



PLANNING COMMISSION REGULAR SESSION AGENDA
Monday, January 24, 2022 - 7:00 PM
City Hall, Council Chambers, 169 SW Coast Hwy, Newport, OR 97365

This meeting will be held electronically. The public can livestream this meeting at <https://newportoregon.gov>. The meeting will also be broadcast on Charter Channel 190. Public comment may be made, via e-mail, up to four hours before the meeting start time at publiccomment@newportoregon.gov. 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.

Anyone wishing to make real time public comment should submit a request to publiccomment@newportoregon.gov at least four hours before the meeting start time, and a Zoom link will be e-mailed.

1. CALL TO ORDER AND ROLL CALL

Jim Patrick, Bill Branigan, Lee Hardy, Bob Berman, Jim Hanselman, Gary East, and Braulio Escobar.

2. APPROVAL OF MINUTES

2.A Approval of the Planning Commission Regular Session Meeting Minutes of January 10, 2021.

[Draft PC Reg Session Minutes 01-10-2022](#)

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

- 4.A Recommendation to City Council on South Beach Commercial Corridor Island Annexation Concept.**

5. PUBLIC HEARINGS

- 5.A File No. 7-CUP-21: Conditional Use Permit to Allow the Construction and Operation of an Animal Shelter Facility and Storage at the Subject Property That is Located in a P-1/"Public Structures" Zone.**

[Staff Report](#)

[Attachment A - Application Form](#)

[Attachment B - Lincoln County Assessor Property Report](#)

[Attachment C - City of Newport- Lincoln County MOU, Jan. 2021](#)

[Attachment D - Draft Lease Area, by Lincoln County Surveyor's Office](#)

[Attachment E - Lease Area Legal Description, dated 10/22/21](#)

[Attachment F - Application Narrative](#)

[Attachment G - Animal Waste Mgmt Memo, Bill Daggett, dated 12/20/21](#)

[Attachment H - Site Plan/Elevation Drawings, by DKa, dated 12/21/21](#)

[Attachment I - Floorplan, by DKa, dated 11/8/21](#)

[Attachment J - Daily Water Usage Estimate w/ Cover, dated 1/7/22](#)

[Attachment K - Wastewater Solution, US 101 Refinement Plan, Fall 2021](#)

[Attachment L - Public Notice](#)

[Attachment M - 2018 Airport Master Plan On-Airport Land Use Map](#)

[Attachment N - 2018 Aerial Image with Wetlands and Topography](#)

[Attachment O - Email from Jim and Karen Otta, dated 1/7/22](#)

[Attachment P - Email from Adam Denlinger, SRWD, dated 1/19/22](#)

[Attachment Q - Airport Master Plan Runway 2-20 Approach Surface Maps](#)

[Airport Committee Letter - 1/24/2022](#)

6. NEW BUSINESS

7. UNFINISHED BUSINESS

8. DIRECTOR COMMENTS

9. ADJOURNMENT

Draft MINUTES
City of Newport Planning Commission
Regular Session
Newport City Hall Council Chambers
January 10, 2022

Planning Commissioners Present by Video Conference: Jim Patrick , Bob Berman, Lee Hardy, Braulio Escobar, Jim Hanselman, Gary East, and Bill Branigan.

City Staff Present: Community Development Director (CDD), Derrick Tokos; and Executive Assistant, Sherri Marineau.

1. **Call to Order & Roll Call.** Chair Patrick called the meeting to order in the City Hall Council Chambers at 6:01 p.m. On roll call, Commissioners Patrick, Branigan, Berman, Hanselman, Hardy, Escobar, and East were present.

2. **Approval of Minutes.**

Berman and Hardy reported minor corrections to the minutes.

A. **Approval of the Planning Commission Work Session Meeting Minutes of October 25, 2021.**

MOTION was made by Commissioner Berman, seconded by Commissioner Branigan to approve the Planning Commission Work Session Meeting Minutes of October 25, 2021 with minor corrections. The motion carried unanimously in a voice vote.

B. **Approval of the Planning Commission Regular Session Meeting Minutes of October 25, 2021.**

MOTION was made by Commissioner Berman, seconded by Commissioner Branigan to approve the Planning Commission Regular Session Meeting Minutes of October 25, 2021 as written. The motion carried unanimously in a voice vote.

C. **Approval of the Planning Commission Work Session Meeting Minutes of November 8, 2021.**

MOTION was made by Commissioner Berman, seconded by Commissioner Branigan to approve the Planning Commission Work Session Meeting Minutes of November 8, 2021 with minor corrections. The motion carried unanimously in a voice vote.

D. **Approval of the Planning Commission Regular Session Meeting Minutes of December 13, 2021.**

MOTION was made by Commissioner Berman, seconded by Commissioner Branigan to approve the Planning Commission Regular Session Meeting Minutes of December 13, 2021 with minor corrections. The motion carried unanimously in a voice vote.

3. **Citizen/Public Comment.** None were heard.

4. **Public Hearings.** None were heard.

A. **Election of the Planning Commission Chair and Vice Chair.** Berman commended Chair Patrick and Vice Chair Branigan on their work.

MOTION was made by Commissioner Berman, seconded by Commissioner Hardy to elect Jim Patrick and the Chair, and Bill Branigan as the Vice Chair for the Planning Commission. The motion carried unanimously in a voice vote.

5. **Action Items.** None were heard.

6. **New Business.**

A. **Potential Candidates for HCA/HPS Stakeholder Interviews and Advisory Committee.** Tokos asked the Commission to brainstorm who should be added to the stakeholder list. He noted that EcoNorthwest was chosen as the consultant and the City Council would confirm their contract on January 18th. There would be an initial outreach to stakeholders, and then an advisory committee would need to be put together.

Tokos reviewed a list of stakeholders that he had put together and asked for comments. Escobar suggested adding Discovery Counseling. Hardy asked if the State of Oregon Employment Department would be able to weigh in on the demographics on the standpoint of the income levels of the various employment sectors, because it was the lack of income that drove affordability. Tokos confirmed they would. A lot of the data they had would come from the 2020 census and it would be plugged into this. There may be some smaller data sets they could weigh in on. Hardy asked if EcoNorthwest could focus on doing some general surveys if there wasn't a lot of income data. Tokos explained they were looking available sources first. They hadn't budgeted for any kind of survey work on the demographic side. Tokos was hopeful there would be enough data from different sources to get the information they needed.

Branigan thought an architect should be consulted for their design background. Berman thought they should include someone with geotechnical expertise when talking about buildability. He asked if the consultants would reach out to these people. Tokos explained some would be included as part of the stakeholders interviews and others would be a part of the project advisory committee. Hardy asked what time of the day the meetings would be held. Tokos guessed in the evenings. Patrick suggested that NOAA or the Coast Guard be pulled in. Berman thought Pacific Seafoods should be as well. Tokos explained that the Coast Guard and Pacific Seafood provided their own housing and this wouldn't be reflected. East noted the Coast Guard would have a budget targets they tried to meet when looking for housing for staff. Tokos reported that Pacific Seafoods was still renting blocks hotel rooms for their employees and still looking at ways to get dormitory housing constructed. Tokos explained they had been looking to purchase a hotel, but he didn't know if they had done so yet.

Tokos would use the list and work it into lists for stakeholder interviews and a project advisory committee. Patrick asked what size the committee would be. Tokos thought it would be smaller one. Berman thought Hardy would be the appropriate person from the Commission to be on the committee.

MOTION was made by Commissioner Berman, seconded by Commissioner Escobar to nominate Lee Hardy as the primary representative, and Gary East as the secondary representative on the HCA/HPS Project Advisory Committee. The motion carried unanimously in a voice vote.

B. Updated Planning Commission Work Program. Tokos reported that he had updated the program through the first six months of the year. He walked through each meeting that was scheduled with the Commission.

Berman asked if the UGB land swap would be pulling in some of the right-of-way for Harney Street. Tokos confirmed it would.

Berman asked if the RFP in the URA 35th/US 101 was for developer proposals. Tokos confirmed it would be for proposals, and the concepts were already worked up in the refinement plan. This would be for an RFP that would be put out to developers for proposals for this site.

Tokos reminded that the work program was tentative and as things came up it would change. He noted that he just found out the State would introduce a bill in the short session concerning the mini manufactured dwelling code.

7. **Unfinished Business.** None were heard.

8. **Director Comments.** None were heard.

9. **Adjournment.** Having no further business, the meeting adjourned at 7:33 p.m.

Respectfully submitted,

Sherri Marineau
Executive Assistant

PLANNING STAFF REPORT

Case File No. 7-CUP-21

- A. **APPLICANT:** Lincoln County (Chris Keane, Dangermond and Keane Architects, representative) City of Newport (owner).
- B. **REQUEST:** Approval per Section 14.22.100(E)(5) of the Airport Development Zone Overlay, for a conditional use permit to allow the construction and operation of a 12,000 +/- square foot animal shelter and 10,000 +/- square feet of storage located on areas designated for non-aeronautical use at the Newport Municipal Airport.
- C. **LOCATION:** South of Runway 2-20 and U.S. Coast Guard Station (Tax Map 11-11-32-00, Tax Lot 200).
- D. **LEGAL DESCRIPTION:** See Attachment "E".
- E. **LEASE AREA:** Approximately 5 acres.
- F. **STAFF REPORT**
1. **REPORT OF FACT**
- a. **Plan Designation:** Public.
- b. **Zone Designation:** P-1/"Public Structures" subject to the City Airport Development Zone Overlay.
- c. **Surrounding Land Uses:** Low density, single-family home sites to the west and south, airplane hangars to the east, and the U.S. Coast Guard Station (helipad) and additional airplane hangars to the north.
- d. **Topography and Vegetation:** The property slopes gradually from the northeast to the southwest, with steeper terrain along the far west and south ends of the proposed lease area. The east half of the site has been cleared and maintained as a mowed open area, with the balance of property being vegetated with native trees and shrubbery.
- e. **Existing Structures:** None.
- f. **Utilities:** All are available to the site. While the lease area is large enough to accommodate an individual septic system, the intent is for the development to utilize a larger shared system, to be located in between the runways, that the applicant would pump effluent to for treatment. Water service will be provided by the Seal Rock Water District.
- g. **Development Constraints:** None known.

- h. **Past Land Use Actions:** None related to the proposed lease area.
- i. **Notification:** Notice to surrounding property owners and to city departments/public agencies announcing the January 24, 2022 public hearing date was mailed on January 3, 2022; and notice was published in the Newport News-Times on January 14, 2022.
- j. **Attachments:**
 - Attachment "A" – Application Form
 - Attachment "B" – Lincoln County Assessor Property Report
 - Attachment "C" – City of Newport – Lincoln County MOU, Jan. 2021
 - Attachment "D" – Draft Lease Area, by Lincoln County Surveyor’s Office
 - Attachment "E" – Lease Area Legal Description, dated 10/22/21
 - Attachment "F" – Application Narrative
 - Attachment "G" – Animal Waste Mgmt Memo, Bill Daggett, dated 12/20/21
 - Attachment "H" – Site Plan/Elevation Drawings, by DKa, dated 12/21/21
 - Attachment "I" – Floorplan, by DKa, dated 11/8/21
 - Attachment "J" – Daily Water Usage Estimate w/ Cover, dated 1/7/22
 - Attachment "K" – Wastewater Solution, US 101 Refinement Plan, Fall 2021
 - Attachment "L" – Public Notice
 - Attachment "M" – 2018 Airport Master Plan On-Airport Land Use Map
 - Attachment "N" – 2018 Aerial Image with Wetlands and Topography
 - Attachment "O" – Email from Jim and Karen Otta, dated 1/7/22
 - Attachment "P" – Email from Adam Denlinger, SRWD, dated 1/19/22
 - Attachment "Q" – Airport Master Plan Runway 2-20 Approach Surface Maps

2. **Explanation of the Request:** Lincoln County has applied for a conditional use permit to construct an animal shelter and storage on property at the Newport Municipal Airport (Attachment "A"). The subject property is part of a larger parcel that is owned by the City of Newport (Attachment "B"). Lincoln County has entered into a Memorandum of Understanding (MOU) with the City of Newport to lease 5-acres of undeveloped property at the southwest corner of the Airport for the animal shelter project (Attachment "C"). The document notes that a conditional use permit is required and that the County is responsible for obtaining the permit. The MOU serves as evidence that the City has authorized the County to submit the application, consistent with NMC 14.52.050. While a draft boundary for the lease area has been developed (Attachments "D" and "E"), the formal lease agreement has not yet been signed, nor is it likely to be signed until this conditional use permit application is fully adjudicated.

The property is located within a P-1/“Public Structures” zone district, which would normally allow an animal shelter and storage activities by a public entity as an outright permitted use (NMC 14.03.100(4)). However, this particular parcel is situated within an Airport Development Overlay Zone that encompasses city-owned property in and around the Newport Municipal Airport. That overlay limits non-aviation related public uses, such as the animal shelter, to areas specifically designated for non-aviation related activities, and subjects them to conditional use approval (NMC 14.22.100(E)(5)).

The applicant has prepared a site plan and exterior elevations for the proposed animal shelter and storage uses (Attachment "H"). They have also provided a floorplan for the shelter illustrating how the interior space will be allocated for various uses (Attachment "I"). An existing, 16-foot wide paved driveway provides access to the site. The applicant intends to widen this driveway to 22-feet in width from the east end of the proposed lease area to the point where the driveway intersects with the Newport Municipal Airport's main access road.

Initially, the applicant intends to construct a 9,000 +/- square foot animal shelter facility that can be later expanded to 12,000 +/- square feet. The footprint for the initial phase and future phases is illustrated on the site plan. Two storage buildings are to be constructed, one being 4,000 square feet in size and the other 6,000 square feet in size. The locations of these structures are also depicted on the applicant's site plan.

With their narrative (Attachment "F") the applicant provides a business plan, which states:

The animal shelter facility will be focused on the care and sheltering of dogs, cats, and a small number of other small animals such as rabbits, as well as space for larger animals in an emergency on a temporary basis. The bulk of the animal care facility square footage is dedicated to the housing of animals in kennels and/or support spaces for caring for those animals. The facility will provide kennel space for 24 dogs and 59 cats and provide the following program/functions:

- Public reception and sales of initial, basic pet care needs for adopted animals.
- Administrative areas including three (3) private offices for staff. Staff and volunteer training provisions including an approximately 750 square foot multi-function meeting/training room.
- A sally port to aid in safety of animal intake.
- Animal receiving, including examination, and grooming functions.
- Animal kennels for adoption and strays.
- Animal kennels for quarantine and routine observation.
- Clinic space(s) for shelter animal care and emergencies.
- Outdoor exercise areas for dogs including a short walking path.

Though not budgeted at this time, a future phase of construction may include:

- Spay/neuter services

The shelter will be staffed 7 days a week with paid staff and volunteers depending on the day and need. The facility will include three (3) private offices and a reception desk for staff. A volunteers' room will be provided as will a staff break room.

In addition to shelter staff and volunteers, the facility will be used by the Lincoln County Animal Services deputies and other law enforcement personnel. They will

have 24/7 access to the facility through a separate and secure sally port.

Presently, the facility is open to the public from 12 - 4 Wednesday – Saturday but this will likely increase with the new facility depending on staff and volunteer availability.

Public use of the facility will primarily be for surrendering animals or meeting animals for possible adoption.

3. **Evaluation of the Request:**

a. **Comments:** One comment was received in response to the notice mailed to surrounding property owners and to city departments/public agencies on January 3, 2022 or legal ad published in the Newport News-Times on January 14, 2022. It was an email from Jim and Karen Otta, dated 1/7/22 (Attachment "O") and is more specifically addressed in the findings below.

b. **Conditional Use Review Required (NMC Chapter 14.22.100(E)):**

NMC 14.22.110(E). Conditional Uses. The following conditional uses replace the permitted uses identified in the underlying zone district.

5. Non-aviation related residential, commercial, industrial or public uses in areas designated for non-aeronautical use on the "On-Airport land Use" map identified as Sheet 15.2 of the Newport Municipal Airport Master Plan, prepared by WHPacific (dated February 2018).

A copy of that map, enclosed as Attachment "M," shows that the proposed lease area for the animal shelter is located on airport property designated for non-aeronautical use and is; therefore, permissible subject to conditional use review.

c. **Conditional Use Approval Authority (NMC 14.34.030):**

14.34.030(A) Approval Authority. Application for approval of a Conditional Use shall be processed and authorized using a Type II decision making procedure where specifically identified as Newport Municipal Code eligible for Type II review elsewhere in this Code or when characterized by the following:

1. The proposed use generates less than 50 additional trips per day as determined in the document entitled Trip Generation, an informational report prepared by the Institute of Traffic Engineers; and

2. Involves a piece(s) of property that is less than one (1) acre in size. For an application involving a condominium unit, the determination of the size of the property is based on the condominium common property and not the individual unit.

Per NMC 14.34.030(B) all other applications for Conditional Uses shall be processed and authorized as a Type III decision-making procedure.

The City of Newport's Type III decision-making procedure is outlined in NMC 14.52.020(C), and designates the Planning Commission as the decision-making authority after notice and a public hearing. Notice must be provided by mail at least 20-days in advance of the hearing to all record owners of property within 200-feet of the subject parcel (NMC 14.52.060(C)). Notice of the hearing must also be published at least once in a newspaper of general circulation at least 5-days and no more than 20-days prior to the date set for the public hearing (NMC 14.52.060(F)).

The property the County is looking to lease is 5-acres in size as depicted on the preliminary drawing prepared by the Lincoln County Surveyor's Office (Attachment "D"); therefore, Planning Commission review and approval is required per NMC 14.34.030(B). Evidence of public notice, included as Attachment "L," demonstrates that the January 24, 2022 public hearing has been duly noticed consistent with the requirements of NMC 14.52.060.

d. **Conditional Use Criteria (NMC Chapter 14.34.050):**

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

e. **Staff Analysis:**

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 while all of the aforementioned public facilities are available and serve the property, improvements or extensions will be needed to make the services directly available to the property.

Regarding the individual public facilities, the applicant points out that sanitary sewer will be provided by the City of Newport through a community sewer system which is in the planning stage. It will be a large septic system that the City is looking to place in between the runways immediately northeast of the property that the applicant is looking to lease from the City. The septic system is being sized to accommodate anticipated buildout over the next 20-years, and is further described as Project C of the recently completed South Beach / US 101 Refinement Plan (Attachment "K"). As noted by the applicant, the animal shelter facility will tie into the system via a pump station, service lateral(s) and related connections. There are presently four separate septic systems on airport property, serving the Fixed Base Operator (FBO) building, FedEx Building, U.S. Coast Guard Building, and the Airport Rescue and Firefighting (ARFF) building. The new large septic system will allow for the systems to be consolidated, except for the ARFF system on the far north end of the airport property. The fact that there are already septic systems at the airport is also evidence the Planning Commission can rely upon to conclude that soil conditions are such that it is feasible that a large shared septic system can be built to meet the needs of the animal shelter and other area users.

In their narrative, the applicant points out that the subject property lies within the Seal Rock Water District which they indicate has adequate capacity to serve the animal shelter. Upon request by the Seal Rock Water District (SRWD) the applicant prepared a memo outlining anticipated maximum daily water demand (Attachment "J"). The information was reviewed by Adam Denlinger, SWRD General Manager, who confirmed in a January 19, 2022 email that the district can meet the anticipated demand (Attachment "P"). At this time, the City anticipates that water service will be provided via an existing 8-inch HDPE line that parallels the access road as illustrated on an aerial image of the property (Attachment "N").

The applicant notes that the proposed lease area possesses uncontrolled access from a shared airport drive off of SE 84th Street, which is a turnoff from US 101. This airport drive has a paved asphalt surface that can accommodate one lane of traffic in each direction. The County desires to extend the road width from 16-feet to 22-feet to better serve emergency vehicles such as fire trucks. The applicant's site plan illustrates that the parking needs of the facility will be met with paved, off-street spaces in close proximity to the planned improvements (Attachment "H"). Therefore, it is unlikely that on-street parking will be needed or that it would even be attractive. The City of Newport Fire and Public Works Departments operate vehicles with a wheel base in excess of 10-feet in width. This could make it challenging for them to access the facility if faced with oncoming traffic, as the existing drive is at best 16-feet wide (narrower in some areas). The applicant's proposal to widen the drive to 22-feet will ensure that the paved area is wide enough for Fire Department and Public Works vehicles to pass oncoming traffic.

The applicant intends to manage runoff through the use of on-site stormwater basins. They note that a 6% sizing factor for a stormwater basin (sloped vegetated sides) would be sufficient to meet water quality requirements as well as matching pre-developed runoff conditions (not increasing runoff leaving the site compared to current conditions). Based on the total square footage of 51,250 square feet of impervious surfaces (Attachment "H"), the applicant believes that 3,075 sf of stormwater basin should suffice, and they understand that the final arrangement and design of these stormwater basin (rain garden) will need to be submitted as part of the building permit submission.

Policy 1, Goal 2, Storm Drainage, Public Facilities Element of the Newport Comprehensive Plan requires that drainage analysis for development with new impervious surfaces demonstrate that run-off can be managed on-site or that the downstream conveyance system has capacity for the volume and velocity of stormwater attributed to a 25-year, 24-hr storm. Applicant is proposing to develop just under 1.2 of the 5 acres they intend to lease from the City. The property is gradually dropping in elevation to the west and south towards drainages adjacent to US 101. It would be reasonable for the Planning Commission to find it feasible that drainage basins sufficient to manage runoff for the design storm can be constructed within the leased area. It is relevant to note that the proposed lease area is within the visual approach surface of Runway 2-20, where individual surface water impoundments cannot exceed a quarter-acre in size (ref: NMC 14.22.080(E)). This shouldn't be an issue as the size of the property is sufficient to allow multiple drainage facilities to be built, as needed to conform to this requirement.

Central Lincoln PUD provides electrical service, and power has been extended along the access drive such that it is proximate to the proposed development (ref: electrical pull box, Sheet CU-1, Attachment "H"). The applicant notes that they are responsible for ensuring that the property is properly hooked up to the electrical lines.

The applicant points out that Bill Daggett from Shelterplanners.com is serving on the shelter design team, and that Bill has served as a consultant and architect for dozens of animal shelters across the country. His expertise will be critical in designing a facility that is clean and safe for staff, visitors, and the animals themselves. Though the systems have not been designed yet, great care will go in to designing a facility that is easy to keep clean and that handles animal waste appropriately. For example, the applicant notes that all animal waste that is introduced into the building's sanitary system will first enter a settling tank that includes a particle filter (and clog alarm) sufficient to prevent the passage of animal hair into the system beyond the settling tank. Included with the application is a memo outlining steps that will be taken in the design and maintenance of the facility to manage animal waste and ensure a safe and clean facility (Attachment "G").

Given the above, it is reasonable for the Planning Commission to find that the public facilities can adequately accommodate the animal shelter and storage uses.

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

This criterion addresses requirements of the underlying or overlay zone. The applicant notes that the subject property is zoned P-1/ "Public Structures" by the City of Newport. The intent of the zone is to provide for various public uses such as parks, open spaces, community buildings, senior centers, airports, recreation facilities, libraries, police stations and fire stations. To that end, NMC 14.03.100(4) lists "any building or structure erected by a government entity" as an outright use. This application for an animal shelter and storage units by Lincoln County falls within that category of an outright use.

However, the applicant appropriately notes that the subject property is also in the Airport Restricted Area and Airport Development Zone Overlay (14.22 of the Newport Municipal Code.) The purpose of the Airport Restricted Area and Airport Development overlays is to encourage and support the continued operation and vitality of the Newport Municipal Airport by establishing compatibility and safety standards to promote air navigational safety and to reduce potential safety hazards for persons living, working or recreating near the airport (ref: NMC 14.22.010).

Within the Airport Restricted Area there are various provisions requiring compliance with specified standards. Section 14.22.060 is one such provision and it is entitled "Height Limitations on Allowed Uses in Underlying Zones." It states: "All uses permitted by the underlying zone shall comply with the height limitations in this Section. When height limitations of the underlying zone are more restrictive than those of the Airport Restricted Area Zoning Overlay, the underlying zone height limitations shall control.

- A. Except as provided in subsections B and C of this Section, no structure or tree, plant or other object of natural growth shall penetrate an airport imaginary surface.
- B. For areas within airport imaginary surfaces but outside the approach and transition surfaces, where the terrain is at higher elevations than the airport runway surfaces such that existing structures and permitted development penetrate or would penetrate the airport imaginary surfaces, the City of Newport may authorize structures up to 35 feet in height."

The term "Airport Imaginary Surfaces" is defined under NMC 14.22.020 as including runway approach surfaces. 2018 Airport Master Plan maps show that the subject property falls within the runway approach surface for Runway 2-20 (Attachment "Q"). This is a visual approach surface for aircraft and the second sheet of Attachment "Q" includes a profile drawing illustrating that the approach surface at the driveway access to the proposed

lease area is over 45 feet above finished grade. The applicant's exterior elevation drawings show that the animal shelter building will be just under 30-feet in height and the storage buildings will be approximately 25-feet in height, so neither will penetrate the approach surface. This is sufficient evidence for the Planning Commission to find that the height limitation of NMC 14.22.060 has been satisfied.

Applicant indicates that they are prepared to submit a landscape plan with the building permit submittal that identifies the location, species and anticipated peak height of all trees that are to be planted. This is appropriate considering the location of the proposed lease area relative to the visual approach surface.

In their narrative, the applicant notes that NMC 14.22.080 calls for outdoor lighting to be directed away from runways and approach surfaces, and that it not in any way to imitate airport lighting or impede the ability of pilots to distinguish between airport lighting and other lighting. The applicant indicates that lighting on the subject property will be muted, downward facing, and shielded; and it will not project light directly onto an existing runway or taxiway or onto existing airport approach surfaces.

In addition to outdoor lighting, the applicant points out that the provisions of NMC 14.22.080 prohibit use of glare producing material, including but not limited to unpainted metal or reflective glass, on the exterior of structures located within an approach surface or on nearby lands where glare could impede a pilot's vision. The applicant indicates that they are prepared to adhere to this requirement.

Lastly, the applicant points out that NMC 14.22.100(F) requires that they "demonstrate that the uses will not create a safety hazard or otherwise limit existing and/or approved airport uses." They point out that this standard is satisfied given that the structures are single-story, and not over 35 feet in height. They further note that the proposed lease area is topographically isolated from the aeronautical uses at the airport, sitting roughly 13-feet below the runway/taxiway surfaces and roughly 350 feet from the closest taxiway.

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

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

The applicant expects that the proposed use will have very little impact on adjacent uses. One reason is that the subject property consists of 5-acres and is isolated from adjacent parcels. They note that there are no residences within easy view of the building site on the subject property. The site is bordered to

the east by the airport runways, to the west by Highway 101, and to the north and south by heavily wooded areas. That said, the applicant indicates that they will take additional measures to ensure that adverse impacts will be ameliorated. They point out that there will be little traffic generated by the proposed use, and they will not be using the facility for large group gatherings such as conferences. With what traffic that is generated, it will travel over paved roads, so dust should not be a problem.

The Animal Shelter itself will be soundproofed to the greatest extent practical. Because of the nature of the facility and the need to keep the animals safe and disease free, great care will be taken to control and sequester odors and properly separate, treat, and dispose of waste. There will be a limited dog walking trail on the Animal Shelter property where County employees and volunteers will exercise dogs (see site plan, Attachment "H"). They expect though that the impact to others attributed to the walking trail will be limited as these walks will not normally occur at night and be limited to small numbers at a time.

The only comment received in response to the public notice was from Jim and Karen Otta. Their property is roughly 1,000 feet southwest of the location where the animal shelter is to be built, on the west side of US 101. They are concerned with animal noise compounding the background noise they already deal with from US 101 traffic and airport activities. They request that the animal shelter be soundproofed and noise be monitored so that it doesn't raise the noise level on the west side of the highway (Attachment "O").

The applicant indicates that they are soundproofing the building which will mitigate noise from animals housed within the structure. Many of the kennels though will have outdoor exposure per the applicant's floorplan (Attachment "I"). While this somewhat limits the benefit of the soundproofing, the applicant notes that the facility is well removed from residential properties in the area. That distance coupled with the substantial vegetated buffer between the proposed buildings and area residences will reduce the impact of animal noise, enough so that ongoing noise monitoring is not warranted.

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 this criterion concerns the development character of the area, so it is important to look at the surrounding uses to the subject property. They note that to the north lies the Newport Municipal Airport, with light industrial development beyond. To the east lies the Newport Municipal Airport and leased private airplane hangars, with forest uses beyond. To the

south lies the Newport Municipal Airport, with residential and forest uses beyond. To the west lies Highway 101, with residential neighborhoods and the Pacific Ocean beyond. In other words, the subject property is largely surrounded by the Newport Municipal Airport or forested uses with distant residential uses beyond that.

The buildings at the subject property will be single-story. They will be congruous with the hangars and other buildings of the airport. The animal shelter will be approximately 9,000+/- square feet in size, with a possible future expansion of an additional 3,000+/- square feet for kennels and a spay and neuter clinic. A second phase would also include two storage buildings that would be 10,000 square feet or less total.

The architecture of the storage buildings would not be significantly different in size or characteristics than what is already at the airport. The animal shelter facility will be a single-story building with pitched roofs and large overhangs at entrances to shelter visitors, animals and staff from weather. It is sited in such a way as to create a buffer to the wind and storms that approach from the southwest. Though not finalized at this stage building materials will be low maintenance and highly durable and will be chosen based on their ability to last in the harsh costal environment. All materials and colors chosen will have low reflectivity and not create glare.

Likely exterior materials include:

1. Concrete
2. Fiber cement siding
3. Cedar siding
4. Metal panel
5. Standing seam metal roofing
6. Asphalt shingle roofing

Given the above, it is reasonable for the Planning Commission to find that the animal shelter and storage uses will be consistent with the overall development character of the neighborhood regarding building size and height.

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 for a 12,000+/- square foot animal shelter, 10,000+/- square feet of storage, and associated improved areas, can satisfy the approval criteria for a conditional use provided conditions are imposed as outlined below. Accordingly, staff recommends that the Commission approve this request, subject to the following:

1. Approval of this land use permit is based on the submitted written narrative and plans listed as Attachments to the staff report. No use shall occur under this permit other than that which is specified within these documents. It shall be the responsibility of the applicant/property owner to comply with these documents and the limitations of approval described herein.
2. Applicant shall be responsible for constructing water and wastewater service to the proposed lease area as necessary to support the animal shelter facility. This may include improvements that will be shared by, or benefit other users, in which case applicant's share of the costs is to be limited to that which is roughly proportional to the impact of their project.
3. Storm drainage attributed to the animal shelter, storage, and associated impervious and semi-pervious surfaces shall be managed on-site, with such improvements having the capacity to handle the volume and velocity of run-off attributed to a 25-year, 24-hour storm event. On-site drainage basins or other water impoundments may not exceed a quarter acre in size. All drainage improvements are to be complete and operable prior to occupancy of facility.
4. Applicant shall be responsible for widening the driveway to the facility to a width of 22-feet from its junction with the main airport access road to the new road approach that will serve the animal shelter facility. The design of such improvements is subject to review and approval by the City Engineer, and the improvements are to be completed prior to occupancy of the facility.
5. A landscape plan shall be included with the building permit submittal that identifies the location, species and anticipated peak height of all trees that are to be planted. In preparing the plan, emphasis should be given to tree species that will not exceed 50-feet in height at maturity.
6. Outdoor lighting fixtures are to be downward directed and shielded. Specifications for the fixtures are to be included with the building permit application.
7. Glare producing material, including but not limited to unpainted metal or reflective glass shall not be utilized on exterior surfaces of the proposed structures. Treatment of any exterior metal surfaces shall be called out on the elevation drawings included with the building permit submittal, along with the reflectivity rating of exterior windows.
8. Consistent with NMC 14.52.140, building permits for the 9,000+/- square foot initial phase of the animal shelter project shall be obtained within 18-months of the date this land use decision is final. Building permits for the 6,000 and 4,000 +/- square foot storage buildings and the 3,000+/- square foot, second phase of the animal shelter facility are to be obtained within 5-years of the date this land use decision is final.
9. The applicant shall comply with all applicable building codes, fire codes, and other public health and safety regulations to ensure that the use will not be detrimental to the safety and health of persons in the neighborhood. The applicant is responsible for obtaining the necessary approvals and permits pertaining to the proposed use. If the applicant must

materially modify the size or height of the building to comply with these codes, then a conditional use permit shall be submitted to establish that the changes are consistent with the overall development character of the neighborhood.



Derrick I. Tokos AICP
Community Development Director
City of Newport

January 20, 2022



City of Newport Land Use Application

Applicant Name(s):	Property Owner Name(s) <i>if other than applicant</i>
CHRIS KEANE	CITY OF NEWPORT
Applicant Mailing Address:	Property Owner Mailing Address:
chris@dangermondkeane.com	169 SW COAST HWY NEWPORT
Applicant Phone No.	Property Owner Phone No.
503.936.5247	
Applicant Email	Property Owner Email
215 SE 9th AVE UNIT 303 PORTLAND, OR 97214	
Authorized Representative(s): <i>Person authorized to submit and act on this application on applicant's behalf</i>	
SAME	
Authorized Representative Mailing Address:	
SAME	
Authorized Representative Telephone No.	
SAME	
Authorized Representative Email.	
SAME	



Project Information

Property Location: <i>Street name if address # not assigned</i>	
AIRPORT - SE 8th ST.	
Tax Assessor's Map No.:	Tax Lot(s):
11-11-32-00-00	2-00-00
Zone Designation:	Legal Description: <i>Add additional sheets if necessary</i>
P-1	
Comp. Plan Designation:	
Brief description of Land Use Request(s):	
Examples: 1. Move north property line 5 feet south 2. Variance of 2 feet from the required 15-foot front yard setback CONDITIONAL USE TO BUILD ANIMAL SHELTER AND STORAGE	
Existing Structures: if any	N/A
Topography and Vegetation:	
PARTIALLY WOODED / PARTIALLY CLEARED MOSTLY FLAT	

Application Type (please check all that apply)

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

FOR OFFICE USE ONLY

File No. Assigned: 7-CUP-21		
Date Received: 12/22/21	Fee Amount: \$848-	Date Accepted as Complete:
Received By: JM	Receipt No. 5518	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.


Applicant Signature(s)

12/22/21
Date

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.

Lincoln County Property Report

Account # & Prop. Info		Account Details		Owner & Address	
Account #:	R500179	Neighborhood:	S167	Owner and	CITY OF NEWPORT
Map Taxlot:	11-11-32-00-00200-00	Property Class:	994	Mailing Address:	CITY MANAGER 169 SW COAST HWY NEWPORT, OR 97365
Tax Map:	11s11w32			Site Address(es):	110 SE 84TH ST ;120 SE 84TH ST ;135 SE 84TH ST
Web Map:	View Map				
Info:	TWNESH 11, RNG 11, ACRES 273.11, DV91-163,DV90- 522,523,DV91-236,DV97- 90,LESS MF11-128&MF384-53				
Document:	DV91-163 , DV90-522 , DV91-236 , DV97-90 , MF11-128 , MF384-53				
Tax Code:	104				
Acres:	273.11				

Improvements							
Description	Area	Yr Built	Found	Heat	Plumb	BDMS	Value
MAIN AREA	1888 sq ft	1998	CONC				\$375,530
MAIN AREA 2ND FLOOR	1564 sq ft	1998					\$117,060
OTHER IMPROVEMENTS	3426 sq ft	1998					\$0
OTHER IMPROVEMENTS	1 sq ft	2011					\$0
MAIN AREA	10752 sq ft	2006	CONC				\$277,410
MAIN AREA	840 sq ft		CONC	BB	T2;LAV2		\$0
ENCLOSED PORCH	121 sq ft		CONC				\$2,580

[Foundation Code List](#) [Heating/AC Code List](#) [Plumbing Code List](#)

Value History						
Year	Imp.	Land	Total Market	Total Assessed	Levied Tax	
2021	772,580	19,457,350	20,229,930	0	0	
2020	711,610	23,418,780	24,130,390	0	0	
2019	711,610	23,418,780	24,130,390	0	0	
2018	711,610	24,143,080	24,854,690	0	0	
2017	696,370	24,143,080	24,839,450	0	0	
2016	747,180	26,240,560	26,987,740	0	0	
2015	747,180	26,240,560	26,987,740	0	0	
2014	747,180	26,240,560	26,987,740	0	0	
2013	772,580	26,240,560	27,013,140	0	0	
2012	1,336,320	47,516,080	48,852,400	0	0	

Sales History	
No Sales Data	

Land				Related Accounts				Disclaimer
Description	Acres	Market Value	Special Use Value					
INDUSTRIAL DEV SITE	271.85	19,432,930		M509117	R196396	R20591	R22920	For assessment purposes only. Lincoln County makes no warranty as to the accuracy of the information provided. Users should consult with the appropriate City, County or State Department or Agency concerning allowed land uses, required permits or licenses, and development rights on specific properties before making decisions based on this information. Tax data exported 11/2021.
				R492604	R492610	R502290	R505668	
				R505669	R505670	R505671	R507737	
				R507738	R507739	R507740	R507741	
				R507742	R507743	R507744	R507745	
				R507746	R519083	R519666	R519667	
				R519668	R519669	R527954	R534042	
				R534043				
IND SITE DEVELOPMENT		24,420						
INDUSTRIAL DEV SITE	1.26							

Today's Date: 01/19/2022

**Memorandum of Understanding
between
City of Newport ("City"),
and
Lincoln County ("County")**

This Memorandum of Understanding (MOU) is between Lincoln County (County) and the City of Newport (City). This MOU is intended to reflect an understanding between the parties on a process to lead to a decision on the relocation of the Lincoln County Animal Shelter (Animal Shelter) to City owned property adjacent to the Newport Airport. It does not bind either party to a final decision on relocation, or the terms of the necessary agreements to undertake that relocation. It does evidence the commitment of both parties to thoroughly explore the viability of this option for the future Animal Shelter.

Recitals

- A. The current Lincoln County Animal Shelter was built in the middle 1960s on the grounds of the Lincoln County Commons. It underwent remodeling/expansion in the middle 1990s. Due to several issues in the original construction and the remodeling project, the Shelter, despite repeated remediation efforts, developed conditions which required the demolition of the facility in 2019. A temporary shelter facility now occupies the site while the County explores options for relocation and modernization of Animal Shelter Facilities.
- B. In examining options for the Animal Shelter, the County desires to keep facilities centrally located within the County if possible, provide adequate space for expansion not available at the current site, and ensure compatibility with surrounding uses, especially residential uses, in the new location. City supports those efforts.
- C. City owns property adjacent to the Newport Airport which is available and appears to meet the objectives of both the City and the County. The site has sufficient area to allow for a modern facility with amenities such as dog runs and open areas for exercise, good vehicle access, parking, infrastructure options, and compatibility with airport operations. It is not near any residential developments. The site is generally shown on Exhibit "A".
- D. The concept of an Animal Shelter adjacent to the Airport has been preliminarily reviewed by the Newport Airport Committee and City Council which both directed that a Memorandum of Understanding be developed to outline a process to further explore the viability of this project in that location.
- E. The parties understand and agree that any project will need to meet all state and local regulatory requirements, including but not limited to, adherence to any requirements of the Newport Airport Master Plan, and planning requirements including a Conditional Use permit compliant with the Newport Airport Overlay Zone.

F. The Terms below set forth the process and decision points for review of this project:

Terms

- A. The Parties will determine the exact boundaries of the property to be used in the project. The County desires up to 5 acres (plus or minus given the actual area of the property and the terms of the arrangement for use of the property). Staff shall make recommendations to the Board of Commissioners, City Council, and Airport Committee on the boundaries.
- B. The Parties will agree on the allowed uses at the site. In addition to the Animal Shelter Facility with room for expansion, additional shelter amenities will be explored with the City. These include but are not limited to, dog runs, exercise areas, larger animal corrals or shelters, pet adoption facilities. These may or may not be incorporated directly into the Animal Shelter but need to be identified and approved for planning purposes.
- C. The County desires to incorporate an option for storage facilities into the plan. These would include but not be limited to storage for Animal Services purposes, emergency services purposes, and general county storage needs. The County is willing to explore arrangements for shared spaces with the City and Airport for these storage facilities.
- D. As currently understood by the Parties, County use of the site will likely be accomplished through a long-term lease. The County is open to (and would prefer) outright purchase of the property, but if that is not an available alternative, then the terms of the lease arrangement, including but not limited to length, amount, and other conditions will need to be developed. It is understood by the parties that the City will be seeking a fair return on the property through the lease, while the County is providing a needed public service supported by both parties at the site which must be reflected in its operational costs. The Parties agree to explore any tax savings that might benefit both parties through the lease arrangement.
- E. The Parties understand that any use of the site will require a Conditional Use Permit issued by the City. County will immediately begin the process of preparing a Permit application through appropriate professional consultants who will also conduct the required planning needed to identify County, staff, stakeholder and public desires for the facilities and services at the site. Plans sufficient for Permit purposes will be included in Phase I of that County Planning process. All professional services costs shall be borne by County.
- F. The City will undertake its analysis of the lease terms. Any costs associated with that analysis shall be borne by City.
- G. The tentative timeframe and decision points for the Project shall be as follows:


a. Presentation for Approval of MOU	January 19, 2021
b. Survey of Project Boundaries (County)	February 15, 2021
c. Determination of Project Site Boundaries (Parties)	March 15, 2021
d. Draft Lease terms identified (Parties)	April 15, 2021
e. Lease Appraisal Prepared (City)	May 30, 2021

- f. County RFP and Planning Phase 1 begins (County) Immediately
- g. Conditional Use Permit Application (County) March 30, 2021
- h. Conditional Use Airport Committee, FAA input TBD
- i. Conditional Use Permit Decision (City) May 30, 2021
- j. Lease finalized (Parties) June 15, 2021
- k. Planning Phase 2 (construction, bidding documents) (County) July 30, 2021
- l. Construction Begins (County) September 1, 2021

H. City agrees to authorize access to the subject site to County, its officials, employees, agents, and contractors to undertake analysis and testing as may be required to move this project forward. Notification of site visits shall be made to Airport Director Lance Vanderbeck at 541-867-7422 or by emailing l.vanderbeck@newportoregon.gov .

Notwithstanding anything that might be interpreted to the contrary in the MOU as set forth above, this MOU is not intended to create a binding agreement between the Parties. Rather, it is the intent of the Parties to work together in good faith to implement the terms of this MOU such that the process and decision points fall in place for decision makers to move forward or seek alternatives at appropriate times. It is understood and recognized that formal arrangements including a final sale or lease and conditional use permit and any further documentation required for Airport operations will be required to be approved and adopted by the Parties.

IN WITNESS WHEREOF, the Parties hereto have executed this Memorandum on the dates shown hereunder.

City of Newport by
 Signature: 

Printed Name/Title:
Spencer R. Nebel
City Manager

169 SW Coast Hwy
 Newport, Oregon 97365

Date: 1-25-21

Lincoln County by
 Signature: 

Printed Name/Title:
Doug Hunt
commissioner, chair

225 W. Olive
 Newport, Oregon 97365

Date: 1/20/2021



5.00 Acres
217971.6 Sq.ft.

THE PURPOSE OF THIS SURVEY IS TO DELINEATE A 5 ACRE LEASE PARCEL.

BASIS OF BEARINGS

THE LINE FROM THE 1/4 CORNER COMMON TO SECTION 31 AND 32 TO LINCOLN COUNTY GEODETIC CONTROL POINT 9044 BEARS SOUTH 29°22'07" EAST IN THE OCRS OREGON COAST GRID.

HIGHWAY 101

THE EASTERLY LINE OF THAT PERPETUAL EASEMENT FOR HIGHWAY RIGHT OF WAY AS DESCRIBED IN MF 384, PAGE 53, AND AS SHOWN ON ODOT STRIP MAP 10B-10-27 WAS DETERMINED AS FOLLOWS.

THE LINCOLN COUNTY GEODETIC CONTROL NETWORK POINTS COR9055 (THE NE CORNER OF SECTION 31), AND AC7340 (THE MONUMENT MARKING THE CALIBRATION BASELINE 0+00 STATION) ARE COMMON CONTROL WITH THE HIGHWAY STRIP MAP 10B-10-27. FOR THE RIGHT OF WAY USED HEREON THE HIGHWAY ALIGNMENT WAS CALCULATED AT RECORD, USING DATA FROM ODOT STRIP MAP 10B-10-27 AND THE DEED RECORDED AS MF 384, PAGE 53. RECORD ALIGNMENT WAS THEN CONVERTED TO FEET AND ROTATED TO THE AFOREMENTIONED COMMON CONTROL POINTS.

LEGAL DESCRIPTION

Proposed 5 Acre lease tract

Part of the East Half, of Section 31, Township 11 South, Range 11 West, Willamette Meridian, City of Newport, Lincoln County, State of Oregon. More particularly described as follows:

Commencing at a point 95.59 feet North and 4.70 feet West of the 1/4 corner common to section 31 and 32, Township 11 South, Range 11 West, Willamette Meridian: thence South 88°01'41" West for 181.13 feet; thence South 23°10'20" West for 86.31 feet; thence South 38°29'01" West for 81.26 feet; thence North 78°46'57" West for 466.59 feet to the east line of that perpetual right of way easement described in MF Book 384, Page 53, and as shown on ODOT strip map 10B-10-27; thence North 15°21'17" East for 334.60 feet along said east line; thence North 34°04'01" East for 45.31 feet along said east line; thence South 63°06'30" East for 273.01 feet; thence North 50°33'40" East for 182.00 feet; thence South 67°00'16" East for 154.74 feet; to the beginning of a horizontal curve, the radius point of which bears South 22°59'44" West, and 314.00 feet, thence along said curve through a central angle of 16°30'05" for 90.43 feet; thence S1°44'54"E for 186.79 feet; to the Point of Beginning of the Proposed 5 Acre lease tract, containing 5.00 acres more or less.

Exhibit A

PREPARED BY: LINCOLN COUNTY SURVEYOR'S OFFICE 800 NE 1TH STREET NEWPORT, OR 97130	FOR: LINCOLN COUNTY LEGAL COUNSEL 112 SEC. 31, T11S, R11W, W.M.	REGISTERED PROFESSIONAL LAND SURVEYOR preliminary OREGON FEBRUARY 08, 2000 EATHAN D. NICLEY 54725PLS RENEWS: DEC. 31, 2022
DATE: 2/1/2021 FIELD CREW: SCHULZ DRAFTED BY: EBN CHECKED BY: BLA	SCALE: 1"=40' SHEET NO.: 1 OF 1 COORD FILE: Arnel Gholerapraj DRAWN DATE: 01e OCP/abg	



THE PURPOSE OF THIS SURVEY IS TO DELINEATE A 5 ACRE LEASE PARCEL.

BASES OF BEARINGS
THE LINE FROM THE 1/4 CORNER COMMON TO SECTION 31 AND 32 TO LINCOLN COUNTY GEODETIC CONTROL POINT 9044 BEARS SOUTH 23°22'07" EAST IN THE CORN OREGON COUNTY GRID.

HIGHWAY 101
THE EASTERLY LINE OF THAT PERPETUAL EASEMENT FOR HIGHWAY RIGHT OF WAY AS DESCRIBED IN NF 384, PAGE 93, AND AS SHOWN ON DOT STRIP MAP 106-10-27 WAS DETERMINED AS FOLLOWS:

THE LINCOLN COUNTY GEODETIC CONTROL NETWORK POINTS CORNASS (THE NE CORNER OF SECTION 31), AND AD7340 (THE MONUMENT MARKING THE CALIBRATION BASELINE 0+00 STATION) ARE CONTROL POINTS WITH THE HIGHWAY STRIP MAP 106-10-27. FOR THE FRONT OF WAY USED HEREON THE HIGHWAY ALIGNMENT WAS CALCULATED AT RECORD, USING DATA FROM DOT STRIP MAP 106-10-27 AND THE DEED RECORDED AS NF 384, PAGE 93. RECORD ALIGNMENT WAS THEN CONVERTED TO FEET AND ROTATED TO THE APPROPRIATE CONTROL POINTS.

LEGAL DESCRIPTION

Proposed 5 Acre lease tract

Part of the East Half of Section 31, Township 11 South, Range 11 West, Willamette Meridian, City of Newport, Lincoln County, State of Oregon. More particularly described as follows:

Commencing at a point 85.58 feet North and 4.70 feet West of the 1/4 corner common to sections 31 and 32, Township 11 South, Range 11 West, Willamette Meridian; thence South 88°01'41" East for 181.13 feet; thence South 53°10'29" West for 88.21 feet; thence South 38°29'01" West for 81.28 feet; thence North 78°48'27" West for 488.88 feet to the start line of that perpetual right of way easement described in NF Book 384, Page 93, and as shown on DOT strip map 106-10-27; thence North 15°21'17" East for 324.89 feet along said start line; thence North 34°24'01" East for 80.31 feet along said start line; thence South 65°08'30" East for 273.01 feet; thence North 50°37'40" East for 182.00 feet; thence South 87°36'28" East for 184.24 feet to the beginning of a horizontal curve, the radius point of which bears South 22°50'44" West, and 314.00 feet; thence along said curve through a central angle of 10°30'00" for 60.93 feet; thence S17°42'05"E for 188.78 feet, to the Point of Beginning of the Proposed 5 acre lease tract, containing 5.00 acres more or less.

PREPARED BY LINCOLN COUNTY SURVEYOR'S OFFICE 840 N 7TH AVENUE NEWPORT, OR 97366	FOR LINCOLN COUNTY LEGAL COUNSEL 1107 888C 24, TR. 100, B.L.P.	REGISTERED PROFESSIONAL LAND SURVEYOR <i>preliminary</i> OREGON FEBRUARY 04, 2000 EASTON D. KELLEY 04720FLS 03/04/00 DEC. 31, 2021
DATE SURVEYED FIELD CREW FIELD ON CHECKED BY	FIELD CREW SHEET NO. 1 OF 1 DRAWN FILE DRAWING NAME	



COUNTY OF LINCOLN

Lincoln County Surveyor's Office
Eathan D. Nicley - *PLS CWRE*
Deputy County Surveyor

880 NE 7th
Newport, Oregon 97365
(541) 265-4147

Legal Description
Of a 5 acre lease tract
At the Newport Airport

October 22, 2021

LEGAL DESCRIPTION

5 Acre lease tract.

Part of the East Half, of Section 31, Township 11 South, Range 11 West, Willamete Meridian, City of Newport, Lincoln County, State of Oregon. More particularly described as follows:

Commencing at a point 95.59 feet North and 4.70 feet West of the 1/4 corner common to section 31 and 32, Township 11 South, Range 11 West, Willamette Meridian: thence South 88°01'41" West for 181.13 feet; thence South 23°10'20" West for 86.31 feet; thence South 38°29'01" West for 81.26 feet; thence North 78°46'57" West for 466.59 feet to the east line of that perpetual right of way easement described in MF Book 384, Page 53, and as shown on ODOT strip map 10B-10-27; thence North 15°21'17" East for 334.60 feet along said east line; thence North 34°04'01" East for 45.31 feet along said east line; thence South 63°06'30" East for 273.01 feet; thence North 50°33'40" East for 182.00 feet; thence South 67°00'16" East for 154.74 feet; to the beginning of a horizontal curve, the radius point of which bears South 22°59'44" West, and 314.00 feet, thence along said curve through a central angle of 16°30'05" for 90.43 feet; thence S1°44'54"E for 186.79 feet; to the Point of Beginning of the 5 Acre lease tract, containing 5.00 acres more or less.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Eathan D. Nicley

OREGON
FEBRUARY 08, 2000
EATHAN D. NICLEY
54725PLS

RENEWS: DEC. 31, 2022

J:\surveyor\PROJECTS\Animal Shelter at Airport\Legal Description 5 acre lease tract Final.docx

OUR GUARANTEE

"Provide friendly, efficient, land records information
and interpretation for the people of Lincoln County."

LINCOLN COUNTY CONDITIONAL USE APPLICATION FOR AN ANIMAL
SHELTER AND STORAGE BUILDINGS AT THE NEWPORT MUNICIPAL
AIRPORT

1. SITE PLAN:

See attached

2. BUILDING ELEVATIONS:

See attached

3. SIGN PLAN:

We anticipate that there likely will be two freestanding, monument signs associated with this development. One to be located on the NE corner of the intersection of Hwy 101 and SE 84th Avenue and the second at the NE corner of intersection of SE 84th and the access road that leads to the site (see site plan). It is also anticipated that there will be a wall sign located on the Animal Shelter building. Though these signs have not been designed yet, they will be designed to meet all the criteria listed in *Newport Municipal Code Chapter 10 – SIGNS*. Any lighting associated with this signage will be shielded and limited to the minimum required for legibility. We will submit for a sign permit consistent with the requirements laid out in NMC 10.10.035 at the time of the building permit submission.

4. NOTIFICATION AREA:

See attached

5. NAMES AND ADDRESSES OF PROPERTY OWNERS IN NOTIFICATION AREA:

See attached

6. PLAN OF BUSINESS OPERATION:

The animal shelter facility will be focused on the care and sheltering of dogs, cats, and a small number of other small animals such as rabbits, as well as space for larger animals in an emergency on a temporary basis. The bulk of the animal care facility square footage is dedicated

to the housing of animals in kennels and/or support spaces for caring for those animals. The facility will provide kennel space for 24 dogs and 59 cats and provide the following program/functions:

1. Public reception and sales of initial, basic pet care needs for adopted animals.
2. Administrative areas including three (3) private offices for staff. Staff and volunteer training provisions including an approximately 750 square foot multi-function meeting/training room.
3. A sally port to aid in safety of animal intake.
4. Animal receiving, including examination, and grooming functions.
5. Animal kennels for adoption and strays.
6. Animal kennels for quarantine and routine observation.
7. Clinic space(s) for shelter animal care and emergencies.
8. Outdoor exercise areas for dogs including a short walking path.

Though not budgeted at this time, a future phase of construction may include:

9. Spay/neuter services

The shelter will be staffed 7 days a week with paid staff and volunteers depending on the day and need. The facility will include three (3) private offices and a reception desk for staff. A volunteers' room will be provided as will a staff break room.

In addition to shelter staff and volunteers, the facility will be used by the Lincoln County Animal Services deputies and other law enforcement personnel. They will have 24/7 access to the facility through a separate and secure sally port.

Presently, the facility is open to the public from 12 - 4 Wednesday – Saturday but this will likely increase with the new facility depending on staff and volunteer availability.

Public use of the facility will primarily be for surrendering animals or meeting animals for possible adoption.

7. WRITTEN FINDINGS OF FACT ADDRESSING THE FOLLOWING CRITERIA:

- a. That the public facilities can adequately accommodate the proposed use.

Section 14.01.020 of the Newport Municipal Code defines “Public Facilities” as sanitary sewer, water, streets (including sidewalks), stormwater and electricity.

All of the aforementioned public facilities are available to the subject property at the site of the Newport Municipal Airport. What is needed are infrastructure improvements or extensions to make these services directly available to the subject property. This is covered in at least two ways in the Proposed Lease between the City of Newport and Lincoln County. Section 4F of the Proposed Lease, Infrastructure Improvements, states: “Lessee hereby irrevocably agrees to financially participate in the future improvements for public water, sewer, storm drainage and

transportation consistent with the Master Plan and any refinement or other plans developed for this area.” Section 5A Water, Sewer, and Storm Drainage provides: “The City agrees to provide the use and benefits of public water, sewer, and storm drainage systems as they now exist or may be later modified.” Taken together, these two provisions require cooperation and commitments between the City of Newport and Lincoln County to make the public facilities available.

Regarding the individual public facilities, sanitary sewer will be provided by the City of Newport through a community sewer system which is in the planning stage. The County will need to provide a pump station and make the necessary connections. The subject property lies within the Seal Rock Water District which has the capacity to provide water to the subject property. Currently the subject property has uncontrolled access from a shared airport drive off of SE 84th Street, which is a turnoff from US 101. This airport drive has a paved asphalt surface and one lane of traffic in each direction within its 16-foot width. The County desires to extend the road width from 16 feet to 22 feet to accommodate emergency vehicles such as fire trucks. This can be made a condition of approval. Stormwater management will be dealt with through the use of on-site stormwater basins. A 6% sizing factor for a stormwater basin (sloped vegetated sides) would be sufficient to meet water quality requirements as well as matching pre-developed runoff conditions (not increasing runoff leaving the site compared to current conditions). Based on the total square footage of 51, 250 SF of impervious surfaces (see site plan). That would equate to 3,075 sf of stormwater basin on site. The final arrangement and design of these stormwater basins (rain garden) will be submitted as part of the building permit submission.

Electrical service is available as shown on the attached drawing. The County will see that the subject property is properly hooked up to the electrical lines. In summary, all necessary public facilities are available for the subject property, and they simply require extensions or modifications of existing services, which are feasible. All utility design and layout information will be included as part of the building permit process and work will be completed as part of the project’s construction.

Included on the design team for the Animal Shelter project is Bill Daggett from Shelterplanners.com. Bill has served as a consultant and architect for dozens of animal shelters across the country. His expertise will be critical in designing a facility that is clean and safe for staff, visitors, and the animals themselves. Though the systems have not been designed yet, great care will go in to designing a facility that is easy to keep clean and that handles animal waste appropriately. For example, all animal waste that is introduced into the building’s sanitary system will first enter a settling tank that includes a particle filter (and clog alarm) sufficient to prevent the passage of animal hair into the system beyond the settling tank. Attached to this application is a memo outlining steps that will be taken in the design and maintenance of the facility to manage animal waste and ensure a safe and clean facility.

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

The subject property is zoned P-1 (Public Structures) by the City of Newport. The intent of the zone is to provide for various public uses such as parks, open spaces, community

buildings, senior centers, airports, recreation facilities, libraries, police stations and fire stations. Section 14.03.100(4) lists “any building or structure erected by a government entity” as an outright use. This application for an animal shelter and storage units by Lincoln County falls within that category of an outright use, and thus there are no additional requirements for siting these uses within the P-1 Zone.

However, the subject property is also in the Airport Restricted Area and Airport Development Zone Overlay (14.22 of the Newport Municipal Code.) “The purpose of the Airport Restricted Area and Airport Development overlays is to encourage and support the continued operation and vitality of the Newport Municipal Airport by establishing compatibility and safety standards to promote air navigational safety and to reduce potential safety hazards for persons living, working or recreating near the airport.” (14.22.010).

Within the Airport Restricted Area there are various provisions requiring compliance with specified standards. Section 14.22.060 is one such provision and it is entitled “Height Limitations on Allowed Uses in Underlying Zones.” It states:

“All uses permitted by the underlying zone shall comply with the height limitations in this Section. When height limitations of the underlying zone are more restrictive than those of the Airport Restricted Area Zoning Overlay, the underlying zone height limitations shall control.

- A. Except as provided in subsections B and C of this Section, no structure or tree, plant or other object of natural growth shall penetrate an airport imaginary surface.
- B. For areas within airport imaginary surfaces but outside the approach and transition surfaces, where the terrain is at higher elevations than the airport runway surfaces such that existing structures and permitted development penetrate or would penetrate the airport imaginary surfaces, the City of Newport may authorize structures up to 35 feet in height.”

With respect to A. above, Lincoln County will not have a structure or tree or any object that will penetrate an airport imaginary surface. Thus B. above does not apply, but at any rate, no structures shall be higher than 35 feet. Both the shelter structure and the storage facilities planned will be single story structures. A landscape plan will be submitted as part of the permit submission in which all tree species and their heights will be identified.

Section 14.22.070 entitled “Application Submittal Requirements” provides as follows:

“In addition to a land use application form with information required in Section 14.52.080, an applicant seeking a land use or limited land use approval in an area with the Airport Restricted Area Zoning Overlay required to provide notice pursuant to Section 14.22.050...shall provide the following information in addition to any other information required in the permit application:

- A. A map or drawing showing the location of the property in relation to the airport imaginary surfaces. The Planning Department shall provide the applicant with appropriate base maps upon which to locate the property.

- B. Elevation profiles and a site plan, both drawn to scale, including the location and height of all existing and proposed structures, measured in feet above mean sea level.”

The map showing the location of the property and elevation profiles and site plan, are attached hereto and incorporated by reference into this application.

Another applicable criterion is Section 14.22.080 entitled “Land Use Compatibility Requirements.” The provisions that are pertinent to this application are as follows:

“Applications for land use or building permits for properties within the boundaries of the Airport Restricted Area Zoning Overlay shall comply with the requirements of this chapter as provided herein.

- A. Outdoor Lighting. No new or expanded industrial, commercial, or recreational use shall project lighting directly onto an existing runway or taxiway or into existing airport approach surfaces except where necessary for safe and convenient air travel. Lighting for these uses shall incorporate shielding in their designs to reflect light away from airport approach surfaces. No use shall imitate airport lighting or impede the ability of pilots to distinguish between airport lighting and other lighting.
- B. Glare. No glare producing material, including but not limited to unpainted metal or reflective glass, shall be used on the exterior of structures located within an approach surface or on nearby lands where glare could impede a pilot’s vision.”

The lighting on the subject property will be muted, downward facing, and shielded; it will not project light directly onto an existing runway or taxiway or onto existing airport approach surfaces. The Animal Shelter and storage facilities shall not have unpainted metal or reflective glass or other characteristics that could cause glare where it could impede a pilot’s vision.

Section 14.22.100 A. explains that the purpose of the Airport Development Zone Overlay is to “encourage and support the continued operation and vitality of Newport Municipal Airport by allowing certain airport-related commercial and recreational uses in accordance with state law.” Within this zone, in accordance with Section 14.22.100E.(5) non-aviation related commercial public uses are conditionally allowed in areas designated for non-aeronautical use on the “On-Airport Land Use” map identified as Sheet 15.2 of the Newport Municipal Airport Master Plan. The proposed use outlined in the County’s application is within such an allowed area.

Finally, 14.22.100F. tells us that an application for a conditional use permit shall: “Demonstrate that the uses will not create a safety hazard or otherwise limit existing and/or approved airport uses.” The subject application is for structures that will be a single story, and not over 35 feet in height. This proposed County development is isolated from the aeronautical uses at the airport. Topographically the site sits roughly 13’ below the runway/taxiway surfaces and is located +/- 350 feet from the closest taxiway. The proposed use from this CUP will not create a safety hazard or otherwise limit existing and/or approved airport uses.

c. That the proposed use does not have an adverse impact greater than the existing uses on nearby properties, or impacts can be ameliorated through imposition of conditions of approval. (For purposes of this criterion, “adverse impact” is the potential adverse 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.)

We expect that the proposed use will have very little impact on adjacent uses. One reason is that the subject property consists of 5 acres and is isolated from adjacent parcels. To be sure, there are no residences within easy view of the building site on the subject property. The site is bordered to the east by the airport runways, to the west by Highway 101, and to the north and south by heavily wooded areas. That said, Lincoln County will take additional measures to ensure that adverse impacts will be ameliorated. There will be little traffic generated by the proposed use; the County will not use the facility for large group gatherings such as conferences, classroom use, etc. With what traffic that is generated, it will travel over paved roads, so dust should not be a problem. The Animal Shelter itself will be soundproofed to the greatest extent practical. Because of the nature of the facility and the need to keep the animals safe and disease free, great care will be taken to control and sequester odors and properly separate, treat, and dispose of waste. Though there will be a limited dog walking trail on the Animal Shelter property where County employees and volunteers will exercise dogs (see site plan), impact to others will be limited as these walks will not normally occur at night and be limited to small numbers at a time.

d. If the application is for a proposed building or building modification, that it 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.

This criterion concerns the development character of the area, so it is important to look at the surrounding uses to the subject property. To the north lies the Newport Municipal Airport, with light industrial development beyond. To the east lies the Newport Municipal Airport and leased private airplane hangars, with forest uses beyond. To the south lies the Newport Municipal Airport, with residential and forest uses beyond. To the west lies Highway 101, with residential neighborhoods and the Pacific Ocean beyond. In other words, the subject property is largely surrounded by the Newport Municipal Airport or forested uses with distant residential uses beyond that.

The buildings at the subject property will be single story. They will be congruous with the hangars and other buildings of the airport. The Animal Shelter will be approximately 9,000 square feet of floor space, allowing for a possible future expansion of an additional 3,000 square feet for kennel expansion and a spay and neuter clinic, and phase two allowing for two storage buildings that would be 10,000 square feet or less total.

The architecture of the storage buildings would not be significantly different in size or characteristics than what is already at the airport. The animal shelter facility will be a single-story building with pitched roofs and large overhangs at entrances to shelter visitors, animals and staff from weather. It is sited in such a way as to create a buffer to the wind and storms that

approach from the southwest. Though not finalized at this stage building materials will be low maintenance and highly durable and will be chosen based on their ability to last in the harsh coastal environment. All materials and colors chosen will have low reflectivity and not create glare. Likely exterior materials include:

1. Concrete
2. Fiber cement siding
3. Cedar siding
4. Metal panel
5. Standing seam metal roofing
6. Asphalt shingle roofing

8. A WRITTEN STATEMENT DESCRIBING THE NATURE OF THE REQUEST

Lincoln County seeks to obtain from the City of Newport a conditional use permit to build and operate an animal shelter and storage buildings on a five-acre portion of land located at 110 SE 84th Street, Newport, Oregon. This property is further described as a portion of 11S 11W 32 (TL 200) located at the Newport Municipal Airport in the South Beach area of Newport. It is zoned P-1 (Public Structures), and it is within the Airport Restricted Area, and Airport Development Zone Overlay. The eastern 82% of the subject property, where construction would take place, is relatively flat with predominately 3-12% slopes, and class 3 soils, which are suitable for a wide variety of uses including development. This site is located outside of the floodplains and is not encumbered by wetlands. It will be served by a drive off SE 84th Street, which is a turnoff from US 101. Lincoln County will improve the street by expanding its paved surface width from 16 feet to 22 feet so that it can be adequately served by emergency vehicles including fire trucks.

The subject property is owned by the City of Newport, but Lincoln County and the City of Newport have conceptually agreed to a 40-year lease which is expected to be executed by the parties in the near future.

The proposed development is for the construction and operation of an Animal Shelter and storage facilities in two phases. In the first phase, Lincoln County would construct and operate an approximately 9,000 square foot Animal Shelter, with parking consistent with Newport Municipal Code parking requirements, and landscaping of low growing vegetation. This may also include a possible expansion of an additional 1,000 square feet for a spay and neuter clinic. In phase two, Lincoln County would construct two storage units of less than 10,000 square feet of floor space in total. Maps and drawings of these structures are attached hereto and incorporated by reference.

Lincoln County is currently using temporary inadequate facilities for its Animal Shelter; approval of this application will allow for better humane placement of dog, cats, and other animals in the community in an area and on a lot that is spacious, isolated, and suitable for the use.

As part of this process the County and the design team have engaged local stakeholder groups including shelter staff, volunteers, the Oregon Coast Humane Society and FOLCAS through a series of meetings and interviews. A follow-up meeting is set for the week of January 10th to update those groups on progress.



MEMO

To: Chris Keane
From: Bill Daggett
Project: Lincoln County Animal Shelter
Date: 12/20/21
Subject: Animal Waste Management & Cleaning

Animal waste management in shelters is handled differently depending upon the Shelter Director's operational protocols. In states where animal welfare legislation governs shelter operation there are usually requirements that affect containment of waste within primary enclosures (kennels), cleaning and sanitary waste disposal. *Lincoln County utilizes published protocols that should govern; however, the steps are normally as follows:*

DOGS

This approach assumes double sided kennels with a guillotine door separating two compartments. This can be either indoor/indoor or preferably indoor/outdoor in configuration providing dogs access to the out of doors. In any event, dogs must be removed from the kennels being cleaned.

1. Each morning move dogs from their indoor kennels to the outdoor kennels and prevent access to the indoor kennels during the cleaning process. In some states this is repeated in the evening.
2. Remove any bedding and platform frames (if loose Kuranda beds?) which are sanitized separately.
3. Kennel Techs physically remove via scooping as much fecal material from dog kennels as possible and either put into trash bags or use flushing sinks and/or drains that discharge into the sanitary system.
4. Kennels are degreased and sanitized – precise methodology varies depending upon the shelter director's protocols and products selected.
5. Sanitizing requires the chemicals used remain undisturbed on the kennel surfaces for a prescribed period of time, duration dependent upon the specific products.
6. Kennels are rinsed with fresh water to remove chemical sanitizers via drains to the sanitary system.
7. Once kennels are dry, beds, bedding & dogs may be returned and the same process is applied to the outdoor side of the kennels.

CATS - CAGED

This approach assumes double compartment cat cages with a closeable port. These are normally in a side by side configuration but can also be stacked or configured with one large compartment with one or two smaller compartments separating litter from food. In any event, cats must be removed from the cage being cleaned

1. Each morning move cats to one side of the double sided cages and close the port.
2. Kennel techs remove litter and dispose in trash bags. If litter pans are reusable they must be cleaned and disinfected. This is accomplished via washing and disinfecting per shelter director's protocols.
3. Kennel techs remove any debris from the cage into the trash bags.
4. Cages are wiped down with sanitizer and rinsed per shelter director's protocols and specified products.

2345 Earlysville Road
Earlysville, VA 22936
Phone: 434-242-5811

5. Once the cage has been sanitized and is dry, litter & pan are replaced, and the port opened so that the cat can be encouraged to return to the cleaned side of the double compartment.
6. This process is repeated for the now empty side of the unit with food and bowl removed, food remnants placed in trash bags and bowls carted to cleaning which is usually via high temperature dishwasher.

COMMUNITY CAT ROOMS/APARTMENTS

Full cleaning of community rooms/apartments should be in accordance with the shelter director's approved protocols and schedule. Cleaning rooms housing multiple cats is problematic as the cats must be temporarily removed or restrained which is usually accomplished using portable carriers if no other means is included in the room fixture design.

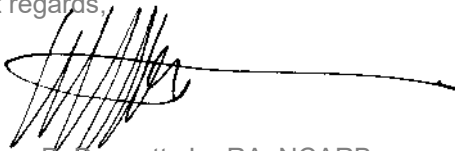
1. Remove cats from the room. If fixtures include restraint in closeable units, temporarily hold cats in the units. These can be sanitized at the end of the cleaning process via wipe down per shelter director's approved protocols and products.
2. Remove all litter & pan(s) as well as food & water bowls. Litter and food remaining are disposed of in trash bags. Bowls are carted to be sanitized.
3. Remove all blankets and bedding to be laundered.
4. Wipe down and sanitize room surfaces per shelter director's approved protocols and products. If floor includes a drain wash and sanitize per shelter director's approved protocols and products.
5. Once sanitized and dry, water, food and litter may be replaced, and cats reintroduced. If room includes closeable restraining units, sanitize after cats are released into the room via shelter director's approved protocols and products.

Dog kennel floors must be properly sloped to floor drains to quickly carry away wash and rinse water *without ponding* or the need to employ squeegees. Animal housing spaces for cats may have level floors but should include sumped floor drains to which water may be squeegeed. Floor surfaces must be waterproof and resistant to the effects of chemicals and abuse from active animals. Troweled resinous epoxy (interior) or urethane (exterior) is appropriate. Flooring is normally carried up walls to 6" or 8" above the floor. Walls in kennels are normally Concrete Block with either epoxy paint or resinous wall covering creating a durable, waterproof surface. Walls in cat rooms should be finished with epoxy paint or resinous wall covering for washability. Ceilings in both kennels and cat rooms should be prefinished, acoustical metal able to be wiped and sanitized. Washable surfaces in cat rooms is especially important to contain and eliminate ringworm.

All animal waste that is introduced into the building's sanitary system must enter a settling tank that includes a particle filter (and clog alarm) sufficient to prevent the passage of animal hair into the system *beyond the settling tank*. Animal hair (specifically from dogs) will clog intakes of pump station units, blocking flow, and will also ultimately clog outflow from septic system effluent lines preventing normal discharge into the ground.

I hope this is helpful.

Best regards,



William B. Daggett, Jr., RA, NCARB

2345 Earlysville Road
Earlysville, VA 22936
Phone: 434-242-5811

DKa

**Dangermond Keane
Architecture LLC**
215 SE 9th Ave, Suite 303
Portland OR 97214
(503) 487-0211

CONSULTANT

Lincoln County
ANIMAL SHELTER
Newport, OR
**CONDITIONAL USE
PERMIT SET**

PRINTING	DATE
Conditional Use Set	12.24.2023

REVISIONS	DATE

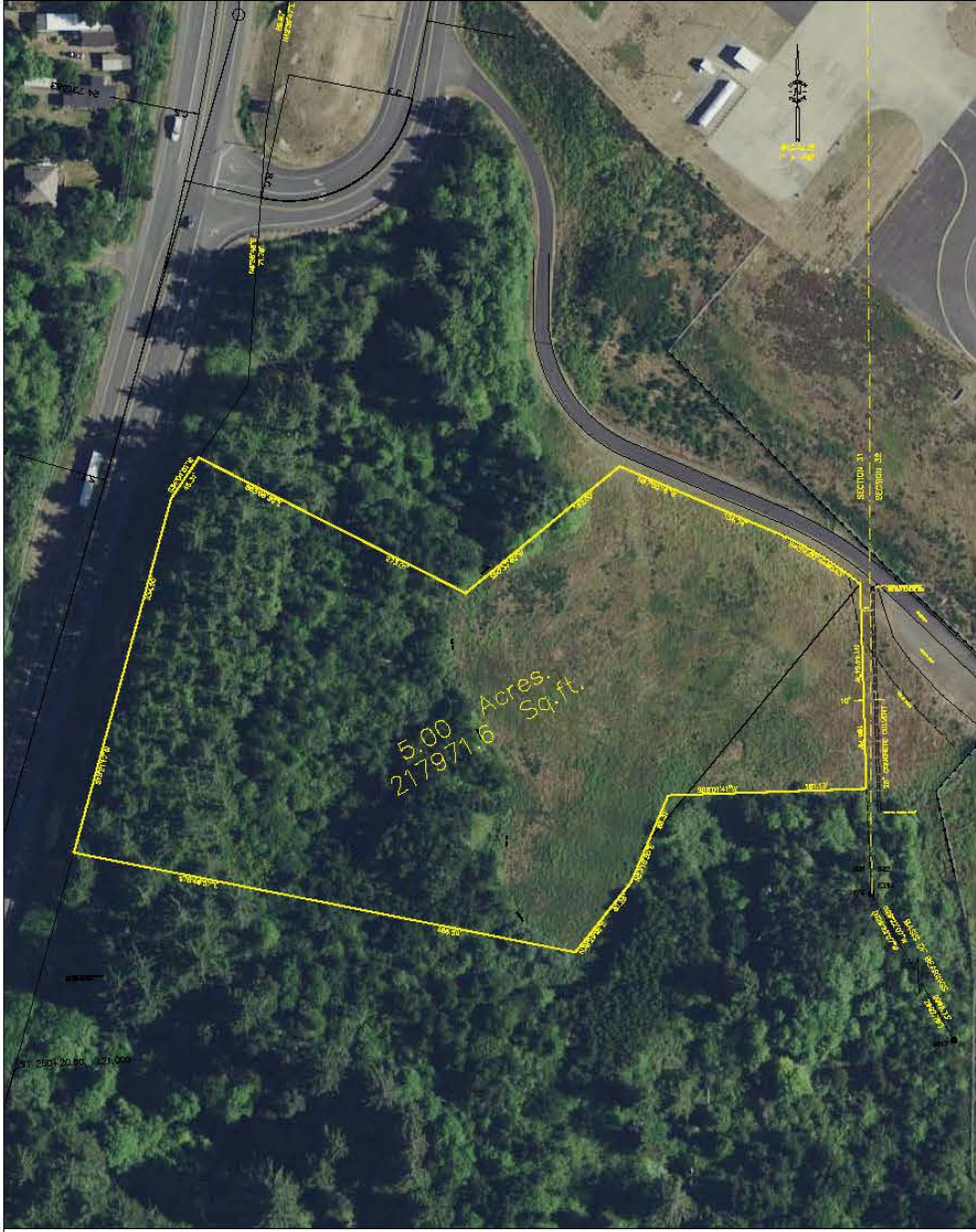
SCALE:

DKa JOB NUMBER
2103

STAMP

SHEET TITLE
VICINITY MAP

SHEET NUMBER



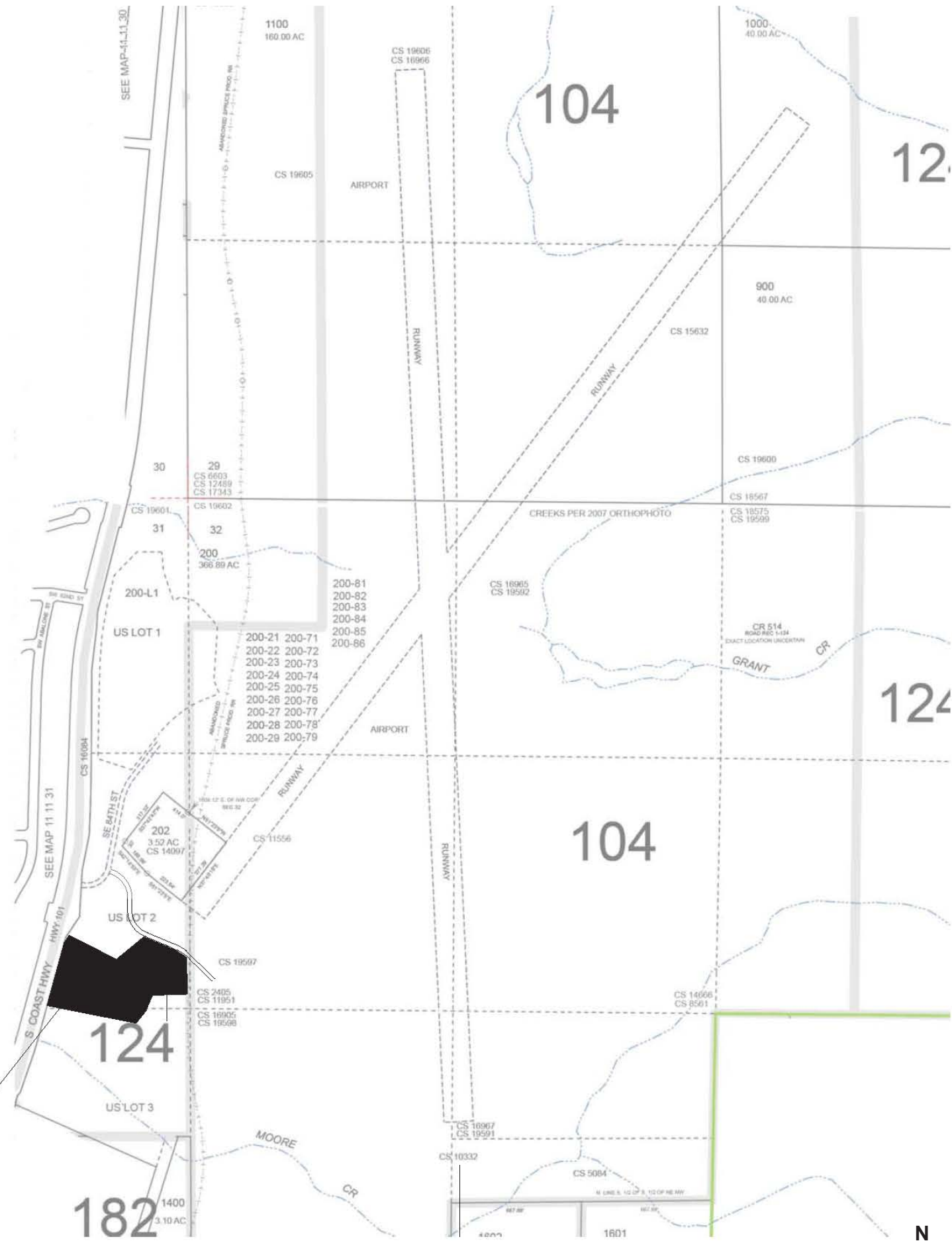
THE PURPOSE OF THIS SURVEY IS TO DELINEATE A 5.00 ACRES PARCEL.
BASED ON RECORDS:
THE LINE FROM THE 1/4 CORNER COMMON TO SECTION 31 AND 32 TO
LINCOLN COUNTY GEODESIC CONTROL POINT FOUR SEVEN SOUTH INTERSECT
EAST IN THE DORS ORDER COAST BAY.

HOWEVER FOR
THE PURPOSE OF THIS SURVEY FOR AIRWAY RIGHT OF
WAY AS DESCRIBED IN MAP 104-10-27 AND AS SHOWN ON DIST STATE
MAP 104-10-27 WAS DETERMINED AS FOLLOWS:
THE LINCOLN COUNTY GEODESIC CONTROL NETWORK POINTS COMMON (THE
1/4 CORNER OF SECTION 32) AND ACCORD TO THE AIRWAY RIGHT OF WAY
CONSTRUCTION MAP 104-10-27 FOR THE RIGHT OF WAY USED HEREON
THE AIRWAY ALIGNMENT WAS CALCULATED AT RECORDS USING DATA FROM
DIST STATE MAP 104-10-27 AND THE DIST RECORDS AS SET FORTH IN
THE RECORDS AND WAS CONSIDERED TO BESET AND RELATED
TO THE APPROXIMATED CORNER CONTROL POINTS.

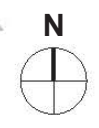
LEGAL DESCRIPTION
Proposed 5.00 acre lease tract
Part of the East half Section 31, Township 11 South, Range 11 West,
Williamson Meridian, City of Newport, Lincoln County, State of Oregon, more
particularly described as follows:
Commencing at a point 40.28 feet north and 4.70 feet west of the 1/4
corner common to sections 31 and 32, Township 11 South, Range 11 West,
Williamson Meridian, thence South 87°01'41" West for 162.23 feet, thence
South 33°17'21" West for 162.23 feet, thence South 36°23'01" West for
50.26 feet, thence North 23°42'21" East for 145.20 feet to the end of the
line, thence along the right of way line 104-10-27, thence North 10°21'17"
East for 334.80 feet along said line, thence North 34°10'01" East for
45.20 feet along said line, thence South 87°01'41" East for 162.23 feet,
thence South 33°17'21" East for 162.23 feet, thence South 36°23'01" West for
50.26 feet, thence North 23°42'21" East for 145.20 feet, thence North 10°21'17"
East for 334.80 feet, thence North 34°10'01" East for 45.20 feet, to the
Proposed 5.00 acre lease tract, containing 5.00 acres more or less.

PREPARED BY LINCOLN COUNTY SURVEYOR'S OFFICE REDA: M. TH. STRETT RESPONSIBLE OFFICER	FOR LINCOLN COUNTY LEGAL COUNSEL S. W. BIC. R. TH. RE. R. H.	REGISTERED PROFESSIONAL LAND SURVEYOR DATE: FEB 1991 EXPIRES: 06/30/2024 SCALE: SHEET NO. 2103
--	---	--

PROPOSED LEASE AREA



1 VICINITY MAP
CU.2 SCALE: 1" = 300'



PUBLIC FACILITIES

All necessary public facilities are available for the subject property and they simply require extensions or modifications of existing services. All utility design and layout information will be included as part of the building permit process and work will be completed as part of the project's construction.

STORMWATER

Stormwater management will be dealt with through the use of on-site stormwater basins. A 6% sizing factor for a stormwater basin (sloped vegetated sides) would be sufficient to meet water quality requirements as well as matching pre-developed runoff conditions (not increasing runoff leaving the site compared to current conditions). Based on the total square footage of 51,250 SF of impervious surfaces (see site plan). That would equate to 3,075 sf of stormwater basin on site. The final arrangement and design of these stormwater basins (rain garden) will be included as part of the building permit submission.

ELECTRICAL

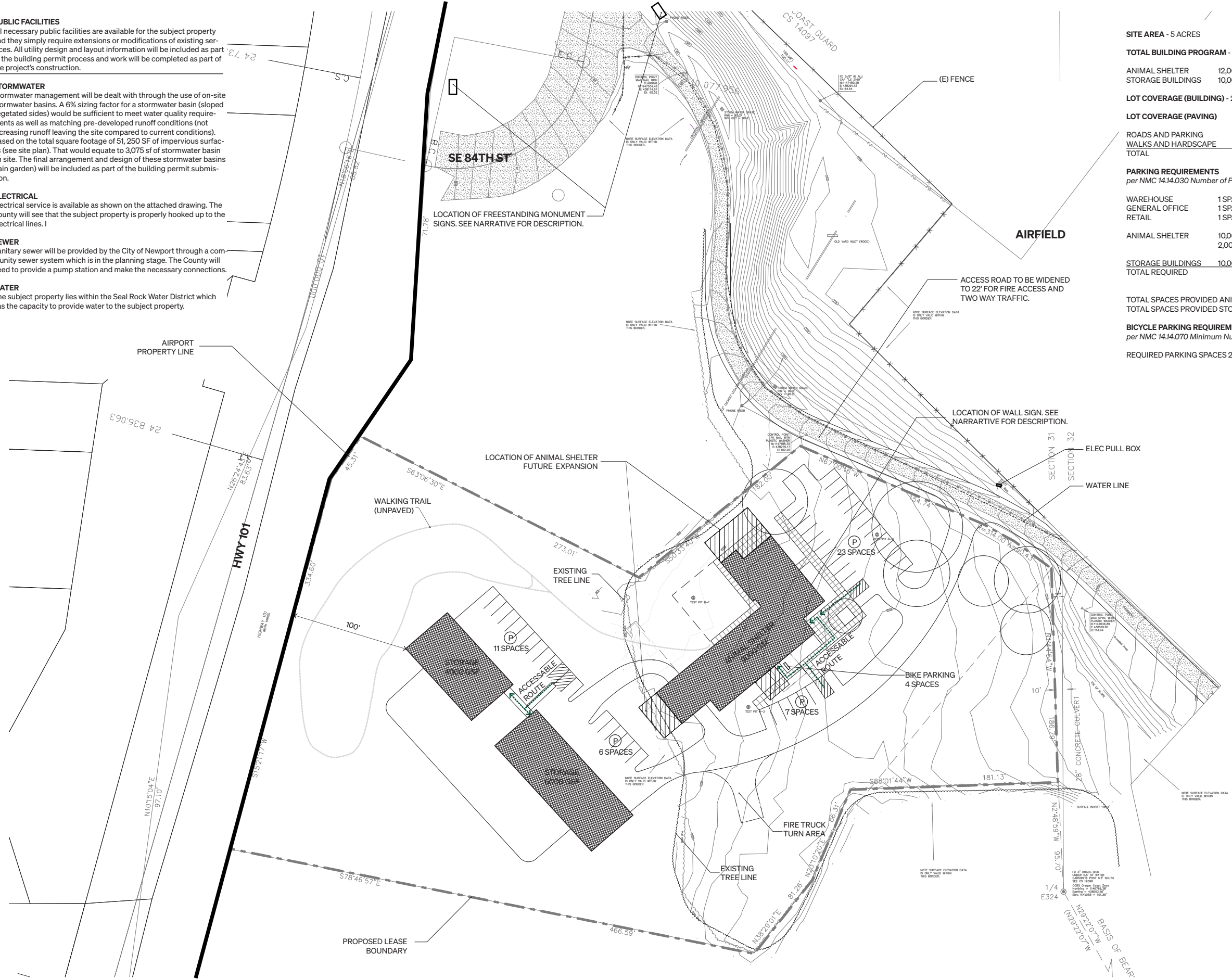
Electrical service is available as shown on the attached drawing. The County will see that the subject property is properly hooked up to the electrical lines.

SEWER

Sanitary sewer will be provided by the City of Newport through a community sewer system which is in the planning stage. The County will need to provide a pump station and make the necessary connections.

WATER

The subject property lies within the Seal Rock Water District which has the capacity to provide water to the subject property.



SITE AREA - 5 ACRES

TOTAL BUILDING PROGRAM - 22,000 GSF

ANIMAL SHELTER 12,000 GSF (full build out)
STORAGE BUILDINGS 10,000 GSF

LOT COVERAGE (BUILDING) - 22,000/217,800 = 10%

LOT COVERAGE (PAVING)

ROADS AND PARKING 47,500 GSF
WALKS AND HARDSCAPE 3,750 GSF
TOTAL 51,250 GSF = 24%

PARKING REQUIREMENTS
per NMC 14.14.030 Number of Parking Spaces Required

WAREHOUSE 1 SPACE/2000 SF
GENERAL OFFICE 1 SPACE/600 SF
RETAIL 1 SPACE/300 SF

ANIMAL SHELTER 10,000 GSF @ 1SPACE/600 SF = 17
2,000 GSF @ 1SPACE/300 SF = 7

STORAGE BUILDINGS 10,000 GSF @ 1SPACE/2000 SF = 5
TOTAL REQUIRED 29

TOTAL SPACES PROVIDED ANIMAL SHELTER 30
TOTAL SPACES PROVIDED STORAGE BUILDINGS 17

BICYCLE PARKING REQUIREMENTS
per NMC 14.14.070 Minimum Number of Bicycle Spaces Required
REQUIRED PARKING SPACES 26-50 = 2 BIKE SPACES

DKa

Dangermond Keane Architecture LLC
215 SE 9th Ave, Suite 303
Portland OR 97214
(503) 487-0211

CONSULTANT

Lincoln County
ANIMAL SHELTER
Newport, OR
CONDITIONAL USE PERMIT SET

PRINTING	DATE
Conditional Use Set	12.21.2021
REVISIONS	DATE

SCALE:

DKa JOB NUMBER
2103

STAMP

SHEET TITLE
SITE PLAN

SHEET NUMBER
CU-1

1 SITE PLAN
CU.1 SCALE: 1" = 40'



BUILDING HEIGHT

14.22.060 Height Limitations on Allowed Uses in Underlying Zones

All uses permitted by the underlying zone shall comply with the height limitations in this Section. When height limitations of the underlying zone are more restrictive than those of the Airport Restricted Area Zoning Overlay, the underlying zone height limitations shall control.

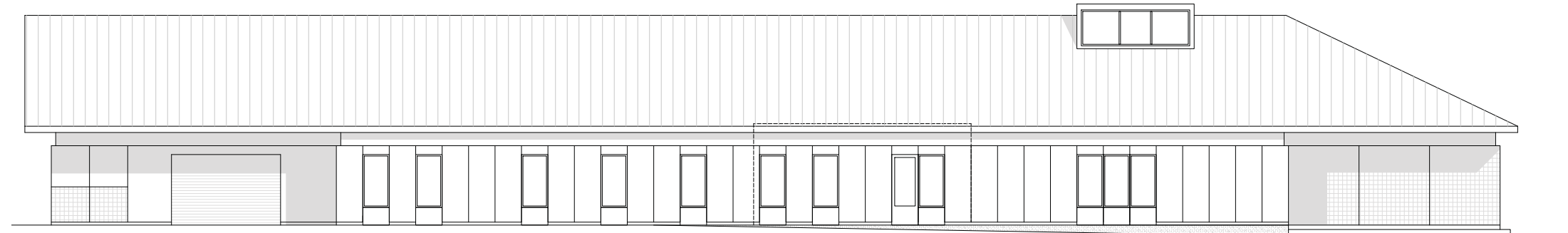
A. Except as provided in subsections B and C of this Section, no structure or tree, plant or other object of natural growth shall penetrate an airport imaginary surface.

B. For areas within airport imaginary surfaces but outside the approach and transition surfaces, where the terrain is at higher elevations than the airport runway surfaces such that existing structures and permitted development penetrate or would penetrate the airport imaginary surfaces, the City of Newport may authorize structures up to **35 feet** in height.

**BUILDING WILL NOT EXCEED
35' HEIGHT LIMIT**



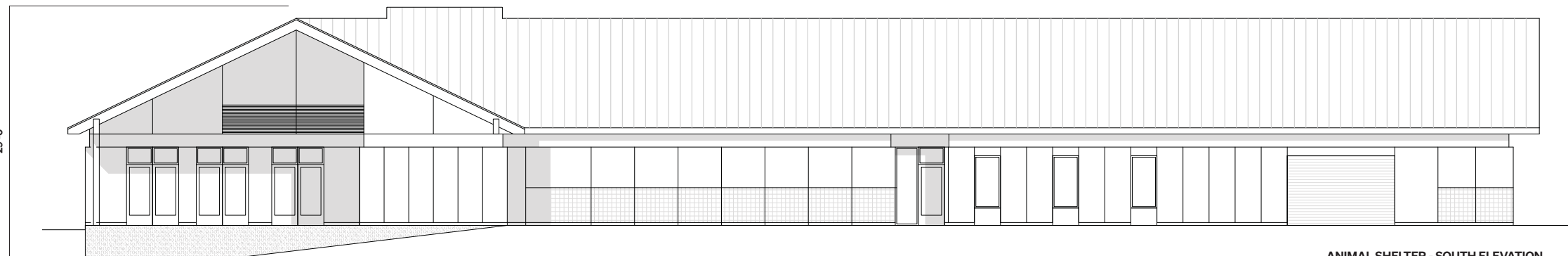
ANIMAL SHELTER - EAST ELEVATION
(PRELIMINARY)



ANIMAL SHELTER - NORTH ELEVATION
(PRELIMINARY)



ANIMAL SHELTER - WEST ELEVATION
(PRELIMINARY)



ANIMAL SHELTER - SOUTH ELEVATION
(PRELIMINARY)

DKa

**Dangermond Keane
Architecture LLC**
215 SE 9th Ave, Suite 303
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CONSULTANT

Lincoln County
ANIMAL SHELTER
Newport, OR
**CONDITIONAL USE
PERMIT SET**

PRINTING	DATE
Conditional Use Set	12.21.2021

REVISIONS	DATE

SCALE:

DKa JOB NUMBER
2103

STAMP

SHEET TITLE

SHEET NUMBER

CU-2

BUILDING HEIGHT

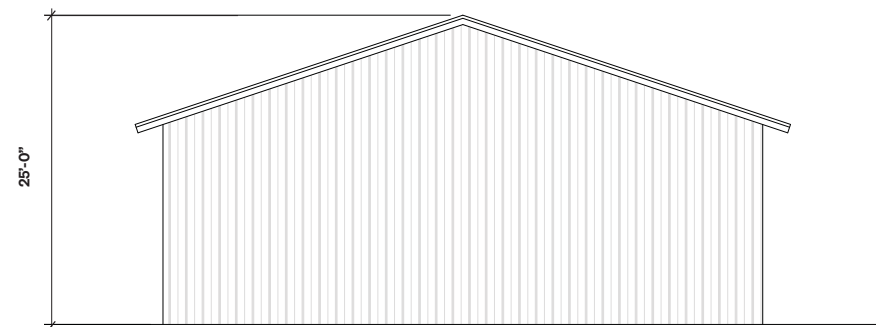
14.22.060 Height Limitations on Allowed Uses in Underlying Zones

All uses permitted by the underlying zone shall comply with the height limitations in this Section. When height limitations of the underlying zone are more restrictive than those of the Airport Restricted Area Zoning Overlay, the underlying zone height limitations shall control.

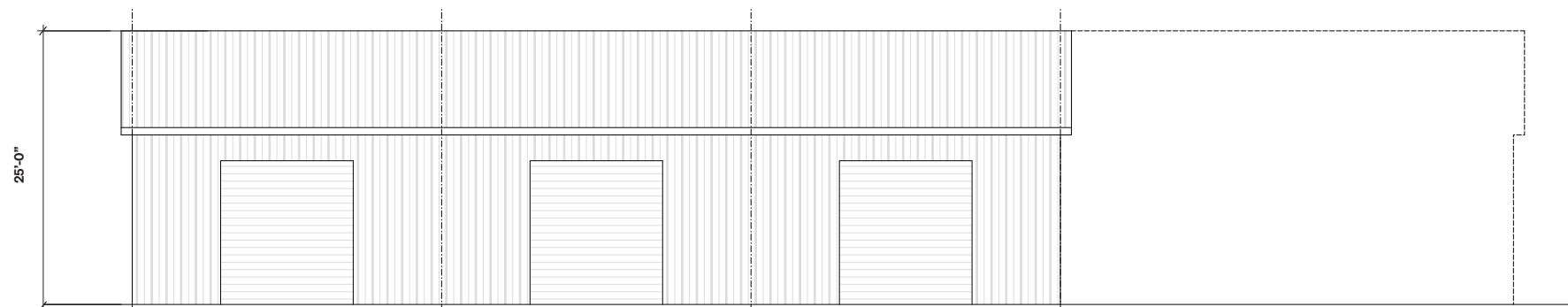
A. Except as provided in subsections B and C of this Section, no structure or tree, plant or other object of natural growth shall penetrate an airport imaginary surface.

B. For areas within airport imaginary surfaces but outside the approach and transition surfaces, where the terrain is at higher elevations than the airport runway surfaces such that existing structures and permitted development penetrate or would penetrate the airport imaginary surfaces, the City of Newport may authorize structures up to **35 feet** in height.

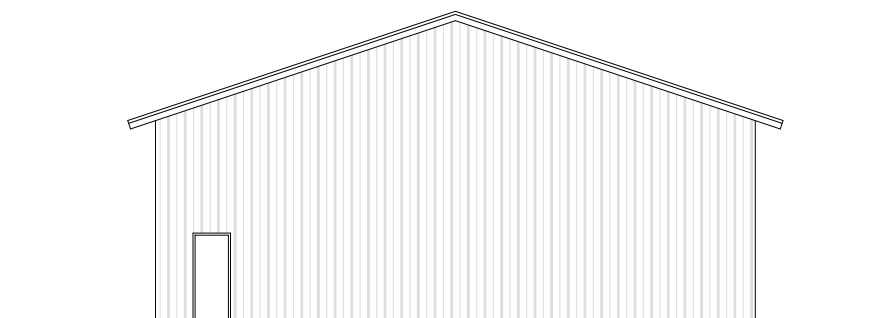
**BUILDINGS WILL NOT EXCEED
35' HEIGHT LIMIT**



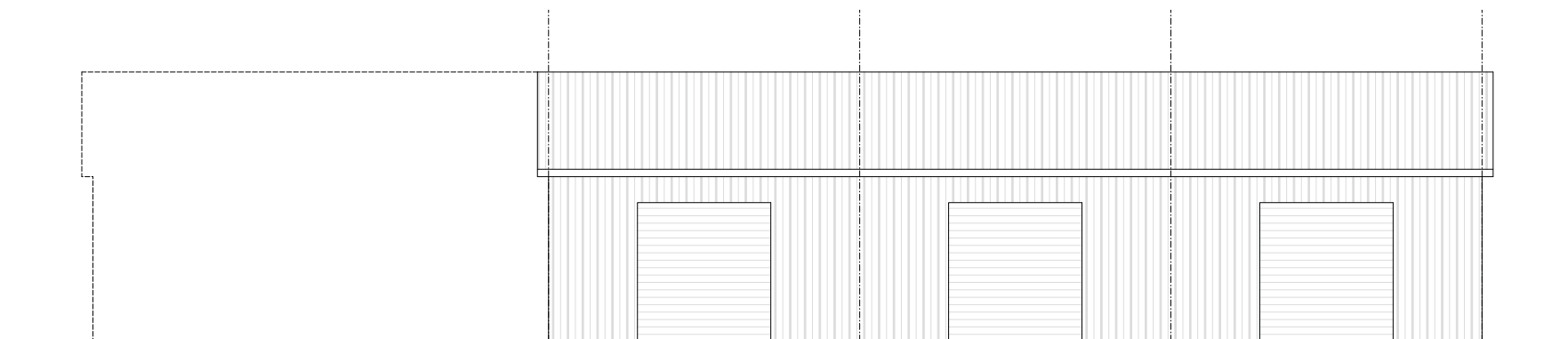
STORAGE BUILDING - TYP NORTH ELEVATION
(PRELIMINARY)



STORAGE BUILDING - TYP EAST ELEVATION
(PRELIMINARY)



STORAGE BUILDING - TYP SOUTH ELEVATION
(PRELIMINARY)



STORAGE BUILDING - TYP WEST ELEVATION
(PRELIMINARY)

DKa

**Dangermond Keane
Architecture LLC**
215 SE 9th Ave, Suite 303
Portland OR 97214
(503) 487-0211

CONSULTANT

Lincoln County
ANIMAL SHELTER
Newport, OR
**CONDITIONAL USE
PERMIT SET**

PRINTING	DATE
Conditional Use Set	12.21.2021

REVISIONS	DATE

SCALE:

DKa JOB NUMBER
2103

STAMP

SHEET TITLE

SHEET NUMBER

CU-3



LINCOLN COUNTY ANIMAL SHELTER
CONCEPT DIAGRAM ALTERNATE 2
Overall SF = 8,558
11/8/21

Animal Housing Summary

Dog Isolation	2	Cat Isolation	6
Dog Observation	2	Cat Observation	12
Puppies + Small	4	Cat Adopt/Hold Condos	21
Dog Adoption	16	Cat Apartments	20
Total	24	Total	59

Future Clinic Expansion

DKa

shelterplanners.com 

Derrick Tokos

From: chris dangermondkeane.com <chris@dangermondkeane.com>
Sent: Friday, January 7, 2022 9:14 AM
To: Derrick Tokos; Adam Denlinger (adenlinger@srwd.org)
Cc: Steve Hodge
Subject: Re: Conditional Use Permit - 7-CUP-21
Attachments: SP.com Lincoln Co Water Usage Analysis 12K (2).pdf

Derrick and Adam,

Attached is an estimate of the water usage based on a similar facility that our shelter planner was involved in. We have estimated it for the initial scope and the future growth described in our narrative. Please let me know if you have any questions.

Regards,

Chris

Christopher Keane, AIA

Dangermond Keane Architecture
215 SE 9th Avenue - Unit 303
Portland, Oregon 97214
503.487.0211 Ext. 403

www.dangermondkeane.com

On Jan 6, 2022, at 10:47 AM, Derrick Tokos <d.tokos@newportoregon.gov> wrote:

Hi Chris... could you provide Adam with an estimated maximum daily water demand figure for the new facility?

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

Water Usage Estimate for Animal Shelters

Using Betsey Bailey Nelson Animal Control Facility
Washington, NC as the model for basis estimate

shelterplanners.com
6-Jan-22

Water Usage per City of Washington Utility Services Invoices

	Cu. Ft X	7.48 gal/cu.ft.	= Gallons		
11/30/2009	1,580		11,818.40		
12/31/2009	1,651		12,349.48		
1/29/2010	1,885		14,099.80		
3/30/2010	1,513		11,317.24	Lowest	Gal/Day 377.24 Gal/SF/Day 0.065917
4/30/2010	2,122		15,872.56	Highest	529.09 0.092449
5/28/2010	1,592		11,908.16		
6/30/2010	1,590		11,893.20		
8/5/2010	1,919		14,354.12		
8/30/2010	1,767		13,217.16		
9/30/2010	1,566		11,713.68		
10/29/2010	1,610		12,042.80		
11/30/2010	1,515		11,332.20		
	20,310		151,918.80	Gal/Year	Gal/Day/Avg 416.22 Gal/SF/Day 0.072727

Total SF of Facility for Water Usage **5,723** Includes Gross S.F. - Salley Port + Ext. Housing

Shelter Name	Overall Square Footage Totals					
Betsey Bailey	Gross S.F.	Walls/Circ.	Sallyport	Net S.F.	Ext. Housing	Attic Mech.
Nelson	5723	1905	445	2901	917	540
% of Gross S.F.:		33.29%	7.78%	50.69%	16.0%	N/A

Table from shelterplanners.com - "Animal Shelter Figures" - Analysis of shelter areas

Calculations for Lincoln County, OR Shelter

Square Footage	Gal/SF/Day	Gal/Day		Safety Factor		Design to Gal/Day	
9,000	0.092449	832	X	1.2	=	998	Base Water Usage
3,000	0.092449	277	X	1.2	=	333	Future Additions
Square Footage Calcs.						1,331	Total Predicted

Betsey Bailey Nelson Shelter includes all normal sheltering operations including use of washer and including staff and public use of restrooms, staff break room etc. The shelter does use a power washer so cleaning is fairly rapid and uses water at the consistent rate the power washer distributes it, thus 20% "Safety Factor".

C Provide Sewer Infrastructure to Industrial Sites Near Newport Municipal Airport

Project Description	Lead
The City will help implement sewer infrastructure investments to facilitate industrial development at the Airport. Based on a preliminary evaluation of the investment alternatives, the two that are most feasible are (1) Expand Airport Septic System (LOSS) and (2) Onsite Treatment WWTP (Package Plant w/Land Application) as determined in the Opportunities and Constraints Report.	Lincoln County concurrent with Animal Shelter project (with reimbursement from Agency).

Rationale

Currently the sewer main stops at 50th Avenue and there is no sewer access to the Airport. This limits the types of industries that can function on nearby sites. Certain development projects that have been envisioned for the Airport industrial sites include airport hangars, flex warehouse, and industrial condominiums among others as noted in the Opportunities and Constraints Report. Sewer infrastructure would expand the realm of possibilities for these sites and reduce developer uncertainty around dealing with effluent.

Alignment with 2040 Vision	A1. Infrastructure Investments [Lead] A14. Developable Land [Partner] B1. Sewer and Stormwater Management [Lead] C4. Airport Improvements [Lead]
Implementation steps	The LOSS is the most cost effective solution; however more detailed analysis is needed to confirm feasibility, including: <ul style="list-style-type: none"> ▪ Discuss implementation steps and process with WWTP. ▪ For the LOSS, evaluate suitability of soils for a drain field, working with County sanitarian. ▪ Refine cost estimates against the agency's funding capacity; factor in additional operations and maintenance expenditures. ▪ Determine if regulatory barriers can be overcome – both alternatives require permitting and the LOSS requires FAA review. ▪ Analyze cost implications for the city for ongoing maintenance of the system. ▪ Pursue installation of LOSS, preferably through development agreement with Lincoln County, if system is viable. Fully vet package plant option only if LOSS is not viable. ▪ Identify fee structure for future system connections that is equitable to all users.
Public or stakeholder outreach needed	The City will conduct outreach with property owners where appropriate.
Partners	Urban Renewal Agency, City of Newport Public Works, Airport Committee, property owners
Estimated Cost	Funding Considerations
Planning estimates: LOSS - \$594,000 Onsite Treatment WWTP - \$1,960,000	Leveraging a development agreement with a lessee that would otherwise have to construct their own septic system will reduce Agency costs; the balance of funding would be from Urban Renewal. The lessee benefits because land they would otherwise have to dedicate to a septic system, drainfield, and replacement drainfield area can be dedicated to other uses.

Appendix A-D. Sewer Connection Alternatives

DRAFT Technical Memorandum

Date: June 09, 2021
Project: Newport South Beach / US101
To: ECONorthwest
From: Justin Moman, P.E.
Katie Husk, P.E.
Murraysmith
Re: Newport South Beach Sewer Connections Alternatives Evaluation

Introduction

The City of Newport is considering multiple approaches to improve the sewer infrastructure in the South Beach/U.S. 101 Highway Corridor in order to expand sanitary sewer service for five non-aeronautical development areas at the Newport Airport. The current layout of the City's sanitary sewer system in this area is patchwork in nature with the proposed development areas unlinked to the wastewater conveyance and treatment facilities located to the north. The Newport Airport is presently utilizing an on-site septic system which is undersized to meet future development plans for the property with projected flows of 4,000 gallons per day.

Purpose

The purpose of this memorandum is to provide an alternatives analysis for sanitary sewer infrastructure improvements to serve the non-aeronautical development areas identified by the City. This includes a discussion of the strengths and weaknesses of each alternative, an evaluation of short-term and long-term advantages, and a planning-level cost estimate for each alternative.

Analysis of Alternatives

In order to adequately compare each of the sewer infrastructure alternatives, Murraysmith developed analysis criteria by which to evaluate each option. Each criterion is discussed in detail below. A summary table of the capital costs may be found in Table 1 in the summary section of this report. Summary analysis criteria results may be found in Table 2.

Timeline

Design and construction timelines have the potential to affect development plans for the airport property, other planned construction projects, etc. Timeline may be a major factor depending on the urgency of the project.

Regulatory Hurdles

Some alternatives require regulatory approval which may require additional effort to obtain in comparison to other alternatives. This can affect the project schedule, costs, and feasibility of the project. This is especially relevant for this project when considering onsite systems that will be permitted independently of the City's existing wastewater treatment plant.

Expandability (Growth)

Developing a wastewater plan with future growth of the community in mind could mitigate future cost impacts. Options with on-site disposal of effluent maintain capacity within the existing wastewater treatment plant (WWTP) and may be expandable for future growth.

Ease of Operation and Maintenance

The upkeep of a wastewater facility is imperative for its future performance. On-site facilities require much more maintenance and oversight and personnel training that should be taken into consideration.

Private Property Impacts (Easements)

Construction along the roadway will require land acquisition, which would likely have impacts on both the cost and the timeline of the project.

Expand Airport Septic System

The first alternative is the expansion of the existing airport septic system to a large onsite septic system (LOSS) that would accommodate additional future flows. The existing system location does not have room to accommodate enough additional loading, so the southern triangle of land between the airport runways was selected as the best location for this expansion.

The selected location is at a higher elevation than most of the airport development areas, so package pump stations are assumed at each area to convey the wastewater to the septic system. E/One package pump stations with grinder pumps were identified to meet the low- and intermittent-flow requirements of this application to prevent fouling of the pumps and conveyance lines by reducing solids present in wastewater. A detail and description of a suitable package pump station is included in Appendix A-E. Package Pump Station.

Flows would be pumped from the airport development areas to a new septic tank where solids will be separated from the liquids. Effluent from the septic tank would then be disposed via infiltration trenches in four absorption areas. A dosing system will be required to alternate the absorption areas.

The primary components of this alternative are:

- Five (5) pump stations located at the airport development areas
- 8,000-gallon capacity septic tank
- Dosing system to alternate the absorption areas
- Absorption field
 - 4,667 linear feet of trench minimum divided into four (4) absorption areas.
 - Each area contains eight (8) trenches that are 2-feet wide, 150-feet long, and spaced 10 feet on-center.
 - Approximate area of absorption field is 61,500 square feet (1.4 acres).

Estimated capital cost: \$594,000

Advantages

- Capacity in existing wastewater treatment plant is maintained.
- The system is entirely contained on airport property.
- Expandable to meet the needs of future growth.
- Limited operation and maintenance costs.

Disadvantages

- Requires additional soil studies to determine feasibility. Soil survey shows potential high groundwater in area that could constrain this alternative.
- The selected location for the absorption field is uphill from many development areas and will likely require pump stations.
- Permitting will be required, but modification of the existing permit may be possible.
- Trenchless technology will be required to install force main(s) with casing under the runway.
- Maintenance access and the impact of airport activities at the proposed site should be considered.
- Additional expenditures will be required for operations, maintenance, and periodic solids disposal.
- Requires FAA review.
- Requires leach field within airport area.

Sewer Extension 1: Gravity to Southshore Pump Station and New Force Main to Inlet Pump Station

This first sewer extension alternative is the construction of a gravity sewer line from the airport facilities, down SE 72nd St., and along US-101 to the existing Southshore Pump Station (PS). A force main (FM) would be constructed along SE 62nd St. and an unimproved fire road to the Newport wastewater treatment plant's influent pump station (IPS). This new force main would replace the existing force main from the Southshore PS and reduce flows through other portions of the collection system.

The primary components of this alternative are:

- 6,750 linear feet of 6-inch gravity sewer
- 6,450 linear feet of 5-inch force main
- Package pump stations at airport development areas where gravity conveyance is not feasible

Estimated capital cost: \$5,091,000

Advantages

- Utilizes existing pump station.
- Gravity conveyance is likely be feasible for some development areas.
- Allows for easy sewer collections of existing neighborhood on SE 62nd Street

Disadvantages

- The gravity pipeline installation will likely be deep on portions of the airport property in order to maintain slopes that will achieve scouring velocity.
- An additional lift station could potentially be required to connect to existing pump station.
- Substantial work required along Highway 101 would impact traffic.
- ROW acquisition along pipeline route would likely be required.
- Will require extended design schedule relative to other alternatives.

Sewer Extension 2: Pump Station at Surfland and New Force Main

The second sewer extension alternative includes the construction of a new pump station in the Surfland area, near 82nd St. and Hwy 101. For this alternative, a new gravity sewer would be constructed from the airport property in the vicinity of SE 84th St., beneath Hwy 101, and to the new pump station. A combination of open cut and trenchless technologies would likely be required due to topography in the area and in order to limit impacts to traffic. From the pump station, a force main would be constructed along Hwy 101 to the influent pump station.

This option is contingent on the completion of the Surfland Sewer Extension project as proposed by Brown and Caldwell in the February 2018 Sanitary Sewer Master Plan (SSMP). The SSMP Surfland project included the construction of a new pump station at Surfland as well as a new force main from the Surfland Pump Station to the Influent Pump Station. The estimated cost for the SSMP Surfland extension project is \$6.3 million. These costs are not included in the estimate presented in this report.

The primary components of this alternative are:

- 1,350 linear feet of 6-inch gravity sewer
- Package pump stations at airport development areas where gravity conveyance is not feasible

Estimated capital cost: \$1,297,000

Advantages

- Direct routing from airport to pump station makes it easier to achieve scouring velocities in gravity line.
- Gravity conveyance is likely be feasible for some development areas.
- Limited operation and maintenance cost compared to other alternatives.

Disadvantages

- Contingent upon capital investment in and operation and maintenance of SSMP Surfland extension.
- Work required in Highway 101 corridor would likely impact traffic.
- Some ROW acquisition along pipeline route may be required.
- Direct routing to the pump station would likely require trenchless installation, which may have significant cost impacts.
- Will require extended design schedule compared to other alternatives.
- Force main would skip over 62nd Street; eventually another PS required for the neighborhood in between

Onsite Treatment

The final alternative is onsite treatment of wastewater from the development areas. Packaged treatment facilities that can be installed onsite are available from multiple equipment manufacturers. This option is similar to the LOSS, with a small treatment facility replacing the septic tank and absorption field components. The estimate included in this report assumes the use of the MEMPAC-E5 by Cloacina. The MEMPAC is a membrane bioreactor package wastewater treatment plant that can meet Class C recycled water standards, at a minimum, for onsite land application of treated effluent. An informational flyer containing a schematic and product description for this package plant may be found in Appendix A-F. Package Plant.

The main components that would need to be constructed for this alternative are:

- Five (5) pump stations located at the airport development areas
- Packaged treatment plant
- Land application system

Estimated Capital Cost: \$1,960,000

Advantages

- Capacity in existing wastewater treatment plant is maintained.
- The system is entirely contained on airport property.
- Expandable to meet the needs for future growth.
- Recycled water can be reused on site depending on the level of treatment.

Disadvantages

- Operations and maintenance costs including mechanical upkeep, electrical costs, chemical additives, operator requirements, and routine removal of solids.
- The location of the plant may be uphill from many development areas and require pump stations.
- Permitting will be required, but modification of the existing permit may be possible.
- Maintenance access and the impact of airport activities at the proposed site should be considered.

Summary

A summary of capital costs can be found in **Table 1**. A summary and scoring (highest score is most favorable) of each option can be found in **Tale 2** below.

Table 1: Capital Costs Summary

Alternative	Estimated Capital Cost
Expand Airport LOSS	\$594,000
Sewer Extension 1: Gravity to Southshore PS and New FM to IPS	\$5,091,000
Sewer Extension 2: PS at Surfland and New FM to IPS	\$1,297,000
New Onsite WWTP (Package Plant w/ Land Application)	\$1,960,000

Notes:

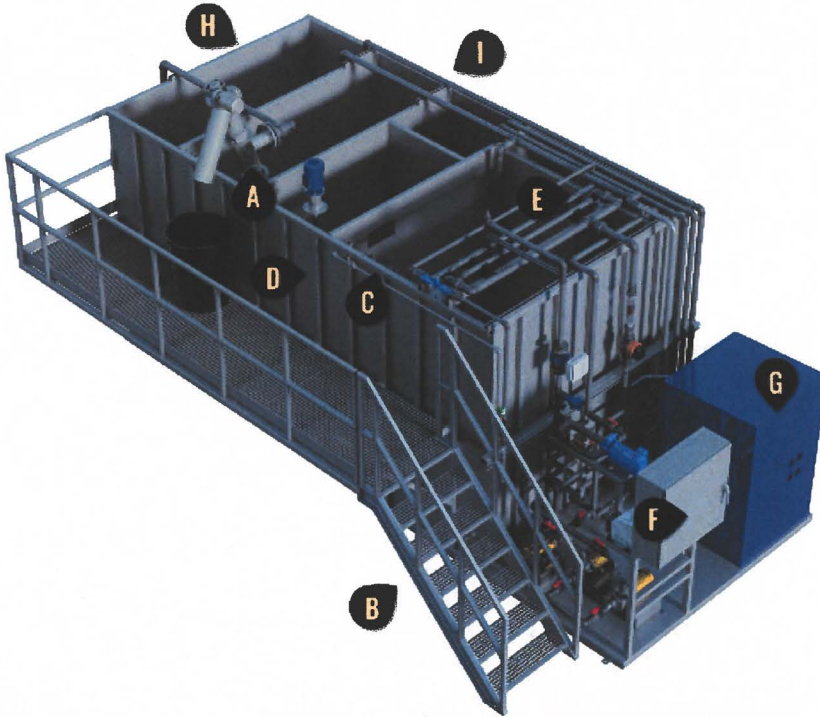
1. Cost includes material costs and installation, mobilization (12%), general conditions (8%) contractor O&P (12%), contingency (40%), and ELA (Engineering, Legal, and Administration) (25%)
2. Estimate is for planning purposes only; AACEI Class 5 estimate ranges from -30% to +50%

Table 2: Non-Monetary Evaluation of Alternatives

Alternative	Timeline	Regulatory Hurdles	Expandability (Growth)	Ease of Operation and Maintenance	Private Property Impacts (Easements)	Total
Weight	20%	20%	20%	20%	20%	
Expand Airport Septic System	This alternative's timeline may be impacted by permitting, but there are limited construction delays.	Permitting required for land application of effluent. May be able to utilize existing permit. Soils studies and groundwater investigation is required.	Septic system may be expanded to increase capacity at lower capital cost compared to other alternatives.	Requires regular maintenance and solids removal. Can follow operations and maintenance schedule of existing facility.	No additional property acquisition needed	
Score	8	8	10	7	10	43
Sewer Extension 1: Gravity to Southshore Pump Station	This alternative may be constructed at any time but may have an extended design schedule.	No significant permitting requirements	Utilizes capacity of existing WWTP. Adds redundancy to existing system, increasing capacity of conveyance system.	Limited near-term O&M needs. (Assumes pump maintenance part of Southshore pump station O&M).	Additional ROW purchase required along US-101.	
Score	8	10	6	10	5	39
Sewer Extension 2: Gravity to Surfland Pump Station	This alternative is dependent on the completion of the Surfland sewer extension project and may have extended design schedule	No significant permitting requirements	Utilizes capacity of existing WWTP	Limited near-term O&M needs. (Assumes pump maintenance part of Surfland sewer extension project).	Minimal ROW acquisition required	
Score	5	10	5	10	6	36
Onsite Treatment	This alternative's timeline may be impacted by delays associated with permitting	Permitting required for land application of treated effluent. May be able to utilize existing permit.	May be expanded to increase capacity.	Requires regular operation and maintenance. Access to airfield is required. Requires new training and maintenance protocol.	No additional property acquisition needed	
Score	8	7	8	5	10	38

Appendix A-E. Package Pump Station

MEMPAC™ - E



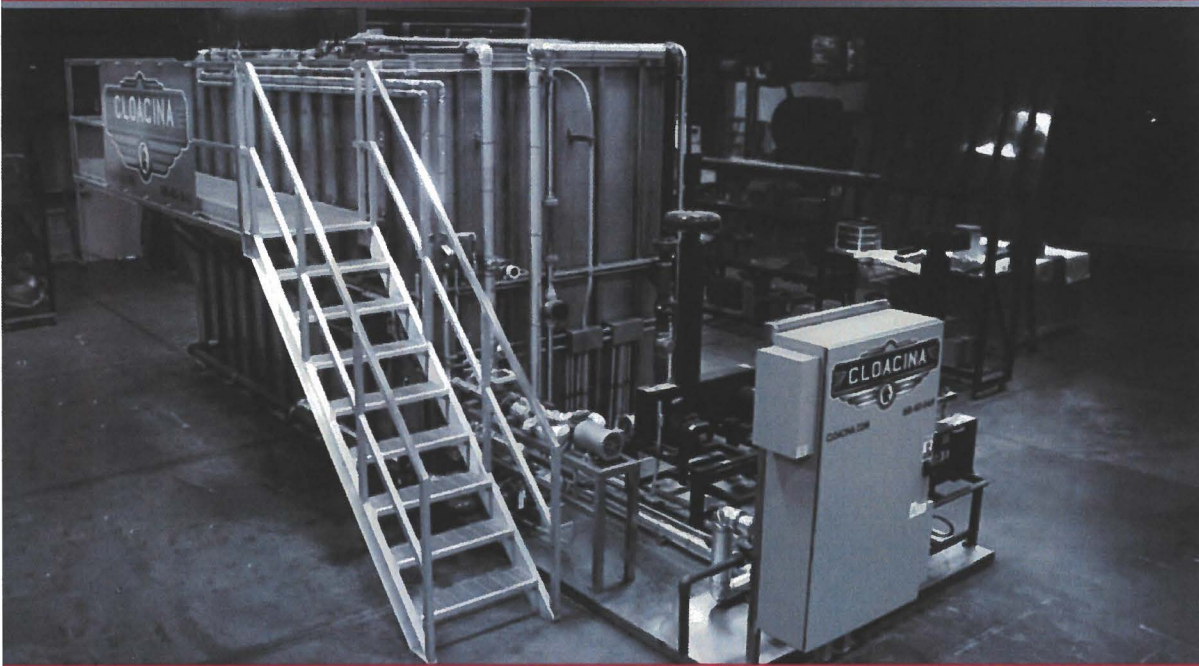
- A: Integrated screening
- B: Aluminum stairs and platform (optional full catwalk and stairs shown)
- C: All sensory equipment is mounted on the Cloacina Slide Rail™ System and is accessible from the inspection platform
- D: Corrosion-resistant 304 stainless steel tankage and components come standard
- E: Membrane filtration equipment is factory-installed and wet tested for a minimum of 24 hours prior to shipping
- F: Electrical panel and controls system are factory-installed and tested
- G: Optional semi-sound attenuated blowers
- H: Integrated aerated sludge storage chamber
- I: Biological Nutrient Removal (BNR)

Prior to delivery, clients will be given exact connection points for power, communication, influent, effluent and WAS.

STAINLESS STEEL MEMBRANE BIOREACTOR WITH ECONOMIZED EQUIPMENT SELECTIONS

CLOACINA.COM | INFO@CLOACINA.COM | 888.483.8469

PRODUCT DESCRIPTION



Municipal clients with tight project budgets often seek economical treatment solutions capable of meeting stringent discharge and re-use requirements. The MEMPAC™-E, designed for flow ranges of 5,000 – 50,000 Gallons Per Day (GPD) in increments of 5,000 gallons, has standard, streamlined designs and economized equipment selections while still incorporating most of the revolutionary features of the other MEMPAC models. Pricing on the MEMPAC-E is comparable to extended aeration systems. This system has expedited construction and delivery timelines.



TYPICAL INFLUENT PARAMETERS			
CONSTITUENT	VALUE	UNITS	NOTES
Flow	5,000-50,000	GPD	
TSS	300	mg/L	
BOD5	<400	mg/L	
Temperature	41 - 68	°F	Average
TN	40	mg/L	

TYPICAL EFFLUENT PARAMETERS			
CONSTITUENT	VALUE	UNITS	NOTES
BOD5	<10	mg/L	
TSS	<10	mg/L	
TN	<10	mg/L	

TYPICAL APPLICATIONS			
Remote domestic waste from mobile home parks, resorts, schools, campgrounds, commercial developments, truck stops and rest areas			

CLOACINA.COM | INFO@CLOACINA.COM | 888.483.8469

CITY OF NEWPORT
PUBLIC NOTICE¹

This meeting will be conducted by video-conference. Please contact the Community Development Department at the phone number or email listed below for options on how you can participate in the hearing.

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 outlined below.

File No. 7-CUP-21:

Applicants & Representatives: Lincoln County (Chris Keane, Dangermond and Keane Architects, representative) (City of Newport, owner)

Request: Approval of a request per Section 14.03.100/"Public Uses" of the Newport Zoning Ordinance, for a conditional use permit to allow the construction and operation of an animal shelter facility and storage at the subject property that is located in a P-1/"Public Structures" zone.

Location/Subject Property: Proposed 5 acre lease area south of Runway 2-20 and Coast Guard Station (Tax Map 11-11-32-00, Tax Lot 200).

Applicable Criteria: NMC Chapter 14.34.050: (1) The public facilities can adequately accommodate the proposed use; 2) the request complies with the requirements of the underlying zone or overlay zone; 3) the proposed use does not have an adverse impact greater than existing uses on nearby properties, or impacts can be ameliorated through imposition of conditions of approval; and 4) a proposed building or building modification is consistent with the overall development character of the neighborhood with regard to building size and height, considering both existing buildings and potential buildings allowable as uses permitted outright. NMC Chapter 14.22.100(F)(1): Demonstrate that the uses will not create a safety hazard or otherwise limit existing and/or approved airport uses.

Testimony: Testimony and evidence must be directed toward the criteria described above or other criteria in the Comprehensive Plan and its implementing ordinances that a person believes applies to the decision. Failure to raise an issue with sufficient specificity to afford the City and the parties an opportunity to respond to that issue precludes an appeal (including to the Land Use Board of Appeals) based on that issue. Testimony may be submitted in written or oral form. Oral and written testimony will be taken during the course of the public hearing. Letters to the Community Development (Planning) Department (address below under "Reports/Application Material") must be received by 12:00 p.m. (noon) the day of the hearing or submitted to the Planning Commission during the hearing. The hearing will include a report by staff, testimony (both oral and written) from those in favor (including the applicant) or opposed to the application, rebuttal by the applicant, and questions and deliberation by the Planning Commission. Pursuant to ORS 197.763 (6), any person prior to the conclusion of the initial public hearing may request a continuance of the public hearing or that the record be left open for at least seven days to present additional evidence, arguments, or testimony regarding the application.

Reports/Application Material: The staff report may be reviewed or a copy purchased 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, January 24, 2022; 7:00 p.m.; City Hall Council Chambers (address above in

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

ADAIR JOHN N JR &
ADAIR DEBRA S
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MEDFORD, OR 97501

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INDEPENDENCE, OR 97351

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BLACKWOOD CYNTHIA D
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SOUTH BEACH, OR 97366

BORIS PETER A &
BORIS THEODORA A
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SOUTH BEACH, OR 97366

BREMER GERALD L &
BREMER VIRGINIA L
2079 PARK DR
LEBANON, OR 97355

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KAAAWA, HI 96730

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CAHALL JAQUELYNN ANN
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CARTER RICHARD B COTSTEE &
CARTER ELIZABETH A COTSTEE
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CITY OF NEWPORT
CITY MANAGER
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COMPTON EMMA A
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COPUS MARY A
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CORVALLIS JOETTA KAY
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COSTANZO VELDA R
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COVELLE KARLA
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LINCOLN CITY, OR 97367

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TOLEDO, OR 97391

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EAMES KAYLENE TSTEE
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GLENDALE, AZ 85307

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EVERGREEN TRUST
ATTN CHERYL SPERLING
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FAILOR JOANN LOPRESTI (TOD)
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FERRIS WILLARD S &
GOODPASTURE KATHERINE
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SOUTH BEACH, OR 97366

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FISHER HEIDI L
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FOGARTY YALE S &
FOGARTY TAMMY
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SOUTH BEACH, OR 97366

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ENCINITAS, CA 92024

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SOUTH BEACH, OR 97366

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GUSTAFSON SHIRLEY
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HERBERT TERRI L TSTEE
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HUGHLEY TRACI M
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HUNT BRADY G
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JENKINS JUDY L
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KEMMISH MARK L &
KEMMISH CATHRYN G
111 SW 89TH ST
SOUTH BEACH, OR 97366

KRAMER LARRY L COTRUSTEE &
KRAMER CHERYL L COTRUSTEE
9709 SE CEDAR ST
SOUTH BEACH, OR 97366

KULANEM LLC
2809 SAMARKAND DR
SANTA BARBARA, CA 93105

LANDWAVES IN
2712 SE 20TH AVE
PORTLAND, OR 97365

LANDWAVES INC
2712 SE 20TH AVE
PORTLAND, OR 97202

LAVY DOUGLAS B
PO BOX 627
SOUTH BEACH, OR 97366

LEWIS SHAYNE & LEWIS LESLIE &
BARKER DEBRA LYNN &
BARKER QUINN
3480 COUNTY RD 212
FORT BRIDGER, WY 82933

LINCOLN COUNTY
ATTN LINCOLN CO PROP MGMT
880 NE 7TH ST
NEWPORT, OR 97365

MADISON DAVID B &
MADISON KAYLEE E
7037 SW ABALONE ST
SOUTH BEACH, OR 97366

MAIR DAVID BRUCE &
MAIR CATHERINE J
8687 SW ABALONE ST
SOUTH BEACH, OR 97366

MARKEN ROBERT &
MOORE DEBRA A &
MOORE GORDON & MARGARET TTEES
62962 BILYEU WAY
BEND, OR 97701

MARSHBURN LAURANCE AUTHUR &
MARSHBURN MARY COFFEY
5204 STAWBERRY RD
ANCHORAGE, AK 99502

MASSEY KENNETH S
9203 SW ABALONE ST
NEWPORT, OR 97365

MCDONAGH BECKEY G
9711 SE CEDAR ST
SOUTH BEACH, OR 97366

MCKEON JAMES D
PO BOX 318
SOUTH BEACH, OR 97366

MCWILLIAMS MARY &
AMBROSE JEAN
69541 RUCKLE RD
SUMMERVILLE, OR 97876

MIES GRANTHAM SAUNDRA KAY
7227 SW ABALONE ST
SOUTH BEACH, OR 97366

MILLER LAURA L
39554 161ST ST E
PALMDALE, CA 93550

MOORE MIKE &
FRY BARBARA
9677 SE CEDAR ST
SOUTH BEACH, OR 97366

MORRISON PERRY L & DARLINE M
MORRISON LINDA L
8387 SW ABALONE ST
SOUTH BEACH, OR 97366

NELSON DONNA
7015 SW ABALONE ST
SOUTH BEACH, OR 97366

NELSON MICHAEL JAMES
9443 SE BIRCH ST
SOUTH BEACH, OR 97366

NORMAN DAVID E E &
OLSEN NORMAN DONNETTE G
7630 S COAST HWY
SOUTH BEACH, OR 97366

ORR JAMES D &
NELSON LAURA
9466 SE BIRCH ST
SOUTH BEACH, OR 97366

OTTA JIMMY W &
OTTA KAREN L JACOBS
9080 S COAST HWY
SOUTH BEACH, OR 97366

READ MARSHAL EDWARD
10733 NE BRAZEE
PORTLAND, OR 97220

REDDEN MICHAEL TRUSTEE &
REDDEN SONJA TRUSTEE
1418 N VINEYARDS AVE
MERIDIAN, ID 83642

REESE RHONDA E
9195 PORTLAND RD
UNIT 44
BROOKS, OR 97305

RICKS JEANETTE H
7177 SW ABALONE ST
SOUTH BEACH, OR 97366

ROGERS STEPHEN
15639 MCKENZIE RD
MT VERNON, OH 43050

ROWER KEVAN M
8261 SW ABALONE ST
SOUTH BEACH, OR 97366

SABIN AUSTIN D &
SABIN CAROLYN M
12105 NE STANTON ST
PORTLAND, OR 97220

SAELWOOD LLC
ATTN MARK R SAELENS
275 NE SAN-BAY-O CIR
NEWPORT, OR 97365

SAMPSON DAVID B &
SAMPSON NICOLA M
7113 SW ABALONE ST
SOUTH BEACH, OR 97366

SAXTON FRED M
9459 SE CEDAR ST
SOUTH BEACH, OR 97366

SCHROEDER JOAN M
PO BOX 84
NEWPORT, OR 97365

SEAL ROCK WATER DISTRICT
PO BOX 190
SEAL ROCK, OR 97376

SEAVIEW HOMES LLC
ATTN ROBERT MARKEN
527 NE BELLEVUE DR, STE 200
BEND, OR 97701

SEIVERS JASON A &
THOMAS EMILY A
1660 SW MARTIN ST
CORVALLIS, OR 97333

SENN JAMES A &
SENN JONG SOON
8450 SW MARINE VIEW ST
SOUTH BEACH, OR 97366

SHAW CAROLINE
140 746 AVE S, MSL 119
ST PETERSBURG, FL 33701

SILVONEN ABRAM K &
SILVONEN MARIAH L
PO BOX 2021
NEWPORT, OR 97365

SIMPSON THOMAS L & STEPHANIE
8445 SW ABALONE ST
SOUTH BEACH, OR 97366

SOUTH BEACH PROPERTY
INVESTEMENT LLC
PO BOX 97
LEBANON, OR 97355

SPERLING CHERYL RAE TSTEE
9491 SE BIRCH ST
SOUTH BEACH, OR 97366

STARKER FORESTS INC
PO BOX 809
CORVALLIS, OR 97339

STATE OF OREGON
% DEPT OF MILITARY
1776 MILITIA WAY SE
SALEM, OR 97309

STEEL STRING INC
2712 SE 20TH AVE
PORTLAND, OR 97202

STINSON JAMES A &
STINSON BETTY J
9737 SE CEDAR ST
SOUTH BEACH, OR 97366

SURFLAND PACIFIC SHORES CORP
ATTN MARK MALLORY
2917 NE STANTON
PORTLAND, OR 97212

SUZ PROPERTIES LLC
1840 W 16TH ST
THE DALLES, OR 97058

SWEET CLIFFORD K &
SWEET PAULA G
6147 DON JUAN DR
SALT LAKE CITY, UT 84118

TITGEN RICHARD H TRUSTEE &
TITGEN JANICE AUYONG TRUSTEE
434 SE 95TH CT
SOUTH BEACH, OR 97366

UNITED STATES OF AMERICA
% US COAST GUARD
810 SW ALDER ST
NEWPORT, OR 97365

UNITED STATES OF AMERICA
% US COAST GUARD
DISTRICT 13
915 2ND AVE
SEATTLE, WA 98104

VANDERHOFF ERIC G &
VANDERHOFF MARIANN I
PO BOX 1352
NEWPORT, OR 97365

WATTS LESLIE O &
WATTS BETTY J
17372 S HOLCOMB RD
OREGON CITY, OR 97045

WAY JOHN E &
WAY ANN
8509 SW ABALONE ST
SOUTH BEACH, OR 97366

WEISS KATHARINE U TRUSTEE
5402 W TAMPION AVE
SANTA ANA, CA 92704

YOUMANS THOMAS R & ADRIENNE
7249 SW ABALONE ST
SOUTH BEACH, OR 97366

ZAGEL JONATHAN P &
ZAGEL DARLA JEAN
474 SE 95TH CT
SOUTH BEACH, OR 97366

ZIMMERMAN ROBERT E &
ZIMMERMAN DEBRA G
PO BOX 144
FREELAND, WA 98247

CHRIS KEANE
DANBERMOND AND KEANE
215 SE 9TH AVE, UNIT 303
PORTLAND, OR 97214

File No. 7-CUP-21

Adjacent Property Owners Within 200 ft

MEMO

City of Newport
Community Development Department



****Distributed Via Email****

Date: January 3, 2022

To: Spencer Nebel, City Manager
David Powell, Public Works
Aaron Collett, Public Works
Clare Paul, Public Works
Rob Murphy, Fire
Jason Malloy, Police
Mike Murzynsky, Finance
Michael Cavanaugh, Parks & Rec.
Laura Kimberly, Library
Beth Young, Associate Planner
Derrick Tokos, Community Development
Joseph Lease, Building Official
Public Utilities

From: Sherri Marineau, Executive Assistant

RE: Conditional Use Permit # 7-CUP-21

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.**

sm

Attachment

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

Charter Communications
ATTN: Keith Kaminski
355 NE 1st St
Newport OR 97365

CenturyLink
ATTN: Corky Fallin
740 State St
Salem OR 97301

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

Email: Lisa Phipps
DLCD Coastal Services Center
lisa.phipps@state.or.us

****EMAIL****
odotr2planmgr@odot.state.or.us

Joseph Lease
Building Official

Rob Murphy
Fire Chief

Aaron Collett
Public Works

Beth Young
Associate Planner

Jason Malloy
Police Chief

Mike Murzynsky
Finance Director

Laura Kimberly
Library

Michael Cavanaugh
Parks & Rec

Spencer Nebel
City Manager

Clare Paul
Public Works

Derrick Tokos
Community Development

David Powell
Public Works

EXHIBIT 'A'
(Affected Agencies)

(7-CUP-21)

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

This meeting will be conducted by video-conference. Please contact the Community Development Department at the phone number or email listed below for options on how you can participate in the hearing.

The City of Newport Planning Commission will hold a public hearing on Monday, January 24, 2022, at 7:00 p.m. in the City Hall Council Chambers to consider File No. 7-CUP-21, a request submitted by Lincoln County (Chris Keane, Dangermond and Keane Architects, representative) (City of Newport, owner) per 14.03.100/"Public Uses" of the Newport Zoning Ordinance, for a conditional use permit to allow the construction and operation of an animal shelter facility and storage at the subject property that is located in a P-1/"Public Structures" zone. The property is located at a proposed 5 acre lease area south of Runway 2-20 and Coast Guard Station (Tax Map 11-11-32-00, Tax Lot 200). 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. The applicable criteria per NMC Chapter 14.22.100(F)(1) are: Demonstrate that the uses will not create a safety hazard or otherwise limit existing and/or approved airport uses. Testimony and evidence must be directed toward the criteria described above or other criteria in the Comprehensive Plan and its implementing ordinances that a person believes applies to the decision. Failure to raise an issue with sufficient specificity to afford the City and the parties an opportunity to respond to that issue precludes an appeal (including to the Land Use Board of Appeals) based on that issue. Testimony may be submitted in written or oral form. Oral and written testimony will be taken during the course of the public hearing. Letters to the Community Development (Planning) Department (address below under "Reports/Application Material") must be received by 12:00 p.m. (noon) the day of the hearing or submitted to the Planning Commission during the hearing. The hearing will include a report by staff, testimony (both oral and written) from those in favor (including the applicant) or opposed to the application, rebuttal by the applicant, and questions and deliberation by the Planning Commission. Pursuant to ORS 197.763 (6), any person prior to the conclusion of the initial public hearing may request a continuance of the public hearing or that the record be left open for at least seven days to present additional evidence, arguments, or testimony regarding the application. 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, January 14, 2022.

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Record	Total points
No. 1 Willamina (7)	104
No. 2 Sutherlin (2)	98
No. 3 Nyssa (2)	93
No. 4 Harrisburg	76
No. 5 Santiam Chr.	

No. 4 Central Linn	
7-2	75
No. 5 Faith Bible (1)	
11-1	69
No. 6 Bandon	
12-1	61
No. 7 Colton (1)	
7-2	46
No. 8 Stanfield	
11-2	43

No. 7 Trout Lake	
4-0	47
No. 8 St. Paul	
8-1	42
No. 9 Trinity Lutheran	
6-3	27
No. 10 Rogue Valley Adv.	
9-2	24

Others receiving significant votes: Ed-
denville Charter (10-1) 11.

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NOTICE
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of the first publication of this Notice, or their claims may be barred. Claims are to be presented at the address of the attorney for the personal representative, set forth below. All persons whose rights may be affected by this estate proceeding may obtain additional information from the records of the Circuit Court, the personal representative, or Jeffrey C. Hollen., Date of first publication: January 14, 2022. Jeffrey C. Hollen, OSB #761757 Attorney for Personal Representative Personal Representative 541-574-1630 P. O. Box 1167, 615 SW Hubert Street, Suite A Newport, OR 97365 Cynthia A. Costello Personal Representative 706 Erin Dr Champaign, IL 61822 J14 J21 J28 (34-28)

NOTICE OF PUBLIC HEARING

NOTICE OF APPEAL & DEPOE BAY CITY COUNCIL PUBLIC HEARING Monday, January 31, 2022, 7:00 p.m. **APPEAL OF DEPOE BAY PLANNING COMMISSION APPROVAL APPLICATION FOR DEVELOPMENT IN THE RETAIL COMMERCIAL ZONE AND REQUEST FOR VARIANCES APPELLANT:** Fran Recht **DESCRIPTION:** The Depoe Bay Planning Commission approval of an application for development in the Retail Commercial Zone and Request for Variances has been appealed to the City Council. The proposed development is to construct six (6) new townhouse buildings, each with three (3) units for a total of 18 units in the Retail Commercial Zone (C-1). The proposed development includes six (6) tax lots. The request includes variances for pedestrian amenities, location of main entrances, and sidewalks. The appellant states the basis for the appeal is "ignoring the applicable standards for streets; ignoring standards in the C-1 zone for landscaping; ignoring standards in the C-1 zone for pedestrian amenities; and for allowing multiple variances to the development standards that pervert the intent of the vari-

ance ordinance through flawed rationale and findings." **APPLICABLE CRITERIA:** Depoe Bay Zoning Ordinance No. 24 (as amended) Section 3.110: Retail Commercial Zone C-1 Action 3.115: Commercial Zone C-1 - Design Standards and Guidelines Article 8: Variances **LOCATION:** The subject properties are bounded by US HWY 101 on the west, NE Bradford Street on the south, and NE Williams Avenue on the east, and are further identified on Lincoln County Assessor's Map 09-11-05-CD as tax lots 02800, 03100, 03200, 03300, 03301, and 03400. **APPLICATION MATERIALS:** Application materials, documents and evidence submitted by or on behalf of the appellant are available for inspection at City Hall and can be obtained at cost. Copies of the staff report for this case are also available for review and may be purchased at Depoe Bay City Hall, 570 SE Shell Avenue, seven days prior to the hearing. **TESTIMONY:** Testimony may be submitted in written or oral form. Oral testimony will be taken during the course of the public hearing. Failure to raise an issue in a hearing, either in person or in writing, or failure to provide statements/evidence sufficient to afford the City Council an opportunity to respond to the issues precludes appeal to the Land Use Board of Appeals (LUBA) on that issue. The comment period for written testimony expires, January 31, 2022, 4:00 p.m. Send letters to Depoe Bay City Hall or email info@cityofdepoebay.org. **CONTACT:** Barbara Chestler, City Recorder (541) 765-2361 ex 11 or info@cityofdepoebay.org. **TIME/PLACE:** Monday, January 31, 2022, 7:00 P.M., Depoe Bay City Hall, 570 SE Shell Avenue, Depoe Bay, OR 97341. Mail comments to P.O. Box 8, Depoe Bay, OR 97341. Depoe Bay City Hall is accessible to the disabled. If special accommodations are needed, please contact the City Recorder at 541-765-2361 forty-eight hours in advance of the meeting

so that appropriate assistance can be provided. Barbara Chestler City Recorder City of Depoe Bay J12 (33-12)

PUBLIC HEARING

CITY OF NEWPORT NOTICE OF A PUBLIC HEARING This meeting will be conducted by video-conference. Please contact the Community Development Department at the phone number or email listed below for options on how you can participate in the hearing. The City of Newport Planning Commission will hold a public hearing on Monday, January 24, 2022, at 7:00 p.m. in the City Hall Council Chambers to consider File No. 7-CUP-21, a request submitted by Lincoln County (Chris Keane, Dangermond and Keane Architects, representative) (City of Newport, owner) per 14.03.100/"Public Uses" of the Newport Zoning Ordinance, for a conditional use permit to allow the construction and operation of an animal shelter facility and storage at the subject property that is located in a P-1/"Public Structures" zone. The property is located at a proposed 5 acre lease area south of Runway 2-20 and Coast Guard Station (Tax Map 11-11-32-00, Tax Lot 200). 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. The applicable criteria per NMC Chapter 14.22.100(F)(1) are: Demonstrate that the uses will not create a safety

hazard or otherwise limit existing and/or approved airport uses. Testimony and evidence must be directed toward the criteria described above or other criteria in the Comprehensive Plan and its implementing ordinances that a person believes applies to the decision. Failure to raise an issue with sufficient specificity to afford the City and the parties an opportunity to respond to that issue precludes an appeal (including to the Land Use Board of Appeals) based on that issue. Testimony may be submitted in written or oral form. Oral and written testimony will be taken during the course of the public hearing. Letters to the Community Development (Planning) Department (address below under "Reports/Application Material") must be received by 12:00 p.m. (noon) the day of the hearing or submitted to the Planning Commission during the hearing. The hearing will include a report by staff, testimony (both oral and written) from those in favor (including the applicant) or opposed to the application, rebuttal by the applicant, and questions and deliberation by the Planning Commission. Pursuant to ORS 197.763 (6), any person prior to the conclusion of the initial public hearing may request a continuance of the public hearing or that the record be left open for at least seven days to present additional evidence, arguments, or testimony regarding the application. 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). J14 (24-14)

NOTICE TO INTERESTED PERSONS

IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR THE COUNTY OF LINCOLN PROBATE DEPARTMENT in the Matter of the Estate of: MARY BEA SAKRADIA, Deceased. No. 21PB07061. **NOTICE TO INTERESTED PERSONS NOTICE IS HEREBY GIVEN** that the undersigned has been appointed and has qualified as the personal representative of the estate. All persons having claims against the estate are hereby required to present the same, with proper vouchers, within four months after the date of first publication of this notice, as stated below, to the personal representative at 23485 NE Dillon Rd., Newberg, OR 97132, or they may be barred. All persons whose rights may be affected by the proceedings in this estate may obtain additional information from the records of the court, the personal representative or the attorney for the personal representative. Dated and first published: January, 07, 2022. WAYNE A. BORUM Personal Representative 23485 NE Dillon Rd., Newberg, OR 97132. RYAN T. HOWARD Attorney at Law 23485 NE Dillon Rd., Newberg, OR 97132. J07 J14 J21 (23-21)

NOTICE TO INTERESTED PERSONS

Notice is hereby given that the undersigned has been appointed Personal Representative of the ESTATE OF STEPHANIE O. BOSCH, DECEASED, Lincoln County, Oregon, Circuit Court Case No. 21PB09423. All persons having claims against said estate are required to present them, with proper vouchers, within four months after the date of first publication of this notice, as stated below, to the Personal Representative at 285 Highway 101/P.O. Box 700, Waldport, Oregon 97394-0700, or they may be barred. All persons whose rights may be affected by these

proceedings may obtain additional information from the records of the court, the Personal Representative, or the attorney for the Personal Representative. DATED and first published: December 31, 2021. RONALD O. BOSCH Personal Representative Law Office of Holly Anne Gibbons, LLC Attorney for Personal Representative P.O. Box 700 Waldport, OR 97394-0700 D31 J07 J14 (21-14)

NOTICE TO INTERESTED PERSONS









Notice is hereby given that the undersigned has been appointed Personal Representative of the ESTATE OF MARIE A. HOLMAN, DECEASED, Lincoln County, Oregon, Circuit Court Case No. 21PB10198. All persons having claims against said estate are required to present them, with proper vouchers, within four months after the date of first publication of this notice, as stated below, to the Personal Representative at 285 Highway 101/P.O. Box 700, Waldport, Oregon 97394-0700, or they may be barred. All persons whose rights may be affected by these proceedings may obtain additional information from the records of the court, the Personal Representative, or the attorney for the Personal Representative DATED and first published: December 31, 2021 OREGON PACIFIC BANK Personal Representative Law Office of Holly Anne Gibbons, LLC Attorney for Personal Representative P.O. Box 700 Waldport, OR 97394-0700 D31 J07 J14 (20-14)

BOARD MEETING

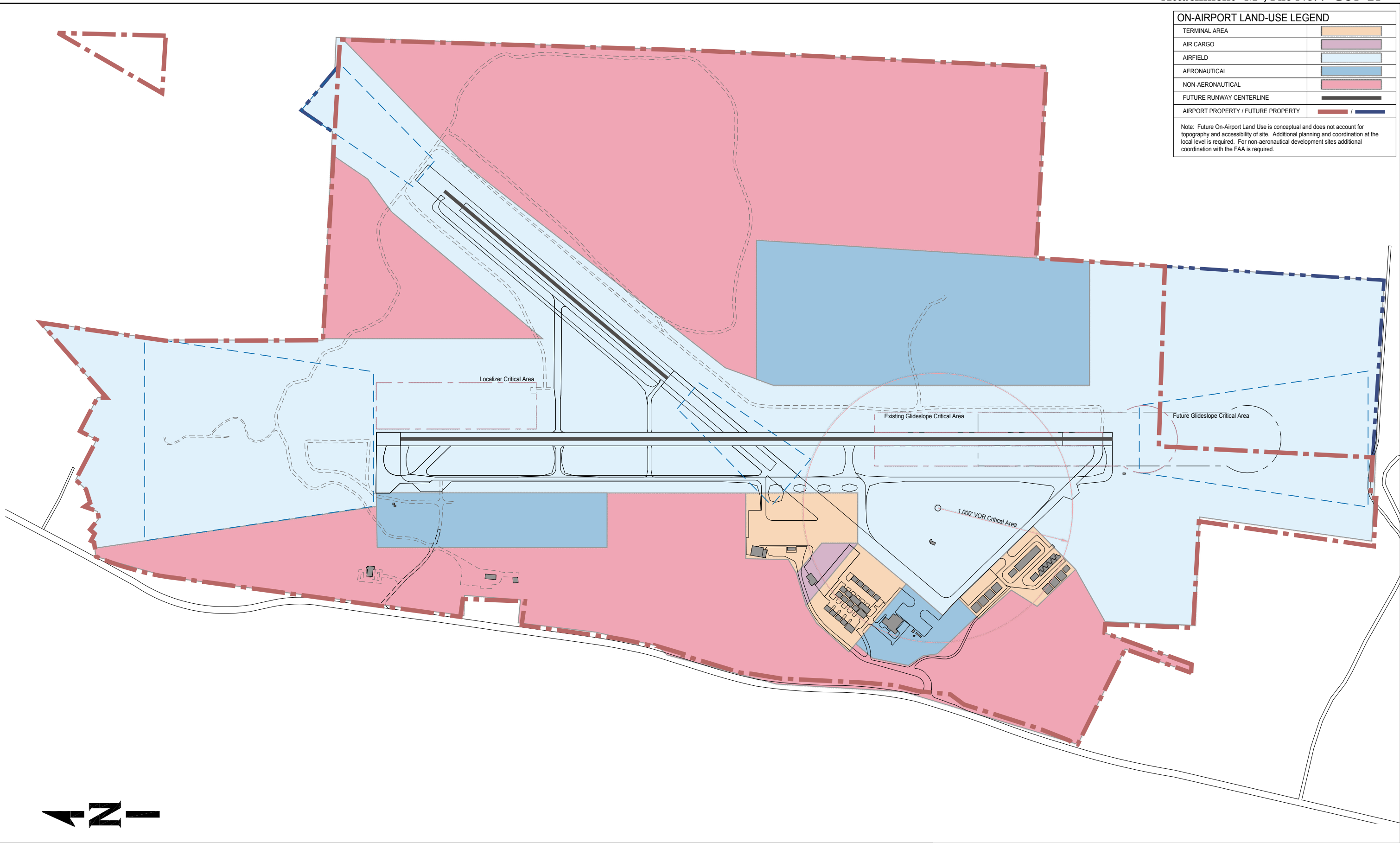
An Executive Session of the Board of Directors of Central Lincoln PUD will follow the regular 10:00 a.m. hybrid board meeting on January 19, 2022 at Central Lincoln's Newport office located at 2129 N. Coast Hwy. in accordance with ORS 192.660(2)(d) "to conduct deliberations with persons designated by the governing body to carry on labor negotiations". J14 (37-14)

PORTNEWSTIMES.COM FOR UP TO DATE LOCAL NEWS!

XREF INDEX:

ON-AIRPORT LAND-USE LEGEND	
TERMINAL AREA	
AIR CARGO	
AIRFIELD	
AERONAUTICAL	
NON-AERONAUTICAL	
FUTURE RUNWAY CENTERLINE	
AIRPORT PROPERTY / FUTURE PROPERTY	 / 

Note: Future On-Airport Land Use is conceptual and does not account for topography and accessibility of site. Additional planning and coordination at the local level is required. For non-aeronautical development sites additional coordination with the FAA is required.



DATE: 9/27/2016 9:07 AM [AUTHOR: mdane] [PLOTTER: None] [STYLE: WHP-Standard.ctb] [PATH: P:\City of Newport\0009837W\Design\Drawings\Civil\ALP\Sheets\0009837W-p-land-use.dwg] [LAYOUT: 15.2 ON-Airport Land Use]

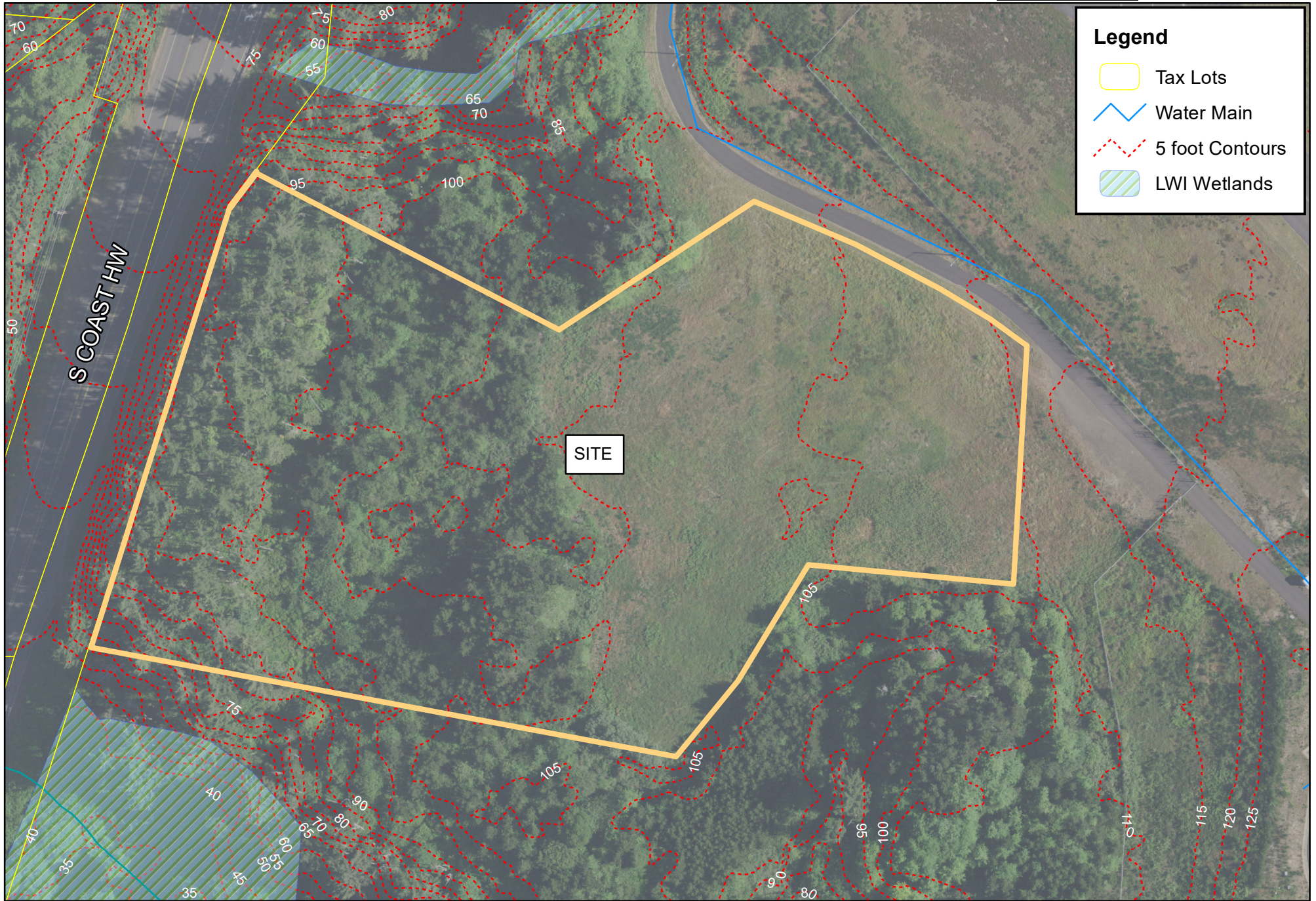


9755 SW Barnes Rd, Suite 300
 Portland, OR 97225
 503-626-0455 Fax 503-526-0775
 www.whpacific.com





THE PREPARATION OF THESE DOCUMENTS MAY HAVE BEEN SUPPORTED, IN PART THROUGH THE AIRPORT IMPROVEMENT PROGRAM FINANCIAL ASSISTANCE FROM THE FEDERAL AVIATION ADMINISTRATION (PROJECT NUMBER 3-41-0031-20) AS PROVIDED UNDER TITLE 49, UNITED STATES CODE, SECTION 47104. THE CONTENTS DO NOT NECESSARILY REFLECT THE OFFICIAL VIEWS OR POLICY OF THE FAA. ACCEPTANCE OF THESE DOCUMENTS BY THE FAA DOES NOT IN ANY WAY CONSTITUTE A COMMITMENT ON THE PART OF THE UNITED STATES TO PARTICIPATE IN ANY DEVELOPMENT DEPICTED HEREIN NOR DOES IT INDICATE THAT THE PROPOSED DEVELOPMENT IS ENVIRONMENTALLY ACCEPTABLE IN ACCORDANCE WITH APPROPRIATE PUBLIC LAWS.

SHEET INFO		REVISIONS			
DESIGNED	MD/RI	NO.	BY	DATE	REMARKS
DRAWN	MD/RI				
CHECKED	MD				
APPROVED	DN				
LAST EDIT	2/2/2018				
PLOT DATE	2/2/2018				
SUBMITTAL					

ON-AIRPORT LAND USE CITY OF NEWPORT, OR. NEWPORT MUNICIPAL AIRPORT MASTER PLAN UPDATE		SHEET NUMBER 15.2
P0009837W	DRAWING FILE NAME 0009837W-P-LAND-USE	SCALE NOT TO SCALE



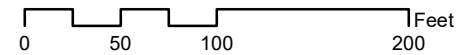
Legend

-  Tax Lots
-  Water Main
-  5 foot Contours
-  LWI Wetlands

NEWPORT City of Newport
 Community Development Department
 169 SW Coast Highway Phone: 1.541.574.0629
 Newport, OR 97365 Fax: 1.541.574.0644

Animal Shelter Potential 5.0 ac Lease Area

Image Taken July 2018
 4-inch, 4-band Digital Orthophotos
 Quantum Spatial, Inc. Corvallis, OR



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

Derrick Tokos

From:
Sent: Friday, January 7, 2022 11:03 AM
To: Derrick Tokos
Subject: Contact Us - Web Form

[WARNING] This message comes from an external organization. Be careful of embedded links.

City of Newport, OR :: Contact Us - Web Form

The following information was submitted on 1/7/2022 at 11:03:24 AM

To: Derrick Tokos
Name: Jimmy Otta
Email:
Phone:
Subject: File No 7-CUP-21

Message: Derrick,

My wife and I own 3 lots Map: 11-11-31-DA-00400-00, 11-11-31-DA-00300-00 and 11-11-31-DA-00200-00. We already have the noise from the highway and the Coast Guard helicopter flying over the house (day and night). I imagine that animals will also be startled by the the helicopter and will start make noise. We do not need to hear the animal noises in the only quiet time of the day when the traffic dies down and helicopter is not flying. I would request that the building be sound proofed and that noise be monitored so that it does not raise the noise level on the west side of the highway. The sound of dogs barking all night would be pretty hard to take.

I thank you for your consideration.

Sincerely,
Jim and Karen Otta

Derrick Tokos

From: Adam Denlinger <ADenlinger@srwd.org>
Sent: Wednesday, January 19, 2022 1:28 PM
To: Derrick Tokos
Cc: Brendi Hargrove; Brad Wynn; Trish Karlsen; Joy King
Subject: RE: Conditional Use Permit - 7-CUP-21

Hi Derrick,

We have not forgotten this item, just been a little busy responding to infrastructure priorities...Appreciate your patience.

Generally, please allow this email to serve as affirmation that the district is able to meet the demand presented in your email.

Please note; the district does strongly support that proposed development consider connecting to the existing airport distribution system. Providing a new service lateral to feed proposed improvements is certainly an option. However, cost would be higher than average due to the highway under crossing, and any new connection would be subject to SDC's. If you would like these costs developed further, we would be happy to do so at your request.

Hope this helps Derrick, and thanks again for your patience.

All the best!

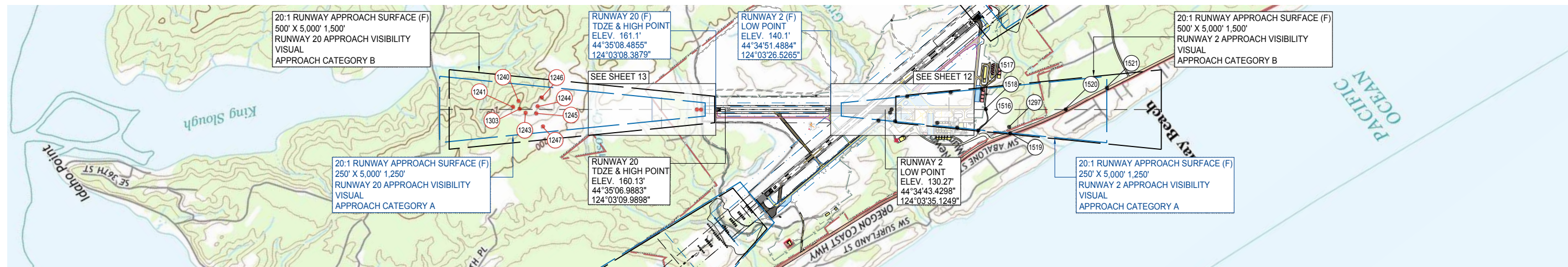
Adam

Adam Denlinger
General Manager, Seal Rock Water District
Co-Convener, Mid-Coast Water Planning Partnership
Board Member, Special District Association of Oregon
PO Box 190 | 1037 NW Grebe Street | Seal Rock OR. 97376
O: 541.563.3529 | F: 541.563.4246 | M: 541.270.0183 | adenlinger@srwd.org
www.srwd.org | www.midcoastwaterpartners.com | www.SDAO.com

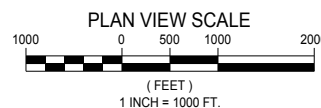
Seal Rock Water District strives to be a high performance organization that provides exceptional customer service, promoting healthy lifestyles, enriching Seal Rocks unique character at responsible rates.

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RUNWAY 2-20 APPROACH SURFACE PLAN



- NOTES:
1. FOR OBSTRUCTION DATA TABLE INFORMATION SEE SHEET 5.
 2. OBSTRUCTION/OBJECT ANALYSIS WAS COMPARED AGAINST FUTURE APPROACH SURFACES. SOME TREE OBSTRUCTIONS IDENTIFIED IN THIS ALP DRAWING SET MAY HAVE BEEN REMOVED IN RECENT TREE REMOVAL PROJECTS FOR PAPI OCS.
 3. OBJECTS & OBSTRUCTIONS WITH ID# OF 1500 AND GREATER WERE NOT SURVEYED AS PART OF AGIS SURVEY AND ARE IDENTIFIED FOR PLANNING PURPOSES ONLY.



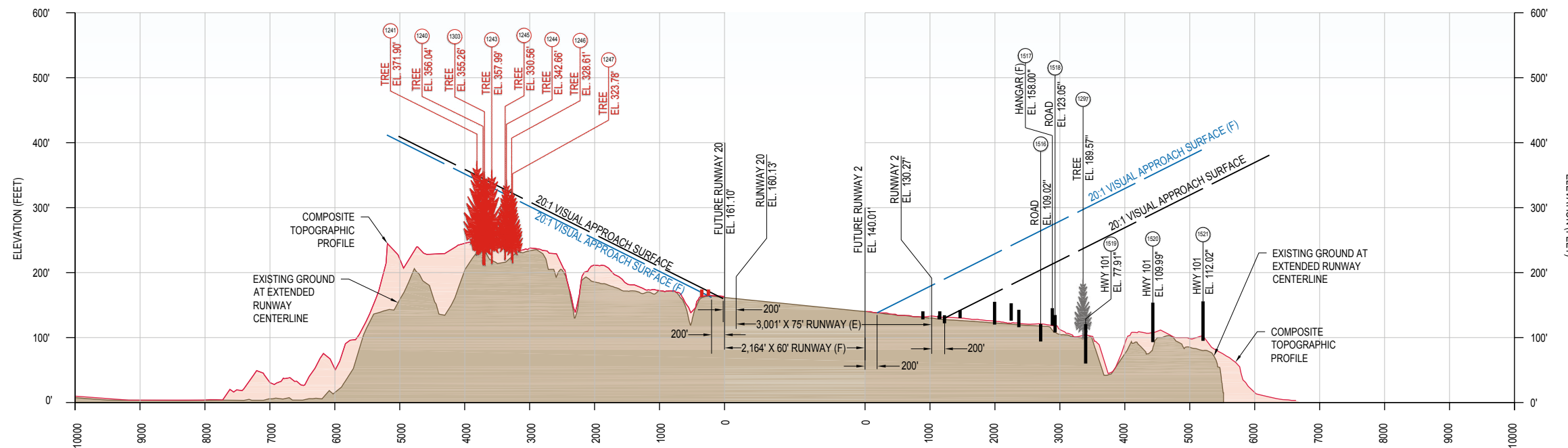
LEGEND

OBJECT - NO OBSTRUCTION: [Symbol]

OBSTRUCTION: [Symbol]

	EXISTING	FUTURE
PROPERTY LINE	[Symbol]	[Symbol]
AVIGATION EASEMENT	[Symbol]	[Symbol]
OBJECT FREE AREA (OFA)	[Symbol]	[Symbol]
RUNWAY SAFETY AREA (RSA)	[Symbol]	[Symbol]
RUNWAY PROTECTION ZONE (RPZ)	[Symbol]	[Symbol]
AIRPORT FENCING	[Symbol]	[Symbol]

RUNWAY 2-20 APPROACH SURFACE PROFILE



DATE: 8/29/2016 12:15 PM [AUTHOR: mdane] [PLOTTER: None] [STYLE: WHP-Standard.ctb] [PATH: P:\City of Newport\0009837W\Drawings\Civil\LP\Drawings\0009837W-k-runway-2-20-app.dwg] [LAYOUT: 11 Runway 2-20 Approach Surface]

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 www.whpacific.com

"THE PREPARATION OF THESE DOCUMENTS MAY HAVE BEEN SUPPORTED, IN PART THROUGH THE AIRPORT IMPROVEMENT PROGRAM FINANCIAL ASSISTANCE FROM THE FEDERAL AVIATION ADMINISTRATION (PROJECT NUMBER 3-41-0046-023) AS PROVIDED UNDER TITLE 49, UNITED STATES CODE, SECTION 47104. THE CONTENTS DO NOT NECESSARILY REFLECT THE OFFICIAL VIEWS OR POLICY OF THE FAA. ACCEPTANCE OF THESE DOCUMENTS BY THE FAA DOES NOT IN ANY WAY CONSTITUTE A COMMITMENT ON THE PART OF THE UNITED STATES TO PARTICIPATE IN ANY DEVELOPMENT DEPICTED HEREIN NOR DOES IT INDICATE THAT THE PROPOSED DEVELOPMENT IS ENVIRONMENTALLY ACCEPTABLE IN ACCORDANCE WITH APPROPRIATE PUBLIC LAWS."

SHEET INFO		REVISIONS			
DESIGNED	R/MD	NO.	BY	DATE	REMARKS
DRAWN	RI				
CHECKED	MD				
APPROVED	DN				
LAST EDIT	2/2/2018				
PLOT DATE	2/2/2018				
SUBMITTAL					

RUNWAY 2-20 APPROACH SURFACE

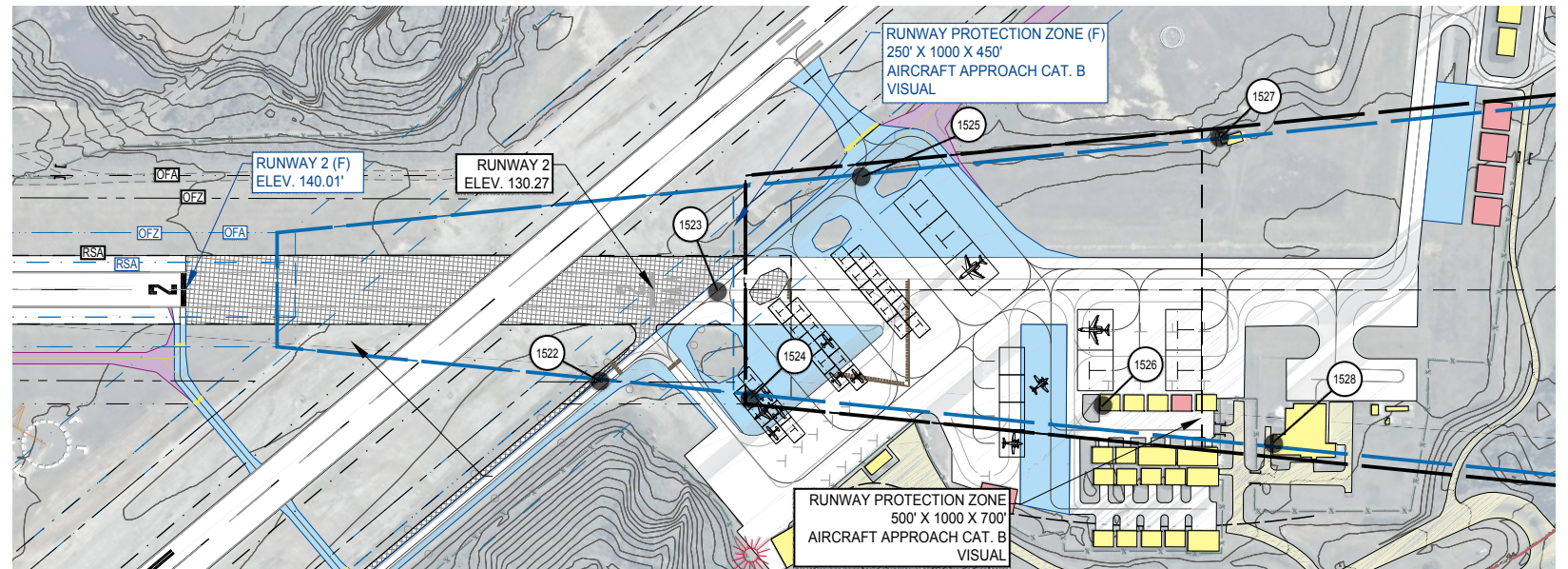
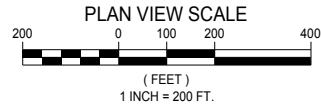
CITY OF NEWPORT, OR.
 NEWPORT MUNICIPAL AIRPORT MASTER PLAN UPDATE

DRAWING FILE NAME: P0009837W 0009837W-K-RUNWAY-2-20-APP SCALE: 1"=1000'

SHEET NUMBER
11
 70

DATE: 9/6/2016 3:19 PM [PLOTTER: None] [AUTHOR: mdane] [STYLE: WHP-Standard.ctb] [PATH: P:\City of Newport\009837W\Design\Drawings\Civil\ALP\Sheets\009837W-L-runway-2-iapp.dwg] [LAYOUT: 12 Runway 2 Inner Approach]

RUNWAY 2 INNER APPROACH PLAN



LEGEND

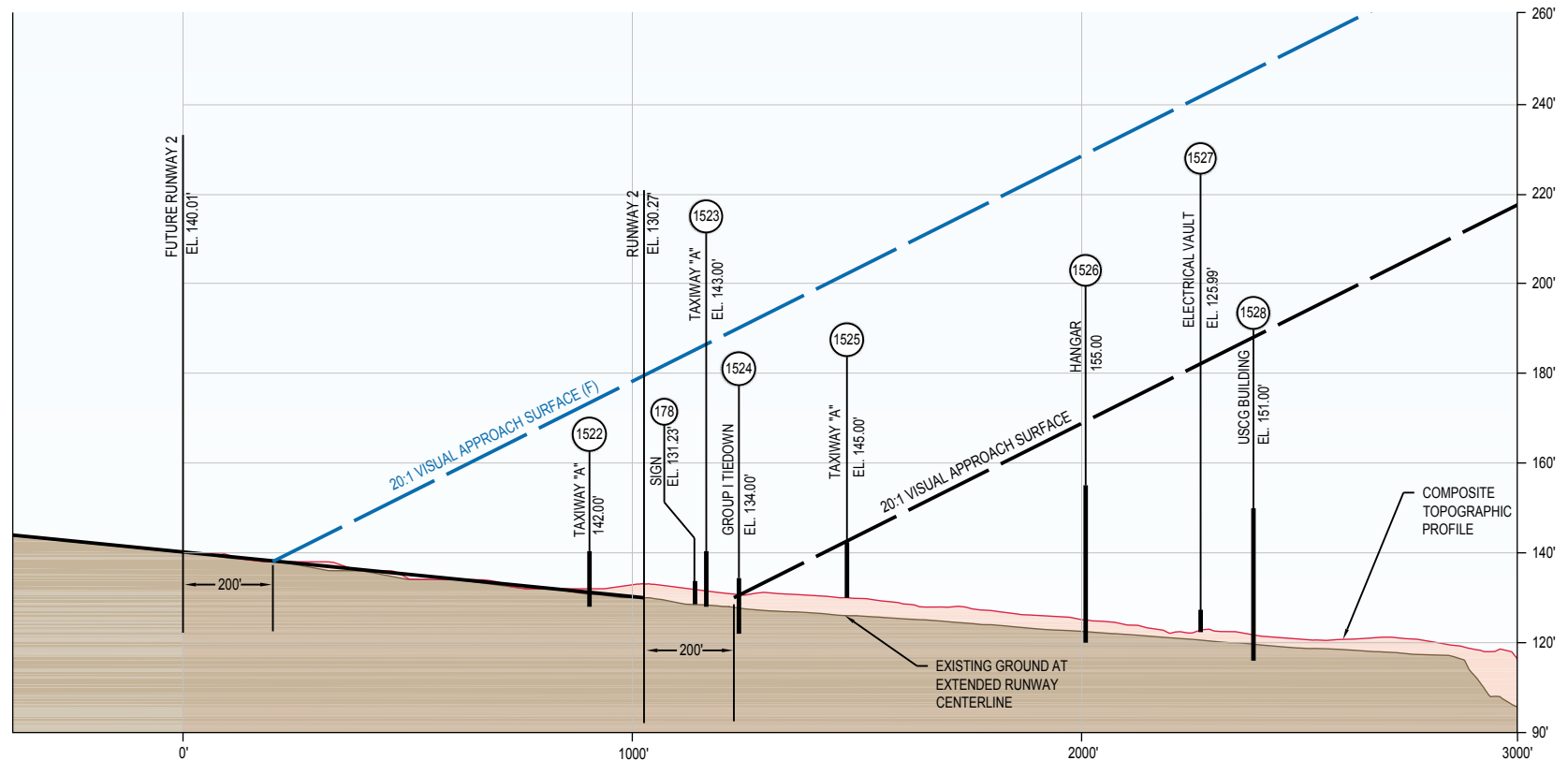
OBJECT - NO OBSTRUCTION		OBSTRUCTION	
	EXISTING		FUTURE
PROPERTY LINE			
OBJECT FREE AREA (OFA)			
RUNWAY SAFETY AREA (RSA)			
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RUNWAY 2 INNER APPROACH PROFILE

SCALE: HORIZONTAL 1"=200'
VERTICAL 1"=20'



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SHEET INFO	
DESIGNED	MD/RI
DRAWN	MD/RI
CHECKED	MD
APPROVED	DN
LAST EDIT	2/2/2018
PLOT DATE	2/2/2018
SUBMITTAL	

REVISIONS				
NO.	BY	DATE	REMARKS	

RUNWAY 2 INNER APPROACH		
CITY OF NEWPORT, OR. NEWPORT MUNICIPAL AIRPORT MASTER PLAN UPDATE		
PROJECT NUMBER P0009837W	DRAWING FILE NAME 0009837W-L-RUNWAY-2-IAPP	SCALE 1"=200'

SHEET NUMBER 12

Sherri Marineau

From: Lance Vanderbeck
Sent: Monday, January 24, 2022 1:00 PM
To: Derrick Tokos
Cc: Sherri Marineau
Subject: Planning Commission meeting 1-24-2022
Attachments: letter to planning commission noise 1 24 2022.pdf

Hey Derrick,

Attached is the letter from the airport committee to the planning commission for tonight's meeting, 1/24/2022.



*Airport Offices
135 SE 84th st.
Newport, OR 97366
www.newportoregon.gov
541-867-7422*

TO: Planning Commission

FROM: Lance Vanderbeck, Airport Director, on behalf of the Airport Committee

SUBJECT: Planning Commission meeting. Item 5.A, conditional use permit to allow the construction and operation of animal shelter facility and storage at Newport Municipal Airport. In regards to noise and effect on large animals.

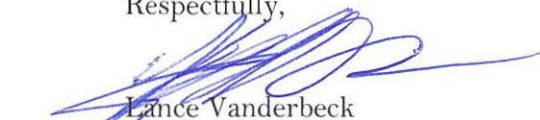
DATE: January 24, 2022

The Airport Committee is looking forward to the animal shelter project moving forward. During the January 11, 2022 Airport Committee meeting, the committee brought up the concern of how noise may affect larger animals; i.e. horses, cows, and other large animals.

The Airport Committee would like all parties involved to be aware aircraft noise is known to frighten larger animals. These types of larger animals have been known to break through fences to get away from perceived danger. This may put pilots and the animals in danger should the animal get into the secured Airport Operations Area (AOA).

The Airport Committee hopes Lincoln County has a way to properly address the concern of the potential effects noise may have on larger animals. To include a plan that address how to respond should a larger animal make it onto the Airport Operations Area (AOA).

Respectfully,



Lance Vanderbeck
City of Newport
Airport Director