It is recommended that city staff determine if an LID project can be allowed to be a "partial" or a "full improvement." Partial improvements may be permitted only as an exception to the City's adopted design standard if the City Engineer determines that a project's construction is inhibited by issues such as steep topography; environmental impacts; or other major construction challenges that prohibit construction of the adopted design standard.
- ◆ It was noted that preliminary cost estimates for prospective LIDs will be very rough initially, which could be detrimental if there are unknown risks regarding project construction. More accurate cost estimates can only be obtained after a survey of the project is conducted, and realistic unit costs are prepared. Hence, local policies should clearly indicate when changes in cost estimates require additional outreach to property owners to ensure their support for creating the LID.
- ◆ An LID petition filing fee should be adopted to defray administrative costs of private-initiated LIDs and their associated Engineer's Reports.

### **Benefit Apportionment Policies**

- ◆ Specific LID cost apportionment methods (e.g., linear frontage, area, assessed value, etc.) should be recommended along with a weighting method to provide consistent use of apportionment practices. This approach should retain some flexibility in how LID apportionment should be formed for each project being considered. A recommended list of primary, secondary and tertiary LID apportionment techniques is provided in Exhibit 2.1.

### **Community Outreach Policies**

- ◆ An LID creation checklist should be created as an educational resource to property owners, city staff and city council members to provide clear guidance on the steps required to advance private-initiated LIDs.
- ◆ Cities should attempt to go beyond the minimum state requirements for adopting LIDs. This may include outreach techniques such as sending “certified mail” to affected property owners, door-to-door canvassing, special web-based information, and public open house meetings.

**In urbanizing areas, cities should review their inter-governmental agreements with counties to ensure that the cities have the authorization to assess properties in the county that have not yet been annexed into the city.**

- ◆ The City will need to revisit and update the City/County intergovernmental agreement to allow LIDs to be assessed on properties outside city limits.

**Exhibit 2.1 Recommended LID Cost Apportionment Methods by Public Facility Type**

| Assessment Method  | Street/<br>Sidewalk | Sewer | Water | Stormwater |
|--|---------------------|-------|-------|------------|
| Existing Assessed Value  | ✓                   | ✓     | ✓     | ✓          |
| Expected Change in Assessed Value  | ✓                   | ✓     | ✓     | ✓          |
| Gross Land Area  | ✓                   | ✓     | ✓     | ✓          |
| Linear Frontage Along Improvement  | ✓                   | ✓     | ✓     | ✓          |
| Existing Trip Generation   | ✓                   | -     | -     | -          |
| Expected Change in Trip Generation   | ✓                   | -     | -     | -          |
| Existing Sewer Connections   | -                   | ✓     | -     | -          |
| Expected Change in Sewer Connection  | -                   | ✓     | -     | -          |
| Existing Water Meter Connections   | -                   | -     | ✓     | -          |
| Expected Change in Water Meter Connections   | -                   | -     | ✓     | -          |
| Existing EDUs on Property  | ✓                   | ✓     | ✓     | ✓          |
| Expected Change in EDUs on Property  | ✓                   | ✓     | ✓     | ✓          |
| Existing Impervious Surface Area   | -                   | -     | -     | ✓          |
| Expected Change in Impervious Surface Area   | -                   | -     | -     | ✓          |
| <b>Legend</b>  |                     |       |       |            |
|  Primary Assessment Method<br> Secondary Assessment Method<br> Tertiary Assessment Method |                     |       |       |            |

## SECTION III: LID CASE STUDIES

In order to provide examples of how LIDs are being implemented throughout the state, FSC GROUP and the Oregon League of Cities identified communities which had used LIDs in the recent past.

**Exhibit 2.1** is a list of such communities. FCS GROUP selected three communities which had enacted LIDs and examined their experience in implementing the practice. The results of these case studies are meant to illuminate the potential positive outcomes, provide examples of the types of projects which LIDs can help finance, and share the experience of cities.

### A. SUMMARY OF FINDINGS

There are several best practices that can be used to avoid the most common risks of forming successful LIDs. The most elemental practices include:

- ◆ Formulate and adopt local LID policy ordinance before implementing a new LID.
- ◆ Consider the risks, benefits and costs from the public and private perspectives before implementing an LID.
- ◆ Establish protocols to follow that relate to the type, cost and characteristics of the LID.
- ◆ Establish parameters that guide non-LID public investment/funding commitments in proportion to the level of local (specific) and general public benefit expected by the new public facility improvements.
- ◆ Provide opportunities for input by affected property owners at key steps in the LID formation process. The steps include the following:
  1. Purpose/need determination
  2. LID formation and cost allocation alternatives analysis
  3. Draft LID assessment method (draft cost allocation)
  4. Final LID assessment method (final cost allocation)

**Exhibit 3.1: Cities that have used LIDs in Oregon**

|  |
|--|
| Albany   |
| Ashland  |
| Burns  |
| Canby  |
| Central Point                                  |
| Coos Bay                                       |
| Cottage Grove                                  |
| Eugene   |
| Florence                                       |
| Gervais  |
| Independence                                   |
| Jefferson                                      |
| Lincoln City                                   |
| Newberg  |
| Newport  |
| Oakridge                                       |
| Ontario  |
| Pendleton                                      |
| Portland                                       |
| Redmond  |
| Roseburg                                       |
| Silverton                                      |
| Springfield                                    |
| St. Helens                                     |
| The Dalles                                     |
| Tigard   |
| Winston  |
| Source: Oregon League of Cities, and FCS GROUP |

## CASE STUDY #1 LINCOLN CITY NE VOYAGE RD., LAKE & 15TH AVE. LID

In 2010, a Lincoln City resident began to solicit support from his neighbors to form an LID to provide sewer service in his neighborhood. He shared that sewer technology had advanced; allowing residents of the ability to pressurize their connection which would allow their systems to reach existing pump stations. This connection would allow residents of the neighborhood to get off of septic systems, freeing them from costly on-site repairs. During this process, Mr. Green discovered that his neighbors were also anxious to pave their streets; an element which was added to the LID along with storm water quality facilities to treat road runoff prior to the water entering the adjacent lake. In 2011, City Council approved the initiation of the LID. In 2014, land owners north of 15<sup>th</sup> St., realizing that part of the LID included sanitary sewer easements on their property, asked to be let out of the process (a request the City Council granted). In July 2015, the city solicited bids for the entirety of the project and construction is slated to occur during winter 2015/16.

### Case Study Summary

#### Sewer Improvements

- ◆ Total Project Cost: **\$357,000**
- ◆ LID boundary included 43 affected properties
- ◆ Avg. Cost per property: **\$8,302**

#### Paving Improvements

- ◆ Total Project Cost: **\$531,000**
- ◆ LID boundary included 53 affected properties
- ◆ Avg. Cost per property: **\$10,018**

## PROPERTY ASSESSMENT FORMULA

Engineers organized properties into zones of benefit based upon the improvements they needed: sewer only, sewer and pavement and pavement only. Those properties fronting the new pavement are assessed an equal amount, regardless of lot size. Those properties receiving sewer service will be assessed based upon the number of service laterals they receive. For those properties receiving both paving and sewer improvements, assessments would include both of the above-mentioned charges

Additionally, the city established a sewer reimbursement district over the area of benefit. This means that property owners that paid for the new sewer infrastructure (prior to the establishment of the LID) will be reimbursed or credited when new users pay the city to hook-up to the new sewer infrastructure.



## CASE STUDY #2 DOWNTOWN HILLSBORO LID

At the request of the Hillsboro Downtown Business Association, with over 100 members, the city of Hillsboro initiated an LID in 1997 for a portion of downtown. Over 60 percent of the property owners signed non-remonstrance agreements, further indicating local property owner support. The LID area included 9 blocks with 89 affected properties.

The LID project included streetscape enhancements with new sidewalks, street lights, landscaping, curb extensions, and pedestrian crosswalks. The project was completed on time and on budget. The assessed valuation of the LID area has increased four-fold in constant 2015 dollars.



Figure 1 – View on Main St near 2<sup>nd</sup> and Main

### Case Study Summary

- ◆ Total Project Cost: **\$3,150,000**
  - LID assessment: **\$1.6 million** (City Council approved a not-to-exceed cap on the assessment)
  - City of Hillsboro and Unified Sewer Agency (now Clean Water Services) provided a match of **\$1.4 million** (for underground utilities)
  - Washington County provided a match of: **\$150,000** (for half street improvements)
- ◆ Cost to properties: **\$3,800 to \$80,000 per assessment**

|                                | 1997           | 2015           |
|--------------------------------|----------------|----------------|
| Building Floor Area            | 397,000        | 445,000        |
| Total Assessed Value (2015 \$) | \$21.5 million | \$89.6 million |

## PROPERTY ASSESSMENT FORMULA

The LID was assessed on the following formula:

- A quarter ( $\frac{1}{4}$ ) of improvement total cost is based upon total foot frontage abutting the improvement,
- A quarter ( $\frac{1}{4}$ ) of improvement cost is based upon total land area,
- Half ( $\frac{1}{2}$ ) of improvement costs is based upon dwelling unit equivalents (If occupied, 100 sf of developed building = 1 DUE; if vacant, 200 sf of land = 1 DUE). (DUE = dwelling unit equivalent)

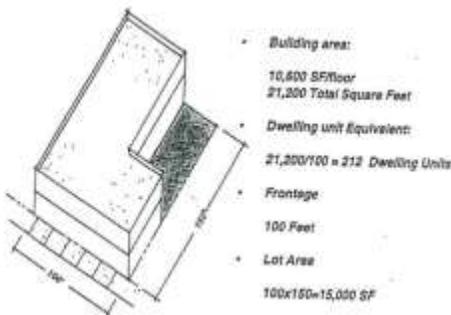


Figure 2 – LID assessment formula graphic



Figure 3 – View on Main St toward City hall on 3<sup>rd</sup> and Main

## CASE STUDY #3 HAPPY VALLEY TOWN CENTER LID

In 2003, Happy Valley emerged as the second fastest growing city in Oregon. A new +/- 218 acre annexation area was slated to absorb significant residential growth in the City. The owners of the land, along with officials from Happy Valley and Clackamas County, identified the need for two new major street collectors (147<sup>th</sup> Ave. and Mistry Drive) to serve the planned housing a major commercial Town Center. Most of the project's cost was paid with transportation system development charges; however, the anticipated \$8 million project still had a \$1.44 million funding gap. After analyzing the project, consultants, property owners and city officials agreed that a local improvement district (LID) would be the best solution to fund the gap.

Project improvements included two new collectors with two travel lanes, turn lanes, landscaped medians, pedestrian crossings, sidewalks, bike lanes, street lights and storm drainage systems.

### PROPERTY ASSESSMENT FORMULA

Engineers organized properties into zones based upon proximity to the planned new roadways. **Zones A and B** included properties that shared street frontage with the new roadways. **Zone C** included other properties within the benefit district and adjacent to Zone A/B properties. 75% of total LID cost (\$1,083,000) was assessed to zones A & B while the remaining 25% (\$361,000) was assessed to zone C properties. Those totals were dispersed among the properties in the zones based upon their share of their zone's anticipated future assessed land value.

#### Case Study Summary

- ◆ Total Project Cost: **\$8,000,000**
  - LID assessment: **\$1.444 million**
  - Happy Valley and Clackamas County Joint Transportation System Development Charge: **\$4.7 million**
  - Clackamas County Countywide Transportation System Development Charge: **\$1.3 million**
  - City of Happy Valley: **\$500,000**
- ◆ LID boundary included 272 buildable acres and 27 affected properties
- ◆ **Cost to properties: \$3,460 to \$318,607 per assessment**

|                                | 2003         | 2015          |
|--------------------------------|--------------|---------------|
| Total Assessed Value (2015 \$) | \$88 million | \$345 million |

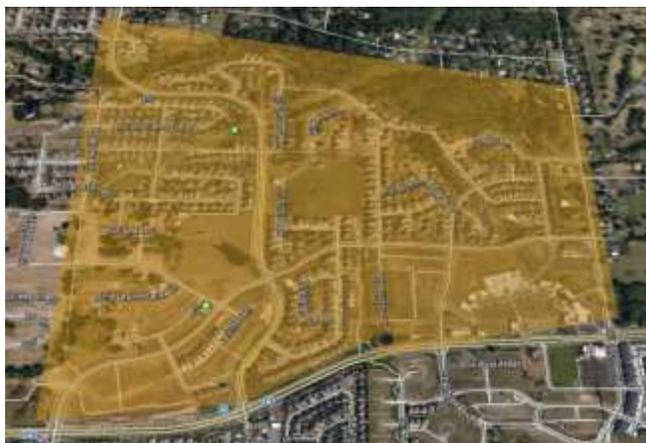


Figure A-LID Project Area



Figure B-Pedestrian Improvements on SE 157<sup>th</sup>

## SECTION IV: IMPLEMENTATION STRATEGIES

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This section is intended to provide recommended techniques and strategies to consider and adopt as part of a local LID ordinance.

### A. MEASURING THE BENEFIT OF AN LID

Before undertaking an LID, the city should ensure that the project provides specific value enhancement for surrounding properties. Because benefits can vary widely between properties and perception (i.e. a paving project which mitigates ambient dust), the city should strive to use metrics which are as consistent, quantifiable and objective as possible. Additionally, the anticipated cost of the LID must be exceeded by the benefits. Some methods of benefit measurement include:

Transportation Projects:

- ✓ Increase to property value
- ✓ Expected increase in vehicle or person trips

Sewer and Water Projects:

- ✓ Expected increase in buildable lots
- ✓ Existing or potential increase in connections

Stormwater Projects:

- ✓ Net increase in impervious area for existing or new construction

### B. ENGINEER'S REPORT

The City should consider requiring the following elements in their LID-required engineer's report

1. A full description of the project and its boundaries
2. A description of each parcel benefited from the project including the name of the owner
3. An estimated project cost
4. Estimated costs to each property.

### C. TRANSPORTATION PROJECT EVALUATION CRITERIA

It is important for the city to carefully consider a council-initiated LID using such criteria as the following

- ✓ The percentage of impacted properties subject to non-remonstrance agreements
- ✓ Health and safety benefits to the city
- ✓ Ability to leverage alternative methods of funding from existing sources
- ✓ Potential for non-local grant funding
- ✓ Overall city-wide benefits (e.g. economic, travel time savings, fiscal)
- ✓ Consistency with state goals in city comprehensive plan
- ✓ Priority of the project per adopted public facility or capital improvement plans
- ✓ Potential return on investment and risk
- ✓ Available funds or bonding capacity in case of the need for bonded indebtedness

## D. ELIGIBILITY OF TRANSPORTATION PROJECTS FOR OUTSIDE FUNDING

When an LID project involves a collector or arterial roadway, it is likely that the benefit of that improvement will extend beyond the zone of benefit. In such cases, an LID should be viewed as an ancillary funding source which can be used to match other local and non-local funding sources. In addition, if such a project is on the City's Transportation System Plan (TSP) or another such plan, those documents may provide guidance regarding the use of other identified funding sources for specific transportation facility improvements.

## E. USE OF NON-REMONSTRANCE AGREEMENTS IN LIEU OF REQUIRING TRANSPORTATION IMPROVEMENTS

The use of non-remonstrance agreements are most important when the following conditions apply:

- ✓ A lot is subject to future annexation by the city and/or within an urban growth management area.
- ✓ A lot is within an area designated for investment by the city, such as an urban renewal area.
- ✓ Development of a lot is expected to utilize at least 10% of remaining capacity on an existing transportation facility on a collector or arterial road or intersection as identified in a TSP.
- ✓ Development of a lot is dependent upon the development of a future collector or arterial or sewer improvement identified in a local plan.
- ✓ Upon direction of the city engineer, manager, community development director or city council.

## F. ADMINISTRATION OF AN LID

A city will incur non-project-related costs while administering an LID including financing, collections and administration. These costs should be included in the cost estimate within the engineer's report, they are typically estimated as a 2-5% addition to the total LID cost. In the case that city staff time is inadequate to administer either the billing or financing elements of an LID, the provision of a third party contractor can be added to the LID assessment.

## G. RISK MITIGATION WHEN FINANCING LIDS

The City must carefully consider the risks of an economic downturn or chronic late payments by property owners. Some strategies to mitigate risk to the City are as follows:

- ✓ Consider using LIDs as a “last dollar” for projects or for small projects ( LIDs of less than \$100,000)
- ✓ For single-developer LIDs, require the developer to maintain performance bonds in escrow that are equal to 1year of LID payments
- ✓ Limit LID costs to no more than 1/2 of land value after improvements.
- ✓ Ensure there are no pre-existing property liens on lots within the LID benefit zone
- ✓ Ensure adequate debt coverage levels are built into LID assessments.

## H. STAKEHOLDER OUTREACH TECHNIQUES

LIDs are politically sensitive endeavors for staff and elected officials alike. The high cost of assessments against individual home owners can generate ill will towards the city, especially when the benefits of an LID are not adequately explained to those individuals. While completely obviating this reaction is not likely, by exceeding state public outreach requirements, staff can mitigate backlash to the formation of an LID. Some such actions include:

- ◆ **A clear and objective LID ordinance:** City code should serve as a predictor of the City’s actions when implementing an LID. Further direction on this can be found in the following section.
- ◆ **Seek early input:** Staff should reach out to impacted property owners through flyers, open houses and direct mailings early, before the initial engineer’s report is published. In doing this early, staff can not only gain the input of local land owners and mitigate areas of concern within the LID but discuss the benefits of the project all before staff time is used to draft substantive reports.
- ◆ **Interim Input:** Once cost and benefit estimates are finalized in the engineer’s report, staff should hold an informational meeting with impacted property owners and allow for a public comment period. During that period, all public comments should be recorded and made part of the record for consideration by city council when the LID is advanced for adoption.
- ◆ **Discussion in the instance that assessment is higher than anticipated:** In the case that the project costs overrun estimates significantly, staff should schedule additional public meetings to discuss why the costs (and individual assessments) have increased. It is important that the City operate in a transparent manner and consider identifying additional funding sources in order to defray costs to individual land owners.

## SECTION V: MODEL CODE

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The attached draft Newport LID policy and code recommendations are based on a survey of LID codes and comprehensive plans from other municipalities, and input from the TAC, Newport city staff, Newport’s Planning Commission and experienced LID practitioners. The resulting recommendations are intended to provide a set of “best practices” for Newport and other cities.

### A. COMPREHENSIVE PLAN AMENDMENTS

The following revised comprehensive plan amendments (included in Appendix B) have been identified to provide consistent governance when funding and implementing public facility improvements.

#### **Policy 6A. Initiating Local Improvement Districts (LIDs) by Petition**

Policy 6A recommends that city leaders only consider an LID if adequate financial resources are present to cover costs such as the Engineer’s Report and required public outreach. 6A continues by further instructing Newport’s decision-makers to expend those resources if it meets feasibility criteria such as the level of existing non-remonstrance agreements and the likelihood that the LID will be “self-financing.” Further, the policy includes prioritization techniques that provide city staff and local officials’ direction when prioritizing multiple LIDs.

#### **Policy 6B. Initiating Local Improvement Districts (LIDs) by City Resolution**

Policy 6B instructs Newport’s leaders on how they might approach a council-initiated LID. The policy calls on staff and the City Council to consider the following factors prior to expending resources on the Engineer’s Report:

- ✓ Consistency with adopted plans
- ✓ Will the improvement address existing deficient infrastructure that is chronically failing.
- ✓ Capital cost of the improvement.
- ✓ Project cost contingencies and related construction risk factors (need to acquire new public right-of-way, unique construction challenges, environmental issues, etc.)
- ✓ Nature of the area of benefit (local, community, state), and the potential availability of non-LID funding sources (state/federal grants, local urban renewal funds, other local funds).
- ✓ The amount of potential non-LID funding that is expected to be leveraged by the LID.
- ✓ Percentage of properties within the benefit area that have prerecorded non-remonstrance agreements or are subject to petition in favor of the LID. Preexisting non-remonstrance agreements or petitions must be in place for at least 50% or more of the area of benefit.

### **Policy 6C. Initiating Local Improvement Districts (LIDs) in General**

Policy 6C addresses numerous additional considerations, making explicit prioritization criteria and additional thresholds for whether the city should proceed with the process.

- ◆ When considering multiple LIDs, priority shall be given to LID(s) that address an “emergency” that has been declared by city council to be a threat to the health and safety to Newport residents and visitors, or to address chronically failing infrastructure.
- ◆ An LID must have a reasonable chance of being self-financing, with adequate reserves to ensure that payments are made on bonds/loans regardless of the property-owners’ repayment.
- ◆ The aggregate assessment amount within a prospective LID should be less than one-third the existing market value of properties within the district.
- ◆ The cost of completing the Engineer’s Report shall be included in the total LID assessment. The City shall update its fee schedule to include a non-refundable LID Application Fee to be paid by LID petitioner(s) for petition-initiated LIDs.
- ◆ In addition to LIDs, in order to maintain public facility service levels, the city may use various means to finance, in whole or in part, improvements to public services in a manner that is consistent with public facility master plans, and adopted city goals and policies. This includes but is not limited to consideration of federal or state grants, sewer or other types of service charges, urban renewal funds, revenue or general obligation bonds, and reimbursement districts.

## **B. CITY CODE AMENDMENTS**

While the comprehensive plan language will provide policy direction regarding how a city should pursue an LID, the city code and ordinance provides the legal and regulatory framework around which the LID will be adopted. LID legislation must provide clarity for the city and citizens to ensure that implementation is predictable. The draft LID code amendments are available in their entirety in Appendix C. Highlights of specific recommended changes are discussed below.

- ◆ Revisions to the code begin with the inclusion of a “definitions” section. Such a section is included in the LID ordinance of numerous cities. This section builds an understanding between the city and citizens of important terminology to be used throughout the following legislation.
- ◆ Additions were made to the “initiation” section of the code add conditions under which the city can pursue an LID. This section enumerates six conditions ranging from health and safety concerns to consistency with city plans. This section was designed to provide Newport’s elected leaders with clear direction related to when an LID is an appropriate funding mechanism.
- ◆ Based upon a survey of LID ordinances from across Oregon, additional levels of public engagement are recommended at the outset of the LID formation process. This is intended to better understand the level of property owner support prior to expending significant levels of staff time or resources to advance the LID for adoption.
- ◆ Additional direction is provided regarding public hearing notices. Additionally, this section provides the city council the ability to reopen the hearing on district formation in the case that it is halted by petitions against the LID. This section also enumerates the actions to be taken by council and staff upon district formation such as the establishment of an account for LID funds and a framework for project completion.
- ◆ Input from the TAC and Planning Commission indicated an interest in how an LID might be funded initially by the city. With the help of city staff, funding mechanisms ranging from bonded debt to fund transfers were identified as potential sources of initial funding for LIDs.

Additionally, this section requires the city to hold a debt reserve equal to 12 months of combined interest and principal obligations to prepare the city in case property owners are unable to make payments on their assessments.

- ◆ Based upon the input of Newport's city staff, a section of code relating to the method of assessment was added. A recommended benefit allocation method (**Exhibit 2.1**) was included in the code amendments to provide clear and objective guidance on how to select assessment methods. The purpose of this section is to discuss appropriate methods of cost assessment based upon the type of project. Additionally, this section requires city council to consider methods based upon perceived equity.

## SECTION VII: SUMMARY

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This LID Implementation Strategy documents the recommended policies and local LID code that is necessary to conserve city resources, staff time and limit risk when considering or adopting a new LID. The findings and recommendations, while specific to the City of Newport, are intended to provide guidance to any community that desires to create a clear, objective and consistent approach to LID formations.

While LIDs must be crafted in a manner that reflects the unique costs and benefits of a specific local improvement, they can provide a “win-win” result for the public and private sectors. In recognition of limited staff and financial resources available by small and medium size jurisdictions, this document provides a policy framework that addresses the issues, options and best practices that should be addressed before proceeding with LID projects.

In practice, each LID is unique. However, a consistent approach to evaluating LID projects and developing equitable cost-benefit allocation methods can improve any LIDs chance for success and support by affected property owners.

When coupled with other available funding sources, such as urban renewal funds, water and sewer enterprise funds, general funds and system development charge revenues, LIDs can result in optimizing limited resources available to pay for public facilities in targeted redevelopment areas. This document explores and recommends the ways and means of advancing LIDs in Oregon so that communities can adequately fund planned public facility investments in a sustainable and equitable manner.

# TECHNICAL APPENDIX

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## APPENDIX A: LID ISSUES AND BEST PRACTICES FINDINGS

| Issue  | Best Practices   | Discussion  |
|--|--|---|
| <p><b>A. LID Formation</b></p>   | <p>Prior to the LID formation, local governments should have policies and procedures in place to ensure that they can address issues proactively such as the following:</p> <ul style="list-style-type: none"> <li>· Formulate different policies for different types of LIDs (e.g. residential, commercial, developer).</li> <li>· Construct a screening method that stipulates criteria all properties/property owners must pass for LID formation.</li> <li>· Establish risk mitigation measures (in the event of an economic downturn or delinquent LID payments) that ensure adequate revenues will be forthcoming to meet debt service obligations.</li> </ul> | <p>A single family residential neighborhood requiring a sidewalk should have different LID formation requirements than a single commercial developer in a greenfield. As such, governments should explore the differences and consider policies based on those differences.</p> <p>A LID formation pre-screening checklist which identifies: property parcel ID number, property owner contacts, liens on the property, assessed and market valuation levels, and other items allows the local government to better evaluate if the LID assessment is financially viable.</p>   |
| <p><b>B. LID Assessments</b></p>   | <p>Establish policies for recalculating LID benefits if final LID assessments significantly exceed initial assessments.</p> <p>Consider placing liens on properties only after the final assessment and construction occurs.</p>   | <p>Additional public outreach should be conducted if the final assessment is significantly higher than the initial assessment.</p> <p>Placing the lien on properties after the final assessment allows for one point in time at which property owners can challenge the LID with a writ of review. This approach enables costs to be included in the LID assessment from project inception to completion.</p>   |
| <p><b>C. Potential Funding Sources to Match LIDs</b></p>                   | <p>Establish policies that determine how and when to match local LID assessments with other governmental funds—depending upon the size of the capital project.</p> <p>For large projects (e.g., over \$100,000) LIDs should be considered as the final source of “gap” funding.</p>  | <p>LID projects inherently have some general benefit along with the special benefit attributed to the property owners. If there is some general community wide benefit, then the local government could justify the use of capital funds or general funds to match LID assessments.</p> <p>For example, see the City of Ashland’s LID resolution which includes a matrix that stipulates the amount of non-LID funding the City will commit for specific types of LID projects. For example, the city will pay 50 percent of the total costs of sidewalks along arterial roads, and LIDs will be used for the remaining 50 percent of the cost.</p> |
| <p><b>D. Administrative Costs/Staffing</b></p>                             | <p>Establish a policy to include all administrative costs such as project management, billing, and auditing in the final LID assessment.</p> <p>If the property owner opts for financing their assessments over time, then additional fees and interest charges should be added to their individual assessment.</p>  | <p>Most cities have a broad provision stating that property owners in the LID will bear all costs.</p> <p>There are many ways local governments ensure that all administrative costs are included in the LID assessment. The City of Springfield stipulates an assessment service fee that covers administrative costs (6.2%). Portland has a set auditor’s fee (.438%) along with a monthly billing fee and project management charges.</p>  |
| <p><b>E. Consideration of Pre-Existing Non-Remonstrance Agreements</b></p> | <p>Non-remonstrance agreements should imply a quid pro quo benefit to the property that is slated to be assessed by a future LID.</p>  | <p>Non-remonstrance agreements have been rejected in court if there is no benefit for the property owner or if the agreement is outdated.</p> <p>Non-remonstrance agreements are not a reflection of property owner support for a future unspecified LID assessment. However, they can provide a local government with the political will to implement an LID and advance finance a share of the capital project cost.</p>  |

**Appendix A (continued)**

| Issue  | Best Practices  | Discussion  |
|--|---|---|
| <p><b>F. Measures of Determining Benefit to Properties</b></p> | <p>It is important to avoid assessing properties in excess of their marketable value (before or after the improvement is made). State law provides leeway in benefit apportionment which the local government should use and pragmatically approach every LID project.</p> <p>It is considered good practice to establish a maximum cap on LID assessments, either project wide or property specific.</p> <p>Consider establishing zones of benefit within a LID district to apportion benefit between equitably among property owners.</p> <p>Consider multiple alternatives for apportioning LID benefits</p> | <p>There are multiple ways to establish a LID assessment limit on properties. Portland uses a property value to LID assessment ratio cap (2:1). Ashland places a maximum limit on a LID assessment (not exceed \$5,138 per lot in 2006).</p> <p>Persons interviewed recommended that the property value (Market value) to LID assessment ratio should range from 2:1 to 3:1.</p> <p>Avoid situations that result in one property owner agreeing to pay for another's LID assessment. In the case of Keizer, one property owner agreed to pay the LID assessment of another. This shows that the benefit was not correctly apportioned to the lots that stand to have the most benefit.</p> <p>Zones of benefit within a LID project can make LIDs more equitable and acceptable to property owners.</p> |
| <p><b>G. Undeveloped Land LIDs</b></p>                         | <p>A fiscally conservative practice with vacant land LIDs is to ensure that collective assessments do not exceed the estimated future market value of the land (before development occurs) once the public facility improvements are in place.</p>  | <p>Undeveloped vacant land LIDs are unique in that LID assessments may be greater than the current value of the property.</p>   |
| <p><b>H. Single Developer LIDs</b></p>                         | <p>Establish a financial screening checklist and conduct additional due diligence for proposed single developer LIDs. Considerations should include the past history of the developer, size of the development, existing loans and liens on the property, and credit worthiness of the developer.</p>   | <p>Single developer LIDs pose a high risk for the local government because of the potential for default. The government should consider the type of development, the developer's financial situation, and consider hiring an independent financial advisor to assess the viability of the project.</p>  |
| <p><b>I. Properties and Property Owners Affected</b></p>       | <p>Consider requiring that LID liens be paid in full before transference of property.</p> <p>For large assessments (over \$10,000 per property), consider requiring a reserve fund (e.g., set aside funding equal to 6 months of debt service) to be established if the property owners opt to finance their assessment over time.</p> <p>Local governments can also establish a special payment program available for low-income property owners in a LID (details). For example, a local government can extend the repayment period, reduce the interest rate charged on payments, or defer payments.</p>     | <p>The local government should examine tools to insulate the City from financial risk prior to incurring public debt.</p> <p>Gresham requires the LID assessment paid in full before the transference of property per municipal code.</p> <p>Many cities (Portland, Milwaukie, Springfield, etc.) have a low income payment program to make LID payments more equitable for low income households. The definition of low income is dependent on local government resolution and the benefits vary by jurisdiction.</p>  |
| <p><b>J. Public Involvement</b></p>                            | <p>Ensure the public is involved in the LID formation process at every step with transparent and clear communication.</p> <p>Require the LID administrator to respond to all LID questions in writing.</p> <p>Create a policy stipulating the amount of opposition needed to stop the LID formation process (e.g., if 51% or more of affected properties sign a petition against the LID then the formation should stop)</p> <p>Create a policy for the public to initiate LIDs through a petition process.</p>   | <p>Public support and input is a keystone to a successful LID. Without it, the City is likely to face many obstacles in the LID formation.</p> <p>Responding to non-remonstrance agreements serves two purposes: increasing public engagement in LID formation and allowing the local government to demonstrate special benefit on the record in the case of a court challenge.</p> <p>The local government should stipulate a percent of property owners that must remonstrate for a LID formation to halt because state law is relatively open in this regard. Local governments can include a provision to continue the LID in spite of remonstrations such as emergencies or for sidewalks.</p>   |

**Appendix A (continued)**

| Issue  | Best Practices  | Discussion   |
|--|---|--|
| <p><b>K. LID Financing</b></p>                       | <p>Charge an interest rate high enough to account for all borrowing costs and the risk of default. Conduct a cash flow analysis to ensure all financing requirements and fiscal policies are met.</p> <p>Consult with bonding counsel prior to debt issuance.</p> <p>Consider early payments by property owners in the context of debt requirements (call penalties).</p> | <p>The local government should consider LID financing risk in the context of defaults and market interest rates.</p> <p>If debt has penalties on early repayment, the local government should consider investing early payoffs by property owners to cover financing costs.</p>  |
| <p><b>L. System Development Charges for LIDs</b></p> | <p>Consider providing SDC credits for LID projects when the new project adds capacity on a qualified public improvement (ORS 223.297-223.314).</p>  | <p>Providing SDC credits for LID projects assists developers in constructing public facilities (practice used by the city of Gresham)</p>  |
| <p><b>M. LID Implementation</b></p>                  | <p>As part of the LID implementing resolution, identify a construction period that is expected; and include a sunset provision if no construction occurs within the stated timeframe.</p>   | <p>In Tigard, the City placed a lien on properties after the initial assessment but because of the Great Recession was unable to construct the improvement. The property owners were unable to sell their property because of the lien placed on the properties, yet no public improvements were made. The City eventually revisited and dissolved the LID. A construction timeframe and sunset would have prevented this issue.</p> |

## APPENDIX B: DRAFT POLICY AMENDMENTS



## APPENDIX C: DRAFT NEWPORT LID ORDINANCE



# Memorandum

To: Newport Planning Commission

From: Derrick Tokos, Community Development Director 

Date: February 18, 2016

Re: Status of the Planning Commission and Advisory Committee Recruitments

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The City of Newport has advertised the vacancy on the Planning Commission and vacancies on the Commission Advisory Committee on multiple occasions and has received only one application for the vacant Commission position and one application for the two vacancies on the Advisory Committee. The City Council has not set a date to interview the Planning Commission candidate and may elect to hold off until they have a few candidates that are interested.

If you know of anyone who might be interested in either of these positions, please suggest that they apply online. Here is a link: <http://newportoregon.gov/citygov/application.asp>. The application is located on the website under the heading City Government, Committees.