



PLANNING COMMISSION REGULAR SESSION AGENDA
Monday, March 09, 2020 - 7:00 PM
City Hall, Council Chambers, 169 SW Coast Hwy, Newport, OR 97365

The meeting location is accessible to persons with disabilities. A request for an interpreter for the DEAF AND HARD OF HEARING, or for other accommodations for persons with disabilities, should be made at least 48 hours in advance of the meeting to Peggy Hawker, City Recorder at 541.574.0613.

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

1. CALL TO ORDER AND ROLL CALL

2. APPROVAL OF MINUTES
 - 2.A Approval of the Planning Commission Work Session Meeting Minutes of February 10, 2020.
[Draft PC Work Session Minutes 02-10-2020](#)

 - 2.B Approval of the Planning Commission Regular Session Meeting Minutes of February 10, 2020.
[Draft PC Reg Session Minutes 02-10-2020](#)

 - 2.C Approval of the Planning Commission Work Session Meeting Minutes of February 24, 2020.
[Draft PC Work Session Minutes 02-24-2020](#)

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 Initiate Amendments to the C-2 Zoned Areas in Nye Beach to Prohibit Residential on Street Grade on the West Side of NW Cliff Street.

4.B Initiate Amendments to the City Comprehensive Plan and Zoning Ordinance to Establish a Tsunami Hazards Overlay.

4.C Initiate Amendments to Update the Storm Drainage Element of the Comprehensive Plan.

5. PUBLIC HEARINGS

5.A File No. 3-CP-18: Amendments to the Sewer Facilities Element of the Comprehensive Plan.

[Memorandum](#)
[Attachment "A"](#)
[Attachment "B"](#)
[Attachment "C"](#)

6. NEW BUSINESS

7. UNFINISHED BUSINESS

8. DIRECTOR COMMENTS

9. ADJOURNMENT

Draft MINUTES
City of Newport Planning Commission
Work Session
Newport City Hall Conference Room A
February 10, 2020
6:00 p.m.

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

PC Citizens Advisory Committee Members Present: Braulio Escobar, Dustin Capri, and Greg Sutton.

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

Public Members Present: Mona Linstromberg and Newport City Council Member, Cynthia Jacobi.

1. **Call to Order.** Chair Patrick called the Planning Commission work session to order at 6:00 p.m.
2. **Unfinished Business.**
- A. **Review and Potentially Initiate Amendments Related to Car Camping for Homeless Individuals.** Tokos reviewed a package of amendments to the Municipal Code that would to implement optional provisions of ORS 203.082 to allow car camping for homeless individuals, on a limited basis, at religious institutions or places of worship. This would create a framework by which a religious institution or place of worship could make their property available for car camping; and clarify circumstances where camping was permissible within the City, be it in a vehicle or otherwise.

Patrick asked how tiny homes would fall under this legislation. Tokos explained that tiny homes on wheels would be considered recreational vehicles. A discussion ensued regarding the statute limitations to the maximum numbers of vehicles that could park on a property at one time. Franklin asked who would do the enforcement of car camping. Tokos said that nuisances would be handled by the City. The thought was that religious institutions would look to manage this as well. Escobar asked who would enforce a camper that didn't want to leave. Tokos explained that if the church couldn't mitigate it would go to City enforcement Branigan asked if a place of worship would be defined. Tokos explained this was consciously not defined because the City hadn't defined all of the types of uses. Escobar had concerns that the City was trying to formulate a rule when there wasn't a desire to have car camping. He reported that he had spoken to a few religious institutions who reported they weren't interested. Escobar suggested the City do outreach to the faith base community earlier than just before the public hearing so their comments could be incorporated into the way the ordinance was written. Tokos explained the comments could be incorporated into the public hearing and there was nothing that said the Commission had to take action at the hearing. The thought was to get the process moving along.

Tokos reviewed draft amendments to NMC Chapter 6.25, Recreational Vehicle Parking. Updates included changes for the definition of "Recreational Vehicle or RV's", eliminating the "Self-contained" definition, changes to Section 6.25.010(A), and eliminating Section 6.25.010(B)(C) and (D). Tokos then reviewed draft amendments to NMC Chapter 9.50, Camping Prohibited in Certain Places. Updates included adding a new Section 9.50.050 "Permitted Camping" to add language to outline circumstances by which camping could be permitted within the city limits. Branigan asked if access to facilities should be 24 hours a day. Tokos noted that there was nothing in the State statute that required access to facilities the entire day. Hanselman thought there needed to be considerations for 24 hour access for residential areas and occupancy limits in the vehicles who were camping. He thought it was important that camping was considered overnight only. Escobar thought that Section 9.50.050(4) should have "overnight only" included. He expressed concerns about placing restrictions on where people could camp. Tokos explained that the City Attorney was going to look into this

outside of a land use provision for Section 9.50.020. He would work the concept of overnight camping into Section 9.50.050(4).

Branigan asked if the faith based institutions would have to notify neighbors if they participated. Tokos explained that notices were done when there was an option for someone to do something in the process, which there wouldn't be in the instance. A notice without recourse would be difficult. Tokos thought that any faith based community who chose to do camping would do a certain amount of their own outreach. Berman asked if a permit would be required for faith based institutions to do camping. Tokos explained there wouldn't be a permit but thought the City could create a flyer to handout that detailed what was permissible. A discussion ensued regarding how faith based institutions would start the process for having car camping on their properties. Franklin didn't like the idea of moving forward with the process before talking to churches to get them onboard. Tokos explained there had already been some outreach already done but they weren't able to set up meetings with the institutes yet. He acknowledged they hadn't fully engaged the faith based communities yet. Berman wanted a handout created to hand out to any faith based institutions who were interested in participating. Tokos thought that a flyer could be created and suggested it possibly be distributed through the police department.

Tokos reviewed draft amendments to NMC Chapter 9.80, Special Events Permits. Updates included removing changes and updates to verbiage to Section 9.80.020, and an update to the verbiage of Section 9.80.032. These updates clarified that a special event permit, when issued, superseded any conflicting provisions of the Newport Municipal Code. Hanselman asked why C.1 was taken out. Tokos explained they wanted the special events permit to dictate the time limit. Hardy thought it would be better to retain C.8 and list exceptions. Tokos suggested they rephrase it add that the "Building Official confirms or signs off" that the structure satisfies applicable provisions.

Tokos reviewed draft amendments to NMC Chapter 14.03, Zoning Districts. Updates included amendments to verbiage in Section 14.03.050 to change "Churches" to "Religious Institutions/Places of Worship" to keep the terminology consistent; additional verbiage to Section 14.030.060 to clarify that camping for a fee was limited to RV Parks and public parks where identified in a city or state parks master plan; and an addition of the words "religious institutions/places of worship" in Section 14.030.060(E)(3)(b). Berman noted that "as" needed to be taken out of Section 14.03.060(C)(2)(vi). Tokos would remove this.

Tokos reviewed draft amendments to NMC Chapter 14.06, Manufactured Dwellings and Recreational Vehicles. Amendments included changes to Section 14.06.050(A) to identify circumstances where a RV could be occupied as a place of habitation; and amendments to verbiage in Section 14.06.060 to insure chapters were consistent. Hardy questioned why RVs couldn't be a place of habitation on residential lots. Tokos explained that the ordinance already stated that RVs could be stored on properties in Newport but they couldn't be a place of habitation.

Tokos stated that what he was hearing was that there were some priority changes that needed to happen based on the discussion, a desire to see informational materials for faith base communities put together if the amendments are adopted, and a desire to see feedback from faith based communities. The Commission was in general agreement with this.

3. New Business.

- A. Review Speaker Kotek's Housing and Homelessness Proposals (HB 4001).** Tokos reviewed his staff memorandum. He noted the League of Oregon Cities was working with its members to improve aspects of HB 2001, primarily with respect to the preemption language for the siting of emergency homeless shelters and transitional housing. A carte blanche preemption of all land use regulations, as proposed, could result in unintended outcomes that significantly impact a community. Tokos thought there would be a good chance legislation of this nature, in some form, would pass during the short session and might include provisions requiring cities amend land use regulations in an expedited timeframe to identify locations where shelters and/or transitional housing are permitted as outright uses.

Tokos reviewed a letter that was handed out to the Commission sent by Mayor Dean Sawyer and Councilor Cynthia Jacobi to Senator Arnie Roblan and Representative David Gomberg that provided formal feedback from the City on the proposal. In the letter they requested that the HB 4001 include language that provided local governments an opportunity to identify sites where shelters and transitional housing would have the best chance of success, before preemptive language was imposed. They also requested that legislation include measures to ensure that nonprofits interested in establishing shelters or transitional housing have the resources needed to adequately manage facilities. Tokos explained the legislation would require that shelter be allowed outright. The City currently allowed shelters as conditional uses, but the legislation would make it a requirement to go beyond that if it was adopted.

B. Updated Planning Commission Work Program. Tokos acknowledged the updated Planning Commission work program that was included in the meeting packet.

C. Finalize FY 20/21 Goals. Tokos distributed updated goals to the Commission that were based on the information drawn from the previous work session meeting. The following goals were approved:

- Utilize extensive community engagement to update the City of Newport Transportation Plan in collaboration with the Oregon Department of Transportation.
- Lay the groundwork for a set of regulations and incentives to pair with the Transportation System Plan update that will facilitate revitalization of the US 101 / 20 corridors, including the City Center area.
- Develop a Refinement Plan for South Beach Commercial / Industrial areas to inform the urban renewal district's final project phase.
- Initiate updates to Newport's commercial / industrial buildable lands inventory.
- Update off street parking requirements in line with Parking Study or related recommendations adopted by the City Council.
- Identify and initiate any needed refinements to the Historic Nye Beach Design Review Overlay.
- Engage the community on how best to implement housing requirements of HB 2001.
- Implement recommendations from the Homelessness Taskforce that rely upon revisions to the City's land use regulations.

4. Adjournment. Having no further discussion, the meeting adjourned at 7:32 p.m.

Respectfully submitted,

Sherrri Marineau,
Executive Assistant

Draft MINUTES
City of Newport Planning Commission
Regular Session
Newport City Hall Council Chambers
February 10, 2020

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

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 7:35 p.m. On roll call, Commissioners East, Hardy, Berman, Franklin, Hanselman, Branigan, and Patrick were present.

2. **Approval of Minutes.**

A. Approval of the Planning Commission Work Session Meeting Minutes of January 27, 2020.

Commissioner Berman submitted minor corrections to the minutes.

MOTION was made by Commissioner Berman, seconded by Commissioner Hanselman to approve the Planning Commission Work Session Meeting Minutes of January 27, 2020 as written. The motion carried unanimously in a voice vote.

B. Approval of the Planning Commission Regular Session Meeting Minutes of January 27, 2020.

Commissioner Berman submitted minor corrections to the minutes.

MOTION was made by Commissioner Branigan, seconded by Commissioner Hanselman to approve the Planning Commission Regular Session Meeting Minutes of January 27, 2020 with minor corrections. The motion carried unanimously in a voice vote.

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

4. **Action Items.**

A. **Adoption of Planning Commission 2020-2021 Goals.**

MOTION was made by Commissioner Franklin, seconded by Commissioner Hardy to adopt the Planning Commission Fiscal Year 2020-2021 Goals as amended at the work session meeting. The motion carried unanimously in a voice vote.

B. **Motion to Initiate the Legislative Process Related to Car Camping for Homeless Individuals.**

MOTION was made by Commissioner Franklin, seconded by Commissioner Hanselman to initiate the legislative process related to car camping for homeless individuals. The motion carried unanimously in a voice vote.

5. **Public Hearings.** None were heard.

6. **New Business.** None were heard.

7. **Unfinished Business.** None were heard.
8. **Director Comments.** Tokos reminded the Commission that deadline for the 2020 Oregon Government Ethics Commission Statement of Economic Interest was April 15, 2020.
9. **Adjournment.** Having no further business, the meeting adjourned at 7:11 p.m.

Respectfully submitted,

Sherri Marineau
Executive Assistant

Draft MINUTES
City of Newport Planning Commission
Work Session
Newport City Hall Conference Room A
February 24, 2020
6:00 p.m.

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

Planning Commission Citizens Advisory Committee Members Present: Braulio Escobar, and Greg Sutton.

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

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

1. **Call to Order.** Chair Patrick called the Planning Commission work session to order at 6:00 p.m.
2. **Unfinished Business.**
- A. **Update on City Council Direction to Initiate Targeted Nye Beach Code Amendments.** Tokos gave an update on the direction the City Council gave on the February 18th meeting to initiate targeted Nye Beach code amendments that would restrict residential on street grade along the west side of NW Cliff Street. He reviewed a draft of the NMC Chapter 14.30 amendments that were handed out to the Commissioners.

Hanselman asked if the amendments applied to just single family residential. Tokos explained it applied all residential. Berman asked if the amendments would undo what the Commission had already worked on. Tokos reported that this change only affected Cliff Street and brought the rules back to where they were prior to the updates that happened in 2008. Hardy questioned why there was resistance towards building large homes on Cliff Street. Tokos explained that because there was a lot of money spent on the Cliff Street improvements, building large houses on that street would be inconsistent with the infrastructure that had already been put in place. Franklin asked if this would be a “taking” issue. Tokos explained the City would have to provide the required Measure 56 notice to the property owners on Cliff Street because the residential right at street grade granted to them in 2008 was being taken away. He noted that the City Council wanted the Commission to consider this modification and also ask themselves if there were more significant changes that needed to be added for Nye Beach.

3. **New Business.**
- A. **Review Updated Set of Tsunami Hazard Overlay Zone Amendments / Hazard Mitigation Plan.** Tokos reviewed his staff memorandum and he handed out a copy of an email from Meg Reed at the DLCDC to the Commission. He explained that the draft copy of amendments to the Natural Features Section of the Newport Comprehensive Plan included a rationale, background, and policies for guiding development within tsunami inundation areas. Tokos reviewed the draft ordinance establishing a Tsunami Hazards Overlay Zone and explained that the overlay expressly limited certain uses in tsunami inundation areas in a manner comparable to provisions contained in ORS Chapter 455 that were removed with the passage of HB 3309 (2019). He noted that HB 4119 was likely to be approved during the Oregon Legislature’s short session. This was a refinement of HB 3309 that would require certain structures in tsunami inundation areas be designed to higher standards. Tokos noted that the City would update its building codes to comply with the law if this was passed. It would not impact the proposed amendments, but would be a supplemental set of standards that would apply to certain projects.

Tokos asked for the Commissioner's comments on the document. Branigan noted that if the spelling of McLean was correct the "[sic]" should be removed. Hardy asked why the dates of events in Table 1 were deleted. Tokos explained that since it cut off in 1957, there was enough of an explanation that they didn't need to go beyond this. Hardy thought that including it would give a cleaner perspective based on what actually happened rather than the assumption that it was going to be 500 years. Tokos explained that specific events were best left in background documents. This was because the City would have to otherwise replicate documents and there wasn't enough time to go back and research everything that had happened.

Berman noted that the last sentence on page 8 had two extra hyphens that needed to be removed. He also questioned on page 9 if saying the tectonic plates were "westward-moving" was correct. He thought the words should be taken out. Patrick didn't think it should be removed because the Atlantic was in fact pushing the plates west. Branigan noted that the actual jurisdiction names needed to be adding in the last sentence of paragraph 2. He also pointed out that the first sentence in paragraph 4 of page 9 should be changed to said that the Department of Geology of Mineral Industries "has" developed Tsunami Inundation Maps. Hanselman thought that the argument on the first two sentences on page 14 of the document were wrong. He had concerns that they were referencing old science and not a net zero drift. Tokos thought this was fair and explained that there were items in the Natural Features section that needed to be updated that were separate from this project. This could be done at some point but it would be a different project and a little bit more involved to tackle.

Tokos reviewed the additions to the Natural Features Goals/Policies next. Hardy questioned why the tsunami hazard and disclosure statement for new development in hazard areas had been removed. Tokos explained that the Commission could discuss adding it back in but it would have to be run through legal review to understand what purpose it served. Berman thought that in previous Commission minutes there was general agreement that they wanted the disclosure statement included. Tokos said there needed to be legal review to decide if the document would reside in the planning file, or if it was something that was recorded for the property. A discussion ensued regarding the value of a disclosure statement, if a statement should be filed away or recorded, and how a disclosure statement would affect development. Hardy was in favor of requiring a disclosure statement. Hanselman reminded the Commission that a lot of buyers didn't know what the natural hazards were and didn't do the proper due diligence. He felt a disclosure statement would inform buyers. Tokos explained that the question the Commission should answer was where would the disclosure statements be held and referenced. Franklin didn't see how the disclosure statement would help any more than the public education that was already happening in the area through signage and news reports. Tokos explained that Goal 2 delved into the public education aspect of this. It extended the requirement to advise guests in short-term rentals to hotels. The Commission was in general agreement to go ahead with the education goal. Berman requested that the syntax be consistent in structure throughout all of the policies.

Patrick requested there be a link online to see the hazard maps. Berman asked what the maps that started on Page 27 of the document were. Tokos explained that they represented the natural features of Newport and noted that they needed to be updated. Berman asked if Chapter 14.46.020(B) was referencing the City or the Urban Growth Boundary of Newport. Tokos explained this was the City limits because they could only apply zoning inside the City.

Berman suggested that Chapter 14.46 say "the latest version" of the maps instead of specifically the 2015 maps. Tokos agreed it should be the latest version and said they would do conscious updates when there were changes in the inundation areas. Franklin asked how the "Emergency vehicle shelters and garages" prohibition in Chapter 14.46.050(A)(3) affected the current ambulance service in Nye Beach. Tokos explained this change would make the current ambulance service nonconforming, and when they went away they wouldn't be allowed to come back. Berman asked why tanks had been repeated in Prohibited Uses A and B. Tokos said the tanks supported the other uses in the same zone. This addressed situations such as when a tank was located in the inundation area but the facility was outside of the inundation area. Berman thought it was redundant. He noted that the first tank reference said "section" and the second said "sub-section". This needed to be the same wording.

Berman questioned if “adult day care” should be included in the list. Tokos thought this was the same as assisted living facilities. Berman explained that it was different. Tokos suggested a definition be added to synch up to State terminology.

Hanselman asked how many local schools had 250 children. Tokos thought the high school and middle school had this many. Hanselman suggested the number be adjusted because he didn’t want to see smaller schools left out. Tokos didn’t think numbers should be included in B.1 and B.3. He wanted it clear that this didn’t apply to the new OSU MSI education building because it was a tsunami evacuation structure. Franklin asked if a trade school would be prohibited if the numbers were taken out. Tokos explained they would unless the trade school was tailored toward water-related trades. This type of trade school would be exempt because it was considered necessary for work in the water related zones. Berman asked if 14.46.080 applied to water related zones. Tokos believed it would but would change it to make it expressly clear that it did.

Tokos asked the Commission if they were good with the scope of changes to the Tsunami Hazards Overlay Zone. The Commission was in general agreement that they were.

B. Review Amendments to the Stormwater Facilities Element of the Comprehensive Plan. Tokos reviewed his staff memorandum and the final draft of proposed changes to the Storm Drainage Element of the Newport Comprehensive Plan. He explained that the Statewide Planning Goal 11 addressed public facilities planning, and this goal was implemented in OAR Chapter 660, Division 11. The administrative rule called for certain elements of public facilities plans to be adopted into a Comprehensive Plan, namely a list of the identified projects (OAR 660-011- 0045). System Development Charge eligible capital projects would also be identified in the project list. The current draft responded to issues raised by Commission and Advisory Committee members to make sure the projects and recommendations were appropriately added to the Comprehensive Plan. Language was also clarified and a new Policy 5 has been added under Goal 1 related to the management of stormwater in geologically hazardous areas.

Tokos reviewed the Goals and Policies section of the Public Facilities Element. He explained that regulations would need to be developed on how the City would be handling impacts to the system in an equitable manner on a project by project basis. Berman asked if Policy 5 needed to have a term that related back to the geologic hazards. Tokos thought that saying “City designated” would suffice. Patrick suggested adding LIDS to the policies. Berman didn’t like limiting Goal 2, Policy 5 to City properties and wanted to see good housekeeping policies that anyone could adhere to. He wanted the policies made available to anyone doing development. Hanselman noted that the Civil West review had omitted properties. He asked that the City request Civil West provide the findings from Oceanview Drive up to 48th Street on the west side of Hwy 101 that were relative to what the storm sewer was to those neighborhood. Tokos would look into this.

Tokos asked the Commission if it was acceptable to initial the legislative process at the next meeting. The Commission was in general agreement to do so.

4. Adjourn. The meeting adjourned at 7:13 p.m.

Respectfully submitted,

Sherri Marineau,
Executive Assistant

PLANNING STAFF MEMORANDUM
FILE No. 3-CP-18

I. Applicant: City of Newport. (Initiated pursuant to authorization of the Newport Planning Commission on January 27, 2020).

II. Request: Amend the Wastewater Facilities section of the Public Facilities Chapter of the Newport Comprehensive Plan to update the City's inventory of wastewater assets, amend existing and add new policies for the provision of wastewater services, and identify future wastewater capital project needs in a manner consistent with OAR 660, Division 11. The amendments build upon, and draw from, recommendations contained in a "Final Sanitary Sewer Master Plan," by Brown and Caldwell, dated February 9, 2018.

III. Planning Commission Review and Recommendation: The Planning Commission reviews proposed amendments to the Comprehensive Plan and provides a recommendation to the City Council. At a later date, the City Council will hold an additional public hearing prior to any decision on the amendments.

IV. Findings Required: The Newport Comprehensive Plan Chapter entitled "Administration of the Plan" (p. 288-289) allows amendments of this nature if findings can be made that there is (a) a significant change in one or more conclusions; or (b) a public need for the change; or (c) a significant change in community attitudes or priorities; or (d) a demonstrated conflict with another plan goal or policy that has a higher priority; or (e) a change in a statute or statewide agency plan. Revisions must comply with applicable Statewide Planning Goals.

V. Planning Staff Memorandum Attachments:

- Attachment "A" Draft Wastewater Facilities Element to the Newport Comprehensive Plan
- Attachment "B" Notice of public hearing
- Attachment "C" Minutes from the January 27, 2019 Planning Commission meeting

A full copy of the Final Sanitary Sewer Master Plan, by Brown and Caldwell, dated 2/9/18 is not enclosed, but can be viewed online at: <https://newportoregon.gov/dept/cdd/default.asp>.

VI. Notification: Notification for the proposed amendments included notification to the Department of Land Conservation & Development (DLCD) in accordance with the DLCD requirements on January 28, 2020. Notice of the Planning Commission hearing was also published in the Newport News-Times on March 4, 2020 (Attachment "C").

VII. Comments: No comments were received in response to the notice.

VIII. Discussion of Request: Statewide Planning Goal 11 addresses public facilities planning, and that goal is implemented in OAR Chapter 660, Division 11. The administrative rule calls for certain elements of public facilities plans to be adopted into a Comprehensive Plan, namely a list of the identified capital projects (OAR 660-011-0045). System Development Charge eligible capital projects should also be identified in the project list. The consulting firm, Brown and Caldwell completed a Sanitary Sewer Master

Plan for the City of Newport, effective February 9, 2018, so it is timely for the City to update the wastewater element of the Comprehensive Plan to include the projects and recommendations contained in the Plan.

The proposed amendments update the City's inventory of wastewater facility assets, revise existing wastewater service policies, establish new wastewater service policies; and identify future wastewater capital project needs. This Sanitary Sewer Master Plan focuses solely on the condition of the City's wastewater distribution system. A companion document (i.e. plan) is being prepared for the wastewater treatment plant to identify upgrades needed to satisfy regulatory requirements, and meet the future needs of the community. A separate package of Comprehensive Plan amendments will need to be initiated when that plan is completed.

This amendment identifies wastewater distribution system capital needs to meet current demand, and anticipated growth over the next 20-years. Future development assumptions are outlined in the amendment. Capital projects are organized by type, including gravity mains that will need to be replaced (Table 3), pump station and force main improvements (Table 4), gravity mains required to serve new development (Table 5), Surfland septic conversion/airport sewer extension (Table 6), repair and rehabilitation program requirements (Table 8), and pump station maintenance requirements (Table 9).

Policy changes include an amendment clarifying that annexation is required when property contiguous to the city limits seeks sanitary sewer service, and that new public wastewater improvements must be designed to ensure there is sufficient capacity to meet current and future needs. Previous facility plans are adopted by reference and a policy referring to on-site sewer systems has been clarified to include both septic systems and holding tanks. Two new policies are being added. A new Policy 3 supports the City's municipal code requirement that structures within the city limits that contain sanitary facilities must connect to sewer service when such service is extended to within 250 feet of the property (ref: NMC 5.15.020). The second new policy, Policy 6, establishes that the City will prioritize projects that will repair, replace, or upsize wastewater infrastructure with known condition or capacity issues in order to minimize impacts to public health and safety, damage to property, or harm to the environment.

IX. Conclusion and Recommendation: The Planning Commission should review the recommended amendments to the Newport Comprehensive Plan and make a recommendation to the City Council. As this is a legislative process, the Commission may recommend changes to the amendments. If the Commission provides a favorable recommendation, then an ordinance for the Comprehensive Plan amendments will be prepared identifying that there is a public need for the change, which is one of the factors that justifies a Comprehensive Plan Amendment. Such ordinance would further include the requisite goal findings for the City Council's consideration. The Council may also make changes to the proposal prior to, or concurrent with, the adoption of an implementing ordinance.



Derrick I. Tokos AICP
Community Development Director
City of Newport

March 6, 2020

Attachment "A"

3-CP-18

WASTEWATER FACILITIES

The City of Newport (City) provides wastewater collection system services for more than 10,000 people and businesses spread across an area of approximately 11.2 square miles. The City owns over 62.5 miles of gravity pipelines ranging in size from approximately 3 to 36 inches in diameter, 1,400 manholes, 9 major pump stations, 16 minor pump stations, and 12 miles of sanitary force mains. A majority of the sewer system was built after 1950 and is concrete, while much of the newer pipe is polyvinyl chloride (PVC).

Detailed information on the historical, functional, and environmental factors relevant to the City’s wastewater system can be found in the document entitled, "Final Sanitary Sewer Master Plan, by Brown and Caldwell, dated February 9, 2018" (hereinafter, the "Sanitary Sewer Master Plan").

Existing Wastewater System:

The primary components of the wastewater system are the Wastewater Treatment Plant (WWTP), gravity sewer mains, force mains, and pump stations. The WWTP was built by the City of Newport in 2002 at an initial cost of \$42 million dollars. The plant is located in South Beach, and has the hydraulic capacity to bypass 15 million gallons of wastewater per day (untreated). The WWTP is permitted to treat up to 5 million gallons per day, and typically receives flows of 2 million gallons per day. The plant uses a biological process to treat wastes known as activated sludge. This process creates two products from wastewater. The main product is clean water, which is treated and pumped into the ocean off Nye Beach. The other product produced at the plant is Class A Biosolids. The Sanitary Sewer Master Plan evaluated the condition and future needs of the wastewater distribution system (i.e. gravity lines, force mains and pump stations). A separate facility master plan is being prepared for the WWTP.

The topography of Newport has required that pump stations be used to serve a number of areas throughout the city. Major pump stations are those that are critical to the operation of the entire collection system. Minor pump stations and individual septic tank effluent pump (STEP) systems serve targeted populations. Should minor facilities fail, the immediate population they serve would be impacted; however, the balance of the collection system would be operational. Table 1 below summarizes the design data for the City’s major pump stations.

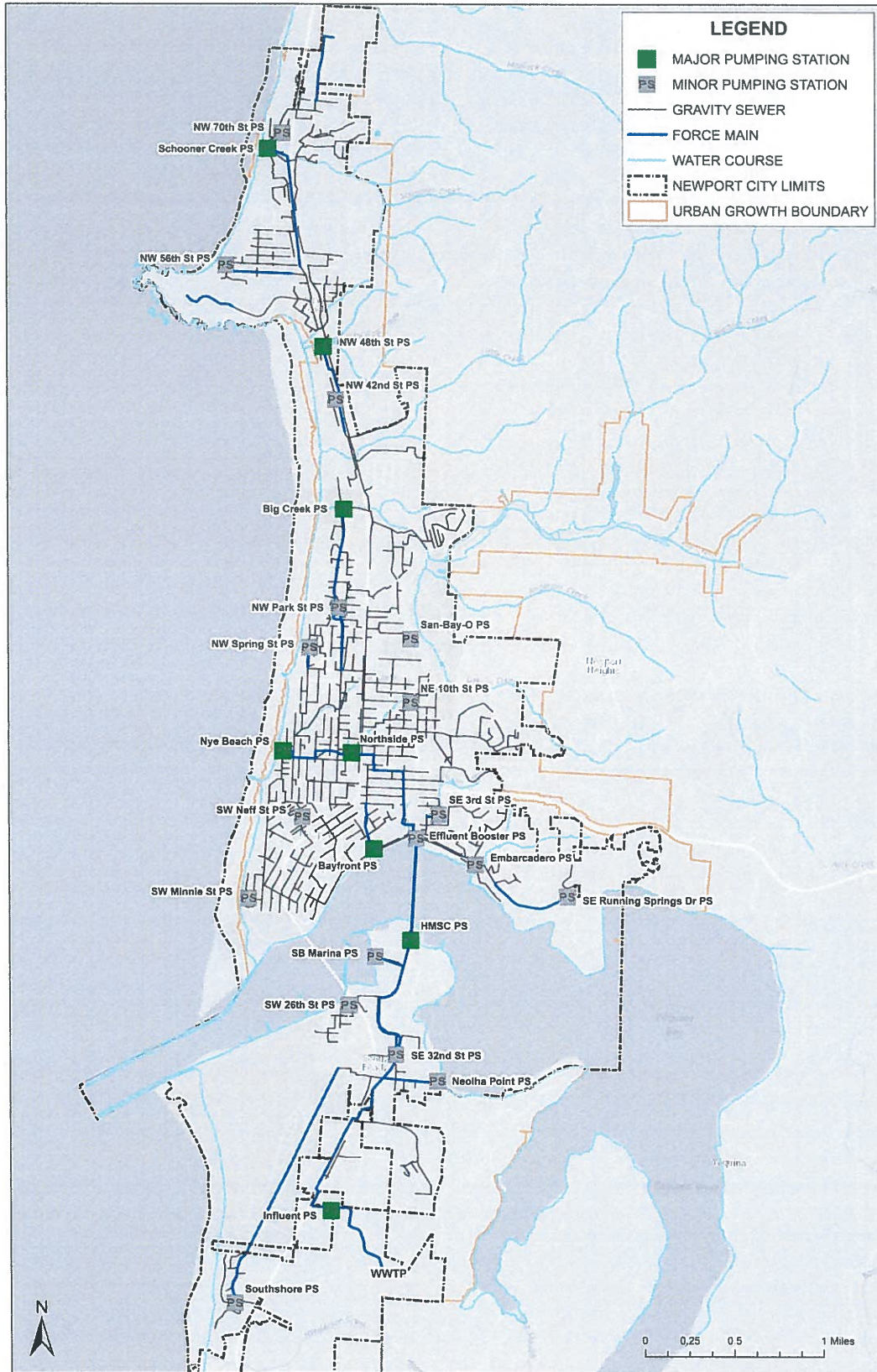
Table 1: Pump Station Summary

Pump Station	Capacity (gpm) ^a	Number of Pumps	Force Main Size (in)	Force Main Material	Force Main Length	Year Upgraded ^b
Bayfront	1,200	2	8	PVC	1,370	2001
Big Creek	2,430	3	14	HDPE	5,040	2016
HMSC	1,390	2	8		35	2001
Influent	850	2	24	HDPE	3,000	2001
	3,500	4				
Northside	3,000	3	20-24	Steel / DI / HDPE	142,000	2001
NW 48 th St ^c	1,215	2	10	PVC	1,564	2018
Nye Beach	1,400	2	12	PVC / AC	2,200	-
Schooner Creek ^c	660	2	8	PVC	3,779	2018
SE Running Springs Dr	153	2	4	PVC	2,505	-

Note: gpm = gallons per minute.

- a. Figures represent firm pumping capacity, and are based upon pump station operation without use of redundant pumps.
- b. Year upgraded is based upon record drawings where available.
- c. The NW 48th Street pump station, Schooner Creek Pump Station, and Schooner Creek force main are currently being upgraded as part of the Agate Beach Wastewater Improvement Project. Values listed represent planned improvements.

Figure 1: Existing Wastewater Distribution System



Development Assumptions:

Land use and zoning provide the basis for developing future unit wastewater flows and overall wastewater flow projections for buildout conditions. Understanding the nature and distribution of the various land use classifications is important for accurate identification of future wastewater flow rates and the phasing of required improvements. This section describes both the existing and proposed future land uses for the study area. Land use and zoning are largely governed by the local topography and by decisions made by the City, its citizens, and the Oregon Department of Land Conservation and Development (DLCD). Expansion of the Urban Growth Boundary (UGB) must be approved by the DLCD before such actions can be adopted.

Information on current land use was obtained from GIS data provided by the City. In addition, the City maintains a buildable lands inventory (BLI). The BLI was developed in two parts. A Housing Needs and Buildable Lands Study provides land capacity estimates for low, medium and high density residential development (ECONorthwest, 2011 and 2014). An Economic Opportunities Analysis includes the same information for commercial and industrial properties, estimate land capacity in terms of dwelling unit equivalencies (ECONorthwest 2012). Buildable parcels are identified as “infill development” in Figure 2, below. The City’s Community Development Department provided 20-year and buildout development conditions considering these studies. That information is listed in Table 2 below. The development identifier (ID) corresponds to the development area on Figure 2. Detailed views of the development areas are provided in Appendix B of the Sanitary Sewer Master Plan.

Table 2: Development Assumptions

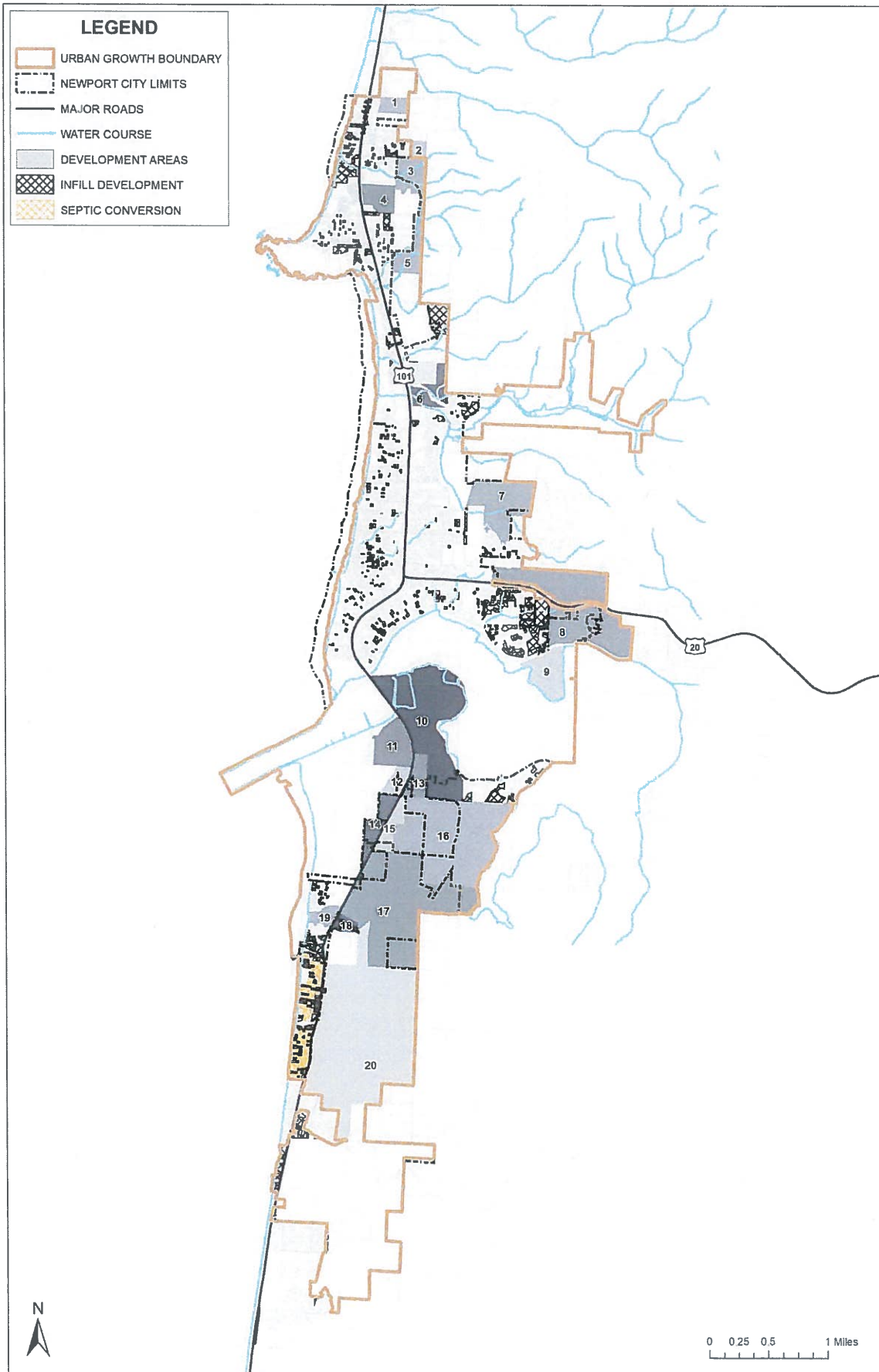
Development ID	20-year Development Conditions	Buildout Development Conditions ^c
1	30-acre light industrial development ^a	
2	6-acre annexation for 48-unit assisted living facility	
3	50 Low Density Residential (LDR) units	50 LDR units
4	170 Medium Density Residential Units 120-unit assisted living facility	
5	50 LRD units	50 LDR units
6	22.5 acres High Density Residential (HDR) development ^a	12.5 acres HDR development ^a
7	38.5 acres LDR development ^a	38.5 acres LDR development ^a
8	135 acres LDR development ^b	135-acres LDR development ^b
9	9-acre log yard, 1.1 acre light industrial, 1.2 acre water dependent industrial	12-acre water dependent industrial
10	1.4 acre industrial, 3.4 acre research/classroom, 0.2 acre commercial	
11	2.3 acre commercial, OMSI 250 occupants, 60 MDR units	
12	0.2 acres commercial, 0.2 acres light industrial	
13	4.1 acres commercial development	
14	1.1 acres light industrial, 1.1 acres commercial	
15	1.0 acre commercial	
16	9.3 acres commercial, 350 LDR units, OSU (500 students)	3 acres commercial, 650 LDR units
17	1.1 acres light industrial development	2.2 acres light industrial development
18	0.5 acres commercial, 3 LDR units	
19	18 LDR units	
20	0.5 acres light industrial, 5 acres airport commercial	
Infill Development	215 residential parcels	501 residential parcels
Septic Conversion	184 LDR units	

a. Assume 80% infill to account for roads and right-of-way.

b. Assume 40% infill to account for steep sloped terrain, roads, and right-of-way

c. 20-year development conditions not are not included in buildout conditions.

Figure 2: 20-year and Buildout Conditions



Recommended Sanitary Sewer Projects:

Chapters 4 and 5 of the Sanitary Sewer Master Plan include flow projections, system modeling and hydraulic analysis to forecast anticipated demand based upon the 20-year and buildout scenarios. The results of that future condition assessment informed the development of a list of recommended capital improvements listed in the tables and figures below. Where capital projects are recommended from other facility plans, the source documents are noted.

Gravity Main Replacement

Sections of the existing gravity sewer mains along NE Avery Street and NW Nye Street lack capacity for 20-year buildout, and must be upsized to prevent excessive surcharging that could lead to basement backups and/or flooding. Individual sewer replacements are broken out into distinct sub-projects so that they can be designed bid and constructed incrementally or collectively based upon available funding, as outlined in Table 3 and graphically depicted in Figure 3.

Table 3: Recommended Gravity Main Replacements

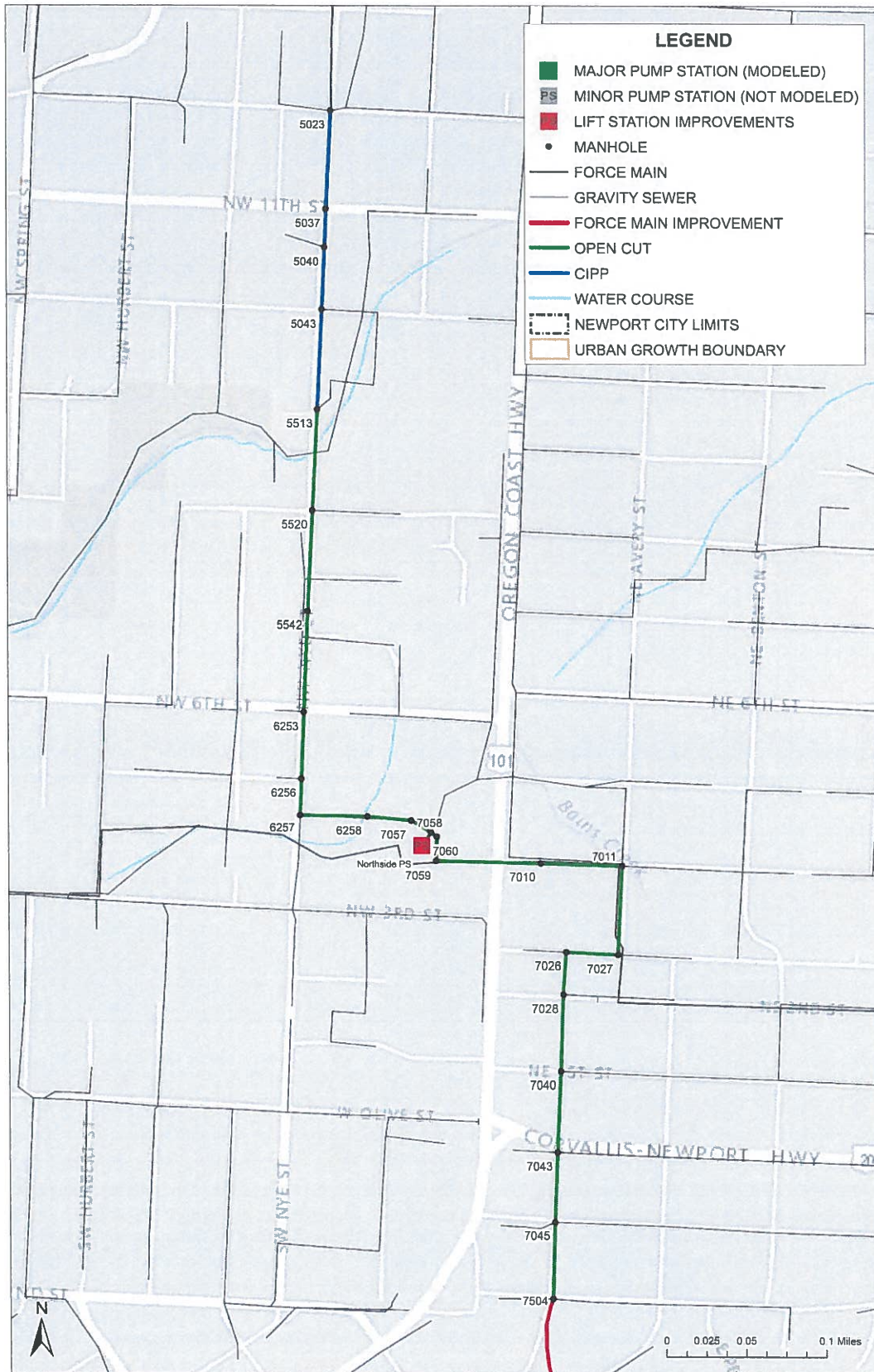
Gravity Sewer Mains (2016 dollars)						
Pipe ID	Length,(lf)	Existing Diameter (in)	Recommended Diameter (in) ^a	Solution	Estimated Cost ^b	Total Project Cost
NE Avery Street (Upsize gravity sewer from the Bayfront force main to the Northside pump station)						
7504 – 7045	258	14	18	Open cut	\$137,000	\$1,230,000
7045 – 7043	234	14	18	Open cut	\$124,000	
7043 – 7040	264	14	18	Open cut	\$140,000	
7040 – 7028	251	12	18	Open cut	\$133,000	
7028 – 7026	140	12	18	Open cut	\$74,000	
7026 – 7027	170	12	18	Open cut	\$90,000	
7027 – 7011	293	10	18	Open cut	\$155,000	
7011 – 7010	268	12	18	Open cut	\$142,000	
7010 – 7059	345	12	18	Open cut	\$183,000	
7059 – 7060	80	12	18	Open cut	\$42,000	
7060 – 7058	23	12	18	Open cut	\$12,000	
NW Nye Street (Upsize and rehabilitate gravity sewer from the Big Creek force main to the Northside pump station)						
5023 – 5037	330	15	13.5	CIPP	\$109,000	\$1,140,000
5037 – 5040	122	15	13.5	CIPP	\$40,000	
5040 – 5043	204	15	13.5	CIPP	\$67,000	
5043 – 5513	329	15	13.5	CIPP	\$109,000	
5513 – 5520	340	15	18	Pipe burst	\$163,000	
5520 – 5542	328	15	18	Pipe burst	\$157,000	
5542 – 6253	333	15	18	Pipe burst	\$159,000	
6253 – 6256	225	15	18	Pipe burst	\$108,000	
6256 – 6257	109	15	18	Pipe burst	\$52,000	
6257 – 6258	80	16	18	Pipe burst	\$38,000	
6258 – 7057	145	16	18	Pipe burst	\$69,000	
7057 – 7058	76	16	18	Pipe burst	\$36,000	
7058 – Northside	53	20	21	Open cut	\$31,000	

Note: CIPP = cured in place pipe.

a. Pipe diameter reduction of 10% assumed for CIPP rehabilitation

b. Estimated costs include a 30% allowance for construction contingencies and a 20% allowance for engineering design and administration. Appendix E to the Sanitary Sewer Master Plan includes unit costs tables. Assumes a depth of 10-feet per cost condition and 2-feet for gravity sewers.

Figure 3: NE Avery and NW Nye Street Gravity Sewer Replacement



Pump Station and Force Main Improvements

Four of the nine major pump stations were found to lack firm capacity for conveying the future buildout conditions peak flows: Nye Beach, Bayfront, Northside, and SE Running Springs. One pump station was identified to be at risk from unstable soil conditions.

The force main along the Bayfront will require upsizing, and replacing the force main and pump station at the same time would be beneficial from economy of scale pricing. Alternatively, the City may want to postpone installation of the new force main until later in the planning period once the buildout condition is met. Currently, the Bayfront force main is appropriately sized but nearing the upper limit of acceptable peak velocities. The HMSC force main appears to be undersized; however, flow is expected to be reduced in this area, which may mitigate concerns related to elevated force main velocities. A summary of the costs required to provide the necessary improvements is listed below.

Table 4: Recommended Pump Station and Force Main Improvements

Pump Station	Description of Improvements	Source	Estimated Cost (2016 dollars)
Nye Beach	Upgrade pump station firm capacity to 2.74 mgd	2018 Sanitary Sewer Master Plan	\$2,828,000
Bayfront	Upgrade pump station firm capacity to 3.24 mgd	2018 Sanitary Sewer Master Plan	\$3,224,000
Bayfront	Upgrade force main capacity to 14-inches	2018 Sanitary Sewer Master Plan	\$490,000
Northside	Upgrade pump station firm capacity to 9.2 mgd	2018 Sanitary Sewer Master Plan	\$2,780,000
SE Running Springs Dr	Upgrade pump station firm capacity to 9.2 mgd	2018 Sanitary Sewer Master Plan	\$1,178,000
SE Running Springs Dr	Realign 4-inch force main	2018 Sanitary Sewer Master Plan	\$330,000
NW 56 th Street	Study pump station and upgrade	2018 Sanitary Sewer Master Plan	\$1,347,000
SE 62 nd Street	Construct new pump station	2006 South Beach Nbhd Plan	\$1,000,000

Note: MGD = millions of gallons per day.

New Gravity Mains (i.e. Sewer Extensions)

Sewer extensions are required to provide service to those areas that do not have City sewer service. Areas without sewer service include homes on septic systems, areas within the current UGB to be developed, and miscellaneous properties inside the city boundary that are not located near existing sewers. Generally, sewer extensions are not funded by rates. Instead, most sewer extensions are funded by developers with potentially some of the costs being SDC-reimbursable. In partially developed areas of the city not currently connected to the sewer, Local Improvement Districts (LIDs) and special assessment districts may need to be formed to fund the projects. New gravity mains needed to serve new development areas include:

Table 5: Gravity Mains Needed to Serve New Development

New Gravity Sewer Mains (2016 dollars)				
Project	Length,(lf)	Recommended Diameter (in)	Source Document	Total Project Cost
NE Harney Street	1,400	8	1990 Public Facilities Plan	\$740,000
NE 52 nd Street	4,000	8	1990 Public Facilities Plan	\$259,000
NE 70 th Place	1,400	8	1990 Public Facilities Plan	\$371,000
Yaquina Heights Dr	5,800	8	1990 Public Facilities Plan	\$1,426,000
Benson Road	4,400	8	1990 Public Facilities Plan	\$1,722,600
Harborton to SE 50 th	3,400	12	2006 South Beach Neighborhood Plan	\$754,800
SE 50 th to SE 62 nd	3,000 / 2,900	12 / 6	2006 South Beach Neighborhood Plan	\$1,979,500
Wilder Phase 5	2,800	8	2006 South Beach Neighborhood Plan	\$1,206,000

Septic Conversion and Airport Sewer

In the southern portion of the city, the Newport Municipal Airport and the Surfland neighborhood are currently served by septic sewer systems. The City plans on extending its sewer service out to the Surfland neighborhood and the Newport Municipal Airport. The scope and extent of the improvements are listed in the table below.

Table 6: Surfland Septic Conversion – Airport Sewer Extension

Description of Improvements	Source	Estimated Cost (2016 dollars) ^a
Gravity sewer distribution system	2018 Sanitary Sewer Master Plan	\$4,620,000
Sewer force main	2018 Sanitary Sewer Master Plan	\$612,000
Sewer pump station	2018 Sanitary Sewer Master Plan	\$1,000,000

a. Estimated costs include a 30% allowance for contingency and a 20% allowance for engineering design and administration.

Rehabilitation and Replacement Program:

As a collection system ages, the structural and operational condition of the sewer system will decline as the number and type of defects in the piped system increase. If unattended, the severity and number of defects will increase along with an increased potential of sewer failure. Sewer failure is defined as an inability of the sewer to convey the design flow. It is manifested by hydraulic and/or structural failure modes. Hydraulic failures can result from inadequate hydraulic capacity in the sewer. Loss of hydraulic capacity can result from a reduction of pipe area because of accumulations of sediment, gravel, debris, roots, fats, oil, and grease, and structural failure. Also, a major loss of hydraulic capacity can be the result of excessive infiltration/inflow (I/I) or inappropriate planning for future growth that results in flows in excess of pipe capacity. Structural defects left unattended can lead to catastrophic failures that can have a significant negative impact on the community and the environment.

The City should implement a repair and rehabilitation (R&R) program to address its aging collection system. While the focus of many R&R programs is to restore the structural integrity of existing sewers, such activities will also help reduce the amount of infiltration that finds its way into the collection system. Elements of the collection system should be repaired or replaced based upon their structural condition with Grade 1 lines being in the best condition and Grade 5 being in the poorest condition. Factors used to determine the condition grade of the collection system are shown in the table below.

Table 7: Structural and Operational Condition Grades of Sewers

Condition Grade	Grade Description	Defect Description	Structural Condition Grade Implication	Operational Condition Grade Implication
5	Immediate Attention	Defects have led to failure	Collapsed or collapse imminent	Unacceptable infiltration or blockages; surcharging of pipe during high flow with possible overflows
4	Poor	Severe defects that will continue to degrade with likely failure in 5-10 years	Collapse likely in 5-10 years	Pipe at or near surcharge condition during high flow; overflows still possible at high flows
3	Fair	Moderate defects that will continue to deteriorate	Collapse unlikely in near future; further deterioration likely	Surcharge or overflows unlikely but increased maintenance required
2	Good	Minor and few moderate defects	Minimal near-term risk of collapse, potential for further deterioration	Routine maintenance only
1	Excellent	No defects, condition is like new	Good structural condition	Good operational condition

The City should budget approximately \$1M per year in 2016 dollars to the R&R program, assuming that 2 percent of its system per year will be rehabilitated. The table below presents a more detailed break-down of the recommended R&R implementation strategy. The assumption that 2 percent will be re-habilitated is an approximate estimate based on information gathered from existing condition assessment information.

Table 8: Recommended R&R Schedule

Work Item	R&R Pipe (LF)	2016 – 2031 R&R Activities (2016 dollars)			
		2016 - 2019	2020 - 2023	2024 - 2027	2028 - 2031
Grade 5 (known)	4,990	\$1,248,000	-	-	-
Grade 4 (known)	2,395	\$359,000	-	-	-
Grade 5 (assumed)	22,954	\$1,081,000	\$2,329,000	\$2,329,000	-
Grade 4 (assumed)	11,017	\$311,000	\$671,000	\$671,000	-
Grade 1, 2 or 3 ^a	288,644	-	-	-	\$3,464,000
Force Mains ^b	46,500	\$930,000	\$930,000	\$930,000	\$930,000
Total Cost		\$3,929,000	\$3,930,000	\$3,930,000	\$4,394,000
Annual Cost		\$982,000	\$983,000	\$983,000	\$1,099,000

- a. Over time, pipes that are currently grade 1, 2, or 3 will escalate to being a Grade 4 pipe. It is estimated that the City will need to rehabilitate 2% of current Grade 1-3 pipes to maintain a sustainable inspection program. This is an estimated value; it is recommended that the City continues to evaluate the results of their inspection program to determine a refined R&R rate.
- b. The force main R&R scope does not include the cost of replacing the Big Creek FM, NW 48th St FM, or Schooner Creek FM. These force mains were recently evaluated as part of the Agate Beach Improvement Project. In addition, the Northside, SE Running Springs Dr, and Bayfront force mains were excluded, as they are included as individual CIPs.

Years 1 through 16 should focus on the most severely deteriorated sewers, the Grade 5 sewers identified by the closed-circuit television (CCTV) inspections. The less deteriorated Grade 4 sewers should be addressed during years 5 through 16. As future inspections are conducted, additional Grade 4 and Grade 5 sewers will be identified. The LF listed in Table 6-8 for the unknown (i.e., yet to be inspected) Grade 4 and 5 sewers are estimated based on the distribution of grades for sewers inspected to date. These sewers are identified for R&R during years 1 through 16. The future inspections may find that the actual LF for each grade may vary from these projections. Also, the City should anticipate that additional R&R will be required in the future as the collection system ages. A recommended annual inspection and minor pump station repair program is outlined in the table below.

Table 9: Recommended Annual Inspection Pump Station Repair Program

Work Item	Quantity	Assumptions	Annual Estimated Cost (2016 dollars)
CCTV Inspections	47,000 LF per year	7-year inspection cycle. Assumes an average of \$2.50/LF	\$117,000
Pump Station Inspections	25 total	Inspect pump stations (excluding SE 3 rd Street PS), with smaller stations costing \$10,000 and large stations costing \$20,000. Assume an average of \$15,000 per station.	\$15,000
Force Main Inspections	9,300 LF per year	7-year inspection cycle. Assume an average of \$20/LF	\$186,000
Minor Pump Station Repair and Rehabilitation Program	20 years	A schedule should be established to conduct these improvements on an annual basis. Priority pump stations include, but are not limited to Embarcadero, SW Minnie, Bayfront, and NE 10 th Street.	\$200,000
Total			\$518,000

GOALS AND POLICIES PUBLIC FACILITIES ELEMENT

GENERAL

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

Policy 4: Essential public services should be available to a site or can be provided to a site with sufficient capacity to serve the property before it can receive development approval from the city. For purposes of this policy, essential services shall mean water, sanitary sewer (i.e. wastewater), storm drainage and streets:

~~> Sanitary Sewers~~

~~> Water~~

~~> Storm Drainage~~

~~> Streets~~

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

>a. The proposed development is consistent with the Comprehensive Plan; and

>b. The property owner enters into an agreement, that runs with the land and is therefore binding upon future owners, that the property will connect to the essential service when it is reasonably available; and

>c. The property owner signs an irrevocable consent to annex if outside the city limits and/or agrees to participate in a local improvement district for the essential service, except that annexation shall be required before property that is contiguous to the city limits can receive sanitary sewer service.

WASTEWATER

Goal 1: To provide a wastewater collection and treatment system with sufficient capacity to meet the present and future needs of the Newport urbanizable area in compliance with State and Federal regulations.

Policy 1: Improve and maintain the wastewater collection system as identified in the 1990 Public Facilities Plan for the City of Newport, by CH2MHILL, as amended by the following updates:

A. Wastewater Facilities Plan, by Fuller & Morris Engineering & CH2MHILL, dated May 1996

B. 2006 South Beach Neighborhood Plan (Ord. No. 1899)

C. Sanitary Sewer Master Plan, by Brown and Caldwell, dated February 9, 2018

Policy 12: On-site sewer systems or holding tanks shall not be allowed unless the city's sanitary sewer system is greater than 250 feet away. In any case, a subsurface permit from the Lincoln County Sanitarian must be obtained prior to any development that will rely on an on-site sewer system or holding tank.

Policy 3: Existing structures within the city limits that contain sanitary facilities shall connect to the city's sanitary sewer system at such time as a gravity main or equivalent wastewater collection system is extended to within 250 feet of the property.

Policy 24: City wastewater services may be extended to any property within the urban growth boundary. Except for the very limited circumstances allowed by state law and regulations, the city will not generally provide wastewater services outside the urban growth boundary. The city may require a consent to annexation as a condition of providing wastewater service outside the city limits and shall require a property to annex before providing wastewater service if it is contiguous to the city limits. Nothing in this policy obligates the City to provide wastewater services outside of the city limits. For property outside the city limits but within the urban growth boundary, wastewater services may be provided at the City's discretion only for:

a)A. residentially zoned lands as allowed by county zoning without full-urban services, and

b)B. commercial and industrial zoned lands to existing lawful uses as of the date (9/4/07) of this amendment as allowed by county zoning at the scale of development in existence on September 4, 2007.

Policy 35: ~~When designing~~The city will design and develop the wastewater collection and treatment system to ensure there is sufficient capacity to meet current and future needs of the community, the City shall consider in a way that addresses the demands of ~~the~~ various users under normal and predictable daily and seasonal patterns of use.

Policy 6: When undertaking capital improvement planning, priority shall be given to projects that will repair, replace or upsize wastewater infrastructure with known condition or capacity limitations in order to minimize discharges that could compromise public health and safety, damage real property, or harm the environment.

NOTICE OF A PUBLIC HEARING

The City of Newport Planning Commission will hold a public hearing on Monday, March 9, 2020, at 7:00 p.m. in the City Hall Council Chambers to review and make a recommendation to the Newport City Council on a Comprehensive Plan text amendment (File No. 3-CP-18). A public hearing before the City Council will be held at a later date, and notice of that hearing will also be provided. The proposed legislative amendment is to the "Wastewater Facilities" section of the "Public Facilities" element of the Newport Comprehensive Plan. Amendments include an addition of basic descriptive language for the wastewater treatment plant; additional language requiring a connection to sewer when it is extended to within 250 feet of a property; a policy addition to support the connection requirement language; and an amendment to policy language to clarify the requirements for the wastewater collection and treatment system to have sufficient capacity to meet current and future needs of various users. Amendments further identify condition of sewer system impacts from anticipated growth and capital project priorities. The Newport Comprehensive Plan Section entitled "Administration of the Plan" (pp. 434-435) requires findings regarding the following for such amendments: A. Data, Text, Inventories or Graphics Amendment: 1) New or updated information. B. Conclusions Amendment: 1) Change or addition to the data, text, inventories, or graphics which significantly affects a conclusion that is drawn for that information. C. Goal and Policy Amendments: 1) A significant change in one or more conclusions; or 2) A public need for the change; or 3) A significant change in community attitudes or priorities; or 4) A demonstrated conflict with another plan goal or policy that has a higher priority; or 5) A change in a statute or statewide agency plan; and 6) All the Statewide Planning Goals. D. Implementation Strategies Amendments: 1) A change in one or more goal or policy; or 2) A new or better strategy that will result in better accomplishment of the goal or policy; or 3) A demonstrated ineffectiveness of the existing implementation strategy; or 4) A change in the statute or state agency plan; or 5) A fiscal reason that prohibits implementation of the strategy. Testimony and evidence must be directed toward the request above or other criteria, including criteria within the Comprehensive Plan and its implementing ordinances, which the person believes to apply to the decision. Testimony may be submitted in written or oral form. Oral testimony and written testimony will be taken during the course of the public hearing. The hearing may include a report by staff, testimony from proponents, testimony from opponents, and questions and deliberation by the Planning Commission. Written testimony sent to the Community Development (Planning) Department, City Hall, 169 SW Coast Hwy, Newport, OR 97365, must be received by 5:00 p.m. the day of the hearing to be included as part of the hearing or must be personally presented during testimony at the public hearing. Material related to the proposed amendment may be reviewed or a copy purchased at the Newport Community Development (Planning) Department (address above). Please note that this is a legislative public hearing process and changes to the proposed amendment may be recommended and made through the public hearing process and those changes may also be viewed or a copy purchased. Contact Derrick Tokos, AICP, Newport Community Development Director, (541) 574-0626, email address d.tokos@newportoregon.gov (mailing address above).

(For Publication Once on Wednesday, March 4, 2020)

- Stay clear of coastal bluffs. They can collapse and cause injury.
- Never turn your back to the ocean. You may be swept off coastal bluffs, beaches or tide pool areas and into the water by "sneaker" waves that can come without warning.
- Be aware of sneaker waves, even on the calmest days. They're called sneaker waves because they appear without warning, often surging high up on the beach with deadly force, and are impossible to predict. Don't turn your back on the ocean and keep your eye on the surf.
- Have your beach access available to you at all times. A big wave can come right up to a seawall, leaving you no path

- highway 101 where you can get great photos of dramatic winter surf without endangering yourself.
- If you are in trouble, call or wave for help.
 - Dress for the weather. Layer your clothes to provide you warmth and comfort. And carry along your rain gear to keep you dry when it does drizzle.
 - No beach fires except in designated areas.
 - Tides and waves can sweep over rocks, jetties and headlands, knocking you off and carrying you out to sea.
 - Incoming tides isolate rocks from headlands and the shore. Avoid the temptation of strolling out to an interesting rock without

make for unstable footing. Rocks can be slippery even when it isn't raining. Make sure you wear proper footwear and stick to the trails. Stay behind guard fences and railings and don't get too close to the edge. Standing at the base of an ocean side cliff can be dangerous, especially if it has an overhang. Beware of falling rocks, and don't climb on bluffs and eroding hillsides. Don't walk along the base of cliffs unless absolutely necessary.

For more information and tips, visit our website at www.lincolncountysheriff.net and "Like" us on Facebook at Lincoln County Sheriff's Office - Oregon.

Community Development Director Derrick Tokos noted that the fractures were relatively new. He said when the city approached the county about the report's findings, they'd been told the county was examining the issue and to "stay tuned."

2	7	8	1	9	4
1	2	3	2	4	9
8	9	4	6	7	5
6	8	5	1	9	7
4	2	9	5	3	8
3	1	7	4	6	2
5	6	1	7	4	3
7	3	2	9	8	1
9	4	8	2	5	6

Difficulty Level ***

PUBLIC NOTICES

NOTICE OF A PUBLIC HEARING

The City of Newport Planning Commission will hold a public hearing on Monday, March 9, 2020, at 7:00 p.m. in the City Hall Council Chambers to review and make a recommendation to the Newport City Council on a Comprehensive Plan text amendment (File No. 3-CP-18). A public hearing before the City Council will be held at a later date, and notice of that hearing will also be provided. The proposed legislative amendment is to the "Wastewater Facilities" section of the "Public Facilities" element of the Newport Comprehensive Plan. Amendments include an addition of basic descriptive language for the wastewater treatment plant; additional language requiring a connection to sewer when it is extended to within 250 feet of a property; a policy addition to support the connection requirement language; and an amendment to policy language to clarify the requirements for the wastewater collection and treatment system to have sufficient capacity to meet current and future needs of various users. Amendments further identify condition of sewer system impacts

from anticipated growth and capital project priorities. The Newport Comprehensive Plan Section entitled "Administration of the Plan" (pp. 434-435) requires findings regarding the following for such amendments: A. Data, Text, Inventories or Graphics Amendment: 1) New or updated information. B. Conclusions Amendment: 1) Change or addition to the data, text, inventories, or graphics which significantly affects a conclusion that is drawn for that information. C. Goal and Policy Amendments: 1) A significant change in one or more conclusions; or 2) A public need for the change; or 3) A significant change in community attitudes or priorities; or 4) A demonstrated conflict with another plan goal or policy that has a higher priority; or 5) A change in a statute or statewide agency plan; and 6) All the Statewide Planning Goals. D. Implementation Strategies Amendments: 1) A change in one or more goal or policy; or 2) A new or better strategy that will result in better accomplishment of the goal or policy; or 3) A demonstrated ineffectiveness of the existing implementation strategy; or 4) A change in the statute or

state agency plan; or 5) A fiscal reason that prohibits its implementation of the strategy. Testimony and evidence must be directed toward the request above or other criteria, including criteria within the Comprehensive Plan and its implementing ordinances, which the person believes to apply to the decision. Testimony may be submitted in written or oral form. Oral testimony and written testimony will be taken during the course of the public hearing. The hearing may include a report by staff, testimony from proponents, testimony from opponents, and questions and deliberation by the Planning Commission. Written testimony sent to the Community Development (Planning) Department, City Hall, 169 SW Coast Hwy, Newport, OR 97365, must be received by 5:00 p.m. the day of the hearing to be included as part of the hearing or must be personally presented during testimony at the public hearing. Material related to the proposed amendment may be reviewed or a copy purchased at the Newport Community Development (Planning) Department (address above). Please note that this is a legislative public hearing process and changes to the proposed amendment

may be recommended and made through the public hearing process and those changes may also be viewed or a copy purchased. Contact Derrick Tokos, AICP, Newport Community Development Director, (541) 574-0626, email address d.tokos@newportoregon.gov (mailing address above). M4 (57-04)

NOTICE OF SHERIFF'S SALE #20-0154

On March 24, 2020, at the hour of 10:00 a.m., at the Lincoln County Sheriff's Office, 225 W Olive St., Rm 203, in the City of Newport, Oregon, the defendant's interest will be sold, subject to redemption, in the real property commonly known as: 220 SW Greenwood Way, Waldport, OR 97394. The court case number is 19CV25121, Homestreet Bank, plaintiff(s) vs. The Unknown Heirs and devisees of Timothy Smith aka Timothy James Smith; Rhiannon N. Smith; Oregon Affordable Housing Assistance Corporation, Occupants of the Property defendant(s). This is a public auction to the highest bidder for cash or cashier's check, in hand. For more details go to [http://www.oregon-sheriffssales.org/county/lincoln/F19F26M4M11\(53-11\)](http://www.oregon-sheriffssales.org/county/lincoln/F19F26M4M11(53-11))

PAUL B. OSTERLUND
ATTORNEY P.C.



GENERAL PRACTICE LAW

- Estate Law
Wills - Trusts - Probate Powers of Attorney
- Family Law
Divorce - Support Custody/Grandparenting Time Adoptions
- Real Estate Law
- Business Law
- Civil Trial

Experienced & Knowledgeable
Serving Lincoln County Since 19

217 S. Main St. paulosterlund.com
Toledo, OR 97391 **541-336-22**

2020 SPRING GUN & SPORTSMAN SHOW

Admission **\$7**

SATURDAY & SUNDAY
MARCH 7TH & 8TH

LINN COUNTY FAIRGROUNDS

FREE PARKING 400 TABLES OF GUNS & AMMO

I-5 EXIT 234
SAT: 9AM-5PM
SUN: 9AM-3PM

541-491-3755

KNOWLEDGE GIVES SOCIETY THE POWER TO ADVANCE

READ THE **NEWS TIMES** SUBSCRIBE TODAY
CALL 541-265-8571

3/4/2020

MINUTES
City of Newport Planning Commission
Regular Session
Newport City Hall Council Chambers
January 27, 2020

Planning Commissioners Present: Gary East, Lee Hardy, Jim Hanselman, Bill Branigan, and Jim Patrick.

Planning Commissioners Absent: Bob Berman, and Mike Franklin (*all excused*).

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 7:35 p.m. On roll call, Commissioners East, Hardy, Hanselman, Branigan, and Patrick were present.

2. **Approval of Minutes.**

A. Approval of the Planning Commission Work and Regular Session Meeting Minutes of January 13, 2020.

MOTION was made by Commissioner Branigan, seconded by Commissioner Hanselman to approve the Planning Commission Work and Regular Session Meeting Minutes of January 13, 2020 as written. The motion carried unanimously in a voice vote.

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

4. **Action Items.**

A. **Adoption of Planning Commission 2020-2021 Goals.**

No action was taken. Tokos noted that he would bring the revised goals to the Commission at their next meeting.

B. **Amendment to Initiate the Legislative Process for the Sewer Facilities Element of the Comprehensive Plan.**

MOTION was made by Commissioner Hardy, seconded by Commissioner East to initiate the legislative process for the Sewer Facilities Element of the Comprehensive Plan. The motion carried unanimously in a voice vote.

C. **File No. 1-VAR-19: Final Order and Findings.**

MOTION was made by Commissioner East, seconded by Commissioner Branigan to approve the Final Order and Findings for File No. 1-VAR-19. The motion carried unanimously in a voice vote.

5. **Public Hearings.** None were heard.

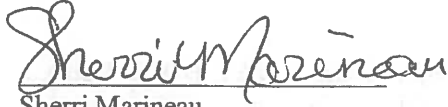
6. **New Business.** None were heard.

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

8. **Director Comments.** Tokos explained that the Commission was given the Short-Term Rental Implementation Work Group quarterly report that the City Council received. The next Short-Term Rental Implementation Work Group meeting was scheduled for February 26th at 10 a.m. Tokos noted that at the last City Council meeting Mona Linstromberg brought forward a request to initiate ordinance work to phase out short-term rentals outside of the permissible area boundary. The City Council took testimony and chose not to do anything at that time. They wanted the Implementation Work Group to have a chance to complete what the Council asked them to do before any further work would be done.

9. **Adjournment.** Having no further business, the meeting adjourned at 7:39 p.m.

Respectfully submitted,



Sherri Marineau
Executive Assistant